

CITY COUNCIL MINUTES
MEETING OF

NOVEMBER 2, 1983

Page 1 of 13

TRANSCRIPT - Z-86-83 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest corner of O'Bannon Drive and Torrey Pines Drive, from N-U to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High Density Residential Development. (Including TENTATIVE MAP, Item X.M.)

MAYOR BRIARE:

The next is on Council page 44, item L, is a zone change request Z-86-83 for Lewis Homes of Nevada. The Planning Commission's recommendation was for approval. Staff recommendation was for approval subject to conditions. There were four protests. First, we will hear from the applicant and then the persons who are in the audience, if any, who wish to protest will be heard.

ROBERT LEWIS:

My name is Robert Lewis. My address is 5240 South Polaris, Las Vegas. The map shows what we propose. This is a result of meeting with the staff, with some of the neighbors, with our engineers and trying to work out what we felt an acceptable compromise zoning in the area. It has a variety of different uses. We have the yellow area is R-1 and that is a mirror image roughly of what we have already been developing. And it will be single family houses that would sell for over \$100,000. On the very bottom, we have some land we are asking for R-3 zoning on that would allow for four-plexes. We are looking at that as being a buffer between our single family and whatever uses would go fronting along Sahara, and we are guessing that along Sahara you're going to have commercial uses or possibly you could have a high-rise building similar to Nevada Power. We also have an R-PD16 which we've proposed and that adjoins land that is presently owned by people who operate the hospital. I understand their Certificate of Need has been denied. We're not sure what their use is going to be. Here again, that would be a buffer transition zone between our R-1 and whatever use that other property would have. The only people directly affected by this, the only neighbors, are directly across O'Bannon and in that case we have proposed R-D zoning and there is also a condition suggested by the Planning Commission that we provide an extra 20 feet of front yard setback on those so that we will have almost matching lots with them. We would have 50 foot setbacks on our lots and I think they are 90 feet wide. Our understanding is this conforms to the General Plan. We've had the, I believe, the staff recommendation for approval, and we had a unanimous Planning Commission recommendation for approval.

MAYOR BRIARE:

We have an objection that has been posted with us, apparently a couple of them. There were four protests at the meeting. If Mr. Lewis will allow these persons to come forward now.... Pardon me.

COUNCILMAN LURIE:

I have a question before he sits down, unless you want to hear from the protestants first. Well, I'll go ahead and let the protestants talk. Then I have some comments to make and some questions to ask of staff.

MAYOR BRIARE:

Yes, sir.

Mr. Mayor and gentlemen, Councilmen of the City, I was at the meeting last time.

MAYOR BRIARE:

And you are?

IRVING DUZE:

My name is Irving Duze. I live on O'Bannon, and subject to this particular property. Mr. Lewis at some time stated that he would comply with the recommendation of the Board last,

CITY COUNCIL MINUTES

MEETING OF

Page 2 of 13

NOVEMBER 2, 1983

TRANSCRIPT - Z-86-83 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest corner of O'Bannon Drive and Torrey Pines Drive, from N-U to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High Density Residential Development.

IRVING DUZE continued

which street he would, the homes which he intends to build there, five homes on O'Bannon between Redwood and going west, no going south, no rather west, excuse me, and that he would have a 50 foot setback when the street is completed from the front of those homes. A 50 foot setback the same as this on our side. And, also he would widen the homes, give a little more area space between. I don't know what he is going to put up there, three to an acre, two to an acre, I don't know what he intends to do for the five, six homes between Redwood and going a half-a-street over there. He has not stated whether he would comply to those wishes of the Board which was recommended last time.

MAYOR BRIARE: At the Planning Commission, Mr. Duze? You mean the conditions that were set by the Planning Commission?

IRVING DUZE: Yes.

MAYOR BRIARE: Well, the procedure usually, unless there is an argument about it later, when we do consider these it is with all of the conditions to be a part of the application.

IRVING DUZE: How much space does he intend to give between the homes he is going to build? I have noticed on the street on O'Bannon going down east on those homes where he built those homes, he showed a picture of them, a nice looking picture, but the space between I imagine is not over 8 feet in between them and that's not enough for homes to build in that particular location.

COUNCILMAN LEVY: That wouldn't be the case because that is a different zoning, sir.

COUNCILMAN LURIE: That is an R-1.

COUNCILMAN LEVY: See that is an R-1 zoning where he is talking about an R-D zoning and there would be considerable space between... I think, Mr. Foster, what is the minimum requirement?

HAROLD FOSTER: We are looking it up right here. R-D, 10 feet.

COUNCILMAN LEVY: So that would be 20 feet between each house.

HAROLD FOSTER: Twenty (20) feet between buildings.

COUNCILMAN CHRISTENSEN: So that would be the same as it is on R-E. R-E is ten percent of the width of the lot and most of them are 100 feet wide. So it would be the same distance as R-E.

IRVING DUZE: And how much then will those homes be built. . .

COUNCILMAN LEVY: What is the frontage on them?

HAROLD FOSTER: They are 90.

COUNCILMAN LEVY: Ninety feet (90') wide.

CITY COUNCIL MINUTES
MEETING OF

Page 3 of 13

NOVEMBER 2, 1983

TRANSCRIPT - Z-86-83 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest corner of O'Bannon Drive and Torrey Pines Drive, from N-U to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High Density Residential Development.

MAYOR BRIARE: Ninety feet (90') wide.

IRVING DUZE: That's all right. I have no objection to that.

COUNCILMAN CHRISTENSEN: Ninety feet wide would give you 9 feet, what would give you 10 feet...

COUNCILMAN LEVY: No, it's going to be 10 feet.

COUNCILMAN CHRISTENSEN: On each property line, so there would be 20 feet between the houses.

IRVING DUZE: Gentlemen, it is alright. I am agreeable to that. There is only one more question which I would like to ask the Board. At the time when the City was subdivided and layed out and recommendations for streets to go through there, Redwood goes across on both sides of the street through Sahara and all the way where it would come over to O'Bannon. Why does he want to delete Redwood between O'Bannon and Sahara?

ROBERT LEWIS: I could answer that if you like. The reason we were deleting it was to keep any traffic from the multi-family from coming up in your neighborhood. We were trying to isolate you. This way all the multi-family traffic goes out to Sahara or out to Torrey Pines.

IRVING DUZE: Do you know what has happened time it rained. We got all blocked up, we couldn't get out at O'Bannon down there. The rains came down, the floods came down and we were all...there was no way to go east or west. Are you going to have an opening at O'Bannon to go to your location?

ROBERT LEWIS: Right across here, all the way across to Torrey Pines.

IRVING DUZE: All the way to Torrey Pines on O'Bannon, but not where Redwood is going to be deleted.

ROBERT LEWIS: We thought we were doing it as a favor to people in the area to keep any multi-family people out of your neighborhood.

IRVING DUZE: Now why couldn't you...this is Redwood over here....why don't you come along here with a street and don't delete Redwood. (Inaudible)

COUNCILMAN LEVY: He didn't hear you, explain it one more time. Explain it to him one more time why you did that. He will show you.

IRVING DUZE: Yes, show me.

ROBERT LEWIS: Then all the traffic that leaves here would have access. When we talked to some of the neighbors, they were concerned about out traffic going into their neighborhood so we purposely blocked off Redwood. We thought we were doing them a favor. You'll have O'Bannon going this way and (inaudible). You will have three ways you can get out of your subdivision.

COUNCILMAN LEVY: He was trying to protect you from having all the people going up north. Now they can't go into your subdivision. He is doing you a favor.

CITY COUNCIL MINUTES

MEETING OF

NOVEMBER 2, 1983

Page 4 of 13

TRANSCRIPT - Z-86-83 - ITEM X.I. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest corner of O'Bannon Drive and Torrey Pines Drive, from N-U to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High Density Residential Development.

IRVING DUZE: If it's no objection to you people, I'm not going to object. If it's no objection, I'm not going to object....

MAYOR BRIARE: We haven't found out, Mr. Duze, there might be some objections yet. We haven't decided yet. There might be some further objections.

IRVING DUZE: Oh, there might be. I felt that the City was layed out with the street of Redwood. Everybody, all property owners prior to the time that he got this property, complied to the rules and they paved the street and everything else there, and they let Redwood....

MAYOR BRIARE: But you don't want to drive any further south on Redwood or have people driving into your...

COUNCILMAN LEVY: You don't want that. This is for your benefit what he is proposing, sir.

MAYOR BRIARE: Trust us on this particular item. Don't trust us for anything else, but on that particular item, as far as Redwood is concerned, you're in good shape. Sit down before you get in trouble, Mr. Duze. I'm worried about this fellow here. He is the one that is going to nail us.

IRVING DUZE: Thank you, Mayor.

MAYOR BRIARE: Thank you, sir. It is nice to see you this afternoon. How did you enjoy the meeting so far today?

IRVING DUZE: Pretty good. You're conducting yourself very nicely. I'm a little younger than you are.

MAYOR BRIARE: You should have been here this morning, we had a town crier.

IRVING DUZE: I'm going to see you as Governor of this State. I'm going to see you as Governor of this State.

MAYOR BRIARE: What else do you want, Mr. Duze?

COUNCILMAN LEVY: You wouldn't put Redwood in.

COUNCILMAN LURIE: Tell you what, you just ruined our whole day.

IRVING DUZE: Thank you very much, gentlemen.

MAYOR BRIARE: Okay, how we are going to get it. After 4 o'clock or 3:30 in the afternoon...

COUNCILMAN
CHRISTENSEN: The Governor goes home at 4:00 doesn't he?

BOB WYMAN: Mayor Briare, Councilmen.

MAYOR BRIARE: Are you going to vote for me for Governor?

BOB WYMAN: Yes. Bob Wyman, 2000 Spring View Drive. I believe your office Friday received a letter regarding my concerns about the development. First, I want to begin on a positive note. I'm

CITY COUNCIL MINUTES
MEETING OF

Page 5 of 13

NOVEMBER 2, 1983

TRANSCRIPT - Z-B6-B3 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest
corner of O'Bannon Drive and Torrey Pines Drive, from N-U
to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High
Density Residential Development.

BOB WYMAN continued . . .

certainly much happier than when West Coast Holdings came here
a year ago and applied for the rezoning. There definitely have
been improvements in what is going..what possibly could be set
up. I still have some concerns; however, I'm not sure that
the reasons why it was turned down have changed that much.
Number one, my traffic, and I still have concerns on the
traffic, not so much as Sahara and Torrey Pines, which I
believe you are going to put a light in, that was part of
the recommendations, am I correct?

(UNKNOWN)

Participate in one.

BOB WYMAN:

Participate in one, but right now without O'Bannon even going
through we do have somewhat of a traffic problem right at the
corner of Torrey Pines and O'Bannon. I live diagonally across
from that corner.

(UNKNOWN)

What street sir?

BOB WYMAN:

Torrey Pines and O'Bannon.

COUNCILMAN LEVY:

No, what street do you live on?

BOB WYMAN:

I live on Spring View. The back of my house faces Torrey
Pines. I'm the third house in on Spring View.

COUNCILMAN NOLEN:

In the County?

HAROLD FOSTER:

City.

BOB WYMAN:

No, it's in the City.

HAROLD FOSTER:

City. He is about right here.

COUNCILMAN LURIE:

It's your new subdivision isn't it, Robert?

BOB WYMAN:

No, it's the old subdivision.

COUNCILMAN LEVY:

I'm sorry, I didn't mean to get....

BOB WYMAN:

That is my number one concern and I would hope that some of
these are addressed at this point. My second concern is that
I am not sure that the area again needs the condominiums and
the apartments. From what I can gather, I'm not sure if a
study has been made, but one of the major concerns last year
was that did we really need that type of housing in the area
or do we already have sufficient housing; namely, apartments
or condominiums? There was a third concern and right now it
slipped my mind. Maybe you could refresh me, Mayor? Do you
have the letter there? What was the third concern?

MAYOR BRIARE:

You were concerned about the Master Plan of allowing single
family dwellings in the immediate area. You felt that it
should continue that way.

CITY COUNCIL MINUTES

MEETING OF

Page 6 of 13

NOVEMBER 2, 1983

TRANSCRIPT - Z-86-83 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest corner of O'Bannon Drive and Torrey Pines Drive, from N-U to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High Density Residential Development.

BOB WYMAN: Right, originally from what I understood again the Master Plan, did indicate that that area would be for single family dwellings. And, I realize Master Plans change. You have a new Master Plan right now, but I'm talking in previous Master Plans. My final concern deals with the overall procedures in which this was handled. Last year, I, myself, and all my neighbors between O'Bannon and Oakley, the back of their houses face Torrey Pines. We were all notified. This year, I realize that the limit is 300 feet, but for some reason, all of us were eliminated from the mailing. And, I am concerned because I was one of the main protestants last year. I did get out there and get the petitions as you know, along with one other person in the neighborhood. And I guess at this point it is frustration because I was not notified. In the past two weeks I tried to get the information and I guess some of the reasons why I wasn't able to get the information were legitimate, there were illnesses in the family planning commissioner's office, and so forth, or misunderstandings, I'm not sure. But, I didn't get all the information until last Friday as the letter indicated, Mayor Briare.

MAYOR BRIARE: It was very thoughtful of you then to send your addendum letter along too.

