

MINUTES

City of Las Vegas

BOARD OF COMMISSIONERS

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

DATE: Sept. 6, 1978

TIME: 9:30 A.M.

INVOCATION:

PLEDGE OF ALLEGIANCE:

BOARD OF CITY COMMISSIONERS

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

Excused at approx. 3:50 P.M. for bal. of Meeting
Excused at approx. 11:30 A.M./11:50 A.M. and at approx. 2:10 P.M. for bal. of Meeting

Alternate: Audrey Daines
APPROVED BY REFERENCE January 3, 1979

ATTEST:

Audrey Daines
CITY CLERK

William N. Briare
MAYOR

M I N U T E S

September 6, 1978

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 6th day of September, 1978, was called to order by His Honor, Mayor William H. Briare, at the hour of 9:45 A.M.

AGENDA POSTED September 1, 1978 - See Page 3 of these Minutes (Affidavit)

AGENDA MAILED August 30, 1978 - See Page 4 of these Minutes (Affidavit)

STAFF
ATTENDANCE

Acting City Manager	Donald J. Saylor
Dir., Dept. of Business Activity	Ila M. Britt
Acting Dir., Dept. of Community Planning & Development	Harold P. Foster
Dir., Dept. of Fin. Management	Marvin A. Leavitt
Chief, Fire Services	Sam Cooper
Dir., Dept. of Funds Coordination	Richard B. Blue, Jr.
Dir., Dept. of Municipal Services	J. C. Cathcart
Dir., Dept. of Personnel & Employee Relations	J. Robt. McPherson
Dir., Dept. of Public Services	William J. Purvis
Dir., Dept. of Recreation & Leisure Activities	Richard Campbell
Dir., Dept. of Intergovernmental Affairs	Charles Zobel
Deputy City Manager	Ronald C. Jack
City Clerk	Edwina M. Cole

RECORDED
AFFIDAVIT OF POSTING

(Posting required under the provisions of A.B. 437 - NRS. 241)

SEP 10 1978

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

Carl D. Peterson

an employee of the Department of Public Services of the City of Las Vegas, being first duly sworn, deposes and says that on the 31st day of August, 1978, at the hour of 8:15 A.M., there were posted copies of an AGENDA (NOTICE), the attached of which is a true and correct copy, 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 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

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


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

(Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, to be held on the 6th day of Sept., 1978.)


AFFIDAVIT OF MAILING
(Mailing required under the provisions of NRS CHAPTER 241)


STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Shirley Y. Barlous, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 30th day of August, 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 6th day of September, 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 of the Office of the City Clerk)

Subscribed and sworn to before me
this 30th day of August, 1978


Notary Public in and for said County and State

 EDWINA M. COLE
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires Aug 7, 1981

See Page 6 of these Minutes - Annotated Agenda

Mayor Briare: Good morning, Ladies and Gentlemen. This is a regular meeting of the Las Vegas City Commission. We have with us this morning to offer the Invocation, Captain Francis Ragland of The Salvation Army. Will you please remain standing for the Pledge of Allegiance.

Captain Ragland: Shall We Pray. Our Gracious God, we thank You this day for the beauty of our great Country - for our great City. We Pary that You will Bless this meeting and those that participate in it with Wisdom and Understanding as they endeavor to meet the needs of our great City. We Pray that You will Bless each person here with Your Presence, because we ask these things in Your Name. Amen.

Mayor Briare: Thank you very much, Captain.

For those of you that are following our agenda, I would like to indicate to you that at eleven o'clock this morning, the Commission is going to consider a topic which is referred to as a "Jail Consent Decree" and since there are some people who are going to be coming to the City Hall and need to know when this discussion will take place, it has been agreed that this matter will be discussed at eleven o'clock.

The first order of business is the Department of Business Activity.

See Pages 7 thru 14 of these Minutes - Annotated Agenda

Mayor Briare: It should be noted for the record that Mr. Dorn (City Manager) is still on his allowed vacation.

ADMINISTRATIVE AGENDA - DONALD J. SAYLOR, ACTING CITY MANAGER

APPROVAL OF SOURCE OF FUNDING

Mr. Saylor: The first item concerns the matter of the funding for the Fremont Street reconstruction project. We do have the award of bid listed under the appropriate section of the agenda. However, action on that should not be taken until, and unless, some type of approval, or some type of funding is approved. If it is not approved at this meeting, then you will have to hold the award of bid in abeyance until the funding is established.

Mayor Briare: Excuse me, Mr. Saylor, is your microphone turned on? Would you please start again?

Mr. Saylor: Alright - can you hear me now?

Mayor Briare: Yes - thank you.

Mr. Saylor: The first item concerns the approval of funding for the Fremont Street reconstruction project. The new street - the new curb and gutter - drainage system - the gaming motif at the intersections, etc. We also have the award of bid on the agenda. However, that cannot be addressed until some type of funding - if you are going to approve some type of funding - has been consummated. We gave to you a report indicating that the State - we don't have it in wrotng - but the State is willing to increase their contribution

INVOCATION

JAIL CONSENT
DECREE - TIME
CERTAIN

FREMONT
STREET
Finance

AGENDA

City of Las Vegas

September 6, 1978

BOARD OF CITY COMMISSIONERS

Page 1

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

I. 9:30 A.M.

Presentation of Service Award Pins and Service Award Certificates to include all City employees who had 5, 10, 15, 20, 25 or 30-year anniversary dates between 1/1/78 and 6/30/78

36 City Employees (with Department Heads) were present to receive Certificates and Pins. 9 were unable to attend

I. 9:45 A.M. - COMMUNITY RELATIONS

A. 1. Recognition of "THE STEPPING SENIORS" and "THE SENIOR CHORAL GROUP" for their efforts in contributing to a special part of the cultural life of our Community

"The Stepping Seniors" were present as a group to receive Commendation Plaque. Choral Director, Alice Clifton, accepted Commendation Plaque for "The Senior Choral Group"

2. Municipal Finance Officers Association's presentation to MARVIN A. LEAVITT, CPA, DIRECTOR OF DEPARTMENT OF FINANCIAL MANAGEMENT, CITY OF LAS VEGAS, with Certificate of Conformance on Financial Reporting

Companion Certificate presented to the City of Las Vegas for a like outstanding recognition

B. SPECIAL EVENTS

II. 10:00 A.M.

A. ANNOUNCEMENT re OPEN MEETING LAW

B. INVOCATION:

Captain Francis Ragland
The Salvation Army

C. PLEDGE OF ALLEGIANCE

APPROVED AGENDA ITEM

RCQ 8/25/78

AGENDA*City of Las Vegas*

September 6, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

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

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

Family Child Care Homes

1. ORVALYNN WALLACE
5816 Auburn Avenue
6 children days only
2. CRYSTAL L. GIBSON
1709 Cherry Lane
6 children days only

GROUP CHILD CARE HOME

1. LINDA MICHAEL
1201 Phillips Avenue
12 children days/5 nights
3 children before/after school

CHILD CARE CENTER AND PRESCHOOL

1. BETHANY BAPTIST
1229 West Owens
51 children days

Items 1 and 2
Approved
as recommended
Lurie - unanimous

Director
authorized
to proceed

Approved
as recommended
Lurie - unanimous

Same as above

Approved
as recommended
Lurie - unanimous

Same as above

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

*B. GAMING -- Additional

1. ELSINORE CORPORATION

Four Queens Hotel & Casino
401 Fremont Street
105 slots; 7 "21" tables;
3 Poker tables

2. BIG NICKEL, INC.

Rendezvous Hotel & Casino
400 East Ogden
3 Poker tables

3. EXBER, INC.

Western Hotel & Casino
899 Fremont Street
8 slots; 1 "21" table

4. AUTOMATIC AMUSEMENTS OF L. V.

Hard Hat Cocktail Lounge
1675 Industrial Road
1 slot

5. CASINO SERVICES

Bingo Palace Casino
2540 South Rancho
4 slots

Coin Castle Casino
15 Fremont Street
2 slots

Items 1 thru 6
Approved
as requested
Lurie - unanimous

Director
authorized
to proceed

ITEM	Commission Action	Department Action
<u>III. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
*B. <u>GAMING -- Additional</u> (cont'd)	See Page 3	See Page 3
6. CORRAL COIN/UNITED COIN Sav-On Drugs, Store # 237 562 Eastern Avenue 15 slots		
*C. <u>RETAIL TOBACCO -- Additional</u>	Items 1 thru 4 Approved as requested Lurie - unanimous	Director authorized to proceed
1. WESTERN VENDING Union Plaza Hotel & Casino #1 Main Street Ogden House 651 Ogden Avenue Greyhound Bus Lines 200 South Main Street		
2. JANIE'S VENDING, INC. Westwind Motel 1150 Las Vegas Blvd. South Nevada State Welfare Office 700 Belrose 14th Street Motel 115 South 14th Street		
3. ODYSSEY VENDING COMPANY Boston Pizza 1930 East Fremont		

AGENDA

City of Las Vegas

September 6, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

*C. RETAIL TOBACCO -- Additional
(cont'd)

See Page 4

See Page 4

4. NEVADA COIN MACHINE COMPANY

Mary's Place
1946 East Charleston

D. LIQUOR & RETAIL TOBACCO -- New

1. *CIRCLE K STORE
NE Corner East Charleston/
14th Street
Beverage Off-Sale

Approved
subject to
conditions
Lurie - unanimous

Director
authorized
to proceed

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

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

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

1. *SUNSET LIQUORS
1027 South Main Street
Tavern License
6 Operator Slots

Approved
subject to
conditions
Lurie - unanimous

Same as above

From: William E. Creel, 50%
Lola Mae Creel, 50%

To: Phil E. Vavra, 100%

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

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

F. GAMING -- New

1. "JAX" MARYANNE & INTERLUDE LOUNGE
115 North 4th Street
11 Operator Slots

Fourth Street Liquors, Inc. --
John Ligon White, Pres, 33 1/3%
Mary Ann White, Secy-Treas, 33 1/3%
Gary Roy Tarbox, V. P., 33 1/3%

Approved
Lurie - unanimous

Director
authorized
to issue

G. RETAIL TOBACCO -- New

1. RANCHO CHARLESTON CHEVRON
2237 West Charleston Blvd.

Fred E. Tabor, 100%
2. MONTANA'S OF LAS VEGAS
4300 Meadows Lane, Suite 1214

Roy J. Montana Jr., 100%
3. CHINA STAR RESTAURANT
1223 East Sahara Avenue

Nom Hor Wong, 100%

Items 1, 2 and 3
Approved
Lurie - unanimous

Same as above

H. BURGLAR ALARM LICENSE -- New

1. *P. K. SYSTEMS
4241 West Charleston, Suite E

P. K. Systems, Inc. --
Anthony George Packe, 100%

Approved
subject to
conditions
Lurie - unanimous

Same as above

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

AGENDA

City of Las Vegas

September 6, 1978
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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)

H. BURGLAR ALARM LICENSE -- New
(cont'd)

2. WESTERN SECURITY SYSTEMS
732 South Fourth Street

James V. Vix, 100%

Approved
Lurie - unanimous

Director
authorized
to issue

I. BURGLAR ALARM LICENSE -- Change of
Location

1. *CROWN NEVADA DISTRIBUTORS
From: 3379 Wynn Road
To: 1300 E. Sahara, Suite "C"

August De Angelo, 100%

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

Approved
subject to
conditions
Lurie - unanimous

Director
authorized
to proceed

J. FIREARMS PERMIT -- Change of
Location

1. *THE GUN SHACK
From: 4101 West Charleston
To: 4241 West Charleston, #F

Francisco-Flower Enterprises, Inc. --
William P. Flower, Pres
Richard F. Francisco, Secy-Treas

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

Approved
subject to
conditions
Lurie - unanimous

Same as above

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

K. 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. Extension for 7/16/78 thru 9/13/78 approved 7/5/78. Request for extension of inactive status for 60-day period 9/14/78 thru 11/12/78.)

2. EL RIO CLUB
1905 North "H" Street
Tavern License

Ralieggh Hughes, 100%

(Closed 7/7/78. Request for extension of inactive status for 60-day period of: 9/6/78 thru 11/4/78.)

Items 1 and 2
Approved
as requested
Lurie - unanimous

Commissioner
Leavitt
abstained on
Item 2

Director
authorized
to proceed

AGENDA

City of Las Vegas

September 6, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

L. LIQUOR -- Change of Location

1. *HONEST JOHN'S LIQUOR
From: 2444 Las Vegas Blvd So
To: 2327 South Eastern
General Liquor License

Jobob, Inc. -
Arthur G. Grant, 100%

*Subject to the provisions of the
Planning, Building, and Fire codes,
Health Department regulations,
and final Police investigation

Abeyance Item (Tabled 8/2/78)

M. LIQUOR -- New

1. *COSMO'S UNDERGROUND RISTORANTE
& LOUNGE
32 East Fremont
Service Bar

Tony Cosmo Calabrese, Dir, 100%

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

Additional condition imposed by the Board
of City Commissioners:

Applicant's operation to be brought back
before the Board in six (6) months for review

Approved
subject to
conditions
Lurie - unanimous

Director
authorized
to proceed

Approved
subject to
conditions
Lurie

Same as above

Mayor Briare and
Commissioner
Christensen
voted "no"

Counsel for
applicant:
Neil J. Beller

FREMONT
STREET
(cont'd)

anywhere from \$150,000 to \$200,000, which would leave the City with anywhere from \$450,000 to \$500,000 to be picked up on it.

Commissioner Lurie: It is my understanding - if I might, Mayor -

Mayor Briare: Of course -

Commissioner Lurie: was that the State was going to put in over a half a Million Dollars into this Project, and with what the City had already allocated and with the Downtown Association's contribution to the Project, that we were short about \$185,000.

Mr. Saylor: The State's total contribution, which we anticipate will be forthcoming, is for \$750,000, which is anywhere from \$150,000 to \$200,000 more than we had going into the Project on it. The other participation are the Downtown Progress Group at approximately \$73,000 - there is a \$121,000 allocation from Revenue Sharing on the part of the City. We still have, as I mentioned, around \$500,000 that has not been specifically earmarked for this Project.

Mayor Briare: Mayor Gragson, are you, by chance, here to make any comments on this?

Oran K. Gragson, Director, Downtown Progress Assn.: No, only to assure you that I had a call from the State Highway Department at my home concerning their committment of the \$750,000 for this Project. I don't have a letter but I feel you could certainly proceed on the basis of the \$750,000 being approved by the Highway Department because they called me at my home about 9:00 P.M. stating that they had approved the \$750,000 for this Project.

Mayor Briare: Mr. Saylor, is it easy to compute that if everybody - if all the interested entities, namely, the State Highway Department, the Downtown Progress Association and the City of Las Vegas, were to all increase their original committments proportionately, where would the thing come out? In other words, if the State went from the amount they were originally were committed to to the amount that Mayor Gragson has indicated, and if the Downtown Progress Association were to increase theirs proportionately and the City would increase theirs proportionately, how would it work out?

Mr. Saylor: We would still be substantially short. In my head, I can't give you the exact figure. The State increased their participation by about 50%. If the Downtown Progress people increased theirs on the Street Project, it would amount to another \$35,000 and if the City increased theirs - right now we have \$121,000 allocated - that would only be another \$60,000 and we would still be looking for \$350,000 to \$400,000.

Now this is part of the overall package. The first phase of it was the Downtown Street Lighting which, if my memory serves me right, came in around \$800,000 or \$900,000, which was done through an Improvement District Down Town. That was paid for by the downtown property owners. That amount is not included in this figure.

Mayor Briare: I understand.

Commissioner Lurie: What about the allocation of Revenue Sharing money? My feeling is that this is an important Project because it improves the Downtown area considerably, and I hate to see us lose the Project because of the funding. What about the idea of maybe re-distributing some of the Revenue

FREMONT
STREET
(cont'd)

Sharing monies that we are not ready to spend this year. I see the process that we're looking at here is from four (4) to six (6) weeks, so if the bid was to be held to our next meeting, it would give you the opportunity to bring back at our next meeting on September 20th recommendations and also establish a Public Hearing to notify the public that we are re-allocating Revenue Sharing dollars for the Downtown improvement of Fremont Street.

Mr. Saylor: If you wish to proceed along this line, Commissioner Lurie, your appropriate action at this meeting would be to direct the Staff to start the procedure for a possible re-allocation of Revenue Sharing monies - when the Bid comes up under "Bid Awards" to hold that item in abeyance until after the proceedings on the Revenue Sharing.

Mayor Briare: Would that interfere with being able to maintain the Bid that we have?

Mr. Saylor: We have forty-five (45) days from the opening of that bid - is that not correct, Mr. Purvis (Director of Public Services) - that we have forty-five (45) days to award?

Mr. Purvis: That is correct -

Mr. Saylor: As long as we award within that 45-day period we're all right. It will be real tight, but I think we can all make it work out. The other thing it does ramify on is the construction schedule. We've been trying to figure it relatively close, and have worked closely with the Downtown Progress Assn. in trying not to run into the start of next year's tourist season. However, by going with the evaluation of the possibility of re-allocation of Revenue Sharing, it will shove it further down the road for the actual construction completion, but that may be an unavoidable circumstance.

Mayor Briare: One other question, Mr. Saylor: It is my understanding - would you please reassure me - it is my understanding that it was a real good bid.

Mr. Saylor: Well, we sent out sixty-seven (67) invitations and we received only one (1) bid. If you will remember, we went through this same procedure last year, with the same results. The situation is such that with the construction going on in the Valley all the contractors have all the work they can possibly handle, Consequently, they aren't "hungry" in any sense of the word. We would not anticipate receiving any better bids by re-advertising -

Mayor Briare: I think that's what I'm driving at -

Mr. Purvis: I would confirm that -

Mayor Briare: Because it's not going to get any cheaper - the price of cement hasn't gone down -

Mr. Purvis: I don't anticipate that the price will go down -

Mayor Briare: I don't think anybody in his right mind has any thought that cement prices are going to go down and that we would get a better figure. I would be hopeful that everyone that has a direct interest in this Project could recognize that the job has to be done - we want to get it done - and that everybody would be willing to contribute a proportionate amount of money to get the job done.

FREMONT
STREET
(cont'd)

Commissioner Christensen: Your Honor, I think this Project should be done. I think we've got to look at the overall situation and we're faced with several financial impacts here, all at once. I don't think it's anything that the City can't handle because I think the City is in a sound financial condition, so the thing I think maybe we ought to take a look at is the possibility of combining several things, rather than going at it piece-meal. If you reallocate Revenue Sharing Funds then you interrupt the construction schedule, which is a problem on Fremont Street; we've got a Jail situation coming along which is going to cost some bucks - nobody knows how much - we've increased the impact on the City Budget some Thousands of Dollars because of the findings of the Arbitrator in the wage disputes - we we've got several things that are going to require some changes in our Budget.

It would seem to me the logical thing to do would be to evaluate as many of these things as we can, and then if we have to go to Short Term Financing, or something like that, to go ahead and do it all at once and do the whole job and then reallocate, if we feel that we need to reallocate, Revenue Sharing monies, we can do that at our own speed and for whatever reasons come up, so that it isn't like we are reallocating for this particular Project. There are other Projects that are going to come up in the same way where we are going to have to make some changes.

In other words, I guess what I'm saying is that we're going to have to change the Budget around anyhow, and probably have to borrow some money. The question is, how much, and I think we need to get started on this Project - go ahead and approve it and get it going, and then proceed to borrow what money we need to do this, the Jail, and so forth, because we don't have any price tag on that Jail yet. We don't know where we stand. We could be impacted for another Five or Six Million Dollars right quick, and I think we might as well do it all at once, as reallocate \$500,000 here and then borrow a Million and a Half to do something else over here. Let's get the whole picture together and do it. But, in the meantime, let's proceed with this Project and get it done.

Commissioner Lurie: I agree with Commissioner Christensen that we should proceed, and the fastest way to proceed is to start the proceedings to re-allocate Revenue Sharing monies. If we go to Short Term Financing we have to submit a letter to the Tax Commission and get approval, and that all takes time. I think the fastest possible way to proceed is to direct Staff to re-allocate the Revenue Sharing monies and put it on our agenda for our next meeting. In the meantime they can also bring us back a report on Short Term Financing for maybe some additional projects, but I think in order to meet the time element and the 45 days we have to award the bid, I would move that we direct Staff to reallocate - put on the agenda for reallocation Revenue Sharing dollars at our next meeting.

Motion

Commissioner Christensen: Commissioner Lurie, on this memo we have here, did you notice down here in the last sentence, starting "it is possible, however . . ." did you read that section down there?

Commissioner Lurie: What page are you talking about?

Commissioner Christensen: I think that says what you and I are both saying all at once. You can go over this - and correct me, Mr. Saylor, if I'm wrong - but it is my understanding of the memo that even if you are going to go some other route, that you can approve the funding today based on the ending fund balance, or something like that, and go ahead and proceed and then straighten out the financial part of it later so that we don't end up 45 days late in starting the Project. Isn't that what you are basically saying there?

FREMONT
STREET
(cont'd)

Mr. Saylor: Right, and that, of course, is the fastest way to proceed if you are in agreement that you are going to fund this Project one way or the other, you can approve the funding today as being within existing Budget appropriations and then, at a later date, re-evaluate the Budget somewhere down the line and at that point in time make your conclusions as to whether you want to use this source - or use that source - or Short Term Financing - or what.

Commissioner Christensen: This is what I'm saying - so that we can get the Project started and then we can gather all of our problems together in one circle and go ahead and find out how we're going to fund all of these - whatever Budget adjustments are necessary - whatever reallocations are necessary - whatever is necessary to tie the whole thing together - later on in the year which we will have to do anyway.

Commissioner Leavitt: It could be that we may not have to reallocate Revenue Sharing monies - we may have unestimated revenue - that sort of thing - six months from now may show up and we may not have to even touch the Revenue Sharing monies -

Motion
Withdrawn

Commissioner Lurie: I will withdraw my motion to Commissioner Christensen.

Mayor Briare: Commissioner Christensen, would you like to propose a motion?

Commissioner Christensen: I would move that we, at this particular point - the motion is when we award the bid, is it not, Mr. Saylor?

Mr. Saylor: No, you should approve the funding source at this point as a separate item.

2nd Motion

Commissioner Christensen: I move we approve the funding source as outlined by Mr. Saylor - immediately going ahead and reallocating all at once what we need to reallocate later on in the year to cover all of our debt problems.

Mayor Briare: That would be "C" of the alternates -

Commissioner Christensen: No, that is for Short Term Financing and we may not need that - I am looking at the bottom of "A" possibility.

Mayor Briare: Are there any other comments on this motion?

Commissioner Leavitt: I think we ought to make it clear that what we are doing is approving the funding of the Project at this time based on a Budget adjustment, or the utilization of the beginning fund balance - at the end of the six months do a re-evaluation of the Budget. That's what we're doing - that's what the motion is.

Commissioner Christensen: That is basically correct, yes.

Mayor Briare: And it would also include contributions from other sources - from wherever and whomever. Are there any further comments?

Commissioner Lurie: Well, we're approving the funding source, but before the bid is awarded it is going to come back before us so that we know what fund we are taking the additional dollars from. Because what you're saying today, you're approving a bid and you don't know where you are going to get the money. What, if for some reason you don't get it. Tell me what fund it is

FREMONT
STREET
(cont'd)

coming out of?

