

MINUTES

City of Las Vegas

BOARD OF COMMISSIONERS

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

DATE: 9:30 A.M.

TIME: Nov. 1, 1978

INVOCATION: REV. JOEL RIVERS, VEGAS VALLEY CHRISTIAN CHURCH

PLEDGE OF ALLEGIANCE:

BOARD OF CITY COMMISSIONERS

PRESENT ABSENT EXCUSED

MAYOR BILL BRIARE

COMM. PAUL J. CHRISTENSEN

COMM. RON LURIE
MAYOR PRO-TEM

COMM. MYRON E. LEAVITT

COMM. ROY WOOFER

Excused from afternoon session - 2:00/4:45 P.M.

CITY ATTORNEY

MIKE SLOAN

Alternate: Audrey Daines
APPROVED BY REFERENCE

July 18^x 1979

ATTEST:

Edmund M. Owen

William H. Briare

CITY COMMISSION - REGULAR MEETING - MINUTES - PAGE 2

MINUTES

November 1, 1978

A Regular Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 1st day of Nov, 1978 was called to order by his Honor, Mayor William H. Briare, at the hour of 9:45 A.M.

AGENDA POSTED October 25, 1978 (See Page 3 of these Minutes Affidavit)

AGENDA MAILED October 25, 1978 (See Page 4 of these Minutes Affidavit)

	PRESENT	ABSENT	EXCUSED
STAFF ATTENDANCE			
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"/>

AFFIDAVIT OF POSTING

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

Hazel Traylor
William Bradley, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 25 day of October, 1978, at the hour of 2:30 P.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. , on Public Bulletin Boards at the following locations:

REGULAR MEETING - 9:30 A.M. - WEDNESDAY, NOVEMBER 1, 1978

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.

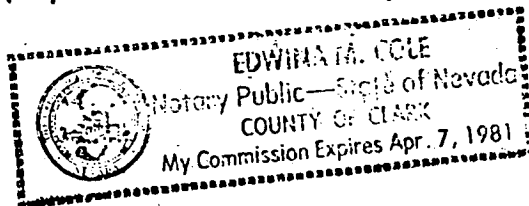
Hazel Traylor
William Bradley
(name)

Subscribed and sworn to before

me this 25th day of October, 1978

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

MS-112-04
(department or division)



AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

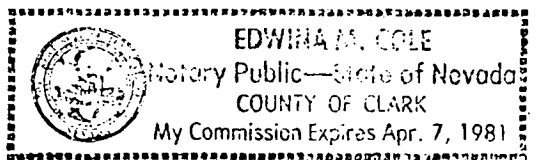
STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Monice P. Keller, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the 25th day of October, 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 1st day of November, 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).

Monice P. Keller
(name - an employee in the Office of the City Clerk)

Subscribed and sworn to before me
this 25th day of October, 1978

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



AGENDA

City of Las Vegas

November 1, 1978

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

Page 1

ITEM

Commission Action

Department Action

I. 9:30 A.M.

Presentation of Service Awards and Service Award Certificates to include all City employees who had 5, 10, 15, 20, 25 or 30-year anniversary dates between 7/1/78 and 9/30/78

A total of 66 City employees eligible for Service Awards:

Municipal Court	2
City Attorney	3
Business Activity	1
Financial Management	1
Community Planning & Development	2
Municipal Services	7
Fire Services	24
Public Services	14
Recreation & Leisure Activities	12

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

A. COMMUNITY RELATIONS

Cheryl Folkman was introduced by City Attorney Mike Sloan on the occasion of her selection to serve an internship in the office of the City Attorney

B. SPECIAL EVENTS

II. 10:00 A.M.

A. ANNOUNCEMENT re COMPLIANCE WITH OPEN MEETING LAW

B. INVOCATION:

Rev. Joel Rivers
 Vegas Valley Christian Church

C. PLEDGE OF ALLEGIANCE

APPROVED AGENDA ITEM

Red 10/23/78

Mayor Briare: The next order of business, ladies and gentlemen, is to announce that this meeting is in compliance with the Open Meeting Law.

We would like to officially now, as a group, congratulate the City employees who received their Awards for length of service to the Las Vegas Community, and on behalf of the Commissioners and myself, we extend them, not only congratulations, but a vote of gratitude for performing the services in such a capable manner to the same citizens that we represent. We're cognizant of the fact that many times you can say "as the Employees and the services to the City go, so goes the City" and we think we have a very progressive City and it's because of a lot of fine employees such as we had with us this morning.

We have two very distinguished visitors from San Francisco that we had a little photography session with, that we are very pleased to have with us this morning. Not only are they the bearers of good news, but they are also the bearers of documents that mean around \$514,120.00 to the community in terms of some new buses. Mr. Dorn, if you would be so kind as to introduce these gentlemen - we would like to welcome them and ask them if they would like to make a comment or two for us.

Russell Dorn, City Manager: Yes, Your Honor, with pleasure I would like to introduce Mr. Allen Steiner and Mr. Isaac Scholl, representing the Department of Transportation section of the Urban Mass Transit Administration. Allen and Isaac, would you kindly come up to the podium?

Mr. Steiner: Thank you, Russ. I am Allen Steiner and I am the Division Chief of Transit Assistance in our San Francisco Office of Urban Mass Transportation, and this is Isaac Scholl our Chief Transportation Representative, who has been working hard with the City and with Mr. Brechler of Regional Street & Highway Commission to develop this Grant application.

Just briefly, I would like to say a few words. I think the whole urban area should be very proud of its transportation system here. It is one of the very, very few systems in the Country that is not deficit operation. It runs through the fare box without any assistance from either Federal or local monies - and that's very rare in the Country today.

That does not mean that the transit system cannot be improved, or expanded upon, and that's what we're here for - is to help the urban area improve and expand that system.

I should congratulate Mayor Briare and his Staff of the City, Russ Dorn, and also Charles Brechler with Regional Street and Highways, and the Las Vegas Transit System. They've certainly done a good job in making sure that the transit system does hold its own and serve the people in the area.

I might read, briefly, the Grant that we brought down to you folks. It is from our Regional Director, Mr. Jacobs, and says "I am very pleased to advise you that your application on behalf of the City of Las Vegas for a Capital Grant under Sec. V of the Urban Mass Transportation Act of 1964, as amended, has been approved in the maximum amount of \$514,120.00. These funds will aid in financing the purchase of five (5) new wheelchair-accessible advance design transit coaches. We look forward to working with you in

carrying out this worthwhile project." We also look forward to working with you in future years and future months in even furthering the transit system and improving it even better and possibly even expanding it to serve more residents of the community. Thank you very much.

Mayor Briare: Thank you, Mr. Steiner, Mr. Scholl?

Isaac School: I really don't have anything further to say except that I'm glad we were able to make this Grant because it gives me a chance to get unchained from my desk and get down here -

Mayor Briare: Any time you want to bring \$514,120.00, or anywhere in that neighborhood, we'd like to get you unchained from your chair and bring you here to Las Vegas. Thank you ever so much, gentlemen, for your courtesy and the method in which this was handled. I want to commend the Regional Director, Mr. Jacobs, you two gentlemen and also your staffs for the manner in which this was handled. I wrote a letter to Secretary Brock in Washington, D. C. and I received a reply commending the operation you have in San Francisco, in Region IX, and the method by which we were able to obtain these funds in a rather hurried manner. Mr. Brock responded to that and I'm having copies made of the letter to give to you, so be sure, Mr. Dorn, that they don't get out of town without a copy of that letter.

Mr. Dorn: Yes, Your Honor, I will see that it is taken care of.

Mayor Briare: Thank you again very much, gentlemen.

Mr. Steiner: As long as I still have the floor, I would like to make one more comment. In regard to the letter that you wrote to our Secretary of Transportation, we've been going through what we call in our Agency, a decentralization process, by which we are taking the authority out of our Washington Office and trying to bring it to the Regional level. That has taken place now, and that is why we are able to serve you people so well and make this Grant. We feel it is definitely necessary to have the action out in the Regional Offices where we can deal first-hand with you people. You can see us face-to-face and we can see you face-to-face. What we're trying to do is eliminate the old connotation of a nameless, faceless bureaucracy and we're trying to "humanize" it. That is one reason we wanted to come down and present the Grant personally as opposed to putting it in the mail and shipping it down to you. So, again, thank you.

Mayor Briare: Thank you, Allen. You two gentlemen are very good examples of what it is you are trying to do.

We would also like to recognize that Chuck Brechler, who is the Director of the Regional Street and Highway Commission - we all know all of this takes a team effort and we want you to back us when we say we want Mr. Steiner and Mr. Scholl down here quite frequently - we are really going to go to town on this.

Now, if the Commissioners are in accord, we will proceed with the agenda for the Department of Business Activity.

See Pages 8 thru 10 (Annotated Agenda)

AGENDA

City of Las Vegas

November 1, 1978

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

Page 2

ITEM	Commission Action	Department Action
<p><u>III. DEPARTMENT OF BUSINESS ACTIVITY</u></p>		
<p><u>ILA M. BRITT, DIRECTOR</u></p>		
<p><u>*CONSENT AGENDA</u></p>		
<p>All matters listed under Items A, B and C are considered to be routine by the City Commission and may be enacted by one motion. However, any item may be discussed if a Commission member or citizen so requests.</p>		
<p>*A. <u>CHILD CARE FACILITY APPLICATIONS</u> (Approved by the Child Welfare Board)</p>		
<p><u>Family Child Care Homes</u></p>		
<p>1. JO ANNE BEAL 904 North Elko Way 5 children days/5 nights</p>	<p>Items 1, 2 and 3 Approved as recommended Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>2. FLORENCE E. COUGHENOUR 1505 Teton 4 children days only</p>		
<p>3. KAREN DAVISON 1220 Purple Sage 5 children days only</p>		
<p>4. LINDA FRANCES WALDIE 2500 West Oakey 6 children days/5 nights 3 children before/after school</p>	<p>Item 4 Stricken</p>	

AGENDA

City of Las Vegas

November 1, 1978

BOARD OF CITY COMMISSIONERS

Page 3

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
<p><u>III. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>B. <u>GAMING -- Additional</u></p>		
<p>1. JACOBY, INC. Desert Inn Liquor 1503 Las Vegas Blvd. South 1 slot</p>	<p>Items 1, 2 and 3 Approved Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>2. CASINO SERVICES Mint Hotel & Casino 100 East Fremont 2 slots Trophy Room 1440 Las Vegas Blvd. North 4 slots Bingo Palace Casino 2540 South Rancho Drive 2 slots El Cortez Hotel & Casino 600 Fremont 4 slots</p>	<p>Commissioner Lurie abstained on Item 2</p>	
<p>3. BALLY DISTRIBUTING COMPANY Money Tree Casino 2456 Las Vegas Blvd. South 1 slot Lady Luck Casino 206 North Third Street 1 slot</p>		

AGENDA

City of Las Vegas

November 1, 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)

C. RETAIL TOBACCO -- Additional

1. W W VENDING COMPANY

Chicken Shack
501 West Jackson

Approved
Lurie - unanimous

Director
authorized
to proceed

D. LIQUOR -- New

1. *MR. PORTERHOUSE
1401 Las Vegas Blvd. South
Restaurant Beverage License
James Perry, 100%

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

Approved
subject to
provisions and
with the further
provision that the
Restaurant Beverage
License shall be
terminated upon
the issuance of a
Tavern License at
this location
Leavitt
Commissioner
Christensen
voted "no"

Same as above

(George Foley,
Counsel for
Applicant)

E. LIQUOR -- Additional

1. MINT HOTEL & CASINO
100 Fremont Street
Tavern License

Sahara-Nevada Corporation

Approved
Lurie - unanimous

Director
authorized
to proceed

MR. PORTERHOUSE
Approved
subject to
provisions

III. D LIQUOR - NEW

MR. PORTERHOUSE
1401 Las Vegas Blvd., South
Restaurant Beverage License

James Perry, 100%

SUBJECT TO the provisions of the Planning, Building and Fire
Codes and Health Department regulations

Mayor Briare: Is Mr. Perry present?

Motion

Commissioner Leavitt: I move for Approval.

Mayor Briare: Mr. Foley (Geo.) are you Mr. Perry's attorney?

Geo. Foley: I am.

Mayor Briare: Mrs. Britt, what is a D&P check?

Commissioner Christensen: The investigative report indicates a
D&P, which is "drawing and passing" checks.

Commissioner Leavitt: Is that what it means?

Sgt. Ashenfelter (Metro): Yes, Sir. I'm sorry we didn't spell it out -

Mayor Briare: Would you explain that?

Sgt. Ashenfelter: The term D&P checks means drawing and passing.

Commissioner Leavitt: Insufficient funds?

Sgt. Ashenfelter: Yes, Sir.

Mayor Briare: Would you comment please on the receipt of the stolen
vehicle? Are you aware of these, Mr. Foley?

Mr. Foley: Yes.

Sgt. Ashenfelter: Sir, receiving a stolen vehicle - the best I can
remember from reviewing the file, was a situation where he mistakenly
took this vehicle as his own and the matter was dismissed.

Mr. Foley: He was in the automobile business and someone sold him a
stolen car. When he went to register it, he found it out and that was
the end of it. He just lost his money and the charges were dismissed
when it developed that way. He was buying used cars.

Mayor Briare: Many times a report is given, but explanations are not
included. Are there any other comments?

Commissioner Lurie: I would like some information on the litigation that
is taking place concerning the License and it says here we are giving a
temporary license. I don't recall having given that temporary license -

MR. PORTERHOUSE
(cont'd)

especially with this one with with litigation that surrounds it -

Mrs. Britt: There isn't any such thing, Commissioner, as a temporary Liquor License. I believe that word is used in this case because there was an understanding between Mr. Perry and the landlord that this would only be an agreement that would last until the Tavern License dispute is settled. It is our understanding - we got word on Friday - that the case has been settled in court, but we do not have the papers yet to indicate that that is true and what the settlement was. However, it appears that the Tavern License dispute has been settled and will come back before you perhaps at the next meeting.

Commissioner Lurie: Under whose name?

Mrs. Britt: According to what we've heard, under the name of Las Vegas Oriental, Inc. group was awarded the right to the License by the Court but, as I say, this is verbal at this point.

Commissioner Lurie: Well, if it's verbal, then it shouldn't even be before us today, and we should have that information before us before we make any determination on who should receive the License.

Mrs. Britt: Well, the determination on who should receive the License isn't before you, Commissioner.

Mr. Foley: This is for Beer and Wine for the restaurant.

Commissioner Leavitt: It has nothing to do with a Tavern or Bar License.

Mrs. Britt: That is correct.

Mayor Briare: If this is for an interim period, is it possible to give an interim License?

Mrs. Britt: There is no provision for an interim License, but it is my understanding that the agreement between Las Vegas Oriental, Inc. and the landlord and Mr. Perry is that this is an interim operation.

Commissioner Lurie: I would like the City Attorney to give us an opinion on it.

Mr. Sloan: In my opinion, the Commission could condition this License be granted to whatever appropriate conditions you felt necessary. It would seem that the thrust of Mrs. Britt's presentation is that an implicit condition in this would be that the License would terminate at such time as they have a location and a Tavern License is issued on those premises. Is that correct, Mrs. Britt?

Mrs. Britt: Yes, that is my understanding of the agreement between the landlord and Mr. Perry.

Commissioner Lurie: How can the landlord and Mr. Perry make an agreement and you bring it before us when we have to make a determination on who gets the License?

Mrs. Britt: The agreement is subject to Mr. Perry being granted this

MR. PORTERHOUSE
(cont'd)

License. Otherwise it has no effect.

Commissioner Leavitt: Well, the way I read the report, it is permissible to grant a Beer & Wine License so long as the Tavern License is on inactive status. Is that correct? As long as the Tavern License is not active, it is permissible to give a Beer and Wine License?

Mrs. Britt: There is nothing in the ordinance to prohibit that.

Commissioner Leavitt. I see - thank you.

Mayor Briare: Mr. Foley, would you like to make any comments?

Mr. Foley: The only comment we would make - if his landlord gets the Tavern License and they effect a lease, then he would appear before you for a Tavern License, which is not available at this time -

Mayor Briare: Which would take a brand new application. Is that correct, Mrs. Britt?

Mrs. Britt: There is an application on file by Las Vegas Oriental, Inc. for a change of ownership of the Tavern License back to them from Mr. Savella, who presently holds it.

Mayor Briare: Well, it sounds then like Mr. Perry is just an interim tenant.

Mr. Foley: He may be the tenant and owner of the Tavern License too if they get it back. At this time he is running a restaurant and wants that beer and wine for his restaurant.

Mayor Briare: He is running a restaurant at these premises?

Mr. Foley: Yes -

Commissioner Lurie: Temporary -

Mr. Foley: No, that's not true, Commissioner Lurie - he has a lease. All leases are temporary - when the lease runs out, it's out.

Commissioner Lurie: How long is his lease?

Sgt. Ashenfelter: Sir, the lease submitted to us is for sixty (60) days - at the end of that sixty days it will increase to \$1,800.00 per month.

Commissioner Lurie: It sounds awfully temporary to me - having a 60-day lease.

Mr. Foley: That is for rent, Commissioner Lurie.

Sgt. Ashenfelter: And there's No. 2 provision - on the day the landlord reobtains the Liquor License, this temporary Beer and Wine License will be cancelled. No. 3, if the lease between the landlord and the tenant is terminated, the temporary Beer and Wine License would also be terminated automatically. No. 4 - the tenant cannot transfer this Beer and Wine License to someone else without written approval from the landlord.

MR. PORTERHOUSE
(cont'd)

Mayor Briare: It would seem to me Mr. Foley, that maybe one of the problems here is that we don't have the authority to grant a "Temporary License". That lease has no binding authority on the City Code. Isn't that correct, Mr. Sloan?

Mr. Sloan: In my judgment you have the authority to grant a conditional license. The Supreme Court of our State has said that on Liquor Licenses, the Board has the power to issue a conditional license and revoke it when those conditions are violated. The Supreme Court has very recently spoken on the issue that you can impose any reasonable conditions that you want to in the granting of a Liquor License. If you wanted to take what they have framed as "temporary" and make that a condition, then it would seem to me that would be within your authority.

Mayor Briare: Is it your opinion then, Mr. Sloan, that - there is a motion before this Commission to approve this application - if that motion were to have included a condition that it would be in existence for sixty (60) days, would that be a proper matter before the Commission to take action on?

Mr. Sloan: In my judgment that would not be a conditional license because it would not be subject to any condition. It would just be a License for a duration of sixty (60) days, which would be a temporary license. What I'm saying is that it would seem to me what you would want to do is to incorporate the condition, which is incorporated in their lease, that this Beer and Wine License would continue in effect until such time as a Tavern License is issued at that same location. Isn't it your understanding, Mrs. Britt, that automatically on the issuance of a Tavern License at this location, unless it is issued to this same applicant, that the Wine and Beer License would expire, automatically, on the issuance of a certain condition, i.e., the issuance of a Tavern License?

Mrs. Britt: That is my understanding - yes.

Mr. Sloan: Your Honor, this is all new to me this morning - I haven't studied the other ramifications of it, but I'm saying . . .

Commissioner Christensen: Do I understand from what you are saying that you can make Liquor Licenses conditional - we could then, without changing the ordinance, make all Liquor Licenses conditional to the location then?

Mr. Sloan: Commissioner, I'm just saying that the Court - the highest Court in our State - has indicated the power to issue a License carries with it implicit - much like you do in zoning matters and other areas - the right to impose certain reasonable conditions. I think you have done that on other occasions. I know, for example, there have been conditions imposed in areas relating to certain types of entertainment - and zoning - you've done that. If you want a detailed written opinion on it . . . right now I'm trying to be responsive to the request as best I can. I was not asked about it until five minutes ago.

Commissioner Lurie: It would seem to me that if this litigation was heard last Friday, and the landlord has the Tavern License back and wants to negotiate with Mr. Perry, that at our next meeting he could appear before us for that Tavern License - if the landlord wanted to sign the lease with Mr. Perry and have that Tavern License go with that location.