BOB WYMAN: I did want you to know that I did receive it, and I'm not saying there wasn't cooperation from the Planning Department, I'm just saying that I didn't receive it.

COUNCILMAN LURIE: Did you just send one letter to the Mayor, you didn't send one to anybody else?

BOB WYMAN: No, because, quite frankly, Councilman, there was not time to do that. I didn't feel that I should address this issue to anyone else until I was aware of what was going on, and I couldn't do that without the, as far as I was concerned, necessary information. You know, the proposal, and so forth.

COUNCILMAN LEVY: Is he within the 300 feet?

HAROLD FOSTER: No, he is not.

BOB WYMAN: No, I am not according to...

COUNCILMAN LEVY: Well, I don't know why they would have sent you out a notice last time.

BOB WYMAN: Well, I'm just saying that last year we all received it...

COUNCILMAN LEVY: You shouldn't have.

BOB WYMAN: Well, whether we did or not, I'm not sure that's the point. Last year there was an obvious concern from the neighborhood and I just don't understand why we would be eliminated this time.

COUNCILMAN LEVY: Well, that's not the point. The point is that they didn't send you probably notice last year either, but your concern and your neighborhood concern, certainly showed it, and I remember, there was a pretty good size audience here in protest.

CITY COUNCIL MINUTES
MEETING OF

Page 7 of 13

NOVEMBER 2, 1983

TRANSCRIPT - Z-86-83 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest
corner of O'Bannon Drive and Torrey Pines Drive, from N-U
to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High
Density Residential Development.

BOB WYMAN: Right, that's what I was trying to get at, Councilman.

COUNCILMAN LEVY: I think that concern seems to have dwindled.

MAYOR BRIARE: Thank you, Mr. Wyman. Was there anyone else that wished to comment today. Yes, sir. Pardon me, yes, mam.

EFFIE MURRAY: This is my first time at a meeting.

MAYOR BRIARE: Well, you noticed I didn't have my glasses on.

COUNCILMAN LEVY: She's not voting for you for Governor.

MAYOR BRIARE: I didn't have my glasses on. Please step right up to the microphone and tell us who you are.

EFFIE MURRAY: I'm Effie Murray and I live on Vicuna in the Lewis Home development and I'm here out of curiosity and concern. I don't know what is permissible, the type, the nature of the questions. I would like to know how this will affect Vicuna. I can't make sense of this map over here. I can drive all over the City, but I can't pinpoint...May I approach this to see what is there.

COUNCILMAN LEVY: Certainly.

(Discussion about map between Effie Murray and others was inaudible.)

EFFIE MURRAY: That's all I wanted to know. I have to report back to the community. Thank you.

MAYOR BRIARE: Ms. Murray, it was nice to have you here. Is there anyone else? Before we close..oh, yes sir, gentlemen. Please come forward. Was there anyone else other than this gentlemen then? Last call. Okay. Your name and home address please.

HAL LESKY: My name is Hal Lesky and I live at 6345 Vicuna. Now, I used to live in the part of town that's called, I think they used to call, sin city.

COUNCILMAN LURIE: Naked city.

HAL LESKY: Over in Chicago and...

COUNCILMAN LEVY: Used to.

HAL LESKY: Yes, and I moved from there to get into a good neighborhood. Now, those homes out there are pretty expensive and they are beautiful homes. Mr. Lewis, you make beautiful homes, and I moved out of that St. Louis area to get out there and live in a nice section and I would hate to see apartments and triplexes and whatever you are going to put in there, come into that area. That is my only objection.

MAYOR BRIARE: Okay, sir.

CITY COUNCIL MINUTES
MEETING OF

Page 8 of 13

NOVEMBER 2, 1983

TRANSCRIPT - Z-86-83 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest
corner of O'Bannon Drive and Torrey Pines Drive, from N-U
to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High
Density Residential Development.

HAL LESKY: And, I don't know if it is going to do any good, but I'm here for that reason.

MAYOR BRIARE: We appreciate you're coming here this afternoon.

COUNCILMAN LURIE: Good for you. That's good.

MAYOR BRIARE: You are the last one then that was going to be able to address us now, and according to the rules we follow, now Mr. Lewis has an opportunity to make any comments he wishes to make with respect to the comments that you have made sir, Ms. Murray, Mr. Wyman, and certainly Mr. Duze, my friend and campaign manager. Why did you wait until now, the news media has all gone home, you should have hung around there a little bit. Thank you, sir, you can be seated then if you would be more comfortable. Last crack, Mr. Lewis.

ROBERT LEWIS: Maybe I can answer whatever questions that Councilman Lurie, you said you had?

COUNCILMAN LURIE: Well, I have some.

ROBERT LEWIS: I didn't really have a rebuttal other than as far as the other uses on the property. Along Sahara you are going to have some other use other than residential anyway and we felt we needed some sort of a transition between that and our expensive houses.

COUNCILMAN LURIE: Why?

ROBERT LEWIS: Why?

COUNCILMAN LURIE: Why, because...

ROBERT LEWIS: You should have heard all the protests when Nevada Power built their building behind them.

COUNCILMAN LURIE: We didn't have one protest on Nevada Power Company's building until after you built your subdivision and people moved in and found out that was there. They knew ahead of time that building was there because the building was there first, but we are not addressing that issue today. My concern is the R-3, and as you know we have turned down the West Coast when you tried to sell that property to them, to put 635 units there. It is my assumption that R-1 is what is selling in that particular area. You know for a fact that on Rainbow and Alta, in that area there, you developed all R-1 with some R-CL and you just put a plan in for R-1 on the west side of Rainbow, and there is no reason why that piece of property can't be developed into R-1 continuing with your development that's on the east side of Torrey Pines at the present time. There are no apartments along Sahara. In my estimation, putting apartments on Sahara where you have them planned is opening up for other applications to come in to put high density along Sahara, and I think that's wrong and I'm not going to support that part of the application. You don't have any apartments except when you get down to the say eastern part of Sahara around the Spanish Oaks down the hill. You have some apartments that were built 25 years ago. When you get to Decatur all the way to Rainbow, you don't have any apartments and I think that we are setting a bad precedent if the Board approves R-3 along Sahara along with R-PD16. It is my opinion,

CITY COUNCIL MINUTES
MEETING OF

NOVEMBER 2, 1983

Page 9 of 13

TRANSCRIPT - Z-B6-B3 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest
corner of O'Bannon Drive and Torrey Pines Drive, from N-U
to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High
Density Residential Development.

COUNCILMAN LURIE continued

I think we should continue with the development that you
presently have in R-1. It is selling, and there is no reason
why you shouldn't continue. He's on that property.

ROBERT LEWIS: Let me tell you, the dilemma we face is that....

COUNCILMAN LURIE: Why, just a minute, the dilemma is why take an area and make
it higher density when you already have R-1 being developed
along there and it seems to be fitting right into the character
of the existing homes.

COUNCILMAN LEVY: He is not building R-1 there, Ron.

COUNCILMAN LURIE: He has already built R-1 on the east side of Torrey Pines.

COUNCILMAN LEVY: The property has been sitting vacant for 4, 5, 10 years...

COUNCILMAN LURIE: Who owns the property? Who owns that property?

COUNCILMAN LEVY: You do, don't you?

ROBERT LEWIS: We own everything shown here.

COUNCILMAN LURIE: Okay, how long have you owned it?

ROBERT LEWIS: It has been 5 or 6 years.

COUNCILMAN LEVY: He hasn't been able to develop because of the cost.

ROBERT LEWIS: The problem we have in there, is we are continually getting
offers from people to buy the property from us for considerably
more than we put it into our budget for R-1 uses, and you know
this is why these other zone change applications came in. It
is a real valuable corner out there. So, when we were trying
to think of some compromise where we could do the bulk of it
as R-1 and still get some value out of the other pieces to
justify our doing it. That is the decision process we went
through.

COUNCILMAN LURIE: Well, then we have a decision to keep things in an orderly
manner in growth and make it compatible with what's already
there. I understand your problem, financially you're going
to do a lot better if you get this approved. If you develop
it R-1, you make a little bit less.

ROBERT LEWIS: This is true.

COUNCILMAN LURIE: I'm looking at what I think is best for the area. I think
that it would be wrong in approving R-3 because it is opening
up other applications and setting a precedent. My objection
is the R-3 part of it. The R-PD16 if it's done the way the
pictures that you showed us turns out, I think that's a nice
development, and I kind of like residential planned develop-
ments because they are maintained at a higher level than say
apartments. Once you build a four-plex and sell it, you walk
away from it, the people that own it could be absentee owners
and live out of state and they could care less the way it
looks and it's not kept up.

CITY COUNCIL MINUTES
MEETING OF

Page 10 of 13

NOVEMBER 2, 1983

TRANSCRIPT - Z-86-83 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest corner of O'Bannon Drive and Torrey Pines Drive, from N-U to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High Density Residential Development.

ROBERT LEWIS: Would it be...if we made the R-3, R-PD16 like the rest of it, would that be an acceptable change because that would be agreeable to us.

COUNCILMAN LURIE: I would have stronger feelings towards an R-PD than I would an R-3 because I know...

MAYOR BRIARE: You mean stronger in favor.

COUNCILMAN LURIE: Stronger feelings in favor of it based on the fact that the maintenance of it would be the responsibility of you because you will keep the R-PD and you're going to maintain it and keep it where it looks nice all the time.

ROBERT LEWIS: That would be an agreeable alternative to us.

MAYOR BRIARE: Mr. Wyman, do you live in a Lewis Home home?

BOB WYMAN: I have no complaints with Lewis Homes.

MAYOR BRIARE: Well, see, sometimes remarks or comments that are made here, you could have a developer like Mr. Lewis, and I think he's got a pretty good reputation here in the community, and you have confirmed it right there with your own home. He builds some pretty nice homes and sometimes it seems like the method, it seems like so many applications that we've had before this Council for the last several years, have been planned to the point where there is a mixture of some R-1 and some townhouse type and some others, and, I'm not trying to throw any bouquets your way Mr. Lewis, but when you have a good builder and a good developer, they can make these things look very nice where developer "B" might come in and...

BOB WYMAN: I would agree with you, but Mr. Lurie I have to agree with in terms of the apartments first of all, but my other concern is sometimes even the R-PDs that are condominiums, as an organization they break up. We have one right in our neighborhood that was broken up, and you know the property that was involved, the joint property, and I'm not saying that this would happen with Mr. Lewis's development, but the joint property that was not.. it didn't go to anybody, so it just sits there and....

MAYOR BRIARE: I see, everybody is ignoring it.

BOB WYMAN: Right (inaudible)

MAYOR BRIARE: Mr. Foster, how do you prevent something like that. Were there deed restrictions, do you know? Were there deed restrictions. It might have been a voluntary group.

BOB WYMAN: All I know is that when you come in off Oakey, you come in . . .

COUNCILMAN LURIE: Are you talking about the single story right on Oakey?

BOB WYMAN: No, before Oakey, the one that goes down Verdinal. When you come in from Oakey through Verdinal, there is a strip that was originally part of a condominium development and now its in disrepair and so forth. No body pays attention to it. I'd be concerned about something like that happening.

CITY COUNCIL MINUTES
MEETING OF

Page 11 of 13

NOVEMBER 2, 1983

TRANSCRIPT - Z-86-83 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest
corner of O'Bannon Drive and Torrey Pines Drive, from N-U
to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High
Density Residential Development.

COUNCILMAN LEVY: Well, I think that you'll find that when you are dealing with
FHA now, Mr. Lewis will not be able to get away with that.
They will make him do all those things first before he...

BOB WYMAN: Originally it was part of everybody's responsibility, but
the condominium was allowed to break up.

COUNCILMAN LEVY: That's because they didn't finish the project, and they had
to come in and build something different behind it.

COUNCILMAN LURIE: How many units, if you change the R-3 to an R-PD16, how many
additional units would it be? Would it be less than the
144 or more than 144?

ROBERT LEWIS: It would be just about the same. Right now the R-3 is 16.7
so it would be slightly lower than that.

COUNCILMAN LEVY: It would be less.

COUNCILMAN LURIE: The R-PD right now is 10.2 and this would be 8.6, so you would
have less units with the R-PD.

COUNCILMAN LEVY: It would be less units.

COUNCILMAN LURIE: And you would agree to that?

ROBERT LEWIS: Yes.

BOB WYMAN: Could I just ask one further question? Would the condominiums,
are those going to be rentals or are those going to be for sale?

ROBERT LEWIS: We prefer to sell them.

BOB WYMAN: No, I'm just trying to find out what's going to happen.

COUNCILMAN LURIE: Probably to start out with, to start out with they will probably
be rentals.

COUNCILMAN LEVY: No.

BOB WYMAN: What will happen if you can't sell them? Then he will rent
them.

COUNCILMAN LEVY: Right, just like the home you have, your second home.

COUNCILMAN
CHRISTENSEN: But by the same token, if he sells them, the guy he sells
it to may rent it. That is something you have no control
over, you could rent your house and we have no control over
it.

MAYOR BRIARE: But his plan right now, as you just indicated, was to sell
them.

ROBERT LEWIS: Yes.

COUNCILMAN
CHRISTENSEN: Your Honor.

MAYOR BRIARE: Councilman Christensen.

