

# MINUTES

## City of Las Vegas

### BOARD OF COMMISSIONERS

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

DATE: Sept. 20, 1978

TIME: 9:30 A.M.

INVOCATION: Rev. Richard H. Peterson  
Trinity United Methodist Church

#### PLEDGE OF ALLEGIANCE:

#### BOARD OF CITY COMMISSIONERS

	PRESENT	ABSENT	EXCUSED
MAYOR BILL BRIARE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. PAUL J. CHRISTENSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. RON LURIE MAYOR PRO-TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. MYRON E. LEAVITT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 2:00 thru 3:45 P.M.
COMM. ROY WOOFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### CITY ATTORNEY

MIKE SLOAN  
Audrey Daines, Alternate

APPROVED BY REFERENCE December 6, 19 78

ATTEST:

*Edmund M. Cross*      *William V. Briare*  
CITY CLERK      MAYOR

MINUTES

September 20, 1978

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 20th 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 15, 1978 (See Page 3 of these Minutes Affidavit)

AGENDA MAILED September 14,, 1978 (See Page 4 of these Minutes Affidavit)

STAFF  
ATTENDANCE

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

RECEIVED

SEP 15 1 22 PM '78

CITY CLERK

AFFIDAVIT OF POSTING

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

Carl D. Peterson, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 15th day of September, 1978, at the hour of 8:20 A. M. there were posted copies of an AGENDA (NOTICE), the attached of which is a true and correct copy of a REGULAR Meeting of the Board of City Commissioners, in the Commission Chambers, City Hall, 400 E. Stewart Avenue, Las Vegas, Nevada, together with ADDENDUM No. 1, on Public Bulletin Boards at the following locations:

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

Carl D. Peterson  
(name)

Subscribed and sworn to before me this 15th day of Sept., 1978

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

P/S Quality Control  
(department or division)

NANCY M. DELA BARRE  
Notary Public—State of Nevada  
COUNTY OF CLARK  
My Commission Expires May 12, 1981

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )

DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 14th day of September, 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 20th 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 in the Office of the City Clerk)

Subscribed and sworn to before me  
this 14th day of September, 1978

Notary Public in and for said County and State

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )


DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says: That on the 14th day of September, 1978, a copy of ADDENDUM No. 1 to the AGENDA (NOTICE) of a REGULAR Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 20th day of September, 1978, of which the attached is a true and correct copy, was deposited in the United States Mail, postage prepaid, first class mail, to each person and/or organization whose name appears in the Agenda Register maintained in the Office of the City Clerk as having requested, in writing, a copy of said Agenda (NOTICE).

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

SUBSCRIBED AND SWORN TO before me

this 14th day of September, 1978

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

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

RECEIVED

SEP 15 1 22 PM '78

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

CITY CLERK

STATE OF NEVADA )  
                          ) ss.  
COUNTY OF CLARK )

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

15th day of September, 1978, at the hour of 8:20 A.M.

there was posted a copy of Addendum No. 2, the attached of which is a true and correct copy, to the Agenda (Notice), and Addendum No. 1, of a Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, to be held on the 20th day of Sept., 1978, at the following locations:

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

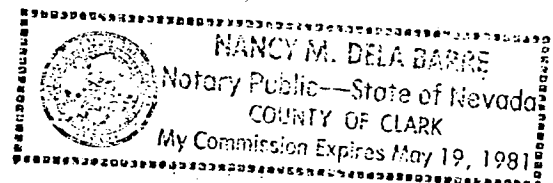
Carl D. Peterson  
(name)

Subscribed and sworn to before

me this 15<sup>th</sup> day of Sept., 1978

P/S Quality Control  
(department or division)

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



AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)


STATE OF NEVADA     )  
                          )    ss.  
COUNTY OF CLARK    )

DORIS M. KARSNOK, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says: That on the 15th day of September, 1978, a copy of ADDENDUM No. 2 to the AGENDA (NOTICE) of a REGULAR Meeting of the BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 20th day of September, 1978, of which the attached is a true and correct copy, was deposited in the United States Mail, postage prepaid, first class mail, to each person and/or organization whose name appears in the Agenda Register maintained in the Office of the City Clerk as having requested, in writing, a copy of said Agenda (NOTICE).

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

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

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

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

# AGENDA

## City of Las Vegas

September 20, 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 (Fire Services) who had 5, 10, 15, 20, 25 or 30-year anniversary dates between 1/1/78 and 6/30/78

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

B. SPECIAL EVENTS

II. 10:00 A.M.

A. ANNOUNCEMENT re COMPLIANCE WITH OPEN MEETING LAW

B. INVOCATION:

Rev. Richard H. Peterson  
Trinity United Methodist Church

C. PLEDGE OF ALLEGIANCE

APPROVED AGENDA ITEM

RCJ 9/12/78

PRESENTATION OF  
SERVICE AWARDS  
FIRE SERVICES

Mr. Saylor: Is everybody ready? If I could have your attention for just the presentation. Mayor Briare will make a few remarks, and then we'll call the names. As we do, will the firemen please come up and receive their awards.

Mayor Briare: Thank you Mr. Saylor. As usual, sometimes our sound system doesn't work so great so rather than use the microphone, I'm hopeful I can address my remarks to those members of the Fire Department who we are honoring today with service awards as a very small token of appreciation of the years that you put in and served the City of Las Vegas.

I know that the Commissioners and the executives of the Fire Department, management and everybody else join in with me in extending our thanks to you. It seems to me that not a day goes by, and ladies and gentlemen, I mean this from the bottom of my heart, there's not a day that goes by that somewhere in the Las Vegas community the Fire Department is doing something that is a great credit to this community.

Now, I'm convinced of this, it's because there have been people like yourselves who have devoted a lot of years to making the Las Vegas Fire Department, in our opinion, the best Fire Department in the Country. I'm here to tell you fellows this, and I have spoken like this before, and the Commissioners agree with me, as far as we're concerned, the Las Vegas Fire Department is the finest Department in the Country, and it's because of the efforts like you're making all of the time. We're very happy to present you with the awards, and I want to make this little comment on behalf of the Commission and myself.

Mr. Saylor: Receiving 5-year awards: Bobby Baxter, Patrick Carter, Junior Damron, Garland Davis, Scott McGhie, Brian Stull, Anthony Tisovec. I might say that there are others who have earned awards, but they're not here, so we're not reading their names.

To receive 10-year awards: Wayne Buell, Ellwood Heikka, James Jenson, Billy Klebold, J.E. Loftis, James Ramsay, Earl Thomas, James Thompson.

15-year awards: Robert Fitch, Richard Gammon, Robert Pederson, Robert Sheltnen.

20-year awards: Dennis Harrington, Horace Mullinax.

This next award is for 25 years service to Julius Conigliaro. Julius comes from New York 25 years ago to Las Vegas. He began with the Fire Department immediately upon his arrival. He's gone up through the ranks of Firefighter, Fire engineer, and for the past 18 years as a Captain. He has received commendations over the years as evidence

PRESENTATION OF  
SERVICE AWARDS  
FIRE SERVICES  
(CONT)

of his dedication and skill to the City and the people of the City.

The next award is 30-year service with the Department, goes to Chief Leavitt, who started thirty years ago with the City under...

Chief Leavitt: I've gone through a lot of Mayors.

Mr. Saylor: And I might add, a lot of City Managers. Chief Leavitt is a native of Nevada. He started work under Chief Davis as some of us remember. Now he has gone up through the ranks of promotion from Fire Engineer in 1952; 1954 to Captain. In 1964 he took on the responsibilities of Battalion Chief. Over the last thirty years, Chief Leavitt has demonstrated a high degree of skill, judgement and loyalty. Chief, to you the commendations you have received with today's recognition cannot begin to repay the great appreciation and admiration the entire City and, of course, all of us at City Hall owe to you.

Chief Leavitt: I'd like to thank the Mayor and the City Commissioners and the City Manager for this honor.

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PRESENTATION OF  
SPECIAL AWARD TO  
MR. J. TIBERTI

Mayor Briare: Ladies and gentlemen, we have a couple of other things that we want to do this morning, both of which are very important. The first one is going to be announced by Mr. Don Saylor, who has a few appropriate comments. Don would you please take care of that.

Mr. Saylor: The first presentation award goes to Mr. J. Tiberti, a long-time resident of Las Vegas and a long-time member of the Planning Commission. I think he's got more time on the Planning Commission, perhaps, than the rest of the members combined. He served on the Regional Planning Commission over 25 years ago before we had a City Planning Commission. His wisdom and judgement in terms of his decision on this Commission are in great evidence throughout the City. I particularly remember that Mr. Tiberti, prior to the City having any landscaping requirements, did on his own, for his own benefit and for the City's benefit, without being required to do so, landscape his development in an industrial area.

The last time I saw Mr. Tiberti, which was about a month ago, it was some four hours on a dance floor after he had worn out about four dancing partners. I have associated with him many years on the Planning Commission, and it's been a very warm experience for me, and I think a good experience for the City. I could go on for hours, but I think I better have him walk out here. Would you come forward, please?

PRESENTATION OF  
SPECIAL AWARD TO  
MR. J. TIBERTI

Mayor Briare: We do recognize the contribution you made the City, and Don Saylor, who probably had closer contact with you through all those years than any of us who are standing here today or any of the former Mayors or Board of Commissioners. Only Mayor Gragson, I guess is the closest one to being even nearer that number of years. You've been around for a long time; you've been a great help to the community, and I take great pride on behalf of myself and the Board of Commissioners to present you with this plaque today, Mr. Tiberti, for 25 years of service.

Mr. Tiberti: I appreciate it very much. It's really been a pleasure to have been on the Board for that many years and see the City come into vision. I appreciate it very much.

AWARD TO MISS  
NEVADA UNITED  
TEENAGER

Mayor Briare: We have another presentation today, and Commissioner Myron Leavitt is going to make the announcement.

Commissioner Leavitt: This presentation is being made to Miss Nevada United Teenager, Angie McAuley.

INVOCATION AND  
PLEDGE OF  
ALLEGIANCE

Mayor Briare: Good morning ladies and gentlemen. This is the regular meeting of the Las Vegas City Commission. We're pleased this morning to have Reverend Richard Peterson of Trinity United Methodist Church, who is going to offer the prayer this morning. Would you please stand, and remain standing for the Pledge of Allegiance.

Rev. Peterson: Father God, we thank you for those whose service to the City was recognized a few minutes ago. To serve the human needs of a growing city is of great importance. We pray that you will be with the Mayor, the City Commissioners and their staff as they meet this morning to again make decisions that affect our City's future and they do so with wisdom. As these decisions are made, we pray that they could be carried out with real human concern for the persons that they effect. In this way may we have a City that continues to grow in human value, even as it grows in size. Amen.

Pledge of Allegiance.

Mayor Briare: Thank you, Reverend Peterson.  
Have a nice day.

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DEPARTMENT OF BUSINESS ACTIVITIES  
ILA M. BRITT, DIRECTOR

See Pages 13 through 26 - Annotated Agenda.

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SABELLA'S ITALIAN  
SEAFOOD HOUSE

Mayor Briare: Item 5 is Sabella's Italian Seafood House. Commissioner Lurie?

Commissioner Lurie: I believe that the City Attorney was served this morning. Maybe he can give us some information on background on that.

Mr. Sloan: Yes, Commissioner. The City has been served with a temporary restraining order and a summons and complaint. Basically, the restraining order orders the City of Las Vegas to continue the inactive status of this particular license. We were not given any notice of the hearing when this restraining order was issued ex partum. I, frankly, question the authority of the court to issue it. I'd like to ask if you are going to extend it, that you would extend so for two weeks so that we have an opportunity to go into court and ask that they dissolve this restraining order. At the present time you are under a mandate from the court to continue the extension. It is my advice, obviously, you have to follow the order of the court until such time as we get relief from that order.

Commissioner Lurie: Mayor, I move that we follow the recommendation of the City Attorney and allow a two-week extension.

Mayor Briare: Any comments or questions on the motion? You wished to make a comment, sir?

Mr. Hess: I'm Bill Hess. I'm an attorney. I represent Mr. Sabella. This is news to me. I just found out about it yesterday, about the injunction being served on the City. There is one comment I would like to make. The claim against Mr. Sabella's right to have a license by Mr. Wang is based upon a certain document, which Mr. Sabella says he signed but was altered after he signed it. When I informed Mrs. Britt of this, she wanted an investigation of this. That was in June or early July. This has nothing to do with the injunction.

Mayor Briare: Well, I don't know if this is the time to do that. Mr. Sloan, is this relevant to allowing two more weeks?

**AGENDA***City of Las Vegas*

September 20, 1978

BOARD OF CITY COMMISSIONERS

Page 2

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

1. NUBIAN KEFENTSE KULTURAL KOMMUNITY -- bazaars/rummage sales and art sales; raffle tickets
2. CHURCH WOMEN UNITED -- solicit donations for UNICEF
3. MATRE D'S AND CAPTAINS ASSOCIATION -- raffle tickets; sale of advertising space; a Golf Tournament
4. AMERICAN HEART ASSOCIATION -- a Cyclethon
5. AMERICAN JEWISH COMMITTEE -- tickets to a dinner
6. CHRIST CHURCH EPISCOPAL -- tickets to the Tenth Annual Live Lobster Fair
7. CLARK COUNTY HUMANE SOCIETY -- placement of collection boxes

Items 1 thru 42  
Approved  
Lurie - unanimous

Director  
authorized  
to proceed

**AGENDA***City of Las Vegas*

September 20, 1978

BOARD OF CITY COMMISSIONERS

Page 3

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
III. <u>DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)	See Page 2	See Page 2
*A. <u>CHARITABLE SOLICITATIONS PERMITS</u> (cont'd)		
8. CHURCH OF SCIENTOLOGY OF NEVADA -- sale of books		
9. CLARK COUNTY CHILD CARE ASSOCIATION -- tickets to a children's fashion show and buffet; raffle tickets		
10. CLARK COUNTY HIGH SCHOOL, SOCCER BUNNIES -- sale of advertising space		
11. CLUB SOCIAL MEXICANO -- tickets to a Fiesta		
12. CORNER STONE CHURCH OF GOD IN CHRIST -- tickets to a bazaar		
13. EASTER SEAL SOCIETY OF NEVADA -- a membership mail campaign and sweepstakes mailing		
14. ECKANKAR SATSANG SOCIETY -- a bake sale		
15. ELDORADO N.J. ROTC PARENTS BOOSTER CLUB -- donations for Jerry Lewis Kids		
16. THE FORDYCE CLUB -- tickets to a benefit dinner		
17. FREMONT JR. HIGH -- sale of magazine subscriptions		
18. RUTH FYFE P.T.A. -- tickets to a carnival		

**ENDA***City of Las Vegas*

September 20, 1978

BOARD OF CITY COMMISSIONERS

Page 4

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

See Page 2

See Page 2

\*A. CHARITABLE SOLICITATIONS PERMITS  
(cont'd)

19. GERMAN AMERICAN SOCIAL CLUB OF NEVADA -- tickets to the annual Oktoberfest
20. GRIFFITH METHODIST CHURCH, UNITED METHODIST WOMEN -- a church festival
21. HADASSAH, LAS VEGAS CHAPTER -- raffle tickets; a bingo game.
22. HELP THEM WALK AGAIN FOUNDATION, INC. -- raffle tickets
23. HOME OF THE GOOD SHEPHERD AUXILIARY -- tickets to a dinner/dance
24. JUNIOR MESQUITE CLUB -- raffle tickets
25. LAS VEGAS GAMBLE-AIRES -- tickets to the annual pancake bash
26. LES FEMMES DOUZE -- sale of advertising space; tickets to a dinner
27. LIGHTHOUSE THRIFT SHOP -- a thrift shop
28. MULTIPLE SCLEROSIS SOCIETY, SO. NV. CHAPTER -- tickets to the Governor's Barbeque

**AGENDA***City of Las Vegas*

September 20, 1978

BOARD OF CITY COMMISSIONERS

Page 5

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

See Page 2

See Page 2

\*A. CHARITABLE SOLICITATIONS PERMITS  
(cont'd)

29. MUSCULAR DYSTROPHY ASSOCIATION --  
coin canisters; Bowl-A-Thon;  
Golf Tournament; Pop Warner  
"Walk Against Dystrophy";  
carnivals; beauty pageant;  
McDonald Crusade; IAFF "Fill  
the Boot"; a telethon
30. NATIONAL CONFERENCE OF  
CHRISTIANS & JEWS -- tickets  
to a dinner
31. NEVADA NURSES ASSOCIATION,  
CONSTITUENCY III -- raffle  
tickets; sale of advertising space
32. NEVADA STATE FEDERATION OF  
GARDEN CLUBS, INC. -- a plant  
sale
33. OPPORTUNITY VILLAGE ASSOCIATION  
FOR RETARDED CITIZENS -- a  
thrift store
34. RAPID VEGAS SOCCER CLUB --  
tickets to a cocktail party
35. THE ROCKET, INCORPORATED --  
general solicitations
36. ST. FRANCIS DE SALES CHURCH --  
raffle tickets

# AGENDA

## City of Las Vegas

September 20, 1978

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

Page 6

ITEM	Commission Action	Department Action
III. <u>DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)	See Page 2	See Page 2
*A. <u>CHARITABLE SOLICITATIONS PERMITS</u> (cont'd)		
37. ST. JUDES WOMENS AUXILIARY -- a thrift shop		
38. ST. PAUL CHURCH OF GOD IN CHRIST -- tickets to a dinner		
39. STOP E.R.A. COMMITTEE -- general solicitations		
40. THEATRE ARTS SOCIETY, INC. -- sale of season tickets		
41. WE CARE FOUNDATION -- a dessert party; raffle tickets		
42. ZELZAH TEMPLE -- tickets to the Shrine Circus		
Westland Mall Garage Sale - September 23, 1978		
1. BETA SIGMA PHI, PRECEPTOR MU CHAPTER	Items 1 thru 4 Approved Lurie - unanimous	Director authorized to proceed
2. CLIPPED WINGS UNITED AIRLINES STEWARDESS ALUMNAE, INC.		
3. LAS VEGAS CHINA PAINTERS		
4. RAINBOW GIRLS MOTHERS CLUB ASSEMBLY # 9		

**AGENDA***City of Las Vegas*

September 20, 1978

BOARD OF CITY COMMISSIONERS

Page 7

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

Items 1 thru 11  
Approved  
Lurie - unanimous

Director  
authorized  
to proceed

\*B. GAMING -- Additional

1. CALIFORNIA HOTEL & CASINO

California Hotel & Casino  
12 East Ogden  
8 slots

2. FOXY'S JACKPOT CITY, INC.

Foxy's Firehouse Casino  
2423 Las Vegas Blvd. So.  
3 penny slots

3. THE GOLDEN GATE

Golden Gate Hotel & Casino  
#1 Fremont Street  
4 slots

4. DOMMERMUTH ENTERPRISES, INC.

Orbit Inn Casino  
707 East Fremont Street  
9 slots

5. BIG NICKEL, INC.

Rendezvous Hotel & Casino  
400 East Ogden  
1 Craps table

# AGENDA

## City of Las Vegas

September 20, 1978

BOARD OF CITY COMMISSIONERS

Page 8

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

See Page 7

See Page 7

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

6. RINGSIDE LIQUORS, INC.

Dino's  
1516 Las Vegas Blvd. So.  
2 slots

7. ACME NOVELTY

Sunset Liquors  
1027 South Main Street  
1 slot

8. AUTOMATIC AMUSEMENTS OF L.V.

Vega Liquor  
2216 East Fremont  
1 slot

Plaza Lounge  
1764 East Charleston  
2 slots

Casbah Bar  
19 East Lewis  
1 slot

9. CASINO SERVICES

Four Queens Hotel & Casino  
202 East Fremont  
12 slots

Holiday International Casino  
300 North Main Street  
4 slots

Commissioner  
Lurie Abstained

# AGENDA

## City of Las Vegas

September 20, 1978

BOARD OF CITY COMMISSIONERS

Page 9

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
<p>III. <u>DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>	See Page 7	See Page 7
<p>*B. <u>GAMING -- Additional</u> (cont'd)</p>		
<p>10. J &amp; H VENDING COMPANY</p>		
<p>Duck In Liquor 2839 West Sahara 1 slot</p>		
<p>11. WILSON COIN MACHINE COMPANY</p>		
<p>Friendly Liquors 1601 North "H" Street 1 slot</p>		
<p>C. <u>LIQUOR -- New</u></p>		
<p>1. *LONG JOHN SILVER'S SEAFOOD SHOPPE 3000 East Sahara Restaurant Beverage License</p>	<p>Approved subject to conditions Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>Monarch Seafood Enterprises, Ltd. -- General Partners: Herbert L. Porter, 35% James Lynwood Wilder, Jr., 35% Limited Partners: Thomas J. Mauro, as Trustee for Thomas J. Mauro, Jr., M.D., Inc., Pension and Profit Sharing Plan, 10% Arthur E. Briggs, 5% Tulley E. Brown, 5% William R. Eriksen and Judith R. Eriksen as Joint Tenants, 2.5% Jeffrey G. Wood and Coleen F. Wood, 2.5% Roger Porter, 2.5% John D. Pierce and Gloria E. Pierce, as Joint Tenants, 2.5%</p>		
<p>cont'd . . .</p>		