Mrs. Britt: Mr. Perry could not appear again that soon because Las Vegas

MR. PORTERHOUSE
(cont'd)

Oriental, Inc. does not have the Tavern License at the present time. Mr. Savalla does, so depending on how the Court has ruled on this . . .

Commissioner Lurie: You don't know how the court ruled, then?

Mrs. Britt: Well, it is my understanding that they ruled in favor of Las Vegas Oriental, Inc., but in spite of that, they must come back before you for the transfer of the License back into their name before they could negotiate with Mr. Perry for that particular License because, according to City records, they do not hold it at this time. Mr. Savalla does. Sometimes the Court sort of takes over and tells us what to do - it takes it more or less out of the City's hands. But, normally, Las Vegas Oriental, Inc. would have to come back before you for the License before they could negotiate with Mr. Perry on the Tavern License.

Commissioner Lurie: What you are saying is that it can't come back before us at our next meeting, with all these problems worked out, so we can make a decision on who should get the License.

Mrs. Britt: It could come back before you at the next meeting for the Change of Ownership with Las Vegas Oriental, Inc. on the Tavern License. It has been understood that at the time you approved that, that would terminate the agreement between that corporation and Mr. Perry. Then they would have a Tavern License which they would be responsible for until such time as they then had someone else new to operate it.

Mayor Briare: Mr. Foley, as you are well aware, this has been a rather confusing problem before this Commission on several previous occasions. We don't want to get ourselves involved in litigating this civil matter. It is not any business of this Commission. If there was one way that we had - at least I'm speaking for myself now - I don't have any objections to Mr. Perry selling beer and wine with food - and I think that is what he wants to do - but the problem seems to be as to whether it can be done on a temporary basis or whether action by this Commission would constitute a permanent basis.

Mr. Foley: Well, gentlemen, I think you are dealing mostly with just words and any substance. The agreement between this man and his landlord is that if they get a Tavern License, he will surrender his Wine and Beer License. I can get a permanent License today and decide I don't want to go into business after all and surrender it tomorrow. That's all that is involved - he is applying to you people for a Beer and Wine License, with an agreement with his landlord should they prevail in their litigation, then if approved by the City and they get a Tavern License on that Location, he will surrender . . . it is an unfortunate use on the agenda here of "temporary" - it's an agreement with his landlord that he will surrender the License if that condition happens. If that condition doesn't happen . . .

Mayor Briare: He will be a permanent licensee as long as . . .
Sgt. Ashenfelt, are you in agreement with Mr. Foley's interpretation of the incident of this stolen car?

Sgt. Ashenfelter: Yes Sir.

Mayor Briare: And the bad checks were just checks that happen to all of us from time to time?

Mr. Foley: He had leased a part of some premises to somebody else - in an

MR. PORTERHOUSE
(cont'd)

auction business. He had written some checks and something had happened - he has since repaid every one of those checks.

Commissioner Christensen: What auction business?

Mr. Foley: Cash Auto Sales -

Commissioner Christensen: Was that an auction business?

Mr. Foley: An auto auction - cash auto sales.

Mayor Briare: Are there any other comments or questions?

(No response)

Mayor Briare: Commissioner Leavitt, your motion was to approve?

Commissioner Leavitt: Yes, but I would like to add on there that the License be issued with the condition that it be terminated on the issuance of a Tavern License at this location.

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

See Pages 17 thru 21 of these Minutes (Annotated Agenda)

AGENDA

City of Las Vegas

November 1, 1978

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

ITEM Commission Action Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
 (cont'd)

F. LIQUOR -- Reclassification

1. *MARIE CALLENDER PIE SHOP # 25
 600 East Sahara Avenue
 From: Restaurant Beverage
 To: Service Bar License

Dee - Lee, Inc. --
 Wilburn L. Bentley, Pres
 Dolores D. Bentley, Secy-Treas

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

Approved
 subject to
 provisions
 Lurie - unanimous

Director
 authorized
 to proceed

G. LIQUOR & RETAIL TOBACCO -- Approval
 of Managers

1. LUCKY STORE # 735
 1200 South Decatur Blvd.
 Package Liquor Limited

Lucky Stores, Inc. --
 W. H. Fisher, Pres
 et al

Homer Bryce, Regional Manager

John Tochtrop, Manager

2. LUCKY STORE # 732
 2400 East Bonanza
 Package Liquor Limited

Lucky Stores, Inc. --
 W. H. Fisher, Pres
 et al

Homer Bryce, Regional Manager

Brian Carter, Manager

Items 1 and 2
 Approved
 Lurie - unanimous

Same as above

AGENDA

City of Las Vegas

November 1, 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>		
<p>H. <u>LIQUOR & GAMING -- Deletion of Corporate Officer</u></p>	<p>Approved Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>1. "JAX" MARYANNE & INTERLUDE LOUNGE 115 North 4th Street Tavern License Gaming: 11 Operator slots Fourth Street Liquors, Inc. -- From: John L. White, Pres, 33 1/3% Mary Ann White, Secy-Treas, 33 1/3% Gary Roy Tarbox, V. P., 33 1/3% To: John L. White, Pres, 66 2/3% Mary Ann White, Secy-Treas, 33 1/3%</p>		
<p>I. <u>LIQUOR, GAMING & RETAIL TOBACCO -- Change of Ownership</u></p>	<p>Approved subject to provisions Lurie - unanimous</p>	<p>Same as above</p>
<p>1. *HIGHLANDER BAR 1926 Western Avenue Tavern License Gaming: 6 Business-Owned slots 4 United Coin Machine Co. From: Gerald Glenn Brown, 100% To: William E. Pritchett, 100%</p>		
<p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>		
<p>J. <u>RETAIL TOBACCO -- New</u></p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>
<p>1. DESERT STAR MOTEL 1210 Las Vegas Blvd. South James Baggao, 100%</p>		

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ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

K. SECONDHAND LICENSE -- New

1. *A & P USED FURNITURE
235 South Main Street

Angelyn Zerbo, 100%

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

Approved
subject to
provisions
Lurie - unanimous

Director
authorized to
proceed

L. PRIVATE DETECTIVE LICENSE -- Change
of Corporate Officers

1. EQUIFAX SERVICES, INC.
1100 East Sahara, # 210

Equifax Services, Inc. --

Ralph N. Jones, Pres
W. Lee Burge, Chairman
et al

From: W. Y. Klett, V.P.,
Treas

To: Herbert A. Phillips,
V.P., Treas

Approved
Lurie - unanimous

Same as above

AGENDA

City of Las Vegas

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ITEM	Commission Action	Department Action
<p><u>III. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>M. <u>AMBULANCE LICENSE -- Request for Increase</u></p>	<p>Approved Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>1. MERCY AMBULANCE SERVICES 3121 So. Maryland Pkwy, Suite # 114</p> <p>Mercy, Incorporated -- Burrell Cohen, Pres Thomas Bell, Vice President</p> <p>Robert Forbuss, General Mgr</p> <p>Request to increase from nine (9) ambulances to ten (10) ambulances</p>	<p>114</p>	
<p>N. <u>LIQUOR -- Request for Extension of Inactive Status</u></p>	<p>Approved Lurie - unanimous</p>	<p>Same as above</p>
<p>1. SMITH'S FOOD KING 574 North Eastern Avenue Package Liquor Limited</p> <p>Smith's Food King No. 1, Inc. -- Fred Smith, Pres et al</p> <p>Larry Childress, Division Manager</p> <p>(Approved 5/17/78. Extension for 7/16/78 thru 9/13/78 approved 7/5/78. Extension for 9/14/78 thru 11/12/78 approved 9/6/78. Request for extension of inactive status for 60-day period: 11/13/78 thru 1/11/79.)</p>		

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City of Las Vegas

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 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM	Commission Action	Department Action
<p>III. <u>DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>O. <u>LIQUOR, GAMING & RETAIL TOBACCO --</u> New</p>		
<p>1. *SILVER STAR CASINO 207 North 3rd Street Tavern License Gaming: 308 slots 10 Poker</p> <p>Behnen, Inc. -- Becky Binion Behnen, Sole Officer, Director</p>	<p>Approved subject to provisions Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>*Subject to the provisions of the Planning, Building and Fire codes and Health Department regulations</p>		
<p><u>ABEYANCE ITEM -- Tabled 10/4/78</u></p>		
<p>P. <u>APPEAL ON DENIAL OF BUSINESS</u> <u>LICENSE</u></p>		
<p>1. THE DIRTY BOOK STORE & ARCADE 2120 East Charleston Blvd.</p> <p>Licensee: John E. Williams</p>	<p>Denied Lurie - unanimous</p>	<p>Same as above</p>
	<p>(Michael L. Hines, Counsel for Applicant)</p>	

THE DIRTY
BOOK STORE
& ARCADE
License
Denied

P. APPEAL ON DENIAL OF BUSINESS LICENSE

THE DIRTY BOOK STORE & ARCADE
2120 E. Charleston Blvd.

Licensee: John E. Williams

Mayor Briare: This is an abeyance item. It is an appeal on a denial of a Business License for the Dirty Book Store & Arcade. The applicant is John Williams.

Response: Let the record show that I am Michael L. Hines, Attorney, representing Mr. Williams here today. I have brought a rough chart to show the area where his place is. Mr. Williams is here (chart) on East Charleston. He has four stores there. In one of them there is a veterinary and one is a food store - this other one (chart) is empty and next to that is a book store. The one that is empty was used by Mr. Gordon for his Escort Services and it has had prior use and the equipment and everything is still in there up to three weeks ago -

Mr. Williams: About four months ago that company got all that equipment out -

Attorney Hines: Now, from there on down, the next ten stores don't belong to Mr. Williams - he only owns the first four. Inasmuch as this place was an adult oriented store - we are aware of the ordinance and everything - and had the equipment and everything in there - that is why we asked to appear before this Commission today. Mr. Williams has not been able to rent the store for any other purposes and was going to open up an adult book store.

Commissioner Christensen: What kind of equipment are you talking about?

Attorney Hines: The equipment that was in there - the telephone equipment - and all sorts of . . .

Commissioner Christensen: What you're saying is the equipment is all there and it's the same equipment for an out-call massage parlor as for a book store?

Mr. Williams: The equipment isn't there now. The last equipment that was taken out of there was by the Telephone Company - it had a whole network of telephones.

Commissioner Christensen: That I can understand.

Mr. Williams: The last of the equipment I got out of there was four or five months ago.

Commissioner Christensen: But now it's empty?

Mr. Williams: It is empty, but from the time he vacated it until the present time I have tried to rent it out to an adult oriented book store but nobody will rent it because there is one next door. That is why I'm asking for a License. I haven't been able to collect any revenue off of this store for a year.

Commissioner Woofter: Mayor, before we get into a full discussion on the merits, I think we should get a legal opinion from the City Attorney to advise us whether or not we can act on this or precluded because of the

DIRTY BOOK
STORE
(cont'd)

existing ordinance, in fact.

Mr. Sloan: It would be my opinion that based on Bill No. 78.11, which the City Commission adopted, which was the so-called dispersal ordinance, that unless this gentleman had an existing business license on April 16, 1978, at that location, for that type of business, that you would be precluded under the Ordinance as the Ordinance presently exists from giving him a Business License today. The grandfather clause which - the non-conforming use clause of that Ordinance provides that any business that is of a sexually oriented type that was in existence on April 16, 1978 was a non-conforming use as of that date and had five (5) years to come into conformance. But if he was not a licensed non-conforming use at that time, it is clear that you do not have authority under the Ordinance to grant him a License today.

Mayor Briare: Do you disagree, Mr. Hines, with that interpretation?

Attorney Hines: I do, Your Honor, disagree with that interpretation because I still think that this Commission could look at the facts in the case and would still have the right, if they wanted to issue the license. It is not a variance we are asking for.

Commissioner Christensen: It is my understanding that the City Attorney's opinion - what he is saying is that this should be removed from the agenda - period.

Mayor Briare: It really has no place on the agenda -

Commissioner Woofter: That's my concern - I think by law and liability if the City Attorney, on the opinion he has given us, if we act to the contrary in any way, then we are putting ourselves on a spot.

Commissioner Christensen: I agree with Commissioner Woofter.

Mayor Briare: I think then, Mr. Hines, the situation we find ourselves in right now is that if the Commission would entertain a motion to remove this item from the agenda, based on the City Attorney's opinion that it is not rightfully here, and then whatever in the future you might want to do on it would be up to you.

Attorney Hines: We have to have some kind of approval or disapproval.

Mayor Briare: No, I don't think so. I think - unless I misinterpret Mr. Sloan's comments, that this item is really not properly on the agenda because there is an Ordinance prohibiting the issuance of a License to your client.

Motion

Commissioner Christensen: I move that we follow the advice of the City Attorney and remove it from the agenda.

New Motion

Commissioner Lurie: Commissioner Christensen, I would rather just make a motion to deny the License based on the Ordinance and based on the City Attorney's opinion to us, and deny the appeal.

Commissioner Christensen: OK - I will withdraw my motion if you will make that motion, but let's get on with it and get off the discussion.

Mayor Briare: I just want to be sure we have a proper legal procedure. I want to be very careful of the particular motion we act on. Is that motion

DIRTY BOOK
STORE
(cont'd)

a sufficient motion to act on?

Mr. Sloan: I think that is proper, Your Honor. I think that - we had some initial discussion at the time this appeal was raised, as to whether or not it would be appropriate, based on our office's opinion that it would not be permissible even to allow the appeal, but we felt if this matter was going to go to Court, then we would allow the applicant to come in here and make his case, and I think the proper procedure would be to make the motion to deny the appeal, based on the fact that the Ordinance precludes the Commission from granting the License at the present time.

Mayor Briare: Not hearing any more arguments in favor of the appeal -

Mr. Sloan: I don't think, legally, that you could go with the License if you wanted to. I think on the basis of my advice, you have no choice but to deny the appeal.

Mayor Briare: We find ourselves in the position which we found ourselves in before your administration - to be cutting them off short and not allowing them to be heard to the fullest degree.

Mr. Sloan: I don't know - if there are legal authorities to be submitted on this - if you want to continue this for two weeks to give Mr. Hines a chance to provide us with a brief . . . I don't think the facts in the situation, just in generalities . . . we have a specific date provided in the ordinance - I agree with your comment - if he wants to continue this for another period of time to present some kind of legal brief, or some kind of legal argument or factual presentation which would have an effect on my opinion, I think that would certainly be a wise course of action.

Mayor Briare: Mr. Hines, I am perhaps going to presume that the Commission is satisfied that the Ordinance is perfectly proper, and that this application should not be considered. I don't want to presume as to what you may, or may not, want to do. I would prefer to settle it one way or another here without having to go to Court. What I mean by "sttle it" - that you would accept denial based on the ordinance that exists, and if you want to challenge the ordinance you could - you, or any other person - could challenge it but not in connection with this particular application.

Attorney Hines: Your Honor, we don't want to continue it for two weeks - we just wanted to be able to submit the facts in the situation.

Mayor Briare: You are satisfied that you have submitted the matters you wanted to submit?

Attorney Hines: We have submitted what we wanted to submit and presented to this Commission that at one time this was an adult oriented store.

Mayor Briare: Thank you, Mr. Hines. Commissioner Lurie, your motion is the one we are voting on now. Would you please cast your votes?

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

Mayor Briare: The motion is approved and the request is denied.

BANK CLUB

Q. LIQUOR - CHANGE OF OWNERSHIP

BANK CLUB
2400 E. Charleston Blvd.
Tavern License

From: Irene M. Johnson 100%
To: John Bernard Regan 100%

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

Motion

Commissioner Lurie: I move for approval subject to the provisions.

Frank A. Schreck, Attorney: Before you vote - I am the Attorney for Mr. Regan. I notice on the agenda that the application as set forth is for approval of a Tavern License. The business that Mr. Regan is purchasing and the license Mr. Regan wishes to succeed to is not just a Tavern License. It is a Tavern and Package License and that is what our application requested.

Mayor Briare: Mrs. Britt, were you able to hear that comment? Item Q is a request for change of ownership under the classification of a Liquor License - the Bank Club for a Tavern License and Mr. Schreck is questioning whether that includes a Package License and the others that went with the business to begin with.

Mrs. Britt: I am going to have to go back and check the records to give you a 100% sure statement, but it is my belief that the Bank Club is one of the old establishments - what we referred to as "grandfather" Tavern Licenses that have package privileges that new Tavern License holders do not.

Commissioners Lurie: Can we hold this for ten minutes.

Mayor Briare: I think, Commissioner, your motion with that condition would probably satisfy it.

Amended
Motion

Commissioner Lurie: Then I would move for approval subject to the conditions listed and that the License is to be as Mr. Schreck has stated.

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

Commissioner Lurie: Be sure to check that out and be sure that is the case. Mrs. Britt, how many of those kind of Tavern Licenses do we still have?

Mrs. Britt: I would have to check, but I would guess from six to eight.

See Pages 26 and 27 of these Minutes (Annotated Agenda)

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ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

Q. LIQUOR -- Change of Ownership

1. *BANK CLUB
2400 East Charleston
Tavern License

From: Irene M. Johnson, 100%

To: John Bernard Regan, 100%

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

Approved
subject to
provisions
Lurie - unanimous

(Frank A. Schreck,
Counsel for
Applicant)

Director
authorized
to proceed

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM	Commission Action	Department Action
<p><u>III. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)</p>		
<p>R. <u>LIQUOR -- Request for Extension of Inactive Status</u></p>	<p>Approved Lurie - unanimous</p>	<p>Director authorized to proceed</p>
<p>1. CIRCLE K STORE NE Corner East Charleston/ 14th Street Beverage Off-Sale</p> <p>Circle K Corporation -- Frederick Hervey, Chairman, Pres J. Winslow Smith, Pres of the Policy Board, Director et al</p> <p>(Approved 9/6/78. Request for extension of inactive status for 60-day period: 11/5/78 thru 1/3/79.)</p>		

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission Action

Department Action

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

A. REQUEST BY TRANSPORTATION TOWN
FOR USE OF THE LAS VEGAS SPEEDROME

Approved
recommendation for
Transportation
Town to lease the
Speedrome for dates
of Nov. 12 and Dec
3, 1978
Woofter - unanimous

Staff
authorized
to proceed

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City of Las Vegas

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 385-6011

ITEM

Commission Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL
& EMPLOYEE RELATIONS

BOB McPHERSON, AEP, DIRECTOR

A. AUTHORIZATION TO FILL POSITIONS -
CITY FUNDED - FULL TIME

Items 1 thru 6
Approved
Lurie - unanimous

Director
authorized
to proceed

Dept/Class	Monthly Salary	Justification
(1) MS/Facilities Support Custodian (replace budgeted vacancy)	\$791	To provide custodial services in the MPD Plaza, Traffic and Administrative areas.
(2) R&LA/Recreation Recreation Leader (replace budgeted vacancy)	917	Assigned to the Fremont Community Center providing general recreation programming as well as a variety of community school classes.
(3) Financial Management Financial Analyst I (replace budgeted vacancy)	1302	To prepare and analyze detailed financial statements, journal entries and perform internal audits.
(4) Municipal Court Office Assistant (replace budgeted vacancy)	791	To type, file and organize judgments and warrants in the Criminal Division and provide other clerical support.
(5) Data Services Data Entry Operator (replace budgeted vacancy)	810	To keypunch payroll, financial reports and business licenses.
(6) Business Activity Auditor (replace budgeted vacancy)	1148	To conduct audits on businesses and hotel and motel room tax accounts to ensure ordinance compliance.