CITY COUNCIL MINUTES
MEETING OF

Page 12 of 13

NOVEMBER 2, 1983

TRANSCRIPT - Z-86-83 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest corner of O'Bannon Drive and Torrey Pines Drive, from R-U to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High Density Residential Development.

COUNCILMAN
CHRISTENSEN:

Based on all we have heard and Mr. Lewis's willingness to cooperate with the questions that Mr. Lurie raised, I would MOVE THAT WE APPROVE this item, follow the staff and the Planning Commission recommendation with the change that the R-3 be developed with the same as the R-PD.

COUNCILMAN LEVY:

Sixteen.

COUNCILMAN
CHRISTENSEN:

Sixteen, whatever the number is.

HAROLD FOSTER:

So the application is amended from R-3 to R-PD16 on that portion.

COUNCILMAN
CHRISTENSEN:

That's correct. So there will be no R-3 and increase the R-PD16.

MAYOR BRIARE:

Comments by the Council?

COUNCILMAN LURIE:

I have one additional comment and that is concerning the traffic signal installation at Torrey Pines and Sahara. I've been trying, this Robert does not go to you, Mr. Foster or Mr. Saylor I've been trying to get that signal in at Oakey and Jones and we've had commitment from West Coast and I think the City and the County has agreed through verbal conversation I had with Commissioner Cortez and Mr. Spaulding, I wish someone would follow through and let's get that signal up before we have a major accident there. We have a lot of accidents on that corner and before there is a fatality, let's get that signal in there.

COUNCILMAN LEVY:

We got our 25 percent. We got our 25 percent, don't we?

?

Are we going through with the one at Sahara...

COUNCILMAN LEVY:

That's what he is talking about.

COUNCILMAN LURIE:

I'm going to work on that one next, that is the next one. But the Jones and Oakey, I'm concerned about that.

COUNCILMAN LEVY:

Oh, Jones and Oakey.

COUNCILMAN LURIE:

But then Torrey Pines, that's the other one that is definitely going to have to have a signal and that signal should be installed during the time of your construction of your homes because of the added traffic that you are going to put out onto Sahara.

ROBERT LEWIS:

We agreed to participate.

COUNCILMAN LURIE:

I know you did, but I am talking to staff to get with the County and the State because they are all going to have to participate. Is that right?

HAROLD FOSTER:

Right.

CITY COUNCIL MINUTES

MEETING OF

NOVEMBER 2, 1983

Page 13 of 13

TRANSCRIPT - Z-B6-B3 - ITEM X.L. - ZONE CHANGE - LEWIS HOMES OF NEVADA
Reclassification of property generally located on the southwest
corner of O'Bannon Drive and Torrey Pines Drive, from N-U
to R-D, R-1, R-3, and R-PD16 for Low, Medium Low, and Medium High
Density Residential Development.

COUNCILMAN LURIE: Okay.

MAYOR BRIARE: Further comments? Cast your votes. Post. Motion is APPROVED.
(MOTION FOR APPROVAL CARRIED UNANIMOUSLY.)

MAYOR BRIARE: Can we have a Motion then on our next item which is associated.

COUNCILMAN LEVY: The tentative map will have to be changed. Will that take any
work on your part Mr. Lewis? You want us to hold....

ROBERT LEWIS: Go ahead and approve it because we would like to get started
on the R-1 right away.

COUNCILMAN LEVY: You want us just to approve the R-1.

HAROLD FOSTER: You could delete the R-3 portion, we could delete that.

COUNCILMAN LEVY: I'll MOVE TO APPROVE the subdivision map on the R-1 on Lewis
Homes, Sahara #12, R-1 and R-D.

MAYOR BRIARE: Comments by the Council? Cast your votes. Post. Motion is
APPROVED.

(MOTION FOR APPROVAL CARRIED UNANIMOUSLY.)

MAYOR BRIARE: That concludes that for now. Thank you folks. Mr. Duze you
come around any time you want.

(END OF DISCUSSION)

/kt

MAYOR BRIARE: Review of a condition, Z-39-82, for A. W. Ham. Planning Commission's recommendation was for approval. Staff's recommendation was for denial and there were substantial numbers of protest and then, of course, the next one is a variance request. First of all, Mr. Foster, the review of a condition. However, here we have another instance where one -- the results of one will hinge on the action of the first. So the first one we should take is the review of condition which is to cut the berm, is that what it is?

HAROLD FOSTER: That's essentially it. To allow an ingress only from Sixth Street at about this location which is about 200 feet south of Sixth Street -- I mean from Charleston on Sixth Street.

MAYOR BRIARE: You are --

COUNCILMAN CHRISTENSEN: Can I --

MAYOR BRIARE: Councilman.

COUNCILMAN CHRISTENSEN: Can I ask a question? You have a map there of Las Vegas Boulevard, Park Paseo and Sixth Street and Charleston. I don't think the map accurately reflects the difference in the width of Sixth Street that starts at Park Paseo, why? Sixth Street widens at Park Paseo and it's wider south of Park Paseo.

HAROLD FOSTER: That's correct. The applicant submitted that map and we just used it for a vicinity map for the area.

MAYOR BRAIRE: You're aware of -- you were at the Planning Commission meeting and you're aware of the protests and you're also aware of the original conditions that were put on the zoning request. It's your --

LANCE PETO: Lance Peto, 3108 Connors Drive. I have been at all the meetings including the one a year ago when we rezoned the property. We have asked for a review and a reconsideration of the driveway cut which, to the best of my knowledge, the only condition of approval was for review and approval of the driveway and parking plan which is the condition that we are asking for reconsideration. We were not restricted in our original conditions of approval and restricted from Sixth Street. This is merely a review and a reconsideration of the parking and driveway plan. The reason we have asked

LANCE PETO:

for this is we did do a traffic study, the original of which I have. I submitted copies of it to the Planning Commission. Essentially it confirmed remarks that Councilman Christensen made a year ago which to the effect were that if the property is rezoned, people are going to turn the corner, go down Sixth Street and we verified that fact. As a matter of fact, the traffic study that we did was a comparison between the design we have now with our ingress and egress from Sixth Street and the revised plan showing an entrance only, a secondary entrance only, from Sixth Street. The difference amounted to approximately 40 cars a day. It amounts to 5 cars an hour over an 8 hour day, 2.9% increase which the traffic engineer considered to be a -- he qualified it as a minimal impact and we feel it's tremendously insignificant impact. We are only asking for an entrance. We're not making it a primary entrance and exit. We still are going to direct traffic -- cars leaving the site towards Charleston Boulevard. One of the things that have been raised by a number of perspective tenants that I've discussed this with is that is a tremendous safety and traffic hazard trying to pull into the property from Charleston Boulevard and it's a combination of that request as evidenced by the prospective tenants that it is a potential hazard and the fact that in view of the traffic study that was done, the impact is insignificant. Directly across the street is the parking lot that adjoins the P-R Zoning. I have photos that show there are no structures immediately opposite us. We are opposite a parking lot and a driveway which services it.

MAYOR BRIARE:

Excuse me, you mean the proposed --

LANCE PETO:

The proposed entrance.

MAYOR BRIARE:

The proposed egress is across the street from a parking lot?

LANCE PETO:

Correct.

MAYOR BRIARE:

Where's the cut on that parking lot?

LANCE PETO:

Almost directly across the street from the proposed driveway that we're proposing.

MAYOR BRIARE:

Is it? I --

HAROLD FOSTER: About that, maybe a littler further north.

MAYOR BRIARE: It looks like you've got it on the map if I can see properly.

LANCE PETO: So that this request is, in fact, setting no precedent along Sixth Street because there already is ingress and egress to a professional office complex on Sixth Street.

MAYOR BRIARE: Mr. Foster, could you point to the -- across the street, egress to the property. In the map immediately behind you, it's shown as grey area there. I don't know if my eyes can --

HAROLD FOSTER: I'm not sure if this is the actual location. There's a distance of 122 feet from Charleston and it's conceivable that is where that driveway is which would be about another 50 feet to the north of this driveway. The driveway that's being requested, that ingress is about 25 feet north of this R-1 line along the south line.

MAYOR BRIARE: I know there are some folks that are here that are going to protest this. Have you, have you concluded your remarks for the present?

LANCE PETO: The only other remark that I have is just to point out that Sixth Street, even though they have put the island in, Charleston Boulevard is still a fairly heavily traveled street and I don't think the additional impact of this office complex -- it's not as if we have a 100,000 square foot building with several hundred cars. We have a parking lot with 52 vehicles and that, in itself, speaks of the size of the project and the impact. If we were dealing with the Colette parking lot immediately behind us, there's several hundred cars, that's a different situation and a multi-story building. We're dealing with a single-story building. It's a little deceiving in looking at the buildings because they have substantial roof lines. We could have simplified the design, made them much less expensive and attracted an entirely different type of clientele. We are trying to attract very substantial, respectable professionals and similar types of tenants to the property which is why we spent the time and effort to design the type of buildings we did and that's it.

MAYOR BRIARE:

Well, we'll hear from those folks that want to speak in opposition to this then, but while the lady's coming forward, Mr. Foster, the number of protests that are shown for the review of the condition pertains to the cutting of an entrance; but the other application which we'll get to momentarily deals with some matters pertaining to the bank with the same people protesting. I'm trying to -- is it possible to distinguish between the Planning Commission protestors as to whether they were principally protesting the bank and the signs and so forth on Charleston or were they principally protesting to the cut on Sixth?

COUNCILMAN LEVY:

Mr. Mayor, normally --

MAYOR BRIARE:

Maybe you might know.

COUNCILMAN LEVY:

I think I can answer this one for you because --

MAYOR BRIARE:

Okay.

COUNCILMAN LEVY:

I think that all we have to do is go back and I don't think this whole application is very fair because just less than a year ago, this gentleman came before us with the same application and I know he puts up his dollar that he can come back with the same application, but we are addressing the same problem we addressed exactly one year -- less than one year ago when he came in for this development to have a traffic study. He probably should have had that done when he came before us at that time before he started construction and I just don't feel it's fair to have these people come back and for us to change our tune. I sent everybody a copy. I had our staff pull out a copy of the transcripts of the last hearing dated November 3, 1982, one year ago, and there is nothing being said that wasn't said at that time and there was nothing being said that the gentleman wanted commercial and that people wanted commercial. They wanted ingress on Sixth Street and here we are fighting the same question that we turned down just one year ago and I don't think anything has changed to change that position, either commercial or ingress and egress on Sixth Street.

MAYOR BRIARE:

With respect to that comment that Councilman Levy just made, Mr. Foster, is the map over your left shoulder, is that the map that came in originally with the application? Did we have a plot --

HAROLD FOSTER:

That's the one that was approved except for -- they do now show the proposed ingress.

MAYOR BRIARE:

Right, but that map that you're pointing to right there, was that the same one that we considered when we said no to a cut?

HAROLD FOSTER:

Well, the way it came initially was there was access proposed. They were asking for C-1. It went to the Planning Commission. I believe there was a recommendation of denial. Before it came to you, the applicant asked that it be referred back to the Planning Commission and the Council referred it back because he wanted to amend the application to P-R only with no access. So, he submitted a new plan for P-R and showed no access and just landscaping along here which was this berm and that's the plot plan that was approved when the P-R Zoning was approved on the site and the condition was conformance to the plot plan with it being amended to provide for a berm along the south 111 feet along Sixth Street.

MAYOR BRIARE:

So at that time, there was no suggestion of a bank and there was no suggestion of a building back there where there'd be offices?

HAROLD FOSTER:

Yes, the building was shown at this location and approved at that location also, but --

MAYOR BRIARE:

Okay, fine.

COUNCILMAN LEVY:

He built what he said he would a year ago, what we said he could, but he changed --

MAYOR BRIARE:

As you said, Councilman, it's his prerogative to come forward.

COUNCILMAN LEVY:

He put up his bucks, that's right.

MAYOR BRIARE:

It doesn't necessarily mean it's going to go, but I don't know how to consider one without considering also the other request for the bank and the signs and that --

COUNCILMAN LEVY: I think we should hear it all.

MAYOR BRIARE: Yes, ma'am.

JERRY HOWARD: My name is Jerry Howard. I live at 1101 South Sixth. Time and time again through all these meetings, the Commissioners, the Planning Commission-- direct question was put to him. Who are you going to rent these to? He said, CPA's, accountants and at that time they directly said to him they didn't want doctors offices or any commerical development in there where there would be stores or anything where we would get traffic. Now, nothing has been changed and now he comes up with this, plus opening it up on Sixth Street, and not only that, I think I should bring up too at this meeting that it's in the making right now directly across the street where he's pointing at, you know --

MAYOR BRIARE: That parking lot?

JERRY HOWARD: They are going to build -- they are coming before the Commissioners in a few weeks, they are going to build on a professional building now since this is all taken place. So now we're going to have another development on the other side of the street with traffic.

COUNCILMAN LEVY: We'll just take them one at a time.

MAYOR BRIARE: Is that an application that's before you?

HAROLD FOSTER: This is -- it was approved at the Planning Commission at their last meeting is the addition to the rear of the existing office building, but it's all going to be the same one -- law office facility essentially having access both from that driveway as well as the one on --

COUNCILMAN CHRISTENSEN: They're going to enlarge the whole thing.

JERRY HOWARD: Aren't you supposed to send notices? We never received no notice. If it went up before the Planning Commission, we had no notice.