# AGENDA

## City of Las Vegas

September 20, 1978

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

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ITEM	Commission Action	Department Action
<p>III. <u>DEPARTMENT OF BUSINESS ACTIVITY</u>                      (cont'd)</p>	See Page 9	See Page 9
<p>C. <u>LIQUOR -- New</u>                      (cont'd)</p>		
<p>1. *LONG JOHN SILVER'S SEAFOOD                      SHOPPE                      (cont'd)</p>		
<p>Director of Operations:                      Theodore Bernard Switzer                      Manager:                      Sanford Kristjan Greenwood</p>		
<p>*Subject to the provisions of the                      Planning, Building &amp; Fire codes,                      Health Department regulations and                      final Police Investigation</p>		
<p>D. <u>LIQUOR -- Change of Ownership/                      Change of Business Name</u></p>	<p>Approved subject                      to conditions                      Lurie - unanimous</p>	<p>Director                      authorized                      to proceed</p>
<p>1. From: Pete's Liquor</p>		
<p>Pet Char Corporation --                      Pete Tasios, Pres                      Tona Siefert, V. P.                      Charles Siefert, Secy-Treas</p>		
<p>To: *STEWART MARKET                      2021 East Stewart                      Package Liquor Limited</p>		
<p>Vranesh Enterprises, Inc. --                      Joseph Vranesh, Pres                      Peter Vranesh, Secy-Treas</p>		
<p>*Subject to the provisions of the                      Planning, Building &amp; Fire codes                      and Health Department regulations</p>		

# AGENDA

## City of Las Vegas

September 20, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-8011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

Items 1 and 2  
Approved  
subject to  
conditions  
Lurie - unanimous

Director  
authorized  
to proceed

E. LIQUOR -- Reclassification

1. \*VIVA ZAPATA'S  
3540 West Sahara, Suite 6

From: Service Bar License

To: Tavern License

Viva Zapata's --  
Charles Ramirez, Pres  
Marilyn K. Ramirez, Secy-Treas

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

2. \*FLIGHT 1401 RESTAURANT  
1401 Las Vegas Blvd. North

From: Restaurant Beverage License

To: Service Bar License

Chris Williams, 100%

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

# AGENDA

## City of Las Vegas

September 20, 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)

F. LIQUOR & RETAIL TOBACCO -- Change of Location

1. EL RIO CLUB

From: 1905 North "H" Street

To: \*1312 "F" Street  
Tavern License

Ralieggh Hughes, 100%

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

Approved subject to conditions  
Lurie - unanimous

Director authorized to proceed

Commissioner Leavitt abstained

G. LIQUOR & RETAIL TOBACCO -- Approval of Additional Corporate Officer/ Request for Waiver Under 5-18-6 (D)

1. SAFEWAY STORE # 333-N  
1100 East Charleston  
Package Liquor Limited

SAFEWAY STORE # 334-N  
700 Decatur Blvd  
Beverage Off-Sale

SAFEWAY STORE # 335-N  
701 Tonopah Highway  
Package Liquor Limited

SAFEWAY STORE # 346-N  
3631 West Sahara  
Package Liquor Limited

SAFEWAY STORE # 349-N  
4750 Vegas Drive  
Package Liquor Limited

Approved  
Lurie - unanimous

Same as above

cont'd . . .

# AGENDA

## City of Las Vegas

September 20, 1978

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)

G. LIQUOR & RETAIL TOBACCO -- Approval of Additional Corporate Officer/ Request for Waiver Under 5-18-6 (D)  
(cont'd)

See Page 12

See Page 12

1. Safeway Stores, Inc. --

Additional Officer:  
Peter A. Magowan, Vice Pres

Officers requesting waiver of investigation under Title 5, Chapter 18, Section 6 (D):  
Willie Hazzard Ferrell,  
Assistant Secretary  
Donald L. Gates, Vice Pres

H. GAMING -- New

1. VISTA MOTEL  
209 North 7th Street  
1 Business-Owned Slot

Harold Surh, 100%

Approved  
Lurie - unanimous

Director  
authorized  
to proceed

I. SPECIAL EVENT LIQUOR LICENSE

1. CHRIST CHURCH EPISCOPAL

Location: 2000 Maryland Parkway

Date: October 21st, 1978

Responsible Licensee:  
Frank E. Scott

Approved  
Lurie - unanimous

Same as above



**ENDA***City of Las Vegas*

September 20, 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)

J. LIQUOR -- Request for Extension  
of Inactive Status  
(cont'd)

3. THADDEUS THUDPUCKER  
5100 West Charleston  
Tavern License

Ron Rudin, 100%

(Closed 7/29/78. Request for  
extension of inactive status for  
60-day period: 9/27/78 thru  
11/25/78.)

4. DUFFY'S TAVERN  
1815 Las Vegas Blvd. South  
Tavern License

Duffy's American Graffiti, Inc. --  
Antonia Montgomery, Pres  
Jeffrey Kesar, Secy-Treas

(Closed 5/27/78. Extension for  
7/27/78 thru 9/24/78 approved  
7/19/78. Request for extension of  
inactive status for 60-day period:  
9/25/78 thru 11/23/78.)

5. SABELLA'S ITALIAN SEAFOOD HOUSE  
1401 Las Vegas Blvd. South  
Tavern License

Sabella's of Nevada, Inc. --  
Saverio A. Sabella, Dir/sole  
and stockholder

(Closed 5/26/78. Extension for  
7/25/78 thru 9/22/78 approved 7/19/78.  
Request for extension of inactive  
status for 60-day period: 9/23/78  
thru 11/21/78.)

See Page 14

See Page 14

Abeyance

10/4/78 Agenda

(Attorney  
Wm. F. Hess  
appearing)  
ofcr

SABELLA'S ITALIAN  
SEAFOOD HOUSE  
(CONT)

Mr. Sloan: I'd be happy to discuss it with counsel on that, but I think it's better not to do it at a public meeting because it's really not on the item that's on the agenda. Those are the things they should handle in the lawsuit.

Mayor Briare: Maybe this is something you might want to discuss with the City Attorney's office. Thanks very much. We have to vote on the motion to hold for two weeks. Cast your votes. The motion is approved.

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

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UNITED COIN  
MACHINE

Mayor Briare: Item K is a transfer of stock for United Coin Machine. Yes, sir.

Mr. Schreck: Hello, Mr. Mayor. My name is Frank Schreck. I am the attorney for A.P.T. Games, Inc. I had requested the item placed on for the meeting today in anticipation of having received approval from the State Gaming Control Board at their last meeting. At the last instance it was discovered that there was somebody that they feel is not a suitable person to purchase stock in the company, and they wanted to enter further investigation so this matter has been referred on State agenda for one month. It will be heard in October. So I would ask that the City continue this matter until the meeting at approximately the middle of the month of October.

Mayor Briare: The recommendation, Mr. Schreck, from our staff and from the Special Investigations Department was that if any action were to be taken on this, it would be subject to final State Gaming approval. Would you prefer that no action be taken today?

Mr. Schreck: Well, I thought I should give you the opportunity to defer it because the State hasn't taken any action, and we'd anticipated approval from the State Gaming Control Board at this stage. I think in fairness to you, it would probably be best just to defer it until so you can see what the State action was.

Mayor Briare: Do you represent Nevada Coin Machine Company?

**AGENDA***City of Las Vegas*

September 20, 1978

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ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY  
(cont'd)K. GAMING -- Transfer of Stock

1. UNITED COIN MACHINE COMPANY  
2620 South Highland  
Slot Operator License

From: Bernard Shapiro, 100%  
owner of United Coin  
Machine Company

\*To: United Coin Machine Company --  
Bernard Shapiro, Pres,  
Director & Chief Executive  
and Operations Officer --  
(non-stockholder)

APT Games, Inc., wholly-owned  
subsidiary of Advanced Patent  
Technology, Inc., 100%  
stockholder

APT Games, Inc. --  
Jack David Solomon, Pres, Dir  
Alvin Allyn Aron Snaper, V.P.,  
Treas, Dir  
William Donald Hamilton, V.P.,  
Secy, Dir

Advanced Patent Technology, Inc. --  
Jack David Solomon, Pres, Secy-  
Treas, Dir  
Alvin Allyn Aron Snaper, V.P., Dir  
William Donald Hamilton, Dir

\*Subject to final State Gaming  
approval

Tabled (at  
request of  
Frank Schreck,  
Counsel for APT)

Director  
authorized  
to proceed

UNITED COIN  
MACHINE COMPANY  
(CONT)

Mr. Schreck: No, your honor. I represent Advanced Patent Technology, which will be the sole owner of United Coin once this interaction is approved.

Mayor Briare: I presume this is in agreement with everybody.

Mr. Schreck: Yes. We're buying United Coin, so we're the ones receiving the gaming license.

Commissioner Lurie: I move to hold the item for thirty days.

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

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

That concludes the Department of Business Activity, doesn't it?

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ADMINISTRATIVE AGENDA  
RUSSELL W. DORN, CITY MANAGER

SOUTHERN NEVADA  
HOCKEY ASSN.  
CITY PROPERTY

Mayor Briare: Next item is the Administrative Agenda. Mr. Dorn.

Mr. Dorn: Your honor, item A is the Southern Nevada Hockey Association - City Property. A little over one year ago the Southern Nevada Minor Hockey Association approached the City concerning the availability of City property. At that time they pledged to the City if land was made available to them, they would not make any financial requests of the City. It is my recommendation that staff, or staff in combination with a City Commissioner, form a committee and call upon a representative of the Hockey Association to give a status report in terms of the financial situation and whether or not funding for this project is realistic, a possibility within the near future. The event whether or not this property should continue to be held for this purpose for an ice hockey rink.

Mayor Briare: Is there anyone from the Hockey Association present today? Any comments by the Commissioners?

Commissioner Lurie: I would move that this item be referred to staff to meet with the Association to find out what their plans are on the property so that the City can utilize it for another

SOUTHERN NEVADA  
HOCKEY ASSN.  
CITY PROPERTY  
(CONT)

project if they're not interested in it any longer.

Commissioner Leavitt: I wonder if we ought to also consider the possibility of putting a time limit on it.

Commissioner Lurie: I thought we did. I thought we put a time limit of two years.

Mr. Dorn: Reflection of the notes, this is some of the points that we'd like to discuss with the Association, and I think it would be only reasonable and realistic to put a time limit on, and the purpose of the committee to find out this information and report back to the Commission so the Commission could take action.

Commissioner Leavitt: I just think it should be when you talk to them to find out how much longer they're going to need in order to raise the money to build the facility. I just don't think we can give an open end on the land indefinitely until we get some kind of indication from them that they are going to go ahead with it.

Mr. Dorn: Commissioner Leavitt, I agree with that because we have some competing interests right now that would like to use this property. As soon as we can get a status report on this application, we can make that report to the Commission.

Mayor Briare: You will proceed along that direction, then, Mr. Dorn. Next item.

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REASSIGNMENT OF  
DELEGATION OF  
RESPONSIBILITY  
CETA CONSORTIA

Mr. Dorn: Item B is the reassignment of delegation of responsibility for Las Vegas/Clark County Consortia (CETA Program). I believe that it's up to the Mayor Pro-Tem, Commissioner Lurie.

Mayor Briare: No, that's all been worked out. Commissioner Lurie has agreed to continue serving at this very critical and vital time on behalf of the City of Las Vegas.

Commissioner Lurie: I missed the meeting.

Mayor Briare: Besides, we have four votes against him resigning. The writing is on the wall, Mr. Dorn.

Mr. Dorn: I think even the County favors the excellent job Commissioner Lurie's doing and agrees with them.

Mayor Briare: Commissioner Lurie has condescended to continue his fine efforts on behalf of the CETA programs. Thank you, Commissioner.

REASSIGNMENT OF  
DELEGATION OF  
RESPONSIBILITY  
CETA CONSORTIA  
(CONT)

Commissioner Christensen: Maybe we should give him a vote of confidence at this time.

Mayor Briare: Next item is the Fremont Street project.

-----

FREMONT STREET  
PROJECT

Mr. Dorn: Item C is (1) the approval of funding, (2) the award of bid. As previously discussed and as directed at the last two meetings, upon receiving written confirmation from the State Highway Department for \$750,000 in funding and the Downtown Progress Association of \$102,200, I recommend the approval of this project and the award of contract. The balance of funds necessary exist within our existing budget.

Commissioner Lurie: Mayor, I would like to...

Mayor Briare: There's somebody who would like to speak.

Commissioner Lurie: Okay. I could make a motion and then...

Mayor Briare: You bet.

Commissioner Lurie: I would like to say I was very pleased that we did receive the commitment from the Downtown Progress Association and also the letter from the State. After reviewing all the documents and knowing the need for this project to sort of revitalize Fremont Street from Main to Seventh Street, I would like to move for approval of the funding for the project and also include the motion for award of the bid.

Mayor Briare: First, are there any comments by the Commissioners before we ask for comments from the audience? Mr. Dunn, would you like to make a comment, sir?

Mr. Dunn: Albert Dunn. Mayor and members of the Commission, I did not rise to speak against the Fremont Project. It does afford an opportunity to bring to you an area that's so grossly neglected, the black businessman. Their businesses are located on Jackson, D and Orange Street. While I can admire and appreciate the tremendous efforts that have gone in to revitalize the downtown area, I feel it is my responsibility to point out to you that we need a similar project for the West Las Vegas area.

The businessmen do pay taxes, and we would like to be a part of the ongoing, lucrative industry that's taking place in Nevada. We need a similar project to revitalize the area so that tourists will be attracted so that these men can reap similar windfalls from our

FREMONT STREET  
PROJECT (CONT)

gaming industry, and they, too, pay taxes. We have a businessman in the audience. He can testify that he is out of business, one of the reasons being that he does not get the benefits of tourist and tourist dollars, and we just don't get an opportunity to make the kind of money that they make Downtown across town.

Many people come to our City. They do not want to leave one ghetto and come to another to take a vacation. So I feel that it's part of the responsibility of the City Commission to meet with the black businessman to view their plight and their situation and to make similar determinations as you made for Fremont Street and other sections across the tract. I do recognize that you are spending \$292,000 of our tax money, \$121,000 revenue sharing money, and I simply wish to point out that our area is in dire need of a similar project. As a matter of fact, we are suffering, I think, from a major cancer economically. I would just put that in the mind of the Commissioners for some action.

Mayor Briare: Thank you, Mr. Dunn. Commissioner Woofter.

Commissioner Woofter: Yes Mayor. Mr. Dorn, our City Manager, and I discussed this situation after Reverend Dunn had contacted Mr. Dorn regarding such. I'd like for Mr. Blue, our Director of Funding, to comment on Reverend Dunn's remarks as far as the plight of the businessman in D and Jackson as well as the West Side Area.

Mayor Briare: Mr. Blue.

Mr. Blue: Mayor, Board of Commissioners, the City, through various Federal Program activities, has begun in 1975 to address the concerns of the West Side Community both in terms of the commerce and economic development, and also in terms of the residents who reside in that area. I have to emphasize that the City alone cannot solve the problems. The City can begin to address the issues. Of course, to solve the problems is an effort on the part of all levels of governments, private sectors and community organizations and associations.

To give you a brief synopsis of what has occurred as far as the financial income to the West Side Community since Fiscal Year '75 through Fiscal Year '79 through a combination of Block Grant Funds, Revenue Sharing Programs, the City has put \$2,887,695 into the area of physical development.

FREMONT STREET  
PROJECT (CONT)

projects. These include such projects as the renovation of the Court Hotel, the old West Side School, the West Side Library, offsite improvements, drainage channels, street lighting and traffic signals.

Mayor Briare: Richard, what was that total? Two Million and what?

Mr. Blue: \$2,887,695. Okay, in the area of housing, with the Block Grant Program we have extensive neighborhood preservation activities which includes the mechanism for home owners to address their housing needs. By that I mean there are various programs available where a home owner can receive financial assistance and bring his home up to City Code, thus providing him a safe and sanitary place to reside. We have provided since 1975 a total of \$1,210,000 in this particular effort. In the area of parks and recreational facilities, again the City has provided through programs a total of \$228,000.

This year with the Block Grant Program, we have been able to address the concerns of the business and commercial development problems that are existing on the West Side. This is an initial effort where we have provided a total funding of \$186,000. This funding is not used in a haphazard way. It is allocated on the basis of proposals which were submitted to address the economic problems on a very systematic and planned out way. By no way could we take \$186,000 and turn the Community around. It would have to be well planned and well thought out. In this effort we have given a letter of intent to the Operation Life Community Development Corporation to establish a small business investment corporation, which will be able to make monies available to businesses on Jackson, D, Owens and H.

Again, this is a partnership effort between Federal agencies, the City of Las Vegas and the private sector of the community. There has been allocated Block Grant Monies to the Southern Nevada Economic Development Council for their efforts in, again, addressing the commercial economic development needs of our community.

In the area of service projects, this is a category that addresses community organizations, and with the hope of by providing them funds, they should in turn help revitalize the community from the private or resident point of view, the community point of view, and also enabling them to provide better service to their clients. From 1975 through this fiscal year \$596,000 has been provided in Community Development Block Grant funds for that effort. The past four years, we have spent a total of \$5,098,695 of funding directed to the West Side Community.

FREMONT STREET  
PROJECT (CONT)

Mayor Briare: Thank you, Mr. Blue. Commissioner Woofter.

Commissioner Woofter: I just wanted Mr. Blue to address the situation that Reverend Dunn described to advise Reverend Dunn that certainly it has not been neglected, that money has been put into the community, and the D and Jackson situation has been considered. As Mr. Blue pointed out, approximately \$185,000 has been appropriated to Operation Life to be considered.

Mr. Blue: Well, it's \$150,000 has been allocated to Operation Life with the approval to form a small business investment corporation and \$36,000 to Southern Nevada Economic Development Council for their efforts in that area. Again, as I said before, this is a start and we're beginning.

Commissioner Woofter: I might add, too, that we're cooperating with NEDCO also, of which Mr. Bailey is executive director.

Mayor Briare: Commissioner Leavitt.

Commissioner Leavitt: I was just going to comment that this project, of course, is not only a City of Las Vegas project. The State of Nevada is going to put in \$750,000 because it happens to be a State Highway. Jackson Street is not a State Highway. Also, the Downtown Progress Association is going to put in \$102,200 towards the project, so there was other monies involved from the other different entities in order to complete this project. We don't have that kind of situation on Jackson Street. It's not a State Highway. There isn't a merchant's association or a progress association that can help contribute to the project.

I don't think the Fremont Street project could have been built without this money. In fact, I think it's a little high as it is. It's higher than our estimate. I'm a little concerned about that part of it. I can appreciate your concern, Reverend Dunn, but I just wanted to point that out that on this particular project the money is coming from the State and also the Downtown Progress Association.

Mayor Briare: Commissioner Christensen.

Commissioner Christensen: Well, I just wanted to reiterate some of the things that Commissioner Leavitt just mentioned. A large portion of these funds came from the Downtown merchants and then, of course, I've got to jog your memories a little bit. I notice Mayor Gragson in the audience will remember this, and so will Ron Lurie.

FREMONT STREET  
PROJECT (CONT)

Some four years ago we embarked on a project over there in Vegas Heights for streets, curbs, gutters, street lighting, traffic signals, etcetera, etcetera. At that time we pumped a good portion of revenue sharing money in there. I voted against it the first time because I didn't think it was proper to make people in other areas of town pay for their own offsite improvements and over there use tax money to pay for them. Mayor Gragson convinced me that was probably a good project, and we shouldn't look at it that way so we didn't. The project passed, started construction, and I believe Albert Dunn was arrested for stopping the construction by sitting in front of the trucks, obstructing that construction.

Mr. Dunn: Because you only had one black man working on a million dollar project. That's the reason.

Commissioner Christensen: So I question, really, the advisability of taking this project on. The last project we spent that kind of money on over there, and the very gentleman who's complaining here stopped it, tried to.

Commissioner Leavitt: Wait a minute, Reverend. I think that before we get into those issues that you had no objection to the project. Your objection was the fact that there were no black men.