Mr. Saylor: First of all - on the motion - I've received some sage advice from Marvin Leavitt (Director of Dept. of Financial Management) that the motion should be - as I indicated - that you are approving the funding as being within existing Budget appropriations which, in fact, says what you were saying, but does it differently.

Commissioner Lurie: What you are saying is that we have \$1,314,093.50, less the contributions - we have that additional money in our Budget at this time to pay for the cost of the reconstruction of Fremont Street.

Mr. Saylor: Well, I think, in essence, what the motion is saying is that you will do whatever is necessary to have that money available, within your existing Budget.

Commissioner Lurie: But it will come back before us if we have to go to Short Term Financing - or a Bond Issue - or reallocation of Revenue Sharing dollars?

Mr. Saylor: That is absolutely right, Commissioner. At the end of say six months, a re-evaluation of the Budget can take place - it is conceivable there will be that unanticipated revenue may show up - but at that point in time, you can take a look at the entire package and make a determination. If you need to go some other route, as to which route you want to go.

Commissioner Lurie: I'm in favor of the Project - don't get me wrong. I just want to know . . . I don't like to go into something not knowing where we're going to get the final payment to pay for the Project, and I think it's wrong to approve something now when you are saying you are just anticipating increased revenues - that you are anticipating an ending fund balance in our Budget. I think that before we approve any expenditures, you have to tell us where we're going to get the money to pay for it.

Marvin Leavitt: Let me talk to you about a legal way of doing this, at least as to the proper wording of the thing, if you want to do it and it is, of course, your decision if you want want to.

Commissioner Lurie: I would feel more comfortable that way -

Marvin Leavitt: First of all the wording must indicate that it is within the total Budget appropriation that is existing right at this particular moment. We can't take it from the beginning fund balance, or any fund balance, which would be illegal without going through a Budget Augmentation procedure. So it has to be within the existing Budget, which means that we've got to indicate that this expenditure, plus all of our other expenditures, are not going to exceed the Budget appropriation we have right now.

One possible way of doing that would be to indicate and say that all expenditures - that all the funds throughout the General Fund are going to be reduced 2%, and that 2% would accommodate this additional expenditure for this one particular item.

That would be one possible method you could use to arrive at this point. In fact, it would really only take about 1%, but if you said 2%, you could possibly do that and then actually arrive at the precise funding point at some time in the future. It is going to be difficult, I think, within that existing Budget to eventually live with it. Something has to be done at some time

FREMONT
STREET
(cont'd)
2nd
Motion
Withdrawn

in the future to accomplish this fact. That is one method out of the problem, but we just can't go beyond that Budget appropriation we have right now and still be legal in any action you might take today.

Commissioner Christensen: I withdraw my motion.

Commissioner Leavitt: Mayor, I know that we're contemplating having a Special Meeting a week from today on a couple of other items that are to come before us, and I'd like to have this item held at this time and taken up at our Special Meeting.

Mayor Briare: I have already broached each of you individually and indicated it was going to be my desire, and with your support, call a - or recess this meeting and post proper Notices, etc., for a meeting on Wednesday, a week from today. At that time perhaps we can have some more input in this matter. In the meantime I would like to have Mr. Saylor, when Mr. Dorn gets back, to have him work with you on this, and also by telephone, or otherwise, contact Commissioner Lurie and Commissioner Christensen so that their input into this can be coordinated in such a manner that we can present a firm question to the Commission next Wednesday so that we can take some definitive action.

Commissioner Leavitt: I would also like to have . . . I received a memo this morning regarding the impact of the Arbitrator's findings regarding a wage increase for City employees - I would like that to be taken into consideration at the same time. Maybe we can do both of these Projects at that time.

Commissioner Christensen: That is going to require a new meeting then because you can't recess a meeting and discuss new items -

Commissioner Leavitt: That's right - this hasn't been put on the agenda as yet, has it -

Mayor Briare: What I could do, Commissioner, and I think Mr. Sloan (City Attorney) will advise me on this as to whether we should just go ahead and adjourn normally and then call a Special Meeting for Wednesday, September the 13th, and include on the agenda those items which we are talking about right now, plus a few others that will be coming up in the interim -

Commissioner Leavitt: That being the case, they could post the item that we would be considering the Arbitrator's findings.

Mr. Sloan: There would be no problem - you would have time to do that.

Mayor Briare: In that event then, at the proper time we will call a Special Meeting for a week from this Wednesday and then we will have, by the close of business today, a number of items to put on that Agenda, which will be properly posted and mailed and everybody interested will be notified. If there is no other discussion, we will leave it at that. Let's go to the next item, Mr. Saylor.

Mr. Saylor: The next item is the ratification of the appointment -

Mayor Briare: Yes. I asked for ratification of the appointment of Commissioner Paul Christensen as the Member and Commissioner Ron Lurie as the Alternate on the Environmental Quality Policy Review Board. Is that a matter that has to be handled by motion?

ENVIRONMENTAL
QUALITY POLICY
REVIEW BOARD

Mr. Saylor: Not that I'm aware of.

Mayor Briare: Then if there are no objections, these appointments hereby are made official.

Mr. Saylor: This is a request to allow the Budweiser Softball Tournament . . .

Mayor Briare: Commissioner Woofter, would you like to speak on items 1 and 2?

1. Request permission for Budweiser Softball Tournament to use Lorenzi and Mojave Parks, March 28 to April 1, 1979.
2. Request of "Help Them Walk Again Foundation" to sell beer, wine, jackets, programs, T-Shirts and Patches at the above.

Commissioner Woofter: Yes, Your Honor. It is a request from "Help Them Walk Again" for the use of Lorenzi Park during the dates from March 28th to April 1st. This Tournament was held for the first time last year and was a great success and it is the request of the Foundation to host it with the expectation that there will be approximately 180 teams from all over the United States and I have been advised by Bob Keck, who is more or less the coordinator of the Tournament, that even a Softball Team from Australia has entered the Tournament, so I think we should do our part in aiding and making this a success, by approving the request to use Lorenzi Park from March 28 to April 1, 1979, and I put that in the form of a motion. That is insofar as C-1 is concerned.

Motion

Commissioner Lurie: I just have one comment that maybe, Mr. Campbell, you can answer. Dis this go before the Park & Recreation Advisory Board for their comments?

Mr. Campbell, Dir., Dept. of Recreation & Leisure Activities: It hasn't - no.

Commissioner Lurie: Well, I definitely feel that anything that has to do with Recreation - I don't think you should by-pass that Board. These people all devote their time - volunteer - and some of them get upset when things like this that concern Parks & Recreation do not go through their Board first so they can make some recommendations if they wish.

Mr. Campbell: They have recessed for the summer. They will have a September meeting, however.

Commissioner Lurie: If we approve it, it should still go to them for any comments they might have concerning the Tournament.

Mr. Campbell: We did check with soccer people and the soccer season is over. We will take it to the Park Board later.

Commissioner Leavitt: We can approve the second request, can't we, excluding the beer and wine.

Motion

Commissioner Woofter: I put that in the form of a motion also, with the understanding that because of the opinion out of the City Attorney's office, we cannot permit the selling of beer and wine. However, the balance of the request under C-2 to be approved.

Commissioner Lurie: I just want . . .

LORENZI PARK
USE
(cont'd)

Mayor Briare: You want the Park & Recreation Advisory Board to review the thing -

Commissioner Lurie: What I'm saying, Mayor, is that we have, actually, two Boards that usually handle these requests before they come before us. One is the Solicitations Review Board that reviews income that was raised from previous events, and also the Park & Recreation Board. I don't think it's right that we have to by-pass these other Boards to come here and I think if the motion is made it should be conditioned on the proper paper work being filled out and channeled through other Boards that we have established to keep track of these types of events.

Motion
Withdrawn

Commissioner Woofter: Mr. Mayor, I could withdraw the motion -

Mayor Briare: Why don't you offer the motion that we strongly endorse it, and then refer it to the Parks & Recreation Board.

Commissioner Lurie: I would agree to that.

Commissioner Woofter: I might make one request too, Mr. Mayor, for consideration these dates - is this the request of the Foundation for these particular dates? It is still mighty cold and windy at that particular time of the year - I know because I was out there last year playing Softball. Could it be moved up to the middle or the latter part?

Mr. Campbell: The original request was for the middle of April - the 15th of April. This was a compromise request worked out through our Department. We did a study on the weather and found out that actually the weather is better on this weekend than it is the middle of April. In addition to this, this particular weekend is not interfering with our scheduled regular practice times. Normally we allow one month of practice for local teams the month of April and if we had scheduled it as originally requested, we would have given up three or four days of local use of the field.

Motion

Commissioner Woofter: Mr. Mayor, I make the motion then that we strongly endorse the requests made by the "Help Them Walk Again" for (1) and (2) and refer both requests at this time to the proper Boards for consideration before coming back before us for our final action.

Mayor Briare: Are there any comments by the Commissioners?

(No response)

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

INVENTORY OF
ARCHAEOLOGICAL
SIGNIFICANT
SITES WITHIN
THE CITY
Contract
Approved

Mr. Saylor: The next item is one from the Office of Budget and Management for the approval of professional services contract with Dr. Lynes, for the complete inventory of archaeological significant sites within the City of Las Vegas. The back-up information provided to you indicates it has already been done for the Planning Areas I and II under the Block Grant Program, and this would finish it up for the balance of the City.

Mayor Briare: I think one significant part of this is that the last sentence says "No City General Fund monies will be expended for this Project." That is to assume, then, that this is 100% Federally-funded. Are there any comments or questions by the Commissioners?

(No response)

Commissioner Lurie: I move for approval.

Motion

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

MORMON FORT

Mr. Saylor: The next item before you is somewhat along the same lines being a request for approval of a contract for professional services to Gilbert Sanchez for the architectural services in connection with the restoration of the Mormon Fort. Again, this is funding through what we used to refer to as BOR Funds.

Mayor Briare: Again, these are Federal funds -

Mr. Saylor: Yes - from the Bureau of Outdoor Recreation.

Mayor Briare: For this type of purpose only. Commissioner Christensen, as the authorized representative of the Mormon Fort, would you like to make a motion on this?

Motion

Commissioner Christensen: I would so move for approval.

Mayor Briare: Are there any comments?

(No response)

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

MINUTES

REGULAR MEETING OF MAY 3, 1978.

Commissioner Lurie: I move for approval by reference.

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

DEPARTMENT OF FINANCIAL MANAGEMENT

See Page 24 of these Minutes - Annotated Agenda

DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS

See Page 25 of these Minutes - Annotated Agenda

DEPARTMENT OF FUNDS COORDINATION

See Page 25 of these Minutes - Annotated Agenda

DEPARTMENT OF RECREATION AND LEISURE ACTIVITIES

Request permission to submit proposals to Levi-Strauss Foundation and Fletcher Jones Community Donation Program for support of the Rainbow Company Children's Theatre Production of Special Class on handicapped children.

Mayor Briare: Mr. Campbell, do you have any comments you wish to make on

RAINBOW CO.
CHILDREN'S
THEATRE
PRODUCTION

AGENDA*City of Las Vegas*

September 6, 1978

BOARD OF CITY COMMISSIONERS

Page 11

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Actio

IV (b)

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

*CONSENT AGENDA

All matters listed under item 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. H707742, H707800, H1002 to H1003, H1296 to H1304, H114534 to H114535, H943844, H210648, H708099 to H708101, H708112 to H708113, H708118 to H708153, H708156 to H708165, H708176 to H708177, H708182 to H708202, H708204 to H708205, H708218 to H708220, H708246 to H708263, H708267 to H708610, 121396 to 121405, inclusive.

In the amount of \$ 13,136,542.99

*B. PAYROLL WARRANTS

Nos. 119795 to 121395, inclusive

For Pay Period Ending 8-5-78

In the amount of \$ 545,423.08

Nos. 121406 to 122991, inclusive

For Pay Period Ending 8-19-78

In the amount of \$ 542,553.10

Items A and B
 Approved
 as presented
 Lurie - unanimous

Director
 authorized
 to issue

AGENDA

City of Las Vegas

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

Page 12
 9/6/78

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

Dept/Class	Monthly Salary	Justification
(1) Business Activity Office Assistant (replace budgeted vacancy)	\$ 777	To process business license applications and provide addition- al clerical support.
(2) Community Planning & Development Office Assistant (replace budgeted vacancy)	777	To act as reception- ist for the department and pro- vide additional clerical support.
(3) Community Planning & Development Housing Code Inspector (replace budgeted vacancy)	1070	To conduct inspec- tions on existing structures to help maintain minimum housing standards.
(4) PS/Building & Safety Office Assistant (replace budgeted vacancy)	777	To work the permit counter and to pro- vide assistance to the public regarding inspections.
(5) Business Activity Parking Enforcement Officer (fill budgeted vacancy)	879	To enforce ordinances pertaining to non- moving traffic violations in out- lying areas.
(6) Municipal Court Jr. Office Assistant Three positions (replace budgeted vacancy)	670	To work the traffic counter and provide additional clerical support.
(7) MS/Facilities Support Custodian Three positions (replace budgeted vacancy)	777	To provide custodial services at the Par- king Ramps, West Charleston Library and MPD records.

Items 1 thru 7
 Approved
 Lurie - unanimous
 EXCEPT
 that
 Commissioner
 Woofter
 voted "no" on
 Item 5

Director
 authorized
 to proceed

APPROVED AGENDA ITEM

1204 8/25/78

this item?

Mr. Campbell: Not unless you have any questions on it.

Mayor Briare: These are funds that that through the Foundations - Levi-Strauss and Fletcher Jones - they have monies available and whar you want to do is request some of those dollars.

Mr. Campbell: We are requesting permission to ask for their funds.

Motion

Commissioner Lurie: I move for approval of the Resolution.

Mayor Briare: Are there any comments?

(No response)

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

See Page 27 of these Minutes - Resolution

DEPARTMENT OF MUNICIPAL SERVICES

CONTRACT
MODIFICATION -
ADDITION TO
PARKING
GARAGE

Mayor Briare: Mr. Cathcart, would you explain the recommendation as our agenda item and then the explanation that comes with our back-up information seem to be identical. I don't get any further information from the explanations than I do from the agenda item itself. "Recommend approval of Contract Modification No. 6 for a 10-day, no-cost time extension. Would you explain that this request is negotiated in lieu of \$7,000.00 and a 25-day, no-cost time extension? Give me a little background on that, please.

Mr. Cathcart: If I may, Mr. Mayor, I would pass to Mr. Purvis.

Mr. Purvis: Mayor, during the original - when we first got kicked-off on this, there was a redesign on the footings and after about six weeks the contractor came in and said - say, I need about \$7,000.00 extra. We did not believe he needed anything extra yet - for \$7,000.00 in ten days - there was extra time involved while they were doing the redesign, but there was no extra money and after we t down and told him that really there was no extra cost to him - maybe, possibly, a small savings - he agreed that he had no extra money coming, but he did want the extra ten days, and we believe he is entitled to that during the redesign time. That is where this came about. That gets them up to September 1st. Right now he is on penalty at \$150.00 a day. The original completion date was June the 11th - we have allowed him 14 days for weather where he has been rained off the job - we've allowed im 58 days for contract ramifications in the past - these are for the "unknowns" and then this 10 days gets him to September 1, 1978. As far as we know at this point in time, we see no justification for any further extension in time.

Commissioner Lurie: What is the anticipated completion date now?

Mr. Purvis: We hope he will be out of there by the 1st of October.

R E S O L U T I O N

1 WHEREAS, the City of Las Vegas is committed to the support of
2 recreational and cultural activities for the handicapped; and

3 WHEREAS, the Rainbow Company Children's Theater, sponsored by
4 the City of Las Vegas, has developed a special performance project for
5 handicapped children; and

6 WHEREAS, this performance project entitled Special Class has
7 received the endorsement of the City of Las Vegas, the Governor of the
8 State of Nevada, Nevada Senators and Congressman, and all major handicap
9 associations throughout the State; and

10 WHEREAS, the Rainbow Company Children's Theater is seeking
11 funding support to enable this program to tour to local schools and by
12 invitation to regional and national centers for the arts in order to bring
13 this unique City-sponsored project to such entities.

14 NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of City
15 Commissioners that:

- 16 1. The Board of City Commissioners hereby authorizes the
17 Department of Recreation & Leisure Activities to submit an
18 application for touring funds to the Levi-Strauss Foundation
19 in the amount of \$6,000, and to the Fletcher Jones Community
20 Donation Program in the amount of \$10,430.
- 21 2. That the total amount of funding support will be \$16,430 with
22 no additional City matching funds required beyond regular
23 program support.
- 24 3. That the Department of Recreation & Leisure Activities
25 Cultural & Community Affairs Branch will be responsible for
26 the administration of such funding received.

27 PASSED, APPROVED AND ADOPTED THIS 6th day of September, 1978.

28
29 WILLIAM H. BRIARE, Mayor

30
31 Edwina M. Cole, City Clerk
32 (SEAL)

PARKING
GARAGE
(cont'd)

Commissioner Lurie: I move for approval of the Contract Modifications.

Mayor Briare: Are there any further comments?

(No response)

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

Mr. Cathcart: The next are 8 Purchase Order approvals.

Mayor Briare: I also have a question, Mr. Cathcart, on Item 6. Mr. Borns is not in the audience and I don't want this to sound like a reflection on Mr. Born. I want it to sound like a reflection on all Architects, but, unfortunately, Mr. Born happens to be this one - that there is an additional amount necessary to complete that Project. Did it come about as the result of a need for further design? Has the Architect rendered services? Or did it come about for some reason outside of architectural services and just because it happens to drive the price up, he automatically gets 6.5%?

Mr. Cathcart: Under the Architect & Engineering Agreement submitted by Public Services for the City, states that the Architect will be paid 6.5% of the total construction cost. The total construction cost amounted to \$393,542.00, or \$25,580.00 to Mr. Borns.

Mayor Briare: I don't mean - again, I am going to repeat - I don't mean for it to reflect on him, but I recall back at a time when there was a building - and I'm not going to mention the building, because I don't want to reflect personally, but it was a very large job, and there was an error in design, and it cost the County something like \$400,000.00 to correct the error in design, and guess who got - at that time it was a 5% figure - guess who got 5%? Case closed.

I don't have any argument about this - that's what the contract says, but I wish in the negotiations - maybe the Commissioners don't agree with me on this - but if in the negotiations of any capital improvements we make, I wish there could be a provision put in there that when an Engineer or an Architect performs services, he certainly should be paid. But if by some other outside event over which the taxpayers have no control - increase in the cost of materials, for example, doesn't make one bit of difference to the Architect, except that he receives an automatic amount of the increase in his fee.

Mr. Cathcart: I believe they are putting in the "omissions" and "errors" clauses in the contracts now with the Architects.

Mayor Briare: Does this reflect an error or omission?

Mr. Cathcart: No.

Mayor Briare: But the one I referred to - the example I referred to - does.

Mr. Cathcart: We're protected the other way -

Mayor Briare: I assume the Architect has asked for this. I see a lot of nodding of heads, but I don't hear anything for the record -

PARKING
GARAGE
(cont'd)

Commissioner Lurie: I was just checking one thing out on this - I see we are getting a lot of Purchase Order approvals and I was just checking the statute here on items that maybe should be bid instead of handled as a Purchase Order approval, but I see "sole source" or if it is a contract for professional services . . . some of these are exempt. Do all of these fall in that category? These Purchase Order approvals?

Mr. Cathcart: Yes they do, Commissioner, and they have been processed through the City Attorney's office.

* Motion

Commissioner Lurie: I will move for approval of Items 1 thru 8, Mayor.

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

Commissioner Christensen: How come we have to buy the City Attorney's office all new typewriters?

Mr. Sloan: We received Federal funding to acquire these as a part of a Word Processing System which had been proposed by my predecessor and it is my understanding that with the exception of one of my typewriters, that the newest typewriter we have is 5 years old. When we got the Federal funding, we decided to get them all at once. I might add that we leased a typewriter earlier this week because one of my secretaries had one that was really an antique and she indicated she could type so much faster with the new typewriter that we would not have to hire an additional legal secretary we were going to ask you for, so I think this is a good investment.

Mayor Briare: We are going to have a 5-minute recess and then come back and talk about a Jail Consent Decree. (11:00 A.M.)

Meeting reconvened at the hour of 11:15 A.M. with the full Board and Staff in attendance.

Mayor Briare: We have some discussion on our agenda. Mr. Sloan, was this agendaed under your portion of the agenda?

Mr. Sloan: Yes, it was.

Mayor Briare: On Page 22 of the Commissioner's agenda, Item "A" "DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED JAIL CONSENT DECREE". Would you like to make some opening comments, Mr. Sloan?

Mr. Sloan: Yes, Your Honor. We put this on for your discussion and possible consideration today. Mr. Howard on my Staff has had a chance to discuss this in some detail with each member of the Commission and His Honor. Basically, this represents the culmination of hundreds of hours of work on the part of the District Attorney's office, Mr. Howard and my Staff and the Plaintiff's counsel and, in our judgment, represents the best possible solution to the situation that is available to the Defendants, namely, the City Commissioners, the County Commissioners and the Sheriff. As you know, the Sheriff has already, individually, entered into the Consent Decree which contains in substantial detail certain procedures and policies which the Sheriff will attempt to meet. Bart Jacka has been working with the District Attorney's office trying to resolve this difficult problem. He is here today and will be able to answer questions on that particular part, if the Commissioners

PROPOSED
JAIL
DECREE

JAIL CONSENT
DECREE
(cont'd)

have questions. I would like to say at this point in the meeting that we have read in the papers of on-going disagreements and difficulties between the County and the City - throughout this lawsuit my office has received outstanding cooperation and help from Mr. Bartley and his staff - and they have been in the leadership role on this lawsuit - but we have had excellent cooperation. I think we have worked together for the best interest of the people of the City of Las Vegas and the County of Clark throughout this entire matter. Mr. Bartley is here today at my request as counsel for the Metropolitan Police Commission as well as counsel for the County Commissioners, and he can indicate to you his own views as to whether or not the Consent Decree as presented at the present time represents a "desirable" solution to the lawsuit.

It is not particularly popular to be faced with a situation to spend substantial sums of money to improve conditions for people who are either accused, or convicted, of crimes. I think there are other priorities which we would all prefer to spend our money on. I think there are priorities that Judge Foley would prefer but he, I think reluctantly, but with the assurance of this being required by law, has no choice but to insure that the constitutional rights of the Plaintiffs are adequately protected. So I think that while we may have personal preferences as to what to do with the money, it is the feeling of my office, and Mr. Bartley, that we have no choice but to make substantial changes in the Jail and we feel the Consent, as outlined, gives us the greatest flexibility, although it still has an element of a "blank check" in it - it runs the substantial risk of substantial expenditures no matter if we go to trial or settle out of Court, we are going to have those possibilities.