HAROLD FOSTER: That was just a plot plan review item and we felt it wasn't that major enough and the Planning Commission didn't either to hold it and notify.

JERRY HOWARD:

Also, on this driveway, many times before this has been tried, such as the lodge -- as you recall, they tried to open the traffic on Sixth Street and it was turned down. The Y -- at this point why should we let all this traffic -- now we ordered a traffic count too and we ordered them to put the counter south of Park Paseo, south from our house, directly across, but they didn't. They put it right next to Charleston where all the traffic coming down Sixth Street had been avoiding going that way because of all the trucks on both sides and the mess so they turn right where our house is. You can either go right or left down Park Paseo. I bet you the traffic on Sixth Street has doubled since we've moved in there and with this development it isn't going to get any better. In fact, we've had our house up for sale for four months. The house is fine, but no one will buy this house due to this development and I just don't think it's fair.

MAYOR BRIARE:

Thank you, ma'am. Was there anyone else? Was there anyone else that wished to comment?

PAT BENNETT:

Hello, Pat Bennett at 1108 South Sixth. I'm in complete agreement with my neighbors. It's a hazard to have the opening on Sixth Street. If you try to turn off at Charleston on Sixth Street -- it's a narrow turn there anyhow and then you've got to watch for them coming the other -- I guess -- I'm very much against it. I hope you would consider our neighborhood that has been there for so many years and take something into consideration. Thank you.

MAYOR BRIARE:

Anyone else? Alright, there being no one else that wishes to speak in opposition, then do you wish to make a concluding remark, sir?

LANCE PETO:

I think the remarks that I have to make is that I don't really think that this development, the aesthetics of this development adversely affected the sale of the Howard's house, at least we had never intended it to devalue to affect the sale of houses in the immediate area. With regard to Commissioner Levy's remark, I think there has been some additional information such as the traffic study, the traffic counts. I'm aware that when the City did a traffic count, their numbers were even higher than when our traffic engineer did a study, somewhere in the vicinity of 100 or more

LANCE PETO:

cars than what we initially counted. So the volume's at least are 1280 a day upwards of about 1400 cars a day. I think the traffic study is rather significant. We are not asking for a zone change on the property with regard to the bank because that may come into consideration as far as how you vote on the access. We're dealing with a tenant-by-tenant basis. If the tenant is precluded by a P-R Zone, we're going to comply with the requirements of the City and come before you and request permission to allow them in the building. We're not going to move them in and then come after the fact and say, gee, we didn't know they weren't permitted, but there are some uses in -- that are precluded in the P-R Zone such as interior decorators or financial institutions which are not offensive. The remarks were made a year ago as to why they didn't want C-1 was that they didn't want the night activity. They didn't want offensive uses. They didn't want bars. Mrs. Hart's remarks were pertaining to security and privacy. At no time was there a discussion that we were going to lease this out for offensive uses and I think the bank is a use that is not offensive. My understanding of the P-R Zone is it's really primarily designed for houses which have been converted for residential purposes and we don't really fit into that category. This is not a house that has been converted to office uses and we did accept the zoning because of the compatible zoning to the use of the property.

COUNCILMAN LEVY:

That last doctor who was here a while back would certainly hate to hear that.

MAYOR BRIARE:

The Planning Commission majority approved this subject to a installation of a one-way traffic control device for ingress only. Does that mean those knives or knife blades that come up or something like that?

HAROLD FOSTER:

Well it could be.

MAYOR BRIARE:

Is that what that means?

LANCE PETO:

It could be that or it could be a gate.

HAROLD FOSTER:

Gate, arm going up.

LANCE PETO: Yes.

COUNCILMAN CHRISTENSEN: Where are we talking about that?

MAYOR BRIARE: On Sixth Street, Councilman.

COUNCILMAN LEVY: On Sixth Street, so they can only come in. Because all they have to do is just swing around and come right back down Sixth Street.

COUNCILMAN CHRISTENSEN: Well let me see if I understand you. You're talking about ingress only on Sixth Street?

MAYOR BRIARE: That's right.

COUNCILMAN LEVY: Because they can go right around the corner and go right back down south on Sixth Street.

LANCE PETO: There's no problem leaving this project and getting onto Charleston Boulevard. The problem is entering the project from Charleston.

COUNCILMAN CHRISTENSEN: Well, I beg to differ with you, but, you know -- the traffic that leaves this project -- if the opening on Sixth Street was a two-way opening, the traffic leaving this project if they wanted to go on Charleston could go right out the back entrance or out the Charleston entrance and down Charleston and if they wanted to go on Sixth Street, they'd come out that entrance and go on Sixth Street and if that entrance is not there and they want to go on Sixth Street, they'll go out on Charleston and make the right turn and go south on Sixth Street. So if you made that opening on Sixth Street two-way you wouldn't change the traffic count on Sixth Street one iota because those people are going to come right out Charleston, make the right turn and go down Sixth Street.

COUNCILMAN LEVY: Sure.

COUNCILMAN CHRISTENSEN: What you would do is you would make it easier for them to make the turn because they wouldn't have to make that narrow turn on Sixth Street because Sixth Street's narrow for the length of your property and Mrs. Harts and then it widens out. It's an unfortunate situation that the -- that Sixth Street's narrow there and that that's as close to Fifth Street because I think your egress is hazardous on Charleston Boulevard. You're too close to the stoplight. You're too close to the -- Sixth Street. You come out of the parking lot behind

- COUNCILMAN CHRISTENSEN: the Colette Building and it's a hazardous situation to get onto Charleston. It's dang tough. You've got to wait for the light to hold the traffic and hope nobody's making a right turn or a left turn so that you can get onto that street and head east on Charleston. If you had both those openings open and I were going to come to your office complex for any reason whatsoever and I was coming down Charleston, if I saw a chance to duck in off Charleston, I would otherwise I'd go around the corner and come in off Sixth, go down to Park Paeso back up to Fifth and go downtown on Fifth or I would come out on Sixth and go south on Sixth Street. I don't care what you do people are going to follow the course of least resistance and that's the course of least resistance. Now if you're talking about just an ingress on Sixth Street, for the life of me, I don't see what you're accomplishing because the traffic can get into the place just as easily off Charleston almost as it can off Sixth Street and you're going to have people fighting to get out that Sixth Street because they're going to want to go out on Sixth Street much more than come in on Sixth Street, much more.
- LANCE PETO: We'd like to -- we'd like to concentrate the traffic leaving going to Charleston. We redesigned it there so that it's easy to get in and it's much easier to get out. We have no parking --
- COUNCILMAN CHRISTENSEN: I can see that.
- LANCE PETO: -- for that entire distance so that --
- COUNCILMAN CHRISTENSEN: I've watched the project. I can see that.
- LANCE PETO: The problem was getting into it and we do have a photo of the sign and the light post that's immediately adjacent to the property. That light post is no more than about 5 feet from the start of the curb cut.
- COUNCILMAN CHRISTENSEN: Well, your ingress -- if you're asking for ingress on Sixth Street and no exit, that's not going to impact the traffic on Sixth Street because the traffic that comes up Sixth Street to go in there is going to come off Charleston. The traffic that goes out on Charleston, if they want to go south on Sixth Street, is going to make the turn and go south on Sixth Street

COUNCILMAN CHRISTENSEN: anyway so you haven't impacted the traffic one iota on Sixth Street south of Park Paseo, not one little bit.

LANCE PETO: Absolutely correct. That's exactly what the traffic study says.

COUNCILMAN CHRISTENSEN: I could have saved you the money for the traffic study.

MAYOR BRIARE: How much does common sense cost?

COUNCILMAN CHRISTENSEN: It's not worth a nickel.

COUNCILMAN LEVY: Well, it's going to cost -- it costs a lot of money.

MAYOR BRIARE: Then, does this hinge so much that if a separate vote were to be taken right now that your bank project would be affected?

LANCE PETO: I'm not sure whether the bank project is going to be affected or not, but we also have the signage and I would like that also discussed because one --

MAYOR BRIARE: Well I'm thinking -- the only -- it seems to me like the review of condition on Z-39-82 is a pure matter -- it's just outlined by Councilman Christensen pertains to an opening on Sixth Street and forget the bank until we get to the next item and then we can talk about the bank.

COUNCILMAN LEVY: Can I talk?

MAYOR BRIARE: You want to talk about the bank?

COUNCILMAN LEVY: No, how about the first item.

MAYOR BRIARE: Let's just take the entrance on Sixth Street.

COUNCILMAN LEVY: Mr. Mayor.

MAYOR BRIARE: Councilman.

COUNCILMAN LEVY: Again, I'll repeat. Nothing has changed from what a year ago, exactly a year ago, this meeting in November when this gentleman came in to build this project. The people objected to it. He understood and he went back and came back with the Planning Commission. He

COUNCILMAN LEVY: understood exactly what he was going to build. There would be no ingress and egress on Sixth Street. He knew that there'd be no commercial because he agreed to it and the only thing that's changed that he's built this facility, that's the only thing that's changed. At the time I thought it was overbuilding of a project, but it was his money and his decision with the help of this Board. I don't think anything's changed and therefore, I'LL MOVE TO DENY THE SIXTH STREET INGRESS AND EGRESS.

MAYOR BRIARE: Comments by the Council?

COUNCILMAN CHRISTENSEN: Yes, I'd just like to point out that I think that I'd just once more like to reiterate that the entrance onto Sixth Street is not going to affect the traffic on Sixth Street and could possibly make it safer on Charleston Boulevard.

COUNCILMAN LEVY: It would -- the entrance would cause traffic on Sixth Street because if there were no entrance, they'd have to go around Las Vegas Boulevard because that's the only way they could get in there. So they'd have to cut off and go to Las Vegas Boulevard and come around.

COUNCILMAN CHRISTENSEN: I drive it every day and I disagree with you.

MAYOR BRIARE: Further comments? Cast your votes. Post. The motion's approved. Your request is denied. (Motion carried with Briare and Christensen voting "no.")

END OF EXCERPT

MAYOR BRIARE: Now, Mr. Rudiak, if you would be so kind - Variance V-99-83 for Richard and Gunilla King.

COUNCILMAN LEVY: Before Mr. Rudiak starts, Mr. Mayor, I was just wondering, if he has to go back and get a Variance -- there's one protest that I'd like to hear from them because I think we've already heard from Mr. Rudiak.

MAYOR BRIARE: Is there anyone in the audience that is here to protest the request of Mr. King on V-99-83? Apparently not, Councilman. What was the nature of the protest, Mr. Foster? Remember, we've got two. Let's be sure we don't get them confused.

MR. FOSTER: There was just one person appearing at the meeting indicating he felt that he wished to keep the area residential rather than having an introduction of office use in it. That was the one protestant.

MAYOR BRIARE: We've got Item J for the variance, which we've requested that you do, and then the other one would be moot if we were to follow this. I think the argument, Mr. Rudiak, if my memory serves me, is that we didn't mind this property being used specifically for the accounting business, wasn't that what we -- ?

ATTY. GEORGE RUDIAK: Your Honor and members of the Council, may I request, first of all, that we consider the two items together. I would like to address them both if I could, J and K. My recollection, Your Honor, is that the Council took the view that it did not wish to make a permanent rezoning of the area, although it had no objection to this use on an interim basis, and therefore, suggested that we apply for a Variance, which we did, and as you know, the Board of Zoning Adjustment recommended approval. I would like to once again though urge the Council at this time to consider the advisability of rezoning on the same basis. I would like to explain to you why. If you would turn your attention to the map that appears at the very beginning of the little booklet we handed you, I think you will see the subject property marked in yellow and you will also see all of the neighbors who have signified their approval of this proposed rezoning and I might say the same eighteen persons who approved the Variance also approved the rezoning, so it makes no difference to the people in the neighborhood. The people right across the street from Mr. King's property, the people immediately south, the property owner three houses down, nearly all of the property owners in the opposite side of the street and another eight or nine or ten owners in the

ATTY. GEORGE RUDIAK: immediate vicinity have all indicated that they have absolutely no objection to the variance or to the rezoning. This property has been used for the very use that we are asking you to approve for the last twenty years and we see no reason why it cannot be used for those same purposes under a rezoning as well as under a variance for the next twenty years; it doesn't really make sense to us. Now, if you will turn your attention to another exhibit that we have in this little booklet, and that's one of the large photographs there, I would ask you to look at the photograph in particular that shows this property when viewed from a northerly direction. You will see -- this is the photograph I'm referring to -- the property in question appears below the large sign between the two laterals that support that sign. You will see them on the opposite side of the street there. If you will observe this, you will see that for all practical purposes this is a commercial area. We're not asking you to rezone this property commercial. We're simply asking you to rezone it the way it has been used for the last twenty years. I would point out to you also, if you would look at the other photographs --

COUNCILMAN LEVY: Mr. Rudiak, that statement is not true because this gentleman lived in that house this last twenty years. He wants to move out.

ATTY. GEORGE RUDIAK: No, it is true, I'm sorry. It has been used for the very purposes that we are asking you to permit him to use for the last twenty years.

COUNCILMAN LEVY: He had a home use permit for that property.

ATTY. GEORGE RUDIAK: That's correct.

COUNCILMAN LEVY: He lived in that home.

ATTY. GEORGE RUDIAK: I know, but he used it for those purposes.

COUNCILMAN LEVY: Did he live there?