Mr. Dunn: You have listened to your fellow Commissioner expound a half truth. And I haven't said anything. Now I'm not going to get in no argument here because I didn't come down here to make myself look ridiculous. I have all these facts which Brother Blue has given. I called to make sure I got the facts. Now I asked you about a business project. You've given me a breakdown of what you spent in overall community that you have neglected for years. You still haven't addressed.

Now I'm not responsible for Jackson Street not belonging to the Highway Department just like you're not responsible for Fremont Street belonging to the State Department. You spent \$121,000 of revenue sharing money and \$292,000 on this project. This is cosmetics.

Commissioner Leavitt: For spending that kind of money, though, we're going to get \$1.3 Million project. In other words, I'm getting my money's worth.

Mr. Dunn: I appreciate your interest. I would just like for some of this spent over there in the form of cosmetic makeup. That's what you're not doing. I didn't come here to indict you on what you're not doing overall in the Black Community.

FREMONT STREET  
PROJECT (CONT)

Mayor Briare: Would you be willing to compliment us on what we've done for the overall community?

Mr. Dunn: I have been doing that.

Mayor Briare: Thank you, Mr. Dunn. The motion before us is to approve the item on the agenda, item C. Are there any further comments? Cast your votes. Opposed. Motion is approved.

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

DISCUSSION AND  
POSSIBLE ACTION  
ON APPLICATION  
TO UMTA FOR  
FUNDING OF BUSES

Mayor Briare: Next, Mr. Dorn.

Mr. Dorn: The next item is Item H, an addendum item, your honor, discussion and possible action on the application to UMTA for the funding of five new buses in the Las Vegas Transit System. For your information and approval, attached are assurances in the form of a letter to Mark Lerner, Department of Labor, as directed by Mayor Briare and Commissioner Lurie at the last Regional Streets and Highways Commission meeting. My staff, with the help of the City Attorney and Mr. Brechler's staff, have been working to clear any obstacles to obtain some \$900,000 in Federal funding for the residents of Las Vegas.

These assurances are to be signed by the Mayor on behalf of the City assuring that the fulfillment of the requirements proposed Section 13-C of the Urban Mass Transit Act as a prerequisite to receiving funds from the Federal Government for the purchase of five new buses.

These assurances proposed by Section 13-C of UMTA will only be honored if the City takes over the privately owned mass transit system. As City Manager, I recommend to the Mayor and City Commissioners that the City Commission approve these assurances to honor the provisions of Section 13-C specifically condition upon (1) the acceptance and approval by the Federal Government of the application by September 30, 1978 and (2) said assurances remaining in effect only while said buses are owned and title is held and utilized by the City of Las Vegas.

If the Federal Government does not accept this application for the funding cycle ending September 30, it is my recommendation that the Regional Streets and Highway Commission as the applicant, along with the City withdraw the 13-C assurances.

Mayor, in addition to that, if I may take a moment, we've been in contact with UMTA in the San Francisco Region 9, and we've also met with the union. Mr. Rice, representing the Teamsters Union,

APPLICATION TO  
UMTA (CONT)

has agreed to accept this 13-C assurance with one minor modification, which would be to submit any grievances to a Federal Mediation Board versus the Secretary of Labor. We concur with that. Our attorneys concur with that and gave the opinion it would be accepted, and it would be accepted to Mr. Mark Lerner in the Department of Labor. A mailgram has been sent to him of this agreement which he will review today, and we talked to him on the phone last night, and he seemed to go in accord with this.

But I have to make this statement to the Commission that it appears that UMTA is trying to work with us, but every time we reach, we feel, a satisfactory agreement another hurdle is put in our path. It's very imperative that now San Francisco Region 9 says the deadline is not September 30 but September 22, Friday, because they have to encumber the funds in Washington. They also asked, in the last couple of hours, for a concurrent opinion from our City Attorney. My point of this message is that this application will have to be, in my opinion, hand carried to San Francisco to show UMTA that they're there to help us and that we would like to take advantage of these \$900,000 of Federal Funds so five new buses and bus shelters and mini-buses that are contingent upon this 13-C agreement will be adhered to.

Mayor Briare: Thank you, Mr. Dorn. I want to the Commissioners and the general public, I want to commend you on a job that started out to be almost an impossible, or a job and you addressed a problem that there was, conceivably, no solution for, and I think that you're rounding it right down to the wire that we are going to be successful in an endeavor that has been going on for many, many months. In fact, I was even tempted to say years.

If the Commissioners, and I certainly urge them to, will accept your recommendation, I'm going to further comment to the effect that Commissioner Lurie, as a member of the Regional Streets and Highway Commission with myself, and any other Commissioners, preferably all of them, would proceed to hand carry this to the Federal Offices in San Francisco and stay there as long as it takes to get this thing resolved once and for all. Because if we get this first one then I predict that all of those following in years to come will come a lot easier. If we don't get this first one on the road, then we're going to, again, be bogged down in a manner which none of us want to do.

I'm so convinced that we're going to be successful, and we're going to achieve the goal that we've been waiting for for so long, that if it takes all of us going up there, I would like you all to come along.

APPLICATION TO  
UMTA (CONT)

Mr. Dorn: Mayor, if I may make one comment, that the County has been working on this application over a year now, and the City has just got involved in the last week. Without the 13-C assurance, why it's important, is that UMTA will not release any Federal funds to Clark County. So it will be to the benefit of the City of Las Vegas residents and Clark County, and this affects the Senior Citizen buses, the mini-buses, the bus shelter, the bus stops, all Federal Funds as far as UMTA is concerned. So with this 13-C, the City is taking the ball in its court and going after that Federal Fund.

Mayor Briare: I think this is the most important project that we've worked on involving anything to do with transportation in all the years that I've sat on this Commission. Again, I'm just going to be willing to go up there and sit there or stand there, or do whatever else has to be done until it's resolved.  
Commissioner Lurie?

Commissioner Lurie: Mayor, I was going to move that we follow the recommendation of the City Manager, and also say as many years as I've sat on the Board and sat on the Regional Streets and Highways, this is the most positive move that the City's made in an effort to obtain additional transportation monies to implement with the short-range and the long-range plans called for. I think it's imperative that we do see that those applications get delivered on time on Friday so that there can't be any question that we were late in submitting the application or that there was any discrepancy.

I, too, would like to commend you as a committee to straighten out the problem with the 13-C. As you know, the Regional Streets and Highways did appoint a committee of Mayor Briare, Commissioner Cortez and Councilman Kincaid to work out the problem, and I appreciate the effort that the City Manager's Office made in coming up with this agreement because we definitely need new buses to implement our transportation needs. I believe with this, with the cities getting the Federal dollars, we can implement this partnership with the Las Vegas Transit Company.

Commissioner Christensen: Your honor.

Mayor Briare: Commissioner Christensen.

Commissioner Christensen: I am probably going to appear a little stupid, but when you start talking in numbers and paragraphs, etc., it's difficult for me to follow. I have several questions that I'd like to ask. In making this application, if we end up in the bus business, well, that's the question. Are we going to end up in the bus business?

UMTA (CONT)

Mayor Briare: The question is an unequivocal, "No".

Commissioner Christensen: Okay. Then there's no chance for us to end up in the transportation business for the whole County funded by the City?

Mayor Briare: That answer is, yes, there is no chance.

Commissioner Christensen: We won't end up funding the whole bus system for the County out of City funds?

Mayor Briare: Do you want to address that? You mentioned about zeroing in on these buses.

Mr. Dorn: Attached in your book, and I'll just comment briefly, but one of the things I just, before Commissioner Christensen asked that question, wanted to say without the City Attorney's help and Paul Silvain, Chuck Brechler, this couldn't have been achieved.

To answer that question directly, Commissioner, in the attachment, the letter to Mark Lerner, Department of Labor, the 13-C agreement is, basically, a prerequisite for Federal funds. But it's guaranteeing the legal rights and benefits enjoyed by the mass transit employees in the private sector. They'll continue in the event to take over by the public entity. But Mr. Sloan commented the specific language in meeting with the union, we addressed this problem and told them that the City of Las Vegas has no intention of going into the transit business and will only honor the 13-C assurances if it was forced into the business, but the City Commission has no intention of going into the public transit business.

Commissioner Christensen: I understand that, but the question that I have is right now the buses are area-wide. They run into the County as well as the City. I have never seen a Federal Grant yet that didn't cost the City something in match. And further down the line, sometimes it costs more and more in match. Now, are we going to end up with the City funding those buses so that they run into the County and out on the strip and so forth?

Mr. Dorn: The way the application is submitted, it's for \$375,000. Three hundred thousand comes from UMTA. Fifty thousand from the City and \$25,000 from the County. The County recently had upped the funding to Fifty thousand.

Commissioner Christensen: Yeah, but I'm worried about down the line. This is just getting it going. I'm worried about down the line.

UMTA (CONT)

Mr. Dorn: This application goes for exclusively five buses that will be held in title by the City, these five new buses, and only limits the City to these five buses. The point that you bring up is a consideration for future funding. My recommendation is two actions for the Commission to consider with Regional Streets and Highway. That is looking for legislative authority in the next upcoming legislative session for the formation of a Regional Transit Commission or something similar to Washoe County, or an interlocal agreement that would be entered into with all the cities and the County to monitor transit and to apply for future UMTA money.

But to answer the question, we have two exclusive routes that are just within the City boundaries. The other routes are within the City and other cities. To receive UMTA money and because the County is giving its share, the buses will be going through the City lines and through other cities in the County.

Commissioner Christensen: You see, what bothers me is we had great cooperation when we built the Senior Citizens Center for the original cost. But now the cost of operation and everything is borne by the City. My question is how many more of these good deals can the City afford? I perceive in ten years the City operating a bus system in the County with tax money, and that's what I don't want it to be a part of. Those people voted in the County that they did not want to become part of the City, so I don't think we should force any of the City's services on them.

Mr. Dorn: Thirteen-C does not bind the City into a transit system, and maybe Mr. Sloan would like to comment further on that.

Commissioner Christensen: Well, is there anything else that binds the City into a transit system besides the 13-C?

Mr. Sloan: Not that I'm aware of, Commissioner. Thirteen-C says that if you get into the transit business you're going to agree under certain conditions to protect the rights of the workers, but I think the only people who can put the City of Las Vegas in the transit business are the five members of the City Commission, or three out of the five.

Mayor Briare: Commissioner Christensen, if we haven't, it isn't because we didn't try awfully hard to make it very clear so there'd be no misunderstanding that there's no intention on the part of any of us who have been working on this to put the City of Las Vegas in any way, shape or form into the bus business.

UMTA (CONT)

Our efforts have been solely and exclusively to make it possible for the private enterprise operator to continue operating.

Ironically, right today and I guess yesterday and tomorrow, the Las Vegas Transit Company is before the Public Service Commission requesting an increase in rates. It's my hope, and I would predict, that with favorable action by this Commission, that in years to come believe it or not, the Las Vegas Transit Company will be before the Public Service Commission agreeing to a reduction in rates for bus riders. I am convinced that if we continue on the course such as we are trying to endeavor to begin today, that that day will ultimately come about.

Commissioner Christensen: Until then there's no requirement for this Federal money that if we accept this Federal money, which always has strings, none of the strings say that if the bus company fails we must take it over and we must operate, etc. in order to keep from having to pay back this Federal money? Because in the past since I've been on this Commission, there have been several times when the bus company's been chastised for their lack of service and their poor equipment, etc. and the fact that they don't meet the requirements that its chartered under, and it comes before this Commission and the bus company says "hey, you know, there's no way we can make it, you want the bus company, it's yours". Frankly, I don't want the bus company because I don't think we can afford it either, and we especially can't afford it if we're forced to on City expense run the bus company in the County.

Mayor Briare: Because of some Federal.

Commissioner Christensen: Because of some Federal string on an UMTA grant.

Mayor Briare: Mr. Sloan, would you clarify?

Mr. Sloan: Commissioner, it's my understanding both from Mr. Brechler, from the City Manager and from my own staff that there's no requirement that the City succeed automatically the private corporation if it should fail. The only thing that 13-C does is say that in the event that the Commission or the cities could elect to succeed that, but it's a voluntary action on the part of the City, then we would need certain requirements. But I am unaware of any mandatory requirement that by acquiring these five buses we are binding ourselves to take over should they fail.

Mayor Briare: As we know, Las Vegas is in a unique position because we have a private enterprise operating company.

UMTA (CONT)

Commissioner Christensen: The best way to have it.

Mayor Briare: Amen. Unfortunately, in communities throughout the United States, they are not so lucky as we are to have a private enterprise business that private business funds are used primarily to operate...

Commissioner Christensen: See, the Government recognizes that fact, that's why it's normal to have the municipality in the bus business.

Mayor Briare: Right.

Commissioner Christensen: That's why the City of Las Vegas has got to make the application for these buses. They're not going to give them to the private company.

Mayor Briare: That's correct. That's absolutely correct.

Commissioner Christensen: Well, what scares me is I've seen the Federal Government work before, and I've nothing against the buses, don't misunderstand it, but I just want to make it absolutely crystal clear that in accepting these buses the City of Las Vegas does not accept responsibility for a transportation system in this valley.

Mayor Briare: Right. Now you're on record as feeling that way, Commissioner Lurie and I are on record as feeling that way, so there's three out of five right now.

Commissioner Leavitt: Put me on the record.

Mayor Briare: Commissioner Woofter, do you share those feelings?

Mr. Dorn: Mayor, just to clarify that, I think we all agree with Commissioner Christensen's statements, and I'll go on record saying that it would be my recommendation to the Mayor and City Commissioners that if we were forced by any stretch of the imagination by the Federal Government that there is a provision in this clause that we can give the buses back to the Federal Government and they can retain title back of the buses, and the City in no way will go in the bus business and will not afford the bus business.

Mayor Briare: Are there any comments? Cast your votes. Opposed. The motion is approved.

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

Noes: None.

RESOLUTION

WHEREAS, the Board of Commissioners of the City of Las Vegas, Nevada, deems it appropriate and in the best interests of the public health, safety, welfare and convenience that certain territory hereinafter described that is contiguous to the City of Las Vegas be annexed thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof held on June 7, 1978:

1. That it is the intention of the said Board to annex to the City of Las Vegas the following described real property:

The West Half (W 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 2, Township 21 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 2; thence South 88°53'16" West along the North line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 2, a distance of 959.99 feet to the Northeast corner of the West Half (W 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 2, THE TRUE POINT OF BEGINNING; thence continuing South 88°53'16" West along said North line a distance of 320.00 feet to the West line of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 2; thence South 2°24'24" East along said West line a distance of 693.62 feet to the South line of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 2; thence North 88°40'34" East along said South line a distance of 318.52 feet to the East line of the West Half (W 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 2; thence North 2°17'13" West along said East line a distance of 692.41 feet to the TRUE POINT OF BEGINNING.

2. That said Board of Commissioners shall meet on Wednesday, August 16, 1978, at the hour of 2:00 p.m. o'clock in the Commission Chambers, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, to conduct a public hearing on the question of such annexation.

3. That the City Clerk be, and she hereby is, directed to give notice to such public hearing by publication thereof at least three (3) times in the LAS VEGAS REVIEW JOURNAL, a newspaper published in the City of Las Vegas and of general circulation in the above-described territory; the first

publication to be at least twenty (20) days prior to the said August 16, 1978, and not less than six (6) days shall intervene between the first publication and the last publication, and by mailing notice thereof by certified mail, return receipt requested, to each record owner of real property within the said described territory, said notice to be mailed at the time of the first publication thereof. Said notice shall be in substantially the same form as attached hereto as Exhibit A.

4. That the Director of Public Services and the Director of Community Planning and Development are hereby directed to prepare and submit to said Board of Commissioners of the City of Las Vegas, on Wednesday, July 19, 1978, a report setting forth plans for the extension into said described territory all major municipal services presently furnished by the City of Las Vegas to its residents and citizens, which report shall include, but not be limited to:

A. A metes and bounds description of the territory proposed to be annexed.

B. An accurate map or plat of such territory prepared under the supervision of a competent surveyor or engineer;

C. A map or maps of the City and the adjacent territory to show the following information:

(1) The present and proposed boundaries of the City;

(2) The present streets and sewer interceptors and outfalls;

(3) The proposed extensions of the present streets and sewer interceptors and outfalls;

(4) The present and proposed general land use pattern into the territory proposed to be annexed.

D. A statement showing that the territory proposed to be annexed is eligible for annexation under NRS 268.570 to 268.608, inclusive.  
PASSED, ADOPTED and APPROVED this 5th day of July, 1978.

APPROVED:

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

ATTEST:

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

REPORT - HISTORIC  
INVENTORY OF CITY  
(CONT)

over so many years old in this town as being worthy of preservation and, therefore, stifle any renewal of anything.

In other words, I don't want this report to go too deep, so deep that it becomes an impossible thing to live with for years to come.

Mr. Bramble: I agree with that totally. This is one of the things we were very concerned about when we did make the final report. I've reviewed the report, my staff has reviewed the report, and this was one of the things we were very concerned about also, that it not stifle any future development, that it only indicates that the structures do exist. We would be required, if Federal funds were applied for, and this is the only purpose of the report is to do an assessment of the archaeological and historic site.

We're not suggesting that it be utilized by the Planning Commission; we're not suggesting that it be utilized by the Building and Safety Department when they issue permits.

Commissioner Christensen: Well you see, the thing that worries me is if you publish a report, it becomes gospel whether it's supposed to be or not. If there's that much published then maybe we won't utilize it for the Planning Commission, we won't utilize it for the Building Department, but it'll be utilized every time we have a meeting to try and stop something or preserve something or start something, and it seems like too many times when something's printed it becomes gospel whether it's really supposed to be or not. That's why we have to be very careful how this is produced.

Mayor Briare: We have to be sure that anything that is contained in the preliminary documents it's understood that there will be a public hearing prior to the preliminary or final adoption of any kind of reports to include some of these cautions that Commissioner Christensen has brought out and which you've already discussed.

Did you wish to make a comment, sir?

Mr. Volkmar: My name is Carl Volkmar, 332 South Sixth Street. Before I start on this document, I'd like to thank the Commission and the City Manager for the buses that we're going to get. It's sorely needed.

In answer to Commissioner Christensen's response, this document already, before having been presented to the City Commission, is in the process of being used in opposition to zone changes.

Mayor Briare: By individuals, not as a ....

REPORT - HISTORIC  
INVENTORY OF CITY  
(CONT)

Mr. Volkmar: By individuals. Well, as you recall, this letter is signed by Anna Dean Kepper, President of Preservation Association of Clark County, makes reference to this. That's how I found out about it in the first place.

I object to this document on several bases. Number one, I don't believe that any owner whose property is mentioned in here knows anything about this. I certainly think that the people that own these pieces of property that have their pictures in here, and their neighbors, should know.

Mayor Briare: You're a perfect example of what Commissioner Christensen has eluded to that we can't make any preliminary or final commitments on the intent here.

Mr. Volkmar: It makes it very difficult. It's almost as if you're standing up and opposing mom and apple pie. I certainly recognize that perhaps you need an historic inventory for Federal funds. I believe everyone who is affected should be noticed in some manner. Perhaps we should publish those things in the newspaper. I think, perhaps, the newspaper's been derelict in not getting a hold of this and making it public.

Also, this document makes reference to an inventory, 3x5 cards that were used, and apparently they went by and used these little cards to notice every house that appears in here in pictures. Now these documents are here in the City log and available. However, the document that makes reference to the archaeological aspect of this is not available. I asked Mrs. Korsh to examine it, and I was refused. Now, I think that if you're going to have a public document, the documents that underlie this in the City Hall should also be public record.

Mayor Briare: Sure. I think that we have to create a document first, though, before we can be distributing it for public view. This is a preliminary report that we're speaking of here. As soon as it's into a form where everybody understands that it is preliminary, then we certainly want all the input that's possible. In order to have input, we have to give out information, and it might be that you were refused that information until such time as this thing was filed.

Now, I'm confident, is it not so, Mr. Bramble, that any material that went into this preliminary work would certainly be available to people who are properly interested.

Mr. Volkmar: Thank you, Commissioner.

Mr. Bramble: Yes, Mayor. The one thing that we were concerned about at the preliminary point was the concern if this was made public prior to your

REPORT - HISTORIC  
INVENTORY OF CITY  
(CONT)

informational items, we would have a number of repercussions, and we were very concerned of exactly what has happened happening. It's an unfortunate situation.

Mayor Briare: We have to start somewhere.

Mr. Bramble: Exactly.

Mayor Briare: We have to start with something that we can hold onto and look at and everybody can be looking at the same thing.

Mr. Dorn: Your honor, it was the City Manager's position that this is preliminary, and as a matter of fact, has just come off the press and that the staff and Commission would review it first and make it public, but we do anticipate and welcome public participation on it.

Mayor Briare: How many copies are being made?

Mr. Dorn: Right now we have ten copies.