I might add that Mr. Bartley and _____ of the Public Defenders office had a conversation yesterday afternoon and there was a discussion of an alternative set of proposals which would be substantially shorter than the Consent Decree which I think, basically, would just require the Defendant Commissioners to indicate that they would agree in advance that following the meeting here, and to comply with the requirements of the Order established by Judge Foley to eliminate, or correct, the abuses contained in the lawsuit - I would ask Mr. Bartley to give us this clarification, but because of this rather late development, I would hope we would have an opportunity to bring this up at your Special Meeting, Commissioners and Your Honor, and have that language reduced . . . We will be happy to try to answer any questions you have about the proposed Consent Decree -

Mayor Briare: Is there anyone here representing the Public Defender's office?

(No response)

Mr. Sloan: I discussed that with them -

Mayor Briare: I hardly expected there would be -

Mr. Sloan: Well, we discussed it, but I didn't know if that would be appropriate or not, so I did not invite them to attend.

Mayor Briare: There are a number of questions, of course, that will arise and before we ask for Mr. Jacka, or Mr. Bartley, or your staff person, Mr. Howard, to comment on this, I would - just out of curiosity - Mr. Sloan, ask the question - even if all the questions are answered, whether it be to the satisfaction of each individual member of this Commission, or not, notwithstanding, what are the ramifications of a split vote on this item which is before us - namely, a Consent Decree?

JAIL CONSENT
DECREE
(cont'd)

Mr. Sloan: Mayor, I don't think there is a definitive answer to that. Mr. Bartley. Mr. Bartley and I have discussed that and have discussed it with the Public Defender's office. As you know, very recently the Supreme Court has ruled for the first time that a municipality is within the meaning of , but prior to that time they could not bring a lawsuit - plaintiffs could not bring a lawsuit, against the City of Las Vegas but only through its elected officials. In every case where there has been a Consent Decree, according to the Plaintiff's counsel, all the defendants have agreed to enter into it. We have discussed - should one or two members of the Commission agree, and the others not, whether or not we would have to go to trial. I think the last discussion I had with the Public Defender's office was that following a meeting where this was discussed and some decision was made by the Commissioners, we would then ask for a meeting of counsel with the Judge and discuss with the Judge how he wanted us to proceed.

So I say there is not really a definitive answer as it is not a situation which is readily identifiable - it is a little bit novel.

Mayor Briare: So many times - and perhaps I might make this comment to Mr. Bartley and to Mr. Howard - that the more you read - the more documents you provide us, in my personal opinion, the worse it gets because, in a sense, when you sign a Consent Decree - saying you are signing it in an affirmative manner - it seems to me that you are therefore endorsing all of that which has gone before, and in some of the documents that were given to us - some especially, which I take offense to - and I'm not going to bring them up at this moment - perhaps, if it should be the pleasure of the Commission to try to gather all of the materials together for a final shot at this a week from today, it might be appropriate to bring it up - but there are things that have been said and are part of documents, not only in the Jail problem, but also in the City's case as to the constitutionality of the Metro Police Department - not with the idea of attacking the Metropolitan Police Department, but to attack that portion which relates to the City being responsible for the construction of Jails. And there are so many things that are brought into this Jail problem that we seem to lose sight of what we are really trying to do. Everything I read makes it more difficult for me to justify signing it and yet, basically, I don't think anybody denies the need for improvements in the Jail, but I do believe that something that has to be considered - and our City Manager has approached it, not to my complete satisfaction but, at least, we do have some numbers. We have to approach this - you know, this "blank check" business that you refer to, Mr. Sloan - it offends the common sense of most practical people, including myself. It is difficult for me to sign a blank check. So, in order to not make it a blank check, we asked for some information and some information, in turn, was given. On the other hand we have, do we not, some State Laws that require, or mandate, to the public official that expends monies that have not been budgeted, he is subject to some pretty severe consequences - namely, getting thrown out of office and put in jail. So far, so good?

Mr. Sloan: I think if you were to expend monies which were not appropriated that you could be subject to removal from office.

Mayor Briare: So we have a threat - and I don't use that word as a bad term against Judge Foley - but we have the threat of being mandated to spend monies that he doesn't care where we get them, or how we get them, but they are to be spent, and we have a State Law wherein if we spend monies that have not been properly budgeted, or appropriated . . .

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Mr. Sloan: You have the same situation there as you would have on the extension of Fremont Street - you are going to have to reallocate money. Assuming that the determination is made that you want to "x" number of prisoners up under certain standards the alternative, I would think, is that you are going to meet those standards or close down the Jail.

Mayor Briare: I am impressed with Commissioner Christensen's reasoning, or rationale, this morning on all of these various and sundry matters that we are faced with - one of which is the Jail. I believe, Commissioner, that you specifically mentioned a number of different expenditures we were going to have as a possible Jail - nobody doubts that. I believe - I would like to believe that a Judge, recognizing not only the seriousness of protecting the Constitutional Rights of people who are being held in Jail, but also recognizing the difficulties involved for the taxpayers, that an agreement could be reached wherein everybody would make every effort possible to comply and accomplish certain things over a certain period of time.

I don't see anything in the Consent Decree that gives that latitude to either the County Commissioners or the City Commissioners - where it would say that of all these atrocious things that are happening - that if the enlarged dorm cells and the enlarged dayrooms could be taken care of within a period of time, that would be agreeable. And the next thing would be to enlarge the Program areas and improve the kitchen facilities, to be done within a certain period of time so that we could at least approach it in a sound and businesslike manner, because the way I look at it, we agree to this right now, as is - perhaps by next week we will have some of these answers - but if we sign this Consent Decree right now, technically, an Order could be given and that Order would be - alright, commence immediately!

Mr. Sloan: Your Honor, I think the Consent Decree - and I would defer to Mr. Bartley on it - but I think provides for certain timetables on how we're going to implement this, so there's a 60-day time frame from the time the Court would approve the Consent Decree for the Sheriff to come in with a proposal on how he proposes to achieve certain of these goals. Mr. Bartley, would you expound on that?

Mayor Briare: Mr. Bartley, just one moment, please. Commissioner Christensen was going to make a remark and I asked him if I could conclude mine at which time he could make a comment.

Commissioner Christensen: Well, you referred to the Law requiring that we have the money budgeted before we spend it, or we are subject to being removed from office and going to Jail. Mr. Sloan likened this to the Fremont Street situation. On the Fremont Street thing we had a figure. Now, admittedly, there is a timetable involved in this Consent Decree and as I understand it - to get it in laymen's terms - what they want us to do is to agree to fund what the Sheriff is going to do, basically. That's fine and dandy except we still don't have a figure. When they talk about timetables that are going to have to be met and are set up in the Sheriff's Consent Decree, which I find difficult reading, but nevertheless I did notice those in there and I take no issue with that. To be realistic, the Metropolitan Police Commission has jurisdiction over the Sheriff's Department only in this - they set the budget once a year. Beyond that, everything we do is more or less of an exercise in that we sign payroll vouchers, and stuff like that, but it's picky work - it's Mickey Mouse to make it legal. As far as saying what time tables the Sheriff will meet, or telling the Sheriff how he will change the Jail, or how he would change the Jail more

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economically than the other way - we do not have that power. So we're still being asked to write a blank check. I think there's a tremendous difference in over spending your budget and I think that perhaps the Judge - and he has already declared us guilty by letter - to tell us that we have to come up with this money - I can appreciate that, but someone has to tell us how much money because if we have to jockey the budget around to cover this - if you don't know how much you are going to have to cover, how can you jockey the budget around to cover it?. I see no way we can comply with both ends of the Law. There is no way that we can do it, because in order to change the budget, we've got to know how much we have to change it.

Just as an aside, as long as I'm speaking in this public forum, I take issue and resent very much the fact that the Public Defender's office has seen fit to try this case in the newspapers and, in fact, accused Commissioner Lurie and myself, personally, of being the hold-outs and the trouble makers, etc., etc., on the Police Commission. I think that is a very unfair attack on us personally, and especially when we were handed a Consent Decree three days before a deadline and say they know we are not going to sign it because we're such trouble-makers, and I don't see the County having signed it yet and they've had it a lot longer than we have and nobody bothers to talk about that. So I have to take very strong issue with that. I take that as a direct personal attack on myself and Commissioner Lurie and I resent it very much.

Commissioner Lurie: I have a couple of comments to make and one of the comments I was going to make was along the lines of what Commissioner Christensen has just said. I object to the comments from the Attorney's office - Mr. Corey and Mr. Adams - against Commissioner Christensen and myself that we are "hold-outs". I think that we have to look at our budgets and if we are to authorize expenses against public funds, then I think we have to take a look at what the public demands from us as far as providing services. In my particular District when I sent a questionnaire out, one of the items I put in the questionnaire concerned crime - concerned the Jail - and that wasn't one of the most popular answers I got back - that people want to see us fund a Jail. So I think their comments are truly uncalled for and not professional, as far as if they are going to get my support on expending any public funds to correct the Jail situation. I don't believe that even if we sign this Consent Decree that we can comply with it. I don't believe there is enough money, that either the City or the County has, to meet the conditions of the Jail that this Consent Decree calls for as to what the Federal standards should be - we don't have enough money in our City Treasury, or the County in theirs, to comply. If I felt there was, I would support some expenditure, but my feeling is that we are signing a blank check. I don't believe that if the attorneys on the other side feel that we have the money, they are welcome to come over here and sit down with me at any time with our Financial Staff, and we'll go through the Budget - department by department - page by page - and let them come up with the Two Million or Five Million Dollars that they think we have in our Budget that will pay for improving the conditions in that Jail. I've been on the Commission for five years now, and I don't know of any attorney who has ever attended one of our meetings that can go through the Budget and pick out these types of expenditures - this fat that we supposedly have in our Budget. If they want to make recommendations to cut out streets, street lights, parks, Senior Citizens Projects, Recreation, then I think they ought to give us some recommendations on where they want the Budget cut in order to come up with these Dollars to correct the conditions in the Jail. They also make comments to the effect that Commissioner Christensen and I spoke in favor of the Metropolitan Police

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Commission. Well, we did, and the comment they had is correct - that we supported the City getting representation back on the Police Commission and we supported the 50-50 split of the Budget for the Police Department, but we didn't commit to building a new Jail and we did not commit to reconditioning the old Jail and, again, I resent the fact that they keep bringing these points up. I think the City is paying, this year, over \$12,000,000.00 into the Police Budget and I felt it was important that we have representation on that Board to express how we feel that money should be spent but, in no way, did we ever commit ourselves to the cost of building a new facility, or the cost of fixing up the old facility. So, my personal feeling is, as I said once before, that I am not signing this Consent Decree unless it is forced upon me by the Courts. Then I will consider signing it.

Mr. Sloan: May I make one more comment?

Mayor Briare: Yes, then we are going to ask to hear from Mr. Bartley.

Mr. Sloan: I want to make it clear, and as Mr. Howard indicates, that we feel there is substantial likelihood that there is a greater negative side to this than has been alluded to by the Commission should we go to trial. The alternatives are not just that "we are not going to sign today" and it will go away. We are still scheduled to go to trial on October 3rd. There has been extensive discovery taken - we are not in a position to go to trial with a number of experts who are going to stand up on our side - we don't have much of a defense to offer. This kind of thing is not a popularity contest - the Public Defender's office does not have the burden of showing where we will get the money. The alternatives, it would seem to me - the Judge will tell you that you are going to close down the Jail unless you are going to meet Constitutional requirements. He would make a determination, I think, for the Sheriff and the Commissioners - he is not necessarily going to make the determination, although from the material he has reviewed, he seems to feel that he can direct you to appropriate the money. What I want to make clear is that sooner or later we are going to have to "bite the bullet". It is not going to go away. It may not be the popular thing to do but government is not always a popularity contest and there are certainly some requirements that are going to have to be met whether or not it is a result of the trial or a result of the Consent Decree, the City and the County are going to be obligated to make substantial revisions in the Jail. It is the thinking of the legal counsel for the City and the County that the best opportunity to save money for the taxpayers is to do it on a timetable in which we have had a part in hammering out and to meet certain legal requirements. We are not certain that Judge Foley would not order more stringent requirements which could require substantial additional expenditures. In addition, there is the possibility that should we go to trial and offer any kind of meaningful defense, that the Court could, at the request of Plaintiff's counsel, impose attorneys fees and court costs and other kinds of monies for lack of good faith. I think it is reasonably serious that you consider what the viable consequences are. We just can't say that this thing is going to go away - we can't just say that we're not going to do it, because we are going to be required to do it, one way or the other.

Commissioner Christensen: But, you see, the problem we've had, Mr. Sloan, is that we have already been declared guilty by the Judge - he has already sent us a letter notifying us that we are guilty. That is public record. Since we've already been found guilty by the Judge, let the Judge tell us how much money we've got to spend - let the Judge bankrupt the City so that the City Commission doesn't have to, because if somebody is going to have to take the

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rap for bankrupting the City of Las Vegas - it is not going to be Paul Christensen.

Commissioner Lurie: I have one thing to add. We're looking at cutting our Budget anywhere from eight (8) to ten (10) percent to allocate those dollars to this Consent Decree. Again, maybe the City has to establish certain priorities in hiring and certain expenditures, which I think we have already established just to provide the services that we are providing now to the community and, again, if we are forced to cut our Budget 8% to set aside money for this Jail, then I think the Court is going to have to determine which departments are going to be cut and what services are going to be discontinued for the residents of the City. And, to go a step further, if it happens - we're authorized to expend public funds and the public should have a right to say how that money shall be spent - then let's put this question on the ballot at the Spring election and let the people vote on whether or not they want to spend Five Million or Thirty Million Dollars on correcting a problem they say exists at the Jail.

Mr. Sloan: Mr. Jacka has to leave, but I believe we have explained to the Board before that the economics of this thing, from a constitutional point of view and from a legal point of view, whether or not the public would go for it, the Judge's Order would still be binding upon the Commissioners - but if you have any questions of Mr. Jacka - I know he has a previous commitment and I don't want to hold up Mr. Bartley any further. I invited him over here so that he could give you the benefit, as a representative of the Metropolitan Police Commission as well as the District Attorney's office.

Commissioner Leavitt: I just want to comment: This morning I received a rather extensive brief prepared by your office, Mr. Sloan, and I want to congratulate your office on preparing this brief because it is very extensive and there is even a section in here that gives a comparison of what the Consent Decree standards are and what the Federal Judges and other jurisdictions have held as the necessary standards for a Jail. It is an extensive brief - I haven't had a chance to read it all yet, but what I've glanced through, it is a very well done piece of legal work.

Mr. Sloan: Thank you, Commissioner.

Commissioner Leavitt: I also think - I understand your recommendation is that by taking this complex Jail suit to trial, you are not going to achieve any better results than you would if the Consent Decree was signed. That is what I understand is what your conclusion is, as the result of the legal research you've done, is that correct?

Mr. Sloan: I think that's our best judgment now. As you know, Commissioner, as an attorney you don't know what's going to happen at a trial, but our best guess is that the Consent Decree offers the best solution to the County and the City. Don't you agree, Mr. Bartley?

Commissioner Leavitt: It says that your office is of the opinion that the Consent Decree signed by the Sheriff embodies minimum standards which Courts experts throughout the nation - so that's the minimum and you are not going to do any better by going to Court. I also noticed that you have made some suggested changes and that might some of the questions that were raised here this morning. One of the changes you suggested is that the Metropolitan Police Commission have the right to determine the amount of expenditures involved for the course of conduct to be taken provided the minimum standards set forth in both the Sheriff's Decree and the City and County

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Decrees, we not violated. I believe that would give the Metropolitan Police Commission the right to total the amount of expenditures and how it is to be brought about. Also you have indicated that the Consent Decree would more likely provide for a gradual rather than the drastic number of prisoners, and also a reasonable time for construction.

I don't think that is something you can necessarily put on the ballot as a constitutional question, any more than you can put on the ballot whether school districts should allow busing. It is not a question that goes before the public - it is something that reports have indicated that, through a Court decision, has to be done, and it's a question of whether you are going to do it or not.

I received this brief only this morning, as I indicated, and I would like to have some more time to look it over, but the way I read your statements here, it is your recommendation that the Consent Decree be signed with certain changes. Is that your recommendation?

Mr. Sloan: That is correct, Commissioner, although by next week, based on Mr. Bartley's conversation with Mr. _____, have an alternative if the Commission would want to choose between two proposed Consent Decrees - one would be substantially shorter than the one we have already offered you - but I'm sure that a week from today we will recommend that you adopt one or the other.

Commissioner Leavitt: What would be the individual liability of a Commissioner should he fail to follow your recommendation and legal advice in this matter?

Mr. Sloan: Well, I think that is not clear, Commissioner, in the sense that I am recommending a settlement as opposed to giving you advice as to a legal requirement . . . my concern would be that we do run the possibility of enhancing the amount of money that we are going to have to spend by going to trial as opposed . . . I don't think the matter of individual liability necessarily attaches from refusing to settle, but I think if there is lack of good faith in the sense that we don't have any valid defense . . . other than the fact that we don't want to make a tough judgment to spend money, that the Court could impose attorneys fees against the Commissioners which would be, in all probability, paid by the City.

Commissioner Leavitt: There would not be any individual liability?

Mr. Sloan: In my opinion there would not be any individual liability.

Commissioner Leavitt: You have a difference of opinion going between you and the Public Defender's office regarding whether or not this requires Board action or individual action, I know that. I have seen the correspondence back and forth, and I wish that before we meet again that you would research that particular problem. I want to know what the individual liability would be to each Commissioner, as opposed to liability in a representative capacity in the event there is a failure to sign the Consent Decree and the matter does go to trial.

Mayor Briare: Mr. Bartley, I'm not sure how you feel about this - you have a Board of County Commissioners you sit with from time to time - usually when we get into a matter that is as important and significant as this particular one, we like to hear some opening comments from the members of the Commission

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so that you who are here voluntarily, of course, and with the appreciation of the members of this Commission, can get an idea of some of the thoughts that are running through our minds which might better enable you to comment along those lines, or any others that you might wish to pursue. I want to express our appreciation for you to come over and perhaps give us some assistance in our dilemma and proceed in any manner you see fit.

Mr. Bartley: Yes, Mr. Mayor, I guess, officially, I'm here because the City Attorney invited me and, as he has said, I do in some capacity represent the Metropolitan Police Commission . . .

Mayor Briare: Mr. Bartley, I'm sorry - we've been having troubles - have you noticed in your meetings with the County Commission that the sound system is not all that great?

Mr. Bartley: (Moved to different microphone) - Mr. Mayor, I think that is a lot better. I was saying that I am officially here at the invitation of your City Attorney and I guess, in part, that I do advise the Metropolitan Police Commission, but I suppose more importantly, probably why I am here is, to the extent I can, is to reiterate what Mr. Sloan has said to you. In this particular case, at least as far as the legal departments involved in it are concerned, we have tried to handle it devoid of any politics. It is strictly a legal matter and we arrived at our judgment based upon the legal and factual situation we find ourselves in.

I must say, humbly, that all the wisdom is not in one lawyer's mind, or are they always right, but I think our recommendation, both the City Attorney's office and our office, is pretty much in agreement and it does represent the thoughts of at least four or five different lawyers. And, again, I'll be the first one to say we may be wrong, but it is our considered judgment, based on all the factors that we have to deal with herein and I say this preliminarily to put in context just what we went through in many, many hours. So the bottom line as it is, we - myself and my Staff - basically concur with what your Attorney has recommended to you and is what I have recommended to the County Commissioners.

Now, getting a little more specific as to what was said here and some of the questions. What we are recommending - and it's unfortunate, but it's just the way life is - we have a time constraint here, and have had throughout and, as Mr. Sloan has said, the trial is set for October 3rd. And, of course, it really hasn't developed in the last minute - many hours have been spent in talking about it. When I say we are recommending, we are not necessarily recommending the document that you have in your hands at the present time. That is the last form that was developed with the Public Defender's office and the U. S. Attorney's office. We, too, share the concern about what I don't like to use - a "blank check" concept. I don't think there was ever that intention, but in reading the words in the document I, myself, had some question about it. Since that time - in fact, up until 4:40 yesterday we have been discussing this with the Public Defender, and I will say they realize that necessarily that we all agree and that probably whenever you get seventeen (17) Commissioners and six (6) lawyers we could all write it a little bit different. I will say for them, they want their little piece of cake too and I guess in all settlements you have that. But they do accede to some language so it is, to a fair degree, a certainty that you are not committing yourself to - let's take the extreme situation - should the implementation that the Sheriff has to come up with says we will go by the Hilton Hotel (to make an extreme example) and use that as a Jail - they agree

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that you don't have to just accept that and say - well, here's all the money in our treasury - you go down and do it. So we - and I don't have the language here - I have some rough drafts - but getting to what it said - we rewrote some of it and in one draft, the total language hasn't been agreed upon, but one approach taken was to provide that after the Sheriff's Report is made, or his Implementation Plan, that the signing Commissioners to the Consent Decree would have a certain length of time - I'm thinking of sixty (60) days; to get specific - to make their Implementation - any objections or any problems. Hopefully, there won't be that many problems. I saying some of these things, maybe everything can be worked out with the Sheriff and I'm not saying we are going to have problems, but just to avoid that - then you could have your hearing in Court and we have even gone to the point to endeavor to make certain that in that Hearing economic considerations could be addressed at that time. The original one left that somewhat in doubt. We are now at the point where we think that can be worked out.

So that's the thrust of it - the two not necessarily new plans, but what we believe we will finally recommend and except for what Mr. Sloan has said, our base figures, if at all possible - and I don't mean to give away the store and I'm not arguing with you to do it, but when you are defending a case, as we are, you don't like to be sounding like you are giving away the store and we don't think we are. We have to go on the thing under the circumstances . . . a poor settlement is sometimes better than a good lawsuit, because the bottom line is that at some period in time - and we all agree on this - and as Commissioner Leavitt has pointed out and the extensive brief that Mr. Howard has supplied you with - the standards in the Jail are going to be changed whether we go willingly or unwillingly - it is a matter of how and the most just way and the cheapest way we can do it.

Commissioner Christensen: Mr. Bartley, can I ask you a question? Isn't this discussion rather moot, because haven't these two attorneys already put the whole world on notice, including us, that our deadline for signing the Consent Decree passed almost two weeks ago . . . they delivered it and that was the final answer on it and there was no more discussion - that it was all going to trial. I believe that was the exact statement - they said it right in the newspapers.

Mr. Bartley: You are correct as to what they said in the newspapers, and I read their letter too, and I'm not going to answer . . .

Commissioner Christensen: It's got to cast a little cloud on what they say . . .

Mr. Bartley: You know, I've practiced law more years than maybe you realize - it is now thirty years I've been practicing, or almost, and I've heard other lawyers say you either settle now or we're going to Court tomorrow but, you know, settlements can always be reached and people say things in haste and the fact is that they are still talking to us and the only real important problem where they are not kidding - the letter may have been extreme - but they are still talking to this Commission. It is getting a little critical in time now on account of what they said in their letter, and I'm not here to justify their letter - I wouldn't have written it myself if we're going to get into that, but we are now faced with a Court time date and that is the critical time element.

Commissioner Christensen: It is my understanding we have a trial coming up, but their point to us was very plain that they were not interested in any more

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negotiations. Now, if that is true, they are wasting our time. If that is not true, then that makes them liars.