APPROVED AGENDA ITEM
DCT 10/23/78

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City of Las Vegas

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 11/1/78

ITEM	Commission Action	Department Action						
IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS								
B. <u>PROFESSIONAL DEVELOPMENT PROGRAM:</u> <u>AUTHORIZATION TO AWARD PROFESSIONAL</u> <u>SERVICES CONTRACT BY ALLOCATING</u> <u>BUDGETED FUNDS</u>	Approved Professional Services Contract between City and Dr. Richard Ross as presented Christensen - unanimous	Mayor and Clerk authorized to sign						
<table> <tr> <td>TOTAL AMOUNT:</td> <td>\$2,940</td> </tr> <tr> <td>Block Grant</td> <td>770</td> </tr> <tr> <td>City Funds</td> <td>2,170</td> </tr> </table>	TOTAL AMOUNT:	\$2,940	Block Grant	770	City Funds	2,170		
TOTAL AMOUNT:	\$2,940							
Block Grant	770							
City Funds	2,170							
APPROVED AGENDA ITEM RCT - 10/23/78								

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BOARD OF CITY COMMISSIONERS
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM	Commission Action	Department Action
IV. (d) DEPARTMENT OF FUNDS COORDINATION - <u>RICHARD B. BLUE, JR., ACTING DIRECTOR</u>		
A. A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, TO ESTABLISH A SENIOR CITIZEN LAW PROJECT ADVISORY BOARD	Adopted Resolution Lurie - unanimous	Mayor and Clerk authorized to sign
B. APPOINTMENTS TO THE SENIOR CITIZEN LAW PROJECT ADVISORY BOARD	*Approved as recommended Lurie - unanimous	Director authorized to proceed
C. APPOINTMENTS TO FILL TWO (2) VACANCIES ON THE CITIZENS PARTICIPATION REVIEW COMMITTEE	*Approved Lurie - unanimous	Same as above
*Commissioner Christensen did not vote - temporarily absent)		
IV (e) DEPARTMENT OF RECREATION & LEISURE ACTIVITIES - RICHARD CAMPBELL, DIRECTOR		
N o n e		
APPROVED AGENDA ITEM		
RCJ 10/23/78		

COUNCIL
CHAMBERS
SOUND
SYSTEM

IV(f) - B. AWARD OF BIDS

3. BID No. 78.144 - COUNCIL CHAMBERS SOUND SYSTEM (CITY HALL)

Commissioner Lurie: I have a question on the sound system. I would like to know if the other persons who are using this Chamber are going to participate in the cost of the improvement. In other words, I am asking if the County is going to give their share.

Deputy City Manager, Ron Jack: The way we've set this up now - as you will recall, we are collecting rental charges for the use of the Commission Chambers. Roughly, we estimate between now and the end of June, we will accrue, roughly, \$13,000.00 worth of charges. This will then be used to defray part of the cost of installing a new sound system.

One additional fact is that the Consultant recommended was that acoustically treat both the north and south walls with materials which could be applied by our City work force. That is something in the future again as we continue to accrue rental charges for the Chambers we might want to pursue - but they will be paying for a good part of the installation of the new sound system.

Commissioner Woofter: Do we have a better guarantee going with this than on the previous one - the one we have existed with since it was built?

Mr. Cathcart: The original Chamber Sound System was contracted under the total City Hall. The sound system now - we do have performance and guarantee bonds on all the installation that is coming in, for one (1) year.

Mayor Briare: Does that guarantee the performance, or just a guarantee of properly installing the hardware?

Mr. Cathcart: The Architectural Services hired to start with guaranteed the performance under this and it will operate as stated, and designed.

Commissioner Lurie: I would make a motion, Mayor, to approve items 1 and 2. I am voting "no" on Item 3 because I think the figure is too high to correct the sound system and I think it could be done in-house at a lot less expense. I will make a motion to approve Items 1 and 2. If somebody wants to make a motion on Item 3, they can.

Mayor Briare: OK - the motion is for approval of Items 1 and 2.

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

Mayor Briare: On Item 3, in the Consultant's report did it cover anything along the line that Commissioner Lurie objects to relative to doing it in-house? Or that perhaps a further justification of expense? I notice that his estimate was - his revised estimate - was \$20,000.00. I don't know what his original estimate was, but the low bid came it \$6,400.00 higher and the second low bid was \$8,400.00 higher. Does that give you any clues?

Mr. Cathcart: Mayor, approximately one year ago we budgeted \$15,000.00 on our estimate, and discussions within the industry, of how we could try

COUNCIL CHAMBERS
SOUND SYSTEM
(cont'd)

to improve our system. The more we got into it through the acoustical sound engineering, we found out by dividing up some of these and with the tape recorder we have for the City Clerk to take off the tapes, we had to have additional equipment - pre-amplifiers - and so forth which compounded some of the cost we had in here.

We then went back to the monies available and the rental charges. We figured the best way to do it was to put in a good solid sound system. We didn't feel we had the expertise on board, within the City, to design something of this magnitude. It is an unusual shape room and an unusual shape acoustical designs. They have all admitted that. We have had many of the experts in the field walk through this system. Yes, we do have a bad system in here. We are trying to completely re-do it. We can't make a silk purse out of a sow's ear, so to speak.

Commissioner Lurie: What I was just saying to the Mayor is that you have hand mike taped to the regular mike and it seems to work quite well. It gets the sound distributed throughout the Chambers and I just cannot see spending \$26,000.00 to improve the sound system when maybe we just ought to buy some new hand mikes and tape them to these here - and that is not going to cost \$26,000.00.

Mayor Briare: I can tell you this, Commissioner, four out of my five sons at home have all of this sophisticated recording equipment that is so loud I should have them loan it to the City. I'm sure it would take care of not only these Chambers, but out to the Nevada Power Company if it needed to. In any event, I'm surprised. I don't know anything about electronics, and costs, and so forth, but I'll tell you I'm surprised that the cost is this low. I expected something around \$50,000.00 or \$60,000.00, to be real honest. It would seem to me if it is not going to get any cheaper, I would like to see this Chamber's sound system set once and for all. If we can't get any support from other users of the building to pay for part of it, that we go ahead and do it on our own and then give them some kind of an ultimatum - if they don't want to use the sound system, we'll just lock it up. Are there any other comments?

Ron Jack: I understand that the mikes were replaced by our own City forces at some point along the way. I think we are at a point where either we go with the professionally designed package, or we are probably going to continue to jerry-rig it and they can't really guarantee the quality.

Mayor Briare: This \$26,000.00 would include a guarantee - the Consultant has bonds posted to guarantee performance -

Ron Jack: Yes Sir, Your Honor, and we really don't have City crews that would be competent to make these installations.

Commissioner Christensen: I would point out that we have the Convention Center sound department and they work the whole system throughout the Convention Center. They've had problems with the sound out there and I don't know how many of you have been to the basketball games, but they had problems in the rotunda for a long time until they finally straightened that out. I don't think the average person realizes the complexity of this kind of a system, where you have to rearrange speakers . . . one of the things that was of interest to me - if you have noticed where the speakers are in the Convention Center - they are not in the middle. They had to be moved in that rotunda to a different position in order to get away from the

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ITEM	Commission Action	Department Action
<p>IV (f) <u>DEPARTMENT OF MUNICIPAL SERVICES</u></p> <p><u>J. C. CATHCART, DIRECTOR</u></p> <p>*CONSENT AGENDA</p> <p>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.</p>		
<p><u>PURCHASING AND CONTRACTS DIVISION</u></p> <p>*A. <u>PERMISSION TO RECEIVE BIDS</u></p> <ol style="list-style-type: none"> 1. Automatic Mailing Machine (Municipal Services - Facility Support) 2. Replacement Scott Air Pacs (Fire Services) 3. Sheet Sign Face Materials (Public Services-Traffic Division) 4. Geophysical Well Logging (Public Services - Design Division) 5. Photo Copier Lease (Public Services - Design Division) 	<p>Items 1 thru 5 Approved as recommended Lurie - unanimous</p> <p>(Commissioner Christensen did not vote - temporarily absent)</p>	<p>Director authorized to proceed</p>
<p>*B. <u>AWARD OF BIDS</u></p> <ol style="list-style-type: none"> 1. Bid #78.140 - Eighty (80) Hours of Dragline Rental - Operated and Maintained (Public Services - Sanitation) 2. Bid #78.142 - Three (3) Each Microfilm Readers/Printers (City Clerk, Municipal Court, Building and Safety) 3. Bid #78.144 - Council Chambers Sound System (City Hall) 	<p>Items 1 and 2 Approved as recommended Lurie - unanimous</p> <p>Item 3 Approved Christensen Commissioner Lurie voted "no"</p>	<p>Director authorized to proceed</p> <p>Same as above</p>
<p>APPROVED AGENDA ITEM <i>RCS 10/25/78</i></p>		

AGENDA

City of Las Vegas

November 1, 1978

BOARD OF CITY COMMISSIONERS
 COMMISSION CHAMBERS • 400 EAST STEWART AVENUE
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ITEM	Commission Action	Department Action
IV (f) <u>DEPARTMENT OF MUNICIPAL SERVICES, CONTD</u>		
C. <u>PURCHASE ORDER APPROVAL</u>		
1. Request Purchase Order approval to <u>Marlite Division, Masonite Corporation, Pleasonton, California, in the amount of \$4,481.00, for free standing partitions to match existing system. (Community Development)</u>	Items 1 and 2 Approved as presented Lurie - unanimous	Director authorized to proceed
2. Request Purchase Order approval to <u>State of Nevada, Purchasing Division, Carson City, Nevada, in the estimated amount of \$22,400.00, for four (4) four-door sedans. (Municipal Services - Vehicle Services)</u>		
APPROVED AGENDA ITEM RCS 10/25/78		

ITEM Commission Action Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICES

WILLIAM J. PURVIS, P.E., DIRECTOR

*CONSENT AGENDA

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

*A. APPROVAL OF SUBDIVISION PLATS

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

1. Charleston Heights 51A Unit No. 3. (Becker and Sons, E. A. Becker, Jr., Agent)
2. Woodland Hills Unit B. (Security Housing Corporation, John S. Stuhmer, President)
3. Woodland Hills Unit C. (Security Housing Corporation, John S. Stuhmer, President)

*B. RELEASE OF SUBDIVISION BONDS

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

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

Items A and B
Approved as
recommended
Lurie - unanimous

Director
authorized
to proceed

(Commissioner Leavitt did not
vote - temporarily absent)

(Handwritten mark)

CITY SEWER
HOOK-UP

IV(g) - C.1 - Request of Joseph and Judy Ann Sant, 1630 W. Westwind Road,
to hook into City Sewer System from outside City Limits

Commissioner Christensen: I would like to ask one question on this one. Even though we have the back-up opinion on this here, when we talk about annexation, are these properties contiguous to the City, of what?

Mr. Purvis: If they were contiguous we would insist that they annex - they are probably just outside the City Limits.

Commissioner Christensen: We have two of them right here - where is the City Limits on this one?

Mr. Saylor: This is right over here to the east (easel map) - what we do is - every time there is a request, they have to sign that Annexation Petition -

Commissioner Christensen: I understand that -

Mr. Saylor: Then we hold them - in those cases where they are not contiguous, we hold them until they do reach the degree of continuity, then we proceed . . .

Commissioner Christensen: My problem is that - I know that our Sewer Plant is at its pumping capacity and I know the County's is, and I know there is nothing coming for increased sewage, and I know that with us suing the County, and the State and the Federal Government, that if the County does build a Plant, and they do have the authority under the State Legislature's recently enacted Bills, that they could very easily say - to heck with the City - we're not going to let the City have any more sewer - you are on your own and thereby throttle the growth of the City of Las Vegas. If they do that, I would hate to have too many County residents running into the City's sewer Plant and not have the City residents able to hook on because of an over-taxed situation.

Commissioner Lurie: I asked for a report at the last meeting because I have the same concern as Commissioner Christensen, that our Plant is at capacity and we have no plans at the present time to increase the capacity of our Sewer Plant and that is why I asked for information on what is being done to prepare the necessary plans for additional digesters . . .

Commissioner Christensen: According to the law, that has to be approved by the County - even if we increase our own Plant . . .

Commissioner Lurie: But we don't have any plans at the present time and we're getting all these new hook-up into our sewer system that might prevent a developer who wants to build within the City from building because we can't handle any more sewer treatment.

Mr. Purvis: You will have a report by the next meeting, Commissioner Lurie, on the capability of our Plant -

Mr. Sloan: I just wanted to ask of Mr. Purvis - it is my recollection at the time of this conference, Mr. Stewart advised me there had been a case litigated in the District Court here, where the Court had compelled that the property owner be allowed to hook up to the nearest possible sewer system, regardless of whether it was City or County - which jurisdiction it was in - are you aware of that particular case?

CITY SEWER
HOOK-UP
(cont'd)

Mr. Purvis: Yes - I am aware of that. I think this is a little bit different case, Mr. Sloan. They were allowed to withdraw from the Clark County Sanitation District so to speak. Everything outside the City Limits of the City of Las Vegas and North Las Vegas, is included in the Clark County Sanitation District. Their bonding requirements now read that they should hook up. Then this person went to the Court and said - can Clark County enforce this against me? The Court ruled that - no, Clark County cannot enforce them not hooking into the nearest sewer system.

Mayor Briare: The motion is to hold this matter - is there a time, Commissioner?

Commissioner Christensen: Yes, until we get the report on what the Plant's capabilities are going to be.

Mayor Briare: Are there any comments on the motion?

(No response)

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

RIGHT-OF-WAY
JONES BLVD.

Mayor Briare: The next item is a request for Project approval for the right-of-way on Jones Blvd. outlets, U. S. 95.

Mr. Purvis. I know you've all heard this many time about Alexander hooking up to Jones, and visa versa. This has been approved now by the Regional Street & Highway Commission and we would like your permission now to proceed with the acquisition of the right-of-way in this area (easel map).

The parcel that has created all of the problems - right there (easel map) now has 320 ft. of frontage here and has approximately the same frontage on this side - this is on Jones and this is on Alexander (easel map). We do have approximately 800 ft. from center line to center line - which is as short a distance as we would like to go. I think it was at the last meeting of the Regional Street & Highway Commission they wanted us to bring it down to 660 ft. The gentlemen who own this piece here (easel map) and this piece here are very happy with the way this is setting up.

Motion

Commissioner Christensen: I move for approval.

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

E. CHARLESTON -
PARKING LOTS

Mayor Briare: The last item on the Public Services agenda is Phase I of the E. Charleston Parking Lots. Is this just discussion, Mr. Purvis?

Mr. Purvis: You will remember at the original hearing these are the three (3) lots (easel map) that were considered in this East Charleston parking lot possibility. This one now, of course, is occupied by an apartment house. This one (easel map) is still available and this onw is owned by Paul Westlund. We are now in the process of investigating the possibility of this one - this one - this one - and there is another one across the way (easel map). We do have a problem in these being a little far away from East Charleston. I doubt that they are viable alternates. This one may be

E. CHARLESTON -
PARKING LOTS
(cont'd)

This one may be a viable alternate here (easel map). It is still owned by the same people. There will be a report at your next Commission meeting, but I feel we are committed - in the Public Hearing I said there would be parking lots to replace - we are taking off sixteen permanent parking spaces between the Boulevard and Main Street. We are trying to replace those 16 parking spots.

Commissioner Christensen: You have a problem with the one on the corner of Main and Charleston in that you can't get at it. That's a worthless place for a parking lot because nobody would use it.

Mr. Purvis: This one, I think (easel map) you could probably use because it is only 150 ft. around the corner to the areas it would serve.

Commissioner Christensen: It would be more viable because the other is so close on the corner you can't get out of it on either street -

Mr. Purvis: Egressing on to Charleston -

Commissioner Lurie: You can't do that -

Commissioner Christensen: It would be impossible.

Mr. Purvis: I will have a report on these.

Commissioner Christensen: We are required to provide how many parking spaces?

Mr. Purvis, Sixteen (16) I believe it is.

Commissioner Christensen: You don't have to have much of a parking lot to pick that number up.

Mr. Purvis: This one (easel Map) I think will hold about 16.

Commissioner Leavitt: You have another colored spot up above there that's green -

Mr. Purvis: Yes, this one (easel map) - it is across the street from the one involved. It is a possibility that we're looking at.

Commissioner Christensen: There's a light there too, is there not?

Mr. Purvis: Yes -

Commissioner Christensen: So there would be a way to cross. That would be an advantageous one too.

Mr. Purvis: There is no building on it now.

Commissioner Lurie: I think a block, or half a block, away is sufficient -

Commissioner Christensen: Especially if they have a light so they can cross. It would be tough if you've got a 6-lane street there if you couldn't get across it, but where you have a light for crossing it makes it better from a safety standpoint.

Mr. Purvis: I wanted to bring you up to date. As near as I can determine

E. CHARLESTON -
PARKING LOTS
(cont'd)

we are committed to some kind of off-street parking in that area.

Commissioner Christensen: I think that we probably are, but I don't think we've got to go overboard. At the time we committed off-street parking was some years ago and it was turned down. A lot of things have changed since then.

Mr. Dorn: Your Honor, before you leave this topic, we have discussed this in-house with Mr. Purvis, Don Saylor and staff. I want to bring this to the Commission's attention at this point that it is my feeling we should discuss it with the merchants. I agree with Commissioner Christensen's statement that we are committed to off-street parking but we have to see to what extent. We have figures ranging from \$150,000.00 to a high figure of \$450,000.00. At this stage, we have no finances or source of appropriation or financial resource to provide these parking lots. I just want to bring that to the Public's attention and the Commission's attention. We are looking in-house to come up with some means, but in our existing budget we do not have any funds for any off-street parking lots or the purchase of any properties.

Commissioner Christensen: If we don't have any funds, we can't purchase any. Very simple.

Mr. Dorn: There are financing methods available if the Commission so desires to extend itself under short term financing - in next year's budget under Revenue Sharing - bonds, etc., and these are some of the items we have thought about, in-house, but at this stage, I would like to further discuss with Mr. Purvis and staff to come up maybe with some ideas, and also to get the feeling of the merchants.

Mayor Briare: Was there any representations made to merchants along East Charleston Blvd. that the off-street parking areas would be part and parcel of the assessments?

Mr. Purvis: Very specifically to Charles Miles -

Mayor Briare: At which Hearing?

Mr. Purvis: At the original Hearing in 1972 and then he came again in 1975 and again in 1978. He said as long as those parking lots are there, I have no objection to the project.

Mayor Briare: Shouldn't the cost of the parking lots be included in the District? What obligation does the City have to put in off-street parking for a downtown commercial visitor?

Mr. Purvis: I guess I would have to go back to the original situation we were talking about: The City, at that time, said "we will buy" and Mr. Brechler said "we will improve the parking lots". That was the agreement that was made.

Commissioner Christensen: Of course, this was four or five years ago and we had the money then. So, I think you have to look at the last time this came up because it was defeated at that time, so that comment becomes moot. You have to go to the last Hearing and the last time it was brought up and determine from there, because if we went back to the original Hearing, we could go back to original prices but, unfortunately, we can't do that.