Mayor Briare: Well, we're going to need a lot more than that. After we have an opportunity to review it.

Mr. Dorn: This is still in a draft form and a review document. Then we'll have them published, yes.

Mayor Briare: Well, if you were to talk about draft numbers one through five with the theory that maybe the sixth one would be the final one, there's still a lot of area that we have to cover yet.

Did you wish to make a comment?

Ms. Linus: Mr. Mayor and members of the City Commission, I'm Margaret Linus from the Department of Anthropology at the University. I was the project director on the archaeological element of the inventory. Our results were incorporated then in the draft report that has been presented to you. I wondered if I might have the opportunity to respond to the question of the fact that the specific archaeological site locations were not included in the draft.

That is general archaeological practice. The primary reason for that is archaeological remains are extremely sensitive and vulnerable. Public information as to the location of archaeological remains is very likely to result in their careless and haphazard destruction by people who are aware of them only as objects but not aware of their scientific value.

REPORT - HISTORIC  
INVENTORY OF CITY  
(CONT)

In the case of the inventory of the City of Las Vegas, it was a particularly sensitive issue because we were identifying archaeological materials that were on private property, and should the City or our office make that information generally available, we might find ourselves having inadvertently caused people to go down and dig on somebody else's private property without the knowledge of the landowner. So that is our reason for keeping the specific site locations as not reported in the draft report.

Now, as far as the site location goes, certainly the landowner has the right to inquire as to whether there are recorded archaeological remains on his own property, but it would be a very different situation if the City were to require publication of the archaeological sites in the City of Las Vegas because that would be tantamount to destroying them and certainly not in the most modest interests of archaeological protection and preservation.

Mayor Briare: When would be the strategic time to make that information available?

Ms. Linus: You mean to the individual landowners or to make it public? I mean, as far as I'm concerned, in terms of the records of the project itself which exist in our offices at the Department of Anthropology, any landowner, as far as I'm concerned, could call and inquire whether we had reported either the presence of archaeological materials or a probability of archaeological materials on his own property.

Commissioner Christensen: You're going to have a legal problem here because it would look to me like if I was having an archaeological and historic preservation inventory used in opposition to a building permit or a project that I was starting, even if that site was next door to my property and not on my property, if it was being used to try and block my project, I believe I'd have right of access to that same amount of information, would I not attorneys?

Ms. Linus: Well I don't believe that we are talking about the potential use on this document in anything except claims for Federally funded projects.

Commissioner Christensen: See, this was the fear that I expressed was that it's used in other things once it's published. See, unfortunately, once a document like that is published, it gets used for all kinds of things because of the fact that it's in print makes it law in a lot of people's minds, and there's where you run into the problems.

REPORT - HISTORIC  
INVENTORY OF CITY  
(CONT)

Ms. Linus: But not in the minds of people who know the law. It certainly is possible that citizens of the community may be concerned with the preservation of neighborhoods or the preservation of interests and may choose to cite it.

Commissioner Christensen: That's exactly what I'm talking about. Now if a group of citizens sitting in here wants to speak out against a project because it's listed in this book, doesn't the guy that owns the property have a right to know what information they have?

Ms. Linus: Yes, I said that they did.

Commissioner Christensen: That's my question.

Ms. Linus: But the point that I am making is that if archaeological site locations, per se, are published...

Mayor Briare: I thoroughly understand that. I'd be the first one to want to go out and look at it. And in doing so I'd probably trip over something and destroy something that's 250,000 years old and not even know that I'd destroyed it. I can understand the point.

Ms. Linus: What we would like in the long run is to have a few places in the City of Las Vegas where people can come and look at archaeological remains and learn from them and enjoy them. But in the short run we just have to try and hang onto a few of them until we get to that point.

Mayor Briare: Thank you very much. Anything else on this?

Mr. Bramble: No your honor. We'll be back in front of you again regarding this. Thank you.

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Mayor Briare: Now we'll go to item G.

DISCUSSION/ACTION  
CAPITAL  
IMPROVEMENT  
PROGRAMS

Mr. Dorn: Item G, your honor, is discussion and possible action on Capital Improvement Programs. At our last Special Meeting, you had directed the City Manager to prepare a tentative list, and I say tentative of Capital Improvement Projects for you in consideration. These projects were generated from the budget process and projects suggested from Revenue Sharing, some Commission actions and suggestions and proposed Federal and State programs. These projects could be funded through various sources of Federal, State or local funding sources of long-term financing or short-term financing. Attached you

DISCUSSION/ACTION  
CIP (CONT)

will find a list of projects in the public works area such as storm projects, sidewalk improvements, street lighting, animal shelter, East Charleston Boulevard and traffic signalization.

I'll just give categorical summaries of this. In the area of public works \$3.9 Million; sanitary sewer projects \$2 Million; park and recreation, indoor swimming pool, Cashman Field golf course renovation, preservation of sites, cultural center \$6.1 Million; fire protection area \$2.5 Million; general government capabilities \$405,000; Senior Citizen expansion and renovation, Dula Center \$482,000. Included in the area of public safety is the current discussion of the jail facility renovation ceiling of \$4.6 Million; the Hall of Justice concept that the County's interested in building a Hall of Justice with the cooperation of the City \$3.8 Million. This grand total comes to \$23.9 Million.

As you can see, we have many needs and few resources. It is my proposal and recommendation to the Commission that a Capital Improvement Task Force committee consisting of two City Commissioners, some citizens and staff develop a formalized Capital Improvement plan for a one to five year cycle to take advantage of Federal and State dollars and the use of bonding powers of the City, and that this committee come back at a later date, review these suggestions and tentative improvements and score them and rank them and put them in a five-year capital improvement program for the benefit of the Las Vegas city residents. That's what I followed up on your suggestion of last week, Mayor.

Mayor Briare: It was my intention with the concurrence of the Commission to sometime within the next seven days, perhaps, to appoint such a committee. But I wonder if in your recommendations here that you're talking about a general obligation bond issued to handle this and any others that the Commission might feel have a maybe more specific priority. Your ultimate suggestion is that they all be handled by a general bond issue.

Mr. Dorn: Not necessarily, your honor. Part of it would be handled by general obligation bond if the committee sees fit for some projects. But for example, there might be a local Public Works Round III. If we prepare these projects and rank them and do the engineering design, obviously to save the taxpayer of the City of Las Vegas money we would apply them to LPW Round III on revenue sharing and State dollars.

DISCUSSION/ACTION  
CIP (CONT)

Mayor Briare: Let me interrupt you. I'm aware of what your memo says. You do suggest other areas, but the only real, sure-fire one that you can count on that you know is going to be there without having to depend on Federal bureaucracy that will put you on today but cut you down tomorrow, the only real, honest-to-goodness way to be sure is a general obligation bond issue. Then the other would be frosting on the cake if you can get it.

Mr. Dorn: Exactly. This is why it's important that the committee come up with a long-range plan of five years or so if the voters decide on a general obligation bond or other type of funding of bond, long or short, that we could dedicate X amount of revenues appropriation of funds per year so it would be at the minimum stress to the taxpayer.

Mayor Briare: The security of a bond issue is that when you make a plan you can stick with it because it seems that we've never been able to do what we're supposed to do in terms of planning for years ahead because we plan for five years and next year we totally change the thing around, and then we think we have a five-year plan and the following year we totally change. We have to make some commitments now, long-range commitments and have the available funding to do it, like the School District does. I have never really heard a legitimate complaint for the manner in which the School District does their long-range planning. They know they have to have so many schools and they're going to go out and build them, and they only draw down on their authorized bonding funds as they need them. The City could do the same thing with their long-term capital improvement programs.

Mr. Dorn: Your honor, I agree with you 100% and I think the Mayor and City Commissioners should be complimented because of a two-fold purpose: one to provide citizens' demands and services of capital projects like this that have life expectancy of five years. We need long-range planning and a commitment not to change for five years. The second thing is that for the sound fiscal management where my experience has been in the East and throughout the United States, that in 1982 the City of Las Vegas will have no debt and its debt will be paid off.

This is probably the only City government in the United States that has no debt at this time. I think that's a real accomplishment on behalf of the Mayor and City Commission and a fine financial track record of the finance staff to be able to state publicly that we have a good bond rating and that a debt is paid off. But I think that for the citizens'

DISCUSSION/ACTION  
CIP (CONT)

benefit with their input in this task force that we should look into future long-range planning.

Mayor Briare: Are there any questions on this?

Commissioner Lurie: I have one comment that I agree that we have to go and ask the voters to approve a capital improvement program for the City of Las Vegas. As Commissioner Christensen mentioned before, that five-year capital improvement program that we've been into and the books that we have sitting on our desks is a wish book and all the things that everybody puts in that they would like to have.

I agree that the City should exercise its responsibility in obligating ourselves to a bond issue since we are going to have that obligation paid for in, I think you said, 1982, and we should come up with a bond issue to put out for the voters to review and approve at the next election, which would probably be the Spring election. I'm totally in favor of that because I think we must allocate these monies, and there's a lot of projects here that should be placed on a priority list that we need within the next five years. If we don't go to that bond issue, as the Mayor said; the School District has one of the best programs I've seen also, because they just write out what they need, and the voters always seem to approve their requests. As long as you don't abuse it.

Mayor Briare: Thank you. Are there any other comments on this? Okay, then some time within the next seven days we'll make an announcement as to who's going to serve on that committee. Does that conclude your portion of the agenda?

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

See Page 53 - Annotated Agenda.  
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DEPARTMENT OF PERSONNEL AND EMPLOYEE RELATIONS  
BOB McPHERSON, AEP, DIRECTOR

See Page 54 - Annotated Agenda.  
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DEPARTMENT OF FUNDS, COORDINATION  
RICHARD B. BLUE, JR., DIRECTOR

See Page 55 - Annotated Agenda.  
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# AGENDA

## City of Las Vegas

September 20, 1978

BOARD OF CITY COMMISSIONERS

Page 18

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

IV(b) DEPARTMENT OF FINANCIAL MANAGEMENT -  
MARVIN A. LEAVITT, CPA, DIRECTOR

\*CONSENT AGENDA

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

\*A. SERVICE AND MATERIAL WARRANTS  
Nos. I210649, H708572, H708564, I708956, I708612 to I708613, I708619 to I708620, I708625 to I708671, I708673, I708679 to I708680, I708685 to I708748, I708750, I708762 to I709003, I709011 to I709013, I1305 to I1306 Inclusive

In the amount of \$2,679,228.51

\*B. PAYROLL WARRANTS

Nos. 122992 to 124516, Inclusive

For Pay Period Ending Sept. 2, 1978

In the amount of \$ 527,266.19

Items A and B  
Approved  
as presented  
Lurie - unanimous

Director  
authorized  
to proceed

**AGENDA**

*City of Las Vegas*

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

Page 19  
 9/20/78

ITEM

Commission Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL  
 & EMPLOYEE RELATIONS

BOB McPHERSON, AEP, DIRECTOR

AUTHORIZATION TO FILL POSITIONS

A. CITY FUNDED - FULL TIME

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
(1)		
Fire Services Fire Alarm Operator (replace budgeted vacancy)	\$ 908	To receive and transmit signal, telephone and radio fire alarms.
(2)		
Rec & Leisure Act./ Cemetery Maintenance Laborer Two positions (replace budgeted vacancy)	831	To mow, water, trim around headstones, rake leaves and grass and other related work required to maintain the cemetery.
(3)		
MS/Vehicle Services Maintenance Laborer (replace budgeted vacancy)	831	To dispense gasoline and other fuels and keep equipment in good condition.
(4)		
PS/Electrical Electrical Trades Helper (replace budgeted vacancy)	917	Part of a two-man crew responsible for changing poles, lumi- naires, installing underground wires and assisting the Electrician in all phases of line work.

Items 1 thru 4  
 Approved  
 as recommended  
 Lurie - unanimous

Director  
 authorized  
 to proceed

APPROVED AGENDA ITEM  
 RCJ 9/12/78

ITEM	Commission Action	Department Action
IV(d) DEPARTMENT OF FUNDS COORDINATION - RICHARD B. BLUE, JR., DIRECTOR		
A. A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, TO ESTABLISH A PROCESS FOR HOLDING PUBLIC MEETINGS AND HEARINGS FOR THE FIFTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM	Resolution Adopted Lurie - unanimous	Director authorized to proceed
IV(e) DEPARTMENT OF RECREATION & LEISURE ACTIVITIES - RICHARD CAMPBELL, DIRECTOR		
N o n e		

DEPARTMENT OF MUNICIPAL SERVICES  
J.C. CATHCART, DIRECTOR

See Page 57 - Annotated Agenda.

CLOSED CIRCUIT  
T.V. SYSTEM  
MUNICIPAL COURT

Mr. Dorn: Your honor, on item B-2, if I may make this statement, that was a late entry this morning because we had to check and get permission from Washington.

Mayor Briare: Okay, the recommendation for item 1 is to award and item 2 to reject.

Mr. Dorn: And readvertise.

Mayor Briare: Your motion is to follow the recommendation?

Commissioner Lurie: Follow the recommendation, I was going to include that in the motion.

Mayor Briare: Comments on the motion. Cast your votes. Opposed. The motion is approved, and the recommendations are followed.

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

-----  
REJECTION OF BIDS

Mayor Briare: Item C, Rejection of Bids for Fire Station #9. Also, we have rejections for 1, 2, 3, and 4. What seems to be the problem? We're supposed to be doing things, not throwing them out. Too much money, Mr. Cathcart?

Mr. Cathcart: Yes. These are all in excess of the engineer's estimate. They have gone back and reviewed their estimates, and they still feel that these are exceeding the estimates. Now, this is on item 1 and 4 we're asking permission to readvertise.

Mayor Briare: How about 2 and 3?

Mr. Cathcart: On item 3, that would be included in another district that they're forming and would be in a much larger package at a later date. Number 2, they aren't going to proceed with this project. They're utilizing the funds elsewhere in the Center.

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

Commissioner Lurie: Move for approval on the rejection of bids.

**AGENDA**

*City of Las Vegas*

September 20, 1978

BOARD OF CITY COMMISSIONERS

Page 21

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. Annual Insecticide and Herbicide Requirements (Recreation & Leisure Activities - Park & Golf Course, Public Services - Sanitation Division)
2. Casino Center Sewer (South of Cultural Services Center, Casino Center to Las Vegas Boulevard) (Public Services)
3. Meade Avenue SID 424 Between Valley View Blvd. and Rancho Rd. (Public Services)
4. Annual Lease/Purchase - Word Processing Unit(s) - (City Hall)

Items 1 thru 4 Approved as recommended Woofter - unanimous

Director authorized to proceed

Commissioner Christensen did not vote - temporarily absent

\*B. AWARD OF BIDS

1. Bid #78.57 - Annual Street Overlay Contract, From Date of Notice to Proceed Through June 30, 1979 (Public Services)
2. Bid #78.136 - Closed Circuit T.V. System - Municipal Court - L.E.A.A. Funded (Municipal Court)

Same as above

Same as above

C. REJECTION OF BIDS

1. Bid #78.98 - Apparatus Room Addition, Fire Station No. 9 (Public Services - Fire Services)

Approved as recommended (Motion and voting same as above)

Same as above

REQUEST PERMISSION TO READVERTISE

APPROVED AGENDA ITEM

2CT 9/12/78

REJECTION OF BIDS  
(CONT)

Mayor Briare: Comments on the motion. Cast your votes. Opposed. Motion is approved. Anything else?

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

Mr. Saylor: On that same item, Mayor, there was request for permission to readvertise on item 1 and 4.

Mayor Briare: Right.

Commissioner Lurie: That was included.

Mr. Saylor: That was included in the recommendation.

Mayor Briare: Anything else on this portion of the agenda?

Mr. Dorn: No, your honor.

Mayor Briare: Next item.

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

See Pages 60 through 64 - Annotated Agenda.  
-----

DECLARATION OF  
UTILIZATION OF  
BUREAU OF LAND  
MANAGEMENT RIGHTS  
OF WAY - JONES BL.

Mayor Briare: Do you have any comment on item 9?

Mr. Purvis: Item 9 is on Jones Boulevard. We are going to have to condemn a piece of property. Underlying it is a 33-foot utility path reservation, and we have to file with the BLA to recapture that and that's what we're doing there on item 9.

Commissioner Lurie: Do you need a motion to approve that?

Mr. Purvis: I would like a motion, yes.

Commissioner Lurie: So move.

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

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

## City of Las Vegas

September 20, 1978  
Page 22

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

ITEM	Commission Action	Department Action
IV (f) <u>DEPARTMENT OF MUNICIPAL SERVICES, CONTD.</u>		
C. <u>REJECTION OF BIDS, CONTD.</u>		
2. Bid #F78.108 - Doolittle Park Tennis Courts and Basketball Courts (Public Services - Recreation & Leisure Activities)	See Page 21	See Page 21
3. Bid #78.122 - Storm Drain, Elton and Jones (Public Services)		
4. Bid #R78.125 - Left Turn Signal Protection - 5 Intersections (Public Services - Traffic Engineering)		
REQUEST PERMISSION TO READVERTISE		
APPROVED AGENDA ITEM RCT 9/12/78		

# AGENDA

## City of Las Vegas

Sept. 20, 1978  
Page 23

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

ITEM	Commission Action	Department Action
<p>IV (g). <u>DEPARTMENT OF PUBLIC SERVICES</u></p> <p><u>WILLIAM J. PURVIS, P.E., DIRECTOR</u></p> <p>*CONSENT AGENDA</p> <p>All matters listed under Items A, B, C, D, and F are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p>*A. <u>APPROVAL OF SUBDIVISION PLATS</u></p> <p>It is recommended that the following final plats be approved subject to posting of bond and signing of agreements and plans within thirty days. All engineering designs are being processed.</p> <ol style="list-style-type: none"> <li>1. Pinewood No. 3 (First Western Savings Association, Dasco, Inc., Dudley A. Smith, president).</li> <li>2. Rainbow West No. 2 (Charles M. Brown, Individual).</li> <li>3. The Priory (Church Wardens and Vestrymen of All Saints Episcopal Church, Robert L. Morgn, Senior Warden).</li> </ol>	<p>Items A, B, C and D Approved as recommended Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>*B. <u>RELEASE OF SUBDIVISION BONDS</u></p> <p>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.</p> <ol style="list-style-type: none"> <li>1. Lewis Homes-Smoke Ranch Estates Unit No. 1 (Lewis Homes of Nevada, Earl Monson, Agent).</li> <li>2. Lewis Homes-Smoke Ranch Estates Unit No. 3, Lewis Homes of Nevada, Earl Monson, Agent).</li> </ol>		

ITEM

Commission Action

Department Action

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

\*C. RELEASE OF CONSTRUCTION CONTRACTS

See Page 23

See Page 23

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

1. Bid No.: 78.6  
 Contractor: Acme Electric Co.  
 For: Traffic Signal Installation, Highland Dr. & Lake Mead Blvd.  
  
 Notice of Completion: August 24, 1978  
 Release Date: October 2, 1978
  
2. Bid No.: 78.89  
 Contractor: Tango Pools, Inc.  
 For: Doolittle Park Swimming Pool Rehabilitation  
  
 Notice of Completion: July 19, 1978  
 Release Date: August 23, 1978

\*D. RIGHT OF WAY ITEMS

1. Grant Deed  
 From: Charles H. Siefert and Tona C. Siefert, husband and wife as joint tenants  
  
 For: Portion Lots 10, 11, 12, 13, and 14 of Block 3, Church Addition  
 Fremont St. Dedication Building Permit (9/1/78)

# AGENDA

## City of Las Vegas

Sept. 20, 1978  
Page 25

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Actio
IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)		
*D. RIGHT OF WAY ITEMS (Continued)		
<p>2. Grant Deed From: Rev. Ernest S. Soady and Doris L. Soady To: City of Las Vegas For: Portion W-1/2, Government Lot 16, Sec. 36, T20S, R60E Jones Blvd. R.S.H.C. Project (8/25/78) Recorded as Instrument No. 900332 in Official Record Book No. 941 on Sept. 8, 1978 in the Clark County Recorders office.</p>	See Page 23	See Page 23
<p>3. Grant Deed From: Ernest A. Becker, an individual and Becker Investment Co., a Nevada Partnership To: City of Las Vegas For: Portion NW-1/4, Sec. 31, T20S, R61E Portsmouth St. Dedication. Building Permit (9/1/78)</p>		
<p>4. Right of Way Grant From: Chism Homes, Inc., a Nevada Corporation To: City of Las Vegas For: Portion SE-1/4, Sec. 23, T20S, R60E Sewer easement for Kingswood Estate (8/18/78)</p>		
<p>5. Right of Way Grant From: Becker and Sons and Sunset Development Co., and Ernest A. Becker To: City of Las Vegas For: Portion SW-1/4, Sec. 24, T20S, R60E Sewer easement for Kingswood Estates (9/5/78)</p>		

**TENDR**

*City of Las Vegas*

Sept. 20, 1978  
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BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE  
PHONE 386-6011

ITEM

Commission Action

Department Action

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

\*D. RIGHT OF WAY ITEMS (Continued)

See Page 23

See Page 23

6. Grant Deed

From: Lawrence D. Norland and Carol Norland, husband and wife as joint tenants as to an undivided 1/2 interest and Steve Carson and Lynda H. Carson, husband and wife as joint tenants, as to an undivided 1/2 interest  
To: City of Las Vegas  
For: Portion Government Lot 15, Sec. 36, T20S, R60E Mallard L.D. Dedication (8/25/78)

7. Grant Deed

From: Metropolitan-Nevada Corporation, a Nevada Corporation  
To: City of Las Vegas  
For: Portion NW-1/4, Sec.32, T20S, R62E Marion Drive. Rezoning Dedication (5/31/78)

8. Easement

From: City of Las Vegas  
To: Las Vegas Valley Water District  
For: Portion SE-1/4, Sec.25, T20S, R61E Freedom Park. Vault

9. Declaration of Utilization of Bureau of Land Management Rights of Way, Government Lot 17, Sec. 36, T20S, R60E. Jones Blvd.