ATTY. GEORGE RUDIAK: Yes, he did live there.

COUNCILMAN LEVY: Then he didn't use it as exactly as proposed.

COUNCILMAN CHRISTENSEN: The zone is changed; he can't live there any more.

ATTY. GEORGE RUDIAK: I understand that and that's why we're here.

COUNCILMAN CHRISTENSEN: That changes the zoning. It's different than it was the last twenty years.

ATTY. GEORGE RUDIAK: I understand that. All I am saying is that the purposes that he was using it for in addition to living there were the same purposes that he's now asking you to approve; namely, a real estate appraisal office and an accounting office.

MAYOR BRIARE: And a variance will do it.

ATTY. GEORGE RUDIAK: Pardon me?

MAYOR BRIARE: A variance will do it, Counselor.

ATTY. GEORGE RUDIAK: A variance will do it, that's true, but it will not necessarily do it on a permanent basis and that's what we're asking you to do.

MAYOR BRIARE: It won't do it on a permanent basis unless he wants to sell it to somebody else for a different business and use it for some other use.

ATTY. GEORGE RUDIAK: No. If he sold it to someone else under a rezoning, it would still be a P-R.

COUNCILMAN LEVY: You'd still have a professional use.

ATTY. GEORGE RUDIAK: Professional use, yes.

COUNCILMAN LEVY: That would not necessarily be what he was using with the property then.

ATTY. GEORGE RUDIAK: No, that is what he's been using: the real estate office and the accounting; that is a professional use.

MAYOR BRIARE: Okay, let's just stick to the application as we have it exactly before us; that is, number one, we're being asked to grant a variance for Richard and Gunilla King to allow an accounting and real estate office where such use is not permitted on property located at 2511 West Bonanza. That's what the matter is before us.

ATTY. GEORGE RUDIAK: Exactly. I thought we were given permission to discuss the rezoning as well as the variance.

COUNCILMAN CHRISTENSEN: That's the next item. What it really boils down to is to -- to discuss the next item on the agenda we've

COUNCILMAN CHRISTENSEN: got to turn this one down. Do you want us to turn this one down and go back to the next item?

ATTY. GEORGE RUDIAK: Well, you can reverse the order just as well, I suppose. You could consider the zoning first.

COUNCILMAN CHRISTENSEN: We already discussed the other one at the last meeting.

ATTY. GEORGE RUDIAK: Well, I am trying to explain to you the position that we're taking, gentlemen. I understand the view that has been expressed here, but I'm trying to point out to you that this, for all practical purposes, is a commercial area. I think you've all been by there. You know that to be a fact and you know that the outside of this house will remain the same whether it's under a variance or under a rezoning; it will still look like a dwelling house. It still will not have signs, advertising signs, on the exterior. It will be exactly just the way it has been for the last twenty years. It will be used for the same purposes.

COUNCILMAN CHRISTENSEN: If we zone it P-R, you can't guarantee that. If we zone it P-R, you can do anything you want within that P-R zone.

ATTY. GEORGE RUDIAK: Within the P-R zone, yes.

COUNCILMAN LEVY: And then their neighbors, and their neighbors, and their neighbors.

COUNCILMAN CHRISTENSEN: The signs and everything else.

COUNCILMAN LEVY: If you're going to insist on that, we're going to -- you know, I'd just as soon make a motion and deny it all.

ATTY. GEORGE RUDIAK: Well, this is in the discretion of the Board. I'm merely saying that to my way of thinking, it's not really reasonable in view of the character of the neighborhood and in view of the fact that all of the neighbors favor this rezoning that you should take a position to the contrary. I don't understand why.

MAYOR BRIARE: I'm not so really sure that they're in favor of this zoning because I read the sample letter and it was very cleverly written and all the neighbors are simply saying that they kind of like the idea of, Mr. King, incidentally, it's a gorgeous piece of property. Are you Mr. King?

RICHARD N. KING: Yes, I am, Mayor.

MAYOR BRIARE: Are you -- ?

RICHARD N. KING: Richard N. King.

MAYOR BRIARE: Boy, what a nice piece of property that is. It's a gorgeous piece of property. Mr. King, you wrote a very clever letter. It says "The undersigned have no objections to professional office application by Richard King." And your application is for an accounting and real estate office. Council, I thought at our last meeting, Mr. Rudiak, I thought it would be in order so that we could adhere to the law and to the requirements and so on and so forth. If you wanted a variance we'd consider it as a variance for what your intended use was and leave it that way and now I think you've changed your mind since two weeks ago.

ATTY. GEORGE RUDIAK: Well, we've always been of the view that this should be rezoned.

MAYOR BRIARE: Two weeks ago that wasn't going to fly.

ATTY. GEORGE RUDIAK: Two weeks ago you turned us down, of course, whenever it was. You turned us down and suggested we go back for a variance.

COUNCILMAN CHRISTENSEN: We held it in abeyance.

ATTY. GEORGE RUDIAK: Yes, it was held in abeyance and I'm simply appealing to you again. I think you have a choice here to either grant us a variance or grant us a rezoning.

COUNCILMAN LEVY: Or neither one. We have a third choice: neither one.

ATTY. GEORGE RUDIAK: Or you can deny them both, of course, but I would point out to you that to my way of thinking, and you may disagree with me, there are no rational reasons for denying a rezoning at this time, in view of the conditions of the neighborhood and in view of the position the neighbors have taken and there are three letters written specifically by neighbors in addition to the one in which you alluded, Your Honor.

COUNCILMAN LEVY: Because they expect this property would not change to what -- I guarantee Mr. King told them it will be the same operation, right, isn't that what you told them, Mr. King?

RICHARD N. KING: I said that in all honesty that was my intentions, that is still my intentions.

COUNCILMAN LEVY: That's true, but if somebody came along and offered you a buck and you wanted to sell, we have completely lost control. That is why we decided or suggested we go for the variance and allow you to operate as long as you operate it there? We keep harping on trying to get the property zoned. There is not that attitude at this Board, or I felt it, it wasn't the last meeting that you appeared and there is not that attitude at this time.

ATTY. GEORGE RUDIAK: But Mr. Levy, may I make one further observation? If Mr. King did sell the property, whoever bought it would still have to make a professional office use of it, would he not? That might be a dental office, it might be a law office, it might be a doctor's office.

COUNCILMAN CHRISTENSEN: That's right. It could be a two-story cement block building built from property line to property line with very little parking. It could be changed entirely to totally change the characteristic of the neighborhood and there isn't one thing we could do about it.

COUNCILMAN LURIE: I don't think this Board is going to allow that to happen because it's still on a residential street and the variance goes with Mr. King and if Mr. King sells it, whoever buys it has to come in and get it rezoned or get a new variance or use permit for whatever he's going to use the property for.

COUNCILMAN LEVY: And the neighbors will have an opportunity at that time.

MAYOR BRIARE: Without a variance, keeping the property it could be sold as a single-family home. Obviously, because of your use, you've made the value go way up, but also it happens to be a very gorgeous building.

ATTY. GEORGE RUDIAK: Well, gentlemen, I think I see which way the wind is blowing. I think that under the circumstances, perhaps we'll withdraw our application for rezoning at this time and ask you to approve the variance, if

ATTY. GEORGE RUDIAK: you would.

MAYOR BRIARE: Any comments by the Council? Item J is the request for a variance.

COUNCILMAN LURIE: MOVE FOR APPROVAL, SUBJECT TO THE CONDITIONS.

MAYOR BRIARE: Are there comments on Councilman Lurie's motion?
Cast your votes. Post. Motion is APPROVED. That being the case, if there's no objection by the Council, we will strike Item K from the agenda.

END OF TRANSCRIPT

Voting was as follows:

"AYES" Briare, Christensen, Levy, Lurie and Nolen

"NOES" None

Motion carried unanimously.

MAYOR BRIARE: Now, let's go to the bank.

COUNCILMAN LEVY: Are we going to have discussion or have we had enough?

MAYOR BRIARE: I beg your pardon?

COUNCILMAN LEVY: Have we had enough discussion?

MAYOR BRAIRE: On the bank, I don't think we have. In this instance, both the Planning Commission and the staff recommendation was for APPROVAL, however, what I tried to clarify in the beginning was whether the same protestants were protesting both things. Now with respect to this bank, in my mind, I have a little different question on that; but, however, I'd like to have you go ahead and make your presentation first before I make any comments or ask questions.

LANCE PETO: The bank that we're dealing with is AM Bank. They're looking to relocate approximately a couple of hundred feet to the east. They are already there. The traffic is generated from their facility. We're not talking about any changes. They do not have drive-thru tellers. They operate at conventional banking hours. The latest they're open is Friday until 5:30. They are a professional business bank and cater to businesses and they're only looking to occupy the most northerly half of what we call building number two on the plot plan which is the area of building two that is closest to Charleston Boulevard. They're not going to occupy the most southerly building. They're not occupying the entire building number two. They're only taking or interested in the area of building that fronts on Charleston Boulevard and we do not feel that that is an offensive use in that neighborhood.

COUNCILMAN LEVY: Then you don't think that any 7 foot square sign would be offensive?

LANCE PETO: Not in light of the hideous sign which is immediately adjacent to our property.

COUNCILMAN LEVY: On the commercial property?

LANCE PETO: Yes.

COUNCILMAN LEVY: Yours is not commercial property.

LANCE PETO: Less than two feet away from our property.

COUNCILMAN LEVY: But you're not asking for commercial property. Your property is not commercial.

LANCE PETO: We have a tenant who's requesting -- we're requesting a tenant -- permission to allow a tenant that would otherwise be precluded from P-R Zoning and that, in my interpretation, is all financial institutions, mortgage companies, banks, savings and loans and this bank is more of a savings and loan than a bank because they don't have the drive-up tellers. The signage requirement in a P-R Zone -- we're allowed a 15 foot, 15 square foot sign on a piece of property which is an acre and a half. We have two buildings. There's absolutely no way that we can adequately give exposure to prospective tenants with one 15 square foot sign and as I said, I'll submit the photo that shows the sign that's on Collete's property immediately --

COUNCILMAN LEVY: That's a commercial piece, there.

COUNCILMAN LURIE: When you came in and got this property zoned for professional, profession zoning has a particular square footage of sign which you knew; and now, you want us to approve a sign that is about five times the size and do you have a picture of the sign what it's going to look like and --

LANCE PETO: We submitted a rendering of it, yes.

COUNCILMAN LURIE: I have never seen it.

COUNCILMAN CHRISTENSEN: Excuse me just a second, Your Honor.

MAYOR BRIARE: Councilman Christensen.

COUNCILMAN CHRISTENSEN: I'm going to excuse myself from the rest of this hearing because I have a possible conflict of interest with the bank.

MAYOR BRIARE: Are you on the Board of Directors of this bank?

COUNCILMAN CHRISTENSEN: No, but my brother is and I have some of the stock. So, I think I probably will have to abstain from voting on this. I wasn't aware that this was the bank they were talking about until just now. So, I'll --

COUNCILMAN LURIE: Adious. Some guys will do anything to get out of a vote.

LANCE PETO: Bob Clemmer is holding a rendering of the sign. It's the same composure, the same complexion as the rest of the building, tile, brick. We're not talking about an illuminated sign.

COUNCILMAN LEVY: You're going to have that one too?

MAYOR BRIARE: In other words, this is --

COUNCILMAN LEVY: You're going to have that one, plus this, is what you're asking for?

LANCE PETO: This is the sign that we're requesting -- is to allow this sign.

MAYOR BRIARE: Where's the free-standing on your rendering?

COUNCILMAN LURIE: Where does that sign go?

HAROLD FOSTER: That one'll be allowed and then this one is the increased.

COUNCILMAN LURIE: Where does it go?

COUNCILMAN LEVY: In front.

COUNCILMAN LURIE: In front of where, Sixth Street or in front of Charleston?

LANCE PETO: Right here, right at this location.

HAROLD FOSTER: East of the driveway.

MAYOR BRIARE: Well, actually all those spaces are for your tenants; that's not just for the bank.

LANCE PETO: Right.

MAYOR BRIARE: So here again, it becomes a little confusing because an additional free-standing sign -- we're talking about a bank so I presumed that your free-standing bank -- pardon me, your free-standing sign was going to be strictly for the bank purpose, but that's not so.

LANCE PETO:

No, apparently, apparently, when we filed the plans, the bank logo is above the six foot requirement and that has to do with the brick facade that we have on the building and the height of the windows. We have to go above six feet, which means we had to request permission for the bank logo on the building. The sign requirement was strictly for the office complex and to allow us to adequately advertise the tenants who want the exposure on Charleston Boulevard and certainly Charleston Boulevard is not residential, as I can point out the signs, the billboards, the rest of them on Charleston, there's nothing residential in nature about it and this sign is not an illuminated sign. It's exactly in the same mode as the rest of the building.

COUNCILMAN LEVY:

It's the same mode as the attorney's across the street, Masonic Lodge and Mr. Ruthe's office. Those are all the type of properties that you're supposed to be compatible with.

LANCE PETO:

Those are all one tenant properties, one firm in each one of them. That's more than adequate. We have about 18,000 square feet of leasable space. If I only had one tenant, then one sign would be adequate.

MAYOR BRIARE:

Folks, now that the berm has been denied, or I should say the cut in the berm has been denied, we're just talking about now the front building. Did you wish to make any comments that would be different on that particular item?

