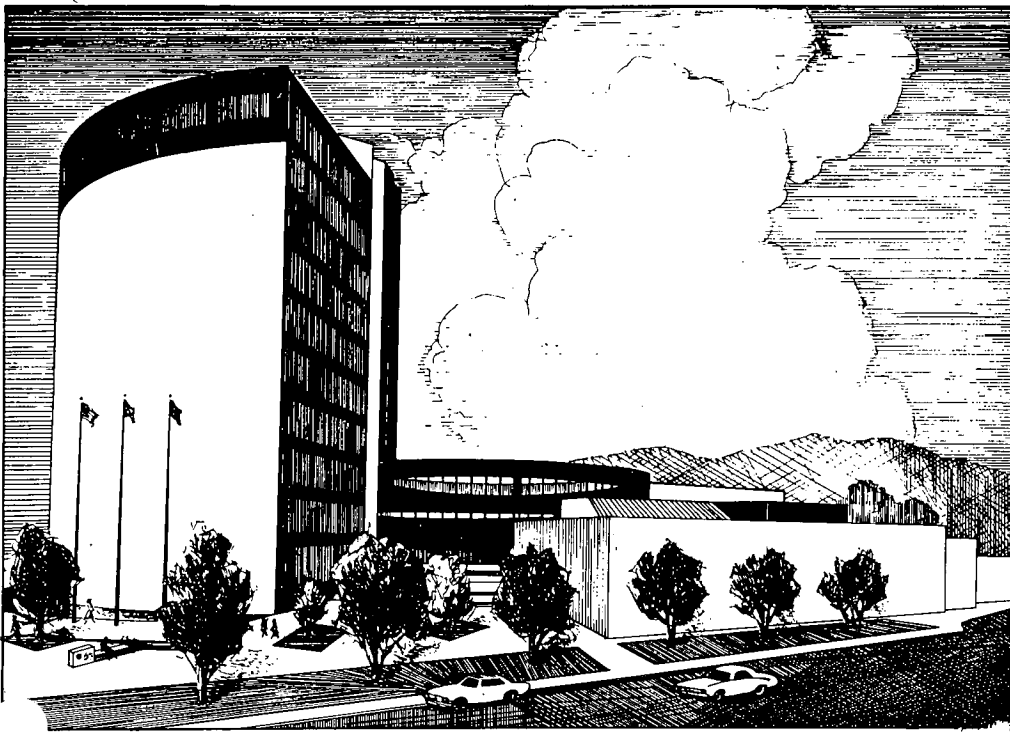


MINUTES
SEPTEMBER 5, 1979



MINUTES

City of Las Vegas

BOARD OF COMMISSIONERS

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

DATE: SEPT. 5, 1979

TIME: 9:45 A.M.

INVOCATION: REV. M. E. McGLAMERY, DIRECTOR, SO. NEVADA BAPTIST ASSOC.

PLEDGE OF ALLEGIANCE:

BOARD OF CITY COMMISSIONERS	PRESENT	ABSENT	EXCUSED
MAYOR BILL BRIARE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
COMM. PAUL J. CHRISTENSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. RON LURIE MAYOR PRO-TEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. AL LEVY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMM. ROY WOOFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CITY ATTORNEY GEORGE F. OGILVIE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



APPROVED BY REFERENCE May 21, 1980

ATTEST:

Carol Ann Hawley
CITY CLERK

William N. Briare
MAYOR

AGENDA

City of Las Vegas

September 5, 1979

Page 1

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

ITEM

Commission Action

Department Action

I. 9:45 A.M.

A. COMMUNITY RELATIONS - None

B. SPECIAL EVENTS - None

II. 10:00 A.M.

A. ANNOUNCEMENT re COMPLIANCE WITH OPEN MEETING LAW

B. INVOCATION:

Rev. M. E. McGlamery
Southern Nevada Baptist Assn.

C. PLEDGE OF ALLEGIANCE

AGENDA

City of Las Vegas

September 5, 1979

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 2

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY

ILA M. BRITT, DIRECTOR

*CONSENT AGENDA

All matters listed under Items A 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. GAMING -- Additional

1. HORSESHOE CLUB OPERATING CO.

The Horseshoe Club
128 Fremont Street
1 slot

2. HOTEL NEVADA CORPORATION

Hotel Nevada & Casino
235 South Main Street
1 Sports Book
1 "21" Table

3. GEMINI, INC.

Lady Luck Casino
206 North 3rd Street
30 slots

4. BIG NICKEL, INC.

Rendezvous Hotel & Casino
400 East Ogden Avenue
5 slots

Items 1 thru 9
Approved
as requested
Woofter - unanimous

Mayor Pro Tem
Lurie abstained on
Item 9

Director
authorized
to proceed

AGENDA*City of Las Vegas*

September 5, 1979

BOARD OF CITY COMMISSIONERS

Page 3

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)*A. GAMING -- Additional
(cont'd)

See Page 2

See Page 2

5. J. J. PARKER COMPANY

Jerry's Liquor
1604 West Oakey Blvd
1 slotSocial Circle Bar
235 North Eastern Avenue
1 slot

6. UNITED COIN MACHINE COMPANY

Highlander Bar
1926 Western Avenue
2 slots

7. CORRAL - UNITED

Vons Grocery Company # 2
4400 East Charleston Blvd
15 slots

8. AMERICAN COIN MACHINE COMPANY

Love's Cocktail Lounge
500 Jackson Avenue
4 slots

AGENDA*City of Las Vegas*

September 5, 1979

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)*A. GAMING -- Additional
(cont'd)

See Page 2

See Page 2

9. CASINO SERVICES

Pioneer Club
25 East Fremont Street
3 slotsLas Vegas Club
18 Fremont Street
10 slotsGolden Nugget
129 East Fremont Street
12 slots*B. RETAIL TOBACCO -- Additional

1. W W VENDING COMPANY

Lupe's Place
1736 Las Vegas Blvd SouthFifth & Ogden Mobil
201 Las Vegas Blvd NorthEl Rio Club
1312 "F" StreetEl Mirador Motel
2310 Las Vegas Blvd SouthCasa de Pizzeria
402 East CharlestonItems 1, 2 and 3
Approved
as requested
Woofter - unanimousDirector
authorized
to proceed

AGENDA*City of Las Vegas*

September 5, 1979

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 5

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)*B. RETAIL TOBACCO -- Additional
(cont'd)

See Page 4

See Page 4

1. W W VENDING COMPANY
(cont'd)Tuttle's Tavern
132 Las Vegas Blvd SouthDumes Fish House
808 West Lake MeadVenetian Pizzeria
3713 West SaharaMarie Callendar Pie Shop
600 East SaharaMarcella's
1732 East Fremont

2. JANIE'S VENDING, INC.

Sears, Roebuck & Company
4300 Meadows LaneSears Automotive
4300 Meadows LaneDiamond's
4300 Meadows Lane

3. VEGA VENDING, INC.

Wolf's Den
2002 East CharlestonCasbah
19 East Lewis

AGENDA*City of Las Vegas*

September 5, 1979

BOARD OF CITY COMMISSIONERS

Page 6

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 326-8011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)C. LIQUOR -- New

1. *DONA MARIA TAMALES SHOP
1000 East Charleston Blvd
Restaurant Beverage License

Arturo Gardea, 100%

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

Approved subject
to provisions
Levy - unanimous

Director
authorized
to proceed

D. LIQUOR, & RETAIL TOBACCO -- New

1. *THE BOXCAR
300 Wall Street
Restaurant Beverage License

Boxcar Enterprises, Inc. --
George Wah Sam, Pres, Dir,
50%
Mary Ellen Christfield,
Secy-Treas, Dir, 50%

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

Approved subject
to provisions
Woofter - unanimous

Same as above

AGENDA*City of Las Vegas*

September 5, 1979

BOARD OF CITY COMMISSIONERS

Page 7

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-8011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)E. LIQUOR & RETAIL TOBACCO -- Change of Corporate Structure1. LIBRARY BUTTERY & PUB
200 West Sahara
General Liquor License

H. L. S. Enterprises, Inc. --

From: Robert Parker, 20%
Bruce Zwissler, 20%
Phillip Vessadini, 20%
David A. Facciani, 20%
Samuel Wright, 20%To: David A. Facciani, 35%
Virginia Fortner, Secy, Manager and
Phillip Ronald Fortner, 25% jointly as
husband and wife
Bruce Zwissler, 17.5%
Phillip Vessadini, 10%
Samuel Wright, 10%Approved
Woofter - unanimousDirector
authorized
to proceedF. LIQUOR -- Change of Business Name/
Change of Corporate Structure

1. From: Morning After

Morning After, Inc. --
Georges Louis LaForge,
33 1/3%
Franklin Ho, 33 1/3%
Joseph Suceveanu, 33 1/3%TO: PAMPLEMOUSSE
400 East Sahara Avenue
Restaurant Beverage LicenseMorning After, Inc. --
Georges Louis LaForge,
Pres, Dir, 50%
Joseph Suceveanu, V. P.,
Secy-Treas, Dir, 50%Approved
Levy - unanimous

Same as above

AGENDA

City of Las Vegas

September 5, 1979

BOARD OF CITY COMMISSIONERS

Page 8

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

G. LIQUOR, GAMING & RETAIL TOBACCO --
Change of Corporate Offices Held

1. *SHOWBOAT HOTEL & CASINO
2800 Fremont Street
4 Tavern/1 Service Bar
Unrestricted Gaming

Showboat, Inc., and Showboat
Operating Company --

R. Julian Moore
From: Assistant Secy-Treas
To: Vice Pres, Assistant Secy

Mead Dixon
From: Secy, Dir
To: Dir

*Subject to final State Gaming
approval

Approved subject
to condition
Christensen -
unanimous

Director
authorized
to proceed

H. LIQUOR, GAMING & RETAIL TOBACCO --
Approval of Additional Corporate
Officers/General Manager

1. *SHOWBOAT HOTEL & CASINO
2800 Fremont Street
4 Tavern/1 Service Bar
Unrestricted Gaming

Showboat, Inc., and Showboat
Operating Company --

Additional Officers:
Robert John Kenneth, V. P.,
General Manager
Harold Gregory Nasky, Secy

*Subject to final State Gaming
approval

Approved subject
to condition
Christensen -
unanimous

Same as above

AGENDA*City of Las Vegas*

September 5, 1979

BOARD OF CITY COMMISSIONERS

Page 9

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)I. GAMING -- Approval of Additional Officer and Stockholder

1. SOCIAL CIRCLE BAR
235 North Eastern
Gaming: 4 Business-owned
5 Operator slots

L. R. P. Corporation --

From: Larry R. Payne, sole officer stockholder

To: Ronald Griffon Johnson, Pres, 45%
Sandra Johnson, 50%
Larry Payne, V. P., Secy-Treas, 5%Approved
Christensen -
unanimousDirector
authorized
to proceedJ. RETAIL TOBACCO -- New

1. HEADWEST
815 West Owens
Terry D. Wilburn, 100%

2. JAN-L'S
2105 East Fremont

Lewis Hawk, partner
Janice Hawk, partnerItems 1 thru 4
Approved
Christensen -
unanimous

Same as above

AGENDA*City of Las Vegas*

September 5, 1979

BOARD OF CITY COMMISSIONERS

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)M. SPECIAL EVENT LIQUOR LICENSE

1. CHRIST CHURCH EPISCOPAL

Location: 2000 Maryland Pkwy

Date: October 20, 1979

Responsible Licensee:
Frank E. ScottApproved
Christensen -
unanimousDirector
authorized
to proceedN. LIQUOR -- Request for Extension of
Inactive Status1. KELLY'S PUB
300 South Fourth Street
Tavern License

Christ N. Karamanos, 100%

(Closed 3/20/79. Extension for
5/18/79 thru 7/17/79 approved
5/2/79. Extension for 7/18/79
thru 9/15/79 approved 7/5/79.
Request for extension of inactive
status for 60-day period: 9/16/79
thru 11/14/79.)Approved
as requested
Levy - unanimous

Same as above

City of Las Vegas

AGENDA DOCUMENTATION

Date: August 24, 1979

TO: The Board of City Commissioners

FROM: DON SAYLDR, DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- SEPTEMBER 5th COMMISSION AGENDA
LIQUOR -- Request for Extension of Inactive Status

PURPOSE/BACKGROUND

Item, "N", 1.

Standard request for extension of inactive status on liquor license as follows:

- 1. Kelly's Pub

Copy of letter requesting extension attached.

ACTION TAKEN

Approved by City

Date *9/5/79*

FISCAL IMPACT

RECOMMENDATIONS

Ila M. Britt

Ila M. Britt, Director
Department of Business Activity

DISPOSITION

- Approved
- Disapproved
- Held

Status Due: _____

Agenda Item

III. N 1

CITY COMMISSION MINUTES - SEPTEMBER 5, 1979

Page 13

August 27, 1979

Howard Crow
Business License Dept.
City of Las Vegas
400 East Stewart Street
Las Vegas, Nevada 89101

Re: Kelly's Pub

Dear Mr. Crow:

Request is hereby made that the inactive status of the liquor license of Kelly's Pub, 300 South Fourth Street, be extended for an additional three months.

Thank you for your cooperation.

Sincerely,



Chris Karamanos

cc: Dennis L. Kennedy

III N.1

AGENDA

City of Las Vegas

September 5, 1979

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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)

0. LIQUOR, GAMING, & RETAIL TOBACCO --
Transfer of Corporate Stock

1. BINGO PALACE CASINO
2540 South Rancho Road
General Liquor License
Unrestricted Gaming

Mini-Price Motor Inn Casino, Inc. --

From: Carl W. Thomas, Pres,
Treas, Dir, 50%
Frank J. Fertitta,
V. P., Dir, 25%
Daniel Snyder, V. P.,
Dir, 5%
Jerome F. Snyder, Secy,
Dir, 20%

To: Frank J. Fertitta, sole
officer/stockholder

Approved
Lurie - unanimous

Director
authorized
to proceed

ABEYANCE ITEM

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

*1. From: Billy Jo's

The Power Company, Inc.
Rainier G. W. Gund,
Pres, Dir, 50%
M. J. Schiff, Secy-
Treas, Dir, 50%

To: BILLY JO'S CRAZY HORSE T00
2474 So. Industrial Rd.
Tavern License

Denied
Christensen -
unanimous

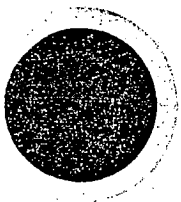
Commissioner
Woofter did not
vote - temporarily
absent

Director
authorized
to proceed

C/A to proceed
with Show Cause
re Licensees
under BILLY JO'S
LIQUOR LICENSE

The Power Company, Inc. --
Tony Albanese, Pres,
Dir, 50%
M. J. Schiff, Secy-
Treas, Dir, 50%

*This item was tabled on 12/6/78, 1/3/79
and 8/15/79 at the request of counsel for applicant.



September 4, 1979

SUBJECT: BILLY JO'S dba CRAZY HORSE TOO
2474 Industrial Road
Las Vegas, Nevada

CRAZY HORSE
4034 Paradise Road
Las Vegas, Nevada

TO WHOM IT MAY CONCERN:

According to the records of the Clark County Health District, there has been no problem of employees of either establishment failing to have valid health cards. Our normal procedure in health card checks is that during the course of a routine inspection, health cards of all personnel working at the time of inspection are checked for validity.

Sincerely,

CLARK COUNTY HEALTH DISTRICT

Harold A. Stewart, R.S.
Sanitarian Supervisor

HAS:lm



CITY COMMISSION MINUTES - SEPTEMBER 5, 1979

The Superior Court

LOS ANGELES, CALIFORNIA 90012

CHAMBERS OF

HARRY T. SHAFER, JUDGE

Page 16

TELEPHONE
(213) 974-1234

August 22, 1979

Clark County Licquor Commission
Las Vegas, Nevada

Att: Manuel Cortez, Chairman
Re: Application of Peter F. Albanese

Dear Mr. Cortez:

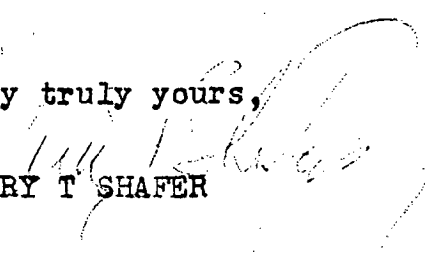
I am informed that there is pending before your Commission the application of Peter F. Albanese relating to permit to dispense intoxicants, and that a question has arisen regarding the possible effect upon said application of a misdemeanor charge filed against the applicant during the time when I served as a Judge of the Municipal Court Compton Judicial District, Los Angeles County which charge eventuated into a jury trial resulting in an acquittal on all charges.

Upon request of Mr. Albanese to comment upon said charges which fundamentally involved so called "nude dancing", I called my former clerk in the Municipal Court Compton Judicial District and he has just informed me that he attempted to locate the records for the period covering the years 1965, 1966, and 1967 and was unable to find any record of a charge against Mr. Albanese or Little Annie's Wannie, the name of his establishment at the time. However, it may very well be that the case was filed against one of his employees and that the case might be so entitled and if I had that name the file might be located.

In any event I recall the case well, inasmuch as it was a jury trial lasting approximately eight days and resulting in full acquittal of all parties. There was, as I recall, nothing in the case to indicate that Mr. Albanese was acting other than in a responsible and moral fashion. One must remember that in that period of time the issue of topless dancers was in an embryonic stage and the application of the law was most uncertain, both from a Constitutional and factual basis.

Trusting this is helpful to you, I am

Very truly yours,


HARRY T. SHAFER

HTS:m

CITY COMMISSION MINUTES - SEPTEMBER 5, 1979

LAW OFFICES

Page 17

OSCAR B. GOODMAN
RICHARD A. OSHINS
JAY H. BROWN
MICHAEL H. SINGER
KIRBY R. WELLS
STEPHEN STEIN
NEIL J. BELLER
WILLIAM B. TERRY
ANNETTE R. QUINTANA
MARK SEGAL
MARTIN J. KRAVITZ

Goodman, Oshins, Brown & Singer, Chartered

A PROFESSIONAL CORPORATION
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

TELEPHONE
AREA CODE 702
364-5563

August 14, 1979

Hon. William Briare
400 E. Stewart
Las Vegas, Nevada 89101

Mr. Al Levy
400 E. Stewart
Las Vegas, Nevada 89101

Mr. Ron Lurie
400 E. Stewart
Las Vegas, Nevada 89101

Mr. Roy Woofter
400 E. Stewart
Las Vegas, Nevada 89101

Mr. Paul Christensen
400 E. Stewart
Las Vegas, Nevada 89101

Re: Billy Jo's Crazy Horse Too

Gentlemen:

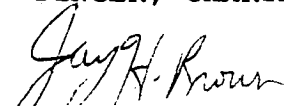
I would respectfully request that the above item be removed from the City Commission agenda of August 15, 1979. I believe that it would be in both the City's and my client's best interests if certain collateral matters could be resolved prior to the matter coming before you.

I am most confident that these matters can be resolved within 30 days and would, therefore, request that this matter be continued until your meeting of September 19.

Both my client and I appreciate your consideration and continued patience in this matter.

Very truly yours,

GOODMAN, OSHINS, BROWN &
SINGER, CHARTERED


Jay H. Brown

JHB:cc

AGENDA DOCUMENTATION

TO: The Board of City Commissioners

FROM: ILA M. BRITT, DIRECTOR
DEPT. OF BUSINESS ACTIVITY
J. ASHENFELTER, SERGEANT,
SPECIAL INVESTIGATIONS BUREAU

SUBJECT: BILLY JO'S CRAZY HORSE TOO
2474 INDUSTRIAL ROAD

PURPOSE/BACKGROUND

Item III, "I" 1.

A change of corporate officers and change of business name for the tavern license located at 2474 So. Industrial Road appears on the August 15th agenda. The licensee of record is The Power Company, Inc., dba Billy Jo's, with Rainier G. W. Gund, President and Director - 50%, and M. J. Schiff, Secy-Treas and Director - 50%. The application before the commission is to change the business name to Billy Jo's Crazy Horse Too and for a transfer of the 50% held by Rainier G. W. Gund to Tony Albanese. Mr. Albanese also seeks to be approved as President and a Director of The Power Company, Inc.

This application first appeared before the commission on a regular agenda December 6th, 1978, and was held in abeyance. It reappeared on the January 3rd, 1979, commission agenda, and at the request of the applicant, or counsel for the applicant, the application was tabled. The motion was that the item would be tabled until a request was made to have it placed back on the agenda.

Since no request to place this item back on the agenda was received within what our departments considered to be a reasonable length of time, an investigation was commenced to ascertain the ownership and managerial status at the subject tavern. It is to be noted that the confidential report submitted by Metro's Special Investigations Bureau when the application appeared last December and January was "unfavorable." A copy of that report is attached hereto.

Following is a synopsis of information obtained thru the investigation which was conducted by the Department of Business Activity and Metro's Special Investigations Bureau.

1. Mr. Albanese has assumed and acted upon his office as President, Director, and 50% owner of the business prior to the approval of the City Commission. The facts supporting this allegation are:
 - a) Mr. Albanese by an agreement dated September 25th, 1978, became the owner of 50% of the outstanding stock of the corporation known as The Power Company, Inc. Also, by resolution of the corporation dated September 26th, 1978, Mr. Albanese became director, president and general manager. Mr. Albanese has succeeded to the corporation in the same capacity as formerly occupied by Mr. Gund. There is absolutely no qualification language either in the agreement or the resolution to the fact that this appointment becomes effective upon approval of the Board of City Commissioners. Indeed the facts appear to show that as of the date of the resolution, Mr. Gund has completely divorced himself from the corporation and that Mr. Albanese has acted as a director, president and 50% owner of the company.

continued...

DISPOSITION

Approved
Disapproved
Held

Status Due: _____

>>
Agenda Item

III. "I" 1

AGENDA DOCUMENTATION
August 10th, 1979
Page Two

SUBJECT: BILLY JO'S CRAZY HORSE TOO
2474 INDUSTRIAL ROAD

- b) On September 27th, 1978, Mr. Albanese opened a bank account with Nevada State Bank and signed a signature card as "President" of The Power Company, Inc.
- c) Although Mr. Albanese claims to be only manager for Mr. Schiff, Mr. Albanese was informed by Special Investigations not to participate in profits of the company. In spite of this, he proceeded to use corporate funds to pay on his personal loan in the amount of \$10,000, which he obtained from Valley Bank. (The loan was obtained by Mr. Albanese to make his down payment to Mr. Gund on the purchase agreement.) There were also checks signed by Tony Albanese made payable directly from The Power Company, Inc. to Mr. Gund at the rate of \$1,000 per month, the purpose of which is to pay Mr. Gund directly under the terms of the purchase agreement.
- d) Mr. Albanese has assumed complete control of the licensed premises.
- e) From September 27th, 1978, Mr. Albanese was the only person authorized to sign checks on behalf of the corporation.
- f) Mr. Schiff has admitted during interrogation by a license investigator from the Department of Business Activity and Special Investigations Bureau officers that Mr. Albanese has all the responsibility to run the business and Mr. Schiff is not familiar with the employees or the financial transactions of the company. Mr. Schiff's attorney was present during this interrogation.

It is to be noted particularly that subsequent to the applicant's request to have this application tabled indefinitely on January 3rd, 1979, an interview was conducted with Mr. Albanese by the Special Investigations Bureau with reference to a letter which had been submitted appointing Tony Albanese as general manager. Mr. Albanese was specifically notified that as manager he could not participate in any of the company profits. We have evidence, including copies of cancelled checks, that Mr. Albanese continued to pay his personal loan payments to Valley Bank and make payments to Rainier Gund from The Power Company, Inc. account.

The Las Vegas City Code, under 5-1-13 (0) provides:

"All corporations licensed to do business under this title shall report to the Director of Business Activity on a form to be provided by the Director all changes in the corporate officers, directors, and the stockholders holding five percent (5%) or more of the common stock, who were designated in the original business license application, within thirty (30) days after such change occurs...."

continued...

AGENDA DOCUMENTATION
August 10th, 1979
Page Three

SUBJECT: BILLY JO'S CRAZY HORSE TOO
2474 INDUSTRIAL ROAD

In addition, the Liquor Control Ordinance, under 5-18-6 (D) states:

"...In the event the applicant shall be a corporation, each officer and director thereof, and each stockholder owning ten percent (10%) or more of the corporation's common stock, and the local representative or managing director, whether or not appearing on the license, shall be investigated...."

It is my belief, concurred with by the City Attorney's office, that the following Las Vegas City Code provision has been violated by the actions outlined above:

5-1-13 (E) "For those businesses where the corporate officers, directors, and stockholders, or owners, are required to be investigated and approved before the issuance of a license, no change in officers, directors, stockholders or owners shall become effective until such time as the necessary investigations and approvals are made."

2. The facts developed by the investigation which has been conducted also tend to show that Mr. Albanese suffers a lack of fitness to qualify for a liquor license.

Title 5, Chapter 1, Section 16, Subsection (A)4 provides that among other things a previous license revocation or suspension or cancellation either locally or in another state or community may be a factor in determining fitness. As the Special Investigation Bureau report has shown, Mr. Albanese has had the following disciplinary actions taken against him by the California State Department of Alcoholic Beverage Control.

January 1962	Violating ABC Act	10 days susp.
January 1964	Permitting consumption by minor	15 days susp.
December 1964	Permitting disorderly house	45 days susp.
May 1967	Lewd conduct by female	30 days susp.
Sept. 1967	Sale to drunk	20 days susp.
January 1967	Action of female dancers	45 days susp.
January 1967	Gambling on pool table	15 days susp.
January 1967	Violation of cond. license	15 days susp.
March 1969	Substitution of brands	\$1,323.60 in lieu of 10 days susp.

continued...

AGENDA DOCUMENTATION
August 10th, 1979
Page Four

SUBJECT: BILLY JO'S CRAZY HORSE TOO
2474 INDUSTRIAL ROAD

3. Further, Mr. Albanese was convicted in 1964 of permitting entertainment without a license and was fined \$150. Title 5, Chapter 1, Section 16, Subsection (A)4 also allows that a criminal conviction or prior license disciplinary action may be used in determining fitness to the extent that it is possible that the acts which form the basis of that conviction or disciplinary action may be committed by the applicant under the license being applied for.
4. Mr. Albanese while acting as manager of Crazy Horse Discotheque Saloon allowed four female dancers to be employed there without valid sheriff's work cards, and allowed thirteen persons to be employed without proper health cards as required by the District Health Department. The Clark County Licensing Board refused to license Mr. Albanese as general manager of the Crazy Horse Discotheque.
5. Tony Albanese has operated a business under the business name Tony Albanese Talent Association, aka T.A.T.A., in the City from 1111 Las Vegas Blvd South. No City license was ever applied for for this business.

In closing, I respectfully call to the attention of the Commission an excerpt from the Liquor Control Ordinance, Title 5, Chapter 18, Section 12, Subsection (A), which provides that "the board shall have the right to deny any application for any reason deemed sufficient by the board and refuse to license any applicant."

In addition, the Liquor Control Ordinance, under 5-18-13 (E) states: "Nothing herein shall be construed to authorize the sale, transfer or assignment of an alcoholic liquor license, and no such license shall in any event be sold, assigned or transferred; and it shall be cause for suspension or revocation of license if holder thereof sells, transfers, or places in possession any applicant or other person prior to approval of a transfer, by the City Commission...."

A copy of the complete investigative file with reference to this matter is provided herewith.

Ila M. Britt

Ila M. Britt, Director
Department of Business Activity

J. Ashenfelter

J. Ashenfelter, Sergeant
Special Investigations Bureau

TO: RALPH LAMB, SHERIFF 11-28-78

FROM: SPECIAL INVESTIGATIONS BUREAU

SUBJECT: THE POWER COMPANY, INC., dba
BILLY JO'S CRAZY HORSE TOO
2474 SOUTH INDUSTRIAL ROAD

y/c
See page #3

FROM: BILLY JO'S

RAINIER G. W. GUND, PRES, DIR, 50%
M. J. SCHIFF, SECY-TREAS, DIR, 50%

TO: BILLY JO'S CRAZY HORSE TOO

TONY ALBANESE, PRES, DIR, 50%
40-6528, ID #334580

M. J. SCHIFF, SECY-TREAS, DIR, 50%
40-6882, ID #304690

LICENSE: TAVERN

APPLICANTS SEEK CHANGE OF BUSINESS NAME AND CHANGE OF CORPORATE OFFICER

TONY ALBANESE, WM 39, born April 22, 1939 in Los Angeles, California. He lived in the Los Angeles area until he moved to Las Vegas in 1973. He and his wife, LYNN DIANE KENNEDY, presently reside at 3135 Bel Air Drive.

CHARACTER REFERENCES: References contacted recommend him for the license.

EMPLOYMENT:

Present	Crazy Horse Saloon
1977	Jackpot Casino
1975	G.S.Y., Inc.
1972 to 1973	Pokermatic USA - owner
1971 to 1972	Dale Electronics
1967 to 1975	Tony Albanese Enterprises - owner
1961 to 1967	Owned 5 different nite clubs in southern California

PAGE 2 - TONY ALBANESE

CREDIT AND FINANCIAL STATUS: TONY ALBANESE lists his assets at \$1,105,000 with liabilities of \$83,000 giving him a net worth of \$1,022,000. He is investing \$10,000 in this venture which is taking from cash on hand.

ARREST AND CRIMINAL RECORD:

1964 Permitting entertainment without a license - fined \$150
 1967 Permitting disorderly house - not guilty
 1968 Receiving stolen property - not guilty

Disciplinary actions by California State Department of Alcoholic Beverage Control:

1	January 1962	Violating ABC Act	10 days susp.
2	January 1964	Permitting consumption by minor	15 days susp.
3	December 1964	Permitting disorderly house	45 days susp.
4	December 1964	Law enforcement problem	Dismissed
5	December 1964	Entertainment w/o permit	Dismissed
6	May 1967	Lewd conduct by female	30 days susp.
7	September 1967	Sale to drunk	20 days susp.
8	January 1967	Action of female dancers	45 days susp.
9	January 1967	Gambling on pool table	15 days susp.
10	January 1967	Violation of cond. lic.	15 days susp.
11	March 1969	Substitution of brands	\$1,323.60 in lieu of 10 days susp.