Mr. Purvis: March 22nd of this year was the last Hearing and that was

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ITEM	Commission Action	Department Action
IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)		
C. <u>REPORTS/ACTION</u>		
1. Request of Joseph and Judy Ann Sant, 1630 W. Westwind Road, to hook into city sewer system from outside city limits.	Items 1 and 2 Abeyance pending Comprehensive Report as to future needs for expansion of the Sewer Treatment Plant	11/15/78 Agenda
2. Request of Jay Orlando to hook into city sewer system from outside city limits at Lot 7 of Parcel Map on file 12, page 57, Clark County Recorders office.		
3. Project approval, R/W Jones Blvd., Outlets - U.S. 95.	Approved as recommended Christensen - unanimous	Director authorized to proceed
4. Project approval, R/W Michael Way, Bromley to Decatur.	Approved as recommended Lurie - unanimous	Same as above
5. Phase I East Charleston parking lots. (Abeyance)	Abeyance	11/15/78 Agenda (Director to develop more data on properties)

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Commission Action

Department Action

V. MIKE SLOAN - CITY ATTORNEY

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APPROVED AGENDA ITEM
RCJ 10/23/78

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City of Las Vegas

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ITEM	Commission Action	Department Acti
<p>VI. NEW BILLS TO BE REFERRED TO A STUDY COMMITTEE OR RECOMMENDING COMMITTEE</p>		
<p>A. Bill No. 78-72 repealing Title XI, Chapter 2 of the Municipal Code and to add a new Chapter 2 to incorporate into the Las Vegas City Code a chapter dealing with subdivisions including those changes required as a result of Assembly Bill 475 as passed by the 1977 Nevada Legislature and those changes suggested by the Las Vegas Department of Public Services.</p>	<p>1st Reading and Referred Commissioners Lurie and Woofter</p>	<p>Clerk to proceed with 1st Publication 11/15/78 Agenda</p>
<p>B. Bill No. 78-73 creating SID 426</p> <p>1. Installation of street lighting consisting of high pressure sodium luminaries and steel lighting standards with concrete bases on the (South side of East Charleston Blvd., west of the centerline of Sixth Street to west of the centerline of Tenth Street and on the North side of East Charleston Blvd. from Las Vegas Blvd. to the alley between Seventh and Eighth Streets.)</p> <p>2. Installation of concrete sidewalks along the (south side of Charleston Blvd. from Third Place to Tenth Street and on the north side of Charleston Blvd from the alley between Fourth Street and Las Vegas Blvd. South to Sixth Street.)</p>	<p>Stricken</p>	
<p>APPROVED AGENDA ITEM</p>		
<p>TCJ 10/23/78</p>		

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Commission Action

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VII. VACANCIES - BOARDS & COMMISSIONS

A. SOLICITATION REVIEW BOARD (2-year terms)

The following have terms expiring 12/20/78:

1. Al Levy
2. Leo Lewis
3. Joe Manns

(Abeyance from 10/18/78)

Reappointed
 Al Levy
 Leo Lewis
 Joe Manns

Clerk to notify

8. PARK & RECREATION ADVISORY COMMISSION - (3-year terms)

The following have terms expiring 12/11/78:

1. W. W. Southard
2. Herrold G. Jory
3. George Randall

(Abeyance from 10/18/78)

Reappointed
 W.W. Southard
 Herrold G. Jory
 Appointed Bob Keck
 to replace George Randall
 (resigned)

Clerk to notify

C. LAS VEGAS METROPOLITAN BEAUTIFICATION COMMITTEE (3-year terms)

The following have terms expiring 11/1/78:

1. Mrs. Robert Bartlett
2. Mrs. Dorothy Huffey

(Abeyance from 10/18/78)

Items C, D and E
 Abeyance

11/15/78 Agenda

D. PLUMBERS EXAMING BOARD (2-year terms)

For 2-year terms expiring 10/2/80, the following have been recommended:

1. Ernest Pacheco (Vegas Valley Water Conditioning)
 To replace Archie P. Jones
2. Frank Gonzales (Sedillo Landscape Sprinkler)
 To replace Richard D. Brown

APPROVED AGENDA ITEM

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ITEM	Commission Action	Department Action
VII. <u>VACANCIES - BOARDS AND COMMISSIONS (cont'd)</u>		
E. <u>CHILD WELFARE BOARD (3-year terms)</u>		
WALTER V. LONG was reappointed to the Child Welfare Board on 9/20/78. Resigned 9/28/78.	See Page 23	See Page 23

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ITEM

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VIII. REPORTS FROM RECOMMENDING COMMITTEES

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At the hour of 11:30 A.M. this Regular Meeting recessed to 2:00 P.M.

Commissioner Leavitt excused from afternoon session

APPROVED AGENDA ITEM

RCS 10/23/78

MASTER
STREET
PLAN
Approved

2:00 P.M. - PUBLIC HEARINGS

Mayor Briare: The first Public Hearing that is scheduled for today is a proposed amendment to the Master Street Plan - Jones Blvd. between Vegas Drive and Rancho Drive.

Mr. Foster: This is the Public Hearing on a proposed amendment on Jones Blvd. reducing the width from 100 ft. to 80 ft. It involves a section between Vegas Drive and Rancho Drive. As you can see (easel map) some portions are in the County. We have been in contact with the County and they seem to be receptive to the proposed change. Jones Blvd., from Charleston Blvd, north to Vegas Drive presently exists as an 80 ft. right-of-way and then from Vegas Drive, north, the Master Plan calls for 100 ft. The Regional Street & Highway Commission is constructing a project between Vegas Drive and Smoke Ranch and they have recommended that the design be 80 ft in width and that is, in part, what precipitated this proposed amendment.

In view of the fact that we were looking at that particular segment, a study was conducted on to the northerly limits. It was felt that because of the Rainbow Freeway in this general area that the traffic volume would be less in this area - north of Rancho Drive - and for that reason it was felt the amendment should involve the area between Vegas Drive and Rancho.

The Planning Commission has recommended approval of the suggested change.

Mayor Briare: Thank you, Mr. Foster. This is a Public Hearing. Is there anyone present this afternoon that wishes to speak on the proposed Amendment to the Master Street Plan, Jones Blvd. between Vegas Drive and Rancho Drive?

Toby Lamuraglia: . . .

Commissioner Lurie: I think what you wanted to talk about is an item we acted on this morning - that is the realignment of Jones and Alexander at that intersection.

Mr. Lamuraglia: On the agenda it says two o'clock. -

Commissioner Lurie: But this is for alignment of the street from Vegas Drive to Rancho -

Mayor Briare: Mr. Lamuraglia, take a look at that map there (easel map) and I think you will see that your property is not involved in this particular -

Mr. Lamuraglia: Isn't it this one (easel map)?

Commissioner Lurie: No - that was taken up this morning.

Mr. Lamuraglia: We got a notice in the mail that it would be at two o'clock.

Commissioner Lurie: The alignment is at two o'clock. What we acted on this morning was the right-of-way for that intersection at Jones and Alexander.

MASTER STREET
PLAN
(cont'd)

Mr. Lamuraglia: Has the design come up yet?

Commissioner Lurie: That's it - right there (easel map).

Mr. Lamuraglia: This is what the got the notice on for two o'clock.

Mayor Briare: Mr. Purvis pointed out on this, this morning, and outlined the area which we know that both you and Mr. Perry have been for quite some time, quite concerned with, and the alignment having seemed to satisfy most of the interest in that area, was approved. If you have received a notice indicating that that discussion - and, actually, I don't know that notices are sent out with respect to Engineer's recommendations - but, in any event, if you received a notice on your specific matter that pertained to the item we acted upon this morning then, of course, we have a problem . . .

Mr. Perry: I got a Notice that stated it would be on November 1st at 2:00 P.M. - what was stated was Jones Blvd. and Rancho . . .

Mayor Briare: Mr. Lamuraglia, did you want to speak on this particular item now before us?

Mr. Lamuraglia: No, Sir. Will this item be brought up after this?

Mayor Briare: No -

Commissioner Christensen: It has been acted upon -

Mr. Lamuraglia: We're interested in . . .

Mayor Briare: This is not the time to discuss this, Mr. Lamuraglia - we are in the middle of a Public Hearing on another matter. Would you let us conclude this and then we will see if we can figure out what to do on your matter. Mr. Becker, did you wish to be heard on this?

Ernest A. Becker. If I understand it, this is going to an 80 ft. boulevard from Vegas Drive to Jones, and does it fix it so that the telephone lines that sit inside the curb lines is in the street design too, or is this the right-of-way you're talking about.

Mr. Saylor: This is just right-of-way.

Mr. Becker: Then we are in favor of it because it is a monumental problem if we have to move that big cross-country line that's there, so we're in favor of.

Mayor Briare: You are speaking in favor of the proposal, then, Mr. Becker. Is that correct?

Mr. Becker: Yes -

Mayor Briare: Is there anyone else present to speak on this matter?

(No response)

Mayor Briare: There being no one else to speak on this item, we will close the Public Hearing and ask the Commission what its desire is.

MASTER STREET
PLAN
(cont'd)

Commissioner Lurie: Your Honor, I would move for approval of the amendment to the Master Street Plan - Jones Blvd. between Vegas Drive and Rancho Drive for 80 ft.

Mayor Briare: Are there any comments on the motion?

(No response)

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

(At approximately 2:30 P.M. Commissioner Leavitt excused from the balance of this Regular Meeting - due to illness)

S.I.D.
No. 426
Approved

NOTICE OF THE IMPROVEMENT OF CERTAIN STREETS AND PARTS THEREOF AND PROPOSED ASSESSMENTS WITHIN THE PROPOSED LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT No. 426 - EAST CHARLESTON BLVD - RESOLUTION MAKING A PROVISIONAL ORDER
(ADOPTED BY THE CITY COMMISSION 10/4/78)

Mr. Purvis: This is a Special Improvement District on East Charleston from Main Street to 10th Street and includes curb, gutter, sidewalks and street lights. We have had no protests filed to this point in time.

Mayor Briare: Is there anyone present in the audience that wishes to be heard on this improvement of certain streets and parts thereof - East Charleston Blvd.?

(No response)

Mayor Briare: Will the Clerk please record that there is no one present wishing to speak either for or against. We will close the Public Hearing and ask the Commission what its pleasure is.

Commissioner Lurie: I move for approval and adoption of the Resolution

Mayor Briare: Are there any comments on the motion?

(No response)

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

MINI BUSES

PUBLIC HEARING ON THE APPLICATION OF THE CITY OF LAS VEGAS TO THE URBAN MASS TRANSPORTATION ADMINISTRATION FOR FIVE (5) MINI BUSES

Mayor Briare: The third Public Hearing is a Public Hearing on the application of the City of Las Vegas to the Urban Mass Transportation Administration for five mini buses. Who is going to present this?

City Manager, Russell Dorn: Your Honor, I can give a summary of that and then we can open it up for public comments.

Mayor Briare: That's right. I want to have a presentation first before we open it up for public comments.

Mr. Dorn: Before you today, Your Honor and City Commissioners, is a proposed application of the City of Las Vegas to the Urban Mass Transportation

MINI
BUSES
(cont'd)

Administration, Sec. 5 - Project Assistance Application. The Project consists of a total estimated cost of \$100,000.00. The Federal Government will give \$80,000.00 and the City's share will be \$20,000.00. The City's share was committed by the City Commission in January of 1978 from Block Grant Funds.

The Project will purchase five (5) 15-passenger mini buses equipped with wheel chair lifts for the transportation of Senior Citizens in low and moderate income neighborhoods to medical care and senior centers, recreation, etc. Each vehicle will be equipped with a two-way communication system. This is in accordance with Federal regulations.

Mayor Briare: And in accordance with Federal regulations, the purpose of the Public Hearing today is to invite anyone that wishes to speak on this proposal to come forward now and be heard. Is there anyone in the audience?

Response: My name is Helen Myers and I am speaking for the B'nai B'rith women in support of the allocation. Throughout this past year we have been performing community service in the convalescent centers located in and around the Las Vegas area, and we have found there is a lack of transportation - not for the medical purposes that the patients need, but for the little extra kinds of things that would enrich their lives so much.

Rather than make suggestions or recommendations to you, we want to present to you our thoughts so that you will consider these needs also - a little bit different kind of presentation. We have been doing, in the area of Las Vegas, to provide such extra transportation. As you have mentioned, that will cost about \$20,000.00.

We would like to propose to work with the City and community organizations can work with government agencies to provide an increase in service. We would like you to consider several proposals that we would like to make. We have some funds raised. These are committed to assist in the transportation of convalescent patients in the Senior area. We would like to propose that our funds, if they reach the excess of \$4,000.00, be perhaps considered to buy an additional bus, should that be needed.

In talking with EOB we have found that the cost of a trip for four hours of less than fifty miles would be approximately \$50.00 - if it were to take them to a Show, or some other need, and we could establish a trust with that money so that it would be used for that.

We would also like to notify you that we would be glad to coordinate to initiate a City-wide drive to provide the extra funds for the extra costs above the medical expenses. We would also propose to participate in an effort for all of the State of Nevada to provide seed money for matching funds, or should the City and the agencies deem it even more feasible, our funds could be put toward getting matching funds - to get additional money - sometimes putting in a little bit of money can get you a lot more through the matching funds.

So we would like you to recognize that there are agencies that serve community needs in this community who would like to work with the City of Las Vegas, and EOB, who were delighted to hear from us this morning, and I will leave these suggestions for you for each of you to look at and review. Our name is on them and they are available to whomever and whatever time to discuss them in further detail, but we are available. Our concern is

MINI
BUSES
(cont'd)

for those Seniors who are limited . One of them said she has seen McDonalds on television and she would really like to to see the Golden Arches. So there is much we can do about these necessities of life, and I think that going to see the Golden Arches, for her, would be a necessity.

We thank you for the opportunity to address you and we hope you will approve it.

Mayor Briare: Thank you very much, Mrs. Myers, and we certainly will consider your generous suggestions, and also to your organization. Is there anyone else that wishes to comment on this Public Hearing?

(No response)

Mayor Briare: This is the last time - we are having a Public Hearing on the application of the City of Las Vegas to the Urban Mass Transportation Administration for five (5) mini buses.

(No response)

Mayor Briare: It might also be of interest, Mrs. Myers, to you and also to the general public, that this morning, on our morning agenda, we had two representatives of the Urban Mass Transportation Administration from San Francisco here carrying in hand a contract with the City of Las Vegas for five (5) full size buses. They didn't have the check for \$500,000.00, but it is there once the contract is signed, and these are hydraulically-equipped buses so they can serve those persons who need to be transported with a wheelchair. There being, apparently, no one else to be heard on this matter, we will declare the Public Hearing closed and ask for comments or statements by the Commission.

Motion

Commissioner Lurie: I move for approval of the application.

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

See Pages 56, 57 and 58 of these Minutes (Annotated Agenda)

AGENDA

City of Las Vegas

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BOARD OF CITY COMMISSIONERS
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PHONE 386-6011

ITEM	Commission Action	Department Action
IX. <u>2:00 P.M. - PUBLIC HEARINGS</u>		
A. PROPOSED AMENDMENT TO THE MASTER STREET PLAN - JONES BLVD. BETWEEN VEGAS DRIVE AND RANCHO DRIVE	Approved as recommended Lurie - unanimous	Planning to proceed
B. NOTICE ON THE IMPROVEMENT OF CERTAIN STREETS AND PARTS THEREOF AND PROPOSED ASSESSMENTS WITHIN THE PROPOSED LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT No. 426 - EAST CHARLESTON BLVD. (Resolution making a provisional order adopted by City Commission 10/4/78)	Approved Lurie - unanimous NO PROTESTS	Staff to proceed
C. PUBLIC HEARING ON THE APPLICATION OF THE CITY OF LAS VEGAS TO THE URBAN MASS TRANSPORTATION ADMINISTRATION FOR FIVE (5) MINI-BUSES	Approved Lurie - unanimous	Staff to proceed
APPROVED AGENDA ITEM RCS 10/23/78		

AGENDA*City of Las Vegas*

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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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ITEM

Commission Action

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.

Z-71-78

See Page 60 of these Minutes - Annotated Agenda

Harold Foster, Director, Dept. of Community Planning & Development: This item was held in abeyance from two meetings ago because of an entire vote of the Commission. I see have only four members again and I'm not sure these are the same four -

Response: One is a different member -

Mr. Foster: We have one different member - OK. The subject property is on the screen, being north of Cheyenne, west of Lorenzi - that's the Rainbow Freeway to the west of the property. The applicant owns the land to the west, a parcel similar in size. You can see to the east of this property under consideration the white area is essentially developed with R-E homes that are in the County.

This is the Plot Plan (easel map) showing the R-1 in the center portion; the R-PD-20 portion adjacent to the Freeway; the commercial zoning at Cheyenne and Lorenzi. The strip of R-D, which is 11,000 sq. ft. lots along Lorenzi which are opposite to the R-E to the east - and this would be down in this particular area (easel map).

The applicant has submitted a revised Plot Plan since the Planning Commission meeting. What he is doing is reducing the depth of the C-1 to extend these residential zones on the south side of this east-west street to more or less act as a buffer, because the protestants indicated they would be looking at the C-1 development. Now he will have, in part, residential on the south side of that residential street.

The Planning Commission recommended approval on a 4-3 vote. Because of the revised Plot Plan, if it is approved, the Staff would recommend that you amend the C-1 to provide that this one row of residential lots along the south side of the street indicated as "in" street on the Plot Plan.

We did have 17 protests at the Planning Commission meeting. At the last meeting you will recall there were two representatives here who indicated they represented property owners in the area. They are, generally, opposed to the density of this development but if it is approved, they would at least like to see the R-D strip be amended to R-E zoning.

Commissioner Christensen: You do have a fairly large petition which was presented to me - the City Clerk has the original and you all have copies in your folders.

Mayor Briare: It will be entered into the record the names and addresses of those persons.

Commissioner Christensen: How wide is Lorenzi?

Mr. Foster: It's a 100 ft. street.

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

Teri Hanneman: Before I get started I would like to clarify a matter at the last time this was voted on - it was a tie vote. We were instructed to come back on November first for a full quorum vote. So, is this matter to be held over again?

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ITEM Commission Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
 HAROLD P. FOSTER, ACTING DIRECTOR

A. ABEYANCE ITEM - ZONE CHANGE - Z-71-78 -
 E. A. BECKER, JR.

Property generally located on the northwest corner of Cheyenne Avenue and Lorenzi Blvd.

From: N-U (Non-Urban)

To: R-E (Residence Estates)

R-D (Single Family Residence, Restricted)

R-1 (Single Family Residence)

R-PD20 (Residential Planned Development) and

C-1 (Limited Commercial)

Planning Commission recommends APPROVAL (4-yes, 3-no), subject to the following conditions:

1. Drainage from the west shall be distributed on the Gowan Road and Cheyenne Avenue alignments as required by the Department of Public Services.
2. Right-of-way dedications to include 20 ft. additional right-of-way for Cheyenne Avenue; 50 ft. right-of-way for Lorenzi Boulevard, 80 ft. for Gowan Road and radius corners as required by the Department of Public Services, within sixty days after approval of the zoning.
3. Development plans to be approved on the C-1 portion by the Planning Commission prior to construction.
4. The layout of the residential areas shall be revised as required by the Department of Community Planning and Development.

PROTESTS: 17

B. ABEYANCE ITEM - ZONE CHANGE - Z-77-78 -
 WILLIAM H. JOHNSON, ET AL

Property located on the northwest corner of Mesquite avenue and Eastern Avenue.

From: R-1 (Single Family Residence)

To: C-1 (Limited Commercial)

Proposed Use: Retail Sales

Abeyance

11/15/78 Agenda

Approved as recommended by Planning Commission Lurie - unanimous

Clerk to notify Planning to proceed

Z-71-78
(cont'd)

Mayor Briare: We don't know yet, Mrs. Hanniman. In order to further clarify it for you - you are correct, as Mr. Foster indicated, that it was a 2-2 vote, which automatically puts it off until the next regular meeting, and the next agreeable meeting was November 1st

Mrs. Hanniman: It was my understanding that . . .

Mayor Briare: You must have misunderstood. We don't know what the vote is going to be today because it hasn't been taken. If it another tie vote, then the same procedure follows. If it is denied, it's denied and if it is approved, it's approved.

Mrs. Hanniman: Then you don't have to wait until all five members are present?

Mayor Briare: No - we have a legal quorum present.

Mrs. Hanniman: The first thing I'd like to bring up for your attention - I won't reiterate what we went through the last time - but I do have my letters here from the Planning Commission - notification of the hearing - and my letter indicates that this strip of R-D was forwarded to me, and probably to the other property owners, as R-E in the beginning. That has been changed since the Planning Commission notification.

Mayor Briare: Mr. Foster, would you like to comment on that before we proceed?

Mr. Foster: OK - what has happened is that the applicant was initially applying for R-E. They did amend the application prior to the Notices being sent out. However, apparently the map reflected R-D instead of R-E. The Notice is changed in our file to R-D, but I guess what she is saying is that it went out as R-E on the Notice -

Mrs. Hanniman: Then Mr. Becker apparently planned to have an R-E in the beginning and then somewhere along the line it got changed. That's all I wanted to note. Thank you for referring to the petition, Commissioner Christensen, and I would like to offer all the people here who are protesting would you please stand so that the Commission can see you?

Mayor Briare: Thank you, folks -

Mrs. Hanniman: I would like for you to know that one mile radius around the proposed property is already developed R-E - half acre, or larger, lots, that are already developed and home owners are living in them. The first point I would like to make is the fire and police response time is a 45-minute response time. There are no schools in the immediate area. This is in reference to the increased density in population. There are now, that have been sold, four R-E areas - the Big Sky Estates, Brenton Woods, Rancho Manor, custom construction by Mr. Russ Adams, and Mr. Becker's R-E Estates on Michael Way. I might point out that the reason I'm bringing these up is because these areas and these people who are living in these homes, they are all sold. There are no vacancies for vandalism, breaking windows, etc.