MAX HOWARD:

The only thing that I would be concerned with would be the height on your sign.

MAYOR BRIARE:

Just for the record, sir, we might know who you are, but our tape recorder doesn't.

MAX HOWARD:

My name is Max Howard and I live at 1101 South Sixth.

MAYOR BRIARE

Now the sign, the entrance sign, I guess, is what we're talking about as far as --

COUNCILMAN LEVY:

You're talking about the sign or the zoning also. We're talking about the zoning here.

MAX HOWARD:

No, no, the buildings are already there. We have no problem. I think we made a mistake in letting them put that so close to the street, both Sixth and Charleston because it has created a kind of a bad corner and if the sign -- if the sign's going to be next to the driveway on Charleston and it's high enough, I don't think that, you know, it's not going to interfere that much with the traffic, but that would be one main concern is you know, blocking view because we got enough of that now. We really do. It's rather difficult --

COUNCILMAN LEVY:

Would you like to make a comment regarding the bank going into the facility? I think that's part of this.

MAX HOWARD:

I can't say it's the best method of using the building he has. I hate to be completely against Lance. They're not -- it's not a really a productive bank. They don't -- they're not going to create as much traffic as a regular bank will. That was brought out at the Planning Commission meeting.

COUNCILMAN LEVY:

By who?

MAX HOWARD:

Well, there was -- the banker himself was there at the Planning Commission meeting and he assured the people that were there and there were more there at the Planning Commission meeting than there is here. Now they promised us that they would have no drive-thru windows and that they didn't have a lot of drive-in traffic.

COUNCILMAN LURIE:

Well, they can't because this bank -- this bank was after the fact.

MAX HOWARD:

No, that's true. There's no way that they can really set it up to have --

COUNCILMAN LURIE:

I mean, when this complex was being built, I don't think he had a tenant.

MAX HOWARD:

No.

COUNCILMAN LURIE:

I think the tenant came after this building started.

MAX HOWARD:

Well, I do too. I know it did. In fact, he had made the remark the second time through that they didn't have any tenants in mind. So, I know that after the buildings were fairly well along that evidently the American Bank decided perhaps that it might be a better

MAX HOWARD: location whatever reason, whether the rent was, you know, whether they would get a better break on the rent or whatever -- more space or whatever their reason might be. So they decided, perhaps, they could move down there and operate a little better, but, of course, we went before the Board of Adjustment and we objected to it, but it didn't seem to, you know, cut any ice. I know that there has been a lot of, a lot of political adjustments going on that there's been quite a lot, you know, a lot of arm twisting so --

MAYOR BRIARE: On your side.

MAX HOWARD: Well, it's on my side as well as --

MAYOR BRIARE: You're the twistor, you're not the twistee. Sir, you have a lot of people out there.

MAX HOWARD: Yes, we do and if you'll notice, right from the start the first time, I think, there were 55 people objected through petition, but the thing of it is these people -- now even Mrs. Hart and --

COUNCILMAN LEVY: Mrs. Schwartz.

MAX HOWARD: Mrs. Schwartz -- found a dime -- they are backing down. Now what they figure on, okay, you give it to him and let him come in off there with the driveway and with the bank in there. Now within a few months they're going to be down here, I'm telling you because we've already been told that. The people down there -- you know what they believe? They believe that they have no chance coming up here. I'm telling you the truth. They figure that it's all sewed up. That we have no chance of fighting things that we don't want in our neighborhoods. You know, they're all getting pretty old like me, but it's a bad situation when people come to the belief that they can't get justice before their own elected officials. That's all I have to say. Thank you.

MAYOR BRIARE: Of course, that's not exclusive to your area unfortunately, Mr. Howard.

MAX HOWARD: No, no, it isn't. I know it. I know it.

MAYOR BRIARE: That's the way it goes all the time and no matter how many decisions you make --

MAX HOWARD:

You can't please everybody.

MAYOR BRIARE:

Yes. The -- I just wonder if the folks down that area -- I can understand, even though I didn't agree with the majority, I can understand where at first blush that cut on Sixth Street would cause a concern, but this particular thing -- I -- here again, I kind of wonder if you really do, if you really do object to this as much as you think you object to it. Now, I'm looking at this thing and that big sign -- I'm concerned about the big sign, but now that the Sixth Street has been shut off, something has to be done on here on that Charleston Boulevard and the size of that sign would worry me from a traffic standpoint, because it's just like Councilman Christensen said before he left, now all of the impact is right on a small area there on Charleston Boulevard and now with that big sign, you know, I realize -- I don't know how many people want, you know, who gives a darn whether it's Charleston Office Park because they know where they're going. I like some of these signs I see down -- well, in different parts of town, where all they have is just the address, 3 -- what is that -- 5, 6, 0 or -- just 550 so you know where you're suppose to go.

COUNCILMAN LEVY:

Quail Park?

MAYOR BRIARE:

You don't need and it's conceivable that the only way -- the only way you can get into that thing off Charleston, you've got to be heading east on Charleston Boulevard, otherwise you can't get in. Now, you can't get in. So if the sign were against the building in some way, architecturally you put that sign up against the building, you wouldn't need that free-standing sign there. You've got your pretty little American Bank sign there and to me it would look like a real nice thing. The bank -- you know, whether a bank -- this American -- what's it called, American?

MAX HOWARD:

American Bank.

MAYOR BRIARE:

It's indicated somewhere in our material here that that's a commercial bank. There's no drive-in. There's no tellers, all that sort of stuff. So it's an office. As far as I'm concerned, it's an office where you do a banking transaction. It's not a bank with -- it's not a bank like FNB -- or what is it called, FIB, but in any event, I don't think this is as bad as the

MAYOR BRIARE: neighbors might think it is, including yourself, Mr. Howard.

MAX HOWARD: (CAN'T UNDERSTAND WHAT HE SAID)

COUNCILMAN LEVY: Except, Mr. Mayor, that just again let me reiterate, a year ago, November 5th, there was a --

MAYOR BRIARE: No commercial use.

COUNCILMAN LEVY: No commercial use; an agreement on both parties, and here we are.

MAYOR BRIARE: Well, let's see if we can't see where we are. Where are we?

COUNCILMAN LEVY: I'LL MOVE TO DENY.

COUNCILMAN LURIE: Are you denying the bank? You denying the sign or are you denying the whole application?

COUNCILMAN LEVY: Well, the variance.

MAYOR BRIARE: That would have the effect of denying the whole shebang, correct?

COUNCILMAN LURIE: Well, I want to ask a question. I really don't have a problem with the bank. I have a problem with the signs because I think you're going to louse up a nice looking project with some big sign there and I think you can do something architecturally that'll fit in and still identify the bank and draw attention to how to get in and out. I'd like maybe -- I'd have to vote against your motion to deny the whole thing, but then I would be happy to make a motion to allow the bank, but not the signs. Does that make sense? Does that make sense?

COUNCILMAN LEVY: Well, I don't know who you're talking to.

COUNCILMAN LURIE: I'm talking to Mr. Foster over there.

MAYOR BRIARE: I'm sure there's going to be two votes, no matter how it goes.

COUNCILMAN LEVY: I'm going to vote against Commissioner Levy's motion.

MAYOR BRIARE: Councilman Nolen, do you have any comments?
Are you ready for the vote?

COUNCILMAN NOLEN: Only comments would be to reiterate what Councilman Lurie said.

COUNCILMAN LURIE: Well, what's your motion?

MAYOR BRIARE: To deny the Variance V-91-83.

COUNCILMAN LURIE: Okay.

MAYOR BRIARE: Cast your votes. Post. The motion stays right where it is until -- and then Councilman Christensen can't vote on it. He's already announced that. (Motion failed with Briare and Nolen voting "No.") So the motion fails and the matter is still before us.

COUNCILMAN LURIE: Why did I vote with Commissioner Levy?

MAYOR BRIARE: I beg your pardon?

COUNCILMAN LURIE: I voted with Commissioner Levy. I made a mistake.

MAYOR BRIARE: Do you want to call for another vote?

COUNCILMAN LURIE: Yes.

COUNCILMAN LEVY: I don't want another vote.

MAYOR BRIARE: Well, we have to because no purpose can be served --

COUNCILMAN LURIE: I explained what I wanted to do before I voted. I pushed the wrong button.

MAYOR BRIARE: Well, I can't see your names. All I can see is the colors.

COUNCILMAN LURIE: Right.

COUNCILMAN LEVY: Mayor, Mayor.

COUNCILMAN LURIE: State your motion again. State your motion again.

COUNCILMAN LEVY: I MOVE TO DENY THE VARIANCE.

MAYOR BRIARE: Well, you know you're not going to get it on. So now why don't you make a motion that --

COUNCILMAN LEVY: I'll pass.

MAYOR BRIARE: Councilman, the motion has failed. The matter's still before us. What is your motion?

COUNCILMAN LURIE: Mayor, I WOULD APPROVE THE VARIANCE FOR THE BANK AND DENY THE SIGN.

MAYOR BRIARE: The free-standing sign.

COUNCILMAN LURIE: The free-standing sign; that's the 87 square foot sign.

LANCE PETO: Would I get any reconsideration of a sign if I were to redesign it and come back at a later date?

MAYOR BRIARE: I don't think you're going to. I think you better take what --

COUNCILMAN LEVY: No.

MAYOR BRIARE: I think you better take what you're -- I think you ought to take what you're going to get. However, from an architectural standpoint, Mr. Foster, he -- would there be any problem for him to go ahead and put something on the side of the building that would have the same effect?

COUNCILMAN LURIE: He can take that --

HAROLD FOSTER: He'd have to stay within the P-R regulations. It's no higher than six feet. What is it, 15 square feet on the building, plus one free-standing sign no higher than 5 feet. Again, that's limited to 15 square feet.

MAYOR BRIARE: Well, I think we're saying, we don't want a free-standing sign.

COUNCILMAN LURIE: He has one if he wants to use it to conform with the ordinance. He can get a lot of stuff on that as long as --

MAYOR BRIARE: As long as he doesn't put up 15 little signs.

COUNCILMAN LEVY: Have him go lookat Quail Park.

COUNCILMAN LURIE: That's my motion.

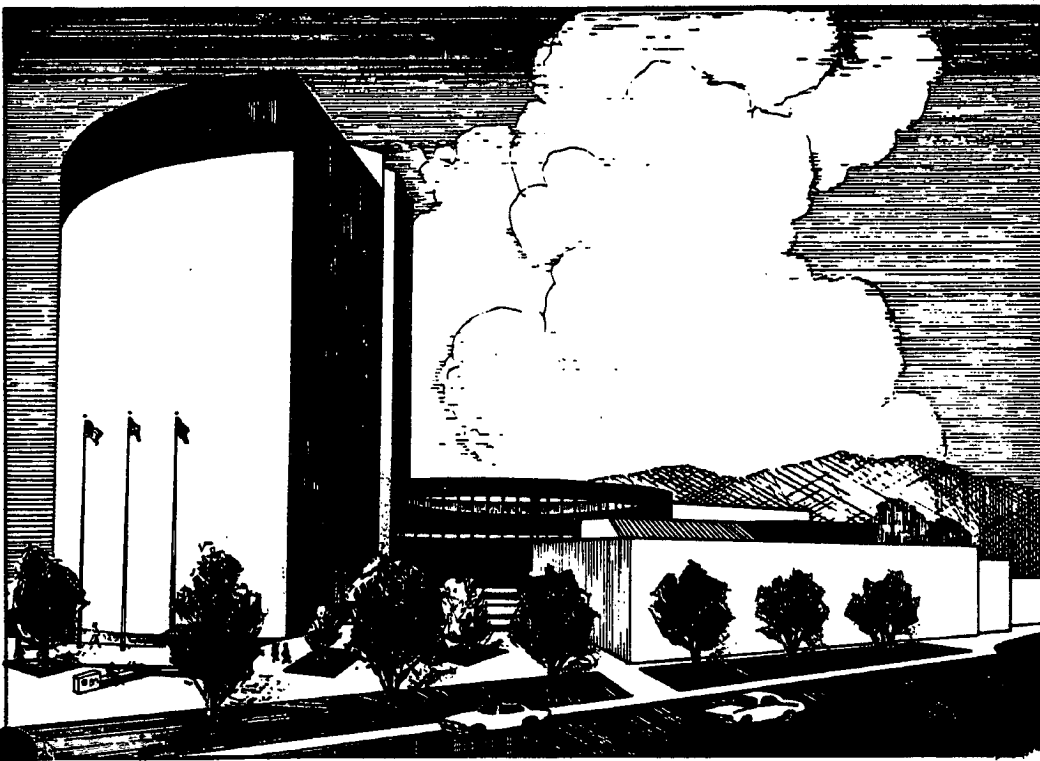
MAYOR BRIARE: Okay, your motion is to APPROVE THE VARIANCE WITH RESPECT TO THE BANK OCCUPANCY, BUT DENY THE FREE-STANDING SIGN.

COUNCILMAN LURIE: That's correct.

MAYOR BRIARE: Are there any questions by the Council on that motion? Cast your vote. Post. The motion's APPROVED. (Motion carried with Levy voting "NO" and Christensen "Abstaining.") Do you understand what you can and cannot do?

LANCE PETO: I'll check with Harold. He'll tell me tomorrow. I think so.