The applicant from 1969 to 1972 has been the defendant in 13 civil suits filed in Superior Court and Municipal Courts in the State of California. A list of these 13 civil cases follows:

1. Bay Beverage vs. Tony Albanese, Municipal Court, Compton, California, case #48882
2. Chanco Leasing vs. Tony Albanese, Municipal Court, Los Angeles, case #737126
3. Collection Control Bureau vs. Tony Albanese, Municipal Court, Central Orange Judicial District, case #59846
4. Cimeno vs. Tony Albanese, Municipal Court, West Orange, case #13312
5. Medical Finance Association vs. Tony Albanese, Municipal Court, Long Beach, case #172403

PAGE 3 - TONY ALBANESE

6. City National Bank vs. Tony Albanese, Superior Court, case #3889
7. Financial Collection Agency vs. Tony Albanese, Municipal Court, Orange County, case #16048
8. Lakewood Credit Exchange vs. Tony Albanese, Municipal Court, Los Cerritos, case #23063
9. The Estate of Paul J. Lupo vs. Tony Albanese, Municipal Court, Compton, case #45058
10. The Estate of Paul J. Lupo vs. Tony Albanese, Municipal Court, Compton, case #47875
11. Credit Bureau of South Gate vs. Tony Albanese, Municipal Court, Downey, case #26326
12. Security Pacific National Bank vs. Tony Albanese, Municipal Court, West Orange, case #13423
13. Koster Electric vs. Tony Albanese, Municipal Court, South Gate, case #08584

The applicant is presently a plaintiff in case #A83620. The case concerns a contractual dispute with the Reef Lounge in which Mr. ALBANESE contracted to furnish topless female dancers. This contract was entered into July 6, 1978. TONY ALBANESE does not have nor has he applied for a license with any city, county or state agency to provide this type of service. He presently has an office leased at 1111 Las Vegas Blvd. South under the business name of Talent Associates and is advertising for topless dancers in the Las Vegas Mirror dated November 10, 1978, telephone 382-0784. See attached ad appearing in the Las Vegas Mirror, dated November 10, 1978.

During the period of time the applicant was awaiting approval or denial by the Clark County Licensing Board as general manager of the Crazy Horse Discotheque Saloon, an inspection was conducted at the Crazy Horse Discotheque Saloon on October 23, 1978 and the inspection disclosed 4 female dancers were not in possession of valid Sheriff's work cards and 13 employees did not possess health cards as required by the District Health Department. The Clark County Licensing Board reviewed the subject's application as general manager of the Crazy Horse Discotheque Saloon on 11-8-78 and voted for denial of the license.

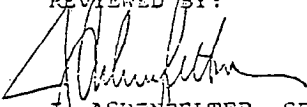
It has been shown that the applicant has habitually disregarded liquor regulations both in California over a seven year period and recently in Las Vegas as a general manager of a local saloon. He has also failed to obtain a license for his business

of supplying topless dancers, all of which would indicate the applicant willfully disregards governmental regulations and therefore there is a high probability of continued enforcement problems in any venture he is associated with. Thus, as a result, this department is submitting an unfavorable police report.

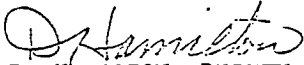
Respectfully submitted,


R. J. BISCHOFF, DETECTIVE
SPECIAL INVESTIGATIONS BUREAU

REVIEWED BY:


J. ASHENFELTER, SERGEANT
SPECIAL INVESTIGATIONS BUREAU

APPROVED BY:


D. HAMILTON, DEPUTY CHIEF
INTELLIGENCE SERVICES DIVISION

RJB:lm

SUPPLEMENTAL REPORT

TONY ALBANESE, APPLICANT AS
PRESIDENT, DIRECTOR, 50%
THE POWER COMPANY, INC., dba
BILLY JO'S CRAZY HORSE TOO
2474 SOUTH INDUSTRIAL ROAD

12-1-78

ID #334580
40-6528

Since completing the initial report, it has come to the attention of this office that TONY ALBANESE has been named as defendant in a complaint filed November 22, 1978 by Nevada Credico, Inc., Case A-184796, Clark County, Nevada.

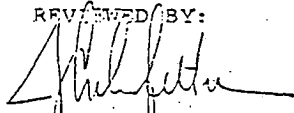
The complaint states that the applicant, TONY ALBANESE, borrowed \$2,000 from Crocker National Bank of California on November 7, 1975. This note was to be paid in full in ninety days, however, no payment was made.

It may be noted that in the financial statement submitted by the applicant to this department, this debt was not listed.

Respectfully submitted,


R. T. BISCHOFF, DETECTIVE
SPECIAL INVESTIGATIONS BUREAU

REVIEWED BY:


J. ASHENFELTER, SERGEANT
SPECIAL INVESTIGATIONS BUREAU

RJB:lm

TO: HONORABLE MAYOR AND BOARD OF CITY COMMISSIONERS 12-29-78

FROM: SPECIAL INVESTIGATIONS BUREAU

SUBJECT: THE POWER COMPANY, INC., dba
BILLY JO'S CRAZY HORSE TOO
2474 SO. INDUSTRIAL RD., LVN

FROM: BILLY JO'S

RAINIER G. W. GUND, PRES, DIR, 50%
M. J. SCHIFF, SECY-TREAS, DIR, 50%

TO: BILLY JO'S CRAZY HORSE TOO

TONY ALBANESE, PRES, DIR, 50%
40-6528, ID #334580

M. J. SCHIFF, SECY-TREAS, DIR, 50%
40-6882, ID #304690

LICENSE: TAVERN

This is to advise you that on December 6, 1978 Attorney NEIL BELLER, representing the above subject, had conversation with the below signed and Detective ROBERT BISCHOFF regarding the reasons why the Metropolitan Police Department was submitting an unfavorable police report on the above subject.

We indicated to Mr. BELLER that one of the reasons was the numerous civil actions filed against the applicant for apparently non-payment of bills. Mr. BELLER asked for the information on the civil suits and as they are a matter of public record, he was supplied that information. He indicated he would give us information that showed these suits were settled but as of this date has not done so.

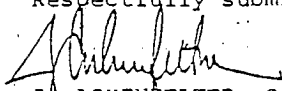
We also advised Mr. BELLER that his client has been doing business in the City for some time under the name Talent Associates, 1111 Las Vegas Boulevard South, phone number 382-0784. He advised he was unaware of this and would have his client apply for a license immediately with the City of Las Vegas. As of 12-29-78, 9:00 AM, the applicant has failed to acquire the needed license.

The above information is brought to your attention and we, at this time, wish to reaffirm our recommendation of an unfavorable police report.

PAGE 2 - BILLY JO'S CRAZY HORSE TOO

Please find attached the original report supplied to you dated November 28, 1978.

Respectfully submitted,



J. ASHENFELTER, SERGEANT
SPECIAL INVESTIGATIONS BUREAU

JA:lm

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS

Page 13

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

September 5, 1979

PHONE 386-6011

ITEM

Commission Action

Department Action

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

- A. REQUEST AUTHORIZATION TO INITIATE ANNEXATION PETITION FOR CITY PROPERTY REFERRED TO AS "ANGEL PARK" GENERALLY LOCATED IN SECTIONS 31 AND 32, T20S, R60E.
- B. APPROVAL OF THE USER CHARGE STUDY OF THE LAS VEGAS VALLEY WATER QUALITY PROGRAM.
- C. DAUPHINE WAY - REPORT FROM REAL ESTATE COMMITTEE.
- D. REQUEST TO PURCHASE EXCESS RIGHT-OF-WAY ON ALTA DRIVE BETWEEN RANCHO AND HIGHLAND.
- E. REQUEST TO PURCHASE CITY PROPERTY - TIBERTI-BLOOD & COMPANY

Approved as recommended Christensen - unanimous

C/M authorized to proceed

Approved as recommended Christensen - unanimous
 *

Same as above

**Items D and E Referred to Real Estate Committee - Commissioners Christensen and Lurie

*C.

Approved as recommended with the provision that proceeds from the sale are to be placed in the Capital Project Fund
 Lurie - unanimous

Same as above

** Items D and E have been Noticed for Public Comment Hearing before the Real Estate Committee (Commissioners Christensen and Lurie) at 4:00 P.M., Wednesday, September 12, 1979 - 10th Floor, City Hall - City Manager's Conference Room

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 5, 1979

TO: The Board of City Commissioners

FROM: DON J. SAYLOR
ACTING CITY MANAGER

SUBJECT: APPROVAL OF THE USER CHARGE STUDY OF THE LAS VEGAS VALLEY WATER QUALITY PROGRAM

PURPOSE/BACKGROUND (Attached-"User Charge Study" Proposal)

The scope of the User Charge Study is based on the Consent Decree and comments from U.S. EPA.

The output of the User Charge Study will be alternatives and recommendations for the following which are concerns that result from implementing the Consent Decree and complying with EPA regulations for User Charge Systems/Industrial Cost Recovery:

1. Assumptions regarding sewage flows from various domestic, commercial and industrial sources in the service areas of the cities and the County shall be investigated and verified or amended.
2. Provide a determination of relative discharges by the District and the cities in order to allocate debt service costs between the cities and the county.
3. As a result of interim modifications to the secondary treatment plants serving the District and the cities, operation and maintenance costs associated with each of the facilities are expected to change. User charges for the cities and the district must be determined which reflect applicable changes.
4. Pursuant to EPA grant regulations, Industrial Cost Recovery systems for the District and the cities must be established.
5. Provide a financing plan for funding all capital improvements required by the District and the cities, including the local share of capital costs of facilities to be constructed to comply with the provisions of the Consent Decree.
6. For the cities, analyze alternative rate structures and recommend modifications as applicable to existing user charge rate structures to comply with PL 92-500 and the needs of the cities.

FISCAL IMPACT

The calculation of local share of costs is based on the assumption that all study tasks are eligible for 75% federal grant funding. The local share of the \$149,847 for the User Charge Study is \$37,462 allocated between the County and the cities based on their proportionate equivalent residential unit count as follows:

Clark County Sanitation District	\$20,417	
City of North Las Vegas	2,697	
City of Las Vegas	14,348	Therefore impact to City is \$14,348

RECOMMENDATIONS

It is the recommendation of the City Manager's Office that the Commission approve the proposed User Charge Study on the bases:

1. Dictated by the Consent Decree
2. Study will produce information needed by the City in order to establish equitable rates to the citizens of the City of Las Vegas for the use of wastewater treatment facilities.

DISPOSITION

- Approved
- Disapproved
- Held

Status Due: _____

Agenda Item

IV(a) 8.

City of Las Vegas

AGENDA DOCUMENTATION

Date: August 30, 1979

TO: The Board of City Commissioners

FROM: DON J. SAYLOR
ACTING CITY MANAGER

SUBJECT: DAUPHINE WAY - REPORT FROM REAL ESTATE COMMITTEE

PURPOSE/BACKGROUND

We had an in-house appraisal made on the basis of the useable value of the property utilizing the 50' frontage and a developable depth of 250'. The remaining depth of the property was given a very nominal value. The narrow width of the property restricts the potential uses of the property which, in turn, affected the appraisal which came to \$198,250.00. We have received an offer from Caesar's in the amount of \$200,000.00. Their offer is predicated upon the County surrendering to escrow an Order of Vacation.

FISCAL IMPACT

\$200,000.00 income. There is, of course, an intangible value in that the property will be used for development by Caesar's which will tend to enhance the economic base of the Valley which results in indirect benefits to the City.

RECOMMENDATIONS

It is staff's understanding that the Real Estate Committee feels that the \$200,000.00 offer is an acceptable offer taking all factors into consideration.

DISPOSITION

- Approved
- Disapproved
- Held

Status Due: _____

Agenda Item

iv(a) c.

CITY COMMISSION - MINUTES - REGULAR MEETING - SEPTEMBER 5, 1979 Page

DAUPHINE WAY
Approved
as
recommended

DAUPHINE WAY - REPORT FROM REAL ESTATE COMMITTEE

Mayor Pro Tem Lurie: Commissioner Christensen, do you want to give this Report?

Commissioner Christensen: This has been in the request status for some time and the Real Estate Committee has assessed this one way or another. This is a Street that exists in the County - it is a County street at the present time and completely surrounded by Caesar's Palace property.

We had an in-house appraisal on it and came up with a figure that has been offered by Caesar's Palace for our right to that property. Now, this property has a permanent easement for a County road on it, so until such time as the County relinquishes its rights and vacates this street, it will remain a road.

Since the City owns the title to it, we would have to agree to relinquish that title,

relinquish

We would recommend that the City/its proprietary interest on that on a Quit Claim Deed to Caesar's Palace, in the amount of \$200,000.00, and I would recommend that we do that.

Motion

Mayor Pro Tem Lurie: Mr. Dorn, do you have any comments?

Russell Dorn, City Manager: Yes - I believe Mr. Morris from the firm of Counselor's office is here.

Commissioner Christensen: That's right - Mr. Morris is here - he is the one who has been working with us.

Mayor Pro Tem Lurie: Are there any comments from the Board?

Commissioner Levy: It is not our decision to vacate the street - all we are doing is selling our interest and getting the vacation with the County?

Mayor Pro Tem Lurie: That is correct. We are recommending that the street be closed - that will be up to the County Commission.

Mr. Dorn: I would like to recommend that this \$200,000.00 be placed in the Capital Project Fund.

Amended
Motion

Commissioner Christensen: I will make that a part of my motion.

Mayor Pro Tem Lurie: There was a comment, I know, that Commissioner Woofter had on the utilization of the funds. I also have a request to be looked at, to use this money - I will let Commissioner Woofter explain what he would like to do so you will have his direction . . . my direction would be that we use the money for transportation - match money to purchase new equipment for the City of Las Vegas. Commissioner Woofter, do you want to put in your pitch now? We'll just mention Cashman Field so you will know.

We have a motion to approve the Report on the Real Estate Committee's findings that we accept the offer of \$200,000.00 from Caesar's Palace for our rights to Dauphine Way.

EXCERPT - CITY COMMISSION MEETING - SEPTEMBER 5, 1979

ZONE CHANGE Z-76-79 - BEDFORD CONSTRUCTION COMPANY

Property generally located on the west side of Decatur Blvd. between Oakey Blvd. and Mountain View Drive

Proposed Use: Shopping Centers and Medium High Density Apartments

Approximately 19 protests

Mr. Foster: inaudible due to extreme static .

Mr. Becker: Same as above

Connie Nelson, 5237 Westleigh: Same as above (protest)

Beverly DeBiase: Same as above (protest)

Vera Kelly, W. Oakey: Same as above (protest)

Mike Mooney: Same as above (protest)

NOTE: The mikes for the Mayor and Commissioners working fairly well - (excessive amount of background noise) but mikes for use of department heads and public were completely non-functional for this meeting

AGENDA

City of Las Vegas

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

ITEM	Commission Action	Department Action
IV(b) DEPARTMENT OF FINANCIAL MANAGEMENT MARVIN A. LEAVITT, CPA, DIRECTOR		
<u>*CONSENT AGENDA</u>		
All matters listed under Item A 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. <u>SERVICE AND MATERIAL WARRANTS/PAYROLL WARRANTS</u>		
1. Service and Material Warrants In the amount of \$ 18,337,348.91	Items 1 and 2 Approved as presented Levy - unanimous	Director authorized to issue
2. Payroll Warrants In the amount of \$ 584,650.34	Commissioner Woofter did not vote - temporarily absent	

207

WARRANT REGISTER SUMMARIES RECAP

Service and Material Warrants: CITY COMMISSION MINUTES - SEPTEMBER 5, 1979

No.	To	INCL\$	(160.14)	No.	To	INCL.
G119873	Void					
H1436	H1446	59,478.56				
H943882	H943888	12,322,000.00				
H120766	H120770	1,657,433.53				
H120776	--	1,883.48				
H120777	H120813	861,772.78				
H120814	--	19.57				
H120821	H120826	35,960.00				
H120830	H120831	603,600.00				
H120832	H120860	147,256.78				
H120861	H120866	379,835.93				
H120867	H120885	79,921.84				
H120900	--	375.00				
H210667	H210985	2,187,971.58				

Net Amount \$ 18,337,348.91

Payroll Warrants

No. 162781 To 164435 INCL.

Net Amount \$ 584,650.34

I hereby certify that I have audited the above warrants: and approve same for payment as being in compliance with all applicable laws, to the best of my knowledge and belief.

Bonnie Blaine
DIRECTOR OF FINANCE

APPROVED: P. Ren
CITY MANAGER

On Sept. 5, 1979, the Board of City Commissioners ordered the above warrants paid and the City Treasurer is hereby ordered to pay out of the funds indicated to each of the claimants listed the amount appearing opposite their respective names.

William H. Briare
MAYOR

Attest: Emma M. Cole
CITY CLERK

and approve same for payment as being in compliance with all applicable laws, to the best of my knowledge and belief.

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL &
EMPLOYEE RELATIONS
BOB McPHERSON, AEP, DIRECTOR
AUTHORIZATION TO FILL BUDGETED
POSITIONS - CITY FUNDED - FULL TIME

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
(1) MIS/Systems & Programming Systems & Programming Officer	\$1902	Responsible for administering systems project control, documentation of systems programs & assuring compliance with user needs
(2) Municipal Court Junior Office Assistant	\$ 748	Assists at counter, answers telephones & files all traffic & criminal cases
(3) Municipal Court Security Guard	\$ 957	Operates weapons detection equipment and escorts persons when necessary
(4) PS/Streets Maintenance Laborer	\$ 911	Part of a crew responsible for repairing and maintaining streets in the City
(5) Office of Arch. Services & Proj. Control Administrative Secretary I	\$1028	To perform all clerical functions for the department, including typing, dictation, budget control & receptionist duties

Items 1 thru 5
Approved as
presented
Christensen -
unanimous

Commissioner
Woofter did not
vote - temporarily
absent

Director
authorized
to proceed

City of Las Vegas

AGENDA DOCUMENTATION

Date: August 24, 1979

TO: The Board of City Commissioners

FROM: Ronald C. Jack, Deputy City Manager

SUBJECT: DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS - AUTHORIZATION TO FILL BUDGETED POSITIONS

PURPOSE/BACKGROUND

The following information is submitted with reference to Items 1 - 5 under Agenda Item IV. (c).

- Systems & Programming Officer - replace employee who resigned
- Junior Office Assistant - absorb CETA employee
- Security Guard - absorb CETA employee
- Maintenance Laborer - replace employee who resigned

Administrative Secretary I - This is a new position in the Office of Architectural Services & Project Control necessitated due to the continuum of Design Projects Development and increasing requests for design assistance. These functions are currently performed on a time-available basis by clerical staff in the Department of Community Planning & Development.

FISCAL IMPACT

All of the above positions with the exception of Administrative Secretary I are included in the 1979-80 budgets of the requesting departments. Other than salaries and fringes, there are no additional expenses associated with any of the above.

Fiscal Impact of Administrative Secretary I is \$12,850 which includes salary and fringe benefits. Capital outlay (\$2,725) and Services outlay (\$200) are a one time expenditure. Total fiscal impact for 1979-80 is \$14,775. The City Manager's Office has approved a budget augmentation because of the critical nature of this position.

RECOMMENDATIONS

The Department of Personnel & Employee Relations has indicated that all of the above are in order. The City Manager's Office concurs with the requesting departments' recommendations and the staff analyses and recommends approval of filling the positions at this time.

DISPOSITION

- Approved
- Disapproved
- Hold

RECOMMENDED

Bob McPherson, Director
Personnel & Employee Relations

Status Due: _____

Agenda Item

IV. (c) 1 - 5

CITY FUNDED FULL-TIME VACANCIES
AS OF 8/24/79

<u>DEPARTMENT/DIVISION</u>	<u>CLASSIFICATION</u>	<u>NO.</u>
City Attorney	Deputy City Attorney II	2
Municipal Court	Junior Office Assistant	1
	Security Guard	1
City Manager	---	
City Clerk	---	
Funds Coordination	---	
Personnel & Employee Relations	Departmental Analyst III	1
Business Activity	Senior Office Assistant	1
	Office Manager	1
	Office Assistant	1
	Auditor I	1
Financial Management	Internal Auditor II	1
	Accountant I	1
Community Planning & Development	---	
Architectural Services & Project Control	Architectural Design Associate	1
	Assistant Design Technician	1
	Administrative Secretary I	1
General Services		
Administration	---	
Facilities Support	---	
City Hall Warehouse	---	
Reprographic Services	Graphic Arts Supervisor	1
Automotive Services	---	
Purchasing & Contracts	---	
Management Information Services	Systems & Programming Officer	1
	Systems Programmer	1
	Senior Systems Analyst	1
Office of Budget & Management Services	---	
Fire Services		
Administration	Senior Office Assistant	1

<u>DEPARTMENT/DIVISION</u>	<u>CLASSIFICATION</u>	<u>NO.</u>
Public Services	Field Operations Engineer	1
Sanitation	---	
Streets	Truck Driver	1
	Motor Sweeper Operator	2
Maintenance	---	
Quality Control	Senior Engineering Technician	1
	Engineering Technician	1
Building & Safety	---	
Traffic Engineering	Assistant Engineering Technician	1
	Assistant Supervisor of Traffic	1
Engineering Design	Assistant Engineering Technician	1
	Engineering Designer	1
Animal Control	Chief Animal Control Officer	1
Electrical	---	
Recreation & Leisure Activities		
Parks & Open Spaces	General Park Foreman	1
	Grounds Crew Leader	3
	Senior Grounds Worker	1
Recreation	Community Center Supervisor	1
	Senior Recreation Leader	1
	Recreation Leader	3
Cultural Services & Fine Arts	---	
Youth Affairs	---	
Golf Course	---	
Cemtery	---	
Senior Citizens Center	---	
	TOTAL	40

BI-WEEKLY SAVINGS (including fringes) \$28,151

MONTHLY SAVINGS (including fringes) \$60,995

*These savings would be realized if all of these positions remain vacant for the period of time indicated.

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

No items for consideration on this
Agenda.

AGENDA

City of Las Vegas

September 5, 1979

Page 17

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

(No items for consideration on this
Agenda)

AGENDA*City of Las Vegas*

BOARD OF CITY COMMISSIONERS

Page 18

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

September 5, 1979

ITEM

Commission Action

Department Action

IV (f) DEPARTMENT OF GENERAL SERVICESDAN R. PILKINGTON, DIRECTOR***CONSENT AGENDA**

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

PURCHASING AND CONTRACTS DIVISION***A. AWARD OF BIDS**

1. Adjustment of Sewer Manholes
 . Department of Public Services
 Quality Control Division
2. Paint for Rehabilitation Program
 . Department Funds Coordination
 Division of Developmental Programs
 (Federally Funded)
3. Replacement Street Light Standards
 . Department of Public Services
 Electrical Division
4. Annual Traffic Paint Requirements
 . Department of Public Services
 Traffic Engineering Division
5. Marion and Washington Intersection
 . Department of Public Services
 Engineering Design Division
6. Annual Street Overlay
 . Department of Public Services
 Quality Control Division

B. PURCHASE ORDER APPROVAL

1. Lease/Maint. Renewal of Computer Hardware
 . Department of Management Information
 Services
2. Personnel Portable Pagers and Chargers
 . Department of General Services
 Facility Support Division

Items 1 thru 6
Approved
as recommended
Levy - unanimous

Commissioner
Woofter did not
vote - temporarily
absent

Director
authorized
to proceed

Items 1, 2 and 3
Approved
as recommended
Levy - unanimous

Commissioner
Woofter did not
vote - temporarily
absent

Same as above

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS

Page 19

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

September 5, 1979

ITEM

Commission Action

Department Action

B. PURCHASE ORDER APPROVAL, Cont'd.

See Page 18

See Page 18

3. Undercarriage Repair to D6B Caterpillar
 . Department of General Services
 Vehicle Services Division

City of Las Vegas

AGENDA DOCUMENTATION

Date: AUGUST 24, 1979

TO: The Board of City Commissioners

FROM: RONALO C. JACK
DEPUTY CITY MANAGERSUBJECT: AGENDA - BOARD OF CITY COMMISSION MEETING - SEPTEMBER 5, 1979
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*A. AWARD OF BIOS

1. Adjustment of Sewer Manholes at Various Locations - Department of Public Services - Quality Control Division.
Recommend award to Mutoff & Sons Construction Company, P. O. Box 8, Henderson, NV 89015, in the amount of \$6,640.00. Bid #78.355.18. Purchase Request #353-884. Estimate: \$6,000.00. A/C 7114-6110.
2. Paint for Rehabilitation Program - Department of Funds Coordination - Division of Developmental Programs.
Recommend award to Sinclair Paints Inc., Las Vegas, NV, in the amount of \$34.40 total unit price. Estimated usage through June 30, 1980 is \$9,000.00 Bid #80.0600.1. Purchase Request #106-422. Unit Price Estimate: \$43.00 A/C 6254-5110 Federally-Funded
3. Replacement Street Light Standards (120 Each) - Department of Public Services - Electrical Division.
Recommend award to Standard Wholesale, Las Vegas, NV, in the amount of \$29,280.00. Bid #80.1740.1 Purchase Request #1740-1. Estimate: \$33,960.00 A/C 1741-5150.
4. Annual Traffic Paint Requirements - Department of Public Services - Traffic Engineering Division.
Recommend award to Standard Chemical Corp., Huntington Beach, CA, in the amount of \$25,315.00. Bid #80.1730.1. Purchase Request #1730-2052. Estimate: \$30,000.00. A/C 1732-5110.
5. Reconstruction of Marion and Washington Intersection - Department of Public Services - Engineering Design Division.
Recommend award to J. R. Jacks Trucking, Las Vegas, NV, in the amount of \$19,344.05. Bid #80.3530.1. Purchase Request #353-885. Estimate: \$16,000.00. A/C 5051-8030.
6. Annual Street Overlay - Department of Public Services - Quality Control Division
Recommend award to Wells Cargo Inc., Las Vegas, NV, in the amount of \$151,655.00. Bid #80.3530.2. Purchase Request #353-892. Estimate: \$155,000.00. A/C 5051-8030.

FISCAL IMPACT

FUND BUDGETED FOR FISCAL YEAR 79-80.

RECOMMENDATIONS

THE DEPARTMENT OF GENERAL SERVICES HAS INDICATED THAT ITEMS 1 THROUGH 5 ARE IN ORDER BASED ON RECOMMENDATIONS BY THE USING AGENCIES.

IT IS THE RECOMMENDATION OF THE OFFICE OF THE CITY MANAGER THAT ITEMS 1 THROUGH 5 BE AWARDED.

DISPOSITION

Approved

Disapproved

Heid

Dan R. Pilkington
Dan R. Pilkington, Director
Department of General Services

Status Due: _____

79-3-10

Agenda Item
SECTION A PAGE 1 OF 1
IV (f) A 1-5

City of Las Vegas

AGENDA DOCUMENTATION

Date: AUGUST 24, 1979

TO: The Board of City Commissioners

FROM: RONALD C. JACK
DEPUTY CITY MANAGERSUBJECT: AGENDA - BOARD OF CITY COMMISSION MEETING - SEPTEMBER 5, 1979
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUNDB. PURCHASE ORDER APPROVAL

1. Lease and Maintenance Renewal of Computer Hardware - Department of Management Information Services. (For IBM - Model 1130)
 - Recommend Purchase Order Approval to Computer Hardware Inc., LaMesa, CA, in the amount of \$21,108.00. This is a twelve (12) month extension of an existing lease that has been in effect since August, 1973. Purchase Request #1310-80 and 1310-81. A/C 1340-6130 and 1340-6120.
2. Personnel Portable Pagers and Chargers - Department of General Services - Facility Support Division.
 - Recommend Purchase Order Approval to the State of Nevada Purchasing Division, Carson City, NV, in the amount of \$5,170.00. These pagers shall replace rental pagers now in use. Estimate: \$6,300.00. Purchase Request #3350-2. A/C 3351-8040.
3. Undercarriage Repair to 06B Caterpillar Tractor - Department of General Services - Vehicle Services Division.
 - Recommend Purchase Order Approval to Cashman Equipment Co., Las Vegas, NV, in the amount of \$7,820.50. Sole Source. Purchase Request #3462-5886. A/C 3462-6510.

FISCAL IMPACT

FUND BUDGETED FOR FISCAL YEAR 79-80.

RECOMMENDATIONS

THE DEPARTMENT OF GENERAL SERVICES HAS INDICATED THAT ITEMS 1 THROUGH 3 ARE IN ORDER BASED ON RECOMMENDATIONS BY THE USING AGENCIES.

IT IS THE RECOMMENDATION OF THE OFFICE OF THE CITY MANAGER THAT ITEMS 1 THROUGH 3 BE AWARDED.

DISPOSITION

Approved

Disapproved

Held

Ronald C. Jack
 Dan R. Pilkington, Director
 Department of General Services

Status Due: _____

79-2-10

Agenda Item

SECTION B PAGE 1 OF 1
IV (f) B 1-3

AGENDA*City of Las Vegas*

Sept. 5, 1979

Page 20

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

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

*A. APPROVAL OF SUBDIVISION PLATS

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

1. Miramonte Estates North Unit No. 2. (Nevada Savings and Loan Association - North side of Alexander between Torrey Pines and Lorenzi)

2. The Plaza. (Security Fidelity Partnership - North side of Sahara, East of Richfield Drive)

*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. Lewis Homes Sahara Unit 4. (Lewis Homes of Nevada - North side of O'Bannon between Jones and Torrey Pines)

2. Lewis Homes Sahara Unit 5. (Lewis Homes of Nevada - North side of O'Bannon between Jones and Torrey Pines)

Items 1 and 2
Approved
as recommended
Lurie - unanimous

Commissioner
Woofter did not
vote - temporarily
absent

Director
authorized
to proceed

Items 1 and 2
Approved
as recommended
Levy - unanimous

Commissioner
Woofter did not
vote - temporarily
absent

Clerk to proceed

AGENDA

City of Las Vegas

Sept. 5, 1979

Page 20

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

ITEM

Commission Action

Department Action

IV (g). DEPARTMENT OF PUBLIC SERVICES

WILLIAM J. PURVIS, P.E., DIRECTOR

*CONSENT AGENDA

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2. The Plaza. (Security Fidelity Partnership - North side of Sahara, East of Richfield Drive)

Items 1 and 2
 Approved
 as recommended
 Lurie - unanimous

Commissioner
 Woofter did not
 vote - temporarily
 absent

Director
 authorized
 to proceed

*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.