Mayor Briare: Commissioner, I think I have the answer and I think Mr. Bartley alluded to it and as you know, Mr. Bartley, from the time I sat on the County Commission, and before that, I have been a lawyer for almost as many years as you have and this is what we call "settling the case on the Courthouse steps." I have a pretty good feeling that this case will be settled on the Courthouse steps. Is that of what you are alluding to?

Mr. Bartley: Well, I . . .

Commissioner Christensen: I'd like to do it before we get to the Courthouse steps -

Mr. Bartley: This is really trial strategy on both sides - then the matter of witnesses and also saving costs if they get all of their witnesses . . . but I am alluding to the fact they said no more and they are still talking - I would say that about a week from today would be my best judgment when we have to forget talking about settlement and at least see where we are going and who is going to represent who in the lawsuit. I don't mean to convey - like in some cases, Mr. Mayor, I don't think we can do much settlement on the day of the trial, but we've still got some time and they are . . .

Commissioner Christensen: We don't have much choice. We have already been notified of that.

Mayor Briare: Mr. Bartley, I don't think there is any discussion, and I'll be the first to admit there is no argument on my part that there are conditions in the Clark County Jail that must and will be improved. I don't think anybody will argue that, so if anybody wants to bring in a bunch of witnesses from out of town to come and tell us something that we've already heard and has been pretty well discussed, etc. - I think we are getting down to some other basic things that have nothing to do with the conditions in the Jail. It all has to do with your pocketbook - who is going to pay.

I am going to make a comment too, Mr. Bartley, where you can become a little bit inflamed. In part of the papers that we have before us here (and we sure do have a lot of them) and there are still some coming - on one of the papers, and rather than try to identify this particular one, I am just going to read an excerpt from it. I am taking it out of context and as we all know, especially those of us who are in government, we don't appreciate things being taken too much out of context, but two of the paragraphs which I have underlined here which, in my voting capacity as 20% of this Board of Commissioners, I am inflamed a little bit by things like this - and when the word "they" is used when I'm quoting, "they" refers to the Mayor and Commissioners of the City of Las Vegas.

"They have not been sued in any other capacity, nor do they assert any other basis for standing. There is no assertion or evidence that these Defendants will be personally injured in any way by the operation of the Statute they claim is unconstitutional."

Then we go on further and, again, taking it out of context - this is what really gets me - and if we sign a Consent Agreement, in a sense, as I have

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already indicated, we are more or less endorsing all of the documentation and everything that has gone on before. This is what really "bugs" me - it indicates "if anyone would be injured" - it could only be the City taxpayers. Now, admittedly, you would have to read all of the things which are in defense of the suggestion that the City is full of boloney when it comes time to suggest that the City of Las Vegas taxpayers should not be held responsible twice for the construction and improvement of Jail facilities, and so on and so forth. But I know this - that when it comes time to sign something, it is quite likely that I will sign it because I am impressed with the manner in which it is all presented, but it sure is not going to be with an endorsement of all of these types of comments that are being made - You were, Commissioner Christensen, and I'm trying to find a word - when you were elaborating this morning on a couple of things, and I am not going to go down in history of the City of Las Vegas as being a part of anything - any kind of a document - even though it might be far-fetched, that says if anyone would be injured, it would only be the City taxpayers.

Mr. Bartley: Well, of course, the constitutionality of the Metro has nothing to do with the Consent Decree.

Mayor Briare: That's true - whether that is settled or not is not going to change conditions inside the Jail, but what it is going to do is determine - and it is too bad we can't have that adjudicated first because then it might make all of the rest of this discussion just rhetoric . . . if it were to be determined that the taxpayers of the City of Las Vegas, whom we happen to have a great deal of concern about - if it were to be determined that it was not their responsibility to provide for the Jail, the same way as it is not the responsibility of the City of North Las Vegas, Henderson, Boulder City, Reno, Winnamucca, Ely, Elko, and so forth, then we have achieved a victory for the taxpayers of the City of Las Vegas.

Mr. Bartley: That part of the suit will continue. I agree with you that the sooner that is decided - because once you get into the implementation of the basic issue - the conditions in the Jail - of course, who has the fiscal responsibility and which does what is important, so it does have to be decided, but it has nothing to do with this settlement. In fact, the provision is in there - I think it goes without saying that if you are successful in your suit, you are out of it except for what you do with your own facility.

Mayor Briare: Which we're talking about misdemeanors - people thrown in for drunk driving and so forth, which is quite a bit different than felons -

Mr. Bartley: By this Consent Decree you specifically reserve your right to contest that.

Commissioner Lurie: Is this going to be a jury trial?

Mr. Bartley: No.

Commissioner Lurie: What kind of a trial is it going to be?

Mr. Bartley: Before the Judge - in fact, I guess I might say . . .

Commissioner Lurie: Could we request a jury trial?

Mr. Bartley: Maybe if you could have a jury trial, Mr. Sloan's and my approach

JAIL CONSENT
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(cont'd)

would be . . .

Commissioner Lurie: A jury trial - why can't we request that?

Mr. Bartley: Because it is not allowed. First, it is a suit in equity -

Commissioner Lurie: It seems like we are not allowed to do anything except to pay -

Mr. Bartley: There are certain types of cases that you are not entitled to a jury trial - if there was, Commissioner, I would probably say - let's give it a shot and see what the people say.

Commissioner Christensen: It is interesting to note that all of the Plaintiffs and the Judge are appointive and all of the Defendants are elective. That's why the only ones that are going to lose in this case will be the voter - the taxpayers.

Mayor Briare: Not only that, Mr. Bartley, in a lot of this paper work we have - and this is not paper work that was prepared by Mr. Howard and Mr. Sloan - this is paper work that was prepared by the Public Defender's office - they refer to the fact that we didn't include in the City Commissioner's and the Mayor's actions - we do not include anything about the fact that we are taxpayers - we are doing this on our own - not as taxpayers. That might have been an inadvertant omission, or deliberate, I don't know which, but I want to assure anybody that prepares the documents in this case - and I think I speak for each of the Commissioners - that, indeed, we are taxpayers and we're doing the best we can to look out for the taxpayers we represent.

And, incidentally, when these things - if it should come to trial and all these witnesses are needlessly called to come forward and say the Jail is in bad condition, which we concede to - who all sits on which side of the room? Does the Public Defender representing all of the prisoners sit on one side of the room and then you and Mr. Sloan and whoever represents the Sheriff, do they all sit on the other side of the room?

Mr. Bartley: Yes -

Commissioner Christensen: Well, we would be there too, Mayor, because the Public Defender words have indicated that every Commissioner sit in Court for every minute of the trial . . .

Mayor Briare: The rumor-mill, right now is that one of the County Commissioners will vote against the Decree and hire an attorney to present his position. Would you like to comment on that?

Mr. Bartley: No thank you.

Mayor Briare: Are there any other questions of Mr. Bartley?

Commissioner Leavitt: I would like to have Mr. Bartley present at our meeting next week.

Mayor Briare: We are going to call a Special Meeting, Mr. Bartley, in order to . . .

JAIL CONSENT
DECREE
(cont'd)

Mr. Bartley: A week from today?

Mayor Briare: Yes - Wednesday, the 13th of September at two o'clock. Will the City Clerk please make arrangements to have the necessary forms prepared this afternoon so that each of the Commissioners and go ahead and acknowledge them, and then do the necessary posting, etc., for a Special Meeting to be called for this particular item, the street improvement and I would also like to have on that agenda a discussion, and possible appointment, of a new City Charter Advisory Commission, which may or may not be a subject for discussion depending on what happens to Proposition No. 1 the day before, and anything else the Commissioners may think of.

Commissioner Leavitt: I requested earlier that we also have a discussion relative to the Arbitrator's findings in connection with the City's Employees Association.

Mayor Briare: That's right, Commissioner, and that will be added. When it comes to the deadline to post all of these items, maybe the City Clerk should poll the Commissioners as to what else should be on that agenda.

Commissioner Lurie: Do you want to invite the Public Defender here next week and let them hear some of these things on a face-to-face basis with us?

Mr. Sloan: No.

(At approximately 11:30 a.m., Commissioner Woofter was excused for the balance of the morning session of this meeting)

Mr. Sloan: As your Counsel, we are now reviewing with you a proposed solution, you you don't usually negotiate out of court with both Counsels and I don't think that would be appropriate and I think it would probably be counter productive . . .

Mayor Briare: It would be nice, however, if perhaps Mr. Bartley and Mr. Sloan could get together and contact the Public Defender's office so that some time before - it would give us until Monday, Mr. Sloan - sometime before Monday each Commissioner and myself have a - in addition to what we have here - give us a program - give us the latest program, because it sure is difficult in looking at something - you go through this - 61 pages of this and 54 pages of that - and then find out that the whole thing is being revised. And I think also if we have our City Manager's estimates of what this may cost, it would be very interesting, and I wonder, Mr. Bartley, if the County Commissioners have had such estimates made - as to what it would cost to implement the Sheriff's Consent Decree?

Mr. Bartley: They have -

Commissioner Leavitt: I've seen it published in the newspapers. I would like to ask Mr. Bartley - do you know when the County Commission is going to take action on this Consent Decree?

Mr. Bartley: At this juncture, I have taken a little different approach than you have - I am treating them as individual litigants . . . we will try to get the best agreement we can get and try to get it to you by Monday and right around them I'm going to try to present it to each of my Commissioners

JAIL CONSENT
DECREE
(cont'd)

and which ones want to sign, can, and those that don't, won't.

Commissioner Lurie: That doesn't have to be unanimous - right? It can be 4/3 and a 3/2 -

Mr. Bartley: Right - and then some of you, at least, will have to continue to litigate.

Commissioner Lurie: Why is that?

Mr. Bartley: Because the way they've brought the suit here, each name is individual and not as a Board.

Commissioner Christensen: How come they can do this as individuals when we can't dispense the funds as individuals?

Mr. Bartley: That's part of the problem, I'll grant you -

Commissioner Leavitt: As the Mayor has indicated, one of the County Commissioners indicated, one County Commissioner has indicated he will hire his own individual attorney - will the ones who vote "no" probably have to hire their own individual attorneys, or would the City Attorney do that?

Mr. Bartley: That would be one result -

Commissioner Leavitt: That's what you have to go and talk to the Judge about -

Mr. Bartley: That is as Mr. Sloan indicated - that might be one and, again, it is partly what the Plaintiffs elect to do - they've got a problem with it too.

Commissioner Lurie: Can't you negotiate that a little bit because I don't think that's equitable - if the vote doesn't go unanimous, that means whoever doesn't vote for it is liable - I think maybe I would negotiate that in good faith to take that part out.

Mr. Sloan: If three Commissioners were willing to enter into the Consent Decree and were willing to direct our office to stipulate with the Public Defender, we could name the City of Las Vegas, in light of the recent Supreme Court decision, at that time a decision of three of the Commissioners would be binding as an official act of the City and the City would become a Defendant in addition to the Board of Commissioners, so if two people did not want to vote, they would be bound by the decision of the three. The remaining two, I believe, would have to go to trial.

Mayor Briare: If they wanted to . . . it's getting to be unbelievable in the United States . . . it seems like it is almost impossible when you have a distinction of government between the administrative and judicial and Legislative, that the judicial part of the government will mandate that the legislative part of the government do something. I suppose the Supreme Court can tell the Congress what they are to do . . .

Commissioner Christensen: Are you just finding that out?

Mayor Briare: . . . and each and every member of Congress must vote on a particular matter.

JAIL CONSENT
DECREE
(cont'd)

Commissioner Christensen: Who do you think is making the laws in this Country? It hasn't been the Congress, for years. The Courts make the laws - every one of their decisions makes a new law.

DEPARTMENT OF FUNDS COORDINANCE - RICHARD B. BLUE, JR., ACTING DIRECTOR

See Page 45 of these Minutes - Annotated Agenda

DEPARTMENT OF RECREATION AND LEISURE ACTIVITIES - RICHARD CAMPBELL, DIRECTOR

See Page 45 of these Minutes - Annotated Agenda

DEPARTMENT OF MUNICIPAL SERVICES - J. C. CATHCART, DIRECTOR

See Pages 46 thru 49 of these Minutes - Annotated Agenda

DEPARTMENT OF PUBLIC SERVICES - WILLIAM J. PURVIS, P.E., DIRECTOR

See Pages 50 thru 53 of these Minutes - Annotated Agenda

OFFICE OF THE CITY ATTORNEY - MIKE SLOAN

See Page 54 of these Minutes - Annotated Agenda

NEW BILLS.(TO BE REFERRED TO A STUDY COMMITTEE OR RECOMMENDING COMMITTEE)

See Pages 55 and 56 of these Minutes - Annotated Agenda

VACANCIES - BOARDS AND COMMISSIONS

See Page 57 of these Minutes - Annotated Agenda

REPORTS FROM RECOMMENDING COMMITTEES

See Page 58 of these Minutes - Annotated Agenda

At the hour of 12:15 P.M. this meeting was recessed to the hour of 2:00 P.M.

Meeting reconvened at the hour of 2:00 P.M. with the full Board in attendance.

(Audrey Daines alternating for City Attorney, Mike Sloan)

2:00 P.M. - PUBLIC HEARINGS

See Page 59 of these Minutes - Annotated Agenda

Mayor Briare: This meeting is now open for Public Hearing, in accordance with Notice given.

STREET NAME CHANGE

of a portion of CASINO CENTER BOULEVARD NORTH (from Bonanza Road to

AGENDA

City of Las Vegas September 6, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

N
o
n
e

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

- A. Request permission to submit proposals to Levi-Strauss Foundation and Fletcher Jones Community Donation Program for support of the Rainbow Company Children's Theatre Production of Special Class on handicapped children

Approved
Lurie - unanimous

Director
authorized
to proceed

APPROVED AGENDA ITEM

RCJ 8/25/78

City of Las Vegas

September 6, 1978

BOARD OF CITY COMMISSIONERS

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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. Miscellaneous Sprinkler Heads and Parts for Ball Fields (Recreation and Leisure Activities - Parks Division)
2. 1,000 Dozen Softballs and 200 Sets Bases and Pitching Rubbers - 1979 Season (Recreation and Leisure Activities - Recreation Division)
3. Cleaning of Cedar Drain Channel (Public Services, Sanitation)
4. Two (2) Each Reader/Printers - Microfilm (Municipal Court; City Clerk)

Items 1 thru 4
Approved
as recommended
Lurie - unanimous

Director
authorized
to proceed

*B. AWARD OF BIDS

1. Bid #78.23 - S.I.D. 425 - Small Tract Area Sewer Project - Alternate Units 1 and 2 (Public Services)
2. Bid #78.56 - Annual Oil and Air Filter Contract, From Date of Notice to Proceed Through June 30, 1979. (Municipal Services - Vehicle Services)

Items 1 thru 7
Approved
as recommended
Lurie - unanimous

Same as above

APPROVED AGENDA ITEM

RCC 8/25/78

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City of Las Vegas

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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 14	See Page 14
3. Bid #78.110 - Stock Replacement Signal Lamps (Public Services - Traffic Division)		
4. Bid #78.117 - Mobile Data System (Las Vegas Fire Services and Clark County Fire Department)		
5. Bid #78.121 - Vertical Lift Boom Truck (Public Services - Traffic Division)		
6. Bid #78.123 - Free Standing Partition System (Public Services - Design Division)		
7. Bid #78.126 - Thirty (30) Streetlight Standards - Replacement (Public Services - Electrical Division)		
8. Bid #REV78.83 - Fremont Street Reconstruction Main to 7th (Public Services)	Abeyance	9/13/78 Agenda (Special Meeting)
C. <u>CONTRACT MODIFICATIONS</u>		
1. Bid #77.99 - Washington Avenue Channel Improvements - Bid Group I (Public Services)	Items 1 and 2. Approved as presented Lurie - unanimous	Director authorized to proceed
Recommend approval of Contract Modification No. 1, to Rico Paving and Grading, Las Vegas, NV, in the amount of \$2,849.96, with a twenty-eight (28) day, no cost time extension. This work is necessary to correct flooded conditions not included in the original project survey.		
APPROVED AGENDA ITEM RCQ 8/25/78		

AGENDA*City of Las Vegas*

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ITEM

Commission Action

Department Action

IV (f) DEPARTMENT OF MUNICIPAL SERVICES, CONTDC. CONTRACT MODIFICATIONS, CONTD.

2. Bid #77.123 - Addition to Parking Garage - Las Vegas City Hall (Public Services)

Recommend approval of Contract Modification No. 6, to Sletten Construction Co., Las Vegas, NV, for a ten (10) day, no-cost, time extension. This request is negotiated in lieu of a \$7,003.00 and twenty-five (25) day, no-cost time extension.

See Page 16

See Page 16

D. PURCHASE ORDER APPROVAL

1. Request Purchase Order approval to International Business Machines Co., Las Vegas, NV, in the amount of \$6,966.00, for nine (9) correcting Selectric II typewriters. (Sole Source) (City Attorney)
2. Request Purchase Order approval to TAB Construction, Inc., Las Vegas, NV, in the amount of \$3,968.94, for the emergency repair of 10" sewer line - Charleston Boulevard and Western Avenue. (Public Services)
3. Request Purchase Order approval to TEKTRONIX Inc., Albuquerque, NM, in the amount of \$3,390.00, for one (1) each Logic Analyzer, Model 7001, required for traffic signal circuit tracing. (Sole Source) (Public Services - Traffic Division)
4. Request Purchase Order approval to Burroughs Corp., Las Vegas, NV, in the amount of \$16,559.00, for purchase of memory bank addition, and monthly maintenance service. (Sole Source) (Financial Management - Data Processing)

Items 1 thru 8
Approved
as presented
Lurie - unanimous

Director
authorized
to proceed

APPROVED AGENDA ITEM

RCJ 8/25/78

AGENDA*City of Las Vegas*

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ITEM

Commission Action

Department Action

IV (f) DEPARTMENT OF MUNICIPAL SERVICES, CONTDD. PURCHASE ORDER APPROVAL, CONTD.

See Page 16

See Page 16

5. Request Purchase Order approval to A. B. Dick/Scott Corp., Burlingame, CA, in the amount of \$64,928.00, for purchase of two (2) micrographics records processors. Model 200-60 frame updatable Microfiche Systems with accessory equipment and annual maintenance. (Sole Source) (Public Services - Building and Safety; Municipal Court)
6. Request Purchase Order approval to Leo F. Borns, Architect, Las Vegas, Nevada in the amount of \$25,580.00. This additional amount is necessary to comply with the 6.5% of actual construction cost as the architectural fee.
7. Request Purchase Order approval, to Nevada Power Co., Las Vegas, NV, in the amount of \$4,539.00, for underground power service to Freedom Park, Phase III, IV and V.
8. Request Purchase Order approval to Nevada Power Co., Las Vegas, Nevada, in the amount of \$7,973.39, for overhead street lighting and installation of alley lights for the Downtown Street Lighting Project. (Public Services)

APPROVED AGENDA ITEM

1204 8/25/78

AGENDA*City of Las Vegas*

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICESWILLIAM J. PURVIS, P.E., DIRECTOR*CONSENT AGENDA

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

*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. Charleston-Rainbow Unit No. 16-B. (Sproul Homes of Nevada, R. B. Cline, President).

2. Charleston-Rainbow Unit No. 16-C. (Sproul homes of Nevada, R. B. Cline, President).

3. Nova Park No. 2. (Consolidated Realty and Management, Inc., Dwight W. Jory, President).

4. Park Bonanza East No. 7-A. (John E. Kenney, Jr., an Individual).

*B. RELEASE OF SUBDIVISION BONDS

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

1. Charleston Heights No. 51-C. (Becker & Sons, E. A. Becker, Jr., Agent).

Items A, B, C, D and E (Consent Items) Approved as presented
Lurie - unanimous

Director authorized to proceed

AGENDA*City of Las Vegas*

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ITEM

Commission Action

Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)*B. RELEASE OF SUBDIVISION BONDS (Continued)

See Page 18

See Page 18

2. Charleston Heights No. 51-D. (Becker & Sons, E. A. Becker, Jr., Agent).

3. Charleston Heights No. 51-F1. (Becker & Sons, E. A. Becker, Jr., Agent).

*C. RELEASE OF BOND

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

1. Location: 1201 E. Bonanza
 Use: Offsites
 Builder: L. V. City Employees
 Federal Credit Union
 Cash Deposit: L. V. City Employees
 Federal Credit Union
 Amount: \$15,000.00
 Bond No.: 38-77

*D. RELEASE OF CONSTRUCTION CONTRACT

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

1. Bid No.: 76.93
 Contractor: Wells Cargo, Inc.
 For: S.I.D. #422, Bid Groups
 I and II with Additive
 Items
 Notice of
 Completion: July 28, 1978
 Release
 Date: August 31, 1978

City of Las Vegas

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ITEM

Commission Action

Department Action

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

See Page 18

See Page 18

*E. RIGHT OF WAY ITEMS

1. Grant Deed

From: Nevada Catholic Welfare
Bureau, Inc.
To: City of Las Vegas
For: Portion Lots B and C
of South Addition to
the City of Las Vegas
Main St. Dedication
Building Permit
(8/1/78) (M-34)

2. Right of Way Grant

From: Post No. 8 American
Legion, Las Vegas,
Nevada
To: City of Las Vegas
For: Portion SE-1/4, Sec. 27
T20S, R61E
Sewer Easement (6/6/78)

3. Grant Deed

From: George B. Kline
To: City of Las Vegas
For: Portion NE-1/4, Sec. 28
T20S, R61E
Dedication. Radius
Corner Jefferson & "N"
St.
Recorded as Instrument
No. 835445 in Official
Book 876 in the office
of the Clark County Re-
corder, Clark County,
Nevada on April 21, 1978
(4/12/78)

AGENDA*City of Las Vegas*Sept. 6, 1978
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ITEM

Commission Action

Department Action

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

See Page 18

See Page 18

*E. RIGHT OF WAY ITEMS (Continued)

4. Grant Deed

From: Edward C. Hoppe and
Claire E. Hoppe, hus-
band and wife, as joint
tenantsTo: City of Las Vegas
For: Portion NE-1/4, Sec. 12,
T20S, R60E
Dedication. Alexander
and Thom Rd. (8/7/78)

5. Grant Deed

From: Mervyn's, a California
Corporation
To: City of Las Vegas
For: Portion NW-1/4, Sec. 31,
T20S, R61E
Decatur Blvd.
Building Permit (8/2/78)
(M-31)F. REPORTS/ACTION1. Supplemental agreement between City
of Las Vegas, Union Pacific Railroad and
State of Nevada, Department of Highways.
(Washington Underpass)Approved
Lurie - unanimousMayor and Clerk
authorized
to sign

2. Phase I East Charleston parking lots.

Abeyance

9/20/78 Agenda

AGENDA

City of Las Vegas

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE Sept. 6, 1978

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ITEM

Commission Action

Department Actio

V. MIKE SLOAN - CITY ATTORNEY

11:00 A.M.

A. Discussion and possible action regarding proposed jail consent decree.

Abeyance

9/13/78 Agenda
(Special Meeting -
2:00 P.M.)