END OF EXCERPT



MINUTES

City of Las Vegas

CITY COUNCIL

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

DATE: November 2, 1983

TIME: 9:45 A.M.

INVOCATION: Reverend J. Kenneth Edwins
Reformation Lutheran Church

PLEDGE OF ALLEGIANCE: Given

BOARD OF CITY COMMISSIONERS

	PRESENT	ABSENT	EXCUSED
MAYOR BILL BRIARE	☒	☐	☐
COMM. PAUL J. CHRISTENSEN	☒	☐	☐
COMM. RON LURIE MAYOR PRO-TEM	☒	☐	☐
COMM. AL LEVY	☒	☐	☐
COMM. BOB NOLEN	☒	☐	☐

CITY ATTORNEY

GEORGE F. OGILVIE

☒ ☐ ☐

APPROVED BY REFERENCE February 15, 1984

ATTEST:

Carol A. Hanbury
CITY CLERK

William H. Briarech
MAYOR

0001

AGENDA*City of Las Vegas*

November 2, 1983

Page 1

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM	Council Action	Department Action
I. 9:45 A.M.	FULL BOARD PRESENT	
A. <u>COMMUNITY RELATIONS</u>	NONE	
B. <u>SPECIAL EVENTS</u> Mr. Richard Fox, World Champion Town Crier, from Lyme Regis, Dorset, ENGLAND, will be named Honorary Town Crier for the City of Las Vegas.	Mayor Briare and Council declared this day as "Richard Fox, World Champion Town Crier, Day" and named him the Honorary Las Vegas Town Crier in the form of a Proclamation and presented Mr. Fox with Key to the City. Mr. Fox brought greetings from his Mayor to the Mayor and Council and presented the Mayor with an ancient fossil set in silver, a picture of their ~~seaport~~ and invited the Mayor to visit their city.	
II. 10:00 A.M.	Mr. Fox then declared officially that the City Council was in session.	
A. <u>ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW</u>	ANNOUNCEMENT MADE	
B. <u>INVOCATION</u> Reverend J. Kenneth Edwins Reformation Lutheran Church	INVOCATION GIVEN BY REVEREND EDWINS	
C. <u>PLEDGE OF ALLEGIANCE</u>	PLEDGE GIVEN	

APPROVED AGENDA ITEM

Ashley Hall

**THIS MEETING
CONTAINS SOME
PAGE(S) THAT ARE
ILLEGIBLE/POOR
QUALITY**

0002

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)
COUNTY OF CLARK } ss

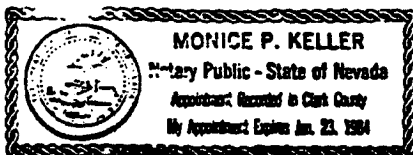
Loretta A. Hall, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 27th day of October, 1983, a copy of an AGENDA (NOTICE), the attached of which is a true and correct copy, of a REGULAR MEETING of the CITY COUNCIL of the CITY OF LAS VEGAS, NEVADA, to be held on the 2nd of November, 1983, was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears in the Agenda Register maintained in the Office of the City Clerk as having requested, in writing, a copy of said AGENDA (NOTICE).

Loretta A. Hall
SIGNATURE (an employee in the Office of
the CITY CLERK)

Subscribed and sworn to before me this

27th day of October, 1983

Monice P. Keller
NOTARY PUBLIC in and for said County
and State.
My Commission expires: 1/23/84



(Posting required under the provisions of NRS CHAPTER 241)

0003

STATE OF NEVADA }
COUNTY OF CLARK } ss

William Bradley

Brenda Poque, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 27th day of October, 1983, at the hour of 9:00 AM there were posted copies of a NOTICE, the attached of which is a true and correct copy, of a REGULAR MEETING of the CITY COUNCIL of the CITY OF LAS VEGAS, NEVADA, to be held on 2ND day NOVEMBER, 1983, at 400 East Stewart Avenue, Las Vegas, Nevada; to be posted on Public Bulletin Board at the following locations:

1. In the United States Post Office (Downtown), 301 Stewart Avenue;
2. In the Federal Building, 300 Las Vegas Boulevard South;
3. In the Clark County Courthouse, 200 East Carson Avenue;
4. On the Public Bulletin Board at the Plaza Level of City Hall, 400 East Stewart Avenue (near the entrance to the Court Clerk's office); and
5. On the Special Public Bulletin Board at the Plaza Level of City Hall, 400 East Stewart Avenue (near the entrance to the City Council Chambers)

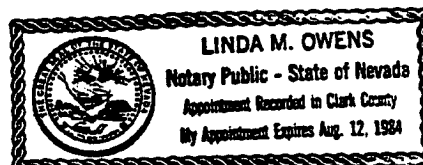
William Bradley
Brenda Poque
SIGNATURE

G. S. 1223
DEPARTMENT

Subscribed and sworn to before me this

27th day of OCTOBER, 1983

Linda M. Owens
NOTARY PUBLIC in and for said County
and State.
My Commission expires: 8-12-84



**SPEARHEAD
INTERNATIONAL**

PUBLIC RELATIONS

0004

TEL 213-652-8831

CABLES: PRINTER

TELEX: 18-1159

October 14, 1983

Donn Blake,
CITY HALL,
400 E. Stewart Ave.,
Las Vegas,
NEVADA 89101

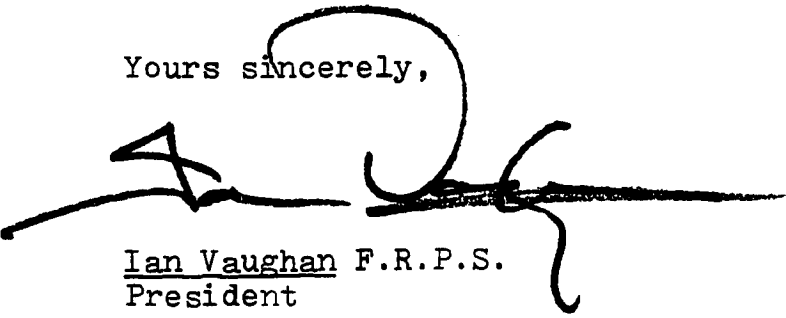
Dear Donn,

Pursuant to our numerous telephone conversations regarding the proposed Las Vegas visit of Town Crier, RICHARD FOX of Lyme Regis, England.

This correspondence serves to confirm our understanding that Richard Fox will attend the ceremonies at CITY HALL, 400 East Stewart Avenue, at 09:45 hours, Wednesday, November 2, 1983. Mr. Fox will meet with Mayor Bill Briare, who will welcome him and extend to him the Freedom of The City, and ask him to officially announce the commencement of the City of Las Vegas Council Meeting that day.

I would like to thank both Mayor Bill Briare and yourself for your prompt and positive response to my original proposal, and look forward to working with your office again in the near future.

Yours sincerely,



Ian Vaughan F.R.P.S.
President

IV/dev

AGENDA ITEM NO. I-B

Fowles' country', coupled with the fact that he once lived in the very house at Undercliff, overlooking Lyme Bay and the Cobb, where 'J.F.' wrote the book and set much of the action must account for so many Americans making the pilgrimage to Lyme and appearing on the doorstep of the 'Volunteer'.

If a prize were to be awarded for the best-dressed publican of the year, Richard Fox deserves to win it, hands down. Attired in a green velour pullover, with colourful cravat, a black leather, silver-buckled belt completed his somewhat swash-buckling appearance, which seemed to me very much in keeping with his dual role of land-lord and town crier. Richard Fox likes to be, and is, a little larger than life! Three times accorded the title of 'World's Best Dressed Town Crier', he isn't a man to shuffle around in carpet slippers.

The Lounge was a cheerful haven in which to sit and talk and had the added virtue of being empty. Photographs of previous Town Criers of Lyme, including one of the present incumbent, 'blown-up' to poster size, bell in hand and obviously in full voice, line the walls of the bar. In the Saloon next door, the hum of voices rose and fell, as Saturday morning drinkers dropped in for a 'swift half'; some pleasant background music played, and the occasional person popped their head round the door of the Lounge, my cassette player acting as a useful bogeyman so that they never stayed.

A natural raconteur, who has steeped himself in the history of Lyme, it was easy to see why, in 1977, when the town found itself without a Town Crier for the first time in 900 years, Richard Fox took on the job to keep the tradition going, encouraged by his wife, Marilyn. But the striking uniform he wears when striding through the town in the summer season is not the 13th century robe with its long



Richard Fox.

CITIZEN OF LYME, MINE HOST, TOWN CRIER

MADELEINE HARVEY interviews

RICHARD FOX

"So you come from the Fowles country," intoned Richard Fox, in a passably good imitation of a mid-Western drawl. My host, who keeps the 17th century 'Volunteer Inn' in Lyme Regis and has the added distinction of being its Town Crier, was illustrating to me how public imagination in America has been caught by 'A French Lieutenant's Woman'. It was, I felt, enough to make Thomas

Hardy turn in his grave. "Nearly every American went to see the film or has read the book," he continued, "so the author is extraordinarily well-known over there."

On his frequent crusades to the U.S.A. and Canada, mainly to promote British tourism, Richard Fox has not been slow to include a special invitation to people to visit Lyme itself. His intimate knowledge of the

sleeves and distinctive red stripe, passed on by his predecessor, which was discovered to be in a poor condition. An experienced dressmaker, Marilyn suggested making him a new one and set about researching on the dress of town criers.

"We realised that in this modern day the town crier has to be a very striking figure in the street, so to attract attention he would need to be dressed in a

fairly flamboyant uniform. Basically we took the uniform of a sea captain of 1750 and made a few modifications, but we've retained the red stripe down the front which is traditional to Lyme Regis."

The office of Town Crier as it affects Lyme Regis can be traced back to that famous Norman, William the Conqueror, who appointed the first one in 1068. The reason was not, alas, to pass on a piece of pleasing cultural heritage—the French have ever been too practical for that—but because the Normans needed someone in each town who would go among the community and tell them of the new laws and taxes which were to be levied. These days our Town Criers usually have more cheerful tidings to tell, but what has come down to us from Norman times is the customary 'O' yez', meaning literally, 'Hear ye', which always precedes any proclamation.

I found Lyme's present Town Crier to be a mine of information about past traditions of the office, and he obviously enjoyed feeding me with some surprising tit-bits about the town's history.

"There has been a continuous chain of Criers here. We have never been



That famous author and citizen of Lyme, John Fowles, who wrote "The French Lieutenant's Woman" in the house where Richard Fox once lived. "The Volunteer" below is not many yards away. (Photographs Dorset Monthly).



without one, which makes the Town Crier older in tradition than the Mayor's office. We didn't get a Mayor until 1284, when the charter for the town was granted by Edward I, and the name 'Regis' didn't arrive until 1285 when Edward gave 40 acres of land to the east of the river to his new queen, Margaret, as his wedding gift to her.

At one time, the Crier was not only the Mayor's right-hand man, says Richard Fox, but his mouth-piece when he wished to communicate with the people of the town. In Lyme Regis he was also charged with maintaining the stocks, which once stood on Bell Cliff, and the finger stocks in the Guild Hall at the Bar of Court, 'where prisoners were held by one finger to avoid any problems with them'.

Wife auctions also fell to the lot of the Town Crier, for it was he who would call for the bidding. Most of us who have read 'The Mayor of Casterbridge' will remember Susan, the wife of Michael Henchard, being sold for five guineas at Weydon Fair, after her husband had consumed several basins of 'furmity'. Campaigners for equal rights for women certainly had something to get their teeth into in those days but, as Richard Fox points out, there were no divorce laws until the 1840's. The common law method of exchanging wives, who were looked upon by the ordinary man as 'goods and chattels', was to bring them haltered like a horse to the market place. The last such auction apparently took place in Lyme around 1840. All of which goes to prove that Town Criers have not always been the jolly fellows we are accustomed to seeing and hear-

Lord Wedgwood—he's a really nice chap—and Gordon Honeycombe, who hopes the Americans will buy his new book.

0007

'I was also the British representative to open the International Festival of Town Criers in Indianapolis, where 38 Criers, in full national costume, paraded into the main exhibition hall—it was a fantastic sight!' Fortunately for international understanding, the tradition of the Town Crier has survived mainly in English-speaking countries, so there were not 38 different versions of that famous cry, 'Oyez!'

From Town Criers the conversation turned to antiques: not an obvious progression perhaps, but then Richard Fox has generally avoided doing the 'obvious' things in life.

As one time owners of a couple of antique shops, Richard and Marilyn inevitably came across that bedroom receptacle beloved of the Victorians, the chamber-pot, and now have a collection—the biggest in this area—which graces the 'Long Bar'. This finally lead to B.B.C. 2 giving them a tinkle quite recently and they have twice been given a 'spot' on 'Collecting Now'. 'They're not really that old', he says of them a trifle defensively, 'but they are interesting objects, especially in a pub'.

It was really thanks to Mr. Brutton, that well-known Victorian brewer of Yeovil, (remember Bruttons Beers?) that Richard Fox came to keep the 'Volunteer', for it was he who converted the two stone-built cottages on Broad Street into a pub, as late as 1850.

When Richard and Marilyn took it over a year ago they took out about two tons of rubble from the fireplace. A single sturdy beam, blackened by generations of smoky fires since the year it was put in—1692—is all that remains. What was once a place of work—the kitchen—is now a place for lounging and lingering over a drink. What could be pleasanter?