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2. Lewis Homes Sahara Unit 5. (Lewis Homes of Nevada - North side of O'Bannon between Jones and Torrey Pines)

Items 1 and 2
 Approved
 as recommended
 Levy - unanimous

Commissioner
 Woofter did not
 vote - temporarily
 absent

Clerk to proceed

AGENDA

City of Las Vegas

Sept. 5, 1979

Page 21

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

C. CONTRACT MODIFICATIONS

- * 1. Bid #R78.91 - East Charleston Blvd. Reconstruction, Contract Modification #4 to Stewart Construction in the amount of \$4540.00 to adjust valve boxes.
- * 2. Bid #CLV-R78.22 - Jones Boulevard, Contract Modification #2 to Wells Cargo, Inc. in the amount of \$2878.66 for standby time.
- * Funded by Regional Transportation.

Items 1 and 2
Approved
as presented
Lurie - unanimous

Director
authorized
to proceed

Commissioner
Woofter did not
vote - temporarily
absent

*D. RELEASE OF CONSTRUCTION CONTRACTS

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

Items 1 and 2
Approved as
presented
Levy - unanimous

Clerk to proceed

Commissioner
Woofter did not
vote - temporarily
absent

1. Bid No.: REV78.139
Contractor: J.T. Anderson Construction Corp.
For: Apparatus Room Addition, Fire Station #9 - Bid Group II Only

Notice of
Completion: July 24, 1979
Release
Date: August 28, 1979

2. Bid No.: R78.138
Contractor: Desert Construction, Inc.
For: Traffic Signals at Ernest May Ln. & Rancho Dr. and 6th St. & Sahara

Notice of
Completion: July 25, 1979
Release
Date: August 29, 1979

City of Las Vegas

AGENDA DOCUMENTATION

Date: Aug. 24, 1979

TO: The Board of City Commissioners

FROM: DON J. SAYLOR
DEPUTY CITY MANAGER

SUBJECT: AGENDA ITEM, CITY COMMISSION MEETING
SEPT. 5, 1979

PURPOSE/BACKGROUND

- C. 1. Bid #R78.91 - East Charleston Blvd. Reconstruction, Contract Modification #4 to adjust valve boxes.

An agreement between the Las Vegas Valley Water District will now have the Regional Transportation Commission pay for adjusting water valve boxes which are in good condition prior to new road construction and would require no adjustment except as necessary to meet new street grades.

FISCAL IMPACT

1. Original Contract	\$1,229,811.55
Contract Modification #1	19,378.25
Contract Modification #2	3,930.50
Contract Modification #3	1,536.44
Contract Modification #4	<u>4,540.00</u>

New Contract \$1,259,196.74

\$4,540.00 to be paid by Regional Transportation Commission.

RECOMMENDATIONS

1. Recommend approval.

DISPOSITION

Approved
Disapproved
Held

Status Due: _____

William J. Purvas
William J. Purvas, P.E.
Director of Public Services *5/27/79*

Agenda Item

IV (g)
C. 1.

City of Las Vegas

AGENDA DOCUMENTATION

Date: Aug. 24, 1979

TO: The Board of City Commissioners

FROM: DON J. SAYLOR
DEPUTY CITY MANAGER

SUBJECT: AGENDA ITEM CITY COMMISSION MEETING
SEPTEMBER 5, 1979

PURPOSE/BACKGROUND

- C. 2. Bid #CLV-R78.22 - Jones Boulevard Contract Modification #2 to Wells Cargo, Inc.

Standby time waiting on Las Vegas Valley Water District to fix a leak in a 16 inch watermain. \$1,644.95

Standby time waiting on Las Vegas Valley Water District to identify a water line which could not be found on any Water District plans. 1,233.71

Total \$2,878.66

FISCAL IMPACT

2. Original Contract	\$1,372,093.20
Contract Modification #1	700.00
Contract Modification #2	<u>2,878.66</u>
New Contract Total	\$1,375,671.86

Regional Transportation Commission to pay \$2,878.66. City of Las Vegas will bill Las Vegas Valley Water District for reimbursement.

RECOMMENDATIONS

- 2. Recommend approval.

DISPOSITION

- Approved
- Disapproved
- Held

Status Due: _____

William J. Purvis
 William J. Purvis, P.E.
 Director of Public Services *8/27/79*

Agenda Item

IV (g)
C. 2.

AGENDA

City of Las Vegas

Sept. 5, 1979

Page 22

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
IV (g). DEPARTMENT OF PUBLIC SERVICES (Continued)		
*E. <u>RIGHT OF WAY ITEMS</u>		
<p>1. Grant Deed From: Fremont West Shopping Center, a Nevada Partnership To: City of Las Vegas For: Portion NW-1/4 Sec. 19, T20S, R61E Radius corner at Decatur and Lake Meade Ave. Dedication (8/21/79)</p>	<p>Items 1 thru 5 Approved as presented Christensen - unanimous Commissioner Woofter did not vote - temporarily absent</p>	F/S to proceed
<p>2. Right of Way Grant From: Thomas T. Beam as his sole and separate property as to an undivided 90% interest and K. J. Crawford, a single man, as to an undivided 10% Interest To: City of Las Vegas For: Portion NW-1/4 Sec. 29, T20S, R62E Sewer Easement. Dedication (8/6/79) Recorded as Instrument No. 1060787 in Official Record Book 1101 in the office of the County Recorder on Aug. 14, 1979</p>		
<p>3. Grant Deed From: Terry Valder To: City of Las Vegas For: Portion SE-1/4, Sec. 29, T20S, R61E Carter St. Dedication (8/10/79)</p>		

AGENDA

City of Las Vegas

Sept. 5, 1979

Page 23

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

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

*E. RIGHT OF WAY ITEMS (Continued)

See Page 22

See Page 22

4. Quit Claim Deed

From: City of Las Vegas
 To: Becker Investment Co.
 For: Portion NW-1/4, Sec. 24,
 T20S, R60E
 Portion of radius at
 Jones and Smoke Ranch

5. Quit Claim Deed

From: City of Las Vegas
 To: Johnny Ribeiro, Jr.
 For: Portion SE-1/4, Sec. 32,
 T20S, R61E

F. REPORTS/ACTION

1. Request permission to allow The Nevada Department of Transportation to construct a valley gutter at Yale Street and Iowa Avenue.

Approved as recommended
 *Lurie - unanimous

P/S to proceed

2. Request for encroachment permit by T & R Properties to allow parking in sidewalk area at 424 So. 11th Street.

Approved as recommended
 *Christensen - unanimous

P/S to proceed

*Commissioner Woofter did not vote - temporarily absent

City of Las Vegas

AGENDA DOCUMENTATION

Date: Aug. 24, 1979

TO: The Board of City Commissioners

FROM: DON J. SAYLOR
DEPUTY CITY MANAGER

SUBJECT: AGENDA ITEM CITY COMMISSION MEETING
SEPTEMBER 5, 1979

PURPOSE/BACKGROUND

- F. 1. Request permission to allow The Nevada Department of Transportation to construct a valley gutter at Yale and Iowa.

The construction of the Expressway altered drainage patterns in the area of Decatur Blvd. In order to resolve some of the drainage problems The Department of Transportation proposes to build a valley gutter at the above location.

FISCAL IMPACT

- 1. None.

RECOMMENDATIONS

- 1. Recommend approval.

DISPOSITION

- Approved
- Disapproved
- Held

Status Due: _____

William J. Purvis
 William J. Purvis, P.E.
 Director of Public Services *8/27/79*

Agenda Item

IV (g).
F. 1.

City of Las Vegas

AGENDA DOCUMENTATION

Date: Aug. 24, 1979

TO: The Board of City Commissioners

FROM: DON J. SAYLOR
DEPUTY CITY MANAGER

SUBJECT: AGENDA ITEM CITY COMMISSION MEETING
SEPTEMBER 5, 1979

PURPOSE/BACKGROUND

- F. 2. Request for encroachment permit by T & R Properties to allow parking in sidewalk area at 424 South 11th Street.

A short driveway was constructed prior to the purchase of the property by T & R Properties. The driveway is too short to allow a car to park without occupying a portion of the right of way.

FISCAL IMPACT

- 2. None

RECOMMENDATIONS

- 2. Recommend approval.

DISPOSITION

- Approved
- Disapproved
- Held

Status Due: _____

William J. Purvis
 William J. Purvis, P.E.
 Director of Public Services *8/27/79*

Agenda Item

IV (g)
F. 2.

AGENDA

CITY COMMISSION MINUTES - SEPTEMBER 5, 1979

City of Las Vegas

Page 54

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

Page 24
September 5, 1979

PHONE 386-6011

ITEM

Commission Action

Department Action

V. GEORGE F. OGILVIE - CITY ATTORNEY

A. Cooperative Agreement No. 80 between the County of Clark, the City of Henderson, the City of North Las Vegas and the City of Las Vegas covering the construction of Carey Avenue between Pecos Road and Nellis Blvd.

(Regional

B. Resolution establishing a special fund for Management Systems Development

Approved
*Levy - unanimous

Mayor and Clerk authorized to sign

Adopted Resolution
*Christensen unanimous

Staff authorized to proceed

*Commissioner Woofter did not vote - temporarily absent

5134-11

City of Las Vegas

AGENDA DOCUMENTATION

Date: August 27, 1979

TO: The Board of City Commissioners

FROM: George F. Ogilvie,
City Attorney

George F. Ogilvie

SUBJECT: Cooperative Agreement No. 80

PURPOSE/BACKGROUND

Cooperative Agreement No. 80 of the Regional Transportation Commission of Clark County provides for the construction of Carey Avenue between Pecos Road and Nellis Boulevard at a maximum cost of \$1,750,000.00.

This agreement is standard in form, and, since the portion of Carey Avenue to be improved lies wholly within the unincorporated area of Clark County, requires nothing from the City of Las Vegas other than its approval of this agreement as a member of the Regional Transportation Commission.

Checked by: [unclear] 8-27-79

FISCAL IMPACT

RECOMMENDATIONS

It is recommended that the Board of City Commissioners take whatever steps are necessary to approve this agreement.

DISPOSITION

- Approved
- Disapproved
- Held

Status Due: _____

Agenda Item

V - A

REGIONAL STREET and HIGHWAY COMMISSION

OF
CLARK COUNTY

Las Vegas, Nevada

August 20, 1979

RECEIVED

AUG 23 1979

CITY ATTORNEY'S OFFICE

Ms. Edwina Cole
City Clerk
City of Las Vegas
400 East Stewart Avenue
Las Vegas, Nevada 89101

COOPERATIVE AGREEMENT NO. 80

Enclosed is a copy of Cooperative Agreement No. 80 covering the construction of Carey Avenue between Pecos Road and Nellis Boulevard. This agreement provides \$1,750,000.00 to cover the cost of construction.

This agreement has been recommended for approval by the Regional Transportation Commission of Clark County and has been approved by Clark County. Please place this agreement on the agenda of your next Commission meeting for approval.



CHARLES P. BRECHLER, P.E.
Managing Engineer

ran

Enclosure

CITY CLERK

AUG 22 1 33 PM '79

RECEIVED

#80-

REGISTRATION
 CLAIM CENTER
COOPERATIVE AGREEMENT
 SEP 13 PM 3:29

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

WHEREAS, pursuant to Chapter 373 Nevada Revised Statutes, a project thereunder to construct Carey Avenue between Pecos Road and Nellis Boulevard, being located wholly within the COUNTY, has been approved by the Regional Transportation Commission, which said improvement consists of excavation, base courses, asphaltic concrete paving, traffic control devices, drainage structures to protect the construction and to provide four travel lanes. This project also to include the replacement of all off-site improvements disturbed by necessary reconstruction, with the exception of utilities.

WITNESSETH:

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

1. The COUNTY shall contract with a consulting engineer to provide all necessary surveys, soil testing and engineering to design the project in accordance with the attached cross sections and standards adopted by the Regional Transportation Commission at a cost to the Regional Transportation Commission not to exceed 8% of the actual construction cost. This design shall meet with the approval of the Regional Transportation Commission of Clark County. This approval shall show on the title sheet. During the preliminary design stage, the consulting engineer must consult with the Central Telephone Company, Nevada Power Company, Southwest Gas Corporation, Las Vegas Valley Water District, and the Clark County Sanitation District.

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

2. The COUNTY shall have the consulting engineer prepare the necessary right-of-way drawings and descriptions of the right-of-way required for this

project and obtain the appraisals at a cost to the Regional Transportation Commission not to exceed \$25,000.

The appraisals shall be approved by the Regional Transportation Commission and THE COUNTY before preceeding with acquisition.

The COUNTY shall acquire the necessary right-of-way. The Regional Transportation Commission will reimburse the COUNTY the actual cost, not to exceed the appraised value for each parcel acquired, plus total expenses incurred not to exceed \$10,000.

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

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

3. This project shall not include any cost of utility or sewer adjustment.

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

The Managing Engineer of the Regional Transportation Commission may authorize change orders to the contract when recommended by the COUNTY, but such change orders must be in writing, and no single change order shall exceed 5% of the initial contract price or \$5,000, whichever is less, and the total of all change orders shall not exceed 5% of the contract price without approval of the Regional Transportation Commission of Clark County. In no event shall the total cost of the construction exceed the sum of \$1,750,000.

5. In addition to the area shown on the attached cross section as Regional Transportation Commission area of participation, the Regional Transportation Commission will pay for the following:

- a. The cost of up to 18" drainage facilities installed to carry storm water parallel with the project, unless a review by the Regional Transportation Commission shows the need for a larger size.
 - b. The relocation of any existing improvements if such relocation is necessitated because of construction of Carey Avenue, excluding the cost of adjusting or relocating any utility or sewerage collection system.
6. Field staking of the construction will be performed by the consulting engineer together with construction inspection, including all necessary testing to insure compliance with the specifications. The costs in performing such services not to exceed 7% of the actual cost of construction.
7. Following the completion of the construction of this project, the COUNTY shall maintain the project in such a manner to protect the improvements and to provide a safe street for the public's use. The cost of this maintenance shall be borne by the COUNTY.
8. The COUNTY shall make every attempt to cause this project to be a through arterial street and to provide as high a speed limit as safety will allow.

The speed limit will be set at 35 MPH until an engineering and traffic investigation has been made in accordance with the manual on Uniform Traffic Control Devices. This study must be reviewed and approved by the Traffic Engineer's Subcommittee and the Technical Committee of the Regional Transportation Commission. School zones will be considered in the above required study which must be completed within six months of the completion of the construction of the project.

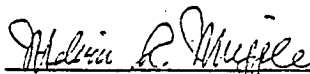
9. The items covered in paragraph one of this agreement must be completed to the satisfaction of the Regional Transportation Commission and funds must be available, as determined by the Managing Engineer of the Regional Transportation Commission, before the items covered in paragraph four of this agreement can be commenced.

This Cooperative Agreement is authorized and approved upon the representation of the COUNTY that the project herein funded has been duly and regularly

approved and authorized by said local governmental entity and will not be terminated or cancelled without returning all monies which said entity received from the funding of the Regional Transportation Commission of Clark County for the subject project. In the event the items covered in paragraphs one and two of this Cooperative Agreement have not been completed to the satisfaction of the Regional Transportation Commission prior to December 31, 1980, the Regional Transportation Commission shall at anytime thereafter have the power to terminate and cancel this Cooperative Agreement and thereupon all sums which have been advanced to said local governmental entity pursuant to this agreement shall be repaid by said entity to the Regional Transportation Commission of Clark County.

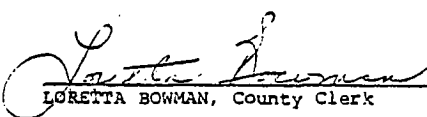
APPROVED AS TO FORM:
Robert Miller, District Attorney

CLARK COUNTY


MELVIN R. WHIPPLE
Deputy District Attorney

By: 
SAM BOWLER, Chairman

Date of Commission Action:
August 7, 1979

ATTEST:

LORETTA BOWMAN, County Clerk

CITY OF HENDERSON

By: _____
LORIN L. WILLIAMS, Mayor

Date of Council Action:

ATTEST:

DOROTHY VONDENBRINK, City Clerk

CITY OF NORTH LAS VEGAS

By: _____
RAYMOND DAINES, Mayor

Date of Council Action:

ATTEST:

ESTHER BORDEN, City Clerk

CITY OF LAS VEGAS

By: _____
WILLIAM H. BRIARE, Mayor

Date of Commission Action:

ATTEST:

EDWINA COLE, City Clerk

REGIONAL STREET and HIGHWAY COMMISSION

OF
CLARK COUNTY

Las Vegas, Nevada

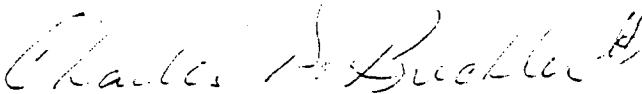
August 20, 1979

Ms. Edwina Cole
City Clerk
City of Las Vegas
400 East Stewart Avenue
Las Vegas, Nevada 89101

COOPERATIVE AGREEMENT NO. 80

Enclosed is a copy of Cooperative Agreement No. 80 covering the construction of Carey Avenue between Pecos Road and Nellis Boulevard. This agreement provides \$1,750,000.00 to cover the cost of construction.

This agreement has been recommended for approval by the Regional Transportation Commission of Clark County and has been approved by Clark County. Please place this agreement on the agenda of your next Commission meeting for approval.



CHARLES P. BRECHLER, P.E.
Managing Engineer

ran

Enclosure

CLERK

SEP 11 1979

1000

*Copy - 2/10
for 7-5-79 signature*

REGISTRATION
CLARK COUNTY
COOPERATIVE AGREEMENT
RECORDED IN 3:29

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

WHEREAS, pursuant to Chapter 373 Nevada Revised Statutes, a project thereunder to construct Carey Avenue between Pecos Road and Nellis Boulevard, being located wholly within the COUNTY, has been approved by the Regional Transportation Commission, which said improvement consists of excavation, base courses, asphaltic concrete paving, traffic control devices, drainage structures to protect the construction and to provide four travel lanes. This project also to include the replacement of all off-site improvements disturbed by necessary reconstruction, with the exception of utilities.

WITNESSETH:

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

1. The COUNTY shall contract with a consulting engineer to provide all necessary surveys, soil testing and engineering to design the project in accordance with the attached cross sections and standards adopted by the Regional Transportation Commission at a cost to the Regional Transportation Commission not to exceed 3% of the actual construction cost. This design shall meet with the approval of the Regional Transportation Commission of Clark County. This approval shall show on the title sheet. During the preliminary design stage, the consulting engineer must consult with the Central Telephone Company, Nevada Power Company, Southwest Gas Corporation, Las Vegas Valley Water District, and the Clark County Sanitation District.

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

2. The COUNTY shall have the consulting engineer prepare the necessary right-of-way drawings and descriptions of the right-of-way required for this

project and obtain the appraisals at a cost to the Regional Transportation Commission not to exceed \$25,000.

The appraisals shall be approved by the Regional Transportation Commission and THE COUNTY before preceeding with acquisition.

The COUNTY shall acquire the necessary right-of-way. The Regional Transportation Commission will reimburse the COUNTY the actual cost, not to exceed the appraised value for each parcel acquired, plus total expenses incurred not to exceed \$10,000.

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

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

3. This project shall not include any cost of utility or sewer adjustment.

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

The Managing Engineer of the Regional Transportation Commission may authorize change orders to the contract when recommended by the COUNTY, but such change orders must be in writing, and no single change order shall exceed 5% of the initial contract price or \$5,000, whichever is less, and the total of all change orders shall not exceed 5% of the contract price without approval of the Regional Transportation Commission of Clark County. In no event shall the total cost of the construction exceed the sum of \$1,750,000.

5. In addition to the area shown on the attached cross section as Regional Transportation Commission area of participation, the Regional Transportation Commission will pay for the following:

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

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

6. Field staking of the construction will be performed by the consulting engineer together with construction inspection, including all necessary testing to insure compliance with the specifications. The costs in performing such services not to exceed 7% of the actual cost of construction.

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

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

The speed limit will be set at 35 MPH until an engineering and traffic investigation has been made in accordance with the manual on Uniform Traffic Control Devices. This study must be reviewed and approved by the Traffic Engineer's Subcommittee and the Technical Committee of the Regional Transportation Commission. School zones will be considered in the above required study which must be completed within six months of the completion of the construction of the project.

9. The items covered in paragraph one of this agreement must be completed to the satisfaction of the Regional Transportation Commission and funds must be available, as determined by the Managing Engineer of the Regional Transportation Commission, before the items covered in paragraph four of this agreement can be commenced.

This Cooperative Agreement is authorized and approved upon the representation of the COUNTY that the project herein funded has been duly and regularly

approved and authorized by said local governmental entity and will not be terminated or cancelled without returning all monies which said entity received from the funding of the Regional Transportation Commission of Clark County for the subject project. In the event the items covered in paragraphs one and two of this Cooperative Agreement have not been completed to the satisfaction of the Regional Transportation Commission prior to December 31, 1980, the Regional Transportation Commission shall at anytime thereafter have the power to terminate and cancel this Cooperative Agreement and thereupon all sums which have been advanced to said local governmental entity pursuant to this agreement shall be repaid by said entity to the Regional Transportation Commission of Clark County.

APPROVED AS TO FORM:
Robert Miller, District Attorney

CLARK COUNTY


MELVIN R. WHIPPLE
Deputy District Attorney

By: 
SAM BOWLER, Chairman

Date of Commission Action:
August 7, 1979

ATTEST:


LORETTA BOWMAN, County Clerk

CITY OF HENDERSON

By: _____
LORIN E. WILLIAMS, Mayor

Date of Council Action:

ATTEST:

DOROTHY VONDENBRINK, City Clerk

CITY OF NORTH LAS VEGAS

By: _____
RAYMOND DAINES, Mayor

Date of Council Action:

ATTEST:

ESTHER BORDEN, City Clerk

CITY OF LAS VEGAS

By: _____
WILLIAM H. BRIARE, Mayor

Date of Commission Action:

ATTEST:

EDWINA COLE, City Clerk

City of Las Vegas

AGENDA DOCUMENTATION

Date: August 28, 1979

TO: The Board of City Commissioners

FROM: GEORGE OGILVIE, CITY ATTORNEY

George Ogilvie

SUBJECT: SPECIAL REVENUE FUND RESOLUTION

PURPOSE/BACKGROUND

This resolution establishes a Special Revenue Fund for management system development and sets aside a portion of each fine levied by the Court to pay for a new Court Information System as well as continuing work on a comprehensive management reporting system. The funds allocated under this resolution will be restricted for the enumerated purposes.

FISCAL IMPACT

It is anticipated that this fund will receive approximately \$600,000 annually from these designated revenues.

RECOMMENDATIONS

It is the recommendation of the City Attorney's Office that this resolution be approved.

RECOMMENDED *George Ogilvie*
George Ogilvie, City Attorney

DISPOSITION

- Approved
- Disapproved
- Held

Status Due: _____

Agenda Item

V. B.

1 RESOLUTION

2
3 WHEREAS, Section 354.570 of the Nevada Revised
4 Statutes defines a special revenue fund as "a fund used to
5 account for revenues from specific taxes or other earmarked
6 revenue sources which by law are designated to finance
7 particular functions or activities of government"; and

8 WHEREAS, Section 354.604 of said Statutes provides
9 that each local government in the State of Nevada shall main-
10 tain, according to its own needs, one or more special revenue
11 funds; and

12 WHEREAS, it is desirable to establish a "Special
13 Revenue Fund for Management Systems Development" to provide
14 funds for the development of record keeping and reporting
15 systems for the Las Vegas Municipal Court and of any other
16 management information and financial reporting system and
17 properly to account for reimbursements to budgeted expenditures
18 therefore; and

19 WHEREAS, statutory authority to provide for the
20 disposition of fines and forfeitures for the violation of
21 ordinances of the City of Las Vegas is granted to said City
22 by Section 4.030 of the Charter of the City of Las Vegas,
23 Nevada; and

24 WHEREAS, the Board of City Commissioners of said
25 City has determined, and by this Resolution does so determine,
26 that it is desirable that such special revenue fund be
27 established, maintained and reimbursed for expenditures there-
28 from by earmarking a portion of the revenues derived from
29 fines levied in the Las Vegas Municipal Court; and

30 WHEREAS, expenditures, revenues, depreciation
31 allowances, reserves and surpluses shall be controlled in
32 accordance with statutory provisions and generally accepted

1 accounting practices,

2 NOW, THEREFORE, BE IT RESOLVED by the Board of City
3 Commissioners of the City of Las Vegas, Nevada, at a regular
4 meeting thereof held on the 5th day of September, 1979, that
5 there is hereby created a "Special Revenue Fund for Management
6 Systems Development" within the account structure of the City
7 of Las Vegas, Nevada, to provide funds for the development of
8 record keeping and reporting systems for the Las Vegas
9 Municipal Court and of any other management information and
10 financial reporting system.

11 BE IT FURTHER RESOLVED that said Fund shall be
12 established, maintained and reimbursed for expenditures
13 therefrom, and that there shall be deposited therein, a portion
14 of each fine levied and collected by the Las Vegas Municipal
15 Court, as follows:

16 For each finding of guilty on the part of
17 a Judge of the Las Vegas Municipal Court - \$7.00.

18
19 For each intent to warrant issued - \$10.00.

20
21 BE IT FURTHER RESOLVED that the expenditures and
22 revenues of said Fund shall be controlled by including the same
23 in the budget of the City of Las Vegas and expenditures from
24 the Fund shall be limited to the amount budgeted.

25 BE IT FURTHER RESOLVED that reserves, depreciation
26 allowances and surpluses in said Fund shall be controlled as
27 follows:

28 (A) No reserves will be established except a reserve
29 for encumbrances which will be included as a part of the
30 expenditures limited by the approved budget for the Fund;

31 (B) Fund balances of the Fund shall be in accordance
32 with the regulations of the Nevada Department of Taxation with

1 respect to local governments; and
 2 (C) No depreciation shall be taken on any assets
 3 purchased with monies allocated to the Fund.

4 PASSED, ADOPTED and APPROVED this 5th day of
 5 September, 1979.

APPROVED:

6
 7 
 8 WILLIAM H. BRIARE, MAYOR

ATTEST:

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 11 
 12 Edwina M. Cole, City Clerk

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AGENDA

City of Las Vegas

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

ITEM Commission Action Department Action

<p>VI. NEW BILLS TO BE REFERRED TO A STUDY COMMITTEE OR RECOMMENDING COMMITTEE</p>		
<p>A. Bill No. 79-56 an Ordinance revising procedures and regulations for the issuance and use of work cards for various privileged businesses.</p>	<p>1st Reading and Referred Commissioners Woofter & Levy</p>	<p>Clerk to proceed with 1st Publication</p>
<p>B. Bill No. 79-57 an Ordinance allowing smaller grocery and drug stores which sell beer and wine to be located next to other businesses that sell beer and wine or that have packaged tavern or general liquor licenses.</p>	<p>1st Reading and Referred Mayor Briare and Comm. Woofter</p>	<p>Same as above</p>
<p>C. Bill No. 79-58 an Ordinance providing for the application of revenue derived from fines and forfeitures for the violation of ordinances of the City of Las Vegas by the Director of Finance.</p>	<p>1st Reading and Referred Commissioners Lurie and Christensen</p>	<p>Same as above</p>
<p>D. Bill No. 79-59 Annexation A-12-79(A)</p> <p style="margin-left: 40px;">Property located: 1000 feet south of West Lake Mead Boulevard, 1350 feet west of Torrey Pines Dr. and 1010 feet north of Vegas Dr.</p> <p style="margin-left: 40px;">Petitioned by: Becker and Sons</p> <p style="margin-left: 40px;">Acreage: Approximately 7.8 acres</p> <p style="margin-left: 40px;">Zoned: R-E (County classification) N-U (City equivalent)</p>	<p>1st Reading and Referred Commissioners Christensen and Lurie</p>	<p>Same as above</p>

AGENDA

City of Las Vegas

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

ITEM

Commission Action

Department Action

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

E. Bill No. 79-60 Annexation A-9-79(A)

Property located: West side of Torrey Pines Drive, south of Smoke Ranch Road

Petitioned by: Vertex, Inc.

Acreage: Approximately 5 acres

Zoned: R-E (County classification)
 N-U (City equivalent)

1st Reading and Referred

Commissioners Christensen and Lurie

Clerk to proceed with 1st Publication

NOTE: Items A thru E have been Noticed for Public Comment Hearing before the respective Recommending Committees - 4:00 P.M., September 12, 1979 - 10th Floor City Hall - City Manager's Conf. Room

100

AGENDA*City of Las Vegas*

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

ITEM	Commission Action	Department Action
VII. VACANCIES - BOARDS & COMMISSIONS		
A. CHILD WELFARE BOARD 3-year term (Abeyance Item)	Abeyance	10/19/79 Agenda
The following have terms expiring 10/16/79:		
1. Sylvia Harris 2. Douglas Medberry		
B. LAS VEGAS METROPOLITAN BEAUTIFICATION COMMITTEE - 3-year term	Abeyance	10/19/79 Agenda
1. Adele Sheehan (Term expires 11/3/79)		

AGENDA

City of Las Vegas

September 5, 1979

Page 28

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

ITEM Commission Action Department Action

VIII. REPORTS FROM RECOMMENDING COMMITTEES

A. BILL No. 79-54 - Title V, Chapter 17, Section 1 is amended to allow aliens to obtain a gaming license.
Committee: Commissioners Christensen and Lurie

 1st Publication - L. V. Sun 8/17/79

Adopted
 *Christensen - unanimous

Clerk to proceed with 2nd Publication

B. BILL No. 79-55 - ANNEXATION No. A-8-79, Annexing to the City of Las Vegas property located south of Westcliff Drive between Cimarron Road and Durango Drive, approx. 82 acres, Zoned R-E (County Classification) N-U (City Equivalent).
Committee: Commissioners Lurie and Christensen

 1st Publication - L. V. Sun 8/17/79

Adopted
 *Lurie - unanimous

 *(Commissioner Woofter returned to Meeting and voted)

Same as above

AGENDA

City of Las Vegas

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM Commission Action Department Action

IX. 1:30 P.M. - PUBLIC HEARINGS

A. THE TEMPORARY CLOSING OF FREMONT STREET (ON A TRIAL BASIS) FROM 6:00 P.M. TO 12:00 MIDNIGHT ON FRIDAY AND SATURDAY NIGHTS, FROM MAIN STREET TO 7TH STREET.