Another point I'd like to make is the Division of Highways considered the horse-owners in the area without notifying them, to put in a bridle path along Gowan Road, so on with it, it seems to be common sense that if the Division of Highways wanted to fund for a bridle path, that the area did warrant that operation already in existence. I'm sure they didn't believe there would be apartments to ride through to get to the bridle path for the horse owners in

Z-71-78
(cont'd)

the area. It has been stated to this Commission that Lorenzi is to be a major thoroughfare and common sense would tell me as a property owner that if Lorenzi is to be that main of a thoroughfare, why would they need a Freeway, which is already under construction.

The businesses in the immediate area all cater to the horse-owning people - to the country-living people. There's the Bar-H Feed Store . . . there are Nurseries - there is a 7-Eleven with gas and there is a Lone Mountain Grocery in the area. These businesses have not gone defunct - therefore the population in the area must be enough so that these businesses can survive.

I would like for you also to consider the property owners in this area would be forced to sell if the density increased, because these people bought out there and are living out there because of the type of area it is now, and I think they have indicated that on this petition.

My question to this Commission is that every other area in this City that has started out with an R-E development has given way to the increased population. This area, from this subdivision that Mr. Becker proposes to Lone Mountain, is not more than a 2-mile area - it can't develop further because the mountains are in the way. Therefore, in consideration of the people and the property owners in that area, we respectfully request that there be no further increase in density, and that these R-E Estates that are already out there be continued to keep it in this small area.

I would also like for you gentlemen to take note of Item K of your agenda should this project be denied - Item K is in the immediate area also - you are only talking about a 2-mile radius around the property. Thank you.

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

Response: Mr. Mayor and gentlemen, my name is Brown. I live at 6788 Atwood - that is at the intersection of Lorenzi and Atwood - if I can show you on the map (easel map). That would right in the spot where Mr. Becker originally proposed the commercial area. He has since modified that request.

This proposal was defeated last year and at the time we were led to believe there was going to be a radical change. That was right - it was radical - as it turned out it was modified to a property of a lesser size than was originally proposed. As you all know, there is R-E to the eastern side of that. He is proposing R-D now. That would mean that in looking out my living room window I have the possibility of looking at four or five homes . . . My property is an acre of ground - the property adjoining is four acres - the property directly behind me is two and a half acres. Now I ask you, would you appreciate that in looking out your living room window and say this change taking place, in an area of R-U with a potential of being R-E . . .

Commissioner Christensen: The area is R-U now?

Mr. Brown: That was the original zoning of the area. The proposal Mr. Becker is making right now calls for multiple dwellings - in other words, rental apartments. This is a long distance from town - he is proposing additional shopping - it has already been approved on the other side of the highway, approximately 683 x 683. You're going to bring in a high density of people. You are going to have an influx of crime around there -

Z-21-78
(cont'd)

more people requiring schools - a larger volume of traffic in the streets and an area that was formerly R-E Estates is going to be filled with traffic and a higher density of people. We had 17 protestors the last time - the last time we were here I believe Commissioner Christensen had a letter with some 90 signature . . .

Now, I don't understand this thing of - we had a 2-2 vote the last time and were promised a quorum and this time I find out there is a different Commissioner here and one missing, and now I don't understand why we don't yet have this quorum.

Mayor Briare: You do have a quorum, Mr. Brown -

Mr. Brown: We do?

Mayor Briare: Yes - three constitutes a quorum. Now, in the event - as I explained to Mrs. Hanniman - in the event that a vote is taken this afternoon, and should it be a 2-2 vote, it will go to the next meeting. Should it be a majority vote, going one way or the other, then that vote will be final.

Mr. Brown: I see - to get to the meat of this thing, I am heartily protesting this proposed change. I have Ranch Estate out there - I bought out there to have a Ranch Estate, and all my neighbors did. If this is changed all Ranch Estates now are going to be looking at multiple dwellings - rental apartments - with a high influx of transient people . . .

Commissioner Christensen: Just a minute . . . I appreciate your problem but I have to correct a couple of things. You have made some pretty rash statements. Number one - you can rent a Ranch Estate - so the fact that they are town houses or a 4-acre estate - or a 150 acre farm out there - you can rent it. So don't give us this business about it being rentals because anything can be rented - anything.

Mr. Brown: Mr. Commissioner, in a town like Las Vegas where we have a turn-over in population - the type of business we have in this town - you look me in the face and tell me that I can rent a Ranch Estate to the same type of people? No Sir, I don't agree with you one iota. I am here to protect my home and my neighbors' homes - the value of the property we have out there and I am protesting this. I want to see Ranch Estates out there. I don't want to see commercial - there's commercial all around the north side of the highway. You bring up this high density area and I am against it. I know we can't stop growth - why can't we have Ranch Estates down with single family behind that? I don't want all that in there and I'm sure all my neighbors feel the same way -

Commissioner Lurie: The width of Lorenzi is 100 ft. and Cheyenne 100 ft. Mr. Foster?

Mr. Foster: Correct -

Commissioner Lurie: Both are 100 ft. section line?

Mr. Foster: Right.

Mr. Brown: I am still here to strongly protest the way this proposal is laid out and all my neighbors back me in this.

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(cont'd)

Mayor Briare: Mr. Brown, let me tell you something - we don't mind bit how you present yourself. I think you've done a very capable job. You came here to present your points and I think you have done it very well. We appreciate it.

Mr. Brown: Thank you, Mr. Mayor.

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

Response: I am Florence Poling, 3190 North Garehime Street: We live at the corner of Cheyenne and Garehime. I am a registered voter. We all have to give way to growth - yes - but I think with what we are so concerned about our ecology today and yet we turn around and we put in rental apartments - and whether they are rental - I'm sure the owner could not occupy more than one of those units - I think it's beside the point whether it's rental or it's not rental -

Commissioner Christensen: That is exactly my point.

Mrs. Poling: The point is that you are putting in multiple dwellings where you are going to have more automobiles, which is a major cause of our smog condition, and having been a resident here in the City for the last ten years, we know that our smog problems have increased, and it is only by very wise planning of our outlying areas that we're going to clear the smog problem, and that problem will never be solved by putting more people in a dwuare foot.

I protest the zoning for anything other than what we have there now, as Ranch Estates. I think we have people that are contributing and are investing their money and they would be very happy to invest their money in Ranch Estates. Thank you.

Mayor Briare: Thank you, Mrs. Poling. Could I have a show of hands as to who else plans to come forward and speak.

(No response)

Mayor Briare: Well, if there is no one here now that wishes to come forward and make any further points, I want to extend the appreciation of the Commission to those who have spoken, because I think you have covered your points very well - and I will ask once more - is there anyone else to speak?

Response: Gail McQuarry 3386 North Garehime.

Mayor Briare: Yes - and then we're going to ask to hear from the other side and then we are going to conclude the Public Hearing. Proceed -

Mrs. McQuarry: I don't have too much to say except to point out to Commissioner Christensen and the other members here, that all around this area there is nothing but R-E and when I say all around, I mean all around - here - here - and up there (easel map).

Commissioner Christensen: Do you know why?

Mrs. McQuarry: Yes, I know why - it is zoned R-E.

Commissioner Christensen: Do you know why it is zoned R-E?

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(cont'd)

Mrs. McQuarry: I think it's because it is 100 x 200 ft. lots.

Commissioner Christensen: No. For years and years and years the only thing that was not zoned at a higher use was R-E. Consequently, everything that wasn't zoned something higher was R-E in this Valley.

Mrs. McQuarry: What is N-U?

Commissioner Christensen: That is a new zoning -

Mrs. McQuarry: I thought it was non-urban -

Mr. Foster: The holding zone in which we bring in all newly annexed areas -

Commissioner Christensen: You see, we changed that - for years and years and years people thought because it was zoned R-E it should stay R-E - People said that at 4th and Fremont Streets -

Mrs. McQuarry: Well, this isn't 4th and Fremont -

Commissioner Christensen: But 4th and Fremont once was - and what I am indicating to you . . . what bothers me - we used the R-E zoning for years and years because that was the lowest density there way. Everything was R-E. That's why that property is all R-E . . .

Mrs. McQuarry: Well, people are buying the R-E zone now - they are moving on R-E property because they are tired of living in the City . . .

Mayor Briare: Commissioner Woofter, would you please make a comment on this particular matter -

Commissioner Woofter: I believe I am going to have to cast further complications on this matter, Mr. Mayor, in respect to what certain protestants brought up earlier in the meeting in respect to the full Board aspect. I did ask Mike Sloan, our City Attorney, to research this in regards to whether or not there is something in the past as far as precedent as far as having a full Board when a previous action was a 2-2 vote. Mr. Sloan brought to me certain minutes of a meeting approximately a year ago when the Board did vote in a similar situation in which it was acted upon that if a matter did result in a 2-2 tie, it would not be able to be voted on until the next meeting where we had a full Board of five (5).

Mayor Briare: Folks, you understand now, that from a parliamentary procedural standpoint, the ruling I made earlier is correct. The only thing that is going to over-rule a parliamentary proceeding are two things (1) the Law and (2) a policy that is adopted by a majority of the Board. So I apologize to you. However, we did accomplish something this afternoon - the fact that by our own action, that ruling has become a rule of this Board. Incidentally, was there a unanimous Board present to rule on that? I have a feeling there were only four people present because I do not recall this. I was gone. You go away for one meeting and they change the rules on you. Mr. Sloan, is it your impression that we should stop right now and hold this off until we have a full 5-member Board?

City Attorney: Your Honor, that was the policy that the Commission adopted on June 15, 1977 as the result of the Supreme Court's decision on the Dayton-Hudson matter - it is a very difficult situation which we

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(cont'd)

have always had difficulty with. The only reason I was aware of this when Commission Woofter asked me is that we litigated this matter in Court and the Court ruled that Dayton-Hudson's situation is applicable in a 2-2 vote. I would think an appropriate thing to do, in light of the policy, is to continue it until we have a full Board because that is clearly what the motion was as made by Commissioner Christensen, as repeated by Mayor Pro Tem Lurie, as restated by Commissioner Christensen and then adopted.

Mayor Briare: I might mention this: You can certainly see that this is a good instance where that can be a problem. And the reason for it is because Commissioner Leavitt was quite ill this morning and he, of course, had no control over that. I think most of our meetings will reflect that we have had full Boards in attendance. However, from time to time, as a year ago I wasn't present when this was all taking place and was under the misapprehension that perhaps Parliamentary rules would apply. Consequently, Mr. Becker you, as the applicant, now it would probably be a moot question to continue this Hearing any further. Did you wish to make any comment?

Commissioner Lurie: Mayor, I have just one question - possibly - whether or not Commissioner Woofter brought this up - I might have wanted to hold this item again because it is confusing to me - as it was to the people here to protest it - my agenda calls for R-E zoning along Lorenzi - now I come to the meeting and it's changed to R-D, which is confusing to me - when I'm looking at one map and all of a sudden I see another map. I believe there should be that R-E zoning along Lorenzi and I think it's confusing to the people out there and somebody like myself who has to cast a vote on an issue - I like to have all the facts presented before me properly. I have reviewed the minutes from the last meeting and I am still confused on what has taken place on Lorenzi - so I'm kind of glad that Commissioner Woofter took that action that we did a year ago - to present it at this meeting so that we can hold it for two weeks until we have a full Board.

Mayor Briare: We are going to hold it because of the ruling we've just had from our City Attorney's office, but I just wanted to ask if Mr. Becker might want to make a comment - not of a Public Hearing type of comment, Mr. Becker, but a procedural comment.

Ernest Becker: Well, the Hudson-Dayton deal--I have an Executive Committee meeting of our National Association out of the State on the 15th - I might possibly be able to get back but I don't know if I can get here in time -

Commissioner Christensen: It puts us in an unfair position and it puts the people in an unfair position, because now we can't guarantee when this will ever be heard. We'll just have to schedule it for the next meeting and if everybody is here, we'll hear it and, if not, we can't. We're stuck.

Mayor Briare: (Addressing the protestants) You have some very capable spokesmen and Mr. Becker announced the last time, and it was mutually agreed, that we could not have this meeting - that we could not have this Hearing at the next regular meeting - we had to have it on November 1st, which is today. Now, wouldn't it be the proper thing to do is to try to arrange for a time that this could be heard again - and I'm confident it is going to be a 5-man Board - most all of our meetings, morning and afternoon, are always attended by a unanimous Board. Once in a while certain things are going to happen - this happens to be a bad season we're going through.

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(cont'd)

Mr. Becker: You can try it on the 22nd and I will be here on the 22nd - I mean the 15th - pardon me - and I'll be here on the 6th of December if you don't make it on the 15th. One thing I do want to explain - we can in within the required time and changed it to a P-DR because I think the best we could get was a 17,520 ft. lot, or 17,800 - so we changed it to a PD because we could not get it on an R-E and be less than 20,000. Your Planning Dept. sent it out as R-E and that's where the change was . . .

Commissioner Woofter: Excuse mr, Mr. Becker, but I would like to have the City Attorney comment on that. I think to be able to accommodate the protestors and Mr. Becker here, that I think and, Mr. Sloan, correct me if I am legally wrong, but to allow Mr. Becker to speak here today and then to close the Public Hearing because them I believe all that would be left would be for us read the transcripts and we could make a decision at the next meeting, rather than going through the whole process again.

Mayor Briare: Is that correct, Mr. Sloan? We're trying to work this out so that it is not necessary for you all to go home and all come back down on the 15th of November . . . while Mr. Sloan is looking at this, Commission Woofter, are you saying it is your suggestion that we could proceed and conclude the Public Hearing and then take it under advisement until a full membership is here?

Commissioner Woofter: That would be the only thing remaining - the vote.

Mayor Briare: Sometimes the people like to be present when the vote is taken -

Commissioner Woofter: I'm sure that everybody who can make it will be here to see the vote, but still the Public Hearing could be held without having to re-hash the whole situation at the next regular meeting -

Mr. Sloan: The City Code certainly contemplates that the Board of Commissioners can conduct a Hearing, take information and subsequently render a decision on that information, even at a subsequent Hearing. There is nothing in the policy that was adopted on June 15, 1977 which would be inconsistent - this whole matter revolves from the Supreme Court's decision in the matter of Dayton-Hudson, and the essence of that decision is that a 2-2 is no action. It did not go to the evidence taking portion of that, but if the Commission wanted to, in terms of accommodating people today, to continue to gather all of the information which they felt was relevant, then they could continue this matter to the first meeting at which a full Board was present for further action. To conclude the Public Hearing today would be at the Commission's discretion.

Mayor Briare: The question before us, then, is - shall we continue the Public Hearing today, or shall we postpone the Public Hearing until November 15th? Let's resolve this right now. What is the pleasure of the Commission?

Commissioner Christensen: Just to make sure it is all perfectly legal - if you don't have the Public Hearing today, do you Notice for a Public Hearing at a later date. If we do have the Public Hearing today, are we obligated to re-Notice on the day the vote is taken? What is the situation on-that?

Commissioner Lurie: If it is recessed, you don't have to re-Notice -

Mr. Sloan: The procedure which the Commission uses at this time does not necessarily require - the Code does not require that you have a Public

Z-21-78
(cont'd)

Hearing at this level. It has always been done, but there is not a legal requirement that it be done. I don't think there would be a question of renotification, or requirement of renotification, particularly when we have as many protestants present as there are at this particular time. They have actual notice of the situation . . .

Commissioner Christensen: Then a motion would be sufficient - is what you're saying -

Mr. Sloan: I am confident that would be sufficient in the face of the number of people who are present here at this time.

Mayor Briare: Commissioner, I don't know what your personal wishes are - I think you make a statement so that we could give some consideration, but I will tell you a problem that I have - I don't have a crystal ball here and I don't know how the vote is going to go. And I don't mean to get too far out on a limb here, Mr. Sloan, but suppose some motion was made here and it's a 2-2 vote? I would like to presume that we are going to have a 5-man Board at our next meeting and my personal feeling is to have this whole thing cease right now and pick it up again on November 15th, as opposed to continuing the Hearing today and then hold off until either two weeks from now, or four weeks from now, or whenever, to all of a sudden say - what shall we do on that Zone Change Z-21-78, and then take a vote. Any other comments from any of the Commissioners - there are always differences of opinions.

Commissioner Woofter; I would suggest, Mayor, to avoid a situation such as you are suggesting - and there's a very strong possibility that might be a result of a vote of 2-2 - in regards to continuing on today, I would just as soon that you, under your authority, recess it and continue it to the next date to conclude the Hearing.

Mayor Briare: Commissioner Christensen, do you have any comments on that?

Commissioner Christensen: I don't care what you do -

Mayor Briare: Well, then, ladies and gentlemen, in view of all the circumstances you've heard today, this matter is going to be continued until the first item on the agenda under Planning on November 15, 1978.

Commissioner Christensen: What is going to be the procedure - you just made that pretty positive - now what's going to be the procedure if somebody else is sick and not here on that date? We have a positive statement that we will hear it on that date and another positive statement that you can't hear it unless you have five members. That's the problem these people face - they make trip after trip down here and never hear the end of it -

Mayor Briare: Commissioner Christensen, I think you understand what my intent is - if you would like to restate it for me, I'd appreciate it.

Commissioner Christensen: I understand your intent, but I'm worried about that factor that - I'm trying to help these people out because I realize what a problem this is for them -

Mayor Briare; Unless I hear anything to the contrary, that is the rule. Thank you very much, folks.

Z-77-78

See Page 60 of these Minutes - Annotated Agenda

Mayor Briare: The next item on the agenda is another abeyance item, Zone Change Z-77-78, for property located on the northeast corner of Mesquite Ave. and Eastern Avenue. Is Mr. Johnson present?

Response: I am Mr. Bill Brauer and I am authorized to represent him -

Mayor Briare: The Commission will recall this is the application that was postponed because of no representation of the applicant. It was approved by the Planning Commission with no objections and no apparent problems. Does the Commission have any questions or comments on this?

Commissioner Lurie: I believe the reason we held it was because you were not here and there was a question that came up about a change in the conditions and we needed some clarification on it. Do you know about that?

Mr. Baurer: I know I wasn't here, but I don't know what the change was -

Mr. Foster: I think I mentioned that might be one of the possibilities - that he would want to be here when it was acted upon.

Commissioner Lurie: You didn't have any objections to any of the conditions that were imposed?

Mr. Baurer: I thought all the conditions were discussed during the Planning Commission meeting.

Motion

Commissioner Lurie: Mayor, I would move for approval as recommended by the Planning Commission.

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

Z-90-78

Mayor Briare: The next item on the agenda is Zone Change Z-90-78.

See Page 70 of these Minutes - Annotated Agenda

Mr. Foster: On the screen you can see the property. It is on the east side of Jones Blvd - that is Charleston Blvd. further to the north - presently zoned R-E. The applicant has requested the R-3 zoning - to the west between this parcel and Jones is a small parcel under Resolution for P-R. On the west side of Jones is a triangular piece under Resolution for C-1, and west of that is the State Mental Health facility. To the east of this property and to the south, in the white area, is a County area and basically developed with R-E homes.

This is the proposed layout (easel map) of the 80-unit apartment complex - about 4 acres of land. Jones Blvd. touches the NW corner of the property with streets on the other two sides.

The Planning Commission recommended denial of the request. They thought it was basically an R-E area and they felt the P-R to the west was probably the transition between Jones Blvd. and the commercial. There was a substantial protest factor - approximately 111 protests.

Mayor Briare: Is the applicant present?