B. Special Improvement District No. 425 Area North of Charleston, between Jones and Decatur

1. Resolution accepting bids for SID 425

Adopted Resolution
Lurie - unanimous

Staff authorized to proceed

APPROVED AGENDA ITEM

RCQ 8/25/78

AGENDA*City of Las Vegas*

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

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

A. Bill No. 78-59 Step requirement creating Special Improvement District No. 423 (Jones and Decatur/ Evergreen and Brush)

1st Reading and Referred
Lurie and Christensen

Clerk to proceed with 1st publication 9/20/78 Agenda

B. Bill No. 78-60 Annexing certain real property generally located at the southwest corner of Craig Road and Lorenzi Blvd. containing approximately 32 acres of land. Annexation A-4-78

1st Reading and Referred
Lurie and Christensen

Same as above

C. Bill No. 78-61 Amending Title II, Chapter 12, by providing for honorary membership on the Las Vegas Senior Citizens' Advisory Board.

1st Reading and Referred
Mayor Briare and Christensen

Same as above

D. Bill No. 78-62 Amending Title II, by adopting a new Chapter 13 entitled "Mobile Home Park Rent Justification Board"

Referred to Study Committee
Leavitt and Mayor Briare

E. Bill No. 78-63 Amending Title V, Chapter 18, Section 6, Subsection (D) to provide that the Board of Commissioners may waive the investigation and investigative fee for any limited partner or stockholder not residing in the State of Nevada and not exercising control over the management of the business of any applicant for a liquor license.

1st Reading and Referred
Mayor Briare and Christensen

Same as above

APPROVED AGENDA ITEM

RCQ 8/25/78

AGENDA*City of Las Vegas*

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE Sept. 6, 1978

PHONE 386-6011

ITEM

Commission Action

Department Action

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

F. Bill No. 78-56 Amending Title V, Chapter 17, Section 2 of the Municipal Code by deleting the word "Nevada" when it immediately precedes the word "corporation"; providing that only those stockholders who own ten percent of a corporation listed on a national stock exchange recognized by the Nevada Gaming Commission or duly registered with the Securities and Exchange Commission shall be required to be investigated.

1st Reading and Referred
Woofter and Christensen

Clerk to proceed with 1st publication
9/20/79 Agenda

G. Bill No. 78-64 Amending Title XI, Chapter 2, Section 10 to allow local area subdividers to post one bond to cover all their offsite improvements in multiple subdivisions in order to reduce the amount of paperwork involved in processing a subdivision and to reduce the cost to the developer.

1st Reading and Referred
Lurie and Woofter

Same as above

AGENDA*City of Las Vegas*

September 6, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

VII. VACANCIES - BOARDS & COMMISSIONSA. BOARD OF ZONING ADJUSTMENT (5-year term)

Appointment to be made to replace
Robert Richardson (resigned)
for Term ending 2/7/81.

Helen Meyers
2307 Windjammer Way
nominated by Commissioner Lurie

Helen Meyers
Appointed to
fill an unexpired
term ending
2/7/81

Clerk to notify

B. PLUMBERS EXAMINING BOARD (2-year term)

The following members have terms
expiring 10/2/78:

1. Archie P. Jones
2. Richard D. Brown
3. Donald O. Taylor
4. Jerry Chase (appointed 8/16/78 to
fill an unexpired term)

1 thru 4 appointed
for terms
expiring
10/2/80

Clerk to notify

C. CHILD WELFARE BOARD (3-year term)

The following members have terms
expiring 10/16/78:

1. Marcia W. Buchanan
2. Dr. Charles L. Snavely
3. Walter V. Long

Abeyance

9/20/78 Agenda

D. SENIOR CITIZENS ADVISORY BOARD

Appointment of a member of the County
Commission to the Senior Citizens
Advisory Board

Thalia Dondero,
Chairman, Clark
County Board of
Commissioners
appointed

Clerk to notify

APPROVED AGENDA ITEM

RCJ 8/25/78

AGENDA

City of Las Vegas

September 6, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

VIII. REPORTS FROM RECOMMENDING COMMITTEES

A. BILL No. 78-57 - repealing the last paragraph of Title V, Chap. 18, Sec. 16(B) concerning an exception to the normal licensing requirements for Import Wholesale Beverage License
 Committee: Mayor Briare and Commissioner Leavitt

1st Publication - L.V. SUN - 8/19/78

B. BILL No. 78-58 to amend Title V, Chap. 18, Sec. 17 (A)(5) to provide that the exemptions from the Liquor License population limitations for commercial establishments having invested capital and improvements of a value of \$350,000, shall be based on the actual value of such invested capital and improvements
 Committee: Commissioners Christensen and Lurie

1st Publication - L.V. SUN - 8/19/78

2nd Reading and Adopted
 Lurie - unanimous

Clerk to proceed with 2nd publication

2nd Reading and Adopted
 Christensen - unanimous

Same as above

APPROVED AGENDA ITEM

RCJ 8/25/78

AGENDA*City of Las Vegas*

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

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

A. STREET NAME CHANGE

of a portion of CASINO CENTER
BOULEVARD NORTH (from Bonanza Road
to Washington) to VETERANS MEMORIAL
DRIVE

Approved
Woofter/Leavitt -
unanimous

C/A to
prepare
Order

B. VACATION - VAC-7-78 - JAMES H. BILBRAY, ET AL

Petition to vacate the north/south
alley between Cleveland and Cincinnati
Streets lying between Fairfield Ave.
and Las Vegas Blvd. South

Approved
subject to
standard
conditions
Lurie - unanimous

C/A to
prepare Order

C. APPEAL FILED BY CAROL BALDWIN - V-61-78

to action of the Board of Zoning
Adjustment in DENYING her application
for a VARIANCE to allow an addition
to an enclosed garage 17 ft. 6 in.
from the front property line where
20 ft. is required, on property
located at 4608 Heidi Circle in
Zoning District R-1

Approved
Appeal
(applicant
granted Variance)
Lurie - unanimous

Clerk to notify
Staff to proceed

D. APPEAL FILED BY BIGELOW HOLDING CO. on the application of OWEN & ISABELLA MAHONEY - U-46-78

to the action of the Board of Zoning
Adjustment in APPROVING their appli-
cation, on behalf of the Fitzsimmons
House, for a USE PERMIT to allow the
operation of an adolescent male
treatment program for potential or
actual substance abusers, on property
located at 1718 W. Bonanza Road, in
Zoning District R-E

Approved
Appeal (Use
Permit for
Fitzsimmons
House denied)
Christensen
Commissioner
Lurie voted "no"

Clerk to notify
Staff to proceed

Richard Koch, Counsel for protestants

E. SPECIAL IMPROVEMENT DISTRICT No. 424 MEADE AVENUE from Valley View Blvd. to Rancho Drive (paving, curb/gutter and street lights)

Approved
Lurie - unanimous
No oral protests
1 written protest

Staff to proceed

APPROVED AGENDA ITEM

rcq 8/25/78

STREET NAME
CHANGE
Approved

Washington (to VETERANS MEMORIAL DRIVE.

Mayor Briare: The first item for Public Hearing is a proposed street name change of a portion of Casino Center Blvd., North, from Bonanza Road to Washington, to be called Veterans Memorial Drive. Is there anyone present in the audience today that wishes to be heard on this petition? Either for or against? Is there anyone here representing the Veterans?

Madison B. Graves, member of Post 8, American Legion, Las Vegas, Nevada: It is our feeling at the Post that this portion of street from Bonanza down to Washington is primarily used by the American Legion. The City owns the land next to us on the north and it is quite possible we may have another Veterans organization there too. We think this is not going to do any harm to anyone - no one can get through it anyhow, coming down the other way, so I feel it is a worthwhile change. Thank you.

Mayor Briare: Is there anyone else that wishes to be heard?

Bruce Neal, Sr. Vice Commander of Post No. 1753. Mayor Briare, and all of the Commissioners, we feel that this is a worthwhile thing to name this street that is primarily used by the American Legion. We have plans in the mill now to locate our Post there and what better tribute to the two largest Posts in the State of Nevada than to have a street named VETERANS MEMORIAL DRIVE? Thank you very much.

Mayor Briare: Does anyone else want to be heard?

(No response)

Mayor Briare: There being no further response on this matter, I will declare the Public Hearing closed and ask what the pleasure of the Commission is.

Commissioner Woofter: I believe that probably Commissioner Leavitt and myself, Your Honor, would like to be recorded as co-sponsoring a motion to approve the request made by the various Veterans organizations because we would have to join in on the comments made by Commander Neal and Comrad Graves in respect that this is certainly something in the right direction as far as commorating the Veterans that have served in the past for our Country.

Motion

On that basis, I make a motion to approve the request for the street name change - that portion being from Bonanza Road to Washington to be renamed VETERANS MEMORIAL DRIVE.

Mayor Briare: Are there any comments on the motion?

(No response)

Mayor Briare: The motion then has been proposed by Commissioner Woofter and Commissioner Leavitt for approval.

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

Mayor Briare: Gentlemen, the motion is approved and from here on out it will be called VETERANS MEMORIAL DRIVE and the appropriate City departments will be instructed to make the proper signs.

AC-7-78
Approved

VACATION - VAC-7-78 - JAMES H. BILBRAY, ET AL

Petition to vacate the north/south alley between Cleveland and Cincinatti Streets lying between Fairfield Avenue and Las Vegas Blvd., South.

Mayor Briare: Do we have a Staff presentation on this, Mr. Foster?

Harold Foster: Yes. You can see the proposed alley vacation indicated on the screen - that is Fairfield to the west of the block - Cleveland is on the north side - Cincinatti is to the south. There was an east/west segment extending to Las Vegas Blvd. that has already been vacated. The property owners are petitioning for this who own the land adjacent to the alley. They would like to have it vacated so it would create one larger parcel which they wish to redevelop. There is no sewer line in the alley. There are, I believe, some utility easements which can be relocated.

The Planning Commission recommended approval subject to satisfying the requirements of the various utility companies and the Department of Public Services.

Mayor Briare: Is there anyone present who wishes to speak in favor of this petition?

(No response)

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

(No response)

Mayor Briare: Then we will declare the Public Hearing closed and ask for what consideration the Commission wishes to take on this.

Commissioner Lurie: Mayor, I move that the petition under VAC-7-78 be approved, subject to the following conditions:

1. Satisfaction of the requirements of the various utility companies.
2. Conformance to Code requirements and Design Standards of all City departments.
3. Vacation shall not be recorded until all of the above conditions have been met.

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

At the hour of 2:10 P.M., Commissioner Woofter was excused from the balance of this Regular Meeting.

61-78

APPEAL FILED BY CAROL BLADWIN -

Mayor Briare: The next item for Public Hearing is an appeal filed by Carol Baldwin to action of the Board of Zoning Adjustment in DENYING her application for a Variance to allow an addition to an enclosed garage 17 ft. 6 in. from the front property line, where 20 ft. is required, on property located at 4608 Heidi Circle, in Zoning District R-1.

V-61-78
(cont'd)

Mayor Briare: Mr. Foster, would you present the Staff's report?

Harold Foster: This is in an R-1 subdivision in the southwest part of the City Sahara and Arville. The request is for this encroachment shaded in red (wall map) - the residence is indicated by the blue color. They took out a Building Permit to enclose the existing garage that had an existing ease overhang on the garage which they thought they could enclose. During the closure of the garage to make it a part of the residence they also constructed this addition which does encroach into the 20 ft. front setback area.

The Board of Zoning Adjustment denied the request and they are now appealing that decision to you. I believe at the BZA meeting we did have one letter of protest from the property owner at 4700 Heidi Circle (Mr. and Mrs. G. R. Strehlow).

Mayor Briare: I don't see a copy of the letter of protest, but could you tell us, generally, what it contained?

Mr. Foster: I do not appear to have that information with me -

Mayor Briare: Is Ms. Carol Baldwin present?

Commissioner Christensen: If this is the letter, Mayor, they merely state they wish to object to granting this.

Commissioner Lurie: What do they object to?

Commissioner Christensen: It doesn't say.

Applicant: My name is Carol Baldwin and I live at 4608 Heidi Circle. At the Zoning Commission meeting it was three in favor and one against and it has to be unanimous before it can be approved. When we took out this Building Permit we did not know that the property line was not the end of the roof line. If I may, I would like to show you some pictures -

Mayor Briare: Sure - while she is doing that, Mr. Foster, Mrs. Baldwin indicated it was a 3-1 vote - three in favor and one opposed. I believe it was a motion for denial that received the 3-1 vote - we just want to get the record straight -

Ms. Baldwin: Now, from what I could understand from the comments of the City Building Department was that the requirement was 20 ft. and that an acceptable condition would be 18 ft. and we were infringing actually 6 inches because the City had agreed to let us first have it for 18 ft. Then they said they couldn't because no vehicle would fit off the street. So I took some pictures trying to show that vehicles can fit inside the property line, which we intend to put a gate up. I am trying to present this in such a way that rather than be denied entirely, if the City will allow us the 18 ft. which is acceptable - we would rather go in the 6 inches rather than be denied completely. We would like to enclose it into a family room . . .

Mayor Briare: You were stopped - that's the reason it has not been completed?

Ms. Baldwin: Yes - we had no idea it - we thought that was our roof line and the existing door that was there was right at the edge of the building . . . I don't know why the neighbors complained. They never came to us about it at all. It really doesn't obstruct anything.

51-78
(cont'd)

Commissioner Lurie: How is the outside of the building going to be finished? Will it be finished the same as the rest of the house is?

Ms. Baldwin: Right . . . if they won't go the extra six inches - if we have to, rather than be denied, we would be willing to take it down and move it back inches.

Mayor Briare: Is there anyone else in the audience that wishes to be heard on this appeal.

(No response)

Mayor Briare: The question then before the Commission - and I will now close the Public Hearing - the item before the Commission is whether Ms. Baldwin should be allowed to go ahead and complete her construction.

Commissioner Lurie: Mayor, I move that the appeal be approved and that they be permitted to proceed with the construction of the family room.

Mayor Briare: Are there any questions by the Commission?

Commissioner Christensen: Your Honor, I would like to ask one question of Staff. There are a lot of places in the City that have the property line actually inside the curb line quite a ways. What is the situation here on Heidi Circle?

Mr. Foster: I believe it is right at the sidewalk.

Commissioner Christensen: So your property line then is about five or six feet from the curb - are there four ft. or five ft. sidewalks in the area?

Mr. Foster: Five ft.

Commissioner Christensen: Then you have a 6-inch or 8-inch curb - which is it?

Mr. Foster: 6-inch curb -

Commissioner Christensen: So you are five and a half feet, actually, from the curb line to the property line.

Mr. Foster: That is correct.

Mayor Briare: Are there any other comments or questions?

(No response)

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

Mayor Briare: The next application for a Public Hearing is an appeal filed by Bigelow Holding Co. on the application of Owen and Isabella Mahoney. The appeal is to the action of the Board of Zoning Adjustment in approving their application on behalf of the Fitzsimmons House for a Use Permit to allow the operation of an Adolescent Male Treatment Program for potential or actual substance abusers, on property located at 1718 W. Bonanza Road.

J-46-78

J-46-78
(cont'd)

Mayor Briare: First I would ask Mr. Foster to give us a little briefing on the matter before us.

Mr. Foster: On the screen you can see the subject property - it is outlined in black - Bonanza Road is along the south side - Highland Drive is to the west. The person making the appeal owns the land shaded in orange, which is an apartment development, basically to the north of this property, but the entrance is immediately to the west off of Bonanza.

This is the plot plan (easel map) which shows two buildings which are basically used for residential purposes - also a third structure which is a garage. They wish to occupy both of those structures for this proposed use. I believe the Fitzsimmons House operation is intending to lease this property, subject to the approval for the requested use. We did have about 39 signatures on petitions and letters who were in protest to the application at the BZA meeting. The Board, in approving the request, felt that there is a transition taking place along the north side of Bonanza from R-E to the apartment-type dwelling pattern. We do have several apartment developments in that area. Also, on the south side, there are several existing commercial developments and that transition is going from R-E to C-2. Because of the transition pattern, the Board of Zoning Adjustment felt it was a logical place for this type of an operation and recommended approval.

Mayor Briare: Is Mr. Bigelow present?

Response: Mr. Bigelow is unable to be here and I am here in his behalf. My name is Richard Koch and my address is 415 S. Main Street. Although the appeal says it is filed by Bigelow Holding Co., it was filed on behalf of everyone who was in opposition at the Board of Zoning Adjustment meeting. I was asked to file the appeal for them also. As has been stated, there are some 39 signatures. The signatures included not only home-owners nearby, but also the light commercial areas that are adjoining.

I was curious about the standards for a Use Permit. I checked the City Code. A Use Permit is to be granted if the proposed use of the property is harmonious with the adjoining areas. Therefore, if it is not harmonious, it should not be allowed, or granted. This particular street is extremely residential. People live there. They have homes there. They have been there for many years. This is the only home they have known and this is where they intend to stay. There is also some light commercial in that area - that is correct, but I ask you what could be more incompatible in a residential area than a half-way house for juvenile drug offenders? I ask you gentlemen if you in your own residential area would like to have that type of a project nearby. It may be a very admirable and worthy project, but I do not believe it is appropriate in a residential area, and that's what this is. These people don't feel any different just because their home is on a busy street - on Bonanza - they don't feel any different than you do in your private areas where perhaps you have quieter streets. This is their home and they do not wish to have this type of project nearby.

I don't believe that if there was a request for a Use Permit for another type of quasi public use - for example, a Senior Citizen Center or a public use such as something for the City, state or County, they would be in opposition. I don't think their opposition here is unreasonable. The reason they are opposing this is that this is quite a different type of quasi public use. Again, juveniles of this particular type have had offenses in drugs have a

U-46-78
(cont'd)

rather high statistical incidence of crime related conduct. I think that is fairly common knowledge. I can't document any thefts that have taken place or anything like that - I understand they have been operating for several months without a Use Permit which is in violation of the City Code. I can't document any thefts, but I do say that the risk is there with young people like this.

These people do not wish to have this type of project within their neighborhood. They just don't feel it is compatible with their residential use. Mr. Bigelow has a slightly different interest because he is concerning about selling and re-financing this property. He had a great deal of difficulty in getting the financing on the apartment project and he is quite concerned about getting financing in the future if he decides to build additional structures, or re-finance, or something on that order, with a banking institution - so he is quite concerned about that also.

This is our request. We feel it will have an adverse effect upon the property values and there is quite a bit of concern about these people in their homes. I am sure there are others here who wish to speak on this application.

Mayor Briare: Yes, but I want to ask first of all if any of the Commissioners have any questions of Mr. Koch.

(No response)

Mayor Briare: Is there anyone else who wants to speak in favor of the appeal. If you speak in favor of the appeal that means you do not want the Fitzsimmons House there.

Jacklyn Miller, 1812 W. Bonanza Road: You have our petition before you. You also have a number of letters that were sent in before. We, who have lived here for many years on this street, realize that it is going commercial. There were also many people, when the petition went around, that felt strongly that they would be living in a residential area as long as reside there. They can't afford to live any place else. That's their home for evermore - they've been there for thirty years, or more.

The reason I am here today is because I feel that it definitely adversely affects my property. If I go to resell my property, my price will be lower. There is a lady who lives directly across the street from the Fitzsimmons House. She has children. If it goes in, she plans to sell because she is raising two lovely daughters, ten and eleven years of age and she would not wish to live there. But who is going to want to buy her little home? Maybe someone for commercial would. We have commercial people who have signed a petition because they feel strongly that this is not a proper area for the location of this particular type of operation.

I am not against the Fitzsimmons House in the country, or where they can have their horses and different things like that, but on a commercial street like Bonanza, I don't think it is proper. They are going to be in a very small home at this time - a number of them. The people who are in residential in this area have a private well. They are concerned because now there are going to be fifteen, or twenty, or however many boys - I don't know what the limit is - there has been no limit placed - that they are going to be using this private well. They are concerned for their water and they are also concerned for their property damage and things like this. So I am definitely in protest to this.

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Mayor Briare: Thank you. Is there anyone else who would like to be heard?

Eva Graham: I live at 1527 West Bonanza. I have three children - I have two boys eleven years of age and I am quite concerned about them. That is about all I have to say.

Mayor Briare: You live right across the street from this?

Ms. Graham: Yes.

Mayor Briare: Thank you. Is there anyone else who wishes to speak in favor of the appeal?

Response: My name is Jewell Bigelow, 1121 Vegas Valley Drive, and I oppose the installation of this Fitzsimmons House. It is my understanding that there is already one Half Way House on Highland, and that should be close enough - is that correct that there is one on Highland that was mentioned at the other meeting -

Commissioner Christensen: There was, but I believe they have closed down, haven't they? It was in that building right next to where the County Automotive is now and was run by the Prison System. That was a release program they slipped in there without anybody knowing anything about it, which we have ordinances against since.

Ms. Bigelow: Well, I believe these institutions are needed. I read an article recently in a newspaper that there is tremendous Government funding for many of these Half Way Houses across the country. It is a great money-making project for each installation because of the Government funding. It is needed, but not where there is so much opposition, and even if the street goes commercial, we still have to be alert to what is coming on our street. We wouldn't want porno or burlesque or other types of business that would depreciate the value of our properties, or anything that has any similar effect upon society. We want to accept only all that would promote a very wonderful and fine street there - after all these years - and I've been here for forty years. Thank you.

Mayor Briare: Thank you, Mrs. Bigelow. Is there anyone else?

Response: This will be short and brief. My name is Charles Paris and I live at 1701 W. Bonanza. I have been there over thirty years and I am definitely against what they are trying to do. I just don't like the type of business. That's all I've got to say.

Mayor Briare: Thank you, Mr. Paris. Is there anyone else who wishes to be heard on this matter?

Response: Mr. Mayor and fellow Commissioners, my name is P. J. Cord, 700 Sunny Place. I've really been confused since this thing started along about last June. I have been to two of the other Commission meetings and as it stands today the Fitzsimmons House has been operating for about eleven months with no permit of any kind. They also enclosed in the garage and I haven't been able to find out if they had a permit for that. And, incidentally, the garage burned down about a month ago and it very easily could have gone over to the neighboring house.

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Now, I visited the House the other evening, at the invitation of Mr. McNutt, and it was a situation that gets you right here - you see these young fellows running around there - most of them seem to be about sixteen or eighteen years old - big strapping, healthy fellows - and it is a wonderful thing that the Fitzsimmons House is there, or some place, to take care of them. They really need help and I think they can be saved, but not in our neighborhood.

Now, I have lived there for thirty years at Sunny Place and up to now I have never seen anything relating to commercial on the north side of Bonanza or any place on Sunny Place. I have tried to get my acre rezoned - it backs up on Highland - and have had it turned down twice. So the Fitzsimmons House, per se, has no objection from me. However, after my visit there the other evening, I found it was entirely inadequate for that purpose. Presently there are nine fellows in there and there are two bedrooms that they use - and they are stacked up on bunk-beds. There is a third bedroom there but that is used by the Counselor, who is a woman. There is a fairly large living room - the kitchen is real small - inadequate - in fact, the two of us couldn't walk through it abreast - the stove is on one end and the refrigerator on the other. They have two small three-quarter baths - a toilet, lavatory and shower. They have one full bath - a very small full bath with a tub and a shower over the tub.