Authorized the City Manager to proceed on a 4-week trial basis, from Main to L.V. Blvd.
Levy - unanimous

Staff authorized to proceed
ACTION ITEM

2:00 P.M. - PUBLIC HEARINGS

B. APPEAL FILED BY ALDEN L. STEWART - V-45-79 to the action of the Board of Zoning Adjustment in DENYING his request for a VARIANCE to allow the CONSTRUCTION OF A SINGLE FAMILY DWELLING WITH A TWENTY FT. (20') FRONT YARD SETBACK WHERE FIFTY FT. (50') IS REQUIRED on property located at 4240 Del Rey Avenue, in Zoning District R-E.

Approved Appeal
Woofter - unanimous

Director authorized to proceed (Planning)

C. APPEAL FILED BY ALICE M. CARTER - U-72-79(H0) to the action of the Board of Zoning Adjustment in DENYING her request for a HOME OCCUPATION PERMIT to OPERATE A SMALL FLOWER AND GIFT RELATED SHOP on property located at 916 Shadow Mountain Place, in Zoning District R-1.

Approved Appeal for six (6) months subject to review
Woofter - unanimous

Same as above

D. VAC-13-79 -- Petition of Vacation submitted by Thomas E. and Patricia Nestlebusch to vacate a portion of the east/west 20 ft. wide alley, generally located north of West Charleston Blvd., 100 ft. south of Peggy Dr., commencing 620 ft. east of Antelope Way and extending easterly 65 ft., subject to the following conditions:

Denied
Levy

Same as above

Mayor Pro Tem
Lurie voted "no"

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.

712 Shadow Mtn. Pl.
Las Vegas, Nevada
August 30, 1979

Dear Sir:

This letter is being written to give our approval for Alice M. Carter to operate a small flower and gift related shop on property located at 916 Shadow Mountain Place.

Sincerely,
Mr. + Mrs. R. L. Woodcock

RECEIVED
SEP 5 10 40 AM '79
CITY CLERK

AGENDA*City of Las Vegas*

September 5, 1979

Page 30

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
IX. 2:00 P.M. - PUBLIC HEARINGS (CONTINUED)		
<p>E. VAC-15-79 -- Petition of Vacation submitted by Charles Tarr, Jr., et al, to vacate the easterly 20 ft. of Pecos Street, commencing at Johnson Avenue and extending southerly 330 ft., subject to the following conditions:</p> <ol style="list-style-type: none"> 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. 	Approved subject to conditions Christensen - unanimous	City Attorney to prepare Order
<p>F. VAC-16-79 -- Petition of Vacation submitted by the City of Las Vegas to vacate a 20 ft. wide alley generally located north of West Charleston Boulevard, 100 ft. west of Sproul Court and 685 ft. east of Antelope Way, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. If Vacation-13-79 is approved, it shall be recorded concurrent with this vacation; 2. Satisfaction of the requirements of the various utility companies; 3. Conformance to code requirements and design standards of all City departments; 4. Vacation shall not be recorded until all of the above conditions have been met. 	Denied Christensen Mayor Pro Tem Lurie voted "no"	Planning to proceed
<p>G. CONTINUANCE ITEM - APPLICATION OF AMERICAN AMBULANCE COMPANY, 3300 SIRIUS AVE., LAS VEGAS, NEVADA, FOR A NEW AMBULANCE LICENSE. (TO BE HEARD AT THE END OF THE MEETING)</p>	Abeyance	9/19/79 Agenda 7:00 P.M. Commission Chambers

City of Las Vegas

AGENDA DOCUMENTATION

Date: August 24, 1979

TO: The Board of City Commissioners

FROM: DON J. SAYLOR, AICP
DEPUTY CITY MANAGER

SUBJECT: PUBLIC HEARING AGENDA ITEMS
SEPTEMBER 5, 1979 CITY COMMISSION MEETING

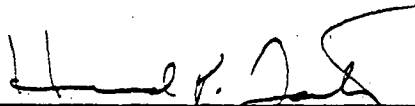
PURPOSE/BACKGROUND

Items B and C - Appeals on denial actions by the BZA - one has a protest factor (see back-up material)

Items D through F - Requests for street and alley vacations - one has a protest factor (see back-up material)

FISCAL IMPACT No Funding Requested.

RECOMMENDATIONS See Attached



HAROLD P. FOSTER, DIRECTOR
COMMUNITY PLANNING AND DEVELOPMENT

DISPOSITION

- Approved
- Disapproved
- Held

Status Due: _____

Agenda Item

Item IX.

To: The Board of City Commissioners
Re: Public Hearing Ager Items
September 5, 1979 City Commission Meeting

August 24, 1979

Page 2

B. APPEAL FILED BY ALDEN L. STEWART - V-45-79

Appeal filed to the action of the Board of Zoning Adjustment in DENYING his request for a Variance to allow the construction of a single family dwelling with a twenty ft. (20') front yard setback where fifty ft. (50') is required, on property located at 4240 Del Rey Avenue, R-E zone.

The applicant is proposing a new residence with the attached garage in front. It was pointed out at the meeting that if he placed the garage on the side of the residence and the entire structure was moved back, a variance would not be needed. The applicant wanted the residence at this location to have larger open areas on his lot.

BZA DECISION: Denial because the garage could be located on the side of the residence and a variance would not be necessary.

STAFF RECOMMENDATION: Denial because the garage could be located on the side of the residence.

PROTESTS: 0

C. APPEAL FILED BY ALICE M. CARTER - U-72-79(HO)

Appeal filed to the action of the Board of Zoning Adjustment in DENYING her request for a Home Occupation Permit to operate a small flower and gift related shop on property located at 916 Shadow Mountain Place, R-1 zone.

The request involved a public hearing at the BZA meeting because the applicant indicated on the questionnaire that sales transactions would be taking place on the property by appointment and telephone. Normally, the BZA does not allow home occupation permits if they do not completely conform to the criteria. The property is located in a relatively new R-1 subdivision. The applicant stated that most of her operation involves taking orders over the phone and making the flower or gifts in the home and then delivering them to off-premise locations. The BZA felt this use could have adverse effects on the neighborhood.

BZA DECISION: Denial.

STAFF RECOMMENDATION: Denial because the operation may be evident in the neighborhood and could create a nuisance.

PROTESTS: 7

D. PETITION OF VACATION - VAC-13-79 - THOMAS E. AND PATRICIA NESTLEBUSH

Petition to vacate a portion of the east/west 20 foot wide alley, generally located north of West Charleston Boulevard, 100 feet south of Peggy Drive, commencing 620 feet east of Antelope Way and extending easterly 65 feet.

This item and item "F" (VAC-16-79) involve different portions of the same alley. This item is a small portion of the alley to the rear of one property owner. When the request was before the Planning Commission, staff took a position that it should be held in abeyance and the City should initiate an action on the remainder of the alley because if a small portion is vacated, the alley would dead-end without a sufficient turn around area. Instead the Planning Commission recommended approval of this request but authorized staff to initiate a petition on the remainder of the alley which has been done and is Item "F" (VAC-16-79). The entire alley is in an R-1 subdivision and was dedicated in anticipation of apartment or commercial zoning on the abutting parcel that fronts on Charleston Boulevard. Since that time Sproul has constructed its models on this land abutting the alley to the south and west. Consequently, there is no present need for the alley since there is R-1 zoning on both sides; however, four property owners have constructed gates which provide secondary access to the rear of their properties.

PLANNING COMMISSION RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval, if the entire alley can be vacated.

PROTESTS: 0

To: The Board of City Commissioners
Re: Public Hearing Ager. Items
September 5, 1979 City Commission Meeting

Page 3

E. PETITION OF VACATION - VAC-15-79 - CHARLES TARR, JR., ET AL

Petition to vacate the easterly 20 feet of Pecos Street, commencing at Johnson Avenue and extending southerly 330 feet.

The vacation is a result of Pecos Street being realigned to the west to line up with Pecos Street to the south of Charleston in the County. A 50 ft. half-street dedication exists on this portion of Pecos and the request is to vacate the easterly 20 feet that is no longer needed. The remaining 30 feet will be for the east half of a proposed 60 ft. collector street on this alignment.

PLANNING COMMISSION RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

PROTESTS: 0

F. PETITION OF VACATION - VAC-16-79 - THE CITY OF LAS VEGAS

Petition to vacate a 20 ft. wide alley generally located north of West Charleston Boulevard, 100 feet west of Sproul Court and 685 feet east of Antelope Way.

This involves the remainder of the alley described in Item "D". Sproul Homes, who owns three lots on the east side of the alley immediately north of Charleston, objected to the vacation because it does have existing fences on the rear of its properties and does not wish to go to the expense to incorporate the paved alley into the three lots. Two of the lots are already developed with homes. There will be a cost of approximately 3500 to construct curbing and sidewalk at Charleston Boulevard to close the alley if vacated. If approved, this cost should be passed on to the property owners.

PLANNING COMMISSION RECOMMENDATION: Denial due to protest factor from Sproul Homes.

STAFF RECOMMENDATION: Approval, because the Planning Commission had recommended approval of a segment of this alley.

PROTESTS: 1

(Location maps are attached for all of the above items.)

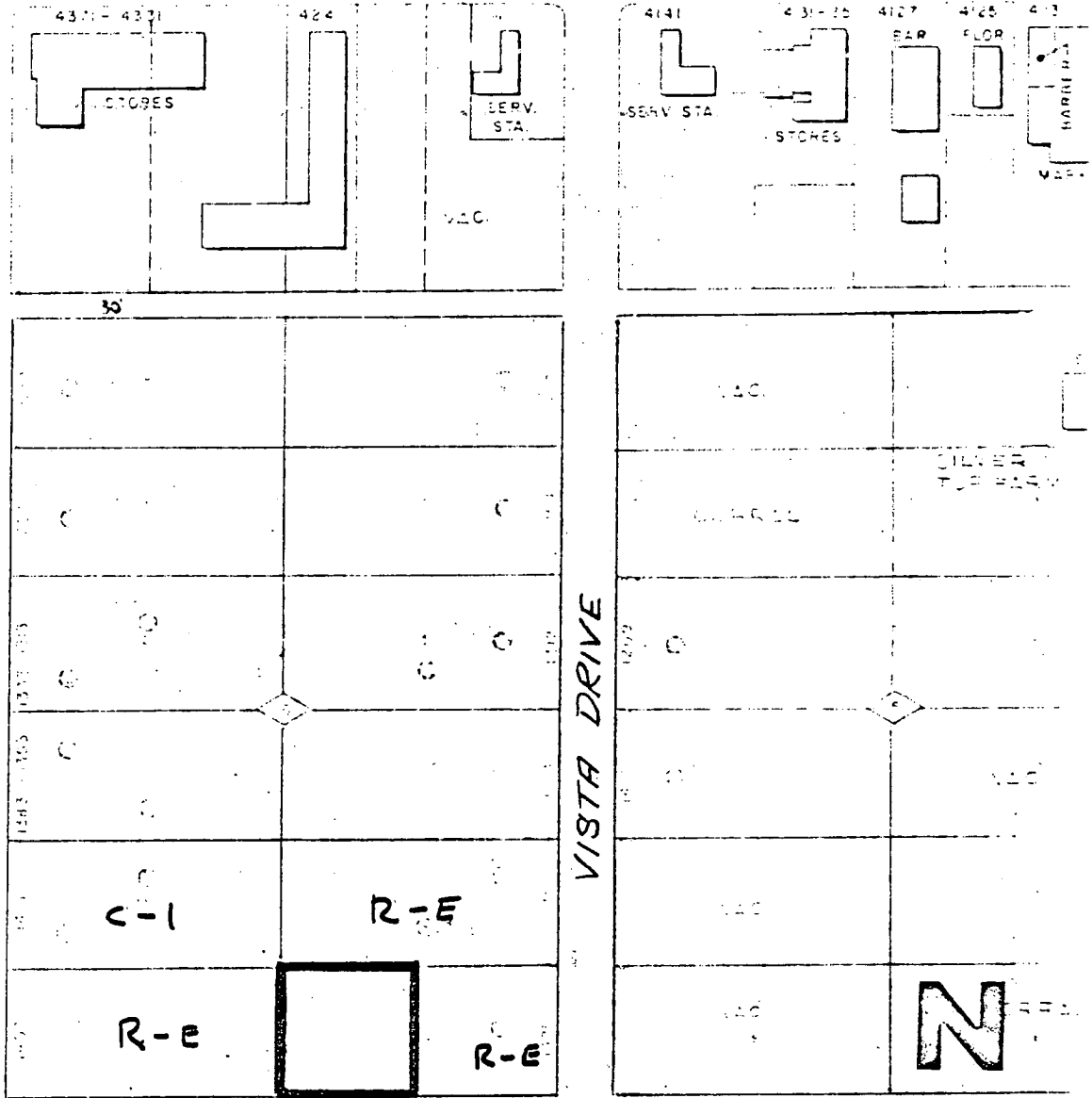
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CHARLESTON BLVD

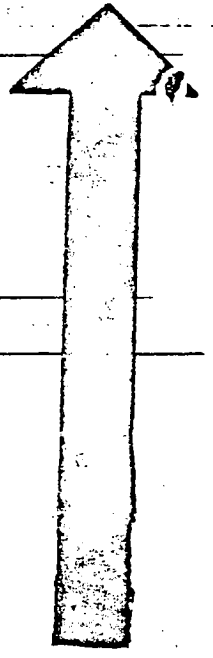
ARVILLE STREET

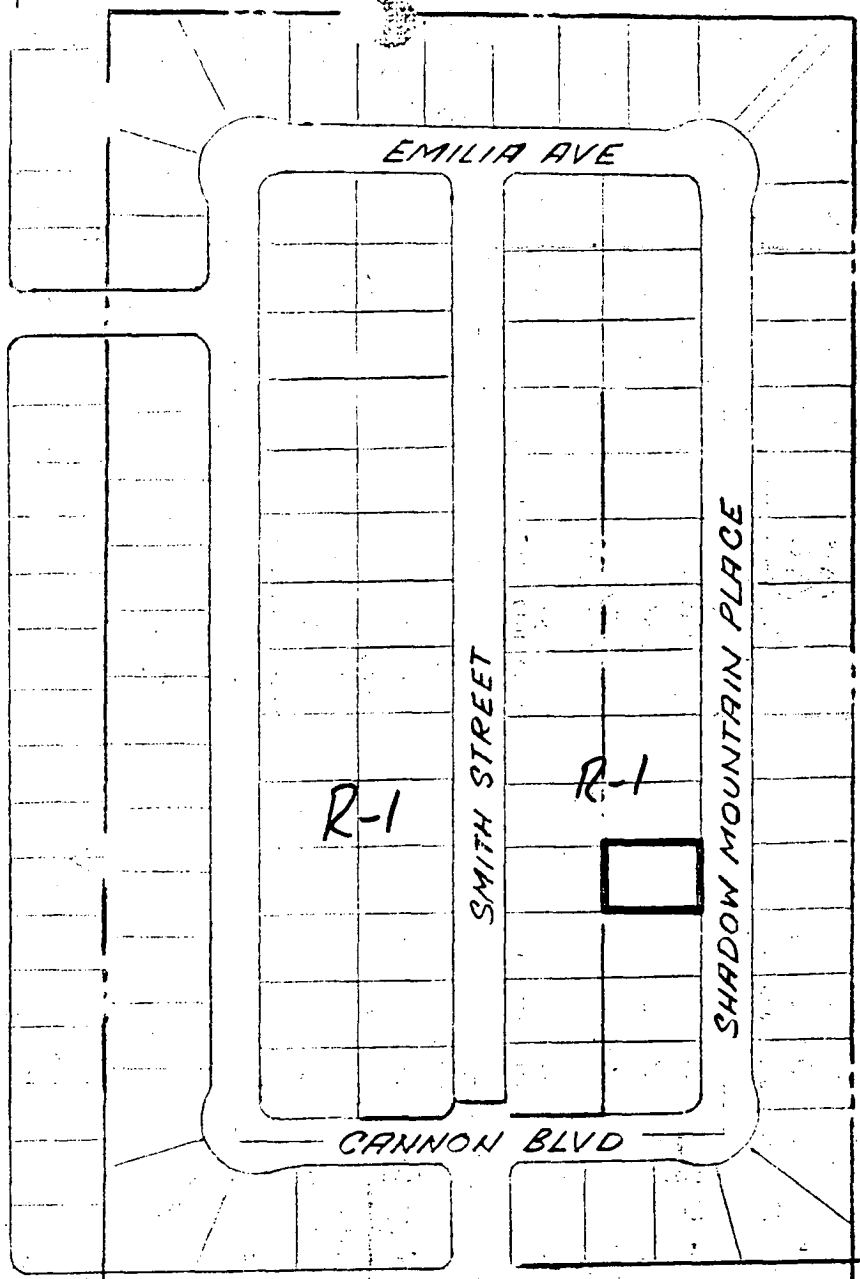
VISTA DRIVE

DEL REY AVE

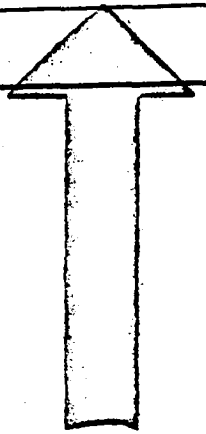


V-45-79





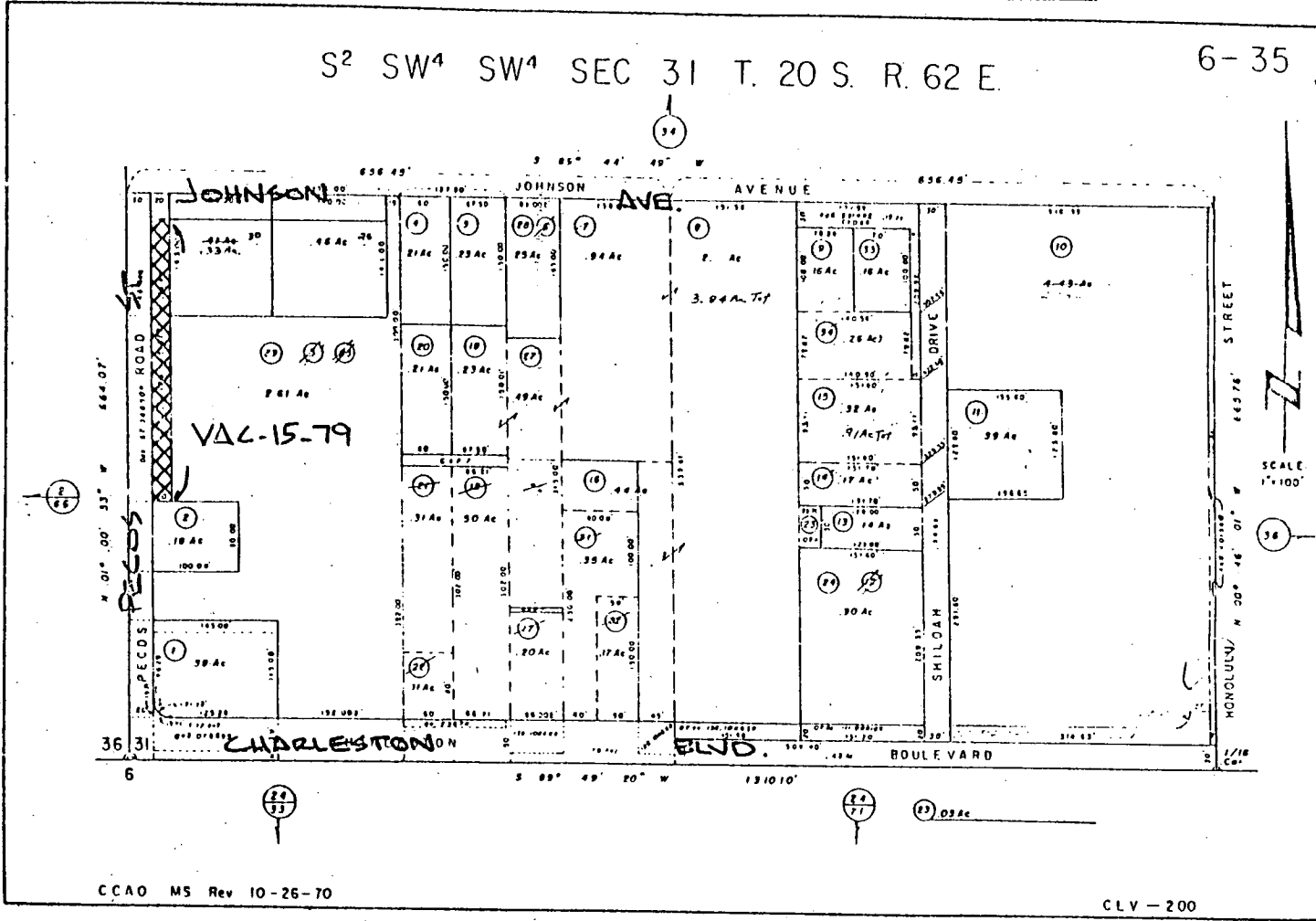
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U-72-79HO

S² SW⁴ SW⁴ SEC 31 T. 20 S. R. 62 E.

6-35



EXCERPT - REGULAR BOARD OF CITY COMMISSIONERS MEETING
SEPTEMBER 5, 1979

PUBLIC HEARING ITEM: APPLICATION OF AMERICAN AMBULANCE COMPANY
FOR A NEW AMBULANCE LICENSE.

- Commissioner Lurie: This is a continuance item, application of American Amulance Company, 3300 Sirius Ave., Las Vegas, Nevada, for a new ambulance license. Finally got to the end of the agenda. Thank you.
- Donald J. Romeo, M.D.: Thank you very much. And the hour is getting late and we won't belabor this. To begin with the, er, at your last meeting, we presented rather hurriedly and so did the opposition, rather hurriedly, points for and against issuing us an application er approval of application for a new ambulance company in town. I don't know how you intend to run it, Commissioner, the meeting today. My thoughts would be, we have one very major thing that we would like to introduce to you. And then we'd be open to questions and rebuttal or what-have-you and then we'd like to make....
- Comm. Lurie: Well, we have a couple of questions. Some of the Commissioners felt that we should hold this item until we have a full Board. That's Item 1.
- Commissioner Levy: Did you hear what he said? Full Board.
- Dr. Romeo: Oh! No I didn't. Okay.
- Comm. Lurie: I didn't know if you understood what I said. I noticed there was some comment that they might want to hold it for a full Board. The second item was that we did get a decision from the Attorney on the Judge's decision yesterday about issuing a license and there was some questions on whether or not we want to hear it now or wait until such time as the County had opportunity to address the order and if they were going to appeal it, and we were going to ask some questions of our attorney on this particular item. And there were some questions from the Board.
- Dr. Romeo: To begin with, would you let me bring this to you and then I'll address your questions very briefly. To begin with, I'm sure you were all a part of and attended the local Jaycee Fair not too long ago. American Amulance was given permission to have a booth at that Fair. We had a manned booth there and we had two petitions, one for the City and one for the County. One reads: We, the undersigned, do hereby petition the Las Vegas City Commission to consider a grant of license to the American Ambulance Company. By affixing our signatures, we inform you that we are residents of the City of Las Vegas and that we are concerned about a lack of competition in the ambulance industry in our City. We feel competition is needed and we would like a choice if we must use the services. We feel it is necessary to have more than one company

(continued)

Page 2
 EXCERPT - REGULAR BOARD OF CITY COMMISSIONERS MEETING
 SEPTEMBER 5, 1979

- Dr. Romeo (con't): to adequately supply the services we require. We are, also, aware of a taxpayer subsidy being paid to the present operational firm and we feel American Ambulance will make a sincere effort to operate at no cost to the taxpayers. We, therefore, ask you to consider our feelings when voting on the licensing matter. Now I have here, in the City, its divided into two parcels here. In the City we have a total of 1428 signatures. The second portion reads thusly: Petition for additional ambulance service. To Whom It May Concern: We the undersigned, being residents of Clark County, Nevada, do hereby petition for the granting of a license for the American Ambulance Company. We feel competition is needed and necessary to provide us with the services we require. We are also aware of taxpayer subsidy being paid to the present operational firm and we feel American Ambulance will make a sincere effort to operate at no cost to the taxpayers. Because most of us work in or travel to the City of Las Vegas regularly, we feel our feelings should be considered when public officials vote on this license matter. Because I know the question will come up. Now you have there a total of 2,072 signatures. You will say "well, they don't concern us, they live in the County." But they do, because they live and work in the City, they could get sick in the City, they could ...be involved in accidents, be taken sick, and so with your permission, I would like to present you with this.
- Comm. Lurie: You can just give it to the Clerk. Unless the Doc, let me have that. I'm sorry.
- Dr. Romeo: Now if you want the originals, we'll be happy to give you those.
- Commissioner Christensen: Is it question time yet?
- m. Lurie: Commissioner Christensen, go ahead.
- Comm. Christensen: First off, in the past I've been in favor of free enterprise competition. But, and I may still be, but the problems that I have here, I think can be worked out but unfortunately they are time consuming. As I understand, the way it works, perhaps from the Health Dept., Fire Dept. they can correct me for this, I understand basically if a second ambulance company is licensed in the City of Las Vegas it has to be, most of the calls have to be handled through the Alarm Office of the Fire Dept., is that correct?
- Dr. Romeo: Well, I could begin to answer your question. First of all, we do believe that both ambulance companies should have a private listing. Because there are....
- Comm. Christensen: I understand that there are a lot of people who call the Fire Dept. first and they would have to
- Dr. Romeo: The other calls I think should go through the Fire Dept., as they have been, and we have talked to both the City and the County

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- Dr. Romeo (con't): Fire Chiefs and they have agreed to work out an equitable
- Comm. Christensen: Well, I have no problem with that. But the City of Las Vegas runs the Alarm Office where the, for the emergency vehicle dispatch in not only the City of Las Vegas but the unincorporated areas of Clark County and also the City of North Las Vegas. Now it's my understanding North Las Vegas has turned you down. The County tried to but the Judge has ordered them to issue a license for this.
- Dr. Romeo: That's correct.
- Comm. Christensen: My comments at the last meeting is that I can't see a second ambulance company unless it's valley-wide. I'm the guy that's bounced off the other Commissioners the possibility of holding this - recessing public hearing, and what I would like to do, and I would like your blessings on it, I guess, is what I am saying, is I would like to recess the public hearing and have a committee, consisting of our manager, our attorney, our fire chief and whoever else the manager feels he needs for staff input, meet with their counterparts in the County who have now been ordered to issue a license and hopefully any other entity that you have applied to such as Henderson, North Las Vegas, wherever, and see if they can work out a proper arrangement that's workable - that doesn't create an undue hardship. Your petition indicates that you don't wish to be a burden on the taxpayers and a subsidy and yet, in fact, you could become one through the handling of the emergency calls and the alarm system and so forth and I would like to see if there is a way that could be worked out to where this doesn't work a hardship and then come back because of the fact also - I assume the County Commission, and if they run true to form, will probably appeal it and and so you still won't have a license in the County, for possibly some time. Who knows, cause I don't. And I think that that was my idea that the proper thing to do would be to recess it so that we could act on it at a time when we could act all together because that's the only way it can really fly - if we act together on it.
- Dr. Romeo: Two or three things you have to understand, Commissioner. First of all, of course, we have purchased some very expensive equipment.
- Comm. Christensen: I understand that.
- Dr. Romeo: We are paying on that equipment and have been for several months on the if come, just because of a ruling of the County. And, of course, it would present a hardship and a burden on us. However, I personally would be very happy to go along with that, although, I would like it done as soon as possible.
- Comm. Christensen: Well, I'm talking about as soon as possible. But you see, my problem is that if the City of Las Vegas and Clark County both vote to license American Ambulance, I would vote to license it provided we could work out the alarm system. But there is no way for me to recall that vote if we license you and they go to the

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Comm. Christensen
continued:

Supreme Court and get the judges decision rescinded, then we have done exactly what I refuse to do and that's license you in the City of Las Vegas alone and there is no way for me to retract that vote at that time.

Dr. Romeo:

Well, I follow you, and I don't know what the gentleman behind me is going to say, but I personally think that is a very reasonable request if it's done in a short a time as possible.

Comm. Christensen:

Well, the only thing that would lengthen it out beyond reason would be the actions of the Courts because otherwise I think we could do it as soon as possible.

Dr. Romeo:

I would request at that meeting, or the committee between the two entities, that one or both ambulance companies be represented so that they could also see that there

Comm. Christensen:

I would have no fight with that.

Dr. Romeo:

I would like to see us both represented so that this could be worked out equitably so nobody's going to get hurt - nobody's trying to shoot anybody down. We want to do this above board right down the line.

Comm. Christensen:

I would have no problems with that personally.

Ryan Johnson:

Commissioner, I would like to make one comment. Ryan Johnson, president of the parent corporation. I want you to know that the dispatch system is not what Mercy and some of the people have made it appear before this Board and before the County Commission. What I am trying to say is is you have a contract through the Metropolitan Police Department for Mercy Ambulance's services. So, all we are asking is for a hot line to the Fire Department so if someone wants to call and request American Ambulance by name, they pick up the hot line and they say American Ambulance respond to this incident. Anything else is superfluous.