**AGENDA**

*City of Las Vegas*

BOARD OF CITY COMMISSIONERS  
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

Sept. 20, 1978  
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ITEM	Commission Action	Department Action
<p>IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)</p>		
<p>E. <u>REPORTS/ACTION</u></p> <ol style="list-style-type: none"> <li>1. Electrical consultant for complex electrical system, Ed Fountain Park - Phase II.</li> <li>2. Use of right of way for Eddie Belrose, 23 N. Mohave.</li> <li>3. Agreement between Las Vegas Valley Water District and City of Las Vegas re Freedom Park.</li> <li>4. Phase I, E. Charleston parking lots</li> </ol>	<p>Items 1, 2 and 3 Approved as recommended Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>*F. <u>TRAFFIC AND PARKING ITEMS</u></p>	<p>Item 4 Abeyance</p>	<p>10/4/78 Ag</p>
<ol style="list-style-type: none"> <li>1. Request of Taxi Authority for change in taxi stand ordinance limiting the number of taxis in zones. Traffic and Parking Commission recommends denial.</li> <li>2. Request of Pioneer Citizens Bank, 3rd and Carson, for variance in curb cut ordinance. Traffic and Parking Commission recommends approval.</li> </ol>	<p>Approved as recommended by Traffic &amp; Parking Commission Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>NOTE: At this point Mayor Briare inquired as to a "jogging lane" in the layout of Baskin Park. A complete layout of this recreational facility, including a "jogging lane" was presented to the Commission prior to adjournment.</p>		

ELECTRICAL  
CONSULTANT - ED  
FOUNTAIN PARK -  
PHASE II

Mayor Briare: The next is item E on Commissioners' page 27, Reports and Actions, Electrical Consultant Use of Right of Way, and an Agreement between Las Valley Water District and the City of Las Vegas, and item 4, Phase I, East Charleston parking lots. Mr. Purvis?

Mr. Purvis: Number 1, Electrical Consultant for complex electrical system, Ed Fountain Park, we are in the process of design for the new ballfield out there and the confidence that we have on board for our electrical does not include a licensed engineer. We would like to have it done by a licensed engineer. The funding will be firmed up. I guess there is funding now available for part of it, and there will be some more funding available on these BOR grants. We would like to get started so that we will be a little jump ahead of them.

EDDIE BELROSE  
USE OF RIGHT OF  
WAY

Mayor Briare: What's the use of right of way for Eddie Belrose?

Mr. Purvis: The use of right of way on Mohave, we own 75 foot of right of way on one side and 50 feet on the other side, 75 feet on the west. It was originally dedicated for a drainage channel. This one happens to be right at the corner of East Charleston and Mohave. We have, really, no need for it, but he wants to use it. He has signed an agreement as parking, and he will remove if we ever need the 25 feet. There is no problem there.

FREEDOM PARK  
AGREEMENT BETWEEN  
WATER DISTRICT  
AND CITY

Mayor Briare: What's the agreement between the Valley Water District and the City of Las Vegas, Freedom Park.

Mr. Purvis: The agreement between the Las Vegas Valley District and the City of Las Vegas, Freedom Park, if you will go back when we gave the piece of ground to the County to put the juvenile home on, they were doing all the improvements and supply to that park. They have complied with that. The only problem is the Water District comes back and says now you'll have to pay \$500 an acre, which is a standard thing with them. It wasn't included in the agreement, and the County has said that becomes a City responsibility. I think the attorneys agree that it's not in the agreement, we will probably have to do it.

We will be doing it on an incremental basis. As we develop the first seven acres we will pay \$3500 and as we develop more will be paying \$500 an acre. This is a standard fee for the Water District for anybody who gets water from the Water District. If

FREEDOM PARK  
WATER DISTRICT  
AGREEMENT (CONT)

you had been served, you're going to pay \$500 an acre.

Commissioner Lurie: Just one time? One payment?

Mr. Purvis: It's one payment, yes.

Mayor Briare: Oh, it's one payment forever?

Mr. Purvis: We have, I think, it's 27 acres down there than's still to be developed.

Mayor Briare: No. I think if Commissioner Lurie's question is what I think it is, it's not a recurring expense, it's a one-time charge.

Mr. Purvis: It's a capital improvement program for the Water District. It takes care of their main extensions.

Mayor Briare: But we don't have to pay for the water to water the lawns.

Mr. Purvis: Well, we will be paying for water to water the lawns, yes. That's an operational cost. The \$500 an acre is...

Commissioner Lurie: How are you going to get free water? They even passed an ordinance to have the churches pay for the water. So, I mean, we can't get free water.

Mayor Briare: Does Paradise Park pay for water to water the Paradise Park lawns?

Mr. Purvis: I would have to go back and quote Tom Rice many, many years ago, about four or five, "nobody gets free water from the Water District". That's in our bonding agreements and nobody gets free water. Now, I don't know about the Courthouse but...

Mayor Briare: I've heard that for so many years and nobody's yet...I've asked for bonds, I said show me, show me where it says you can't allow City Parks or County Parks to be watered.

Commissioner Lurie: School District must get free water, the way they water the streets. They must not have to pay for it.

Mr. Purvis: I hope we never get their water bill because it must be tremendous.

E. CHARLESTON  
PHASE I

Mayor Briare: How about Phase I, E. Charleston parking lots?

Mr. Purvis: We would like to hold that in abeyance.

Mayor Briare: Okay then, can I have action on items 1, 2 and 3?

Commissioner Lurie: Move for approval.

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

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

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TAXI STAND  
ORDINANCE -  
REQUEST FOR  
CHANGE  
And  
PIONEER CITIZENS  
BANK REQUEST

Mayor Briare: Item F, Traffic and Parking Items.

Mr. Purvis: Number one is request by the Taxi Authority to change the Taxi Stand ordinance. Right now we have an ordinance which limits them to four vehicles in any one zone. We believe it is sufficient; it services the public; we have no problem with service to the public. What has happened is the cab drivers feel the need for more area parking, so they want to extend some of these downtown taxi zones to seven taxis minimum.

Commissioner Lurie: Move we follow the recommendation of the Traffic and Parking Commission.

Mayor Briare: Do you want to include Pioneer Citizens Bank request also?

Commissioner Lurie: And also item 2.

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

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

Mayor Briare: Anything else, Mr. Purvis?

Mr. Purvis: That's all.

Mayor Briare: I'd like to request, did Mr. Dorn leave?

Mr. Bramble: Just for a moment.

Mayor Briare: Well, Mr. Purvis, there's an interesting

BOB BASKIN PARK -  
DISCUSSION

Letter to the editor in one of the newspapers relative to Bob Baskin Park and the possibility of including in the development of Bob Baskin Park a track for joggers.

Commissioner Leavitt: It's already in there.

Mayor Briare: Is it already in there? Oh, it's in the plans.

Mr. Purvis: It's in the design as I remember it.

Commissioner Christensen: The interesting thing about the letter, Mayor, is that it's going to have to be a special track. It's got to be softer than the UNLV track, softer than sidewalks.

Mayor Briare: Well, people who live out near there have soft feet.

Commissioner Christensen: Right. So I guess it's going to have to be on springs according to the letter.

Commissioner Lurie: It happens to be in my district so I hope you allocate the money.

Mayor Briare: I hate to publicly look stupid; it's bad enough privately, but would you please let me see a plan of Bob Baskin Park?

Commissioner Leavitt: We had a plan presented to us at one time.

Mr. Purvis: Yes, there has been a master plan presented for Bob Baskin Park. I'll see that you get it.

Commissioner Leavitt: There was a couple of tennis courts, some jogging. What's the status of that now? I asked about that about two months ago.

Commissioner Christensen: No money.

Mr. Saylor: One of the applications is before the State now for BOR money.

Commissioner Lurie: That's going to have to be developed, I think, pretty soon, because that whole section is being developed, and it would look bad if the City had that one piece the way it is now continue to look the way it does.

Commissioner Leavitt: At least it ought to be cleared.

CITY ATTORNEY  
MIKE SLOAN

See Pages 70 through 72 - Annotated Agenda.  
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DISCUSSION/ACTION  
ON LAWSUIT IN  
STATE COURT RE:  
POLICE COMMISSION  
CONSTITUTIONALITY

Mr. Sloan: Item B is an addendum item, was placed on here pursuant to the discussion by Commissioner Christensen last meeting as to whether or not you previously authorized my office to file suit in a State court should the Federal court not address the issues of the constitutionality of the Metropolitan Police Commission. Judge Foley has indicated to us in court, and we're going back this afternoon at 4:00, that he will not reach the merits of the issue and that he will sign an order indicating that this should be taken to State court. We have prepared a draft for the lawsuit to raise the issue and a number of other issues as they relate to the Metropolitan Police Commission in State court.

As you know, in the Federal case we raised a limited issue as it relates to the jail. It's my feeling if we're going to take this to the State court that we should raise all the issues, ones that have been discussed before; double taxation, equal protection and the full variety of issues. So we would ask the Commission for its guidance as to whether or not you want us to file this lawsuit in State court.

Commissioner Christensen: I move we file immediately.

Mayor Briare: Mr. Sloan, I'd like to ask a question relative to the motion there. My understanding was, and you'll help me with my memory here, that the reason that we filed it in Federal court and the reason that the City attacked the constitutionality of the entire Metro was to get at that provision which required the City to participate in the cost of County jails.

Mr. Sloan: That's correct, your honor. It was my belief that by doing it in Federal court, that while we had to attack the entire Metropolitan Police Act, we would just be really focusing on the jail portion of it.

Mayor Briare: Right. Okay, now that being the case, if I recall, it was a 3-2 vote in favor of that motion.

Mr. Sloan: That part I'm not clear on.

Commissioner Christensen: I think it was bigger than that.

Commissioner Leavitt: I voted against it.

# AGENDA

## City of Las Vegas

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 28  
 Sept. 20, 1978

PHONE 386-6011

ITEM	Commission Action	Department Act
V. MIKE SLOAN - CITY ATTORNEY		
A. SPECIAL IMPROVEMENT DISTRICT NO. 421- Stewart on the North, Bridger on the South, Main Street on the West and 8th to 10th on the East.  Resolution to modernize and intensify existing street lighting in a 37 block area of downtown Las Vegas.	Adopted Resolution Lurie - unanimous	Staff to proceed
<u>ADDENDUM No. 2:</u>		
B. DISCUSSION AND PROPOSED ACTION ON THE LAWSUIT IN STATE COURT CONCERNING THE CONSTITUTIONALITY OF THE METROPOLITAN POLICE COMMISSION	Directed that legal proceedings in State Court be instituted immediately Christensen - unanimous	C/A to proceed

APPROVED AGENDA ITEM  
 RCS 9/12/78

RESOLUTION DETERMINING THE COSTS TO BE ASSESSED  
IN LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT  
NO. 421, AND ORDERING THE CITY ENGINEER TO PREPARE  
THE ASSESSMENT ROLL

WHEREAS, the City of Las Vegas, in the County of Clark and State of Nevada, has taken requisite legal action preliminary to create Special Improvement District No. 421, which consists of:

The improvements consisting of the modernizing and intensifying of the existing street lighting in the 37 block area of downtown Las Vegas generally bounded by Stewart Avenue on the North, Bridger Avenue on the South, Main Street on the West and 8th to 10th Streets on the East, by providing high pressure sodium luminaires on the existing standards or new standards, by relocating some existing standards, by providing twin bracket luminaires at a mid standard height on the mid block standards, and alley lighting consisting of 250 to 400 watt high pressure sodium luminaires on existing standards, all as shown on the plans of the work, to include the necessary installation, removal and relocation of any and all utilities and appurtenances that are deemed necessary to complete same, as more particularly shown on the plats, diagrams and plans of the work and the locality to be improved, now on file in the Office of the City Clerk.

and to defray the entire cost and expense thereof by special improvements according to benefits, against the taxable lots and premises in each assessment unit of said District; and

WHEREAS, pursuant to law, the said City entered into the following contract, to-wit:

PAUL GARDNER CORPORATION, Ontario, California for the improvements;

WHEREAS, the cost, including administrative costs, for installing the improvements in said District is as follows:

\$904,389.84

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 20th day of September, 1978, that the following amount shall be assessed against and paid by the assessable property in said District, to-wit:

\$615,954.00

all as designated in Ordinance No. 1883 passed, adopted and approved on the 4th day of May, 1977.

BE IT FURTHER RESOLVED that the City Engineer is hereby ordered to make an assessment roll containing, among other things:

1. The name of each last known owner of each lot or parcel of property to be assessed; and

2. A description of each lot or parcel of property to be assessed and the amount of the proposed assessment thereon, apportioned upon an area basis, all as more particularly set out in Section 4 of Ordinance No. 1883.

BE IT FURTHER RESOLVED that the City Clerk shall furnish a copy of this Resolution to the City Engineer.

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

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

ATTEST:

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

STATE COURT  
LAWSUIT RE:  
CONSTITUTIONALITY  
OF METRO (CONT)

Mayor Briare: Yes. I think you and I voted against suing for the whole Metro even though I was reluctant to do it because I was so much in favor of the jail part. But now is there an alternative here? Commissioner Christensen's motion was to challenge the constitutionality of the Metropolitan Police through the State courts. Would it be possible to separate that by challenging the constitutionality of the requirement to participate in jail, or must we also do it the same way in State court as we did in Federal court, namely we have to go after the whole thing in order to get to a part of it.

Mr. Sloan: Your honor, it's our judgement that the only way to succeed in this is to go after the Metropolitan Police Commission Act directly because that's where the violation of the State Constitution exists. That the subsequent enactment as it relates to Chapter 211 which gives the Metropolitan Police Commission the responsibility for the jail becomes inoperative and void because of the unconstitutionality of Chapter NRS 280. So we have to attack the Metropolitan Police Commission Act frontally.

The strategy in the Federal court was even by attacking it frontally, the result would be the court would only rule on the jail portion and not on the requirement of breaking the police department. Obviously, if we take this into State court and we urge the court to find the act unconstitutional, then the court is going to be confronted with how we handle the Police Department. So the stakes are somewhat higher in the State court than they would have been in the Federal Court. I was hopeful we would be able to resolve it in the Federal court.

Mayor Briare: Well, I'm going to vote in favor of Commissioner Christensen's motion, but I would like to, for reasons I've reiterated before, and I don't need to do it again, my primary concern is the inequity and I've noted to the judge and my comments on the Consent Decree that I felt it was blatantly unfair that the City of Las Vegas should be the only City in the State of Nevada who is required to pay twice for County jails. However, I want to again take the position I did last time that I am opposed to the attacking of the Metropolitan Police Department. In order to be satisfied that I've done my part as a member of this Commission to attack the jail part I have to take on the whole shebang, then I'm willing to do it.

STATE COURT  
LAWSUIT RE:  
CONSTITUTIONALITY  
OF METRO (CONT)

Commissioner Christensen: Your honor, I agree with that thinking, and I've said publicly that to separate the police departments would be a horrendous expense that the taxpayers shouldn't have to shoulder. It's my feeling that if this suit is successful and it is in fact split, then it could be handled through an interlocal agreement that would be much easier to work.

Mayor Briare: Yes, I like that.

Commissioner Christensen: And I have no qualms about that, but I feel that the funding has been wrong from day one. I know for a fact that the Regional Funding Intent of the bill passed by the State Legislature was not followed. I know for a fact that the Tax Commission was lobbied by the County to get the funding in the favor of the County at the time it eventually went to the Tax Commission. I know all these things took place, and this has been going on for five years, and we have been getting gaffed constantly on this funding. I think it's got to stop and the only way to stop it is to go to court and get it stopped and then put it back together on a profit basis where we don't have the ability of the County Commission to buy the State boards and get them to fund it the way they want to.

Mayor Briare: Any other comments?

Commissioner Lurie: I concur with Commissioner Christensen.

Commissioner Christensen: The annexation vote indicates that the County doesn't want the City.

Mayor Briare: You're not going to let that dead dog lie in peace.

Commissioner Christensen: That's not a dead dog. The fact still remains that they want them separate, so I think that we should take a look at the Municipal functions, the public functions and see if maybe they shouldn't be separate.

Commissioner Lurie: That's right. We're the only city in the State that doesn't have a police department, and we should have better controls, and we should have it back.

Mayor Briare: Further comments? Cast your votes. Opposed. Motion is approved.

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

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# AGENDA

## City of Las Vegas

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE Sept. 20, 1978

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PHONE 386-6011

ITEM

Commission Action

Department Action

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

A. Bill No. 78-65 Amending Title X, Chapter 29, Section 7(H) to provide that for each and every vehicle which exceeds seventy feet in length a fifty dollar application fee shall be assessed against the operator rather than an operator of several excessively long vehicles being allowed to pay a single fifty dollar application fee.

1st Reading and Referred  
Commissioners  
Lurie and  
Woofter

\*Clerk to proceed with 1st publication

B. 78-66 Amending Title VIII, Chapter V, to clarify, by adding it to the City Code, the already established City policy which places responsibility for maintaining sewer main facilities in City-owned rights-of-way and easements on the City and responsibility for maintaining sewer laterals to the point of connection with sewer main facilities on the private property owner.

1st Reading and Referred  
Commissioners  
Lurie and  
Christensen

\*Same as above

C. 78-67 Satisfies the requirements of the Nevada Revised Statutes for annexation (Annexation A-5-78). (Generally located on the South side of O'Bannon Dr., between Jones Blvd. and Torrey Pines Dr.)

1st Reading and Referred  
Commissioners  
Lurie and  
Christensen

\*Same as above

D. 78-68 To amend Title I, Chapter 7, of the Municipal Code by adding a new percentage increase to Section 3, Subsection d of the compensation plan of June 1977.

1st Reading and Referred  
Commissioners  
Woofter and  
Lurie

\*Same as above

\*These new Bills set for Recommending Committee meeting, Wednesday, September 27th, 10th Floor City Hall. Notice posted 9/21/78)

APPROVED AGENDA ITEM

NEW BILLS

See Page 75 - Annotated Agenda

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Bill No. 78-65

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

AN ORDINANCE TO AMEND TITLE X, CHAPTER 29, SECTION 7(H) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO PROVIDE THAT THE OPERATOR OF VEHICLES WHICH EXCEED SEVENTY FEET (70') IN LENGTH SHALL RENDER AN APPLICATION TO THE DIRECTOR OF PUBLIC SERVICES AND PAY A FIFTY DOLLAR (\$50.00) APPLICATION FEE FOR EACH AND EVERY VEHICLE WHICH EXCEEDS SEVENTY FEET RATHER THAN AN OPERATOR OF SEVERAL VEHICLES BEING ALLOWED TO PAY A SINGLE \$50.00 APPLICATION FEE FOR ALL HIS VEHICLES WHICH EXCEED THE ALLOWABLE SEVENTY FEET; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

(Official Resolution on file in Office of City Clerk)

Bill No. 78-66

ORDINANCE NO.

AN ORDINANCE TO AMEND TITLE VIII, CHAPTER V OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING A NEW SECTION 6 THERETO TO CLARIFY MAINTENANCE RESPONSIBILITIES FOR CITY SEWER FACILITIES; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

(Official Resolution on file in Office of City Clerk)

UMTA (CONT)

Mayor Briare: Mr. Dorn, would you get with the members of the Commission, hopefully sometime before the close of business today, and determine who is going to go to San Francisco and sweat this thing out.

Mr. Dorn: Yes, your honor, and as you directed, tomorrow Chuck Brechler and myself, I guess, will make a report on the City Commission's action to the Regional Street and Highway Commission meeting, special meeting.