AGENDA


City of Las Vegas

November 1, 1978

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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PHONE 386-6011

ITEM	Commission Action	Department Action
<p>X. <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</u></p> <p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Resolution of Intent to be restricted to a twelve (12) month time limit. 2. Construction of concrete sidewalk on Mesquite Avenue frontage as required by the Department of Public Services. 3. Revise the parking plan to provide minimum 9' x 20' spaces and driveway openings to conform to City of Las Vegas standards, as required by the Department of Public Services. 4. Redesign the plot plan to comply with staff's recommendations. 	<p>See Page 29</p>	<p>See Page 29</p>
<p>C. <u>ZONE CHANGE - Z-90-78 - HENRY SOBEL AND SOTIRIA STERGIOU</u></p> <p>Property generally located at the northwest corner of Del Rey Avenue and Redrock Street. From: R-E (Residence Estates) To: R-3 (Limited Multiple Residence) Proposed Use: 80 Unit Apartment Complex</p> <p>Planning Commission unanimously recommends DENIAL.</p> <p>If approved, following is the recommended condition:</p> <ol style="list-style-type: none"> 1. Dedication of 30 ft. of right-of-way on Redrock Street; 30 ft. of right-of-way on Del Rey Avenue and a 15 ft. radius corner at Del Rey Avenue and Redrock Street as required by the Department of Public Services within sixty days after approval of the zoning. 	<p>Denied as recommended by Planning Commission Lurie - unanimous</p>	<p> Clerk to notify Planning Commission to proceed</p>
<p>PROTESTS: 0</p>		
<p>PROTESTS: Approx. 111</p>		

Z-90-78
(cont'd)

Response: I am John Sherman, John Sherman Building Co. representing the owners, We are at 1312 South Wynn Road. Gentlemen, we have asked for this zoning. We are now contemplating on asking for a little bit of a change and that is that we will have no entrances to the property other than off of Jones Blvd., if this would have any help as far as approving it. As you can see, we are trying to keep the area pretty well confined with the landscaping and recreational facilities within the area.

The apartment units will be of a very high class nature. I would like to interject here that we will make the entrance way off of Jones Blvd. We also feel that we are within the City - we do know we do have County around us. With the P-R zoning between us and Jones on the westerly portion here, we feel we are acting as a buffer for any commercial, or any other kind, besides these apartment units. We do have some commercial areas up on Jones and towards the Charleston area. So we just ask for your kind consideration.

Mayor Briare: Thank you, Mr. Sherman. Is there anyone else present to speak in favor of this application?

(No response)

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

Henry Sobel: I am for it, and I own this - part of it - that these people are asking for the zoning. I am selling it to these people. I would be for it because I was told a long time ago - the Planning Department - they advised me there would not be any objections to building 32 apartments and having P-R there. It calls for that particular zoning because you have to the north of it - west of it, you have P-R and Commercial. This will be a good buffer zone for any other uses in this area.

Mayor Briare: Thank you - apparently the Planning Commission changed their minds since they talked to you before because they have unanimously recommended denial -

Mr. Sobel: Yes - but the new owners - they want 80 apartments. I was speaking of 32 apartments.

Commissioner Christensen: Was that the Planning Commission or the Planning Department?

Mr. Sobel: The Planning Department . . .

Commissioner Christensen: How long ago was this?

Mr. Sobel: About three or four months ago - nobody told me - do it or don't do it - I was just speaking to somebody about my land on Jones Blvd.

Commissioner Christensen: I was just curious whether it was a long time ago, or recently - years, months, or what -

Mayor Briare: Thank you, Mr. Sobel. Is there anyone in the audience that wishes to speak in opposition to this application?

Mary Rupert, 5885 Del Rey: This is right directly across the street from this little parcel of land. This is a brand new area that - I am building

Z-90-78
(cont'd)

a house at 5885 Del Rey that will appraise at about \$250,000.00. I think we have the same problems as the people who just spoke before us. We do not want apartments in this area. We have some other representatives here and while I don't intend to speak for them but I would like for them to stand up - those who are here to protest -

Mayor Briare: You are doing a fine job, Mary - we also have -

Commissioner Christensen: Are you the lady who wrote the letter we have in our files?

Mrs. Rupert: Yes -

Mayor Briare: Thank you very much folks - you can be seated now - we also have the record of protests of 111 people.

Mrs. Rupert: It was denied by the Planning Commission and I hope the same thing is going to hold true here.

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

Bob Foster: I live diagonally across the corner from Del Rey and Jones. I live on the corner of Del Rey and Red Rock on the opposite corner. I think everything has been pretty well said as far as being said is concerned - we are all in protest against it in that immediate area there. There is a fellow - and I don't think he was able to make it today - but is developing right directly south of that property. He is putting in a big cul-de-sac with eight or nine R-E lots in that - all fenced in, and everything. I just wanted to get up and say that we are all - just like the thing you had on the board a minute ago - we would like to keep it R-E out there.

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

Walter Rosenthal: I am an Engineer living in Paradise Valley and I am representing Sotiria Stergiou on that parcel. I am mostly concerned about the general planning. I myself live in an R-E Zone land and I know how the neighbors feel about it, but we cannot stop progress. We have to look forward - what is that parcel can be used and this is what we would be asking from the Commission - to make the proper decision. We have approximately 111 people protesting that application which is kind of strange because on the west side of Jones and on the north side of commercial, within a 600 ft. radius, we have about 25 acres so that at best, we could have fifty parcels directly affected. On the other hand, this development is not going to create any traffic from Red Rock or Del Rey because - as it has been shown - there will be 100% entrance from Jones. Across the street is 25 acres which has no density except the church and the Health Center and within one mile in diameter, there are no apartments at all. The question is whether the Commission desires to create apartment zoning in that area or not. Basically, that is all. Thank you.

Mayor Briare: Thank you, Sir. You kind of faked me out a little bit here - you're getting two bites on the apple because after Mr. Sobel spoke I thought that was the conclusion of the proponents. Are there any other partners involved in this that would like to be heard now before we take action on it.

(No response)

Z-90-78
(cont'd)

Mayor Briare: OK, then, both sides having been heard, it is now before the Commission for any comments or questions by the Board.

Commissioner Lurie: Mayor, I'd like to say that I checked into the apartment zoning - as Mr. Rosenthal mentioned, we do have apartments down on Brush and Evergreen - 312 units - that I didn't support at that time either because of the number of apartments that we have going up, but I think that area along Jones - apartments - that development doesn't fit into what our General Plan calls for in that particular area. I would have to at this time, therefore, move that we follow the recommendation of the Planning Commission and more for denial.

Motion

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

At the hour of 3:10 P.M. Mayor Briare announced a 5-minute recess.

Meeting reconvened at the hour of 3:25 P.M. with the same Board members present as when recessed.

Z-91-78

See Page 74 of these Minutes - Annotated Agenda

Mayor Briare: The next item on the agenda, Ladies and Gentlemen, is Zone Change Z-91-78. The applicant is Milton M. Gordon on behalf of the N.A.A.C.P. Housing Corporation, for property located on the east side of Rancho Drive, between Pinto Lane on the south and Alta Drive on the north a depth of 330 ft. for a proposed 115-unit Senior Citizens Complex. Mr. Foster, would you please make Staff comments and then we will have the representative of the applicant make his presentation.

Mr. Foster: You can see the property on the screen - it is 4.56 acres at the southeast corner of Alta and Rancho Drive. You can see R-1 zoning (yellow) to the east and to the north. To the west (the Rancho Circle area) is zoned R-A and also south of that is R-A which is a one acre minimum building site. To the south of the property it is a vacant R-E parcel.

The applicant submitted a revised plot plan just prior to the Planning Commission meeting. Initially it was for a 2-story structure - they have now come in with a 3-story building providing for one row of residential homes to be on the south side of Alta Drive.

The parking areas as to the north and south of the building, coming off Pinto and Rancho Drive.

The applicant at the Planning Commission meeting pointed out that this particular plan would serve as a transition on the east side of Rancho Drive, similar to the arrangement at Palomino where that Town & Country Shopping Center is - which you can see is almost a quarter of a mile to the south. I think the Planning Commission pretty well concluded that Palomino would be the transition point for non-residential uses or anything higher than the R-E and R-1 development and, based on that, the Planning Commission recommended denial of this application, along with the proposal of R-4 not being compatible with the zoning pattern in the area, plus not being in keeping with the recommendations of the General Plan.

AGENDA*City of Las Vegas*

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ITEM

Commission Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

D. ZONE CHANGE - Z-91-78 - MILTON M. GORDON ON
BEHALF OF THE N.A.A.C.P. HOUSING CORPORATION

Property generally located on the east side of Rancho Drive, between Pinto Lane on the south and Alta Drive on the north a depth of 330 feet.

From: R-D (Single Family Residence, Restricted)

To: R-4 (Apartment Residence)

Proposed Use: 115 Unit Senior Citizens Complex

Planning Commission unanimously recommends DENIAL.

If approved, following is the recommended condition:

1. Dedication of 10 ft. of right-of-way on Alta; 25 ft. radius corner at Rancho Drive and Alta Drive; and a 25 ft. radius corner at Rancho Drive and Pinto Lane as required by the Department of Public Services within sixty days after approval of the zoning.

PROTESTS: Approx. 103

Denied as recommended by Planning Commission Christensen - unanimous

Clerk to notify Planning to proceed

E. ZONE CHANGE - Z-92-78 - DARRYL LEAVITT

Property located at 700 East Charleston Blvd.

From: P-R (Professional Offices & Parking)

To: C-1 (Limited Commercial)

Proposed Use: Private School - grades kindergarten through eighth

Planning Commission recommends DENIAL (4-yes, 2-no).

If approved, following is the recommended condition:

1. Remove existing sign in right-of-way in front of property.

PROTESTS: 2

Tabled

Clerk to notify

Planning to proceed

Z-91-78
(cont'd)

Mr. Foster: The protestants, of which there were a substantial number at the Planning Commission meeting, felt that this proposal was essentially out of character with the low density residential development in the area. They felt there should have been a larger notification area. We did extend the notification area almost double the normal because of the larger lots in the general area.

The Planning Commission recommended denial, pointing out they felt it was a very worthwhile project. They felt the City needed the type of development which would be for Senior Citizens. However, they felt that this was the wrong location and I believe the applicant is exploring other sites for this particular project.

Response from audience: Your Honor and fellow Commissioners, I've been requested and instructed by my clients to come here today and secure, if possible, a continuance of this hearing for one month. My name is Kenneth G. Bell and I'm the Attorney for the applicant Milton Gordon, 319 South 3rd Street, Las Vegas, Nevada.

The reasons are these: The parties involved, Milton Gordon, for example, the owner of the land, lives in Kansas City. There are agents on Housing & Urban Development who have arrived, or are in the process of arriving, from Washington, D. C.; there are agents from the N.A.A.C.P. that are arriving from their Housing Corporation to consider the further feasibility of this matter, and to consider other possible locations, and they are in such a state of flux right now in attempting to all arrive here at the same time and conclude this meeting, that it would be impossible for them to arrive at a conclusion as to whether or not to pursue this matter at this time.

I believe that is a legitimate cause for continuance, in light of the fact that we're not just dealing with the one house project here - we're dealing with Senior Citizens - we're dealing with a problem that all of our Government agencies are acutely aware of right now - the fact that there are now some 700 Senior Citizens on the waiting list . . .

Mayor Briare: Excuse me - now, you are arguing your case. The only thing we are considering right now is . . .

Mr. Bell: I just want to explain the feasibility of granting a continuance. I don't think we are dealing with the ordinary situation here, Your Honor.

Mayor Briare: Mr. Bell, were you the representative of the applicant before the Planning Commission?

Mr. Bell: I was.

Mayor Briare: And were all of these people present at the Planning Commission meeting?

Mr. Bell: No, but . . .

Mayor Briare: Would you tell this Commission why they were not present at the Planning Commission meeting?

Mr. Bell: They felt that they had already concluded that that was a good

Z-91-78
(cont'd)

location to pursue and to go after. They had received certifications from Housing & Urban Development and since the Planning Commission denial has caused the Housing & Urban Development to re-think the program - the N.A.A.C.P. agencies have decided that they want to get together and re-think the thing.

Mayor Briare: Well, unless I hear a comment from the Commissioners, I am going to speak on behalf of the Board and deny your request to continue this matter, because if your clients and their representatives didn't feel that it was important enough to appear before the Planning Commission, they therefore concluded that you were very capable of presenting their application and I would like to compliment you and suggest that you are very capable to present the application today.

Mr. Bell, Thank you, but I am not authorized to do so.

Mayor Briare: Then we will proceed along our regular Public Hearing . . .

Mr. Bell: One other point I would like to make is that I have attempted o three telephone calls from my office, to secure the proper procedure in getting a continuance - going back some two weeks, the last one being today, and each time it was that I would have to stand at this podium before this Commission. Since then, I have discovered the possibility of a letter having been sent out so that the protestants could have been notified. I was not made aware of this . . .

Commissioner Christensen: I'm trying to think of a time where we have ever postponed a hearing based on a letter and then we notify the protestants. That is a very expensive proposition.

Mayor Briare: Mr. Bell, are you saying that you are not prepared to proceed?

Mr. Bell: No, I'm saying that I am not authorized to proceed.

Mayor Briare: Are you going to?

Mr. Bell: No - I don't have the authority.

Mayor Briare: Very well - thank you very much. Is there anyone else present who is here to speak before the Commission? For the application, I'm speaking of - in favor of the application.

Commissioner Christensen: Your Honor, could I ask Mr. Bell a couple of questions on his continuance request: You indicated that it is because of the action of the Planning Commission - that that was one of the reasons HUD is taking a 2nd look at it. Is this also due to the letter that the Regional Planning Councilsent? Or are you aware of that letter at all?

Mr. Bell: I am not aware of that letter - I am aware of your remarks though.

Commissioner Woofter: Mr. Mayor, there is one concern that Mr. Bell has brought up - procedural-wise, into which I would like to delve just a little bit further. You said you attempted two weeks ago to obtain a continuance or at least to proceed as far as, hopefully, to avoid the protestors appearing here?

Z-91-78
(cont'd)

Mr. Bell: Yes -

Mr. Saylor: Commissioner, may I clarify that? The normal procedure is - after an item is acted on by the Planning Commission, the applicant and protestants are told at that time on which agenda for the City Commission the item will appear. Frequently an applicant will call and say - what is the procedure on getting a postponement? The standard answer is - the only group that can grant that is this group here so, obviously, he has to wait until he comes on the agenda and then ask for the postponement. There is no way that we can anticipate what this group will do. Consequently we can't notify anybody ahead of time that it is going to be postponed, so he has followed the procedure that he has been told to follow, and that is the only procedure available.

Commissioner Woofter: One suggestion, though - the possibility being that once one of the parties - either side - states for some reason or another they would like to make a request for a continuance, isn't there a possibility that we could be forwarded that request - the members of the City Commission - and the possibility we could . . .

Commissioner Christensen: We couldn't act on it because it would be a violation of the Open Meeting Law -

Commissioner Woofter: But just to review that where possibly there could be because sometimes there is a strong probability that it would have to be continued.

Mayor Briare: On the other hand, Commissioner - now that we're discussing policy of that sort - I think to myself about a number of people - I can't identify them, but I can hear them - that are here to protest - it is quite simple for an applicant to call and request a continuance, but how do you know who all the people are out in the audience? I think they deserve to be heard on the matter as to whether there is to be a continuance. The precedent that we could set here I think would have some far reaching effect that I don't think any of us would want to face - where every time a person has a grievance with the Planning Commission, or doesn't like what the Planning Commission does, is to simply ask for a continuance - and then how are we going to notify all the people who were notified at the Planning Commission meeting that they are to come up -

Commissioner Christensen: The protestors list, if I understand what you are saying, Mayor. There are a lot of people who might be on vacation - out of the City - we couldn't possibly notify everybody. We could get ourselves into a legal jam there, I think.

Mayor Briare: I have made a ruling which perhaps is an improper ruling - perhaps we should have a vote by the Commissioners themselves as to whether Mr. Bell's request should be allowed or not, as opposed to a ruling from the Chairman of this Commission. However, before we do that, we have to hear from the other side, against his request for a continuance.

City Attorney: This may be germane as to how you want to proceed, Your Honor, but it is my recollection from the time I have been with you, the only times a continuance has been granted is when both sides have acquiesced on that. Now, if I'm in error, I stand subject to correction, but I think - the only time that I'm aware of a continuance being granted is when both sides agree to it and the only reason I have allowed that in face of what the Code was, is that there was no possibility of someone protesting it where there has been mutual assent. The City Codes provides, in 11-1-25 - the Board of Commissioners shall consider

Z-91-78
(cont'd)

THE APPLICATION FOR RECLASSIFICATION OF PROPERTY and report and recommendation of the Planning Commission thereof, at its next regular meeting following the receipt of said recommendation. It seems to me that "shall" is mandatory language and if you don't have mutual agreement by the parties, then the City Code requires you to hear it today.

Commissioner Christensen: Does it require a ruling from the Chair?

Mayor Briare: No, it doesn't - so my eloquent ruling was for naught -

Response: My name is John Peter Lee and I live in the vicinity of the proposed zone change, at 520 Parkway East in Rancho Park. I have been asked to speak by a number of the persons who are here this afternoon. Do I understand, then, that we are going to proceed with the application of Mr. Bell?

Mayor Briare: That's fine -

Mr. Lee: Then I would speak in protest - if he intends to speak further. If not, then I would speak now in protest on it.

Mayor Briare: Then, Mr. Sloan, should we have a motion on this just so we don't get caught up in a ruling by the Chair?

Mr. Sloan: It is my understanding of the Code that you have to hear it today . . . if it is by mutual agreement a continuance is alright, but I don't think . . . the Code says it shall be considered at its regular meeting following receipt of recommendation. It seems to me that is mandatory language and that you have to go ahead today.

Mayor Briare: I want to ask Mr. Bell - under those circumstances, does he wish to reconsider his presentation of the application, whether you are authorized by your clients or not?

Mr. Bell: My authority is restricted - I cannot . . .

Mayor Briare: OK, you can be seated then. Mr. Lee -

Mr. Lee: For the record the request for a continuance -

Mayor Briare: That is unnecessary -

Mr. Lee: Just so the record is clear that we oppose it. As I have indicated to you, I represent friends and neighbors in the Rancho Park area and the Rancho Circle area. We have submitted a number of petitions in opposition to the request and there are a lot of people here today who are in opposition to the request before this Commission. I wonder if we may have a show of hands of those who are opposing the application today?

(Approximately 25-30)

Mr. Lee: That indicated that practically everybody in the auditorium is against this application -

Commissioner Christensen: When we get this particular problem solved, there won't be anybody here -

Mr. Lee: Rather than speaking on something that hasn't been spoken about, I would simply request that the decision of the Planning Commission be followed

Z-91-78
(cont'd)

by this City Commission and the application be denied. Mr. Jay Downey is here today. He appeared before the Planning Commission and gave his views of why it should be denied. If it is necessary, he could answer questions about the same sort of technical procedures that were followed before. If not, we will just simply request that the application be denied.

Mayor Briare: Mr. Foster has presented the application and the facts and the background to the Commission, in an unbiased manner so that we would be aware of, specifically, of what we are considering. Do any of the Commissioners have any questions to ask of Mr. Downey or of Mr. Lee?

(No response)

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

John Wellman: I live on 458 Parkway West, right across from Mr. Lee's house. I felt also that the Planning Commission was in opposition to this change. The only thing I wanted to bring out to the Commissioners - I'm sure all of you present remember the particular incident - because you were all on the City Commission at the time and Mayor Briare was Mayor - in June of 1977 in the matter of Z-47-77 concerning the Town & Country Shopping Center, this Commission got into a very heated argum ent at that time as to whether or not that zoning would be changed, and finally it was agreed the Shopping Center would go in with very strict limitations placed on it. The limitations I am talking about particularly concern the fact that a buffer zone was ordered to be built on the south side of Palomino, just north of the Shopping Center, consisting of six (6) homes with a minimum square footage of 2,000 sq. ft. and a minimum value of \$100,000.00 , with the further stipulation that the first house would have to be constructed, or be under construction, prior to the beginning of the Shopping Center. That home is now almost completed and it looks to have about 3,000 sq. ft. and it is right on the corner of Palomino and Rancho, the beginning of that buffer zone.