Comm. Christensen:

Well, I think you have oversimplified it a little from what I understand; however, it's that simple, that's something that they could come back and advise us of that fact and that would solve the problem.

Dr. Romeo:

Very quickly and then your mind would be at ease and your vote would be solid and that's what we want.

Comm. Christensen:

That's right. My mind would be at ease. It's that simple.

Mr. Ryan:

In addition to that, Commissioner, I want you and the Board to be aware that a big to do has been made out of paramedic services. Mercy Ambulance does not operate 100% paramedic service. We are applying for a license to operate emergency medical technician ambulances which can easily, and I mean easily, be converted to paramedic services with additional equipment and simple acquisition

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- Mr. Ryan (con't.): of trained personnel. We are planning to go into the paramedic program in the near future.
- Comm. Christensen: You have got to walk before you run.
- Mr. Ryan: Right. But when somebody picks up that telephone and calls Mercy Ambulance from the Dispatch Office, as we understand it, and we are pretty close to the problem, they are not getting a paramedic ambulance on every call. And we are not asking for anything special. We are asking for a license to do business. We have been coming back and back to all these Commission meetings. We have presented a good case. We have got the public behind us and we would like to go into business. And, we'll address the problem of the County. We will take that battle, if they appeal, to whatever court in this land will see
- Comm. Christensen: Until you get that resolved, I can't guarantee you my vote.
- Mr. Ryan: As long as this Board is going to make the decision is fair. Whatever committee you set up is a fair representation. We have no problem with that. But the timeliness of it
- Comm. Lurie: You want time to discuss it with your people over there. Whether or not you want to accept Commissioner Christensen's recommendation.
- Mr. Ryan: I think that would be
- Comm. Lurie: Because right now you are getting to the merits of the application.
- Dr. Romeo: We are not going to do any talking about it. We accept his condition and we'll go from there.
- Comm. Lurie: Then we are going to accept that as a motion.
- Comm. Levy: I would like to make a comment on it.
- Mr. Lurie: Commissioner Levy.
- Comm. Levy: I have to make comment on this. I don't believe - in other words, if the County and the City get together - because the County has been forced into something, I don't think the City has.
- Comm. Christensen: That's correct.
- Comm. Levy: And are we committing ourselves by forming this committee?
- Comm. Christensen: I don't think you are committing yourself by forming a committee. I'm the only guy that committed it.
- Comm. Levy: No, I don't mean that. I know that Paul. But if we pass this motion, is what I meant.
- Comm. Lurie: What the motion is is to bring back a plan on how it can be implemented - how to bring services into the City and the County.
- Comm. Levy: What bothers me - I don't know - you know one of the things that

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- Comm. Levy (con't.) the County was forced into was because in their ordinances they don't have or didn't have at the time a reason to show the need. Well, our ordinance does call for that. And I am not quite sure that these gentlemen have proven to me yet, that there is a need.
- Mr. Ryan: We haven't even begun.
- Comm. Levy: I know but I just want it understood that with Commissioner Christensen's motion, if it is approved today, does not mean that the City - that the City is for it. That's the one thing that bothers me, Paul.
- Comm. Christensen: Understand Al, I haven't made a motion. I made that as a suggestion.
- Comm. Levy: I know. You were talking as a suggestion.
- Comm. Christensen: And the reason for my suggestion is that it's going to affect my vote. It's that simple. If you make a motion today - if we listen to the whole testimony - if you make a motion today that they have satisfied and shown the need, I would have to oppose it until such time as the County gets their act in order.
- Comm. Levy: I appreciate that.
- Comm. Christensen: If you have a motion that they haven't shown the need, I would also have to oppose that because I don't want to commit the City to a second ambulance company if nobody else ends up with one. That's my problem.
- Dr. Romeo: I think your request is very reasonable and like I have said before, we have tried very sincerely and earnestly and honestly to show the need and I can tell you now, the need is for competition and the necessity is to save money and I don't know what two further things that you need.
- Comm. Christensen: If we continue the public hearing, then you can still have the public hearing and then if a motion passes or fails, it will pass or fail. But in the meantime, there is no way I can vote on it today because I don't think we have got the information yet that I asked for at the first meeting.
- Dr. Romeo: First of all, you don't have a full Board here.
- Comm. Christensen: That's true and that's another problem.
- Dr. Romeo: And secondly, I would like to take my chances on continuing it, but I would like some sort of a date, a reasonable date in the future, because where we're spending money and spinning our wheels,
- Comm. Christensen: I understand that and that's expensive.
- Dr. Romeo: And we would like to get going in both the County and the City. We are already going to go in the County.

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- Comm. Lurie: The City Attorney has a comment to make. Just a minute please, Mr. Ogilvie has a comment.
- George Ogilvie: You understand that in line with what Commissioner Levy brought out, that irrespective of the outcome of discussions with the County, irrespective of the outcome of any possible appeal they might take, your organization will still have the burden of coming back before this Board and establishing the five things that are contained in Title V, Chapter 28, Section 6, of the Code. Meaning the need, the lack of destructive competition, etcetera.
- Dr. Romeo: Well, when we get down to that, you know you fellows talk about needs and necessity. Now, when you begin to get into that, you begin to get into some mudslinging then.
- Mr. Ogilvie: The only question I had Dr. Romeo, is that you realize that you are going to have to go through that.
- Dr. Romeo: I realize that. But what I am going to say is, very hurriedly last time, I thought we presented some petty good evidence that the area is ready for another ambulance company. However, when you get down to need and necessity you are talking about misadventures of the company, you are talking about various things which you can get into personalities with. I don't want this to get to the level of that thing. I don't want it to be the last two or three days before a campaign which you gentlemen have been involved in and somebody starts a inuendo or a mudslinging thing. That isn't why we are here. That's not the point. We want to keep this on a high level. I could bring dozens of doctors down here. I could bring nurses. I could bring people from convelescent hospitals. I could bring patients. I could bring lots of people. And, I have given you 3500 names. My God! I don't know how much more, you know. I don't want to bring it down into the mud.
- Unidentified: If you check some of those names, you will find a lot of firemen and policemen on there.
- Dr. Romeo: Firemen and policemen are on there and maybe you might even find a Mercy Ambulance attendant on there. Do you know that, men.
- Robert LePome: I want to address - may I have the floor - just for a moment. Thank you.
- Comm. Lurie: Your name for the
- Mr. LePome: My name is attorney Robert LePome. I represented United Pacific Ventures. My client has expended an incredible amount of money to get set up and licensed and a lot of attorneys fees and I don't think that that's right. So, the time fact is very important. Commissioner Christensen, I can appreciate your question and it's logical. Commissioner Levy asked me the same problem. What if you get licensed only in the City and not in the County. Isn't that going to be a problem. Potentially, it could be. We solved

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- Mr. LePome (con't.) the problem by getting a court decision prior to coming here. That was by Judge Babcock. I don't know if you know what his batting average is. He is a judges' judge in my opinion. I have looked up to him ever since I was a member of the Bar.
- Comm. Christensen: I know Judge Babcock.
- Comm. Woofter: However, Mr. LePome, there is always the possibility
- Mr. LePome: You know him very well. No offense against your brother. He's right up there to.
- Comm. Woofter: And also the Supreme Court. They possibly, which has happened in the past, remand that or order the Judge to remand that back to the County Commission.
- Mr. LePome: I don't know that there will be.
- Comm. Woofter: I'm saying those are possibilities, what Commissioner Christensen is concerned with.
- Comm. Lurie: How many days do they have?
- Comm. Christensen: Well, as an attorney, you have to know that the first decision of the court isn't the last decision. Almost never is it the last decision.
- Mr. LePome: I am aware of that. I can't remember when Judge Babcock was overturned. I want to bring that to your attention. You may know that, but some of the others may not. Also what you may not know is that I did not and none of us ever intended to present a need and necessity before the County Commissioners because we knew it wasn't necessary.
- Comm. Christensen: I understand that. That wasn't
- Mr. LePome: And then they said we didn't do it. Well, obviously
- Comm. Christensen: Sure, I understand. That was the Judge's ruling.
- Mr. LePome: We didn't do it, we weren't required to. If you require us a full need and necessity with testimony from stretchers patients that fell of and so on, we'll have them here. But schedule a couple or three days. If that's what you want, you're going to get it.
- Comm. Christensen: Well, I don't think it's a case of what we want. I think it is a case of what our Code requires.
- Mr. LePome: What did you want?
- Comm. Christensen: Sir, did you read the ordinance?
- Mr. LePome: Absolutely!

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Comm. Christensen: Then you understand what we want.

Mr. LePome: You want a need and necessity. Can you please explain to me what is the definition of need and necessity.

Comm. Lurie: Commissioner Christense, do you want to make a motion. Mr. Bell, do you want rebuttal time right now?

Dr. Romeo: Well, there's no rebuttal. Tom's losing money every day. So this is important to him too.

Comm. Lurie: I ask the attorney a question on how many days the County has in which to file an appeal and I was told that after they are served

Mr. Ogilvie: Have you served notice of the entry of the order yet?

Mr. LePome: Tape unclear.

Comm. Lurie: I'm trying to find out how much time we have here.

Mr. LePome: The notice of the entry of judgment has not been served.

Comm. Lurie: Okay, then it's 30 days after that.

Mr. LePome: Well, the order says forthwith. Theoretically Judge Babcock could call a show cause order on a shortened time - why they shouldn't be held in contempt and get a first hand look at the jail. I don't think he is going to do that.

Mr. Ogilvie: There is always the possibility that they could ask for a stay of his order pending appeal.

Mr. LePome: I hope they would have to post a bond, because we are losing money.

Mr. Ogilvie: But anyway, they have 30 days, in which to appeal after you have served them with notice.

Mr. LePome: The notice of entry of judgment has not been served. It will be tomorrow. I gave everyone a copy.

Comm. Lurie: What I am trying to do is see when we can here this.

Mr. LePome: I hoped that wouldn't be necessary, but if it is, fine.

Comm. Lurie: Then we would know 30 days from that time, whether or not they are going to appeal it, whether or not the City could act on it with or without the County

Mr. LePome: Well, we intend to start operating before the expiration of 30 days unless there is a restraining order against us operating. We are going to be operating in the County. That's a given. We would like to operate in the City.

Comm. Lurie: So what you are saying with this order that you have, gives you the license and you can start operating now.

Mr. LePome: Suppose they take us to Court and say you are operating without a

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- Mr. LePome (con't.) license. Then they have to have a show cause order why we are operating and I have the order and I can show the cause. So they couldn't prosecute us. I don't want to get into legal technicalities, but my opinion to my company is, if we start operating, they couldn't close us down.
- Comm. Lurie: Well, that's a good question. Now, what I want to ask of our Alarm Office now, since you are going to operate, are they ready to start taking calls.
- Dr. Romeo: Well what we want is to get together with them as soon as possible.
- Comm. Lurie: Chief Cooper and maybe Rex. Our understanding - I don't know if you heard all this conversation - what happens now if they start operating tomorrow. We prepare to start taking calls from American Ambulance.
- Chief Cooper: Well, as I understand it, the Health Department requires them to have a plan through the Fire Department for dispatching before they get their permit and license from the Health Department. This is what's been indicated to us. Now, as far as the dispatching of the Fire Department, we have no plan set up whatsoever. Their calls would have to come through some other source besides the Fire Department.
- Comm. Lurie: And they have a license to operate. They have got a health permit or certificate, which means you are going to have to take those calls.
- Comm. Levy: Can we have Dr. Ravenholt come down here. If we have got the Health Department and the Fire Department and they are going to operate in the County and it takes some City input, I would like to get what input we can.
- Comm. Lurie: Otto. Please, Doctor. Well, it seems to me - well, I don't want to say the cart's before the horse or the horse before the cart in this case.
- Dr. Romeo: The cart has been before the horse before our company for months.
- Comm. Lurie: It seems to me now that you have an order that means if you start operating, then who gives you the order to cease and desist. See, we have to be prepared in order to handle those calls. If you are going to start running an ambulance tomorrow, we had better be prepared.
- Dr. Romeo: Well, we can have a private number that they can call. They don't have to come through them.
- Comm. Lurie: Well, there's a lot of legal questions here. Dr. Ravenholt, Commissioner Levy asked him to come up and make some comments. I don't know what kind of comments he can make unless you have comments that they don't have a certificate which they say they

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Comm. Lurie (con't.): do have a certificate.

Dr. Otto Ravenholt: Basically, the regulations of the State Health Division and the Clark County District have to do with minimum conditions of equipment, training of personnel - these aspects of the operation. And, I don't think those are per se an insurmountable issue because basically American Ambulance has committed they will do whatever is needed to satisfy that and that's what the focus of our permit for any organization is we well as that it have a business license of course, to operate in the jurisdiction. There is a correlary requirement with the equipment and that is they should be, if you wish, harmoniously integrated into a dispatch system - central dispatch system and that, however, is operated by the Fire Department and so we asked, along with basically agreeing that American would satisfy the permit conditions on equipment and those things, which I am communicating to you, they have committed that they would - that the management of calls needs to be developed to where it has some harmony to it or otherwise I foresee that we will have a great deal of, if you wish, competitive advertising, of numbers to call and these aspects of competition, which are not necessarily helpful to the individual who is looking for emergency service. Now, the City Dispatch Office is the one that we have been encouraging under the Federal program as the central dispatch point for emergency calls. And the question of how they would route calls, of course then, becomes a fairly important question. Because if - we first have two fire departments involved, County and City, responding initially with paramedic capabilities. That paramedic capability is not uniform without the jurisdictions. Currently they are backed up by Mercy Ambulance with a combination of paramedic and EMT service that is sort of a backup of the whole geography of the County and the Valley. If we commence with a second or third ambulance company, the question of if one ambulance company has a dozen units that they have available and another has one or two units that they have available, do you split the calls 50/50, is one question. Does the dispatch office dispatch according to proximity of substation or of location of units. Those are the kind of technical questions that the dispatch office has to have an answer for before that dispatch process commences. And I don't have the answer for that. That needs to be worked out.

Comm. Levy: I've got one other one. Do we not have a contract. When I say we, I think the Metropolitan Police Department have a contract with Mercy.

Mr. Ravenholt: Yes, there's been the contract

Comm. Levy: Then how could we call American?

Comm. Lurie: Well, what American said is that there would be a phone in there, a hot line, and if someone requested them, then the Fire Department would pick up that phone and request.

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- Comm. Levy: Only on request.
- Comm. Lurie: Only on request. That's what he said to us.
- Comm. Christensen: If the Police Department
- Comm. Levy: I don't think that's true.
- Comm. Christensen: If the Police Department - if you are hurt in an accident, and the Police Department calls an ambulance, they have to call Mercy. If you are at home and you have a heart attack and you call the Fire Department for help, they don't have to call Mercy. That's the difference and that's what has to be worked out in the alarm system and so forth. Because, you don't have private contract with Mercy. It's the Police Department contract.
- Comm. Lurie: That's right. I think we agreed on that.
- Dr. Romeo: That's just what he said and Dr. Ravenholt reiterated exactly what I said and what Commissioner Christensen said about getting the committee together and ironing out these
- Comm. Lurie: Let me ask one other question. I don't want to confuse the issue.
- Dr. Romeo: Fire away.
- Comm. Lurie: If we were to approve the application today subject to you being licensed now in the County and then there was a restraining order - a stay - then there could be a trigger mechanism that would also include the City that the stay would mean that you couldn't operate in the City until such time as litigation was taken
- Dr. Romeo: That, of course, is an assumption and of course the second thing
- Comm. Lurie: But I have got to ask all of these questions to clarify it.
- Dr. Romeo: I realize that and it's a good question. That's an assumption, you know, that would happen. But I feel in my own mind that you gents can see that we are very serious about this and we're going to go as far as we have to go. I don't know what other answer I can give you.
- Comm. Christensen: Commissioner Lurie, to answer your question, I can shed a little light on that because we recently went through that at the Convention Authority and had a rather lengthy legal opinion on it. This Board is empowered to make that decision and you vote to decide on that subject to what the County Commission does, then you in effect are transferring your authority to the County Commission which is a violation of the law.
- Mr. Ogilvie: I don't necessarily agree with Commissioner Christensen. Basically, he is correct and if you are delegating your authority to legislate to another body, you have a non-delegable duty. But I think the

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- Mr. Ogilvie (con't.): instance you were referring to, May Pro Tem, is a situation where certain things are bound to happen - the Supreme Court sustains Judge Babcock or the 30 days pass without it being appealed. That is not really a delegation of your authority to another body. It's things will happen as definite things occur.
- Comm. Christensen: Depends on how you word it.
- Comm. Lurie: Dr. Romeo, can Mr. Bell have the floor for a couple of minutes.
- Tom Bell: Mr. Mayor Pro Tem, and respectfully, Dr. Romeo, I represent Mercy. I am the president of the company and with me is Bob Forbuss. We have prepared today to give you a formal presentation, which we will withhold now and I concur with Commissioner Christensen's views that some sort of a technical indepth study ought to be made of this before you take any action. Why are we here. We are here on behalf of Mercy to protect the integrity of our company, to protect the integrity of our contract with the Metropolitan Police Commission and to preserve and protect the integrity of the emergency medical system in Clark County, Nevada, of which we are the principal participant. Over the past several years that system of which we are the principal participant in has developed to one of the best in the United States and medical people will tell you that - they'll come forth and tell you that. The emergency rooms will tell you that. The largest hospital in your community will tell you that. I think that the emergency room staff, administrators and what have you, in your largest hospital, will tell you that the granting of another franchise will fragment that service, will fragment the equipment, will fragment the personnel and the net result being. lower quality service. I think that at this time, after this year or so of arguments, the medical community has seen fit to come forth and speak out. Who knows best what happens to an injured person and how he is treated after the injury. After a heart attack, automobile accident - I think the best experts in this community are the doctors, nurses and people that work in the emergency rooms and the supervisors. I think they'll come and speak out to you. And, I think they already have.
- Comm. Christensen: It's pure irony that you have a doctor applying for the other license.
- Comm. Levy: Mr. Bell, before you go on, I think we are missing a point on what Commissioner is about to make a motion on. My understanding is you concur with Dr. Romeo. Both sides are concurring with Commissioner Christensen's motion so I would like to have a motion on the part of Commissioner Christensen right now.
- Comm. Christensen: Okay, I'll move that we recess this public hearing and have our manager, attorney and Fire Department representative, along with any other representatives the manager feels he needs and and with his staff and also a member from each of the two ambulance companies to meet with their counterparts in the other entities and see if they can work out a smooth transitional solution so that in the

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(continued):

event this Board votes to give American Ambulance a franchise, it can be implemented with a minimum amount of difficulty and I emphasize the word if this Commission votes. Then, it can be put in the motion with a minimum amount of difficult and I would also like to shorten that time frame as much as possible with the court actions and so forth that will be coming along so that we do not delay beyond a reasonable amount of time based on the court's actions or whatever. That type of thing.

Dr. Romeo: Don't you think, Commissioner, that could be all done within a week.

Comm. Christensen: Part of it could, but I'm not going to be ready to vote on it within a week unless all the court battles have been all done in the week, which I doubt that they will.

Dr. Romeo: My point is this though. When this committee meets though, I don't think it is their prerogative to sit there and say well now, maybe the County is going to appeal this and maybe they're not or maybe the City is going to do this

Comm. Christensen: I thought the motion was pretty specific in that they determine the mechanics so if this Commission votes a second license they can implement it with the minimum amount of problem.

Dr. Romeo: That's right. That's what we want.

Comm. Lurie: In the interim though, what's going to happen if they start operating tomorrow.

Comm. Christensen: That's going to be in the County and that their problem.

Comm. Lurie: Based on the dispatch, it will go through the Fire Department.

Dr. Romeo: No.

Comm. Lurie: You're not going to dispatch anything through the Fire Department.

Dr. Romeo: No, it can't until they are ready. It's just that simple, Commissioner.

Mr. Ogilvie: Dr. Romeo, you realize that if the County does take an appeal, the time could be expanded far more than just the week to which you refer. It could be several months.

Dr. Romeo: I, I - yes, that's fine, but I'm saying is at least you're Commissioners will be - will have one of their probably largest questions answered and that would be fine in our frame.

Mr. Bell: Mr. Mayor Pro Tem, I'm going to quit now. I agree with what Commissioner Christensen has said, but I don't want that agreement to in anyway indicate we want to deprive ourselves of the opportunity

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- Mr. Bell (con't.) to rebut anything in reference to this application.
- Comm. Christensen: Oh, well understand that when I say recess the public hearing, the public hearing is still on and you will have that time as will American Ambulance have the time, to present their case.
- Mr. Bell: And presumably any action you take will be upon substantial affirmative evidence one way or the other.
- Comm. Christensen: That's correct. That's why I said if this Commission sees fit at the end of this public hearing to grant a license then we can implement it with a minimum amount of difficulty.
- Comm. Lurie: Well, how much time are we talking about.
- Mr. Bell: I think you might get the cart before the horse if you do it otherwise.
- Comm. Christensen: That's right. I think that's why I made it that close of parameters because I think that we have to, number one, when you recess the public hearing and then you reconvene it, you have to hear both parties. And, number two, I don't want this motion to indicate that this Commission is bound to pass or to license. Those are the two things that I think you are looking for and I think that's correct. I think that it has to be recessed and no action other than the committee working to see how they would implement if in fact a license is granted and I emphasize the word if.
- Dr. Romeo: Now who's going to call and appoint this committee and then they will let representatives of both of our companies know, is that correct?
- Comm. Christensen: It will come from the manager's office.
- Dr. Romeo: Okay.
- Comm. Christensen: Our manager, fire chief, our attorney, their counterparts and a member from each of the two ambulance companies and the Health Department.
- Comm. Lurie: How much time are you looking for Commissioner? Can we schedule this at our next meeting.
- Comm. Levy: I would say two meetings.
- Comm. Lurie: I mean in all fairness to American Ambulance, I think we should have this at our next meeting, if we are going to have a full Board and let's have the public hearing and by that time they should be able to bring the information back to us.
- Mr. Ogilvie: Mr. Mayor Pro Tem, a lot of the time depends on whether or not the County is going to appeal.

(continued)

Page 16

EXCERPT - REGULAR BOARD OF CITY COMMISSIONERS MEETING
SEPTEMBER 5, 1979

- Mr. LaPome: If you were to license us today, I'm sure the County wouldn't appeal. We all know that in this room
- Tape unclear at this point.
- Dr. Romeo: We can second guess as well as he can and say that two years - two months down the road, we're both gonna go broke, is what we can say. That's our prerogative also.
- Comm. Levy: Let's call for the question. How about that, Mr. Mayor Pro Tem.
- Comm. Lurie: We'll give it two weeks. I'm putting - recommending it be on our next meeting on the 19th and we'll schedule it for after the public hearing. But not at the end of the meeting.
- Comm. Christensen: I would suggest that the manager try and hold the agenda light so that we can have the full time, so that we don't always end up hearing this at supper time or else schedule an evening session in order to hear it.
- Comm. Lurie: Well, that's not a bad idea to schedule that - to maybe have a public hearing on the 19th at 7:00 at night here in this Chambers and we'll get it all out on the table at one time and by then we should have all the answers and make a decision.
- Comm. Levy: The only question I have and I'm the one that called for the question but I don't want to belabor the point, but in light of Commissioner Christensen, in light of Mr. Ogilvie, what if we find in two weeks that the County has appealed this -
- Comm. Lurie: It's still up in the air. It's still up in the air.
- Comm. Levy: It's still up in the air and at 7:00 we just say it's still up in the air.
- Comm. Lurie: Well, we can have our public hearing and let them give us the need and necessity and hear from both sides, but we've never really had a
- Comm. Christensen: You want to schedule a public hearing for at the end of the agenda and then if it needs to be recessed and reconvened at 7:00 you can and if it doesn't you can cancel it.
- Comm. Levy: Well, let's give them a time certain.
- Comm. Lurie: 7:00 on the 19th in this Commission Chambers there'll be a public hearing and we have Commissioner Christensen's motion and we'll vote on it and we are going to include in the motion that the public hearing will be held on the 19th at 7:00 in this Commission Chamber.
- Mr. Dorn: Before the vote.

(continued)

Page 17

EXCERPT - REGULAR BOARD OF CITY COMMISSIONERS MEETING
SEPTEMBER 5, 1979

Comm. Lurie:

You have a comment, Manager? Go ahead, Russ.

Mr. Dorn:

Mayor Pro Tem. If it's okay with the owners of the company, we could schedule a meeting tomorrow at 10:00 A.M. at the 10th Floor. At 11:00 A.M. at the 10th Floor in the City Manager's Conference Room we'll have City staff and if you have your staffs, we'll start

Comm. Levy:

Will you be able to have the County staff here to?

Mr. Dorn:

Probably not the first meeting, but there's a lot of things we can start. We can try to work it out.

Comm. Lurie:

Cast your votes on the motion.

"AYES" Commissioner Lurie, Commissioner Christensen, Commissioner Levy and Commissioner Woofter

"NOES" None

Motion for ABEYANCE carried unanimously.

Comm. Lurie:

Post. The motion has been approved and the meeting stands adjourned.

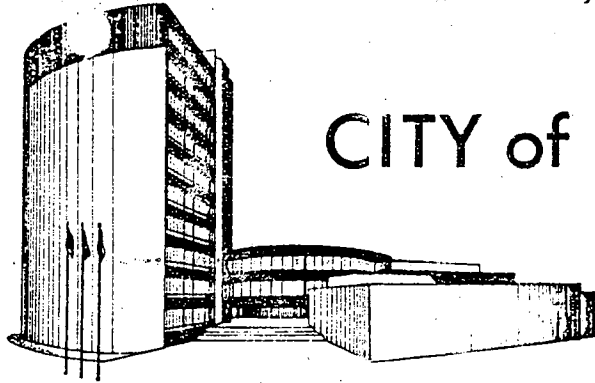
Meeting adjourned at 5:50 P.M.

MAYOR BILL BRIARE

COMMISSIONERS
RON LURIE
PAUL J. CHRISTENSEN
ROY WOOPFER
AL LEVY

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
RUSSELL DORN



CITY of LAS VEGAS

December 5, 1979

STATEMENT

TO: Robert LePome, Attorney

RE: Public Hearing:
Application of American Ambulance Company

Excerpt from City Commission Meeting
September 5, 1979

17 pages @ \$.60 \$10.20

Petitions, memos, Eight Judicial
District Court-Decision & Order,
Time Study

19 pages @ \$.60 11.40

TOTAL \$ 21.60

Edwina - given to all Comm. 8/31/79

Desert Springs Hospital

2075 East Flamingo Road • Las Vegas, Nevada 89109 • 733-8800

DAVID WATSON
Executive Director

ACTION TAKEN

Advisory to 10-19-79 7:40 p.m.
by City
Commissioner
Date *9/5/79*

MEMORANDUM

To: Robert Forbus
Mercy Ambulance Services

From: Al Felgar
Administrator

Date: August 30, 1979

Subj: Memorandum of Opposition

It is the purpose of this memorandum to express the opinion of the management of Desert Springs Hospital regarding ambulance service in Las Vegas.

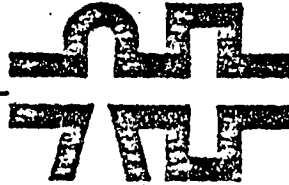
We find the combination of the Fire Department paramedics and the private ambulance service to be doing an excellent job in all respects. As the use of this hospital's Emergency Room has grown in recent months, the physicians and nurses who work in our Emergency Room indicate that the private ambulance and paramedic system has more than kept up with the increased activity. In an era of great public and governmental concern regarding the costs of duplication of services, a serious question must arise regarding an additional ambulance service, when in our opinion, the existing ambulance service is doing a thoroughly competent job.


Al Felgar
Administrator

- cc: Board of County Commissioners
- William Briare, Mayor
- Paul Christensen, City Commissioner
- Al Levy, City Commissioner
- Ron Lurie, City Commissioner
- Roy Woofter, City Commissioner

RECEIVED
SEP 4 8 47 AM '79
CITY CLERK

Ref. # 2



"Man and Medicine"

BOARD OF TRUSTEES
Jack R. Petitti, Chrmn.
Thalia Dondero, Vice Chrmn.
Sam Bowler
Robert Broadbent
David Canter
Manuel Cortez
Richard Ronzone

August 27, 1979

City of Las Vegas
Honorable Mayor and City Commissioners

Memorandum of Opposition

Gentlemen:

Our hospital, through our Emergency Department, is very much involved in the care of emergency patients in Las Vegas.

It is the strongly held opinion of our professional staff, including physicians, nurses and others, as well as of our administration, that Mercy Ambulance is doing a good job in serving the transportation needs of the emergency patients in our community.

It is also believed that if another company were allowed to compete, the resulting fragmentation of manpower, services and revenues would tend to lower the quality of all ambulance services.

Respectfully submitted,

George Riesz, F.A.C.H.A.
Administrator

✓
cc: Mr. Bob Forbus

This Petition
made a part of documents
of City Commission meeting

(date)

9/19/79

**Sunrise Hospital
Medical Center**

September 4, 1979

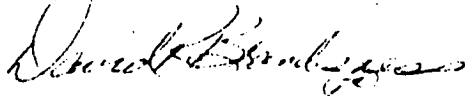
Mayor Bill Briare
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Memorandum of Opposition

Dear Mayor Briare:

It is my belief that if another ambulance company is authorized to provide services within the City of Las Vegas, the delivery system will be fragmented and will not be in the best interest of the residents of Clark County.

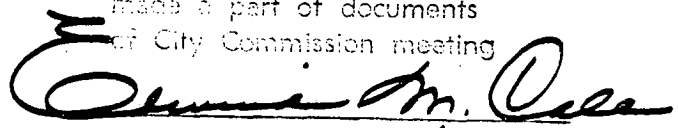
Sincerely,



David R. Brandsness
Executive Director

DRB:tc

This Palmer
made a part of documents
of City Commission meeting



(date) 9/12/79

Desert Springs Hospital

2075 East Flamingo Road • Las Vegas, Nevada 89109 • 733-8800

DAVID WATSON

Executive Director

MEMORANDUM

To: Robert Forbus
Mercy Ambulance Services

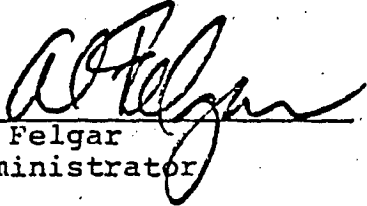
From: Al Felgar
Administrator

Date: August 30, 1979


Subj: Memorandum of Opposition

It is the purpose of this memorandum to express the opinion of the management of Desert Springs Hospital regarding ambulance service in Las Vegas.