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See Page 44 - Annotated Agenda.

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REPORT - HISTORIC  
INVENTORY OF CITY

Mayor Briare: Item F. Mr. Bramble.

Mr. Bramble: The report as it stands here is still in draft form. We're anticipating some additional copies of this. What we have at this point in time is an informational item for you to acknowledge the fact that we have concluded an archaeological inventory of the City of Las Vegas, primarily in the Block Grant areas.

What we are proposing this be utilized for is for the application of Federal funds throughout the next several years in order to avoid costly delays in the review of historic and archaeological sites in the event that a Federal project, either physical or social would be applied for in the planning areas I and II. We're not requesting that you officially adopt the report but that you, at least, acknowledge the fact that it has been written and then also an indication of an interest of publishing that report for future use.

Mayor Briare: Any comments or questions?

Commissioner Christensen: Yes your honor.

Mayor Briare: Commissioner.

Commissioner Christensen: I've briefly glanced at this report although I haven't looked at it in any detail, but there are a couple of things that worry me that I think we should take cognizance of and look at if we adopt this report. It's rather lengthy, and I think we've got to be very careful that we don't adopt a report that sets guidelines for historic preservation of a lot of buildings that because they're old they require historic preservation. There are a lot of old things that don't require historic preservation because there's nothing really historic about them other than their age. I hope we don't fall into the trap of naming everything

**END**

*City of Las Vegas*

September 20, 1978

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

<p>IV(a) ADMINISTRATIVE AGENDA - RUSSELL W. DORN, CITY MANAGER</p>		
<p>A. SOUTHERN NEVADA HOCKEY ASSOCIATION - CITY PROPERTY</p>	<p>Referred to a Committee (to confer with Hockey Assn. as to a definite time frame for this proposed facility</p>	
<p>B. REASSIGNMENT OF DELEGATION OF RESPONSIBILITY FOR LAS VEGAS/CLARK COUNTY CONSORTIA (CETA PROGRAM)</p>	<p>Commissioner Lurie to continue with this responsibility</p>	
<p>C. <u>FREMONT STREET PROJECT:</u> 1. Approval of Funding 2. Award of Bid (Abeyance from Special Meeting of 9/13/78)</p>	<p>Funding approved and Bid awarded Lurie - unanimous</p>	<p>Staff authorized to proceed</p>
<p><u>ADDENDUM (No. 1)</u></p>		
<p>DISCUSSION AND POSSIBLE ACTION ON THE APPLICATION TO UMTA FOR THE FUNDING OF FIVE (5) BUSES</p>	<p>Approved as recommended by the City Manager Lurie - unanimous</p>	<p>Staff to proceed</p>
<p><u>OFFICE OF BUDGET AND MANAGEMENT</u></p>		
<p>D. AUTHORIZATION TO SUBMIT AN APPLICATION FOR FUNDS THROUGH THE REGIONAL STREETS &amp; HIGHWAYS COMMISSION TO THE DEPARTMENT OF TRANSPORTATION FOR ACQUISITION OF MINI-BUSES FOR SENIOR CITIZENS</p>	<p>Items D and E Approved by one motion Lurie - unanimous</p>	<p>Staff to proceed</p>
<p>E. AUTHORIZATION TO SUBMIT AN APPLICATION FOR FUNDS TO OPERATE THE MINI-BUS SYSTEM FOR SENIOR CITIZENS</p>		
<p>F. INFORMATIONAL REPORT OF PAIGE &amp; ASSOC. HISTORIC AND ARCHAEOLOGICAL INVENTORY OF THE CITY OF LAS VEGAS AS THE REFERENCE DOCUMENT IN PROVIDING HISTORIC AND ARCHAEOLOGICAL CLEARANCE FOR FEDERALLY-FUNDED PROJECTS PROPOSED BY THE CITY OF LAS VEGAS</p>	<p>No action - discussion only</p>	
<p>G. DISCUSSION/ACTION - CAPITAL IMPROVEMENT PROGRAM</p>	<p>Approved as recommended by City Manager (Members of a CIP Task Force Committee to be named at a later date)</p>	<p>Staff to proceed</p>

Bill No. 78-68

ORDINANCE NO.

AN ORDINANCE TO AMEND TITLE 1, CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY CHANGING THE MINIMUM PERCENTAGE INCREASE IN SECTION 3, SUBSECTION (4) OF THE COMPENSATION PLAN OF JUNE 1977, AS ADOPTED BY REFERENCE ON JUNE 15, 1977 AND AMMENDED JULY 6, 1978; SAID PERCENTAGE INCREASE AFFECTING THE SALARY STRUCTURE OF CLASSIFIED EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING CONTRACTS AND FURTHER AMENDING TITLE 1, CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, BY REPEALING ATTACHMENT (A), ENTITLED "CLASSIFIED POSITION, GRADE & STEP SCHEDULE" BEING ATTACHED TO THE COMPENSATION PLAN OF JUNE 1977, AS ADOPTED BY REFERENCE AND FURTHER AMENDING TITLE 1, CHAPTER 7 OF THE MUNICIPAL CODE BY ADDING A NEW ATTACHMENT (A), ENTITLED "CLASSIFIED POSITION, GRADE & STEP SCHEDULE, JULY 1978 FINAL". SAID ATTACHMENT TO BE INCORPORATED WITH THE COMPENSATION PLAN OF JUNE 1977, AND BY REFERENCE MADE A PART THEREOF; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

(Official Resolution on file in Office of City Clerk)

VACANCIES - BOARDS & COMMISSIONS

See Page 80 - Annotated Agenda.

REPORTS FROM RECOMMENDING COMMITTEES

See Pages 81 to 84 - Annotated Agenda.

Mayor Briare: Is there anything else the Commissioners would like to bring up prior to our recessing?

# AGENDA

## City of Las Vegas

September 20, 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 & COMMISSIONS

A. 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

Reappointed  
 Marcia W. Buchanan  
 Dr. Charles L. Snavely  
 Walter V. Long

Clerk to notify

APPROVED AGENDA ITEM

RCJ 9/12/78

# AGENDA

## City of Las Vegas

September 20, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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PHONE 386-6011

ITEM	Commission Action	Department Action
<u>VIII. REPORTS FROM RECOMMENDING COMMITTEES</u>		
A. BILL No. 78-59 - Step Requirement creating Special Improvement District No. 423 - Jones and Decatur/Evergreen and Brush) Committee: Commissioners Lurie and Christensen	2nd Reading and Adopted Lurie - unanimous (Full Board)	Clerk to proceed with 2nd Publication
1st Publication - L.V. SUN 9/11/78		
B. BILL No. 78-60 - Annexing certain real property generally located at the SW corner of Craig Road and Lorenzi Blvd., containing approximately 32 acres of land. Annexation A-4-78 Committee: Commissioners Lurie and Christensen	2nd Reading and Adopted Lurie - unanimous	Same as above
1st Publication - L.V. SUN 9/11/78		
C. BILL No. 78-61 - Amending Title II, Chap. 12, by providing for honorary membership on the Las Vegas Senior Citizens' Advisory Board Committee: Mayor Briare and Commissioner Christensen	2nd Reading and Adopted Christensen - unanimous	Same as above
1st Publication L.V. SUN 9/11/78		
D. BILL No. 78-63 - Amending Title V, Chapter 18, Sec. 6, Subsec (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 Committee: Mayor Briare and Commissioner Christensen	2nd Reading and Adopted Christensen - unanimous	Same as above
1st Publication - L.V. SUN 9/11/78		

APPROVED AGENDA ITEM

Rcj 9/12/78

**END**

*City of Las Vegas*

September 20, 1978

BOARD OF CITY COMMISSIONERS  
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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PHONE 386-6011

ITEM

Commission Action

Department Action

VIII - REPORTS FROM RECOMMENDING COMMITTEES

E. BILL No. 78-56 - Amending Title V, Chap. 17, Sec. 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 (10%) 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

Committee: Commissioners Woofter and Christensen

1st Publication - L.V.SUN 9/11/78

F. BILL No. 78-64 - Amending Title XI, Chap. 2, Sec. 10, to allow local area subdividers to post one (1) bond to cover all their off-site 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

Committee: Commissioners Lurie and Woofter

1st Publication - L.V. SUN 9/11/78

2nd Reading and Adopted  
 Christensen - unanimous

Clerk to proceed with 2nd Publication

2nd Reading and Adopted  
 Lurie - unanimous

Same as above

FIRST AMENDMENT

BILL NO. 78-56

ORDINANCE NO. 1961

AN ORDINANCE TO AMEND TITLE V, CHAPTER 17, SECTION 2 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY DELETING THE WORD "NEVADA" WHEN IT IMMEDIATELY PRECEDES THE WORD "CORPORATION"; FURTHER 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; BY PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

Bill No. 78-59

Ordinance No. \_\_\_\_\_

AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 423; ORDERING THE IMPROVEMENT OF CERTAIN STREETS AND PARTS THEREOF; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING FOR RELATED MATTERS.

BILL NO. 78-60

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

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA TO INCLUDE WITHIN, ANNEX TO AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH. (ANNEXATION A-4-78).

(Official resolution on file in Office of City Clerk)

BILL NO. 78-61

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

AN ORDINANCE TO AMEND TITLE II, CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY PROVIDING FOR HONORARY MEMBERSHIP ON THE LAS VEGAS SENIOR CITIZENS' ADVISORY BOARD; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BILL NO. 78-63

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

AN ORDINANCE TO AMEND TITLE V, CHAPTER 18, SECTION 6, SUBSECTION (D) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO PROVIDE THAT THE BOARD OF COMMISSIONERS MAY WAIVE THE INVESTIGATION AND INVESTIGATION 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; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

Bill No. 78-64

ORDINANCE NO.

AN ORDINANCE TO AMEND TITLE XI, CHAPTER 2, SECTION 10, SUBSECTIONS (A) AND (B) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO ALLOW SUBDIVIDERS TO POST ONE BOND TO COVER CONSTRUCTION OF ALL OF THEIR OFF-SITE IMPROVEMENTS IN MULTIPLE SUBDIVISIONS INSTEAD OF REQUIRING POSTING OF ONE BOND FOR EACH SUBDIVISION; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

(Official resolution on file in Office of City Clerk)

DESIGN OF  
JOGGING TRACK  
BOB BASKIN PARK

Commissioner Lurie: Mr. Saylor's got the picture of that track.

Mayor Briare: Yes, I want to take a look at that.

Commissioner Lurie: It's beautiful.

Mr. Saylor: We think that the design team did a very good job with the limited amount of space plus the odd shape. This is Oakey. There'll be some parking along Oakey. This is a tennis court. This is not only a jogging course but also an exercise course.

Commissioner Christensen: Which way is north?

Mr. Saylor: North is toward me. (Turned diagram so north would be positioned at top.) This is an open grass play area.

Mayor Briare: Is there room for a soccer field there?

Mr. Saylor: Well there's room enough where they can get around and kick the ball and that type of thing. It's the same way with baseball. There's no ball diamond per se, but there's room enough where the kids can get together and bat a ball around. This is all picnic area in through here. Rest room facilities are here.

Mayor Briare: Mr. Saylor, can you roughly give us the scale on that? How far is it from the end of the tennis court down to the track? Again, where the soccer field should have been.

Commissioner Lurie: What the Mayor is asking is if you take out two tennis courts, can you get a soccer field in?

Mr. Saylor: No. I seriously doubt that it's wide enough, Mayor. We looked at that in the design in terms of soccer or little league diamond and that.

Commissioner Lurie: The odd shape makes it a problem.

Mayor Briare: Thank you, Mr. Saylor. We will be recessed until two o'clock.

(Meeting recessed at 11:46 a.m.)

(Meeting reconvened at 2:10 p.m.) (Commissioner Leavitt excused from afternoon session.)

(Mayor Briare arrived at approximately 2:15 p.m.)

PUBLIC HEARINGS

VAC-9-78 ABE FOX Commissioner Lurie: I'd like to call this afternoon's meeting to order, and the first item we have, first of all let me say that excuse Commissioner Leavitt because he had to go to Reno, and the Mayor will be down in a few minutes.

The first item we have is Public Hearings. Item A is a Vacation, Abe Fox. The Public Hearing is now open.

Mr. Foster: This involves a very small portion of right of way that exists on the north side of Sahara between Spencer and Burnham. It was retained for a future north-south street when the unneeded right of way on the north side of Sahara was vacated. There is no street proposed at this location, and therefore the Planning Commission has recommended approval.

Commissioner Lurie: Is there anyone in the audience to protest this application? (No protestants present.) Then we will let the record show that there was no one here to protest the application. We'll close the Public Hearing.

Commissioner Woofter: Move to approve.

Commissioner Lurie: There is a motion to approve the vacation. Comments on the motion? Cast your votes on the motion. Opposed. The motion is approved.

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

VAC-10-78  
JOHN E. KENNEY, JR.

Commissioner Lurie: Item 2 is Vacation 10-78,  
John Kenney. Mr. Foster.

Mr. Foster: This is for a short street that's located on the south side of East Bonanza just east of Pecos. It was involved in a town house development that was subsequently vacated by this Commission. It reverted back to acreage. There has been rezoning of the property, both single family and commercial, so the street is no longer needed in this location. The Planning Commission has recommended approval subject to the conditions.

Commissioner Lurie: Is there anyone in the audience to protest the application before us? (No protestants present.) Let the record show that no one was here to protest the application. We'll close the Public Hearing and entertain a motion.

VAC-10-78 (CONT)

Commissioner Woofter: Move to approve the petition of vacation.

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

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

APPEAL V-60-78  
ANTHONY CARTER, MD

Commissioner Lurie: Item C is an appeal filed by Anthony J. Carter, M.D., et al, on the application of James Heathcote, Jr. on V-60-78.

Mr. Foster: This is a result of the Board of Zoning Adjustment approving the application to provide housing facilities for five mentally retarded adults and it's in a residential zone, 712 Ann Drive. You can see the location of the property on the screen to your right. The yellow indicates R-1, single family development. The large, green area to the north is the Municipal Golf Course. That's Washington along the north of the residential subdivision, and Valley View is the major street there to the east.

In front of you to your left is the plot plan of the property showing a typical single family development or a residential residence on the property. The applicant wishes to house these young adults on the property. He has advised they're all high school graduates. They're obtained from various private sources, and they are people who have jobs and need to have other guidance to help them make decisions and carry on their day-to-day activities.

The Board of Zoning Adjustment felt that this particular use would be compatible in this residential neighborhood and did approve it. At the Board of Zoning Adjustment meeting we had about seven protestants appear at the meeting, plus there was a petition with 19 signatures in protest to the application. So this is the public hearing on the appeal action.

(Mayor Briare arrived at approximately 2:15 p.m.)

Mayor Briare: Is Dr. Carter present? Oh, excuse me, I couldn't see that far, come on over.

Dr. Carter: My name is Dr. Anthony Carter, and I represent the group of people on the petition who wish to speak out against the variances being granted by the Board of Zoning Adjustment. We feel that this is a very lovely residential area. As you

APPEAL V-60-78  
(CONT)

can see, we're right between the junior high and the grade school and walking distance from Valley High School. The place is just a very, very lovely area for small children mostly junior high age, I would say, at this time.

We feel that it's a very well intentioned and wonderful thing that Mr. Heathcote wishes to do, and we sympathize with him, but we don't feel that we should also have to make the sacrifice that he wishes to make. We don't feel that having that kind of adults in this neighborhood is compatible. I don't think that it's in the best interests of the retarded adults or the children in the area.

Mayor Briare: Will there be anyone else, do you know doctor, who will be joining in your appeal?

Dr. Carter: As far as I know, I'm just speaking on behalf of the people who signed the petition.

Mayor Briare: You're speaking on behalf of all. Is there anyone else that's speaking on behalf of the appeal, namely that they are opposing the allowance of this facility? Okay. Then is there anyone present in the audience who is here to speak in opposition to an appeal being considered, namely that you're here in favor of the facility? Could you please give your name and your home address.

Mr. Baker: Yes. My name is Clark Baker, and my address is 5912 Gypsy. I am the president of the body that is sponsoring homes that Marilyn and Jim Heathcote are operating. We have prepared for each Commissioner a packet here that I would like to just briefly go through. Our proposed program is based on a concept that each person has a potential worth and that we feel that by the normalization principle that we feel that a person can grow to that potential. We have the concept of having young adults in our program. You see on the first page a picture of the home. It's a single family residence because we feel that the greatest potential for the berth of these people would be in a normal family neighborhood rather than a high density area or an institution or some other kind of facility.

The second page shows that the Heathcotes moved into the neighborhood in 1975. The house was run down, needed paint, had no yard and no improvement. In the time they've been there they've improved the property to the point where it's one of the finest homes in the area in the area of \$90,000 to \$100,000 homes. They have been foster parents since they've been in the home. They worked for the Developmental Center for the Mentally Retarded approved by the State so that they have had a lot of experience in this field.

# AGENDA

## City of Las Vegas

September 20, 1978

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
<p><u>IX. 2:00 P.M. - PUBLIC HEARINGS</u></p>		
<p>A. <u>VACATION - VAC-9-78 - ABE FOX</u></p> <p>Petition of Vacation to vacate a portion of the Sahara Ave. right-of-way, 30 ft. in width and extending 35 ft. North of the Sahara Ave. North right-of-way line, located approximately 230 ft. East of the Spencer Street center line, subject to:</p> <ol style="list-style-type: none"> <li>1. Satisfaction of the requirements of the various utility companies</li> <li>2. Conformance to Code requirements and Design Standards of all City depts.</li> <li>3. Vacation shall not be recorded until all of the above conditions have been met</li> </ol>	<p>Approved as recommended by Planning Commission Woofter - unanimous</p>	<p>Clerk to notify Planning to proceed</p>
<p>B. <u>VACATION - VAC-10-78 - JOHN E. KENNEY, JR.</u></p> <p>Petition of Vacation to vacate 524 ft. East of Pecos Street on the South side of Bonanza Road, subject to:</p> <ol style="list-style-type: none"> <li>1. Satisfaction of the requirements of the various utility companies</li> <li>2. Conformance to Code requirements and Design Standards of all City depts.</li> <li>3. Vacation shall not be recorded until all of the above conditions have been met</li> </ol>	<p>Approved as recommended by Planning Commission Woofter - unanimous</p>	<p>Same as above</p>
<p>C. <u>APPEAL FILED BY ANTHONY J. CARTER, M.D.. ET AL on the APPLICATION OF JAMES HEATHCOTE, JR. - V-60-78</u></p> <p>to the action of the Board of Zoning Adjustment in APPROVING his request for a VARIANCE to provide housing facilities for five (5) mentally retarded adults on property located at 712 Ann Drive, in Zoning District R-1</p>	<p>Denied the Appeal which would permit the Variance for a 6-month period, after which the matter is to come back before the City Commission for review</p>	<p>Same as above</p>
<p>APPROVED AGENDA ITEM RCJ 9/12/78</p>	<p>Lurie Commissioner Christensen voted "no"</p>	

APPEAL V-60-78  
(CONT)

Commissioner Christensen: Your honor, can I...?

Mayor Briare: Yes Commissioner Christensen.

Commissioner Christensen: I'd like to ask a couple of questions. You indicated that ever since they bought this house they have had foster children, and did I understand correctly that there have already been mentally retarded people living there?

Mr. Baker: That's correct.

Commissioner Christensen: How long has that been going on? Since the start or was that foster children first and then these other people later?

Mr. Baker: They had foster children first and then they had mentally retarded from the Desert Developmental Center.

Commissioner Christensen: About how long have they been there?

Mr. Baker: According to the second sheet here, November of 1975.

Commissioner Christensen: Oh, I missed that, all right. Is the use of this property intended to be limited to the mildly to moderately retarded individuals?

Mr. Baker: That's correct.

Commissioner Christensen: And what, in layman's terms is considered mildly to moderately retarded individuals?

Mr. Baker: Let me clarify the fact that I'm not an expert in this field. I'm a volunteer and a layman in the church.

Commissioner Christensen: What level of learning are we talking about?

Mr. Baker: Borderline mentally retarded people, we feel, have a potential for functioning in the community, holding a full time job and being a productive member of society.

Commissioner Christensen: These are adults primarily.

Mr. Baker: Yes. They are 18 and above and mainly in the young adult area.

Commissioner Christensen: Okay. Thank you.

Mayor Briare: Any other questions of Mr. Baker?  
Now would someone else like to make comments? Yes.

APPEAL V-60-78  
(CONT)

Mr. Heathcote: James Heathcote. Most of you know me because I've worked with the handicapped, worked for you in the City with the handicapped. If you have some questions, maybe I can answer them because I am involved directly in the home. So I would be glad, if you have any questions at any time, to try to answer them.