The property immediately to the north of that, between Palomino and Pinto - a request was made to change that zoning two months ago. It was denied and the intent of the Commission - at least, last year, was to create a buffer at Palomino. If this application was granted we would have lease property north of the R-E area just south of that proposed Center and we would then have R-E, we would have apartment units and we would have R-1. There is no logic to that at all and I think those same members are on this Commission that were on it last year when they voted not to allow any non-residential development north of Palomino. I think the same reasons are here today on this application and that it should be denied .

Commissioner Christensen: Was that request for a zone change north of Palomino for P-R, or was it for Commercial?

Mr. Wallman: I believe it was for Professional Offices.

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

(No response)

Mayor Briare: There being no one else present today that wishes to be heard, we will conclude the Hearing and ask if the Commission has any remarks or what their pleasure would be.

Commissioner Christensen: Your Honor, I've got a couple of comments that I think

Z-91-78
(cont'd)

should be pertinent to the record. I asked Mr. Bell about this situation before - I have a deep-seated fear of Federal intervention and I want to just tell you what happens so that you are aware of where we stand. The Federal Government requires that we maintain what we call the A-95 Review Board which reviews Federal grant applications to make sure there isn't duplication, etc., etc.

At the time this application came before the Regional Planning Council it was brought to our attention that it had already been approved, before we even heard it - that the Federal Government had already approved it, and so forth so we on the Regional Planning Council at that time did vote unanimously to send a letter to HUD asking them if they were, in fact, going into the zoning business in the City of Las Vegas, or just exactly where they stood on approving a project requiring a certain zoning, before the Planning Commission had heard it and before the Regional Planning Council had heard it, and before the City Fathers had ever heard it. It was a rather strong letter sent by the Regional Planning Council - which represents all of the cities, as well as the County -

Mayor Briare: Thank you, Commissioner -

Commissioner Christensen: Or at least on the fact that I have asked in previous meetings about the Hospital's situation, and they have assured me that their expansion at Alta Drive and based on what took place on the Town & Country Shopping Center hearings, and based on the fact that we don't have multiple dwellings in there, and if we do put it in there we are violating an agreement that we pretty much made - and I think it is bad zoning. I move for denial. I move that we follow the recommendation of the Planning Commission for denial.

Motion

Mayor Briare: Are there any comments on the motion?

Commissioner Woofter: I have one, Mr. Mauor: I believe either Mr. Lee or one of the protestants referred to it, but I wanted to really emphasize it again because if it comes out in the paper that we voted down a Senior Citizen's program, I wanted it to be emphasized that wasn't the issue here. We are voting on the zoning - naturally, we are 100% insofar as any Senior Citizen projects are concerned, with the right zoning.

Mauor Briare: Not to mention the NAACP -

Commissioner Woofter: Right -

Commissioner Christensen: And I would like to further emphasize the thing I have emphasized from Day One - it is unfortunate that when somebody sees NAACP, they immediately think there is possibly a racial issue here, and I would like to emphasize there is no racial issue here - that this project was designed to be a Senior Citizens Housing Project, which would have been run by the City of Las Vegas Housing Authority, which takes it completely out of the realm of any racial problem. It really has nothing to do with it. That is not an issue, and I'd like to make that very clear so that we don't have that lingering in anybody's mind - the Press, or anybody else's, because it just isn't.

Mickey Cohen: I live directly across the street from this property - as far as racial problems, there is no fear of that because Mr. B.B. Kind is my neighbor. I have no objection to Mr. B.B. King - I am a Senior Citizen myself, and since the Government - they are concerned about the Senior Citizens - that's a great thing and I believe when they are willing to spend 4.3 Million Dollars for a Project like that - BLM owns 85% of the land in Nevada - that's common

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knowledge - why don't they go out and give the Senior Citizens a real good break and give them a 20 or 30 acre parcel out there and take that money - they own the land - they are going to hold some auctions next month - they are going to auction off some of that land - and put them out there where they can have all the recreation facilities necessary.

Commissioner Christensen: They are looking at some other locations and there are some criteria that the Federal Government requires and that is a close proximity to transportation, shopping, and so forth. You may not get that with BLM, but I agree with you that the land is there and the Senior Citizens need the housing - there are other locations that more readily fit the needs - there is no question about it.

Mayor Briare: Thank you, Mr. Cohen. Are there any further comments on the motion?

(No response)

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

Mayor Briare: The application is denied.

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Mayor Briare: The next item is the application of Darryl Leavitt for property located at 700 E. Charleston Blvd. Is the applicant present?

(No response)

Mayor Briare: Mr. Foster, would you present this application?

Mr. Foster: The subject property is on the south side of East Charleston Blvd - Park Paseo is some 700 ft. to the east. There is P-R zoning immediately to the east of this property. To the south is a home that fronts on Park Paseo and this property (as you can see on the screen) is relatively deep and has frontage on Charleston. To the west is vacant and west of that is P-R zoning. There is also some C-1 zoning on the north side of Charleston Blvd.

The applicant is requesting commercial zoning because he is proposing a use on the property that requires commercial zoning. The property has been used for an office for some time. This is an existing building on the property (easel map) with entrance on to Charleston and a large landscaped area. The rear of the property has been used primarily for stored items.

The Planning Commission, in considering this application, had some discussion about if they were to approve it, whether it should all go C-1 or whether it should go just C-1 on the north portion and the south portion - the south 100 ft. retained for P-R, which is the same type of zoning pattern that you had on the property to the west when that rezoning was approved, but it was under a Resolution of Intent and that did expire. There was also some discussion about where the play area would be, because if this is the play area they are talking about (easel map) that would not be allowed in a P-R zone. I think the applicant is generally in agreement that that be in the landscaped area in the north portion. However, the Planning Commission recommended denial of the application because the applicant indicated there was a temporary use on the property - they were just going to use it for the school for approximately two (2) years and after that they felt they would find a more permanent location and build a complete new

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school facility. I believe the Commission was concerned about what type of use would go on the property after this use no longer existed on the property. They did recommend denial. It was a 4-2 vote.

We did have two protestants. They were essentially from the R-1 area so the south. They were more concerned about how this property was going to be maintained. They did indicate there is a substantial amount of storage on the rear portion. I believe the applicant pointed out at the meeting this has been by a tenant and he has had a problem in getting him off the property, so that was the situation on the storage.

Darryl Leavitt: Your Honor, and Commissioners, I am Darryl Leavitt - I am the applicant and I'm here to request you to approve this application. I have lived here all my life. You just voted an improvement on Charleston, which I approve of and I feel at this time that this would be an asset to the School and an asset to the community. They have two years with an option for one and I informed them the reason we did this was because of the difficulty I had in getting the last one out, and it is still not solved. I don't know why they consider it a temporary use because they have an option and opportunity to keep it as long as they see fit.

Mayor Briare: Do you have any comments about the "temporary" use?

Mr. Leavitt: That is what I was trying to explain -

Mayor Briare: Well, that is what seems to be the problem. Would there be anything wrong in just going ahead and allowing the use of this property for a private school and then at such time as you vacate that use, to come back again and ask for whatever use you wanted then?

Mr. Leavitt: If they so desire, they can go five years - that's fine. If that would be your suggestion -

Mayor Briare: Mr. Foster, did I understand you correctly that the main concern of the Planning Commission was the uncertainty of what the permanent zoning would end up as?

Mr. Foster: Yes -

Mayor Briare: Or was it the use?

Mr. Foster: It was this use -

Mayor Briare: Right - that was their main concern. It wasn't for the use of the property for a private school -

Mr. Foster: No, that didn't seem to be an objection to that.

Mr. Leavitt: That's the way I understood it.

Commissioner Christensen: Let me ask - this is a thought that I just had - I don't know that it was ever brought up - on West Charleston we have C-D zoning, which is more restrictive. I've heard comments from protestants that it could end up as a hamburger stand - I think was one of the comments - or a gas station. This is a little ridiculous because in C-1, you can't put in a gas station, but is it possible to approve C-D there on E. Charleston, the same as W. Charleston, so that you would have a little more control over those uses so that we could satisfy the fears of the people in the area who are afraid it is going to be

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used for a gas station or a hamburger stand, or whatever, so that we would have the control?

Mr. Leavitt: I wouldn't object to that.

Mr. Foster: I think you could accomplish the same thing by just conditioning it to this particular use. That would mean that when they change the use, they would have to come back before this Commission for approval.

Commissioner Lurie: It is zoned P-R now?

Mr. Foster: Right.

Commissioner Lurie: So why can't you leave it as P-R and issue a Use Permit to allow the School as long as the School is there. As soon as the School moves out, then they have to come back before us to have the zoned changed to commercial.

Commissioner Christensen: There is no provision in the Code for an outside play area -

Mr. Foster: There is no provision for a Use Permit - it would probably have to go by a Variance.

Commissioner Lurie: A Variance then -

Mr. Foster: I think that was what the Planning Commission was leaning toward also.

Commissioner Lurie: But the applicant didn't want that?

Mr. Foster: Well, they didn't actually pose that to him as a question, but they were thinking along that line.

Mayor Briare: Let's pursue that matter for a minute. I'm going to ask if there is anyone in the audience that is here to speak on this application -

June Schwartz, 1013 South 6th Street: Mr. Mayor and Commissioners, we are definitely - as you can see (petition) there are 83 names on this petition against. There are all the reasons written down there for you people. I cannot see a School there - John S. Parks is about two blocks away from Charleston. There haven't been that many new people coming into this area where we would require another school. Charleston Blvd. is certainly not a spot for a school. You have quite a bit of traffic - you would have to be slowing down - there are ambulances that go by, especially if children are in the front - all you need is for one child to be killed on Charleston, and I don't believe this is the spot for it. There are large bunkers behind this property - it is, as you say, for storage - it's some kind of storage and it's been there for many years. There are nine reasons there that I don't feel I have to reiterate - they are written down there for you gentlemen and I would respect your wishes on denial. Thank you.

Commissioner Christensen: Your Honor, I would like to ask the Planning Department, and maybe Mr. Leavitt, a couple of questions here - this petition indicates there would be 100 students. Is that a possibility?

Mr. Foster: I believe that was the figure that was mentioned - 100, and it was pointed out that it would meet the Code for Fire and Child Welfare

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ordinances.

Commissioner Christensen: It would have to, obviously. How many square feet are there in the building, do you know?

Mr. Leavitt: Around 5,000 sq. ft.

Mayor Briare: Mr. Leavitt, have you seen Mrs. Schwartz's petition here?

Mr. Leavitt: No -

Mayor Briare: She indicates a number of things - that the plans call for as many as 100 students in a building originally constructed for a single family residence more than 60 years ago -

Mr. Leavitt: No, it's not that old. I was a boy when it was built -

Mayor Briare: Whoever wants to use it as a school, it will have to be approved by who?

Commissioner Christensen: It would have to be approved by the State, the City and comply with all the Fire Code requirements -

Mayor Briare: Has that all been done?

Mr. Leavitt: That's right.

Mayor Briare: So that would eliminate that problem - including toilet facilities. Is there a certain amount of fencing that has been prescribed, Mr. Foster?

Mr. Foster: Yes, the play area would have to be fenced. They propose that along the rear portion, but wherever it is located, it would have to be fenced.

Mayor Briare: And, of course, the clean-up of what was referred to by Mrs. Schwartz, of the storage yards.

Mr. Leavitt: That would be done.

Commissioner Christensen: Across the street from this location where the real estate office is now, they maintained a Nursery School there for a number of years -

Mr. Leavitt: For twelve (12) years -

Mayor Briare: Is it common knowledge who is planning to - who you would have as a tenant?

Mr. Leavitt: Yes - the Apple Schools.

Mayor Briare: They are already in existence?

Mr. Leavitt: That's right.

Commissioner Christensen: He indicated, I think, at the Planning Commission meeting that these were handicapped children. Is that correct?

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Mr. Leavitt: They are regular children -

Mayor Briare: How many youngsters?

Mr. Leavitt: We could take up to 100 - I believe they would have about 60.

Commissioner Christensen: It's based on the square footage, Mayor. It depends on how many square feet they have - you can so many children . . .

Mayor Briare: Do you know, Mr. Foster, what that ratio is?

Mr. Foster: I don't know what the ratio is - at the Planning Commission meeting a representative of the Apple School indicated that about 3,800 ft. would accommodate . . .

Mayor Briare: Are these the School people? Could you answer the question? How many youngsters are planned for this structure?

Response: (unidentified and from the audience): The maximum would be 100 and we would probably have between 60 and 80 children.

Mayor Briare: In other words, you would be allowed 100?

Response: Yes -

Commissioner Christensen: This is not a day and night operation - this is where they come in the morning and go home in the evening so there is nobody sleeping there - that is one of the reasons you can more people in - I see.

Mayor Briare: Could we ask the lady some questions? Are you the lady that is going to - are you Apple Nursery?

Response: It is not a Nursery - I'm Judy McDonald, Executive Director of Apple Schools. It is an academic school, kindergarten through eighth grade. We have 19 other Apple Schools throughout the country.

Mayor Briare: You've heard the comments that were made relative to Mr. Leavitt not knowing what the permanent use might be on this property in years ahead. Is it your intent to be there for a year - two years - three years or forever - or what?

Ms. McDonald: Well, we expect to be there, definitely, for two years - possibly three. We do have that option. Of course, we would like to be there permanently -

Mayor Briare: But your plans are for two years?

Ms. McDonald: Yes, as of now -

Mayor Briare: And possibly more, so that whatever you would do, you would be able to advertise within two years to put yourself in a position so that - depending upon what Mr. Leavitt wants to do in two years, you would be in a maneuverable position. I'm just exploring this to see if there might be a possibility of doing something - allowing something for two years and then taking a hard look at it in two years.

Ms. McDonald: We have never had any protests to any Apple Schools. It is definitely a community asset to have one -

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Mayor Briare: Mrs. Schwartz's protest is not against Apple Schools, or John D. Schools, or schools of any kind - their objection is to the use of the property for the purpose of a school - not against you or your organization.

Ms. McDonald: As I brought up in the former meeting, we have a State representative here - we have been granted a License contingent on this zoning. The State seems to feel it is an excellent location - it is centralized - it is far enough off the street so it is safe for the children, and so forth.

Commissioner Lurie: Where are you located now?

Ms. McDonald: Well, in Las Vegas, we're not. This would be the first Apple School in Nevada. Most of our Schools are in California -

Commissioner Lurie: If we were to approve this, when would your semester start?

Ms. McDonald: Well, we go the year round - we are like a non-graded school - we don't work in the same situation as a public school.

Commissioner Lurie: It is my understanding there is some confusion about the two years. Is that for the reason that you can't get a longer lease on that location than two years?

Ms. McDonald: Well, at this point I think that is all we would want, actually, until we see how the School goes - how it grows. If we find it as other private schools in Las Vegas which are filled to capacity - if we had the same experience then, of course, we will have to branch out and look for larger facilities. That is the only reason.

Commissioner Christensen: Let me ask you this question: If you - you say you have a State License contingent on the zoning - if you received a Variance on the P-R zoning which allows you to operate this school at that location, does that satisfy the State requirements?

Ms. McDonald: Yes, it does. Actually, it is not a State requirement that is a little bit of a problem - it is a City requirement that schools have to be in a C-1 zoning -

Commissioner Christensen: I am aware of that, but you said the State gave you the License based on the zoning. Now, if you went back to the State and said - I didn't get the zoning but I got a Use Permit to operate there, does that satisfy the State?

Ms. McDonald: Yes -

Commissioner Christensen: If we could do that and protect the property owners from it being converted to a different use later on that was not compatible - and I think the feeling is that they are not as much against the school as they are afraid of what may be operating in there two years later - it could be used for a restaurant or something else.

Ms. McDonald: In this instance the State is cooperating with the City, you might say - whatever the City requires -

Commissioner Christensen: That answers my question - I understand you.

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Ms. McDonald: Is there anything else? We do have some parents here who are in favor of the School if you would like to hear from them -

Mayor Briare: I think we are in accord that it is a very fine School. One other comment by Mrs. Schwartz, and then we'll see if we can resolve this.

Mrs. Schwartz: It is, indeed, gentlemen, because of the School - because of the noise that will be around it - that is what 83 people protested about. It is the noise and about the children.

Mayor Briare: Ms. McDonald, what would be the intention of the Apple School to use that rear portion of the property for - which abuts up to the homes on Park Paseo?

Ms. McDonald: When I saw that back property it was clean - there was nothing out there, so I don't know what that's about. We can go along with what the Planning Commission recommended and use the east side of that building for a play area and not use the back portion at all. With all due respect to this business about the noise, 60 children don't make that much noise because they are only on the playground for an hour and a half, totally, and that is at various times. They are not all out there at the same time and other than that one back portion, there is nobody around there to disturb. There's a vacant lot on both sides.

Commissioner Christensen: They are building something on that one lot - I see them grading it.

Mayor Briare: Thank you, Ms. McDonald. Any comments from any of the Commissioners?

Commissioner Christensen: Your Honor, I appreciate the problems and I think that most of them have been satisfied. The noise problem, I can appreciate there is a noise there - that's one of the reasons we moved from that very corner - because of the noise on Charleston Blvd. and it looks to me like if they move the play area to the east side of the building, what noise would be generated would be more than drowned out by the traffic noise on Charleston Blvd. It sure was when I lived there anyway. That has been almost 20 years and it has increased since then.

Mayor Briare: OK, Commissioner - do you want to make a motion?

Motion

Commissioner Christensen: I don't know exactly how to make the motion - I would move to approve the use without changing the zoning - however you want to do it, Mayor - you tell me. Variance? Use Permit? Or whatever -

Mr. Foster: If you are suggesting to the applicant that they pursue a Variance, then you should probably hold this in abeyance until they get a decision on that, because if you deny it, or . . .

Commissioner Christensen: Then it has to go back to the Planning Commission -

Mr. Foster: No, it would be the BZA for a Variance, but if you deny this, they would have to wait four (4) months before they can come back on a Variance.

Commissioner Christensen: So what is your suggestion - that the motion should be to hold it in abeyance and tell him to go before the BZA and get a Variance and then bring it back before this Board. What does that do to the timing?

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Does that allow us enough time, or what is the situation? I'm trying to sort them out and work them out so that we can come out ahead without stumbling along the way and goofing it up legally - that's what my concern is.

Mr. Foster: They could file for a Variance in the next couple of days and it could come up on November 30th - there would be a 2-week appeal period so by mid December we would know what the outcome is on the Variance.

Commissioner Christensen: We are looking at 6 weeks.

Mr. Leavitt: Your Honor, we will go along with whatever you decide, but she is ready to go and she wanted to start after Christmas, so if you wish to make it C-D, that is alright with us -

Mayor Briare: Depending on how the motion is made -

Motion
Withdrawn

Commissioner Christensen: I want to withdraw my motion because I want to explore this for a second -

Mayor Briare: What I'm looking for that if it should be passed by this Commission, they will get the job accomplished in a legal and proper manner and so that you won't be faced later with some kind of problems that arise because we didn't take a proper action.

Commissioner Christensen: I would like to point out at this time, Mayor, that Commissioner Leavitt was the only Commissioner absent and he would have to abstain from voting because he is a close relative of Dr. Leavitt, so as far as the quorum is concerned, with Commissioner Leavitt here, that would make no difference. This is the Board that would have to ultimately have to hear it, regardless. If that clarifies it any.

Mr. Leavitt: The time element is what is bad, but like I say, if you want to restrict me to two years, that's fine - or whatever. I'm willing . . .

Mayor Briare: Just so we can get a proper motion - would you give us an idea of a proper motion that we could take action on, one way or another. It is the intent of Commissioner Christensen that we allow the use with a 2-year time limit - what would be the procedure to follow?

*Ms. Daines: I think that Mr. Foster indicated - please correct me if I'm wrong - you could approve this zoning with a Use Review at the end - whenever this use is ceased - then there could be a use review at that time -

Commissioner Christensen: Then would the zoning revert back to P-R?

Ms. Daines: That we would recommend not doing because a lot of bother falls very heavily on zoning with a reversionary thing happening on an event in the future, but I think really the best solution would be a Variance, but if there is a time problem that may mandate against doing that. What you could do is approve the zoning now . . .