We find the combination of the Fire Department paramedics and the private ambulance service to be doing an excellent job in all respects. As the use of this hospital's Emergency Room has grown in recent months, the physicians and nurses who work in our Emergency Room indicate that the private ambulance and paramedic system has more than kept up with the increased activity. In an era of great public and governmental concern regarding the costs of duplication of services, a serious question must arise regarding an additional ambulance service, when in our opinion, the existing ambulance service is doing a thoroughly competent job.


Al Felgar
Administrator

cc: Board of County Commissioners
William Briare, Mayor
Paul Christensen, City Commissioner
Al Levy, City Commissioner
Ron Lurie, City Commissioner
Roy Woofter, City Commissioner

This 
made a part of documents
of City Commission meeting

(date) 
9/19/79

NORTH LAS VEGAS HOSPITAL

1409 EAST LAKE MEAD BLVD. • NORTH LAS VEGAS, NEVADA 89030 • TELEPHONE 649-7711

TO: City of Las Vegas
Honorable Mayor of Las Vegas & County Commissioners

FROM: William E. Bennett, Administrator *WB*

DATE: August 31, 1979

SUBJECT: Memo of Opposition

North Las Vegas Hospital, through its Emergency Room, is quite cognizant of the fine service Mercy Ambulance is providing to Las Vegas and Clark County residents. We have worked closely with them on a day by day basis and have found their service to be of the highest quality in all phases of transporting patients to and from our hospital.

We have found their quality of service has remained excellent and they have never lowered their standard of care even though they are the only ambulance service in the Las Vegas valley. It is our belief another ambulance company would not improve on services already employed by Mercy Ambulance.

This *Petition*
made a part of documents
of City Commission meeting

William E. Bennett

(date) *9/19/79*

ANOTHER FACILITY OF HUNTINGTON HEALTH SERVICES

LAS VEGAS MEDICAL CLINIC

3111 JOE W. BROWN DRIVE
LAS VEGAS, NEVADA 89109

(702) 732-3121

ELIAS F. GHANEM, M.D.

FAMILY PRACTICE
PHYSICIAN & SURGEON

August 31, 1979

City of Las Vegas
Honorable Mayor and City CommissionersMemorandum of Opposition

Gentlemen:

As past chairman of the Clark County Medical Advisory Board, I have been very much involved in the care of emergency patients. Four years ago we started this program and today the system is one of the best in the nation.

Mercy Ambulance has been an active participant and is doing an excellent job of serving the needs of the City of Las Vegas.

I would suggest that if you would license another ambulance service, it would deteriorate the program that we have tried to create and overall lower the quality of all ambulance services.

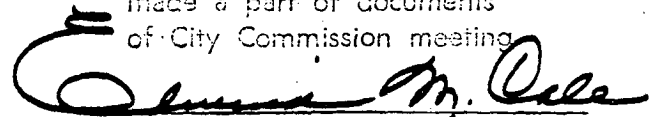
Respectfully submitted,



Elias F. Ghanem, M.D.

EFG/iz

This Petition
made a part of documents
of City Commission meeting



(date) 9/19/79

This Petition
made a part of documents
of City Commission meeting

James M. Dale
(date) 9/19/79

To Whom It May Concern:

We the undersigned are duly licenced physicians practicing medicine in Las Vegas, Nevada and Clark County. It is our professional opinion that there is a definite need for another ambulance company here in this community. We feel competition would upgrade emergency medical services and be a benefit to the patients we care for.

<u>NAME</u>	<u>ADDRESS</u>
1. T. McCormick	600 Shadow Ln.
2. W. Miller	901 Ranch Ln
3. J. Taylor	3196 Maryland Pky. 2D. Rm 89105
4. Michael A. Tonak, M.D.	600 Shadow Lane Suite C 89106
5. E. Johnson MD	3201 Maryland Parkway
6. S. L. M. M. MD	1401 E. Lake Mead Blvd NV
7. J. Lopez	701 Shadow Lane - 89106
8. B. Chowdhry	3201 Maryland Parkway 89109
9. W. M. A.	901 Ranch Ln
10. J. H. G. MD	1229 PARK CIRCLE 89104
11. J. P. W. M.D.	2300 Ranch Dr 89102
12. L. J. W. MD	4200 W. Charleston 89102
13. J. H. G. MD	1229 Park Circle 89104
14. M. Strunk MD	620 Shadow Ln. 89106
15. J. Paul W. M.D.	620 Shadow Ln 89106
16. J. G. M. MD	2300 Ranch Dr 89102
17. Neil Convent MD	2300 Ranch 89102
18. J. G. M. MD	2320 Ranch Rd 89102
19. J. G. M. MD	801A Shadow Lane 89106
20. J. H. G. M.D.	702 Shadow Ln NV 89106
21. Dean ... MD	700 Shadow Lane 89106

TO WHOM IT MAY CONCERN:

WE THE UNDERSIGNED EMERGENCY ROOM DEPARTMENT NURSES AND TECHNICIANS OF CLARK COUNTY LAS VEGAS, NEVADA. IT IS OUR OPINION THAT THERE IS A DEFINITE NEED FOR ANOTHER PROFESSIONAL AMBULANCE COMPANY HERE IN CLARK COUNTY.

WE FEEL THAT COMPETITION WOULD HELP TO UPGRADE AND MAINTAIN A HIGH LEVEL OF PRE-HOSPITAL CARE WHICH WILL BE A BENEFIT TO THE PATIENTS.

NAME

ADDRESS

Christine A. Locke RN	3186 Maryland Pkwy. L.V. Nev. (ER)
Cynthia Traasdale RN Christine A. Locke	3186 Maryland Pkwy. L.V. (ER) 4501 Agnes St. F-R
Rosemary Diggins	3186 Maryland Pkwy L.V. Nev
Barbara Maxwell	3186 Maryland Pkwy L.V. (ER)
Mary Jobs RN	3186 Maryland Pkwy L.V. Nev
Sabie Stettin RN Anne Miller RN	2112 Kirkland ave. L.V. Nev. 3186 Maryland Pkwy
Jarini Sawaya R.N. E.R. Supervisor Sunrise Hospital	Callville Bay L.V. Nev. 3186 Maryland Pkwy
Cheryl E. Plicker RN	4930 Vermont St L.V. Nev 89107
Lady Mulvihill RN	764 Swain Ave Las Vegas Nev 89109
Mike J. Murphy	3700 E. Stewart L.V. Nev 89110 (CRT)
Suzanne Threacht	3186 Maryland Pkwy L.V.

This Petition
made a part of documents
of City Commission meeting

Christine A. Locke
(date)

9/19/79

CONTINUED
NAME

ADDRESS

22.

Manhoyers

Sumner St. E.L.

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This *Petition*

made a part of documents
of City Commission meeting

Alvin M. Dece

(date)

9/19/79

CITY OF LAS VEGAS

Date

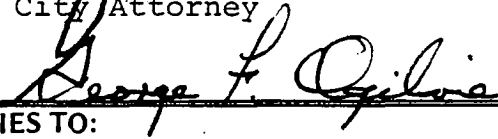
INTER-OFFICE MEMORANDUM

September 4, 1979

TO:

Russell Dorn,
City Manager

FROM:

George F. Ogilvie,
City Attorney

SUBJECT:

Application of American Ambulance
Company for Ambulance License

COPIES TO:

As you know, the application of American Ambulance Company for an ambulance license comes before the Board of City Commissioners for a public hearing at its meeting to be held on Wednesday, September 5, 1979. This memorandum is written to assist you in advising the Board in its deliberations both during and after such public hearing.

First of all, Title V, Chapter 28, Section 2, of the Las Vegas City Code defines the license required by an ambulance company as a "license of public convenience and necessity." Hence, the application of American Ambulance Company is not merely for a general business license, but, on the contrary, requires some showing by the applicant how the granting of such license shall serve the public convenience and necessity. In this connection, Title V, Chapter 28, Section 5, of the Code mandates the Department of Business Activity to cause an investigation of the applicant to determine, among other things:

"If the public health, safety, welfare, convenience and necessity require the granting of a license hereunder for ambulance service for which the application has been made." (Emphasis supplied)

Similarly, Title V, Chapter 28, Section 6, of the Code declares that the purpose of the public hearing is to afford the Board the opportunity to determine "whether the public convenience and necessity and the public health, safety and welfare require the proposed service and whether the applicant is fit, willing, and able to operate an ambulance service in the City" and prohibits the Board from issuing such license until it has adopted a resolution in which it determines "that the public convenience and necessity require the proposed service and that the same will promote the public convenience and the public health, safety, and welfare of the City." (Emphasis supplied) The Code

Russell Dorn
City Manager
September 4, 1979
Page 2

continues by mandating the Board, in making such determination, to consider the following factors:

- "1. The present or future need for such service or additional service, but the fact that an existing licensee can provide the needed service is not necessarily determinative of whether additional licenses may be granted.
2. The efficiency of and cost to the public of such service or additional service.
3. Whether additional service will create ruinous competition or substantially impair existing services.
4. Whether the present service is adequate to serve the needs of the public as a whole.
5. Whether additional service will encourage safe, clean, prompt and courteous service to the public."

Accordingly, before a license for a new ambulance company may be granted, the Board must, by resolution, make a finding favorable to the applicant with respect to each of the five factors set forth above. Conversely, if the Board chooses to deny the application, it must, by resolution, make a finding unfavorable to the applicant with respect to one or more of such factors. In accordance with Title V, Chapter 28, Section 8 of the Code, the Board shall have up to twenty (20) days after the public hearing to make such determination.

For your information, District Judge Howard W. Babcock, on September 4, 1979, issued an order directing that the Board of County Commissioners of Clark County forthwith issue American Ambulance Company a non-exclusive franchise under Section 6.85.170 of the Clark County Code, and I am attaching a copy of his decision and order. However, the County and City ordinances relating to the licensing of ambulance companies differ considerably, and Judge Babcock's opinion does not impinge upon the Board of City Commissioners' authority to either grant or deny American Ambulance Company's application for a City ambulance license in any way, other than whichever determination it makes must be supported in the record of the hearing by substantial evidence.

GFO/ph

FILED

SEP 4 9 28 AM '79
LORETTA BOWMAN
CLERK
BY DOROTHEA RACINE

1 CASE NO. A 189186
2 DEPT. NO. 101

3
4
5

6 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CLARK

8

9 UNITED PACIFIC VENTURES, INC.)
10 d/b/a AMERICAN AMBULANCE CO.,)
11 Plaintiff,)

12 -vs-

13 THE COUNTY OF CLARK, THE BOARD)
14 OF CLARK COUNTY COMMISSIONERS,)
15 et al.,)
16 Defendants.)

17 MERCY, INC., a Nevada corporation,)
18 d/b/a MERCY AMBULANCE SERVICES,)
19 Intervenor.)

20 DECISION AND ORDER

21 On December 21, 1978, petitioner applied to the Clark
22 County License Bureau for an ambulance franchise. Following an
23 investigation, the application was approved by the Bureau and was
24 next submitted to the Clark County Board of Commissioners with the
25 recommendation attached.

26 Petitioner appeared before the Board on several occasions.
27 At the appearance on March 20, 1979, the matter was referred back
28 to the Business License Division because the application was
29 missing. Two weeks later the Board denied the application because
30 petitioner failed to obtain an ambulance permit from the State and
31 County Board of Health. On June 5, 1979, after obtaining the
32 required permit, the application was again denied for unrelated
reasons.

In reviewing an administrative action authorized by

1 statute and ordinance, the issue to be determined is the reason-
2 ableness of the ordinance or of the agency's action under the
3 ordinance.

4 The mark of unreasonable action is when the action is
5 unsupported by substantial evidence, making it arbitrary and
6 capricious. In the law, the term "arbitrary and capricious"
7 means having no rational basis and embraces a concept merging
8 from the due process clauses of the 5th and 14th Amendments of
9 United States Constitution and operates to guarantee that acts of
10 government will be grounded on established legal principles.
11 Bayshore Sewerage Co. v. Department of Environmental Protection,
12 299 A.2d 751, 762, 122 N.J. Super. 184 (1973).

13 There is a presumption the governing body acted
14 reasonably and it is incumbent upon those attacking its action to
15 demonstrate unreasonableness. City of Henderson v. Henderson Auto
16 Wrecking, 77 Nev. 118, 122, 359 P.2d 743, 745 (1961). The review-
17 ing court will neither substitute its judgment for that of the
18 governing body nor declare the action unreasonable unless clearly
19 compelled to do so by the evidence. Gur-Kovic v. State Contractor's
20 Board, 95 Nev. _____ (Adv. Op. 133), 596 P.2d 850 (1979). There is
21 no trial de novo of the facts; rather, the court limits its review
22 to that evidence contained in the record.

23 On the other hand, the agency's decision making process
24 is confined by standards set forth in the ordinance. State ex rel
25 Johns v. Gragson, 89 Nev. 478, 481, 515 P.2d 65, 67 (1973). If
26 the action is arbitrary, oppressive or accompanied by manifest
27 abuse, the courts will not hesitate to interfere. State ex rel.
28 Roman Catholic Bishop v. Hill, 59 Nev. 231, 90 P.2d 217 (1939).

29 In the case at bar, petitioner was denied a permit at
30 the first Board hearing for failure to obtain a health permit. A
31 prerequisite for obtaining the permit required inspection of
32 vehicles to be used by the ambulance service. See comments of

1 Ryan Johnson, Transcript of April 3, 1979, at 13. Although an
2 escrow fund of over \$45,000 had been established guaranteeing
3 funds for acquisition of the proposed vehicles (which were
4 identical to those being used by existing authorized emergency
5 services in the county), petitioner was required to acquire three
6 ambulances at a cost of approximately \$20,000 per unit.

7 Questions were also raised at the first hearing concern-
8 ing the dispatch systems and staff proposed by the petitioner, but
9 the reasons for denial were based on different grounds and are
10 summarized by the following comments:

11 WILLIAM P. CURRAN (Board Attorney):
12 Mr. Chairman, as far as the Ordinance is concerned,
13 we don't have a problem with the fact that the
14 applicants have not, for example, purchased their
15 equipment as yet, that kind of thing. Or if the
16 situation was one in which they have not received
17 all the permits from the different state boards
18 involved for example, they have to receive a red
19 light and siren permit from the Highway Patrol,
20 carrier plates from Public Service Commission and
21 so forth and then also the certificates from the
22 state and local District Boards of Health. If all
23 those matters had been attended to, it was only a
24 paperwork function of those agencies granting the
25 certificates, I don't think our Ordinance would
26 stand as any hinderance to granting the franchise
27 at this time. As I understand the statements by
28 our District Health Officer this morning though,
29 that is not the situation and they have not yet
30 found that an application has been complete and
31 they're satisfied that they would issue a Health
32 Permit based on the application as it now stands,
therefore I feel that we - that we cannot grant
the franchise at this time.

S. BOWLER:

In view of - in view of Counsel's recommendation
and he is our Counsel that we can't because of -
it does not meet the Ordinance requirements, I'll
move for denial at this time.

Transcript of the Board of County Commissioners meeting, April 3,
1979, at 18 [hereinafter referred to as April transcript].

Mr. Curran evidently failed to appreciate the earlier
representations made by Karl Munniger, the District Health Officer.
At page 11 of the hearing transcript, Mr. Munniger outlined three
deficiencies in petitioner's application:

.....

1 KARL MUNNINGER:

2 I would like to tell the Commission that American
3 Ambulance has not been issued a Health District
4 Permit. They have made application to the Health
5 District. The application is incomplete because
6 they have no licensed attendants at this time -
7 they have not given us any vehicles to inspect
8 at this time and they have not submitted a plan
9 detailing how their vehicles would be dispatched
10 through the central dispatch telephone numbers.

11 April Transcript at 11.

12 Mr. Munniger's comments clearly suggest actual inspection of
13 existing vehicles was necessary prior to issuing a permit.

14 After spending thousands of dollars to acquire and equip
15 ambulances, pay rent, and salary employees, petitioner again
16 appeared before the Board on June 5, 1979. Mr. Curran, in response
17 to inquiries, once more addressed the problems concerning the
18 disputed permit.

19 SAM BOWLER:

20 At this point I'd like to - to ask our legal
21 counsel since that was some of the questions
22 we had before us as to whether it did meet the
23 requirements in - in your mind does it now
24 indeed meet the requirements of the Ordinance?

25 WILLIAM P. CURRAN:

26 Mr. Bowler, as far as the statement just made by
27 Dr. Romeo, I did speak to - excuse me, Mr. LePome
28 this morning about one point. I didn't really
29 say that we had - we didn't really discuss any
30 other points. I think we resolved the problem
31 on one individual point. As far as your question
32 now about the health permit I understand that the
33 District Health Officer has issued the Certificate
34 and I believe that's what all that's required.

35 SAM BOWLER:

36 So what you are saying is that they do meet the
37 requirements of the Ordinance.

38 WILLIAM P. CURRAN:

39 I believe so, now there are - there are a couple
40 of other points for example, requirements that
41 certain licenses - certain permits be granted the
42 State Agencies have said that they will grant those
43 permits upon the award of the franchise. I think
44 we - sensible construction of the Ordinance allows
45 for that type of an arrangement. For example, what
46 we are talking about is the red light and siren
47 permits. The State Highway Patrol has said they
48 will issue those permits upon the granting of the
49 franchise. I think that's what's required.

50 Transcript of the Board of County Commissioner meeting, June 5,
51 1979, at 1-2 [hereinafter referred to as June Transcript]. See
52 also, comments of James M. Bartley, June Transcript at 4.

1 Later in the proceedings, the question was again
2 presented:

3 THALIA DONDERO:

4 Well, I - I guess - I am still feeling that the -
5 the American Ambulance has met all of the conditions
6 as set down in our Ordinance, is that not true?
7 I'm asking the attorney this.

8 SAM BOWLER:

9 Mr. Curran-correct - they have met all the
10 conditions of the Ordinance.

11 WILLIAM P. CURRAN:

12 That's really a factual decision which this Board
13 has to - has to..... pass judgment.

14 SAM BOWLER:

15 Wait - now wait a minute - now I asked - I think
16 I asked you that earlier on in the meeting and
17 you indicated to me that they've met the require-
18 ments of the Ordinance.

19 WILLIAM P. CURRAN:

20 As far as the technical requirements of the Ordinance -
21 as far as such things as -

22 SAM BOWLER:

23 Sufficient experience - that's a determination of
24 this Board to make, but as far as

25 WILLIAM P. CURRAN:

26 Those are determinations.....

27 SAM BOWLER:

28 But as far as meeting all the criteria set.....

29 WILLIAM P. CURRAN:

30 Far as the other items, yes, we feel they've complied.

31 June Transcript at 30 (emphasis added).

32 The record clearly reflects that petitioner substantially complied
with the requirements of the ordinance.

The record further reflects that the Board applied
artificial, unauthorized and arbitrary standards in reaching its
determination to deny the application. The principal concern
expressed by Board members dealt with economic impact. See
comments of David Canter, June Transcript at 21; comments of
Richard Ronzone, June Transcript at 24. But, as Sam Bowler mentions
at page 19, "there is nothing in (the ordinance) in reference to
economic impact ... "

The clearest example of arbitrary standards came from

1 the application of a need and necessity test by Manuel Cortez.

2 MANUEL CORTEZ:

3 Mr. Chairman I - let me speak to that free enter-
4 prise. My background prior to coming on the
5 Commission as you know, was in the transportation
6 industry, specifically the taxi cab industry. The
7 taxi cab industry is a - by nature a regulated
8 monopoly. It has to be a regulated monopoly. It
9 has to have restricted entry into the business for
10 the protection of the public so that the fees, the
11 equipment, the education of the individuals, the
12 hours of services, and etc. can be regulated and
13 set by a regulating agency. It cannot be such as
14 a public utility, telephone company, gas company,
15 water company, cannot be a part of quote, free
16 enterprise. Unregulated competition in this field,
17 transportation and et cetera has it - has many times
18 reaped chaos within the industry. The public has
19 suffered in the long run by unfixed fees, by companies
20 going out of business and that type of thing. So I
21 guess I'm a victim of my background. While the County
22 doesn't necessarily enjoy the luxury of having a
23 certificate of public convenience and necessity for
24 an ambulance business, I personally am committed to
25 the fact that it's incumbent, it's mandated by the
26 County Commission to at least apply that criteria to
27 the issuance of a franchise or - or a license to
28 operate an ambulance service and that is the need and
29 necessity. Is there a need for an additional ambulance
30 and does the necessity exist and if it does exist,
31 the burden of proof is on the applicant. And to date,
32 and I've sat here quietly, you have failed to show
me - frankly - that the need and necessity exists and
if one exists that you can fill that void. I'm com-
mitted to that end - I'm not quarreling with the fact
that - but - with your abilities as a physician or any
of your people, I'm just saying that - that's my
personal feeling. I really believe that an ambulance
business should be a regulated monopoly - should be
restricted entry not only for the protection of the
Metropolitan Police Department who has a contract with
the existing service, but primarily for the protection
of the public and until such time that you or your
people can show me that a need and necessity exists,
I can't support your application.

June Transcript at 22-23 (emphasis added).

Even though Commissioner Cortez was advised that the need and
necessity standard was inappropriate in this case, he, nonetheless
applied that test in reaching his decision.

MANUEL CORTEZ:

Mr. Chairman, with all due respect to Dr. Romeo
who's been an old time friend and family physician,
in my mind the burden has not been met by American
Ambulance. I intend to make a motion, however, - I
don't know what the outcome is going to be - the
Ordinance is clearly permissive. It says that the
Board may award a franchise if it finds certain
criteria. I'm firmly committed to the need and

1 necessity. I'm also firmly committed to the
2 need for a regulated monopoly and restricted
3 entry in this particular business endeavor. Well,
4 Mr. Chairman, at this time, I'll make a motion to
5 deny the application.
6 June Transcript at 30.

7 Respondent argues that Commissioner Cortez was not referring to
8 the need and necessity test when he mentioned "burden," but the
9 record unambiguously shows that was the only context in which the
10 term "burden" arose.

11 The Court finds that there is no evidence in the record
12 that petitioner lacked the qualifications required by the ordinance
13 to obtain an ambulance franchise. The Court further finds that
14 respondent acted arbitrarily, capriciously and unreasonably by
15 establishing unauthorized standards and thereby abused its
16 discretion in the denial of petitioner's application. Consider-
17 ing the comments of Mr. Curran, the action taken by the Board is
18 not susceptible of two interpretations. Petitioner expended a
19 great deal of time and money in a good faith effort to meet the
20 detailed requirements of the ordinance, only to be rejected on
21 grounds wholly unrelated to the application.

22 Therefore, it is

23 ORDERED that the Clark County Board of Commissioners
24 forthwith issue petitioner a non-exclusive franchise under County
25 Ordinance 6.85.170.

26 DATED this 4th day of September, 1979.

27 John W. Brown
28 DISTRICT JUDGE
29
30
31
32

MERCY AMBULAN
EMS / RESPONSE REPORT

PAGE 1

FROM 790815 TO 790815 AS OF 09/19/79

DISTRICTS SERVICED:

0102/NA(1) 2174/NA(1) 2221/NA(1) 2223/NA(1) 2224/NA(3) 2226/NA(1) 2324/NA(1) 2325/NA(3)
 2327/NA(1) 2425/NA(1) 2426/NA(2) 2427/NA(1) 2428/NA(1) 2522/NA(1) 2525/NA(2) 2526/NA(2)
 2627/NA(1) 2628/NA(1) 2624/NA(3) 2625/NA(1) 2626/NA(1) 2719/NA(1) 2725/NA(1) 2825/NA(2)
 3211/NA(1)

VEHICLE USE REPORT:

81 1 2(2) 82 4 12(9) 83 39 3(5) 84 22 20(1) 85 6 43(2) 86 34 19(7) 88 25 38(1) 89 10 14(6) 90 9 13(2)

AUXILIARY SERVICES RENDERED:

003(21) 004(14) 006(7) 007(4) 009(1) 010(1) 011(1) 012(4) 013(3) 014(1) 018(1) 020(2)
 025(1)

TIME STUDY:

AVERAGE TIME FROM:	1ST CALL TO:	SENT	DISP	ARIV	LEAV	HOSP	AVAIL
IN MINUTES:	X-----!->	.91					
	X-----!->		1.9				
	X-----!->			7.81			
	X-----!->				18.52		
	X-----!->					26.56	
	X-----!->						41.54
TIME BETWEEN CATEGORIES:	.91	.99	5.91	10.71	8.04	14.98	

DIAGNOSIS BREAKDOWN:

CODE	OCCURED	DESCRIPTION
003	1	UNABLE TO AMBULATE
006	2	REQUIRING SPECIAL HANDLING
009	1	GENERAL WEAKNESS
010	1	BLOOD PRESSURE, HIGH
060	4	POSSIBLE FRACTURED
059	4	LACERATION TO
042	2	ABRASIONS

083	1	BACK
091	1	EYE
092	1	FACE

=====

POLICE REPORT:

CODE	OCCURED	DESCRIPTION
401	4	ACCIDENT/HIT & RUN
405	1	SUICIDE
421	30	SICK OR INJURED PERSON

=====

RESPONSE BREAKDOWN:

CODE	OCCURED	DESCRIPTION
532	32	CODE 3 TO SCENE, CODE 2 FROM SCENE
533	2	CODE 3 TO SCENE, CODE 3 FROM SCENE

=====

EMERGENCY MEDICAL SERVICES:

CODE	OCCURED	DESCRIPTION
627	1	FAINING
636	1	HEART CONDITION
642	1	MATERNITY

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
HAROLD P. FOSTER, 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, or a series of final maps is/are not recorded on all of the area embraced by the tentative map within the twelve (12) months of the approval of the tentative map, or an extension of time up to one year, is not granted for the tentative map, a new tentative map must be filed.

- (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.

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

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.

A. ZONE CHANGE - Z-85-79 - MOREY AMSTERDAM

Property generally located at the northwest corner of Luning Drive and Vegas Drive.

From: R-E (Residence Estates)

To: R-1 (Single Family Residence) and
 R-T (Trailer Residence)

Proposed Use: Mobile Home Park and Detached
 Single Family Residences

Planning Commission unanimously recommends
 DENIAL.

If approved, following are the recommended conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Redesign to provide for Simmons Street and to provide for 32 ft. minimum drives within the development.
3. Waiver of front required 25 ft. setback and laundry facilities.
4. Conformance to the amended plot plan to reflect the above conditions.

PROTESTS: Approx. 56

Referred back
 to Planning
 Commission
 Levy - unanimous

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM Commission Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)B. ZONE CHANGE - Z-76-79 - BEDFORD CONSTRUCTION
COMPANY

Property generally located on the west side of Decatur Boulevard between Oakey Boulevard and Mountain View Drive.

From: R-1 (Single Family Residence) and
R-3 (Limited Multiple Residence)

To: C-1 (Limited Commercial) and
R-PD21 (Residential Planned Dev.)

Proposed Use: Shopping Centers and Medium
High Density Apartments

Planning Commission unanimously recommends
DENIAL.

If approved, following are the recommended
conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Waiver of the five acre minimum site requirement.
3. Vacation of access restriction to Decatur Boulevard on parcel one.
4. Construct a six ft. block wall on Angel Drive with no openings. The wall shall be setback five feet and landscaping installed between the wall and sidewalk on parcel one.
5. Construct a six ft. block wall on the north side of parcels two and three with no access to Doe Avenue west of Angel Drive with said wall setback five feet for landscaping along Doe Avenue.
6. Provide a cul-de-sac for Westleigh Drive as required by the Department of Public Services.
7. Construct a block wall six ft. high on west line of parcel three.

Tabled
Woofter - unanimous

10/3/79 Agenda

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COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM	Commission Action	Department Action
<p>X. <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</u></p>		
<p>8. Provision of turn around area for parking in parcel three at north end.</p> <p>9. Planning Commission approval of development plan for east half of parcel two.</p>	See Page 33	See Page 33
<p>PROTESTS: Approx. 19</p>		
<p>C. <u>ZONE CHANGE - Z-87-79 - ROBERT AND KAREN PEDERSON, ET AL</u></p>	<p>Approved as recommended by Planning Commission Levy - unanimous</p>	<p>Clerk to notify Planning to proceed</p>
<p>Property generally located 250 feet west of Torrey Pines Drive, between Tina Lane and Ann Road.</p>		
<p>From: R-E (Residence Estates) To: R-PD2 (Residential Planned Develop.) Proposed Use: Detached Single Family Residences</p>		
<p>Planning Commission unanimously recommends APPROVAL, subject to the following condition:</p>		
<p>1. Resolution of Intent to be restricted to a twelve (12) month time limit.</p>		
<p>PROTESTS: Approx. 11</p>		
<p>D. <u>ZONE CHANGE - Z-80-79 - JOHN E. KENNEY, JR.</u></p>	Abeyance	10/3/79 Agenda
<p>Property generally located at the southeast corner of Bonanza Road and Pecos Road.</p>		
<p>From: C-1 (Limited Commercial) To: R-4 (Apartment Residence) and R-1 (Single Family Residence)</p>		
<p>A N D</p>		
<p>From: R-1 (Single Family Residence) To: R-4 (Apartment Residence) Proposed Use: High Density Apartments and Detached Single Family Residences</p>		
<p>Planning Commission recommends APPROVAL (5-yes; 1-no), subject to the following conditions:</p>		

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ITEM

Commission Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Dedicate a 10 ft. radius corner at Harris Avenue and Lillian Street.
3. Construct a six ft. block wall along the south and west property lines.