We have been operating under a State license in this home with the mentally handicapped for three years. The State only licenses up to 18 years of age.

Commissioner Christensen: Excuse me for interrupting. You mean previous to this it's been under eighteen.

Mr. Heathcote: No. We have had some over 18, but legally you can have three over the age of 18 without any type of license.

Commissioner Christensen: I understand that. But you have had some younger years before. So you've had a mix, actually.

Mr. Heathcote: Right. Like most families, you don't always have the same ages.

Commissioner Christensen: That's right. You'd have to have quite a family if five of them were 18.

Mr. Heathcote: Right. As we've worked with these young people, we have found the need is for a little older client so we have come before you to see if we can get this to help the people that do not have a place. There is not even a license available for this type person. I believe there's, I don't know, 10,000 just in Southern Nevada alone of this type person. And I know Mr. Lurie has a great interest.

Commissioner Christensen: Can you give me an indication on the mildly to moderately retarded. Would you consider that person..something is mentioned that they are able to graduate from high school. Is that about where you draw that line?

Mr. Heathcote: Right. The three young people in our home right now have graduated from high school or something to that equivalent. In fact, one of them had a driver's license for an 18-wheel semi, but he is not able to control his life to the part where he will need some type of guidance.

Commissioner Christensen: Right. I understand that.

Mr. Heathcote: Are there any other questions?

APPEAL V-60-78  
(CONT)

Mrs. Jacks: I'm Mrs. Gordon Jacks, and I live at 4207 Snead Drive. I have lived in our home here for 13 years. We built the home when the area was new. When the Heathcotes moved in in 1975, I wasn't sure about this concept. I knew these people were there, but I wasn't certain about it. I have a great view from my kitchen window, and I have watched and watched. What a fine place. The home before they moved in was an absolute mess, no yard, nothing. The home as you see it now is a lovely place to be in. I have met the young people that live in this home with the Heathcotes, and they are fine young people. And thirty-eight people that I talked to put their name on the petition. They're very much in favor of this care concept.

I could have had a large number of names on the petition, but you want to explain to all these people very carefully what this care concept is. We're happy they're there. We hope you let them stay. Thank you.

Mayor Briare: Thank you, Mrs. Jacks.

Commissioner Woofter: Mayor.

Mayor Briare: Yes, go ahead Commissioner.

Commissioner Woofter: Can you explain why there seems to be a division in the neighborhood? You've heard Dr. Carter state that he has several, which he's furnished us a petition of many neighbors against this, and yet we see a petition many neighbors for it, so..

Mrs. Jacks: I understand. I'm not sure I can explain that, Mr. Woofter. Some of the people who have signed Dr. Carter's petition have no young children in the home. Maybe this is it. Maybe they have signed because they have young children. Yet we have people on our petition who have no children and some who have young ones at home.

I don't know why the division happened because normally these people at the other end of the street have been very happy to work with us on other projects that we've had in the neighborhood. We all worked well together when we were trying to get this land up by Albertson's. At one time they were trying to put 402 apartments on it. We all worked well. We now have a beautiful concept up there. I don't know what has made this division. I really don't. We have a doctor and his wife across the street who are very much in favor of this concept.

APPEAL V-60-78  
(CONT)

Mayor Briare: Mrs. Jacks, what was your address again?

Mrs. Jacks: 4207 Snead.

Mayor Briare: Are you directly across the street? I'm trying to find out where...

Mrs. Jacks: If I could use the term, kitty corner.

Mayor Briare: Tell me what 4005, where would that be?

Mrs. Jacks: We have a great mixture of numbers on our street. We're 4207, next door is 4201, next door on the other side is 4217.

Mayor Briare: Is it conceivable it could be two blocks away?

Mr. Foster: It's about five lots to the east on the south side of Snead. The second lot in from the corner. He's pointing to it on the screen now.

Mayor Briare: Oh, I see. Here it is.

Mrs. Jacks: If you could give me a name with it, I probably could.

Mayor Briare: Yes, I will. The name is Ms. Chris White.

Mrs. Jacks: If that's the number, and that is Chris White, she has no children at home.

Mayor Briare: I just wondered where it was.

Mrs. Jacks: Oh. That will be across the street and down Snead two houses from the corner of Langtry.

Mayor Briare: Okay. Now that you tell me where it is, I can barely discern.

Commissioner Christensen: Is that a 4009 or a 4005?

Mayor Briare: No, it looks to me, Commissioner, like a 4005.

Commissioner Christensen: Second house in from Langtry?

Mayor Briare: Second house in from Langtry.

Commissioner Christensen: That's 4005.

Mayor Briare: Okay. Thank you very much, Mrs. Jacks. Anyone else?

APPEAL V-60-78  
(CONT)

Dr. Holmes: My name is Dr. Raymond Holmes. I am the State Regional Director for Mentally Retarded programs for Southern Nevada. I, too, would like to join in with several of the other speakers indicating my support and the State's support for the Heathcote home.

If I may, I would like to share with you a definition of mental retardation which comes from the American Association of Mental Deficiency as adhered to by that association representing literally thousands of persons here in the U.S., Canada, and it's really an involuntional definition. It simply is that those persons that we label as mentally retarded are subaverage in their intellectual functioning, have impaired adaptive social behavior which occurs during the developmental period of ages 0-18.

Translated, it simply means that persons that we so label as mentally retarded are persons that have IQ's that are below, usually 70 on a WISK or Stanford Benet instrument for testing intelligence, and also persons who have had inability for a myriad of reasons, either there had been maturation problems or metabolic problems or other problems. Sometimes cultural deprivation problems which make it impossible during their development to function as we look at "normal persons".

My responsibility is an awesome one having 125 staff persons and over 200 clients in this region of the State who are so labeled as mentally retarded. I would like to share with you from the State's perspective what institutional life is like. We serve persons in our facility that eat at similar times of the day, that recreate, because of lack of resources in our community, on our grounds usually and so very much of the day is pretty much confined to our facility.

Because we believe in what we call a continuum of care, that is for little children there is the kindergarten, the elementary school, secondary school, college and professions. What we have are buildings 1301, 1302, 1303, 1304, and 1305 which re-represent, conceivably, for an individual his or her physiological and psychological life space for your whole life. This is reprehensible to us who work in the field, and we would like to encourage citizens in this community to take the responsibility that we are our brother's keeper, that we are a part of what we would like to see as a healing ecology. We do have a responsibility for those of us who have not had the opportunities to enjoy the better life or for those of us who, for physiological reasons which are beyond our control, be able to learn at rates that might put us into high school or into college.

APPEAL V-60-78  
(CONT)

We, at a State level, need the support of our citizenry. We do not want to, with our 125 staff persons in this part of Nevada and a duplicate program in the North, want to serve exclusively all the so-called, so-labeled, Mentally Retarded persons in Nevada. We would prefer that the citizenry of Nevada would take on as it does alcoholics and other persons that have disabilities, that responsibility. You know Gulf Oil, IBM have within their corporations, large corporations, programs that are rehabilitative. I could quote, and there's no need to do that, but I could quote study after study indicating that so-called and so-labeled mentally retarded persons are more similar in their intellectual functioning, in their physical being, than they are dissimilar to normal persons.

So we would want to encourage on the State level of mental retardation services the willingness and the resources of our total State. We don't want to serve all the mentally retarded persons at the Desert Developmental Center or the Sierra Developmental Center. We would like to see persons such as Dr. Carter and others in that neighborhood, persons that live in other areas of the City, in Reno, in Elko to take on this challenge, to take on the responsibility of being their brother's keeper.

We want to encourage that. I've been authorized by our central office and Governor O'Callahan to suggest to you today that Clark County and other counties throughout this region have a responsibility to be receptive to the needs of those persons who are labeled mentally retarded. We welcome your support, and I would like to say unequivocally that we at Desert Developmental Center intend to support, aid and abet in any way we need to the Heathcote home and any other homes that would be proposed for development in Clark County. Thank you.

Mayor Briare: Doctor, could I ask you, since you're involved in licensing matters, I'm sure for the State, in one of the documents that was handed out to us indicates that Mr. and Mrs. Heathcote in 1977 were licensed by Desert Developmental Center. What's Desert Developmental Center?

Dr. Holmes: Yes. The Desert Developmental Center is the name that has been given to a complex of buildings that have been built and stamped by the State of Nevada to serve those persons that are labeled mentally retarded. It is a reflection of the Center and does not necessarily reflect the total responsibility within the Southern region. For example, we serve some 150 to 200 persons in the community. We have now, I believe, some 37 or 38 other developmental homes throughout Clark County

APPEAL V-60-78  
(CONT)

that are intending to provide services as the Heathcotes are.

Mayor Briare: I don't see anything in any of the petitions that oppose this, and I'd like to ask Dr. Carter, if you'd like to comment on it, I see nothing that would indicate any complaints about the care for retarded persons under the age of 18 that they have been taking care of since May, 1976. Dr. Carter, do you have any comment on that? Thank you very much, Dr. Holmes.

Commissioner Christensen: Don't sit down. Don't sit down.

Mayor Briare: Oh, excuse me. Well maybe Dr. Carter can just quickly answer that question and then Commissioner Lurie will ask one.

Dr. Carter: Sure. No, we do not have any complaints. However, it should be noted they've only had at the most, three at one time or another. They are asking for a variance to allow five.

While I'm here I'd like to point out that we've been told that it would not have an impact on the neighborhood and now that it is an obligation and a challenge. I speak for the group that does not accept the obligation or the challenge.

Mayor Briare: Sure. Commissioner Lurie.

Commissioner Lurie: I have a question of Dr. Holmes. When do you think the State's going to give the City the courtesy of letting us have the opportunity to review a lot of applications where you go ahead and license homes in the City without notifying the City of these particular homes that you just go ahead and license? That's the first question. Then I have a second and third question.

Dr. Holmes: Let me respond to that. We do not license as a State agency that is the Desert Developmental Center is not a licensing agency. The licensing occurs through the Department of Welfare. As you know historically, the Welfare agencies have had the responsibility, procurer of children and orphans historically.

What we provide is after a facility is licensed, Welfare goes in with the social worker to make an assessment of the home and the physical layout of the plan and interview the prospective parents. We then receive an application as an agency, and when they approve it, accept the recommendations of the Department of Welfare. We often conduct our own investigation and then put that investigation together with that which has been provided for Welfare, but we are not a licensing agency.

APPEAL V-60-78  
(CONT)

We would want, and I am here today to extend a courtesy to the City and certainly to the County indicating our support for the program. The Desert Developmental Center has been dedicated almost a year ago. I would certainly invite any of the Commissioners, the Mayor and others to come and visit with us. I didn't bring any brochures, but the next time I come before you I'd be happy, or put in the mail, brochures describing in some specific terms the kind of program that we have and what are our purposes, goals and objectives, etc.

Commissioner Lurie: I am familiar with some of your programs, and I have been to the Center. I'm concerned when the State's going to start putting out more public information to the public. As you say, you wish you could get some support. Well, the public has to be assured that these homes are going to be safe and that they're going to be well supervised and on and on. When is the State going to take some part in educating the public to the fact that more of these homes are needed?

Dr. Holmes: I think that's been done both here through our Center, Mrs. Mary Kaiser and our former Director of Community Services have, I understand, very often publicized through the Review Journal and the Las Vegas Sun and highlighted many families written specifically about the work that occurs there.

When my wife and I moved from Pittsburgh to Reno, we did not advertise that we were moving to Reno at Brookside Village. We do aid and abet this whole business of normalization that families do have a right to move and to serve persons. We see no need for high publicity on it.

The Department of Welfare does have a book of standards, which is negotiated between their staff and other officials in the State indicating high quality care that's recommended. So there are standards available to attest to the degree to which the quality of life provided in homes is monitored. Other than that, all I can say is we have a \$2.25 million budget, and it's very difficult to get public relations money into those budgets. But I will tell you that your concern is under advisement and let my superiors know that the City would like public relations on our programs and see what we can do about that.

Mayor Briare: Anything else, Commissioner?

Commissioner Lurie: Thank you.

Mayor Briare: Thank you, doctor.

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(CONT)

Commissioner Christensen: I have a question I would like to ask. You mention that the Desert Developmental Center doesn't license. It says right here in May, 1976, "they were licensed by Desert Developmental Center to care for five mentally retarded persons under the age of 18".

Dr. Holmes: Yes. That occurs when the Department of Welfare has concluded their investigation of the physical plan of the home and when an interview has been made by the Department of Welfare and their social workers. And when we go out and make a similar investigation, we concur with the findings of the Department of Welfare. We are not a licensing body.

Commissioner Christensen: In other words, when it's referred here to being licensed by the Desert Developmental Center, what you're doing is attesting to their ability, not necessarily their right.

Dr. Holmes: We're attesting to the fact that we agree with comments made by Welfare and that those families are appropriate.

Commissioner Christensen: See, the question here is who has the right to license what. And if you have the right to license that, then what are you doing here? If you don't have the right to license it, it shouldn't say that you've licensed it, and that's the confusion. As I understand what you're saying is that when you refer to being licensed by Desert Developmental Center, you're referring to attesting more to their ability to provide the care and so forth, not necessarily their right to have that in that area. Or am I still confused?

Dr. Holmes: Okay. Again, we are not a licensing body. We do not license homes, the Department of Welfare does. We concur with their conclusions about the Heathcotes, and that is that they are responsible, upstanding citizens.

Commissioner Christensen: Then is this an error that says that you licensed it?

Dr. Holmes: Yes, that's inaccurate. We are not a licensing body, but we concur that they are suitable parents, yes.

Mayor Briare: Thank you, doctor.

Dr. Holmes: Yes, thank you.

APPEAL V-60-78  
(CONT)

Mayor Briare: Commissioner Christensen has a proposal to make, but before he does, I'd like to ask if Mr. Scott Jordan would come forward for just a moment. Mrs. Cole, this is Mr. Scott Jordan from the Nevada Center for Law and the Rights of the Mentally Retarded at 790 Sutro Street in Reno.

I'm impressed, Mr. Jordan, with your memorandum here, and also you attached some exhibits from other communities that put this, more or less, on an equal basis. I'm kind of wondering, your research didn't include any Nevada law on this. But since you have some pretty parallel cases, it's conceivable that this could be adjudicated from the Nevada law as well as some of the other areas that you quote. Is that an accurate statement?

Mr. Jordan: My research in the Nevada Law indicates that no case exactly such as this has been brought in Nevada yet. Similar cases, or virtually identical cases have been brought in other jurisdictions that have zoning and statutory regulations that are similar to Nevada's, and those were the cases cited in the memorandum. The issue has not been decided by Nevada courts yet, and hopefully, the matter will be resolved at the hearing today, and we won't have to have it resolved by Nevada court.

Mayor Briare: Well, here's a problem. I'm going to ask our City Attorney if he'd like to comment on it. Naturally, there's a number of alternatives, and as I've already indicated, Commissioner Christensen is going to suggest one. But before he does, one of the alternatives would be to allow the appeal and deny the use, of course. If that were to be the case then your way would be opened to test and file a suit to determine whether that might be Nevada law as well as some of these other areas.

On the other hand, if the appeal were to be denied, and the use were to be allowed, then we would still have a legal question that's unanswered. So my question to the City Attorney's office is what could be done, perhaps by Mr. Jordan, who obviously should be the one who would do it, toward a friendly lawsuit or something to indicate so that for future use it could be adjudicated? Is there such a thing in law, Mr. Sloan?

Mr. Sloan: There's not supposed to be a friendly lawsuit. If you bring an action for declaratory relief, it should be in such a manner that there's actually a legitimate stake in the outcome. The courts are loathe to give advisory opinions. So in the past there have been what you could characterize as friendly lawsuits, but those are usually in areas of like the consolidation case or something of that

APPEAL V-60-78  
(CONT)

nature where there's a great issue of public import. I would oppose, for example if you were to deny the appeal and allow this to go along, there would be no way for this organization to file a lawsuit because there would be nothing for them to complain of.

Mayor Briare: That's what I'm driving at. So we will, conceivably, depending on what the disposition of any governing board might be, whether it's this City Commission or some other governmental entity, until someone denies an application like this or causes an application like this to be denied, then nobody's ever going to know what the law would say.

Mr. Sloan: I don't know if that's true. I haven't had an opportunity to review this memorandum in depth, but quite often you ask my office for legal opinions and in the absence of court case, occasionally you are guided by what the City Attorney's office advises you. People have asked the Attorney General's office for a legal opinion, and in the absence of a court opinion follow that advice. There's thousands of things that have not been litigated, but we go on and make our best judgement of what the law is.

Mr. Jordan: Mr. Mayor, excuse me. May I respond to your comments?

Mayor Briare: Sure.

Mr. Jordan: I was asked by the Heathcotes and Disciple Residential Centers, Inc. to prepare a summary of the legal status of the matter for your information in making this decision. I do feel, and I would like to make the point now that the issues involved here, I think there are other issues more important than the legal issues. Those issues have been dealt with by the other speakers here today. They have to do with the quality of the home, impact or lack of impact on the neighborhood and most importantly of all, the effect on individual's lives of the kind of a program that the Heathcotes are trying to put together.

I think that much more important than than getting a final resolution of a legal issue for the sake of the resolution is to allow what everyone acknowledges as a positive and good program to continue to function, and I hope that this memorandum provides a legal basis to allow you to do that. I think that's more important than raising and deciding this particular issue of law.

Mayor Briare: Commissioner Christensen.

APPEAL V-60-78  
(CONT)

Commissioner Christensen: This is very similar to a request we had some time ago and yet it's dissimilar in the respect that it's of much less magnitude and more closely parallels a single family residence rather than the institution. And I was one of the critics of the last application of this type, and Commissioner Woofter's correct when he says this is sharply divided. You've got some for and some against living next door to one another, and I think that you may open a great big barrel of worms here if you approve this, and I guess, deny the appeal. There's still some questions in a lot of people's minds, and I'm the first to admit that one of the reasons that there are so many questions in people's minds is lack of knowledge and lack of firsthand knowledge, etc.

Now, on the one hand you've got people saying that this is a wonderful program, and it does not hurt the neighborhood. Now, I don't think anyone on this Commission questions the quality of the program. What we're here to look at is whether it's proper zoning and use of the neighborhood or not. Whether it does good to the people, we're not here to question that, but I don't think any of us would question it if we were here to question it.

So I would propose and so move that we adopt an attitude like we've done on some others where there is some question, where you seem to have proof from both sides, allegations from both sides, one side that it will harm the neighborhood and the other side that it won't. I don't know the proper way to word the motion. Perhaps the City Attorney will help me, to deny the appeal and allow the use on a trial basis.

Now we've done this in the past for six months, and at the end of six months if there are no problems, then we know that there are no problems. If there are problems, then we know that the other side was right and there are problems. That way the proof that there are no problems is up to the people who are operating the place to indicate that, I was right, there are no problems.

Mr. Jordan: Can I respond to that or do I have to wait for a motion and second?

Commissioner Christensen: No. the public hearing hasn't been closed, so I'm just throwing this out to get your feelings on it, too, because I think it gives us a viable alternative to test it and see how it works because it is new in the City.

APPEAL V-60-78  
(CONT)

Mr. Jordan: It's new throughout the Country, but it's an area that not only does the law require but policy and public thinking is all routed in the same direction. But in response to your specific proposal, I think there is one difficulty with it, and that is that the Heathcotes live in a home and are operating a home, and to tell them to take some new members into their family on a trial basis does not do justice either to the Heathcotes or to the new members of the family.

What the Heathcotes have and are trying to maintain is a stable, single family unit in their home and to take someone in on a probationary basis would be, essentially, having the City Commission tell them to run it in a more temporary, boarding sort of a manner rather than as a family home, which is what they've tried to do and have succeeded in doing for the last two years. I think that proposal may have more negative side effect than positive side effect.

Commissioner Christensen: You understand, of course, that every adoption that takes place in the State of Nevada is on a trial basis.

Mr. Jordan: Yes.

Commissioner Christensen: Every foster home is nothing permanent.

Mr. Jordan: Right. It's a trial basis until it's determined whether the family setup will work out. I'm sure that any new residents in the Heathcote home will join the home on the same basis, but that's a different standard than to allow neighbors who may not be involved in any way with the home, come in, enter the picture at the end of six months and say, we still don't like it, even though the home itself may be functioning smoothly.

I might add at this point that your comment about the lack of community education is an important one. And one of the important aspects of a venture like this is to educate the community. The Heathcotes have run their home with three mentally retarded adults in it for the last three years. There have been no objections to that in the three years and no bad incidents. The Heathcotes have, at least on one occasion, held an open house where all neighbors in the community were invited.

Commissioner Christensen: I'm aware of that. That's in here.