Commissioner Christensen: What we're talking about may be different from technically what bothers us. If this Board was to vote unanimously to recommend to him that he seek a Variance, that is almost like approving the Variance regardless of what the BZA did, and on that basis she could be ready to go after Christmas because they would have to do all this remodeling on an
*Audrey Daines, Deputy City Attorney (sitting in for Mike Sloan, City Attorney)

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"if come" basis, but he would be pretty well assured he was going to get an affirmative vote unless all of us dropped dead or changed our tune real quick. And that's his problem.

Mr. Leavitt: That's right - whatever the Board decides - if we are going to start the School this year we've got to move swiftly because she is ready to go. She has paid a deposit so I know she has the intent.

Mr. Foster: If the Board of Zoning Adjustment denies the application - then you set the date for public hearing and it probably would not be heard until January.

Mayor Briare: Of course, there is another way to look at it too - that if it is good enough for two years, and if it was good for everybody concerned - well then, of course, we don't have that "testing" period - I was going to say if it was good enough for two years it should be good enough for five years and good enough forever . . .

Commissioner Christensen: If you want to put a time limit on it, I'd rather see it at three (3) than (2) since their lease actually runs three - they have a lease for two and an option for the third and that would only be fair for the School - to let it go to the maximum of their option.

Mr. Leavitt: I will give them more time if they want it -

Commissioner Christensen: I understand what you are saying - if they are good tenants, you will give them twenty years -.

Mayor Briare: I think we have one suggestion here - are you saying a motion to approve this for a period of a number of years, subject to a Use Review . . .

Audrey Daines: You really wouldn't be approving it for a number of years, you would be approving the zoning and making it a condition that any time the property ceases to be used for a school purpose, they would have to come back before this Commission for a Use Review. I think I am correct on this, Mr. Foster, that that wouldn't change the zoning on it. It would remain C-1 zoning but they would have to come in though for any proposed use on that C-1 zoning. Is that correct?

Commissioner Christensen: Isn't that similar to C-D?

Mr. Foster: It is the same one except that it is for C-1 which is the pattern in the area -

Motion

Commissioner Christensen: OK - then I move we approve the zoning subject to a Use Review of three (3) years.

Audrey Daines: I think you might want to say - with a Use Review any time the property ceases to be used for school purposes - that you would want to have a Use Review at that time, no matter if it was at the end of one year, two years or three years -

Amended
Motion

Commissioner Christensen: It would not necessarily refer to the school - we would have to re-look at it every three years that way. Let's put it this way - move for a Use Review at such time as the property ceases to be used for the use contemplated at this time.

Mayor Briare: Does the Commission understand what the motion is?

Commissioner Lurie: No, I don't -

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Commissioner Christensen: Then I'll explain it to you, Commissioner Lurie - the motion is to approve the zoning, subject to a Use Review whenever the use ceases to be whatever it is intended to be right now, which is a School.

Commissioner Lurie: Instead of referring the application back BZA for a Variance - or a Use Permit - you are approving the zoning today.

Commissioner Christensen: Yes, with a Use Review, which accomplishes the exact same thing, only it takes away the big time factor. In other words, if it ceases to be used as a School, it can remain vacant or used for a school until such time as we approve another use. That's what it boils down to. It's the same thing that a Variance would give them.

Mayor Briare: Are there any other questions?

(No response)

Motion failed by the following vote: Commissioner Christensen and Mayor Briare voting aye; noes, Commissioners Lurie and Woofter.

Mayor Briare: The motion fails for lack of a majority. Now what do we do - because the one vote that could break the tie would be abstention.

Commissioner Christensen: We can't break the tie so we're locked into the Dayton-Hudson situation. Your Honor, I don't know what you can do now.

Mayor Briare: Actually, the ruling now, Mr. Leavitt, is that this matter is to be held over to a meeting where a full Board is present.

Ms. Daines: This isn't going to work -

Mayor Briare: In the meantime you ought to hurry up and get your application in for a Variance.

Audrey Daines: Mayor, I don't think this is going to work. As I understand it Commissioner Leavitt has close interest here and would be forced to abstain.

Commissioner Christensen: Which means that we may have to . . .

Audrey Daines: Under these circumstances I think it would be the opinion of our office, based on the Dayton-Hudson matter, that you should either - we should do then maybe is seek another remedy - try another motion. If we can't find anything we can get a majority on, then the motion should be treated as a denial . . .

Commissioner Lurie: Maybe I can help you out. I voted because I thought this probably would happen, to hold it, because I don't like to approve a zoning application the way we're doing it without going back to the BZA and getting a proper Variance, or Use Permit, because here we're approving a C-1 zoning and we're approving something that we're by-passing one of our Boards, by not sending it back. I think they have the right to hear it if we are going to give a Use Permit. Also, that plot plan has changed. You are moving a lot of things around there. It is a very confusing application here because we don't know if Mr. Leavitt is talking about two years, or three years - the School wants three years - they may want to move in two years, and I don't think everybody has their act together as to what they want there.

Mayor Briare: We don't even have a prevailing side for someone to make a

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motion to reconsider.

Mr. Leavitt: If Commissioner Leavitt was here, he still couldn't vote?

Mayor Briare: That's right - there must be some way to resolve this thing. Would there be any objections on the part of the members of the Board to reconsider this vote and entertain a motion to refer it to the Board of Zoning Adjustment?

Commissioner Christensen: For what?

Mayor Briare: To get it out of here, and I say that respectfully because I happen to be one that would like to see this go through -

Commissioner Christensen: You can run it before all the Boards in the world but the ultimate decision is going to be right back here.

Commissioner Lurie: I want it to go to the BZA. If the BZA approves it and there is no appeal, then we can hear it again by our second meeting in November - I believe that's the time frame Mr. Foster mentioned, which will still give them enough time to get the School ready for a January opening. I will make that a motion.

End Motion

Mayor Briare: If we have a unanimous consent to reconsider and entertain Commissioner Lurie's motion -

Audrey Daines: You can have a new motion now, since the other one failed to pass - you don't have to reconsider it - you can have a new motion made at this point.

Mayor Briare: What is the pleasure of the Commission?

Commissioner Lurie: I move that the item be referred to the Board of Zoning Adjustment.

Mayor Briare: Are there any comments on the motion?

Commissioner Christensen: Refer it to the BZA for what?

Mayor Briare: It is going to go to the BZA -

Commissioner Lurie: For a Use Permit -

Commissioner Christensen: On the contrary - to go to the BZA you have to make an application for a Variance and you're going to make a motion to request him to make an application for a Variance. If that's what you are going to do, so state it. You talked about my unclear motion and that one is really unclear because we have no authority to refer back to the BZA. It doesn't fit.

Mayor Briare: Would you like to give us a legal opinion? I'll accept your legal opinion.

Audrey Daines: It seems to me what you ought to do, if you want to get it back for recommendation, or action, by the BZA, the best solution I think everyone on Staff would agree to, is make a motion to hold it and recommend to the applicants that they seek a Variance, in which case they will go before the BZA. I would make it clear that you can't guarantee that the action of the BZA is going to be favorable either. The BZA's action will, however, be final

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(cont'd)

if it is approved - their action will be final no matter what their action is. If no one appeals it to this Board, or if this Board does not seek a review - so it is possible that they could have a final say on this situation by the middle of December, but it is also possible that it would be January, so keeping those time frames in mind -

Mayor Briare: Is that your motion, Commissioner Lurie?

Commissioner Christensen: Before we act on the motion, I would like to have the City Attorney read one more thing and give us an opinion out of the City Code - and that is the uses of a Variance, because this comes up frequently in court - what the uses of the Variance are and we may run into a legal problem in using a Variance to circumvent a zoning.

Audrey Daines: The test that you are supposed to look at for a Variance is "when practical difficulties - unnecessary hardships or dictates inconsistent with this Chapter will result through the strict and literal interpretation and enforcement, the Board of Zoning Adjustment shall have the authority as an administrative act, subject to the provisions, to grant upon such conditions as it may determine, such variance from the provisions of this Chapter, as may be in harmony with its general purpose and intent, so that the spirit of this Chapter shall be observed and the public safety, welfare and convenience maintained."

So they are supposed to look at practical difficulties, hardships and things of that sort, but keeping in mind that the general welfare is the final test.

Final
Motion

Mayor Briare: OK, generally speaking, the motion is to hold. Are there any comments on the motion?

(No response)

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

Mayor Briare: The motion to hold has been approved.

Mrs. Schwartz: This is being held?

Mayor Briare: It is being held right here on the table - there has been no action on it.

Commissioner Christensen: Our action does not automatically seek a Variance.

Mrs. Scjwartz: When there is action on this, will we be notified?

Mayor Briare: Yes, when it comes before the Board of Zoning Adjustment - we might as well leave it off the agenda until such time as Mr. Leavitt takes some kind of action at some future date. We just remove it from the agenda.

See Page 93 of these Minutes - Annotated Agenda

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ITEM	Commission Action	Department Action
<p>X. <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</u></p>		
<p>F. <u>ZONE CHANGE - Z-89-78 - VENNIS L. JOHNSTON AND MILTON R. JOHNSTON</u></p> <p>Property located at 724 South 9th Street. From: R-1 (Single Family Residence) To: P-R (Professional Offices & Parking) Proposed Use: Office</p> <p>Planning Commission recommends APPROVAL (5-yes, 1-no), subject to the following condition:</p> <ol style="list-style-type: none"> Resolution of Intent to be restricted to a twelve (12) month time limit. <p style="text-align: center;">PROTESTS: 0</p>	<p>Approved as recommended by Planning Commission. Lurie - unanimous</p> <p>(Commissioner Christensen did not vote - temporarily absent)</p>	<p>Clerk to notify Planning to proceed</p>
<p>G. <u>ZONE CHANGE - Z-93-78 - BRUCE T. LITTLE</u></p> <p>Property generally located on the north side of Stewart Avenue, 510 feet west of Lamb Boulevard.</p> <p>From: R-E (Residence Estates) - under resolution of intent to R-3, Limited Multiple Residence To: C-1 (Limited Commercial) Proposed Use: Offices and Retail</p> <p>Planning Commission recommends APPROVAL (5-yes, 1-no), subject to the following conditions:</p> <ol style="list-style-type: none"> Resolution of Intent to be restricted to a twelve (12) month time limit. Fire hydrant to be installed within 300 feet of existing hydrant on the north side of Stewart Avenue as required by the Department of Fire Services. Construction of sidewalk and driveways on Stewart Avenue at the time of development as required by the Department of Public Services. <p style="text-align: center;">PROTESTS: 0</p>	<p>Denied Lurie - unanimous</p>	<p>Clerk to notify Planning to proceed</p>

Z-93-78

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Mr. Foster: This property is located on the north side of Stewart Avenue, 510 ft. west of Lamb Blvd. You can see on the screen - where it says R-3, this property that is involved in this application, plus the piece to the west, was requested for C-1 Zoning earlier this year, and denied, and now they are coming in on the easterly 110 ft. of it. It is for a commercial building and this is the plot plan (easel map) showing parking in the front and also some landscaping.

The Planning Commission recommended approval. There were no protests.

Commissioner Lurie: What are they putting in there?

Mr. Foster: Just offices and stores, basically for rentals purposes. It is a 5400 sq. ft. commercial building.

Commissioner Lurie: It was zoned R-3?

Mr. Foster: Under a Resolution of Intent to R-3 property.

Commissioner Woofter: I am just concerned, Mayor, in regards to surroundings. I note that the back-up states that certain areas have been designated C-1 down the way. At the present time there is no commercial zoning along Stewart in this area, is there?

Mr. Foster: You can see on the screen - the northeast corner - that is being developed now and then there is existing commercial on the southwest corner. North on Lamb Blvd., on the west side, there is a very large piece that is under a Resolution of Intent and that's where the Carpenters' Union Hall is - that large piece of commercial immediately to the north. Immediately in the area of this property, except at Lamb and Stewart, it is essentially R-T zoning and R-3, which is multi family.

Commissioner Woofter: Is that our land there on the corner?

Mr. Foster: No, that is a small mobile home park.

Commissioner Lurie: What's on the other side of the street? On the south side?

Mr. Foster: There is a row of 4-plexes - R-3 zoning,

Commissioner Lurie: Now you are taking 4-plexes and a mobile home park and putting commercial right in the middle. What kind of planning is that?

Mr. Foster: The Planning Commission recommended it - the Staff recommended denial.

Commissioner Lurie: They came in once before for C-1. They were turned down and then got R-3.

Mr. Foster: Right.

Commissioner Woofter: Did you say the Staff recommended denial?

Mr. Foster: Yes.

Mayor Briare: Is the applicant present, or a representative of the applicant?

Z-93-78
(cont'd)

(No response)

Mayor Briare: What is the pleasure of the Commission?

RECEIVED

Motion Commissioner Lurie: I move for denial.

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

Mayor Briare: The Motion for denial is approved.

Z-13-76

See Page 96 of these Minutes - Annotated Agenda

Mayor Briare: The next item is an extension of time and plot plan review for Jack Matthews & Co. Realty.

Mr. Foster: The property in question is located on the south side of Sahara Ave. This property is vacant at the present time - they did have a plot plan approved on it for a relatively large restaurant facility close to the R-1 property to the south. They have now come in with this revised plot plan (easel map) showing the restaurant shaded in orange. At the Planning Commission meeting their initial submission was for a row of offices along the rear portion of the property. They did remove those, so the only use on the property will be a restaurant. We did notify the property owners to the south and there were no objections at the time of the Planning Commission meeting. The Planning Commission did recommend approval of the 6-month extension and conformance to the plot plan with the original conditions.

George T. Enomoto, Architect: (Representing applicant)

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

Mayor Briare: Are there any comments on the motion?

(No response)

Commissioners Lurie, Woofter and Mayor Briare voting aye; noes, none. Commissioner Christensen did not vote - temporarily absent.

SP-1-78

See Page 96 of these Minutes - Annotated Agenda

Mayor Briare: Next is the matter of satellite Parking for Bigelow Holding Company.

Mr. Foster: This is located on the north side of Fremont between Bruce and 15th Street. They are under that 1 to 3 parking ratio. They are proposing a 136-unit apartment hotel on the property that fronts on Fremont Street. They do have property to the northeast. They would like to put some of the required off-street parking on that site. It is laid out entirely for parking but they propose to put only 18 spaces on that site, plus the 28, which will meet the 46 required spaces and because of this satellite position, it does need your action.

Richard Koch (Attorney): I am here on behalf of the applicant and would be happy to answer questions if you have any.

Commissioner Woofter: I have only one question - I notice one member on the

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)H. EXTENSION OF TIME AND PLOT PLAN REVIEW -
Z-13-76 - JACK MATTHEWS & CO. REALTY

Request for an Extension of Time and Plot Plan Review to allow a restaurant and office building on property generally located on the south side of Sahara Avenue between Richfield and Teddy Drive, C-1 zone.

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

1. Extension of time shall be granted for six months.
2. Conformance to the revised plot plan and all other conditions previously imposed at the time of approval of Z-13-76.

I. SATELLITE PARKING - SP-1-78 - BIGELOW HOLDING
COMPANY

Request to allow satellite parking on property located on the north side of Fremont Street between 15th Street and Bruce Street, C-2 zone.

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

J. ANNEXATION - A-12-78 - DONALD L. FAIR, ET AL

Petition to annex property generally located at the northwest corner of Torrey Pines Boulevard and Smoke Ranch Road.

Planning Commission unanimously recommends APPROVAL.

Approved as recommended by Planning Commission Lurie - unanimous

(Commissioner Christensen did not vote - temporarily absent)

Clerk to notify

Planning to proceed

Commissioner Woofter's motion to approve failed. Commissioner Lurie & Mayor Briare voted "no"
(Commissioner Christensen did not vote - temporarily absent)

Clerk to notify

Planning to proceed

Approved as recommended by Planning Commission Lurie - unanimous

(Commissioner Christensen did not vote - temporarily absent)

Clerk to notify

Planning to proceed

SP-1-78
(cont'd)

Planning Commission voted "no". Was there any basis for him voting this way?

Mr. Koch: I believe Mr. Swessel was extremely upset with the reversal - this is my personal opinion - by the ruling of the Board of Zoning Adjustment regarding Fitzsimmons House. Since that time he has ruled - he has been the sole member voting against it. The last time we had it in the Planning Commission it was 6-1 - this time it was 5-1, and I think he just has a grudge against Mr . . .

Mayor Briare: I think you are stretching it a little far there, Mr. Koch -

Mr. Koch: I'm sorry about it - I saw no basis for his vote at all, except that.

Mayor Briare: You are entitled to your opinion - you tried to answer the question.

Mr. Koch: That is my opinion.

Commissioner Lurie: I have checked out a lot of the apartments along Fremont Street now where they were previously built, units on top of units, and there is a parking problem, where it was told to us there wouldn't be any parking problems with these units, and now we're talking about 136 units and you need additional parking in order to build these units. My concern is - that's really not enough parking for all those units. I think the Commission has to take a look at the number of units being put on one piece of ground, because I looked at the units at 3rd and Charleston - 4th and Charleston - 15th and Fremont - 14th and Fremont - and wherever you want to look, and there are problems with those units and the parking. My concern is that you do not have enough parking for the number of units you are proposing.

Mr. Koch: Of course, that's why we have that back lot. That back lot is rather unusual - it is kind of landlocked and I don't know what else it could be used for except parking. I would consider this to be the best use of that parcel. Incidentally, we are planning to pave the whole thing at the present time, dividing it up for parking. At some later date, depending on our own study, we might decide to put some more buildings on there, but would reserve at least 18 parking spaces for the front so that we could meet the City Code requirement.

Commissioner Lurie: Is this right in the middle of the block?

Mr. Koch: Yes, it is.

Commissioner Lurie: It's on the north side of Fremont Street?

Mr. Koch: Yes -

Commissioner Lurie: I had it confused with a different piece of ground.

Mayor Briare: What is the pleasure of the Commission?

Motion

Commissioner Woolfer: I would move to approve as recommended by the Planning Commission.

Motion denied by the following vote: Commissioner Woolfer voting aye; Commissioner Lurie and Mayor Briare voted "no".

Commissioner Christensen did not vote - temporarily absent.

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ITEM Commission Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
 (CONTINUED)

K. TENTATIVE MAP - CHARLESTON HEIGHTS 57 (REVISED)

Property generally located on the east side of Tenaya Way, north of Cheyenne Avenue, N-U zone (under ROI to R-1, and R-PD18).

Owner/Subdivider: Charleston Heights Development Co.

No. of Acres: 52.7014 No. of Lots: 368

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

1. Extend the border of the tentative map to include the south half of Gowan Road, extending from the centerline of Dalecrest Drive eastward to the right-of-way line of the Rainbow Freeway intersection.
2. Proper access to be provided to this tentative map and 57-A final map as determined by the Department of Public Services.
3. That satisfactory sewer outfall be provided as determined by the Department of Public Services.

L. SET DATE ON ANY APPEALS FILED FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD OCTOBER 26, 1978.

M. SET DATE FOR PUBLIC HEARING ON ANY ITEM REQUIRING A PUBLIC HEARING THAT WAS ACTED UPON BY THE PLANNING COMMISSION AT THEIR MEETING HELD OCTOBER 24, 1978.

(D)

Approved as recommended by Planning Commission Lurie - unanimous

(Commissioner Christensen did not vote - temporarily absent)

Clerk to notify Planning to proceed

None

None

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XI. ADDENDUM ITEMS

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APPROVED AGENDA ITEM

RCJ 10/23/78

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ITEM	Commission Action	Department Act
<p><u>XII. CITIZEN PARTICIPATION</u></p> <p>Items raised under this portion of the Agenda cannot be acted upon by the City Commission until the Notice provisions of the Open Meeting Law have been complied with. Therefore, action on such items will have to be considered at a later meeting</p> <p>1. Toby Lamuraglia and Chas. Perri asked to be recorded as objecting to the design approved for Jones/Alexander/Rancho Drive street improvement</p> <p><u>A D J O U R N M E N T</u> - 4:45 P.M.</p> <p>APPROVED AGENDA ITEM RCJ 10/23/78</p>		