PROTESTS: 1

See Page 35

See Page 35

G. ZONE CHANGE - Z-83-79 - ROBERT E. HORNER, ET AL

Property located at 1823 West Charleston Boulevard.

From: R-E (Residence Estates)
To: C-1 (Limited Commercial)
Proposed Use: Medical Offices

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

If approved, following are the recommended conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. No access shall be allowed to Ellis Ave.
3. The building be reduced to a maximum of two stories in height and relocated to the north.
4. A six ft. block wall shall be constructed on the south, east, and west sides of the property.
5. The south 300 feet shall be amended to P-R and used for parking only.

PROTESTS: 1

Approved subject to normal conditions and the listed conditions, EXCEPT Condition #3, and in accord with revised Plot Plan
~~Woofter~~

Commissioner Christensen voted "no"

Clerk to notify Planning to proceed

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ITEM

Commission Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

H. ZONE CHANGE - Z-77-79 - DAVID A. REYNER

Property located at 1206 South Maryland Parkway.

From: C-D (Designed Commercial)

To: P-R (Professional Offices & Parking)

Proposed Use: Office

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

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

PROTESTS: 0

Approved as recommended by Planning Commission Levy - unanimous

Clerk to notify

Planning to proceed

I. ZONE CHANGE - Z-78-79 - BOBBY R. AND E. P. SCOTT

Property located at 1611 West Bonanza Road.

From: R-E (Residence Estates)

To: C-2 (General Commercial)

Proposed Use: Business Office and Commercial Storage Units

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

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. The south building be moved sixteen feet to the north to provide for landscaping along the rear property line as required by the Department of Community Planning and Development.

PROTESTS: 0

Approved as recommended by Planning Commission EXCEPT that Condition No. 2 re landscaping be deleted Lurie - unanimous

Same as above

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ITEM Commission Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

J. ZONE CHANGE - Z-79-79 - THOMAS J. McINTYRE

Property located at 701 North Eastern Avenue.
 From: R-1 (Single Family Residence)
 To: C-1 (Limited Commercial)
 Proposed Use: Retail Stores

Planning Commission unanimously recommends DENIAL.

If approved, following are the recommended conditions:

1. Resolution of Intent to be restricted to a twelve (12) month time limit.
2. Construction of a six ft. block wall along the west property line.

PROTESTS: 0

Approved
 C-D Zoning
 subject to
 conditions
 Levy - Unanimous

Clerk to notify
 Planning
 to proceed

K. ZONE CHANGE - Z-86-79 - MARY LEE JOHNSON

Property located at 824 West Washington Ave.
 From: R-1 (Single Family Residence)
 To: R-3 (Limited Multiple Residence)
 Proposed Use: Duplex and Single Family Residence

Planning Commission recommends APPROVAL (4-yes; 2-no), subject to the following condition:

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

PROTESTS: 0

Denied
 Levy

Commissioner
 Christensen
 voted "no"

Same as above

L. ANNEXATION - A-10-79(A) - LEWIS HOMES OF NEVADA

Petition to annex property generally located at the southwest corner of O'Bannon Drive and Torrey Pines Drive, containing approx-

Approved
 Levy - unanimous

Same as above

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ITEM	Commission Action	Department Action
<p>X. <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</u></p>		
<p>imately twenty-nine acres of land.</p> <p>Planning Commission unanimously recommends APPROVAL.</p> <p>PROTESTS: Approx. 31</p>	See Page 38	See Page 38
<p>M. <u>EXTENSION OF TIME - Z-73-77 - CHRISTINA M. HIXSON, ET AL</u></p>		
<p>Request for a one year extension of time on property generally located on the north side of Bonanza Road between Pecos Road and Sandhill Road, under resolution of intent to R-1, R-3, and C-1.</p> <p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. This extension of time shall be limited to a period of one year. 2. Conformance to previous conditions imposed at the time of approval of Z-73-77, and any ordinance requirements enacted subsequent to that original approval. 	Approved as recommended by Planning Commission Levy - unanimous	Clerk to notify Planning to proceed
<p>N. <u>REINSTATEMENT AND EXTENSION OF TIME - Z-143-77 - ROSEMARY PITCH</u></p>		
<p>Request for reinstatement of a resolution of intent to P-R and an extension of time on property located at 1325 Maryland Parkway, R-1 zone.</p> <p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. This extension of time shall be limited to a period of six months. 2. Conformance to previous conditions imposed at the time of approval of 	Approved as recommended by Planning Commission Levy - unanimous	Same as above

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ITEM	Commission Action	Department Action
<p>X. <u>COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</u></p>	See Page 39	See Page 39
<p>Z-143-77, and any ordinance requirements enacted subsequent to that original approval.</p>		
<p>O. <u>EXTENSION OF TIME - Z-49-78 - ROBERT F. ROBBINS</u></p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	<p>Clerk to notify Planning to proceed</p>
<p>Request for an extension of time on property generally located on the southwest corner of Desert Lane and Kenyon Place, R-2 zone (under resolution of intent to R-3).</p>		
<p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p>		
<ol style="list-style-type: none"> 1. This extension of time shall be limited to a period of one year. 2. Conformance to previous conditions imposed at the time of approval of Z-49-78, and any ordinance requirements enacted subsequent to that original approval. 		
<p>P. <u>EXTENSION OF TIME - Z-68-78 - ROBERT F. ROBBINS</u></p>	<p>Approved as recommended by Planning Commission Lurie - unanimous</p>	Same as above
<p>Request for an extension of time on property located at 4979 and 4999 East Owens Avenue, R-2 zone (under resolution of intent to R-3).</p>		
<p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p>		
<ol style="list-style-type: none"> 1. This extension of time shall be limited to a period of one year. 2. Conformance to previous conditions imposed at the time of approval of Z-68-78, and any ordinance requirements enacted subsequent to that original approval. 		

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ITEM	Commission Action	Department Action
<p>X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)</p>		
<p>Q. PLOT PLAN REVIEW - Z-120-78 - CARVER COMPANIES</p> <p>Plot plan review on property generally located at the northeast corner of Cheyenne Avenue and Jones Boulevard, R-1 zone (under resolution of intent to C-1).</p> <p>Planning Commission unanimously recommends APPROVAL, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Conformance to previous conditions imposed at the time of approval of Z-120-78. 2. Deletion of condition number one, which prohibited ingress/egress at the northwest corner of the property. 3. Conformance to any ordinance requirements enacted subsequent to the original approval. 	<p>Approved as recommended by Planning Commission Christensen - unanimous</p>	<p>Clerk to notify Planning to proceed</p>
<p>R. COUNTY REFERRALS ON REZONING AND USE PERMIT APPLICATIONS FOR CITY RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. ZC-184-79 - Request of HOUP, R. & M. for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-2 (General Commercial) Zone on property generally located on the south side of Sahara Avenue and the east side of Lindell Road, to construct and maintain a 6,600 square foot restaurant and cocktail lounge. <p>Planning Commission Recommendation: Not Compatible with the City's General Plan.</p> <ol style="list-style-type: none"> 2. ZC-186-79 and UC-152-79 - Request of FAZZOLARE, ANTHONY & JOAN for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-2 (General Commercial) Zone on property generally located on the north side of Smoke Ranch Road and the west side of Decatur Blvd. Also, a Use Permit to construct and 	<p>Concurred with finding of Planning Commission Christensen - unanimous</p>	<p>Planning to proceed</p>
	<p>Items 2 thru 5 Tabled Christensen - unanimous</p>	

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

maintain a 10 bay car wash.

Planning Commission Recommendation:
 Zoning Compatible/Use Permit Not Compatible.

See Page 41

See Page 41

3. ZC-190-79 and UC-159-79 - Request of NEVADA ESCROW SERVICE for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-1 (Local Business) Zone on property generally located on the north side of Vegas Drive and the west side of Harvard Street. Also, a Use Permit to construct and maintain a 4,600 square foot child care center.

Planning Commission Recommendation:
 Compatible with the City's General Plan.

4. ZC-191-79 - Request of COHEN, PHIL ET AL for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-2 (General Commercial) Zone on property generally located on the south side of Cheyenne Avenue and the east side of Jones Boulevard, to construct and maintain a 93,000 square foot shopping center.

Planning Commission Recommendation: Not Compatible with the City's General Plan.

5. ZC-194-79 - Request of SILVER, FRANK ET AL for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-2 (General Commercial) Zone on property generally located on the west side of Westwind Street approximately 300 feet south of Charleston Boulevard, to construct and maintain a parking lot in conjunction with a medical complex presently under construction.

Planning Commission Recommendation: Not Compatible with the City's General Plan.

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ITEM Commission Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)

S. TENTATIVE MAP - CASA DEL SOL

Property generally located on the southeast corner of O'Bannon Drive and Edmond Street, R-4 zone.

Owner/Subdivider: Emerson Development
No. of Acres: 6.06
No. of Lots: 148

Planning Commission recommends APPROVAL (4-yes; 2-no).

T. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD AUGUST 23, 1979.

Approved as recommended by Planning Commission Christensen - unanimous

Clerk to notify Planning to proceed

V-54-79 - Upland Industries
V-55-79 - 1st Nat'l Bank
V-60-79 - Carter
Clerk to proceed
Public Hearing set for 10/3/79 - 2:00 P.M.

U. WAIVER OF THE MOBILE HOME PARK ORDINANCE - U-30-60 - H. S. GARVIN

Waiver of the Mobile Home Park Ordinance to allow a storage building to the trailer site line where a five foot (5') setback is required on property located at 1500 North Lamb Boulevard.

Board of Zoning Adjustment recommends APPROVAL (2-yes; 1-no).

Approved as recommended by Board of Zoning Adjustment Woofter - unanimous

Clerk to notify Planning to proceed

City of Las Vegas

AGENDA DOCUMENTATION

Date: AUGUST 24, 1979

TO: The Board of City Commissioners

FROM: OON J. SAYLOR, AICP
DEPUTY CITY MANAGER

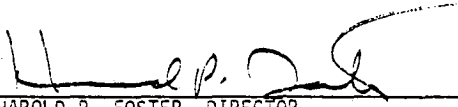
SUBJECT: COMMUNITY PLANNING AND DEVELOPMENT AGENDA ITEMS
SEPTEMBER 5, 1979 CITY COMMISSION MEETING

PURPOSE/BACKGROUND

- Items A through K - New zoning applications - some have protests (see back-up material)
- Item L - Annexation A-10-79(A) - first step in the annexation process - approximately 31 protests - (see back-up material)
- Items M through Q - Extensions of time and plot plan review - routine requests (see back-up material)
- Items R through U - County Referrals, tentative map and waiver of mobile home park requirement (see back-up material)

FISCAL IMPACT No Funding Requested

RECOMMENDATIONS See Attached



 HAROLD P. FOSTER, DIRECTOR
 COMMUNITY PLANNING AND DEVELOPMENT

DISPOSITION
 Approved
 Disapproved
 Held

Status Due: _____

Agenda Item

ITEM X.

To: The Board of City Commissioners
 Re: Community Planning Dev. Agenda Items
 Sept. 5, 1979 City Commission Meeting

August 24, 1979

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A. ZONE CHANGE - Z-85-79 - MOREY AMSTERDAM

Property generally located at the northwest corner of Luning Drive and Vegas Drive, from R-F to R-1 and R-T.

Proposed Use: Mobile Home Park and Detached Single Family Residences

There is R-1 zoning to the east, south, and west with a small strip of C-1 along Vegas Drive to the southwest. To the north is an R-4 apartment development. The proposal is for a 292 space mobile home park and for eighteen R-1 lots that will be along the east side of the mobile home park because there is R-1 development across the street. The Planning Commission has a policy of only allowing mobile home developments on the easterly portion of the City and in the northwest area along Rancho Drive and this request would be contrary to that policy. There was a protest factor from the R-1 area to the east who felt the mobile home park would not be compatible with their neighborhood.

PLANNING COMMISSION RECOMMENDATION: Denial

STAFF RECOMMENDATION: Denial

PROTESTS: 56

B. ZONE CHANGE - Z-76-79 - BEDFORD CONSTRUCTION COMPANY

Property generally located on the west side of Decatur Boulevard between Oakey Boulevard and Mountain View Drive, from R-1 and R-3 to C-1 and R-PD21.

Proposed Use: Shopping Centers and Medium High Density Apartments

The proposed development by Ernie Becker involves two parcels of land; one is a narrow strip along Decatur and the second parcel to the south is larger and C-2 was denied on a portion of it for a new car dealership in 1977. There is R-1 development immediately to the west and to the north. A service station site zoned C-1 exists on the northwest corner of Decatur and Oakey; however, it is not a part of this development. A total of 48 one story apartments are proposed on the westerly portion of the southern parcel and commercial is requested along the Decatur frontage of both parcels. The site for the proposed R-PD zoning for the apartments does not have the required five acres and a waiver is being requested. The R-PD is on a two acre site. There is also a prohibition of access for the lots on the northerly parcel to Decatur Boulevard on the subdivision plat that would have to be removed if the commercial zoning is approved.

PLANNING COMMISSION RECOMMENDATION: Denial because there is sufficient commercial zoning in the area and the proposed apartments in the R-PD would not be compatible with the existing R-1 development.

STAFF RECOMMENDATION: The C-1 be amended to a P-R and the R-PD be denied because the density would not be compatible with the adjacent R-1 development.

PROTESTS: 19

C. ZONE CHANGE - Z-87-79 - ROBERT AND KAREN PEDERSON, ET AL

Property generally located 250 feet west of Torrey Pines Drive, between Tina Lane and Ann Road, from R-E to R-PD2.

Proposed Use: Detached Single Family Residences

This R-PD zoning is being requested so there can be a private street in the development. The private street can be incorporated into the abutting lot sizes that will result in one additional lot. The density is the same as R-E. The surrounding area is zoned R-E with scattered development. The protestors felt the proposal would be out of character with the area and may not allow horses. The developer pointed out he did not know if the purchasers of the homes would want horses.

PLANNING COMMISSION RECOMMENDATION: Approval - the density is the same as allowed in the R-E zone.

STAFF RECOMMENDATION: Approval - compatible density.

PROTESTS: 11

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D. ZONE CHANGE - Z-80-79 - JOHN E. KENNEY, JR.

Property generally located at the southeast corner of Bonanza Road and Pecos Road, from C-1 to R-4 and R-1 and from R-1 to R-4.

Proposed Use: High Density Apartments and Detached Single Family Residences

The applicant obtained commercial zoning on his property at Bonanza and Pecos for a shopping center but now feels it is no longer suited for this type of use. He is proposing to rezone the C-1 to R-4, except for a small parcel on the immediate corner, and border the R-4 with a row of R-1 lots along the east and south sides that would be across from existing R-1 development. Nature Park exists west of Pecos and there is vacant R-E land to the north. The two protestants were against the proposed apartments in their neighborhood.

PLANNING COMMISSION RECOMMENDATION: Approval because the developer wished to construct the R-4 development at a density around 35 units per acre and the R-3 zone would only allow a maximum of 24 units per acre.

STAFF RECOMMENDATION: Amend the R-4 request to R-3 because high density apartments are contrary to the recommendations of the General Plan and are limited to the central downtown area.

PROTESTS: 2

E. ZONE CHANGE - Z-81-79 - EDWARD DeSANTIS, ET AL

Property located at 1713 South Eastern Avenue, from R-1 to P-R.

Proposed Use: Office

The request is in accordance with the established P-R pattern along Eastern Avenue.

PLANNING COMMISSION RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

PROTESTS: 2

F. ZONE CHANGE - Z-75-79 - GARY L. POPE, ET AL

Property located at 4995 Harris Avenue, from R-E to C-1.

Proposed Use: Commercial Child Care Facility

The applicant owns a vacant R-E lot in a recorded subdivision. Most of the lots in the R-E subdivision are developed and there is an R-1 development fronting on Harris Avenue across the street to the north. To the east is a large parcel that was requested for C-1 but was amended to a much smaller parcel at the corner of Harris and Neilis for a bank.

PLANNING COMMISSION RECOMMENDATION: Denial because it would start a commercial development pattern on a residential street.

STAFF RECOMMENDATION: Denial - the request would constitute spot zoning.

PROTESTS: 1

G. ZONE CHANGE - Z-83-79 - ROBERT E. HORNER, ET AL

Property located at 1823 West Charleston Boulevard, from R-E to C-1.

Proposed Use: Medical Offices

The property is presently occupied as a trailer park and is across from Southern Nevada Memorial Hospital. The parcel is relatively narrow and is approximately 600 feet deep from Charleston Boulevard. There is R-1 development to the west and south and R-E development to the east. The proposal is for a three story office building with adequate parking and landscaping on the site. The Planning Commission felt the request was in accordance with the commercial zoning pattern along Charleston Boulevard but felt the building should be moved north slightly and the south 300 feet of the property be amended to P-R and used for parking only. The Commission also recommended no access to Ellis and reducing the height of the building from three to two stories. The applicant was in agreement with all

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the changes except that he could not live with the two story building height. The Commission felt the reduction of building height would make the development more compatible with the R-1 homes that back up to this property on the east side of Westwood Drive.

PLANNING COMMISSION RECOMMENDATION: Denial because the applicant would not agree to a two story height limitation on the building.

STAFF RECOMMENDATION: Approval with a two story building height limitation, no access to Ellis and the south 300 feet of the property be amended to P-R and used for parking only.

PROTESTS: One - the three story building would not be compatible with the surrounding residential area.

H. ZONE CHANGE - Z-77-79 - DAVID A. REYNER

Property located at 1206 South Maryland Parkway, from C-D to P-R.
 Proposed Use: Office

The applicant wishes to convert the home on this property to an office; however, the building code requirements are more stringent in the C-D zone as compared to the P-R zone. He feels the conversion of the home is not economically feasible if he has to meet the code requirements of the C-D zone. The property is across the street from Circle Park.

PLANNING COMMISSION RECOMMENDATION: Approval - there is other property zoned P-R on this segment of Maryland Parkway.

STAFF RECOMMENDATION: Approval

PROTESTS: 0

I. ZONE CHANGE - Z-78-79 - BOBBY R. AND E. P. SCOTT

Property located at 1611 West Bonanza Road, from R-E to C-2.
 Proposed Use: Business Office and Commercial Storage Units

The request is for mini-warehouses on the south portion of the property and two commercial buildings on the front portion. The request is in accordance with the commercial zoning pattern on the south side of Bonanza Road.

PLANNING COMMISSION RECOMMENDATION: Approval - in accordance with the established zoning pattern.

STAFF RECOMMENDATION: Approval

PROTESTS: 0

J. ZONE CHANGE - Z-79-79 - THOMAS J. McINTYRE

Property located at 701 North Eastern Avenue, from R-1 to C-1.
 Proposed Use: Retail Stores

The property is one of approximately a dozen lots in a Greater Las Vegas Subdivision that front on Eastern Avenue. There is commercial zoning east of Eastern and C-1 zoning was approved for one lot across Wilson Avenue to the south, and south of that is a larger C-1 shopping center where Vegas Village Builders is located. The Planning Commission felt that where homes on smaller lots front on Eastern Avenue, the pattern should be P-R zoning which would be more compatible with the abutting R-1 development to the west.

PLANNING COMMISSION RECOMMENDATION: Denial. Applicant was not in agreement to amend his application to P-R. He proposes a coin shop that requires C-1 zoning.

STAFF RECOMMENDATION: Denial. Recommended application be amended to P-R.

PROTESTS: 0

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K. ZONE CHANGE - Z-86-79 - MARY LEE JOHNSON

Property located at 824 West Washington Avenue, from R-1 to R-3.
 Proposed Use: Duplex and Single Family Residence

The request is in an established R-1 area that exists on the north side of Washington and west of "H" Street. To the south is R-2 zoning in the Marble Manor City Housing project. There is R-3 zoning east of "H" Street. The applicant has a home on the property and wishes to construct a duplex in the rear.

PLANNING COMMISSION RECOMMENDATION: Approval - the zoning would be compatible with the existing R-3 on the east side of "H" Street.

STAFF RECOMMENDATION: Denial. Constitutes spot zoning and would start an R-3 pattern in an established R-1 area.

PROTESTS: 0

L. ANNEXATION - A-10-79(A) - LEWIS HOMES OF NEVADA

Petition to annex property generally located at the southwest corner of O'Bannon Drive and Torrey Pines Drive, containing approximately twenty-nine acres of land.

The petition involves a parcel of land that is adjacent to several others that were recently annexed by Lewis Homes. The zoning on this land is R-E; however, in 1977 Lewis Homes applied for R-0 zoning (10,000 sq. ft. lots) in the County and it was denied. There was a significant protest factor to the rezoning from the residents who live in the County in an R-E development. They felt this area should remain R-E. The protestants also objected to the annexation because they felt Lewis Homes was only pursuing the annexation as a means of trying to obtain R-D zoning from the City after it is annexed. The protestants were advised the zoning on this property was not at issue, and if annexed it would come into the City as N-U, which is Residential Non-Urban and that any rezoning of this property would only be considered after an application had been received.

PLANNING COMMISSION RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

PROTESTS: Approx. 31.

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

Request for a one year extension of time on property generally located on the north side of Bonanza Road between Pecos Road and Sandhill Road, under resolution of intent to R-1, R-3, and C-1.

This is the second request for an extension of time. The last extension was granted in September, 1978 for one year. The applicant wishes to coordinate his development plans with the proposed widening of Bonanza and would like an additional one year extension.

PLANNING COMMISSION RECOMMENDATION: Approval of a one year extension.

STAFF RECOMMENDATION: No objection to the extension.

N. REINSTATEMENT AND EXTENSION OF TIME - Z-143-77 - ROSEMARY PITCH

Request for reinstatement of a resolution of intent to P-R and an extension of time on property located at 1325 Maryland Parkway, R-1 zone.

The property is in the process of being renovated for office use but additional time is needed before it is ready for occupancy.

PLANNING COMMISSION RECOMMENDATION: Approval for a six months extension.

STAFF RECOMMENDATION: No objection to the request.

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O. EXTENSION OF TIME - Z-49-78 - ROBERT F. ROBBINS

Request for an extension of time on property generally located on the southwest corner of Desert Lane and Kenyon Place, R-2 zone (under resolution of intent to R-3).

A new owner has acquired this property and needs additional time to commence development.

PLANNING COMMISSION RECOMMENDATION: Approval for one year extension.

STAFF RECOMMENDATION: No objection to the request.

P. EXTENSION OF TIME - Z-68-78 - ROBERT F. ROBBINS

Request for an extension of time on property located at 4979 and 4999 East Owens Avenue, R-2 zone (under resolution of intent to R-3).

A new owner has acquired this property and needs additional time to commence development.

PLANNING COMMISSION RECOMMENDATION: Approval for one year extension.

STAFF RECOMMENDATION: No objection to the request.

Q. PLOT PLAN REVIEW - Z-120-78 - CARVER COMPANIES

Plot plan review on property generally located at the northeast corner of Cheyenne Avenue and Jones Boulevard, R-1 zone (under resolution of intent to C-1).

The applicant has revised the location and size of the buildings on his proposed shopping center. He is also requesting there be driveway access to Jones on the northwest portion of his development. One of the conditions of approval was that access to Jones on the northwest portion of the property be prohibited because there is R-1 development proposed to the north. The Planning Commission felt the changes to the plan were acceptable and recommended that access be allowed to Jones because the driveway had been relocated a short distance to the south and would be designed so that it would serve as a one-way entrance.

PLANNING COMMISSION RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

R. COUNTY REFERRALS ON REZONING AND USE PERMIT APPLICATIONS FOR CITY RECOMMENDATION:

1. ZC-184-79 - Request of HOUPPT. R. & M. for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-2 (General Commercial) Zone on property generally located on the south side of Sahara Avenue and the east side of Lindell Road, to construct and maintain a 6,600 square foot restaurant and cocktail lounge.

The Planning Commission felt the proposed commercial development would not be compatible because there has been sufficient commercial zoning along Sahara Avenue in this general area.

PLANNING COMMISSION RECOMMENDATION: Not compatible with the City's General Plan.

STAFF RECOMMENDATION: Compatible with the General Plan because of the existing commercial zoning pattern along Sahara Avenue.

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2. ZC-186-79 and UC-152-79 - Request of FAZZOLARE, ANTHONY & JOAN for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-2 (General Commercial) Zone on property generally located on the north side of Smoke Ranch Road and the west side of Decatur Boulevard. Also, a Use Permit to construct and maintain a 10 bay car wash.

This development is just north of the Curtis Park Subdivision and the frontage properties in that subdivision are transitioning to commercial. This would be a logical extension of commercial zoning along Decatur to the north. The use permit is for the proposed car wash.

PLANNING COMMISSION RECOMMENDATION: Zoning is compatible with the General Plan; however, the proposed use of a car wash by means of a use permit would not be compatible.

STAFF RECOMMENDATION: Zoning and car wash would be compatible with the General Plan because of the commercial zoning pattern along Decatur.

3. ZC-190-79 and UC-159-79 - Request of NEVADA ESCROW SERVICE for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-1 (Local Business) Zone on property generally located on the north side of Vegas Drive and the west side of Harvard Street. Also, a Use Permit to construct and maintain a 4,600 square foot child care center.

The request for commercial zoning is northwest of the Wonderland Shopping Center at Decatur and Vegas Drive. There is other commercial zoning in the County on the north side of Vegas Drive.

PLANNING COMMISSION RECOMMENDATION: Compatible with the City's General Plan.

STAFF RECOMMENDATION: Compatible with the City's General Plan.

4. ZC-191-79 - Request of COHEN, PHIL ET AL for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-2 (General Commercial) Zone on property generally located on the south side of Cheyenne Avenue and the east side of Jones Boulevard, to construct and maintain a 93,000 square foot shopping center.

The request is for a shopping center on the southeast corner of Jones and Cheyenne whereas commercial zoning was just approved on the northeast corner for a shopping center in the City. It was felt the approved shopping center in the City would provide sufficient shopping facilities in the immediate area. There is also another shopping center proposed in the C-2 zone approximately three-quarters of a mile to the east at Cheyenne and Rancho Drive.

PLANNING COMMISSION RECOMMENDATION: Not compatible with the City's General Plan.

STAFF RECOMMENDATION: Not compatible because there is sufficient commercial zoning in the area.

5. ZC-194-79 - Request of SILVER, FRANK ET AL for a Zone Change to reclassify from R-E (Rural Estates Residential) Zone to C-2 (General Commercial) Zone on property generally located on the west side of Westwind Street approximately 300 feet south of Charleston Boulevard, to construct and maintain a parking lot in conjunction with a medical complex presently under construction.

The developer has commercial zoning approved on the north portion of this property for a medical complex. This request is to rezone the south portion of the property for additional parking facilities. This development has approval from the City to connect to the City sewer and annexation proceedings are being initiated.

PLANNING COMMISSION RECOMMENDATION: Not compatible with the City's General Plan. It was felt the developer should apply for zoning in the City after the land is annexed.

STAFF RECOMMENDATION: Compatible with the General Plan because it is in accordance with the commercial zoning pattern along Charleston Boulevard.

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S. TENTATIVE MAP - CASA DEL SOL

Property generally located on the southeast corner of O'Bannon Drive and Edmond Street, R-4 zone.

Owner/Subdivider: Emerson Development

No. of Acres: 6.06

No. of Lots: 148

The applicant wishes to create a condominium on this existing 148 unit apartment development. The project was constructed with a parking ratio of just over 1½ spaces for each apartment unit; however, the criteria for planned developments that includes condominiums requires three on and off street parking spaces for each unit. The applicant has 1.9 on and off parking spaces for each unit. There was substantial concern by the Planning Commission because the development did not meet the parking criteria. The applicant surveyed the parking for several months which showed there was always vacant parking spaces and additional parking was not needed because the units were mostly one and two bedrooms and most of the occupants have only one vehicle. The developer stated the only way to provide additional parking would be to remove some of the landscaped area. The tentative map conforms to the Subdivision regulations.

PLANNING COMMISSION RECOMMENDATION: Approval.

STAFF RECOMMENDATION: No objected based on survey results relative to parking.

T. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE BOARD OF ZONING ADJUSTMENT MEETING HELD AUGUST 23, 1979.

U. WAIVER OF THE MOBILE HOME PARK ORDINANCE - U-30-60 - H. S. GARVIN

Waiver of the Mobile Home Park Ordinance to allow a storage building to the trailer site line where a five foot (5') setback is required on property located at 1500 North Lamb Boulevard.

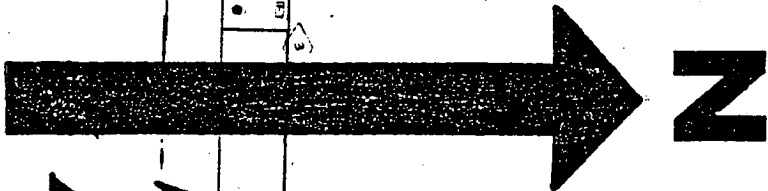
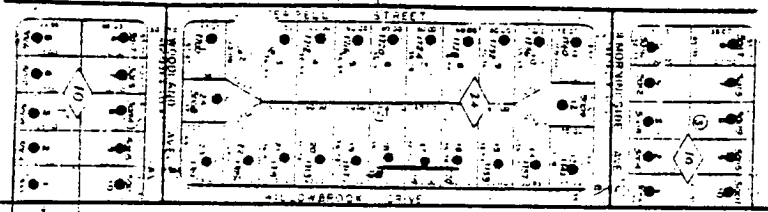
A resident in the Desert Mobile Home Park is requesting permission to deviate from the five ft. required setback for a storage building that he constructed to the rear of his mobile home. This situation was brought to the attention of the City by a complaint from another resident in the mobile home park. The Mobile Home Park Ordinance allows waivers providing there is justification. The BZA felt the location would not be detrimental to other residents of the park.

BOARD OF ZONING ADJUSTMENT RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Denial - no apparent justification for the requested waiver.

(Location maps are attached for all new zoning items and for the annexation item.)