The enlistment for this institution is to be twenty-one members and there is no way in the world they can get twenty-one boys in there. The plant itself is inadequate. On the other hand, the Fitzsimmons House are paying \$1,000.00 a month rent and they have taken the vacant lot next door - which serves no purpose whatsoever, other than to run their cars in there to park. For that vacant lot they are paying \$480.00 a month, so you have \$1,480.00 a month of taxpayers money, which is a fine example of a rip-off of our taxpayers money. In five years the owners will have \$60,000.00 in their pocket and get their house back -

Mayor Briare: I think you have made your point, Mr. Cord.

Mr. Cord: OK - that's just the way I feel about it - the same as all my neighbors there. Thank you.

Mayor Briare: Thank you. Is there anyone else who wishes to speak at this time?

(No response)

Mayor Briare: OK - Mr. McNutt, are you going to be the spokesman? Mr. McNutt is an Engineer and before you speak Bob (McNutt) I want to make note of the fact that you wrote a letter - did you send copies to each of the Commissioners?

Mr. McNutt: Yes - I believe . . .

Mayor Briare: It just arrived and it was not possible to have copies made unless they came from the Clerk's office. You went into a very well-worded description of the services that are provided by the Fitzsimmons House, Inc. but I am going to ask Mr. Koch, as he has it handy, if he would re-state the purpose of the allowing of a Variance in accordance with the Board of Zoning Adjustment procedures - because you happen to have it handy here, and I'm going to ask you Bob (McNutt) if you might confine your remarks to points which we have to listen to - not as - and even the people who are opposed to it have recognized that there is a value to a Fitzsimmons House facility.

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(cont'd)

Mr. Koch, do you know what I am trying to get you to do?

Mr. Koch: From the City Code, the standard to be used by the City Commission for the granting of Variances and Use Permits?

Mayor Briare: Right. I am going to ask Mr. McNutt to let me know if he agrees that is what the Code says -

Mr. Koch: It is very brief - it says that the proposed use must be harmonious with the adjacent areas.

Mayor Briare: Right. Bob (McNutt), being an Engineer and being very familiar with all of the City's code provisions . . .

Bob McNutt: I have appeared before you a number of times on zoning and we feel, quite frankly, that it is harmonious and compatible because it is a residence. The density of people there is twenty, if you will - twenty-five at the most - on a 1.2-acre piece. There are two parcels there. We have the house and the vacant lot next door. The densities, accordingly, if you figure even three to a family, this would be seven families on 1.3 acres, which is equivalent to R-1 densities and far less than the apartment property immediately to the rear. So we feel it is compatible and if I may, Mr. Mayor, I would like to go a little further after that.

Recalling back in history - my name is Bob McNutt and I reside at 325 Falcon Lane - I am President of the Fitzsimmons House - about six years ago Fitzsimmons House appeared before the City Commission to obtain approval for a similar utilization, but for adults, out on Madison Avenue - and if you will recall, there were a tremendous number of people in here likewise saying that if it was a fine thing, but we want it somewhere else because it is going to ruin our neighborhood. After we had been on Madison Avenue for two, or two and a half years - as a matter of fact, only six or eight months, most of the people in the community immediately surrounding our utilization there, agreed that it was a good use - that we were not disrupting the neighborhood and that we certainly didn't have drug dealers or drug addicts running up and down the streets at all hours of the day and night.

The whole purpose of the Fitzsimmons House Program is to keep people from being dependent on drugs. One of the prime rules of a Fitzsimmons House is that anyone who uses drugs of any kind, is immediately discharged and put back, if you will, on the street. It is unfortunate, but that has to be. They will either go back to wherever they were before or if they are under probation, or under a probation parole officer, they will return there. If they are under a court order, they go back to court. We have several welfare oriented clients at the juvenile facility, and these young men - from thirteen - sixteen - seventeen of age - need the discipline that comes from working with each other in that atmosphere that we have there.

You can drive by - I drove by it today - I drive by it virtually every day - there are not a whole bunch of guys out horsing around in front. They go to school, because they have to learn. Fitzsimmons House has been approved for schooling and we take them over to our facility on Eighth Street so that they go to school. There are field trips to the Lake - just as parents would take their children to the Lake on a good weekend, so do the Counselors at this juvenile facility take the youth to the Lake on a weekend. They have been on some hikes and other things.

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(cont'd)

What it really boils down to, gentlemen, is that it is like the Las Vegas Transit System - everybody wants the bus, but run it a block away from me so it doesn't bother me.

I would like to refute the fact that Mr. Bigelow owns all of the apartments because on a deed recorded in July, Mr. and Mrs. Bigelow - the Juniors - not Mrs. Bigelow Senior, because she still owns her property there - but the Bigelows sold to Madison Properties, Inc. all of the properties adjacent there and took back a trust deed and came out with Two Million Nine Hundred and Ninety-two Thousand Dollars. So, while they have a financial interest, they are not the owner - they are the trust deed holder - they assuredly want to protect that interest - I understand that. Their densities are far greater than any other densities in the area and from conversations with Metro, we find that the drug usage in there is approximately the equivalent of other apartment areas in the Las Vegas area and, therefore, there are drugs in the apartments. I assure you there are none in the juvenile facility and there will never be any, and if we find any evidence of it, the person responsible is discharged from there.

We had an Open House last week and Mr. Cord - we sent out some twenty odd invitations to people listed on the petition in opposition, and invited them to come and see just what it was for themselves. And, as Mr. Cord mentioned, he came. I would have to mention he was the only one that came - the only who who showed the courtesy to come and see what kind of a program we had. We appreciated Mr. Cord very much.

All I can say is that we are approved for twenty-one people - the State Health Department - the State Bureau for Alcohol & Drug Abuse have approved it for that - the County Health Department and the City Fire Department all have made their appropriate inspections. We have changed some doors around at their request and we do have adequate and proper facilities for dormitory-like residential facilities for these youth who so badly need that, and we beg of you to uphold the Board of Zoning Adjustment's decision, which was unanimous, that because of the change and because of the need for this, this would be a desirable temporary - if you feel there is a concern, we would just as soon accept a time limit because I don't think (1) we will be able to stay there that long and (2) I don't think that the trend towards commercial will hold off too much longer. Thank you.

Mayor Briare: Thank you. Bob (McNutt), don't go away. Is there anyone else who is going to speak?

Mr. McNutt: Not to my knowledge, unless it would be the Mahoneys.

Mayor Briare: Just a minute Mr. Cord - are you going to speak in favor of it now?

Mr. Cord: No - I'm against it.

Mayor Briare: Right, and you've had the opportunity. All those who wanted to speak against it had the opportunity to speak against it. Now, those people who are going to speak for it are going to get their opportunity to speak for it. First of all, Bob (McNutt) I want to ask you - you are the President of Fitzsimmons House?

U-46-78
(cont'd)

Mr. McNutt: Yes.

Mayor Briare: How long have you been President?

Mr. McNutt: A year and a half - almost two years.

Mayor Briare: How long have you been renting this property?

Mr. McNutt: We entered into the rental agreement in November, I believe, of last year, but we didn't consummate it until March because of the problems of getting any funding from the State. We received no funding from the State until April or May and did not utilize it for that facility until that time.

Mayor Briare: How did it come about that you went ahead and operated without a Use Permit?

Mr. McNutt: The State of Nevada, Bureau of Alcohol & Drug Abuse asked us to do that and as I read the Ordinance, if a State Agency does this, they do not require a Use Permit, and it was my impression that we were acting as an arm of a State Agency and did not require it. Subsequent review felt that we should have a Use Permit.

Mayor Briare: Thanks, Bob.

Bill Toller: I reside at 5509 Eugene Avenue. I am the broker of record for Godfrey Realty. Gentlemen, I came up here on behalf of the Mahoneys. We leased the property to Fitzsimmons for them. We did an appraisal on the property - put it on the open market approximately last November. This deal was consummated in late December or early January and in March they did arrange funding - the leases were signed.

Some things I feel are really important. I know that probably they are very small points, but I think they are important because they have been brought out already. One is the value of the house. We valued the house at approximately \$100,000.00 - a house in excess of 2,000 sq. ft. with three units to the rear of the property - the property behind that of over a half acre of land with a 2-car detached garage. So we felt that a \$1,000.00 lease amount was an extremely logical lease being 1% of what we figured the value to be. There have been numerous calls from the people in the area to the Mahoneys that the Fitzsimmons people were not taking care of the house - the lawns were dead - the doors were off - the place was in a shambles. Four times we have gone over there and made inspections - have gone through the property and the house is being extremely well cared for. The people who answer the door are extremely courteous. I can't find a complaint. The fourth time I had to go, I went to the Mahoneys and asked them to go with me to set their own minds at peace. They are very concerned about their neighbors.

The apartments in the area, especially the ones adjacent to - when they went in to build the apartments, unfortunately the residences on the street were R-E, and they were opposed to it at that time because they felt it wasn't good for them. They also realized that it was going to go commercial - it was a matter of time when it would be in the best interest of everyone if they went along with the Commission at that time, and I'm sure that's the reason most of the people reasoned that's why the Commission decided in favor of the apartments. They're not here to fight the City - they're here

-46-78
(cont'd)

because they feel it is a compatible use there because they feel it is a good thing for the City. These kids need a place to go and I, for one, believe that what they are doing is right and I personally believe by the attitude I have seen displayed at the House - the people who are in charge of the project, whom I have talked and worked with - I don't see how this can do anything except benefit our community.

Mayor Briare: Thank you very much. You know, there are from time to time, a similar type of an operation that come before this Commission, and it seems that each time it gets down to the point where people must come out and say that they are in favor of the cause, but the location is the problem. So, no matter what a Commission does - in the past, today and in the future - it doesn't necessarily reflect anything on the cause or its worthiness, depend- on what the Commission does, it may or may not reflect on the location.

Mr. Toller: I realize that.

Mayor Briare: Mr. Cord, do you want to change your position in any way, because in order to have any semblance of order, we try to keep it so that those people who want to object, go ahead and object, and those people who want to speak in favor, go ahead and speak in favor - because if we keep going back and forth, then we're not going to be able to accomplish much in a business-like manner, but if you want to change something that you have already said, then I will give you that opportunity.

Mr. Cord: I don't want to change it, I just want to reiterate . . .

Mayor Briare: You see, Mr. Cord, that is exactly what I mean - we can't go through the whole thing again -

Mr. Cord: I don't want you to close until I have a chance to rebut - that's all. You were ready to close, weren't you?

Mayor Briare: The Public Hearing gives everybody an opportunity to speak and, hopefully, everybody speaks their piece and then the other side speaks their piece, and then if we start all over again on both sides, we are never going to be able to accomplish much. The procedures are as I have outlined them.

Mr. Cord: Then will I have another chance?

Mayor Briare: No Sir, you've had your chance - unless you want to change your position.

Mr. Cord: I would say one thing - I would recommend that the Commission send two or three of its members out there to look at this place and see if they think it is adequate, and I don't think you will find a house any place in town that is worth \$1,000.00 a month rental - unless you get into one of the real nice areas.

Mayor Briare: I am impressed with your testimony that you have already given indicating that in your opinion, it is not adequate. I think we have all listened to each person individually and now we have heard from both sides and the Public Hearing is now closed and I will ask if there is any comment from the Commissioners.

U-46-78
(cont'd)

Commissioner Christensen: Mayor, I've got to, I think, set some things straight here. They keep referring to the apartment property that has been strung along that street - that apartment property is quite a ways from that street. They have a narrow entrance to the apartment property so there isn't any apartment property on that street - that large piece they are talking about is quite set back from the street. So I think that point should be made that when you refer to the apartment property across the street, I believe that was zoned while I was here, and I don't believe it was zoned on the basis of the fact that it was going to go commercial so we might just as well zone that for multiple dwellings. I believe it was zoned based on the fact that it was going to be set back far enough on the street it wouldn't be that kind of a problem. In fact, I very vividly remember the fights about the sign. The sign for those apartments was supposed to be quite a bit bigger than it is now - we made them cut it down, etc., etc., to protect the integrity of the neighborhood, so I think that should clarify the air for both sides. I think that point had to be made.

Mayor Briare: Are there any comments from any of the other Commissioners?

(No response)

Mayor Briare: The question before us then, should the appeal be allowed, thereby revering the action of the Board of Zoning Adjustment, or should the appeal be denied which would allow the action of the Board of Zoning Adjustment to stand. What is the pleasure of the Commission?

Commissioner Lurie: I have one question before the motion: I went by there and looked at the property and I noticed the burned-out garage. Can all 21 people, if they live in that home there, live in that front house or will there be part of them living in the back? How are you going to get 21 people to live in that house? I know you divided up the property and you got 1.3 persons - you were trying to equal figure it, but you only have . . .

Mr. McNutt: These are apartments in the back.

Commissioner Lurie: How many are there?

Mr. McNutt: There are three there and we have dormitory-style facilities in two of these and we have dormitory-type facilities in the bedrooms in the home.

Commissioner Lurie: Where do you get your referrals?

Mr. McNutt: From the Juvenile Court - from the Welfare Agencies and one or two direct referrals - walk-in, if you will, off the street.

Commissioner Lurie: These kids that you get - are their parents here in town?

Mr. McNutt: Yes -

Commissioner Lurie: And they are just the sort of uncontrollable that the parents can't handle them -

Mr. McNutt: In most instances, substance abuse of some kind and I am speaking now of not just smoking Pot - I am speaking of hard drugs usage, and along with that, the crime that goes with it in order to feed that habit.

U-46-78
(cont'd)

Commissioner Lurie: What happened to that place on Madison?

Mr. McNutt: We out-grew that - this is only for juveniles - this is only a brand new type of facility, Commissioner Lurie, and we outgrew the one on Madison and now lease the Las Vegas Hospital over on North 8th Street where we have some 70 residents there. We also rent two houses across the street in a commercial zone, incidentally - these are used for our community involvement center and our Out-reach, and our Class Room is there for these juveniles.

Commissioner Lurie: You have been in that house how long?

Mr. McNutt: Actually there have been residents living there since April.

Commissioner Lurie: And have you had any incidents there?

Mr. McNutt: Only the burning of the garage - that is the only incident that has occurred to my knowledge. I'll take that back - there was a neighbor that complained about - I believe it was one of the assistant counselors who was racing his motorcycle around the vacant lot and raising a pretty fantastic cloud of dust. As a matter of fact, we stopped that ourselves. Those, to my knowledge, are the only complaints.

Commissioner Lurie: You were approved by the State for 21 people - what would the situation be if this Board was to limit the number of people you had in the house to say - you have 9 there now - say if a motion was made to allow 9 juveniles with a time limit set for six months and bring it back for review. What would that do to your program?

Mr. McNutt: The problem is that the State allocates its funds on the basis of so much per resident and the budget is predicated upon actually upon 15 residents with a total of 21, maximum - but our budget is predicated upon having an average of 15 residents there. So if we had less than 15 consistently we would have to cut back our budget and would not be able to do it. You see, we have to have full time adult supervision of these residents.

Commissioner Lurie: My concern is the number of residents right now - I'm not satisfied with the numbers - I'd like to see a program establish itself and increase if it has no problems and comes back for review, and I am just not satisfied with the 21 maximum.

Mr. McNutt: I would suggest then that you say 12 for 6 months for review and then go to 15 - we could live with that if you are thinking of a number limitation.

Commissioner Lurie: I'm thinking of it for the simple reason that - I voted against all those apartments - I think the apartments are more of a detriment to that neighborhood than what you want to put in - some of the highest crime rates we have in the State are from certain apartment complexes, so I really don't go along with some of the comments about your program, but I am concerned with the numbers. That is my feeling - I don't know how the Board is going to feel - I'm just asking you to live with a lesser number.

Mr. McNutt: I think 12 is about the minimum under which we could function.

Mayor Briare: Are there any other questions by the Commissioners?

U-46-78
(cont'd)

(No response)

Mayor Briare: The Commissioners have before them then either the allowance of the appeal or the denial of the appeal. What is the pleasure of the Board?

Commissioner Lurie: I will make a motion that the appeal be denied and that the number be limited to twelve (12) and that the Permit be issued for six (6) months and brought back to this Board for review.

Mayor Briare: Are there any questions on that motion?

(No response)

Mayor Briare: I would like to ask the City Attorney's office if a condition such as six months, or something like that, is perfectly proper, meaning then that at the end of six months we are right back to the point we are today.

Audrey Daines, Dep. City Attorney: I don't see any problem with that. Mr. Foster, do you have any comments on that?

Mr. Foster: No.

Mayor Briare: Then at the end of six months would they have to come in and file again?

Mr. Foster: No. I would just be put on the agenda and we would give you a report.

Commissioner Lurie voted aye; Commissioners Christensen, Leavitt and Mayor Briare voted no.

Commissioner Woofter did not vote - excused.

Mayor Briare: The motion fails. The motion having failed to deny the appeal, would it be proper to conclude, Madam Attorney, that the appeal be allowed?

Ms. Daines: I think you should call for another motion.

Commissioner Christensen: I will move to allow the appeal.

Commissioners Christensen, Leavitt and Mayor Briare voting aye; noes, Commissioner Lurie.

Commissioner Woofter did not vote - excused.

Mayor Briare: The motion is approved. The appeal is allowed. The Fitzsimmons House will not be allowed to continue. Do you understand all that, Mr. McNutt? I know you do because you are experienced in these matters, but sometimes it is difficult to put these positive things in a negative way and the negative things in a positive way.

Mr. McNutt: Regretfully, Mr. Mayor, I do understand -

Mayor Briare: There is no further need for comment now. I just wanted to make sure that everybody understands the action of the Board is to allow, the

U-46-78
(cont'd)

appeal and the application is denied.

S.I.D.
No. 424

Mayor Briare: Mr. Foster, this is from Valley View Blvd. to Rancho Drive. What phase are we in right now?

Jim Gist, Special Improvements Officer (Public Services): This is the Provisional Order Hearing for Special Improvement District No. 424, which is the initial step prior to construction. We are getting ready to go out to bid on this Project. It involves the installation of pavement, curb and gutter and street lights on Meade Avenue from Valley View to Rancho Drive. Meade Avenue, for your information, is the industrial area wouth of Sahara where Rancho Drive comes down connecting with Searles Avenue - where we put in the improvements a couple of years ago. Now this is the remainder of this industrial area.

There are 37 property owners. I believe you have one letter of protest on Unit II - Mr. Elford protested Unit II, which is curb and gutter, because they would interfere with the parking - where they have been used to parking almost anywhere.

I believe there are other people in the audience who would like to be heard on this Project.

Mayor Briare: Is this going to be the final Hearing on this?

Mr. Gist: It is the final Hearing before construction. We will have another hearing on the Assessment Roll after completion of construction.

Mayor Briare: So this is the time now to speak as to whether construction is to proceed?

Mr. Gist: Yes Sir.

Mayor Briare: This is for Special Improvement District No. 424. First, is there anyone in the audience to speak in favor of this Improvement District?

(No response)

Mayor Briare: Then I will ask if there is anyone in the audience here to speak in opposition to this Improvement District?

(No response)

Mayor Briare: Is Mr. Thomas Elford present?

(No response)

Mayor Briare: Mr. Elford wrote a letter which will be entered into the record and the record will reflect there was no one present to speak either for or against Special Improvement District No. 424.

See Page 76 of these Minutes - Letter from C. Thomas Elford

Mayor Briare: I will now close the Public Hearing.

Commissioner Christensen: Your Honor, I would like to have Staff give us their assessment of the letter from Mr. Elford. In other words, how much is that going



3308 MEADE AVENUE ■ LAS VEGAS, NEVADA 89102 ■ (702) 876-3552

August 25, 1978

Las Vegas City Commission
Las Vegas City Hall
400 E. Stewart Avenue
Las Vegas, Nevada 89101

RE: Improvement District 424

Commissioners:

With regard to the subject improvement district, I object to unit no. II, installation of concrete curbs and gutters. Most of the present buildings on Meade Avenue have approx. 25' front set backs with straight-in parking. If curbs are installed as planned, the current parking system will not be practically useable. Using the maximum curb cuts allowed will decrease parking for my customers from six to four. I urge you to delete unit no. II.

Should my objection be over ruled, I hereby request a variance to have a 75' curb cut across the entire frontage of my property, located at 3308 Meade Avenue.

Further, I object to the current time schedule for the construction project. I have been informed by the office of William J. Purvis, that the contracts will be awarded about December 1, 1978 but that work will not begin before about January 2, 1979. The schedule calls for one half of the project, along the entire length to be completed and then the other half. Completion of the project to be about six months after work has begun.

My business depends a great deal on individual retail customers traveling to my shop for merchandise and services. The period from March 1 until July 1 of each year is over 50% of my business. If customers are hampered or inconvenienced during this period, there is a very real danger of business failure.

I propose that construction must begin no later than December 1, 1978. Since about one half of the proposed project fronts on undeveloped land, work in that area could be accomplished during the critical spring and summer months without harm to any business. Scheduling should require the completion of the entire project that fronts on developed property as the first priority and then begin on that part in the undeveloped area. This will allow completion prior to the busy retail season. To the best of my knowledge there is only one business that has a peak season at Christmas and they are located in the building closest to Valley View Blvd. Access to that location would easily be provided during early construction with proper planning.


C. Thomas Elford
Property Owner

Quality Products At Reasonable Prices

IV-E

S.I.D. No. 424
(cont'd)

to affect his parking and how is it laid out as it pertains to his problem, etc.

Mr. Gist: In the western portion of this Project there is presently considerable pavement. It has been put there at various times - in fact, you could almost call it wall-to-wall paving, from one building to the opposite building across the way. Consequently, people can park anywhere. If we put in curb and gutter he contends this will restrict parking in that they won't have complete access. He says he can park about four cars. We've had this argument before but after the construction was in they found they really didn't have the problem they anticipated and in this 75 ft. here (wall map) you can have an in-and-out driveway and still have room for about eight (8) cars.

Mayor Briare: Are there any other questions?

Motion

Commissioner Lurie: I move for approval of Special Improvement District No. 424 and take into consideration Mr. Elford's comments here so that during construction there will be the least business interruption. That will be taken care of in the contract, won't it?

Mr. Gist: Incidentally, if this goes as we have it planned, we have an estimated completion date of March 24th, so we will be completed with the construction, primarily, before Mr. Elford's business would be affected.

Commissioners Christensen, Leavitt, Lurie and Mayor Briare voting aye; noes, none.

Commissioner Woofter did not vote

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

See Pages 78 thru 92 of these Minutes - Annotated Agenda

ZONE CHANGE
Z-58-78

ZONE CHANGE Z-58-78 - GLADYS HARRIS

proved

Property Generally located on the west side of Decatur Blvd. between Meadows Lane and Churchill Ave.

Mr. Foster: The subject property is laid out before you on the screen - that is Decatur along the east side, the proposed Meadows Lane along the south - the Meadows Shopping Center to the east - to the east there is other commercial development in that area. You can see more commercial area to the south. There is an R-1 subdivision to the north of the proposed Shopping Center development - that is the Expressway north of the R-1 area.

You will remember this was before you several meetings ago and at that time some of the protestants raised a question on the validity of the C-2 zoning with reference to the Golf Driving Range. The City Attorney's office has ruled that since the Driving Range has expired that the C-2 zoning has also expired, but that the application was proper and could be proceeded upon on the basis of R-1 to C-2.