Mr. Jordan: Right. I think every one of the people who attended that open house is a supporter of the home and in favor of it at this point. The people

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(CONT)

who are not in favor of it have not made available to them the opportunity to find out what goes on in the home or to get to know the individuals involved. And if for that reason they still have fears, I don't think those fears can be a basis for denying the kind of project the Heathcotes are trying to accomplish.

Commissioner Christensen: Well, you're assuming a couple of things that I don't think were intended. Number one, I'm not talking about fears, I'm talking about real problems which you should be able to see if there are any. If there aren't any, I'm sure there will always be some fears there. However, on the other hand, even if that be the case, if I was as sure this program was going to work, and if I was as sure it wouldn't create any problems because it hasn't in the last three years with three, and if I was as sure of things as you are, I wouldn't see any gamble on the six month deal. You know, I don't understand why you fight that so hard.

Mr. Jordan: Because apparently the fact that there have been no incidents in the past three years has not been sufficient to convince at least a certain portion of the neighbors.

Mayor Briare: May I interrupt for just a second. Is the gist of this conversation going to the point where you would object to a proposal such as Commissioner Christensen has outlined?

Mr. Jordan: I'm not sure I'm in a position to object.

Mayor Briare: Is it one of those things where you're suggesting a hard cut, either yes or no and that there would be no room for trying to resolve. Incidentally, for those of you who are interested, ladies and gentlemen, this is not an isolated case. There are others that we're not addressing ourselves to today, but we have in the past and we, more than likely, will in the future. So that what we do here today, in my opinion, is going to be very significant and of great consequence in other actions that could possibly come before us in the future.

Commissioner Christensen: That's why we want to be extremely careful.

Mayor Briare: And I support Commissioner Christensen's proposal. Now if you're going to argue that, then I might change my whole feeling on the thing, and I'm only one vote on this Commission.

APPEAL V-60-78  
(CONT)

Mr. Heathcote: May I say to the Commissioners and Mayor that I have operated with five young people in that home under a State license for 2½ years. As I stated, we have found that the need was for the older people. That is the reason. I can still go back and operate on a State license. That limits the power my wife and I have to help the older individual. The individual where a parent may be dying and wonders what's going to happen to my kid, they can't take care of themselves, what was going to happen to them. That is the concept of this home.

We have operated. I'm sorry the doctor's not aware, he's lived in my neighborhood 1½ years. I cannot understand with him being a professional person, why he's taking objection, find that he doesn't want his kids to see a mentally retarded person, and I don't understand that because they're all around us.

Mayor Briare: Mr. Heathcote, what do you have to do to change? What would be wrong with six months? And then come back for a continuation.

Mr. Heathcote: I have no objections myself, but here is the problem. If I take a young person in and there is a problem, that young person is going to feel like, why should I be good, why should I even try, this is like all the institutions, all the other places I've been. Why should I even try because someone will say they've done this, and whether it happened or not, you would have to listen to them, do you understand, because you don't know whether it did or not.

You're putting my wife and I, who are trying to serve this community in our own little way on a place that, really, it's hard to do. I can't say that something is going to happen, and I can't say that it isn't. I know in three years with the five young people we've had, we've had no incidents. I'm not going to take someone in my home, I live there, I sleep there, who's going to endanger my home or my neighborhood because I've invested there, too.

Mayor Briare: I think you're only touching one part of it. Commissioner Christensen properly stated the feeling of the Commission about there's no question as to the need and so forth. I don't think anybody has suggested until you did just now that there's anything violent or anything of that nature they would be concerned with.

Mr. Heathcote: But that would be the only reason that I could see that he would want...we've already operated in this manner for three years there, now why should we, all of a sudden, have a six month probation period? We've proved that it works.

APPEAL V-60-78  
(CONT)

Commissioner Lurie: Well first of all, you have the public has to be educated to these types of homes, number one. Number two, the attorney has already laid out preparing a lawsuit against us if we don't approve giving you a permanent license. It's already outlined in his brief, here, that he submitted to us on case law. The third thing is that in order to establish some sort of a track record, I think it's a right of the Commission that in order to be able to review the operation in six months so that we have some basis to maybe approve some other homes in other parts of the City.

See, I support these types of homes. I think that we have to look towards more individuals like yourself in order to take in the mentally retarded and to give these people an opportunity to live a normal life in a residential sector of the community. Serving on the advisory board of the Mental Health Center, I'm well aware of the problem and the problem that we have having to go to the Legislature in order to get more money to do work for Dr. Holmes and other agencies out there at the Mental Health Center. So I support Commissioner Christensen's motion, even though he didn't support my motion last week for six months for a drug rehabilitation program. But I think that we have to be able to form some type of a track record here in order to review the application so if somebody else comes in, we can point to your particular situation and say there hasn't been any problems and it's worked fine, so that the fear is eliminated.

Mr. Heathcote: But what about the last three years that we've been operating without anything happening? Does that count for nothing?

Mayor Briare: Well, look Mr. Heathcote, if you want to get into a debate on this thing, this is a Public Hearing, and I'm not looking for a debate. What I'm looking for is something we can resolve here that would be a benefit to your proposal and at the same time if it should be the feeling of this Commission to ease the situation for a short while for the people who are opposing the thing. And you know, there's always two sides to a question. And we're seeking something that might appease, not appease, I don't like to use that word...we're trying to do something here that's going to be acceptable even if it's on a temporary basis, and I don't want....

Commissioner Christensen: Your honor, what I had in mind was to let the proponents prove to the opponents that their fears were unfounded. If they don't feel

APPEAL V-60-78  
(CONT)

they want to do that, I'll withdraw the motion, and we'll consider it on its merits.

Dr. Holmes: If there is still discussion on motion, I'd like to interject this that...

Mayor Briare: We don't have a motion yet, doctor. The procedure is that this was talked on a proposal. Now as soon as we close the public hearing, then we're open for a motion, and that's discussed up here.

Dr. Holmes: All right. I would just like to interject this, then, we at the Desert Developmental Center would like to be involved with the Commission, with the Mayor in terms of developing criteria for assessment. One could play the Devil's Advocate role and say what if the Heathcote's residents are attacked, abused, raped, etc., then what does that say about the community? You know, six months in terms of evaluation, we professionals have some difficult times in constructing instruments and validating them and making them reliable.

I would like to ask a question of Commissioner Christensen as to what he has in mind in terms of some criteria for an evaluation and offer Southern Regional Mental Services' support in that. If you would like us to be involved in that, we would set up a group of persons in the community along with some of our staff.

Commissioner Christensen: You're getting into this deeper than I had intended to and going into much more complications than I had intended to. It's a very basic thing. We're not experts in this field. We're not in a position to set up the kind of criteria you're talking about.

We represent the citizens, and what a lot of people don't realize when they're proposing something is that there are a lot of people who don't share your opinions. They also deserve consideration and protection. Now, you've talked to us about accepting a challenge, and I appreciate Dr. Carter's remarks. Perhaps we don't want that challenge. Perhaps we moved someplace to move away from a situation like that. These things may have come to pass.

All I'm saying is that we up here many times recognized that a lot of the opposition is because they don't know. We don't know either. Now if you put something in a neighborhood that the people oppose because they don't know, and they find out in six months that it hasn't devalued their property, their kids haven't been molested or anything else, there have been no problems, then that problem eases itself away. Then they come in at the end of six months for review, and there hasn't been any problems,

APPEAL V-60-78  
(CONT)

no incidents, no problems, so they say, fine the proponents were right, the opponents were wrong so go ahead and grant the variance. And then it's done. You're making a bigger thing out of it than I intended to make, and I didn't expect it to mushroom into this kind of a situation. But we have other people to protect besides this group.

Mayor Briare: Dr. Holmes.

Dr. Holmes: Yes, I'd like to respond by saying a couple of things. A, my staff have services in terms of consultation and education with the community group, Dr. Carter's concerned citizens. We will make ourselves available in the fields, legal persons who are specialized in mental retardation. We would be happy to go to that community, public meeting place and talk about what services we're about...

Commissioner Christensen: You're still missing the picture.

Dr. Holmes: Okay. Well, you see the Russian Czars did this many years ago. They built parkways around low income areas centuries ago so that the Czar wouldn't have to see a person of low income. And of course, you can look at me and tell by my own disability that before 1954 my great grandfather and father heard stories about concerns about my moving into the neighborhood, etc., and I would just suggest that...

Commissioner Christensen: You're not helping your cause. You might just as well cut that out. You're not helping your cause.

Dr. Holmes: I would suggest this that I would hope that you would look at mentally retarded persons, autistic, autistic-like children, orthopedically handicapped persons, persons who are left handed, persons that have blue eyes, persons who have brown eyes all as citizens. So all the rights, all the inalienable rights that we all have should be attributed to all of us. And I'm offering as Regional Director for the State, my services in consultation and education to you, the the Mayor, to anyone who would like to take advantage of it. But I would be interested, since you're saying that you want to come back again after six months if you approve, and I certainly hope you do approve because we need other ancillary services to help us with the continuing care for Nevada's citizens, not handicapped citizens, but Nevada citizens. We would like to work with you in any modality that you would so propose so that we could aid and abet this effort. Thank you, Mr. Mayor.

APPEAL V-60-78  
(CONT)

Mayor Briare: I have, it's my intention to close the public hearing and determine if Commissioner Christensen now wants to turn his proposal into a motion. So in order to get to that point, I'll declare the public hearing closed and ask Commissioner Christensen if he would like to make any comments or a motion.

Mr. Baker: May I make a comment?

Mayor Briare: Yes, sir.

Mr. Baker: I do not feel that six months will allow us time even to establish residency of five people. The other comment I have is that I feel that many of the mentally retarded people have been shifted around from institution to institution, and I don't think it's fair for people to have to be on probation because of their physical handicap.

Mayor Briare: So what are you saying? What are you recommending?

Mr. Baker: I appreciate Commissioner Christensen's feelings that he wants to cooperate, but I just don't feel that it's in the best interests of the mentally retarded.

Mayor Briare: Did I misunderstand, Mr. Heathcote, did I misunderstand you that you indicated that you had three people that were living with you for the last 2½ years?

Commissioner Christensen: He's got five.

Mayor Briare: That's under 18, I think. I'm talking about over 18.

Mr. Heathcote: We have had five residents in the home here licensed for five under the age of 18. We had three over and two under.

Mayor Briare: You have three over 18 right now, today at 3 o'clock, and this gentleman, I'm sorry I had your name written down...Mr. Baker, I'm sorry. Mr. Baker is saying that in six months you couldn't gear up for five people when you've got three now. Are you going to put two out?

Mr. Heathcote: We only have three at this time.

Mayor Briare: You only have three. So in six months you couldn't get two more and then be able to resolve this thing on a six-month basis. Is that what you're saying, Mr. Baker. Do you agree with that?

APPEAL V-60-78  
(CONT)

Mr. Heathcote: Well, in order to take the young people, they have to come for visits in the home because we cannot live with everybody and they cannot. It takes a trial period to fill the five people in our home. You have to do that in order for a permanency. Could you have someone move in that you didn't know, didn't know what they'd done or how their behaviors were?

Commissioner Woofter: Mayor, it seems like the group wants action one way or the other rather than Commissioner Christensen's proposal. I was agreeable with Commissioner Christensen's proposal myself along with the Mayor. I'm willing to give them action.

Commissioner Lurie: We've approved variances before where we've brought them back within six months just for review, and I don't understand why you can't accept it.

Mayor Briare: What we're doing, Commissioner, now Commissioner Woofter was the last one to comment. Now there are four people on this Commission right now that are willing to vote 'aye' on a motion to allow six months, and it's becoming quite obvious for those who have already spoken, I think with the exception of your lawyer, it's becoming quite obvious that that's not going to resolve anything, and so the other alternative is now open to us. And I think instead of, since you have had an expression from each of us, that instead of supporting our efforts to be of service here, you're making it very difficult, and there's other alternatives that can be done that might not be as comfortable and near to your liking.

Mr. Heathcote. Can we resolve this? Now, I've already closed the public hearing once. I would like to be able to close it and take...

Mr. Heathcote: Since I am directly involved with the home and I do have the say what happens, I would like to at least give it a chance because in six months maybe we can help at least one more person. And that's really my aim in life is to try and help these young people. I'm not paid in this corporation. I have my own job. But I would like to try and help other people, and that's what it's all about, really.

Mayor Briare: Mr. Heathcote, we're very familiar, you know we are, with the service that you render to this community, and I would sure like to have this matter closed on a basis that everybody is not as happy that they possibly could be, but it's better than a rejection. That's what I'd like to see. Dr. Carter and some other people, they're not going to be happy at all, but maybe in six months they might be very pleased.

APPEAL V-60-78  
(CONT)

Mr. Heathcote: Then I'd like to invite him to over and see the facility in the home.

Mayor Briare: One last thing, Dr. Holmes. I want to close this hearing. I think you've done all the damage that you can do and still maintain what we're trying to accomplish here.

Dr. Holmes: I came to the hearing to be positive and to be a good citizen. If that's been obstructive, I apologize. We at the State of Nevada would support Mr. Heathcote. He is the individual that is going to be providing the direct care. If you recall, Mr. Mayor, I indicated to you that the State would offer services to the Heathcotes, to Mr. Carter and his group and to your staff and constituents in terms of public relations and in terms of seminars. I don't think that's being obstructive, I think that's being positive, and we certainly would like to see this program fly and would concur with the six-month re-evaluation.

Mayor Briare: Thank you, doctor. The Public Hearing is now closed, and I'll ask Commissioner Christensen if he wishes to make a motion.

Commissioner Christensen: I've got no motion.

Mayor Briare: Commissioner Christensen doesn't wish to make a motion.

Commissioner Lurie: Mayor, I move that the appeal be denied, and that the application be brought back for us to review in six months.

Mayor Briare: Comments on the motion. Cast your votes. Opposed. The motion is approved. I believe that concludes our Public Hearings for today, Mr. Dorn.

Motion carried by the following vote:  
Mayor Briare, Commissioners Lurie and  
Woofter voting aye.  
Noes: Commissioner Christensen.  
Excused: Commissioner Leavitt.

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COMMUNITY PLANNING & DEVELOPMENT  
HAROLD FOSTER, ACTING DIRECTOR

Z-62-78  
ELEANOR VOLKMAR

Mayor Briare: The next item on the agenda would be the Planning matters. Starting with an abeyance item Z-62-78 for Eleanor Volkmar.

Commissioner Lurie: That's on the storage building.

Mayor Briare: Is this yours, Mr. Simons?

# AGENDA

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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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Department Acti

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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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM	Commission Action	Department Action
<p>X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</p>		
<p>A. <u>ABEYANCE ITEM - ZONE CHANGE - Z-62-78 - ELEANOR VOLKMAR</u></p>	<p>Continued to a time certain - 10:30 A.M. 10/4/78</p>	<p>10/4/78 Agenda</p>
<p>Property located at 332 South Sixth Street. From: C-1 (Limited Commercial) To: C-2 (General Commercial) Proposed Use: Six Story Commercial Storage Facility</p>		
<p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p>		
<ol style="list-style-type: none"> <li>1. Resolution of Intent to be restricted to a twelve (12) month time limit.</li> <li>2. Additional fire hydrant to be installed as required by the Department of Fire Services.</li> <li>3. Building to be constructed to follow as closely as possible to the elevation presented.</li> <li>4. Loading and unloading shall be only from the interior of the building.</li> <li>5. The first story of the building shall be a minimum of 14 feet.</li> </ol>		
<p>PROTESTS: 0</p>		
<p>B. SET DATE FOR PUBLIC HEARING ON ANY VACATIONS AND/OR STREET NAME CHANGES ACTED UPON BY THE PLANNING COMMISSION AT THEIR MEETING HELD SEPTEMBER 14, 1978.</p>	<p>VAC-11-78 and STREET NAME CHANGE Set for Public Hearing - 2:00 P.M. 10/18/78</p>	<p>10/18/78 Agenda</p>

Z-62-78  
ELEANOR VOLKMAR  
(CONT)

Mr. Simons: The warehouse, sir? Yes, sir. I'm the architect. I'm here representing Carl Volkmar. Wayne Simons, 5358 Modena.

Mayor Briare: Mr. Simons, just one second. We're going to have a problem here because we still aren't going to have four members. I wish that there was some way that we could, maybe, save your time and the Commission's time.

Mr. Simons: With the owner's permission, Mayor, if you'd like it to go to the 4th, if it's all right with the Mayor. If it's all right with you, sir.

Mayor Briare: Well, I better find out if Commissioner Lurie's going to return. We know that Commissioner Leavitt's not going to be here. We'll be in recess for five minutes.

(Meeting Recessed at 3:20 P.M.) (Meeting Reconvened at 3:25 P.M.)

Mayor Briare: If we might get back, then, having concluded our recess, the matter before us now is in the application of Eleanor Volkmar. We had a tie vote two weeks ago. There's no way in the world to tell what the vote's going to be right now because we, unfortunately, are only with four Commissioners. Just before we start, Mr. Simons, the next regularly scheduled City Commission meeting is October 4. Do any of the Commissioners have any reason to believe they won't be here on the fourth? Of course, we can't speak for Commissioner Leavitt. This is an unusual situation when he's not here. Well, there's only four of us here..

Mr. Simons: Your honor, excuse me. I did converse with the owner on this. He feels that in light of the fact we still have a possibility of a split vote again, he'd like to carry it over to the next meeting.

Mayor Briare: Are there any objections by the Commissioners?

Commissioner Christensen: No, but I'd like to offer another suggestion at the risk of getting stomped on with both feet again. It seems like when you do have a shortage of Commissioners it's in the afternoon. Is there a way that we could set this for rehearing for a time certain in the morning rather than the afternoon? You'd have a better chance of having five here.

Mayor Briare: Ms. Daines? If we agenda the thing.

Ms. Daines: As long as you meet the Open Meeting Law..

Z-62-78  
ELEANOR VOLKMAR  
(CONT)

Commissioner Lurie: Yes, it's okay.

Commissioner Christensen: If we set it for in the morning, I think you'd have a better chance of having all five here.

Mayor Briare: Okay, 10:30 on October 4 will be a time certain that we will interrupt whatever proceedings are going on at that time and take up Z-62-78. Is that okay with the Commissioners?

Commissioner Christensen: I think that'll give us a better chance of having five.

Mayor Briare: If there's anyone in the audience who was here to be heard on this, it'll be heard on 10:30 on October 4.

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BILL 78-63  
COMPENSATION PLAN  
CITY OF LAS VEGAS

Mayor Briare: Getting back to a matter that was held off this morning, we have an ordinance to amend the Compensation Plan of the City of Las Vegas. We now have it before us. Are there any comments by the Commissioners? Mr. Dorn, would you like to make a motion that this be read? Commissioner Woofter, would you make the motion?

Commissioner Woofter: I'll make the motion.

Mayor Briare: Would you please read the ordinance by title?

BILL NO. 78-63

ORDINANCE NO. 1960

AN ORDINANCE TO AMEND TITLE V, CHAPTER 18, SECTION 6, SUBSECTION (D) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO PROVIDE THAT THE BOARD OF COMMISSIONERS MAY WAIVE THE INVESTIGATION AND INVESTIGATION 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; TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

(Copy of Ordinance on File in Office of City Clerk)

BILL 78-63  
COMPENSATION PLAN  
CITY OF LAS VEGAS  
(CONT)

Mayor Briare: Motion is to adopt. Are there any comments or questions? Cast your votes. Opposed. Wait a minute, Mrs. Cole.

Mr. Dorn: May we have a clarification on that, Mayor? Is the motion to adopt or a motion to the Recommending Committee?

Commissioner Woofter: I make the motion to adopt.

Commissioner Christensen: Okay, I talked to the attorney, and this ordinance has to be adopted on an emergency basis, which is suitable.

Commissioner Lurie: You can't do it, though. You need a unanimous vote, and you're missing one member.

Mr. Dorn: See the problem, Mr. Sloan had to go off to court, and he was advised on this and had an opinion. I believe he told me that the City Charter says on a City ordinance that you have to have the consensus of the Board of Commissioners. I appreciate Commissioner Woofter's motion, but I don't feel that we could take action on this.

Mayor Briare: Okay then, we'll refer it to a committee consisting of Commissioner Woofter and Commissioner Lurie. Is there anyone that wishes to address the Commission? Mr. Foster? Mr. Saylor? Go ahead.

Mr. Foster: There was item B on my agenda just setting the dates for two public hearing items. One was a street name change, and one was a vacation.

Mayor Briare: Anything else? Then we are adjourned.

MEETING ADJOURNED AT APPROXIMATELY 3:35 P.M.

# AGENDA

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI. CITIZEN PARTICIPATION

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

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MEETING ADJOURNED - 3:45 P.M.

APPROVED AGENDA ITEM  
ECJ 9/12/78