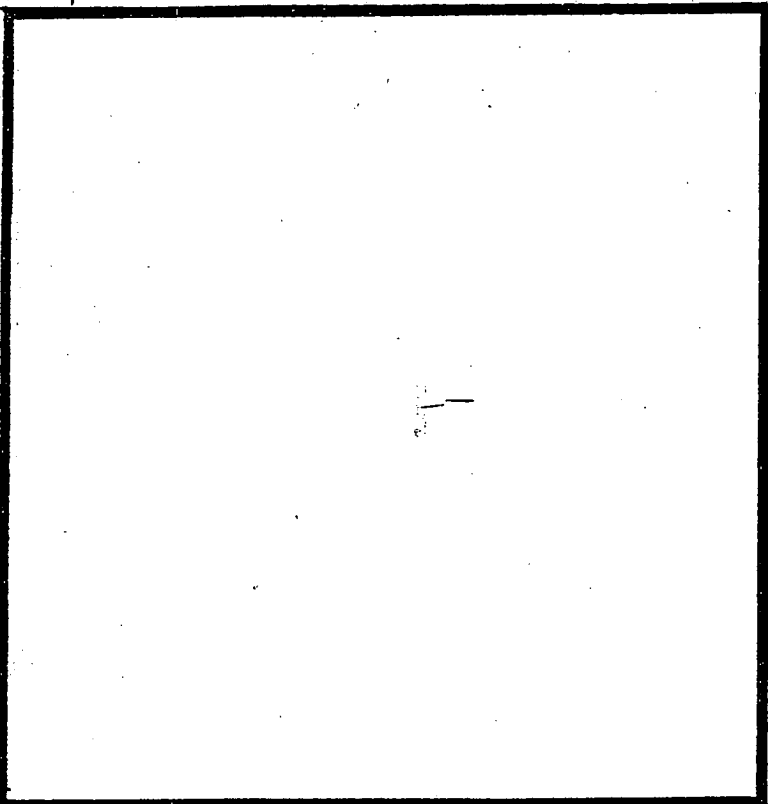
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attachments



7-85-79

C-1

R-1



SIMMONS ST.

HOLLY AVE

R-4

R-1

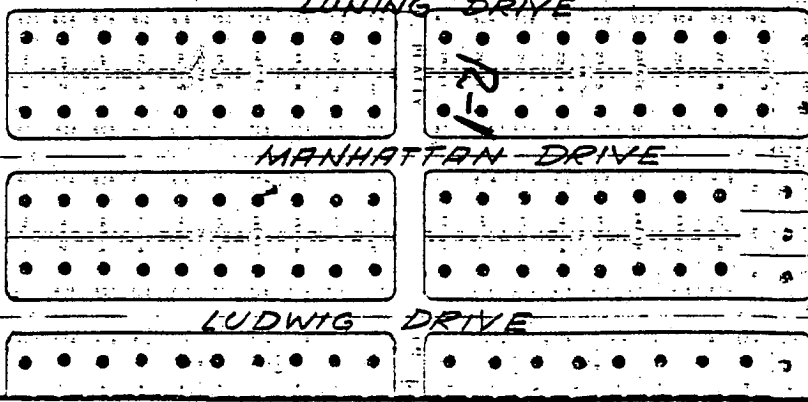
VEGAS DRIVE

LIVING DRIVE

R-1

MANHATTAN DRIVE

LUDWIG DRIVE



1315
POST OFF.

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5225	5221	5217	5213	5209	5205	5201	5195	5189	5185	5181	5177	5173	1308
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DEL REY AVENUE													
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DEL MONTE AVE													
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DOE AVE													
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WESTLEIGH AVE													
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ORKEY BLVD													
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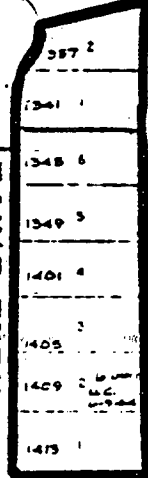
COUNTY
Z-76-79

DECATUR BLVD

ANGEL DRIVE



1625
SERV. STATION



R-3

R-3

R-1

34

34

41

49

TORREY PINES

CORRAL

6666

6500

6432

ALISHIA CIRCLE

R-E

ANN ROAD

RE ECCA ROAD

R-E

R-E

TINA LANE

R-E

TORREY PINES DR

N



2-87-79

ROI C-1

50'

BONANZA ROAD

50'

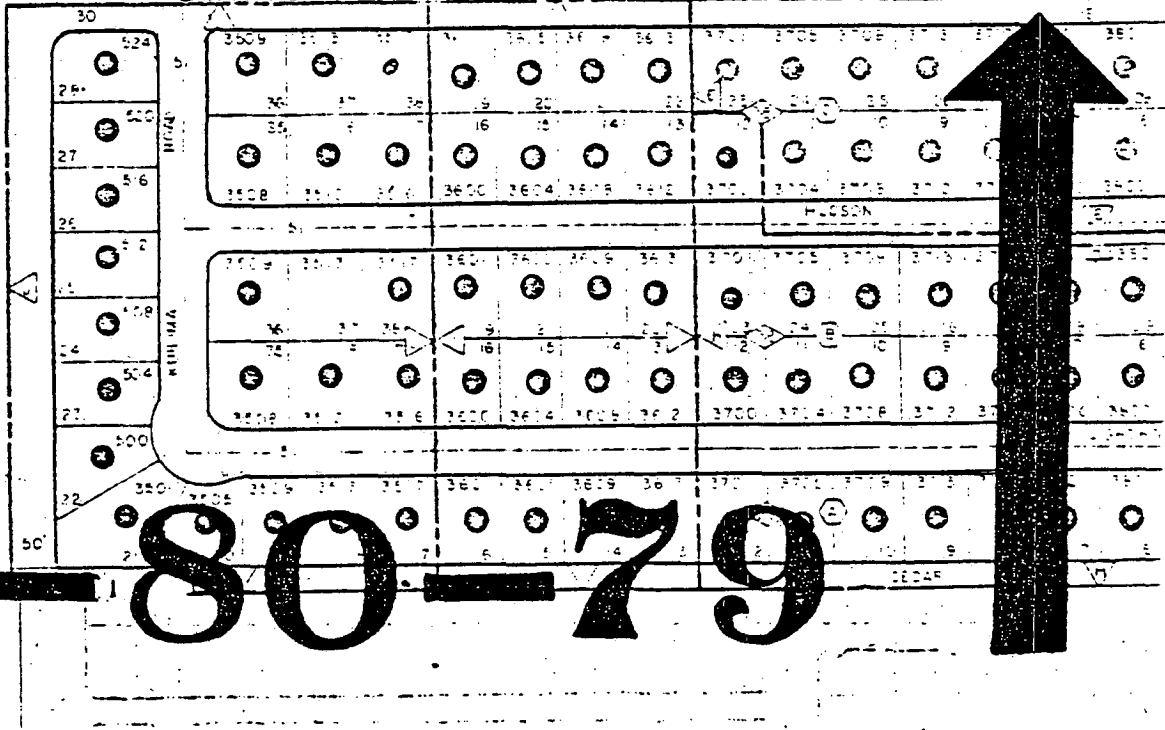
PECOS DRIVE

C-1

NATURE PARK

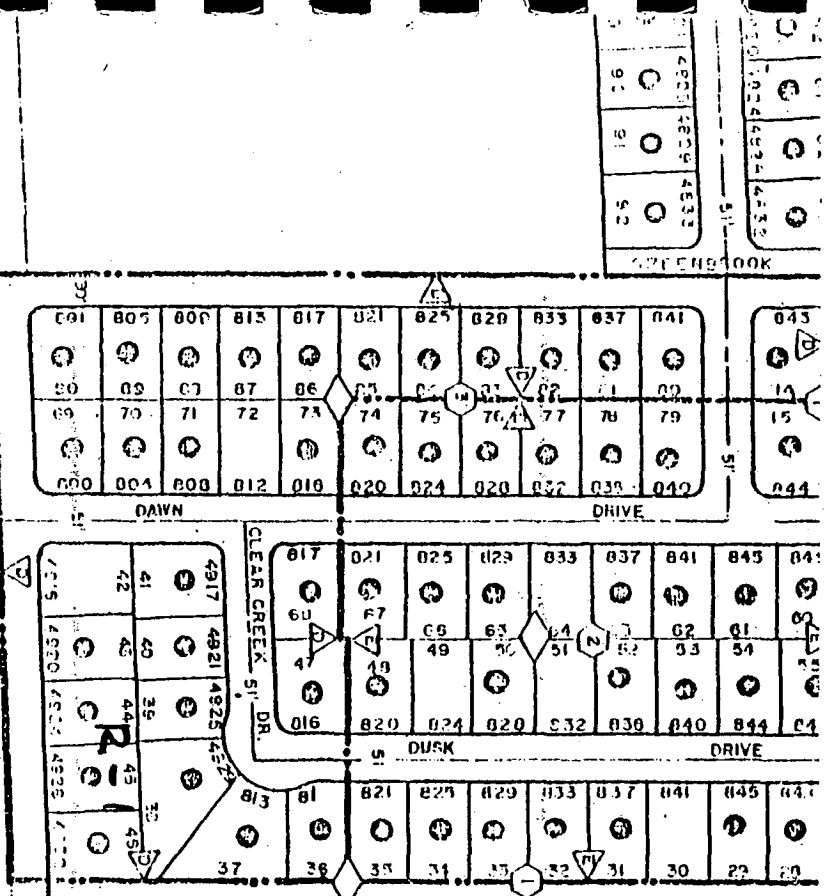
R-1

DIAMOND HEAD DRIVE



80-79

NELLIS BLVD.



HARRIS AVE

R-E

ROI
 2-1

LILLIAN ST.

CITY LIM

N



29

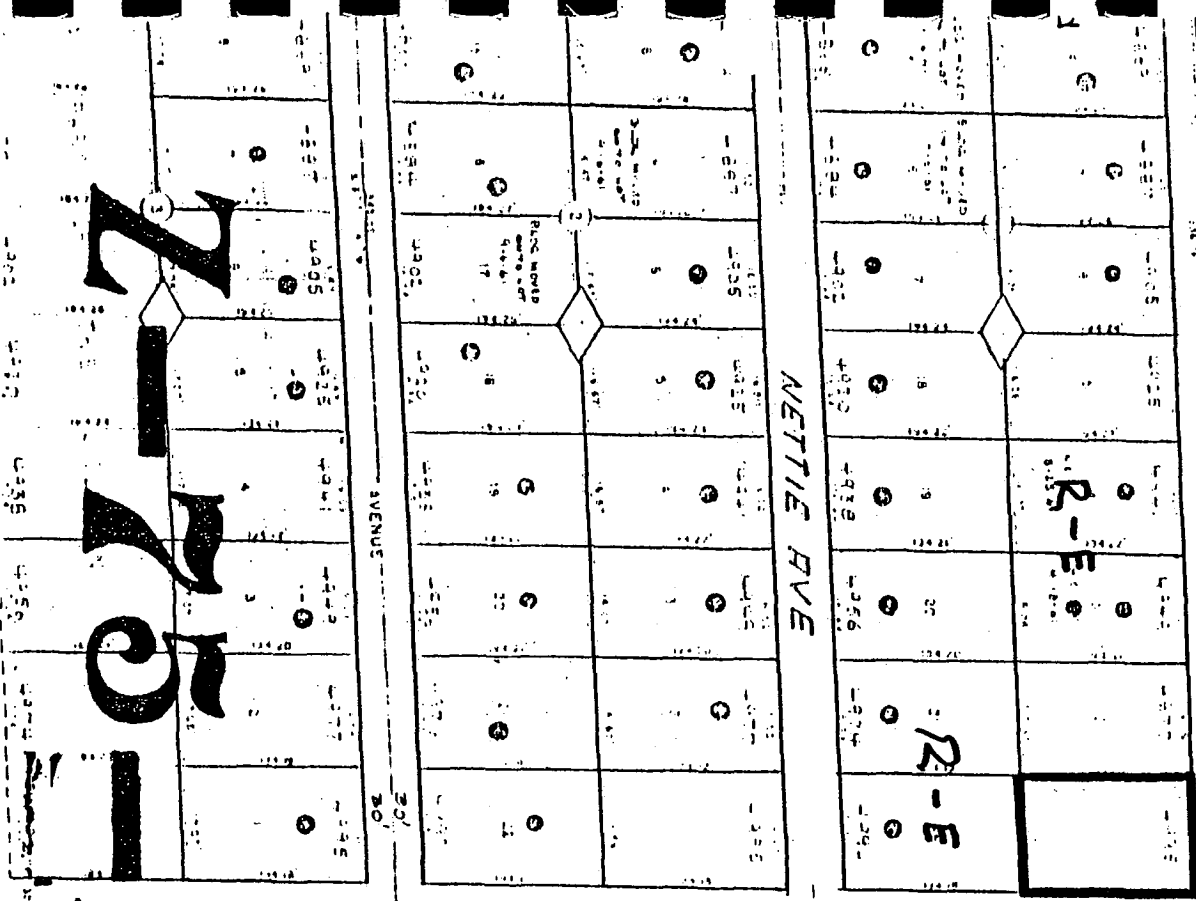
NETTIE AVE

R-E

R-E

27

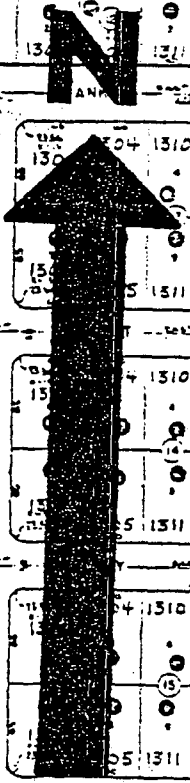
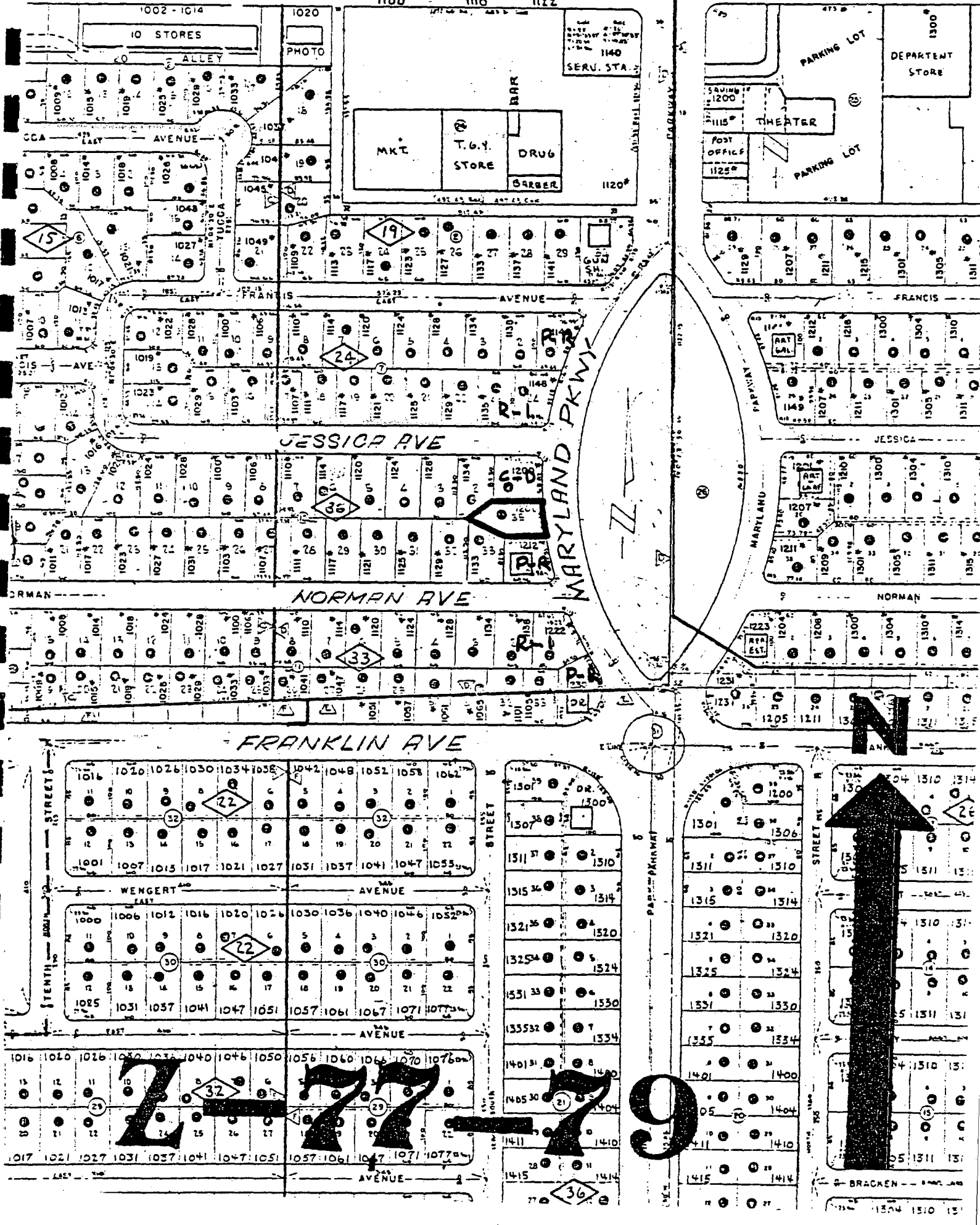
AVENUE



40

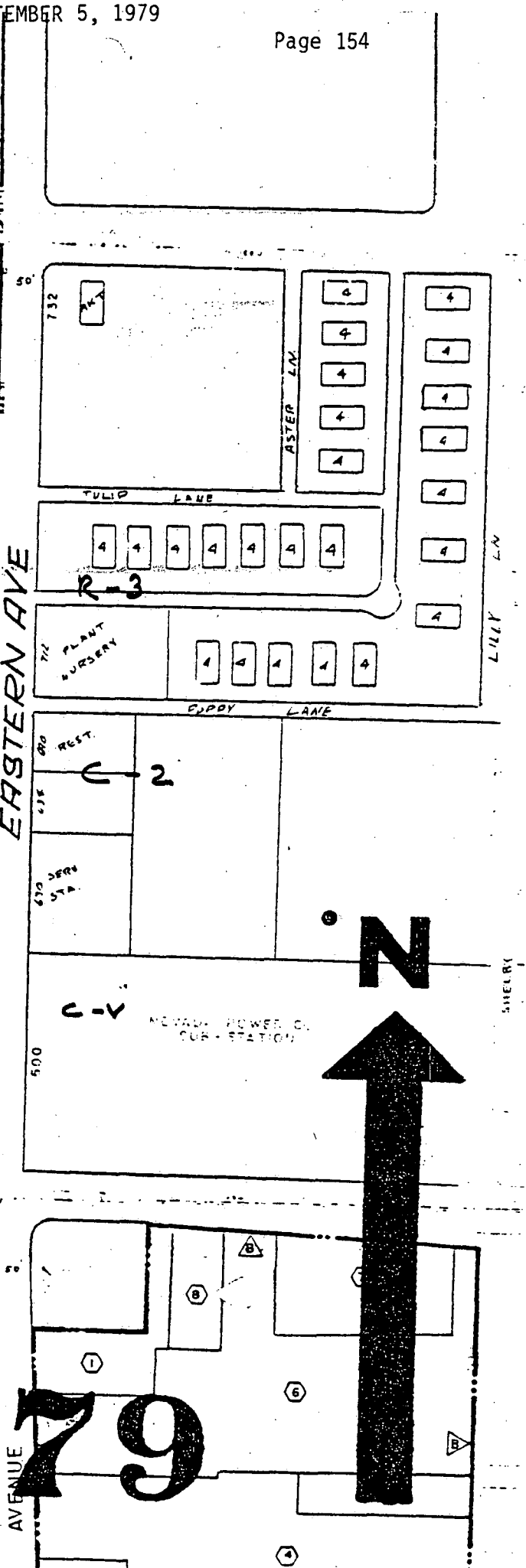
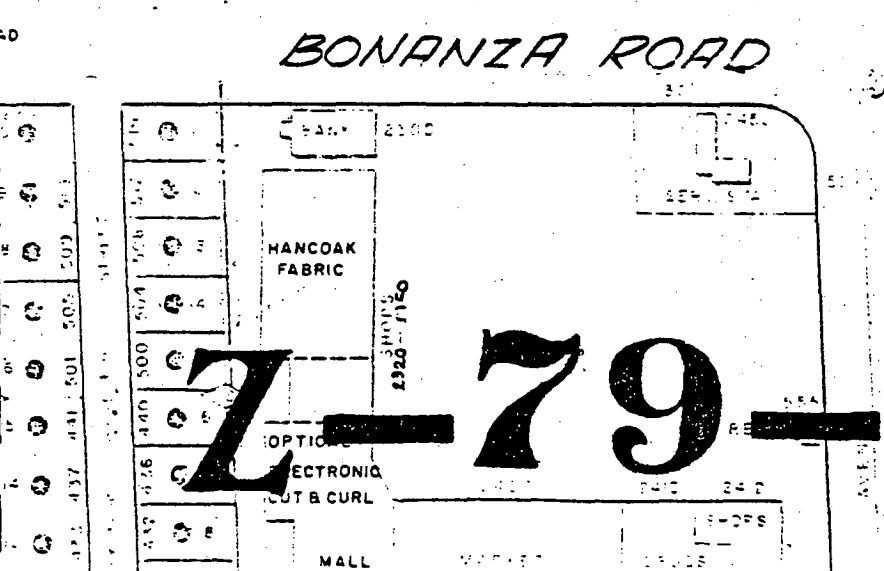
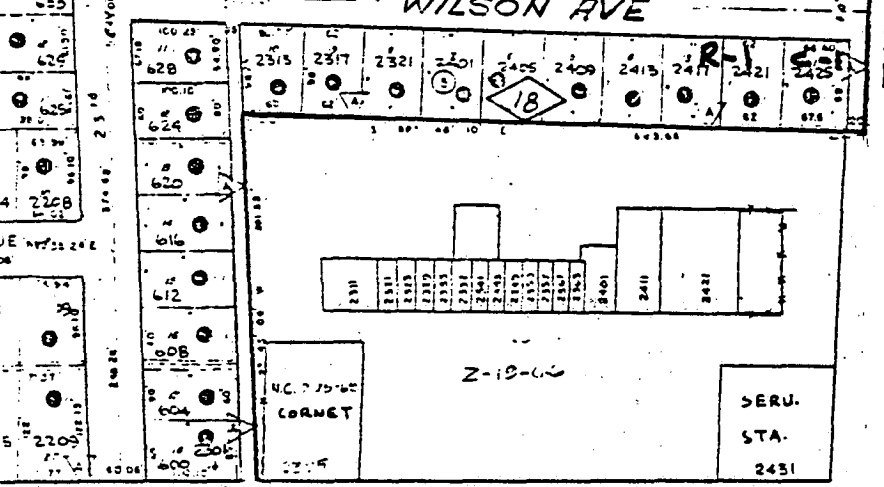
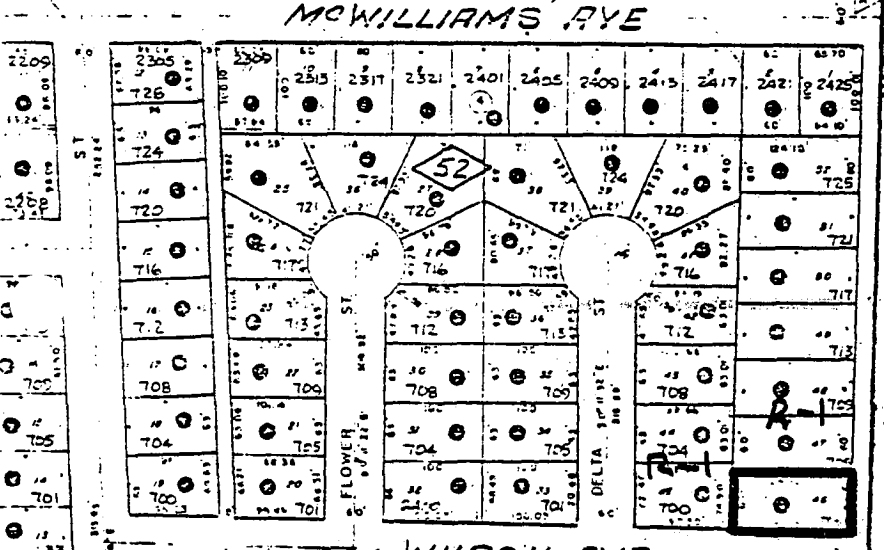
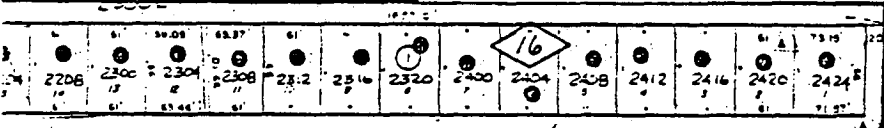
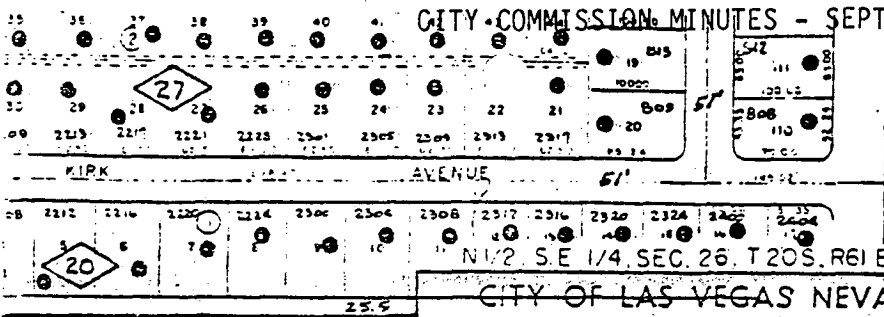
CHAR ESTON BLVD

75'

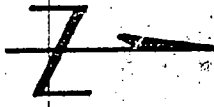


279

BRACKEN



CLARK COUNTY



A-10-79

RAINBOW BLD.

SAVANA

DEANSON

DAVEY

TORREY PINES DR.

AVE.

CITY LIMITS

BLVD.

BLVD.

ALTA

DR.

TORREY PINES DR.

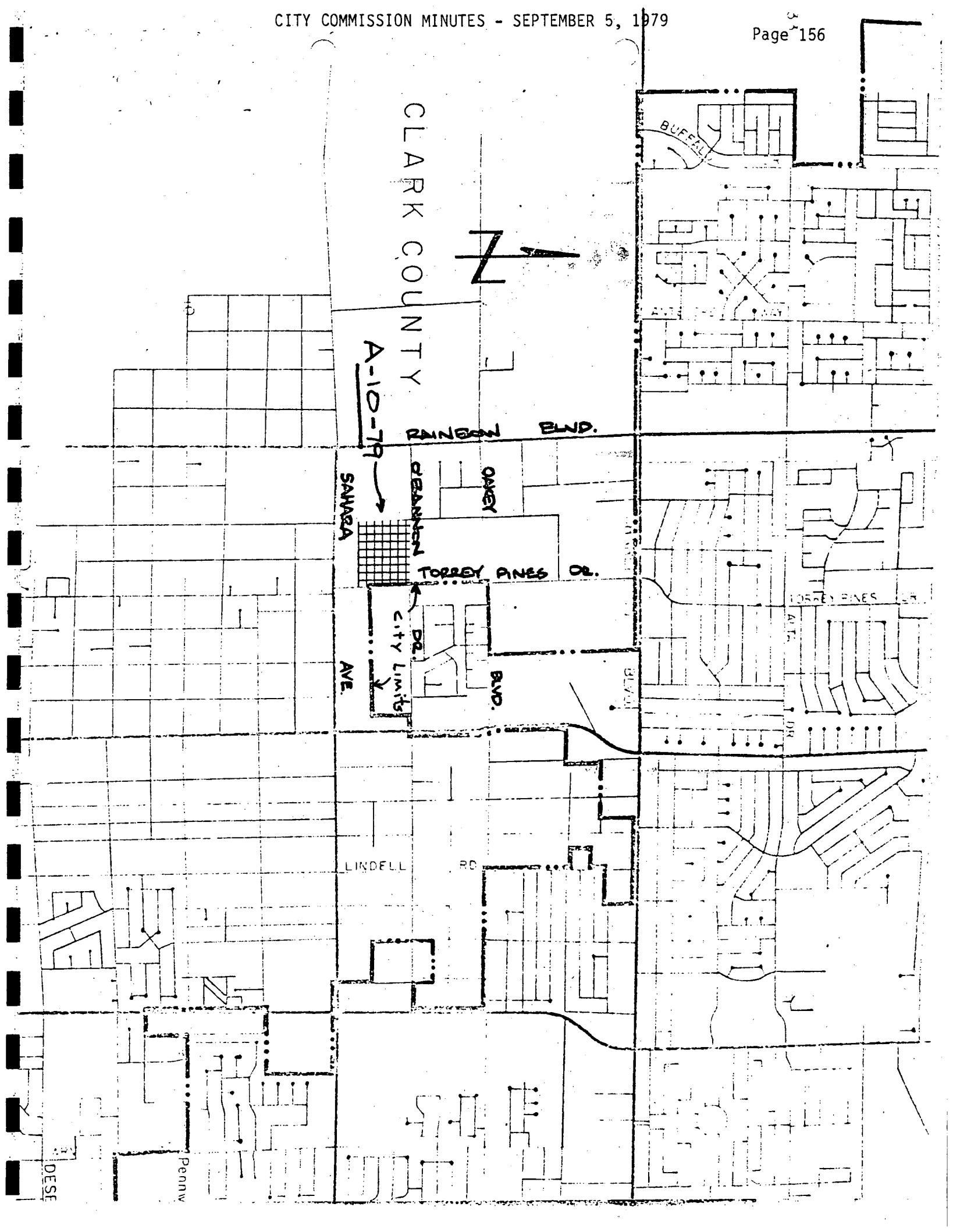
LINDELL RD.

BUFFALO

ANDERSON WAY

DESE

PENN



AGENDA

City of Las Vegas

September 5, 1979

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

XI. ADDENDUM ITEMS

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XII. CITIZEN PARTICIPATION

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.

N
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MEETING ADJOURNED: 5:50 P.M.