This is the Plot Plan in front of you (easel map) showing the U-shaped Shopping Center development, consisting of three buildings that will have access to Decatur Blvd - also access along the south to Meadows Lane. The westerly portion is indicated for future development. The R-1 development is to the north. This cross-hatched area is the sewer easement that exists across the

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Department Ac

X 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) Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license; (3) Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy; (4) All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. (Excluding single family development) (5) 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.

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X COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
HAROLD P. FOSTER, ACTING DIRECTOR (CONTINUED)

If a final map is recorded within twelve months of the approval of the tentative map for only a portion of the area embraced by the tentative map, the Planning Commission may require that a new tentative map be filed and approved prior to any further final maps being approved. (2) Street names to be provided in accord with the City's Street Name Policy. (3) Subject to all conditions of City departments and State Subdivision Statutes. (B) Final Maps - Conformance with the tentative map.

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

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

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)A. ZONE CHANGE - Z-58-78 - GLADYS HARRIS

Property generally located on the west side of Decatur Boulevard between Meadows Lane and Churchill Avenue.

From: R-1 (Single Family Residence)

To: C-2 (General Commercial)

Proposed Use: Shopping Center

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Construction of a block wall on the north line of the portion of the property to be developed shall be at least one foot (1') higher than the highest abutting residential fence.
3. The application shall be amended to C-1.
4. The building setback from the north shall be a minimum of 37 feet.
5. Between the north building and the north property line, there shall be no loading or unloading allowed nor any trash receptacles.
6. A 40 ft. dedication on Meadows Lane as required by the Department of Public Services with dedication to be made within sixty (60) days after approval of the zoning.
7. No restaurant or fast food outlet to be permitted in the north building.
8. Arizona Cypress trees (15 gal.) to be provided as buffer planting every 15 feet along the north line of the property.
9. The existing substandard buildings on the property are to be torn down prior to issuance of any building permits.

Approved
as recommended
by Planning
Commission
Lurie - unanimous

Clerk to notify
Director
authorized
to proceed

PROTESTS: Approx. 63

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Commission Action

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)B. ZONE CHANGE - Z-67-78 - C & H ENTERPRISES

Property generally located at the southeast corner of Thom Boulevard and Alexander Road.

From: R-E (Residence Estates)

To: R-PD2 (Residential Planned Develop.)

Proposed Use: Detached Single Family
Residences on Individual
Lots

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Construction of half-street improvements on Thom frontage as required by the Department of Public Services. Approved plans and a bond for construction will be required at the time of development.
3. Dedication of 30 ft. of right-of-way for Thom; 50 ft. of right-of-way for Alexander, plus a 20 ft. property line radius corner as required by the Department of Public Services with dedication to be made within sixty days after approval of the zoning.
4. Approved fire hydrants and water mains with fire flow to be compatible to construction and use of property to be provided as required by the Department of Fire Services.
5. The north boundary line of the rezoning shall be 250' south of the north line of Section 12, Township 20 South, Range 60 East.

PROTESTS: 1

C. TENTATIVE MAP - SHADOW ACRES

Property generally located on the east side of Thom Boulevard, south of Alexander Road,

R-E zone, proposed R-PD2.

Owner/Subdivider: C & H Enterprises

No. of Acres: 14.7 No. of Lots: 27

Approved as
recommended by
Planning
Commission
Lurie - unanimous

Clerk to notify
Director
authorized
to proceed

Approved as
recommended by
Planning
Commission

Clerk to notify
Director
authorized
to proceed

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Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

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

See Page 31

See Page 31

1. Approval of zoning request Z-67-78.
2. That provisions be made for extending a water line to service the subdivision, within an acceptable easement or a right-of-way.

D. ZONE CHANGE - Z-62-78 - ELEANOR VOLKMAR

Property located at 332 South Sixth Street.
From: C-1 (Limited Commercial)
To: C-2 (General Commercial)
Proposed Use: Six Story Commercial Storage Facility

Motion for approval made by Commissioner Christensen resulted in a 2-2 vote.

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

Mayor Briare and Commissioner Lurie voted "no"

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Additional fire hydrant to be installed as required by the Department of Fire Services.
3. Building to be constructed to follow as closely as possible to the elevation presented.
4. Loading and unloading shall be only from the interior of the building.
5. The first story of the building shall be a minimum of 14 feet.

Commissioner Woofter excused

Set over to 9/20/78

9/20/78 Agenc

PROTESTS: 0

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)E. ZONE CHANGE - Z-69-78 - NORLORNE DEVELOPMENT,
LTD.

Property generally located at the northwest corner of the Rainbow Expressway and Washington Avenue.

From: R-1 (Single Family Residence) and
R-2 (Two Family Residence)

To: R-PD14 (Residential Planned Develop.)

Proposed Use: Condominium Development

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Dedication of 30 ft. of right-of-way for street on west boundary (Antelope Way) plus a 25 ft. radius corner at Washington Avenue and a 30 ft. radius corner at the northwest corner of the property as required by the Department of Public Services within sixty days after approval of the zoning.
3. At the time of development, construction of half-street improvements on Washington Avenue, Antelope Way, and north street frontages shall be provided as required by the Department of Public Services. Approved engineering plans and a bond will be required for this construction.
4. All private drives shall not exceed a maximum length of 150 feet unless there are fire lanes provided as required by the Department of Fire Services.
5. Approved water main and fire hydrants shall be provided with fire flows and locations to be approved by the Department of Fire Services.

PROTESTS: 0

Approved as recommended by
Planning
Commission
Leavitt - unanimous

Commissioner
Christensen
did not vote -
temporarily
absent

Clerk to notify
Director
authorized
to proceed

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

F. ZONE CHANGE - Z-70-78 - LABORERS LOCAL
UNION #872

Property located at 4200 East Bonanza Road.
From: R-E (Residence Estates)
To: C-1 (Limited Commercial)

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

1. The application shall be amended to reflect C-1 zoning on the north 837 feet (to the center of Bonanza Road), and the remainder to be zoned R-1.
2. Resolution of Intent to be restricted to a twelve (12) month time limit applicable only to the C-1 zoned property.

PROTESTS: 0

Approved as recommended by Planning Commission
Leavitt - unanimous

Clerk to notify
Director authorized to proceed

Commissioner Christensen did not vote - temporarily absent

G. ZONE CHANGE - Z-73-78 - ROBERT W. COX, JR.

Property located at 4516 West Charleston Boulevard.
From: P-R (Professional Offices & Parking)
To: C-1 (Limited Commercial)
Proposed Use: Jewelry Sales and Repair

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

1. Parking plan to be resubmitted to the Traffic Engineer for approval as required by the Department of Public Services.
2. No off-premise signs shall be allowed on the property.

PROTESTS: 0

Approved as recommended by Planning Commission
Leavitt - unanimous

Clerk to notify
Director authorized to proceed

Commissioner Christensen did not vote - temporarily absent

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

H. ZONE CHANGE - Z-74-78 - BANK OF NEVADA, TRUSTEE

Property generally located on the northwest corner of Desert Lane and Charleston Boulevard being 1516 and 1522 West Charleston Blvd; and 1030 and 1034 Desert Lane.

From: R-1 (Single Family Residence)
To: C-1 (Limited Commercial)
Proposed Use: Offices

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. The use of the four lots shall be oriented toward Charleston Boulevard and the zoning remain valid only if the use continues to be as one entity oriented towards Charleston Boulevard.

PROTESTS: 0

Approved as recommended by Planning Commission Leavitt- unanimous

Commissioner Christensen did not vote - temporarily absent

Clerk to notify Director authorized to proceed

I. ZONE CHANGE - Z-75-78 - VALLEY GROUP CONSTRUCTORS, INC., A NEVADA CORPORATION

Property located at 641 Kingsbury Lane.

From: R-1 (Single Family Residence) - Under Resolution of Intent to P-R
To: C-1 (Limited Commercial)
Proposed Use: Valley Hospital Ancillary Services Expansion

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. The application be amended to the south portion of the property to be occupied by the hospital addition (excludes proposed office building area).

PROTESTS: 0

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify Director authorized to proceed

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Commission Action

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)J. ZONE CHANGE - Z-76-78 - HARRIS P. SHARP, ET AL

Property generally located on the northeast corner of Sandhill Road and Washington Avenue.

From: R-E (Residence Estates)

To: R-T (Trailer Residence)

Proposed Use: 140 Unit Mobile Home Park

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Water main and fire hydrants shall be provided compatible to the development as required by the Department of Fire Services.
3. A berm of no less than eight feet in height shall be constructed on Washington Avenue, and a berm of no less than four ft. in height shall be constructed on Sandhill.
4. A six ft. block wall shall be constructed on the north side adjacent to the Las Vegas Creek Flood Control Channel. The remainder of the north side and along the west boundary shall be planted in oleanders no less than five feet in height on five ft. centers.

PROTESTS: 0

K. ZONE CHANGE - Z-78-78 - JERRY D. & JOYCE L. HOLTZ

Property located at 2600 East Bonanza Road.

From: R-E (Residence Estates)

To: P-R (Professional Offices and Parking) and

R-3 (Limited Multiple Residence)

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

Approved as recommended by Planning Commission Lurie- unanimous

Clerk to notify Director authorized to proceed

Approved as recommended by Planning Commission Leavitt - unanimous

Clerk to notify Director authorized to proceed

GENDA

City of Las Vegas

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PHONE 386-6011

ITEM	Commission Action	Department Action
<p>X. <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</u></p>		
<ol style="list-style-type: none"> 1. Resolution of Intent to be restricted to a twelve (12) month time limit. 2. Approved fire hydrants and water main to be provided with the location and fire flow compatible to construction and use of buildings as required by the Department of Fire Services. 3. The P-R portion of this application be amended to R-3. 4. Approval of applicant's request to defer construction of curb, gutter, sidewalk, and street lighting until West Bonanza Road is widened as a Regional Streets and Highway project. 5. Resubmittal and approval of parking plan to the Traffic Engineer. 	<p>See Page 36</p>	<p>See Page 36</p>
<p>PROTESTS: 0</p>		
<p>L. <u>ZONE CHANGE - Z-72-78 - HENRY A. SWAAB, INC., A CALIFORNIA CORPORATION</u></p>		
<p>Property generally located on the north side of Oakey Boulevard, west of Arville Street and east of Decatur Boulevard. From: R-E (Residence Estates) To: R-1 (Single Family Residence) Proposed Use: Single Family Dwelling Units</p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Clerk to notify Director authorized to proceed</p>
<p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p>		
<ol style="list-style-type: none"> 1. Construction of valley gutters on Oakey at Brockwood and Cameron Streets, and sidewalk on Oakey Boulevard as required by the Department of Public Services. 2. Construction of full street improvements on Oak Park Drive and Brockwood Drive as required by the Department of Public Services. 		
<p>PROTESTS: 0</p>		

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ITEM Commission Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

M. TENTATIVE MAP - WESTOAK PARK

Property generally located on the north side of Oakey Boulevard between Decatur Boulevard and Arville Street, R-E zone, proposed R-1.

Owner: Henry A. Swaab, Inc.

Subdivider: Versatile Development

No. of Acres: 4.81+ No. of Lots: 19

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

1. Approval of zoning request Z-72-78.
2. That the requirements of the State of Nevada, Division of Water Resources, concerning water quantity be met.
3. If a wall is constructed on an exterior boundary street, the CC&R's shall contain wording to the effect that each property owner of a lot backing up to said wall shall be responsible for the continued maintenance of the exterior side of the wall and the ground area at the exterior base of the wall.

Approved as recommended by Planning Commission
Lurie - unanimous

Clerk to notify Director authorized to proceed

N. REVIEW OF CONDITIONS AND PLOT PLAN REVIEW - Z-70-70 - UNITED OUTDOOR ADVERTISING

Request for a Review of Condition #6 - (no off-premise signs to be constructed on the property) and a request for a Plot Plan Review to allow a 14' x 48' off-premise sign on property located at the northwest corner of East Sahara Avenue and Santa Clara, C-1 zone.

Planning Commission recommends DENIAL (5-yes, 1-no).

Approved request for off-premise sign
Christensen

Mayor Briare abstained

Clerk to notify Director authorized to proceed

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ITEM

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

O. REINSTATEMENT OF RESOLUTION - Z-27-77 - VIRGINIA A. HART

Request for a Reinstatement of a Resolution of Intent to C-2 on property located on the west side of 13th Street between Stewart Avenue and Mesquite Avenue, R-2 zone. (The resolution of intent to C-2 was granted in May, 1977, for a multiple family use.)

Planning Commission unanimously recommends DENIAL.

If approved, the following condition is recommended:

1. Conformance to original conditions imposed at the time of zoning approval of Z-27-77, and conformance to any ordinance requirements enacted subsequent to the original approval.

Approved Reinstatement of Resolution of Intent Lurie - unanimous

Clerk to notify Director authorized to proceed

P. REVIEW OF CONDITIONS - Z-28-77 - VALLEY HOSPITAL

Request for a Review of Conditions concerning condition #4 which limited access from Shadow Lane only. Applicant wishes to rescind this condition in order to provide access from Pinto Lane (1823 Pinto Lane) to an existing driveway for physicians use only, P-R zone.

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

1. Physicians only to use driveway and the driveway be marked "For Physicians Only".

Approved as recommended by Planning Commission Lurie- unanimous

Clerk to notify Director authorized to proceed

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

Q. EXTENSION OF TIME - Z-73-77 - CHRISTINA M. HIXSON, ET AL

Request for a twelve months Extension of Time on property generally located on the north side of Bonanza Road between Pecos Road and Sandhill Road, under ROI to R-1, R-3 and C-1.

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

1. Extension of time on the approved zoning be restricted to a twelve month time limit and will expire on August 10, 1979.
2. Conformance to the conditions originally imposed at the time of approval of Z-73-77.

Approved as recommended by Planning Commission
Lurie - unanimous

Clerk to notify
Director authorized to proceed

R. DEVELOPMENT PLAN REVIEW - Z-49-75 - PLASTER-BECKER COMPANY

Request for a Development Plan Review to allow detached single family dwellings with zero side setbacks on property generally located south of Smoke Ranch Road and west of Jones Boulevard, R-PD8 zone.

Planning Commission unanimously recommends APPROVAL.

Approved as recommended by Planning Commission
Lurie - unanimous

Clerk to notify
Director authorized to proceed

S. AESTHETIC REVIEW - AR-4-78 - SIERRA CONSTRUCTION CORP.

Aesthetic Review to allow a high-rise parking garage for the Horseshoe Club on property generally located at the northeast corner of Ogden Avenue and Casino Center Boulevard, C-2 zone.

Planning Commission unanimously recommends APPROVAL.

Approved as recommended by Planning Commission
Lurie - unanimous

Clerk to notify
Director authorized to proceed

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)T. ANNEXATION - A-8-78 - GARDEN STATE METALS
EMPLOYEES RETIREMENT TRUST

Petition to annex property generally located at the northwest corner of Auburn Avenue and Decatur Boulevard containing approximately one-half acre of land.

Planning Commission unanimously recommends APPROVAL.

Approved as recommended by Planning Commission
Lurie - unanimous

Clerk to notify
Director authorized to proceed

U. REMOVAL OF CONDITION - BRETON WOODS NORTH
TENTATIVE MAP

Removal of Condition #2 which required that Vacation VAC-5-78 be recorded prior to the recording of a final map containing this area. The condition is no longer applicable due to the withdrawal of Vacation VAC-5-78.

Planning Commission unanimously recommends APPROVAL.

Approved as recommended by Planning Commission
Lurie - unanimous

Clerk to notify
Director authorized to proceed

V. WAIVER - HOMESTEAD ESTATES

Request of Charles L. Ruthe, Realtor on behalf of Homestead Estates for a Waiver for the sidewalks in Homestead Estates, Units 1, 2, and 3.

Planning Commission recommends DENIAL (Motion for Approval failed to carry on a 3 to 3 vote).

Approved Waiver (for sidewalks in Homestead Estates, Units 1, 2 and 3)
Lurie - unanimous

Clerk to notify
Director authorized to proceed

W. AMENDMENT - MASTER PLAN OF STREETS AND
HIGHWAYS - WASHBURN ROAD

Amend the Master Plan of Streets and Highways by the deletion of Washburn Road between Torrey Pines Drive on the east and Tenaya Way on the west.

Planning Commission unanimously recommends APPROVAL.

SET DATE FOR PUBLIC HEARING.

Set Public Hearing for 2:00 P.M.
October 4, 1978

Clerk to proceed
10/4/78 Agenda

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ITEM

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XI. CITIZEN PARTICIPATION

Items raised under this portion of the Agenda cannot be acted upon by the Commission until the Notice Provision of the Open Meeting Law have been complied with. Therefore, action on such items will have to be considered at a later meeting

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MEETING ADJOURNED - 4:40 P. M.

Z-58-78
(cont'd)

property. There is no sewer line and it can be removed.

At the Planning Commission meeting the Planning Commission allowed the developer and protestants to work out many of the conditions which the property owners to the north wanted which they felt would give them adequate protection if the Shopping Center was approved, and those are, basically, listed on the list of conditions of approval, and the Planning Commission did recommend approval. They include such items as the block wall; also that the application be amended to to C-1. They were concerned with the building setback and it is, basically, the 37 ft. that is shown on the Plot Plan. They do not want any fast-foods or restaurants in this north building (easel map) or any trash receptacles or loading or unloading between this building and the R-1 area, and also that there be Arizona Cypress planted along the north line of the proposed development.

We did have some 63 protestants. I believe that most of them feel that with these types of conditions, if the application is approved, it would allow them adequate protection. The Planning Commission did recommended approval with those conditions listed on the agenda.

Mayor Briare: Would you like to add anything to that right now?

Jay Downey: No, Sir, Mr. Mayor - we felt in agreement with these conditions that the owners of the property adjacent requested - we are compatible and these conditions will protect the integrity of the neighborhood -

Mayor Briare: What assurances would your client give in the event the request should be allowed to maintain those Arizona Cypress trees?

Mr. Downey: I think your conditions require the maintenance of our landscaping.

Mayor Briare: They say they are to be planted, but I have traveled throughout this community and I am very disappointed to see sometimes that, sure enough, they are planted, and that's the end of it. So, does maintenance go along with that, Mr. Foster?

Mr. Foster: It is a requirement, yes.

Commissioner Christensen: The requirement is for planting and maintenance - unfortunately, the problem is enforcement.

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

Response: I am John Hammel from 5123 Churchill. We have been in agreement since the last meeting, but there is one item on No. 12 - that all mechanical air conditioning and trash areas shall be screened from view from the abutting streets. I believe in the other meeting with the Planning Commission they said from the housing area as well. The street behind there - the residential street - is that considered an abutting street?

Mr. Foster: Yes.

Mr. Hammel: So then these will be screened from the housing area as well.

Mr. Downey: That is the agreement.

Z-58-78
(cont'd)

Mayor Briare: Mr. Hammel, now do you feel your question has been answered?

Mr. Hammel: Yes.

Mayor Briare: Is there anyone else who wishes to speak on this application?

(No response)

Mayor Briare: Are there any comments from the Commissioners?

(No response)

Motion

Commissioner Lurie: I move we follow the recommendation of the Planning Commission, subject to all of the conditions.

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

Commissioner Woofter did not vote - excused.

Z-67-78
Approved

ZONE CHANGE Z-67-78 - C & H ENTERPRISES

Mayor Briare: The next item is a request by C & H Enterprises for a Zone Change on property located at the southeast corner of Thom Blvd. and Alexander Road for an R-PD-2 Residential Planned Development. The Planning Commission has recommended approval. There was one (1) protest.

Mr. Foster: This is located just east of Rancho in an R-E area. The development is for basically two units per acre which is essentially the same density as an R-E area. They would like to have private drives so they can control the access for security purposes.

This is the proposed layout (easel map) - you can see the buildings plotted in red. The proposed private drives would be in this area shaded in gray. There is one row of lots that is excluded from the subdivision that fronts on Alexander. They will be the same as R-E and have access to Alexander.

The Planning Commission recommended approval subject to the zoning line matching this south row of R-E lots and other normal conditions. We did have one letter of protest from a property owner in the area.

David Causey, 100 E. Charleston: I am representing the applicants. We are in agreement with the Staff's recommendations.

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

(No response)

Commissioner: You are not going to build along Alexander at this time?

Mr. Causey: We are not going to build along Alexander at this time.

Commissioner Lurie: Why is that? Are you holding that property for something else?

Z-67-78
(cont'd)

Mr. Causey: No, Sir, there is a problem of where exactly Alexander is - it is going to require a survey. There's a mix-up on the old survey and we can't get title insurance on that area until it's cleared up -

Commissioner Lurie: That doesn't have anything to do with the Regional Streets & Highways project at Alexander and Jones, does it?

Mr. Causey: No -

Commissioner Lurie: It is further east -

Mr. Causey: Yes - east of there and I understand the County Surveyor has this scheduled to be done when he can get funding from the County because it is too big a job for any one property owner.

Mayor Briare: Thank you, Mr. Causey. What is the pleasure of the Commission?

Motion

Commissioner Lurie: I move we follow the recommendation of the Planning Commission.

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

Commissioner Woofter did not vote - excused

Z-62-78
Abeyance

ZONE CHANGE Z-62-78 - ELEANOR VOLKMAR

Mayor Briare: Next is the application of Eleanor Volkmar for property located at 332 South 6th Street, from Limited Commercial to General Commercial for a 6-story Commercial Storage Facility. The Planning Commission has recommended approval.

Mr. Foster: The property is located on the NW corner of Lewis and South 6th Street. As you can see on the screen, 6th Street is to the east - Lewis is along the south side - Las Vegas Blvd. to the west. You can see by the dark red that it is all C-2 Zoning - on the east half of the block on the west side of 6th Street, they have C-1 Zoning - it is a very distinct pattern in that area. On the east side of 6th Street there is generally R-4 and there is some C-1 which has been approved in the block immediately to the east.

They are proposing a 6-story commercial storage facility. This is the floor plan (easel map) of the bottom floor. It indicates a driveway coming off Lewis and - it would exit out to 6th Street so that all deliveries would be made to the elevator and stairway from this dock. There would also be some offices and several parking spaces on the bottom floor. The 2nd through the 6th floors would be comprised of storage units of various sizes that would be rented to anyone desiring that type of use.

We do have a rendering. The Planning Commission was concerned with the appearance of the building. The applicant provided a rendering (easel map) - this would be Lewis Ave - this would be 6th Street. It is made essentially out of block and it does show that it would provide for landscaping along the

Z-62-78
(cont'd)

street frontages. The Planning Commission felt that this type of use would be proper and recommended approval, subject to adhering to the submitted elevation. Also that all loading and unloading be at the ground floor. There are several other standard conditions that are indicated on the agenda. We had no protests at the Planning Commission meeting.

Mayor Briare: Was there a Staff recommendation on this?

Mr. Foster: Staff was opposed to his proposed use..

Unidentified Speaker: At the second meeting Staff recommended approval.

Mr. Foster: Staff made no recommendation at the second meeting.

Commissioner Lurie: Is this just a highrise warehouse? Is that what we're talking about here? So many offices and so many mini-warehouses stacked on top of one another?

Mr. Foster: Yes - but it is being dressed up very well in terms of the building.

Carl Volkmar, 332 South 6th Street: I have here two letters in favor of this from a Mrs. Hooper and a Rev. Archie, who are property owners on 6th Street. I have also brochures that contain copies of those letters.

Mayor Briare: Mr. Volkmar, excuse me - since these letters are dated yesterday - I see Mr. Archie owns property on 6th and Clark -

Mr. Volkmar: Yes - that's one block to the south and across the street on the east and Mr. Hooper owns the property on L. V. Blvd., South. If this is approved one of the stipulations was that I had to follow this architectural rendering. I have been in consultation with an Architect - Wayne Simons - I had hoped he would be here but I guess he got tied up and couldn't make it - if this is accepted, I would like to substitute this 8 x 10 photograph of the artist's rendition, if that meets with your approval. I would like to have the original rendering back.

I would like to point out that there has been some concern about the height. This property is presently zoned C-1 and under a C-1 zoning I could put in an office building as high as I wanted to go that would look like a warehouse. I had hoped to build a records storage facility that would look like an office building. I believe I can build this to be a very nice looking building. This could be built by just moving across the alley. I think if you will look at a copy of the existing zoning - the last page of the little brochure - you will see that I believe this to be a compatible area for C-2.

Commissioner Lurie: How many sq. ft. are in that building?

Mr. Volkmar. I anticipate about 50,000 sq. ft. of storage space. The property is 100 x 140. I have no problems at all with the conditions as recommended by the Planning Commission, and I would ask that you follow their recommendation. I have talked to a number of property owners down there and there has been nothing but enthusiasm for this proposed project.

Mayor Briare: Is there anyone in the audience present to speak on this application?

Z-62-78
(cont'd)

Anna Dean Kepper, President of the Preservation Association of Clark County: We are concerned about this application for several reasons. The first reason is that we are concerned about the conservation of the surrounding neighborhood. The building proposed is not far from Las Vegas High School - is in close proximity to the Federal Building and the Annex to the Courthouse. We're concerned about its proposed scale - west of Las Vegas Blvd., south of Carson to Charleston, there are no 6-story buildings. The highest buildings in that area are four stories.

We are especially concerned about the function because even an attractive warehouse - or records center, as Mr. Volkmar has referred to it - we believe that commercial storage and trucks on that street are not compatible. We're not condemning the demolition of the landmark building, although people have pointed out to us it is a landmark building, but we are primarily concerned that new construction in that area should harmonize with the neighborhood and that the building that is proposed would have a negative effect on the entire area.

Commissioner Christensen: I'd like to ask a question: How can you build a building that harmonizes with the neighborhood when the neighborhood consists of all old residences?

Ms. Kepper: There are actually some very nice buildings in that area. There is a Law Office on the NE corner of 6th Street that harmonizes very well with the area.

Commissioner Christensen: Is that a new building or is it a converted home?

Ms. Kepper: No - that is a new building.

Commissioner Christensen: There is also a converted home kitty-corner across the street, isn't there, that is now a Law Office?

Ms. Kepper: There are offices surrounding that area - quite a few of the structures are becoming offices.

Commissioner Christensen: I grew up in that area so I am quite familiar with it . . . and I find it difficult in my own mind to figure how you can build any kind of a new building in there and maintain the character of the neighborhood because the character of the neighborhood has deteriorated from what was at one time a very fine residential area in this community, to a place where I had to move my mother-in-law out of there because of the traffic - that's the long and short of it.

Ms. Kepper: The Law Offices that have been built down Stewart and Green are very fine examples of new construction that harmonizes with the old neighborhood.

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

Mr. Volkmar: I am not sure that Ms. Kepper is aware that there are no building height restrictions right now in a C-1 Zone. I guess I could go up until I run out of money within that particular zone. Also, Mrs. Kepper has mentioned the Federal Building, which is presently four stories and, as you will recall, is scheduled for six stories. They set the foundation so they can build two more floors on there when they wanted to.

Z-62-78
(cont'd)

Mayor Briare: Mr. Foster, with respect to Mr. Volkmar's comment on the height - there are no height restrictions on that street at all - is that right?

Mr. Foster: There are no restrictions -

Mr. Volkmar: There is, reportedly, a 45-story Casino going in downtown - the Valley Bank Building not over a block away, is sixteen or seventeen stories.

Commissioner Christensen: Mrs. Kepper mentioned about the trucks - that there would be truck traffic in there - how big are the units? As I understand it, there are to be individual units. What is the size of the largest unit?

Mr. Volkmar: I would like to first categorize it as "personal storage". Originally I envisioned this because of the number of attorneys -

Commissioner Christensen: The size would almost dictate that it be professional storage - how large are they?

Mr. Volkmar: I don't know - I would hope to have some of them pre-leased - I want to come back and talk to the City and perhaps the County - right now the County Clerk sends all their records out to the Sanitation District. Essentially, it would probably be small 4 x 8, 8 x 10 storage.

Commissioner Christensen: In other words, you're talking about these personal storage yards that people maintain where you can stack them up and surround them with what looks like stucco or brick, or something, so that it looks decent - yours copies the same thing so if the City wanted to store records there . . .

Mr. Volkmar: I could characterize it as a Records Storage Facility or Personal Storage Facility. I don't really anticipate having large trucks . . .

Commissioner Christensen: That would have a tendency to limit the size of the trucks unless you were renting a whole floor of storage rooms. You are talking more about pick-up trucks -

Mr. Volkmar: Yes. I am restricted by ordinance from renting this out to wholesale storage. That is not allowed in a C-2 Zone.

Commissioner Christensen: We also have a restriction on the size of the trucks that can use that street, do we not?

Mr. Foster: The floor plan indicates the various sizes - I don't know what this would be (easel map) - maybe 10 x 10 as a typical storage unit.

Mr. Volkmar: Some would be smaller - this was turned out by the Architect as a typical floor.

Commissioner Lurie: What about security?

Mr. Volkmar: I've been talking to an Alarm Company who would have one of those ground-floor offices and the entire building would be monitored -

Commissioner Christensen: You couldn't rent your storage facilities for a lot of records because they have to be under certain conditions.

Z-62-78

Mayor Briare: What is the pleasure of the Board? The Planning Commission's recommendation is for approval

(No response)

Mayor Briare: If there is no motion, then the procedure is to hold the matter over to the next meeting.

Motion

Commissioner Christensen: It is amazing to me there is no motion because to hold this over another two weeks isn't going to accomplish anything one way or another. I think that some day we're going to have to vote on it so, based on that, I will move that we follow the recommendation of the Planning Commission.

Mayor Briare: Very well, Commissioner Christensen - that's all we're looking for - a motion, one way or the other. The motion is to follow the recommendation of the Planning Commission.

Commissioner Christensen voted "aye"
 Commissioner Leavitt voted "aye"
 Commissioner Lurie voted "no"
 Mayor Briare voted "no"

Commissioner Woofter did not vote - excused

Mayor Briare: The motion fails for lack of a majority and since we don't have a full Board, it will be held over to the next meeting.

Z-69-78 - NORLORNE DEVELOPMENT, LTD.

See Page 83 of these Minutes - Annotated Agenda

Z-70-78 - LABORERS LOCAL UNION No. 872

See Page 84 of these Minutes - Annotated Agenda

Z-73-78 - ROBERT W. COX, JR.

See Page 84 of these Minutes - Annotated Agenda

Z-74-78 - BANK OF NEVADA, TRUSTEE

See Page 85 of these Minutes - Annotated Agenda

Z-75-78

Z-75-78 - VALLEY GROUP CONSTRUCTORS, INC., A NEVADA CORP.

Mr. Foster: This is located to the west of the major Hospital facility. The property does front on Kingsbury Lane. I am sure you are familiar with the Valley Hospital property (screen). I am sure you can see it better on the map in front of you (easel map) - it is the portion of their holdings that is outlined in black - the blue indicates the major Hospital facility. The darker blue is a proposed 1-story addition going to possibly two or three stories in the future. As you can see, it does take up a portion of this property - the very southeast portion of it. The red dot indicates a proposed office building. The residence that is on the front portion of the property has been used for an office purpose. There is no access to Kingsbury - there are single family residences across the street.

Z-75-78
(cont'd)

The Planning Commission felt that it would be better to limit the commercial zoning only to the portion that is going to be developed with the ancillary addition to the Hospital and, on that basis, put a stipulation in their recommendation for approval - they felt that the remainder of the property being retained as P-R would result in better control on the types of uses that are across from the R-1 properties.

We had no protests at the Planning Commission meeting.

Commissioner Lurie: I move we follow the recommendation of the Planning Commission.

John Davidson, Attorney: I am Legal Counsel for Valley Hospital and with me is Mr. Schwartz, Chairman of the Board. I think Mr. Schwartz would like to speak to the one problem we're having with condition No. 2. This condition was not discussed at the Planning Commission meeting. It is something that apparently, have just become aware of - we have no problem with regard to - we amended our application at the Planning Commission meeting and we only requested the zone change for the back portion of the property - we had no need for commercial on the front portion of the property. I understand there is a problem with that and we don't intend whatsoever to have commercial in the front - that would be here (easel map) - we're not interested in commercial in here - this is P-R at the present time. Our biggest problem is right here, in the expansion of the Hospital itself and the proposed office building.

Mayor Briare: I think you are already commercial there, aren't you?

Mr. Davidson: No - this black, I believe, is the property line - within the black it is presently P-R.

Mayor Briare: And you want commercial for how much of that area?

Mr. Schwartz: This portion where my finger is (easel map) - this has been approved for commercial. This is what we are requesting. We are also requesting a portion of the proposed office building for commercial development.

Mayor Briare: Is there any problem with that, Mr. Foster?

Mr. Schwartz: Mr. Mayor, there is about 8 sq. ft. in the rear portion of the proposed office building - in the back - away from the Hospital, where we need to expand the heart rehabilitation lab. The building, to get the most efficient use of this part of the building, we have to encroach upon a slight corner of the rear portion of the proposed office building - this corner that is back here (easel map) - about 8 sq. ft. on the corner.

Mayor Briare: Mr. Foster, is there any reason this can't be allowed?

Amended
Motion

Commissioner Lurie: I will just amend the motion to include that 8 sq. ft. as a part of the application -

Mayor Briare: That map is not correctly drawn -

Mr. Schwartz: Right - that's what our problem is.

Z-75-78
(cont'd)

Mr. Foster: It is going to be difficult to describe this line -

Mayor Briare: Yes - on a set of building plans you could indicate what Mr. Lurie's amended motion is - right -

Commissioner Lurie: I would amend my motion that a set of plans be submitted showing that 8 sq. ft. - that Staff be satisfied they have a proper map on it.

Mr. Davidson: Other than that, Mr. Mayor, we have no other problems.

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

Commissioner Woofter did not vote - excused

ZONE CHANGE Z-76-78 HARRIS P. SHARP, ET AL

See Page 86 of these Minutes - Annotated Agenda

ZONE CHANGE Z-78-78 - JERRY D. & JOYCE L. HOLTZ

See Page 86 of these Minutes - Annotated Agenda

ZONE CHANGE Z-72-78 - HENRY A. SWAAB, INC., A CALIFORNIA CORP.

See Page 87 of these Minutes - Annotated Agenda

TENTATIVE MAP - WESTOAK PARK

See Page 88 of these Minutes - Annotated Agenda

Z-70-70

REVIEW OF CONDITIONS AND PLOT PLAN REVIEW - UNITED OUTDOOR ADVERTISING

Mayor Briare: Is the applicant present? Or his representative?

Attorney Herb Jones: For the record, I am here representing the applicant.

Mayor Briare: Mr. Foster, would you briefly present the application before us?

Mr. Foster: The property in question is on the NW corner of E. Sahara and Santa Clara. As you can see, there is a building on the property (screen). The red indicates the location of the proposed billboard. When this property was rezoned to C-1 there was a condition to the approval that there be no billboard allowed. They are now asking that that condition be rescinded so they can add a billboard. The Planning Commission felt that the conditions on this property have not changed since the original proposal and for that reason they recommended denial.

Mr. Jones: As you will notice on your agenda, you will find that the condition was imposed on the property in 1970 - eight years ago - and at that time, of course, Sahara was not nearly commercialized as it is today. At the present time, I believe - I know you are all extremely familiar with the area - especially one gentleman who has an office down there - what I'm referring to is that along there is completely commercial from Maryland Parkway - going east it is not completely commercial, but on the other side going all the way to the Underpass and further up on Alta, is commercial. So it is a completely commercial street at the present time. In the last eight years that situation

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(cont'd)

has changed. Also in the last eight years - and I did make some inquiry in regard to that matter - there have been signs granted - free standing signs - along that particular area since this condition was put on this particular property. So the application conforms to all of the requirements of the Sign Ordinances and it would be an imposition on this particular property to keep this eight-year-old restriction on that property. Now, at the time it was put on there, it may have been of value and fair to the rest of the property in the area, but at the present time it would be, it seems to me, a very unfair situation to keep it on the property when this Commission has granted free standing signs on numerous occasions since that time.

Commissioner Christensen: Why is the Planning Commission against it? Why did the Planning Commission deny it?

Mr. Jones: I think that some of the people out there for many years have been against signs. I was not present at the Planning Commission meeting, Commissioner, so I cannot say . . .

Commissioner Christensen: Then let me ask Mr. Foster - how come the Planning Commission denied it? What was their reasoning?

Mr. Foster: They didn't elaborate, other than they thought there were already too many billboards along there and they did not see why they should have one on this particular property, and it did have that condition.

Commissioner Christensen: It would seem to me like it is almost discriminatory because of having that condition on that one piece of property and not having it on the rest. As to billboards on Sahara - we shouldn't have any.

Mr. Foster: I think - there is a difference now - when this property was approved - since then two properties to the north and two across the street have been rezoned to P-R for Professional Offices . . .

Commissioner Christensen: How many billboards are there now on that street between Maryland Parkway and Las Vegas Blvd.?

Mr. Jones: I examined the properties the other day and there are numerous ones all along there - free standing signs.

Commissioner Christensen: I can think of about three or four myself, right off-hand . . .

Mr. Jones: I did not count them, Commissioner, but I did go by to examine the property and area and they are all the way along the street.

Mayor Briare: Is it the rule, Mr. Foster, that any property that is zoned C-1 that it can automatically be allowed a billboard? Unless it's restricted at the time of the rezoning, such as this one was back in 1970?

Mr. Foster: Most of your approvals are tied into a specific development plan. If they don't show it on the development plan, they have to come back to you to get permission.

Mayor Briare: Is it conceivable that every piece of property on Sahara with C-1 Zoning could have a 14 ft. x 48 ft. off-premise sign on it?

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(cont'd)

Mr. Foster: There is a setback distance between billboards of, I believe, 200 ft. in a C-1 Zone.

Commiss-oner Christensen: In other words, you can't have them unless you have 200 ft. of property because it has to be 200 ft. from the next one?

Mr. Foster: Right.

Mayor Briare: There is a restriction then - the answer I am trying to elicit here is that no more than one sign every 200 ft. along Sahara would be allowed.

Mr. Jones: This would comply with all the requirements other than that regulation - that condition that was placed on there eight years ago.

Mr. Foster: As far as I know, it would comply.

Motion

Commissioner Christensen: I would like to move that we allow the billboard.

Commissioners Christensen and Lurie voting aye; noes, none.

Mayor Briare abstained

Commissioners Leavitt and Woofter did not vote - excused

(At the hour of 3:50 P.M., Commissioner Leavitt excused from the balance of this regular meeting)

REINSTATEMENT OF RESOLUTION - Z-27-77 - VIRGINIA A. HART

See Page 89 of these Minutes - Annotated Agenda

-28-77

REVIEW OF CONDITIONS - Z-28-77 - VALLEY HOSPITAL

Mr. Foster: This property is on the south side of Pinto - shown in blue. When it was approved for P-R there was a stipulation that there be no access from Pinto Lane, but that it be off of Shadow Lane, the main entrance to the property. At that time they agreed to that stipulation. They now are using it - the physicians are using it - they would like to have access to that building because it would be more convenient to use that driveway off of Pinto. The Planning Commission recommended approval, subject to restricting it to the physicians use only and that there be a sign placed at the driveway indicating "for Physicians Only".

Mayor Briare: Counselor, would you like to be noted as the attorney of record on this matter?

Attorney Hammell: Yes -

Motion

Commissioner Lurie: I move we follow the recommendation of the Planning Commission.

Commissioner Christensen: I'd like to raise a slight question here. I really have no fight with this application. The only problem I have with this area is that it seems like every time we have a Commission meeting we have another application from Valley Hospital to do a little something more. It has been stated many times on other zoning actions in this area that - by the residents there - and we all realize that this is tending to become a

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(cont'd)

medical area and that the time in terms of residence here are numbered, and so forth - but I'm just wondering if there isn't some way - and I don't know the answer - I'm going to ask Staff to bounce this around and see if they can come up with some way that we could indicate to the general public, in a very simple way so they don't have to follow the public notices in the newspapers to find out what's going on in their neighborhood - if we could notify them that this is a medical neighborhood and that we will be making changes in the zoning, so if anyone is planning on buying a home in there you had just as well be advised that these changes are coming - and they are not all bad changes. But something that rather than piece-meal this thing along at 100 sq. ft. a month, go ahead and make a Resolution of Intent, or something, indicating that this is the way it's going to be - so that we don't have this constant question every Commission meeting - another application from Valley Hospital for the extension of a driveway - or convert this house - we've had two of them today. We get them constantly and if I lived in that neighborhood I know I would sure be like a lot of those people - I'd get tired of appearing and watching the newspapers and attending hearings - I would get more letters from the City on a proposed change than I do from my relatives - I would wonder when it's all going to change or just exactly what is going to happen.

Commissioner Lurie: I asked for that at one time - I asked for a complete general plan of that medical property so that we can get it all done at one time because we do - every three months we get a new application for something else.

Mayor Briare: They came in for 8 sq. ft. today -

Commissioner Christensen: I have no fight with their applications - they are usually right and proper, but I look at this thing on Pinto Lane. Now, the reason that condition was put there is because the residents out on Pinto didn't want that access to the Hospital to come off of Pinto Lane. So now we're going to allow just a little bit of access off of Pinto Lane. Mark my words in six months they will come in to petition to take the sign off that says "For Physicians Only" and that will become one of the main entrances to the parking lot. So, if that's the case, let's do it today! Why mess around with putting a sign up that says "For Physicians Only" and from there it just goes on and on.

Attorney Hammell: May I respond to that. There are two items being discussed here and I will address myself to the first one - I will take the second one first. Although this appears rather large on your diagram here (easel map) it is a small private drive. If any of the Commissioners who have driven by there, it is very, very small - it was there when this house was originally built -

Commissioner Christensen: I understand that -

Attorney Hammell: Our parking situation is very critical at the Hospital ... there is no way this could become a full-fledged driveway - if we restrict it and allow it only for the physicians . . . we have a staff of some 300 or 400 physicians and obviously you can't get that many physicians in these parking spaces. So, those who do have offices should have private drives . . . we, too, are tired of having to submit so many applications for what we feel are necessary items - it is frustrating to us and frustrating to you but it is required that we go through these procedures in order to proceed . . . we have to abide by the requirements.

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(cont'd)

With regard to a comprehensive plan, however, on August 17, 1978 Mr. Milton Schwartz submitted a letter to Al Bossi, Harold Foster and Albert Weber of the City of Las Vegas outlining our over-all development plan - those things we were planning to do in the foreseeable future, which means for the next 20, 30 or even 40 years. One of the items of the most significance to us was Vallerie Street. This Commission held in abeyance the question of Vallerie Street. Eventually you are going to have to consider that problem - the problem of traffic - of engineering. All of this is outlined in our letter - what we intend to do is this: Sit down with all involved departments of the City - outline what our future plans are - maybe one or two more applications might do it - and see if we can resolve all of our problems without having to come in here so many times ourselves.

Commissioner Christensen: Then you are already doing exactly what I asked for. Apparently it is in the works and I'd like to see the results of it and I'd like to act on one application so that those people can kind of rest from new activities over there and know where they stand. As I've said before - I'm not against these applications - I'm not against the use of this driveway - there are a lot of things that are done that are silly to placate a few people - nevertheless they have a right to know what's going to happen in the neighborhood over the next ten years and I think we should give them that information. If we have a master plan for the Hospital, then I think we should go ahead and battle out the zoning, or whatever is required - get it approved or not approved, and then stick with it for a few minutes so those people don't always end up in a turmoil over there.

Mayor Briare: That sounds reasonable. In the meantime, what shall we do on this request?

Motion

Commissioner Lurie: I move for approval as recommended by the Planning Commission.

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

Commissioners Leavitt and Woofter did not vote - excused.

EXTENSION OF TIME - Z-73-77 - CHRISTINA M. HIXSON, ET AL

See Page 90 of these Minutes - Annotated Agenda

DEVELOPMENT PLAN REVIEW - Z-49-75 - PLASTER-BECKER COMPANY

See Page 90 of these Minutes - Annotated Agenda

AESTHETIC REVIEW - AR-4-78 - SIERRA CONSTRUCTION CORP.

See Page 90 of these Minutes - Annotated Agenda

ANNEXATION - A-8-78 - GARDEN STATE METALS EMPLOYEES RETIREMENT TRUST

See Page 91 of these Minutes - Annotated Agenda

REMOVAL OF CONDITION - BRETON WOODS NORTH - TENTATIVE MAP

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HOMESTEAD
ESTATESWAIVER - HOMESTEAD ESTATES

Norman Marsh: Mr. Ruthe would like to apologize to the Mayor but he had to attend another meeting and I'm here on his behalf.

Mayor Briare: This is a kind of rural development, isn't it?

Mr. Marsh: Yes Sir -

Commissioner Lurie: You are going to have the rolled curbs?

Mr. Marsh: That is correct, Sir - rolled curbs. This is primarily rural estates for horses -

Mayor Briare: Septic tanks?

Mr. Marsh: Septic tanks - that is correct.

Mr. Foster: The rolled type curbs . . . the L-type curbs have been waived on the interior - we have some roll type and I think some other special design worked out with the Department of Public Services on the interior of the subdivision. Also along Thom and Gillmary the sidewalks have been waived but the but the permits have been held on Down and Bradley which are secondary streets - they are 80 ft. wide. I think it was on that basis that the Planning Commission denied the request - or at least half of them felt that the full improvements should be retained on the portion of the subdivision that abuts the secondary streets.

Commissioner Lurie: On Bradley is where they are asking for the waiver - where the Planning Commission felt it should be the L-type curbs -

Mr. Foster: They are just asking for waiver of the sidewalks. They will put in a standard L-type on Bradley and Down, but they do not want to construct the sidewalks.

Commissioner Lurie: Are those half acre lots?

Mr. Marsh: They are half acre lots - the residents there really don't need the sidewalks in that area.

Motion

Commissioner Lurie: I move for waiver of the sidewalks.

Commissioners Christensen, Lurie and Mayor Briare voting aye; noes, none.

Commissioners Leavitt and Woofter did not vote - excused

AMENDMENT - MASTER PLAN OF STREETS & HIGHWAYS - WASHBURN ROAD

See Page 91 of these Minutes - Annotated Agenda

MEETING ADJOURNED - 4:40 P.M.