A former landlord of the 'Cobb Arms' in Lyme and no stranger to the pub trade, Richard Fox describes how he came to stand behind the bar.

'My father was an architect in Yeovil, but I decided I wasn't attuned to working at a drawing board all day long. After leaving university, I joined the old family firm (of office equipment suppliers) founded by my grandfather, and was with them for five years as an Area Sales Manager.

'Our local pub was the 'Helyar Arms' at East Coker and when in 1965 the landlord retired, Marilyn and I decided to apply for the licence, in which we were successful, and this was how we came into the pub business.'

The hurly-burly life of a publican appealed to his gregarious nature, and with Marilyn backing him up to the hilt, he also threw his energies into organising the East Coker Folk Festi-



'yez-oyez! Come in and have a sherry, dear boy.' Richard Fox bids welcome beneath his inn sign.

ing today, making proclamations about fetes, fairs and festivals. The twice-weekly 'town tours' with the Town Crier of Lyme taking interested visitors on an historical 'walk-about' have become so popular that last year some 1600 people followed this latter-day Pied Piper.

Richard Fox enjoys publicity, particularly when it is for the good of Lyme Regis, so he was pleased when B.B.C. television came to the town last year to shoot a film called, 'A Day out in Lyme Regis', 'which is going round the regions at the moment. At the time they also filmed the 'town tour', and I have been told that about ten minutes of this is shown in the film'.

The Americans, those number one admirers of historic tradition, welcome Richard Fox with open arms on his visits to the States—always in his capacity as Town Crier—to promote British tourism and British products'. A more colourful ambassador would be hard to find.

Messages of goodwill from the Mayor of Lyme, the local Rotary and other organisations in the town, have been ferried from the Eastern seaboard to the mid-West of America, not counting the Southern States and Canada. The warmth of their welcome can be judged by the fact that in six places he has been accorded the 'Freedom of the City' and made an honorary Town Crier.

T.V. chat shows, fifty of them in all (and many more over the radio) have also been high on the agenda, and it seems likely that Americans are now as familiar with the Cobb at Lyme Regis as we 'Brits' are with Florida's Miami Beach!

On his last trip to the States, Richard Fox recalls working with Princess Michael of Kent on a promotion called, 'Doorways to a Great Britain', designed to encourage Americans to 'buy British'. Acting as that charming lady's M.C. on the night of the opening, he also rubbed shoulders with

al. Richard Fox always works on a big canvas, whatever he sets out to do, and proudly claims it to have been 'the biggest Folk Festival to be held in a pub in Great Britain'.

He paused for a moment, leaning back in his chair. Laughter, talk and music filtered through to the Lounge, to be greedily absorbed by my cassette player. (The 'play-back' demonstrated what a noisy bunch we human beings are!) 'Are you a West Country person?' he suddenly wanted to know. As usual, I felt slightly apologetic. 'No, I was born in the Midlands.' 'Oh dear!' he sympathised.

Talking with Richard Fox about the town he and Marilyn have adopted as their home since 1970, it has been difficult to imagine a 'life before Lyme', so I was grateful to him for sketching in his family background and those hectic years at the 'Helyar Arms'.

'When we first came to Lyme we took the 'Cobb Arms' on the Harbour,' he recalls, 'and I joined the Lyme Regis life boat crew.' During the 'seventies', he was to be involved in roughly 200 sea rescues on the Dorset coast, and also became the organiser of Life Boat Week. This rapidly became one of the high spots in Lyme's summer calendar, when such famous aerial display teams as the R.A.F.'s 'Red Arrows', 'Rothmans', and the Army's 'Blue Eagles', were encouraged to come to Lyme and help promote Life Boat Week.

For Richard Fox the most memorable Life Boat Week must surely have been in 1980 when an International Gathering of Town Criers was held in Lyme Regis, attended by a delegation from Bermuda. Truth is often said to be stranger than fiction and such is the case in the piece of history that links the town of Lyme Regis with this coral island in the mid-Atlantic.

'Of course we have tremendous links here with Bermuda; that's a story on its own,' he tells me with relish. 'I went to Bermuda earlier on this year, but I'll tell you the historical bit first.'

'In 1607 the first settlers to be taken to America were landed by Walter Raleigh at Jamestown, Virginia. Two years later when they were being beleaguered by the Indians, Admiral Sir George Summers, who was Mayor of Lyme, was ordered to take seven ships and two pinnaces to Virginia to relieve the settlers. He set sail in 1609 with this small fleet, but in the middle of the Atlantic they were overtaken by a great tempest and the ships became separated. Summers' flag ship, the 300-ton 'Sea Venture', had its back broken and for four days and four nights the men on board pumped to stop the ship from being flooded. But with 10 feet of water flowing through the hold it was all to no avail. Totally exhausted, they battened themselves into the ship and prayed to the Lord to take them because they thought they

were all going to die. And what good fortune! The next day they were thrown up on a reef; somehow George Summers got all 150 people ashore as well as some of the goods from the 'Sea Venture'. By next morning the ship was completely destroyed.



One way of getting the traffic moving.

'What a situation! One hundred and fifty castaways stuck on a desert island and among them the new Governor of Virginia, a chap called Gates.' (A pity this all happened before Roy Plumley's time when there might have been the consolation of a few gramophone records between them!)

'Their main task was to press on to Virginia to help those settlers, so they actually built a new ship out of timber they found on the beach, which they called the 'Deliverance', and was about 80 tons.'

In the midst of this Robinson Crusoe-like story, my host calls out a cheery greeting to a departing customer without losing at all the thread of his story.

'When they came to launch it, they discovered it was too small to carry them all, so they had to resign themselves to building another ship. It took them another year to do this and the second vessel, a 30-tonner, they aptly called the 'Patience'. During

their time on the island, one chap had committed a murder and another had deserted from their group. When the rest of the party finally set sail, these were left behind with the protection of one cannon, two cannon balls and a bucket of gun powder, which had been salvaged from the old 'Sea Venture'.

'The King of Spain eventually heard that the British had landed on the island and he then sent two galleons to squash them, because they were in the line of the gold ships coming from South America to Spain. Once the galleons arrived, the two deserters fired one cannon ball at the Spanish, who said, 'Oh dear! The British are here', and promptly left. So Bermuda was retained for the British by a murderer and a deserter!

'Amazing isn't it?' he demands, pressing on with his story before there's a chance to reply. 'Summers returned to Bermuda in the small ship, the 'Patience', and died there; he was about 54 and for those days he was quite an old man. They buried his heart in Bermuda, but bringing the body back to England on the 'Patience' took them six months. They landed here on the Cobb in 1611 and took Sir George's body to Whitchurch Canonicorum for burial.'

He leans back in his chair, smiling, with the guile of the story teller who has something more to divulge, but wild horses won't drag it out of him until the right moment. I compliment him on his sense of recall, and he tells me that this story is always included in his twice-weekly 'Town Tour' of Lyme Regis. His travels, particularly to America and Canada, have convinced him that it is largely due to Britain's 'vast storehouse of history and colourful tradition that we maintain our role as world leaders'. A formal statement for such an apparently informal person to make, but there's a seriousness underlying the banter.

To add to his personal interest in the Bermuda story, he went on to tell me of his invitation this year to visit the island, when he was the first official visitor from Lyme Regis since Sir George Summers landed there in 1609. Bearing with him a picture of the Cobb at Lyme, a present from the Mayor, which now hangs in Government House, Bermuda, Richard Fox was entertained by the Governor and also met the Prime Minister. A second permanent reminder of the island's historic links with Lyme Regis is taking shape in the form of a statue to Sir George Summers to be erected in St. George's, Bermuda. The two celebrities invited to the unveiling ceremony taking place next year are, of course, none other than the Mayor of Lyme and his intrepid Town Crier.

Bermuda may be the winter playground of Americans but, thanks to the colourful Town Crier of Lyme Regis, in summer they'll be here. ●

AGENDA*City of Las Vegas*

November 2, 1983

Page 2

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITYJERRY J. CAHILL, DIRECTOR*CONSENT AGENDA

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

10:11

*A. GAMING -- Additional

1. HOTEL NEVADA CORPORATION

Hotel Nevada & Casino
235 South Main Street
1 Wheel of Fortune
2 "21" Tables

2. CASINO COIN COMPANY

Lady Luck Casino
206 North Third Street
4 slots

3. CASINO ELECTRONICS, INC.

Chopsticks Restaurant
827 Las Vegas Blvd South
1 slot

4. J. J. PARKER COMPANY

Blue Heaven Cocktail Lounge
2025 East Charleston
1 slot

Lurie -
APPROVED Items 1
thru 5.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

AGENDA*City of Las Vegas*

November 2, 1983

Page 3

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

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

5. UNITED COIN MACHINE COMPANY

Ruben Bullock's Westside Story
901 West Owens
1 slot

Dan & Ray's Bar
18 East Garces
1 slot

Duffy's Tavern
4420 East Charleston
1 slot

J & D Handi Mart
1212 South Main
2 slots

New Town Tavern
600 Jackson
1 slot

Nice Place
3021 East Charleston
1 slot

7-Eleven Food Store #19103
2385 North Decatur
1 slot

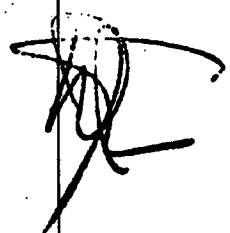
7-Eleven Food Store #22293
1592 North Eastern
1 slot

7-Eleven Food Store #22579
3051 East Charleston
1 slot

APPROVED
See Page 2

Staff to proceed

APPROVED AGENDA ITEM



0011

AGENDA*City of Las Vegas*

November 2, 1983

Page 4

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)B. LIQUOR -- Change of Ownership

1. From: Floyd R. Johnson, 100%

TO: WILLIAM J. BOYCE
dba
HI-VIEW MARKET
2029 North "H" Street

Beer/Wine Off-Sale

William Jaye Boyce,
100%Lurie -
APPROVED
Unanimous

Staff to proceed

C. LIQUOR -- Change of Ownership/
Change of Location/Change of
Business Name1. From: Bruce's Liquors
2027 North "H" Street

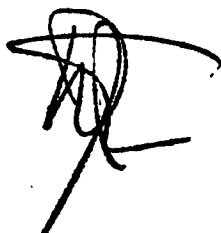
Lovell Johnson, 100%

TO: WILLIAM J. BOYCE
dba
HI-VIEW PACKAGE LIQUOR
2029 North "H" Street

General On-Off Sale

William Jaye Boyce,
100%Lurie -
APPROVED
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

AGENDA*City of Las Vegas*

0012

November 2, 1983

Page 5

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

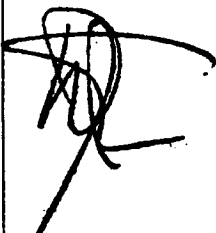
Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

10:12	D. <u>LIQUOR -- Approval of Franchise Managers</u> 1. SOUTHLAND CORPORATION dba 7-ELEVEN FOOD STORE #20687 1600 North Rancho Beer/Wine Off-Sale License Franchise Managers: Patrick C. and Lianne K. Cowan, 100%, jointly as husband and wife	Lurie - APPROVED Unanimous	Staff to proceed
	E. <u>FIREARMS PERMIT -- Change of Business Name</u> 1. From: Van's Builders TO: VAN'S BUILDERS SUPPLY, INC. dba DISCOUNT LUMBER 1422 Western Street Robert W. Van Norman, Pres Gwendolyn Van Norman, Secy, Treas	Lurie - APPROVED Unanimous	Staff to proceed

APPROVED AGENDA ITEM



0018

November 2, 1983

Page 6

AGENDA*City of Las Vegas*

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

10:12 F. SPECIAL EVENT LIQUOR LICENSES
1. NEVADA LIQUOR & WINE, LTD.

Locations:

Albertson's
3600 West Sahara
120 South Rainbow
840 North Decatur
1570 North Eastern

Galleria Liquor Barn
2160 West Charleston

Gary's Discount Liquor
1006 East Charleston

Safeway #301
3535 West Sahara

Sav-On
4600 Meadows Lane
562 North Eastern

Skaggs
3550 West Sahara
1798 East Charleston

Thriftmart
4725 West Charleston
2200 West Bonanza
1800 East Charleston

Von's
4440 East Charleston
390 South Decatur
6000 West Cheyenne

Dates: November 4, 11, 18,
and December 2, 9,
and 16, 1983

Responsible Licensee:
Nevada Liquor & Wine, Ltd.

Lurie -
APPROVED Items 1
and 2.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

0014

November 2, 1983

Page 7

AGENDA*City of Las Vegas*

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM	Council Action	Department Action
<u>III. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
F. <u>SPECIAL EVENT LIQUOR LICENSES</u> (cont'd) 2. LAS VEGAS COMMUNITY THEATRE Location: 821 Las Vegas Boulevard North Dates: November 5 and 12, 1983 Responsible Licensee: Al Garbain California Hotel & Casino	APPROVED See Page 6	Staff to proceed
G. <u>LIQUOR -- Request for Approval of Nonoperational Status</u> 1. MARGI KIDD dba MARGI'S FIESTA 1610 East Charleston General On-Sale License Margi Kidd, 100% (Nonoperational status for period 2/15/83 to 5/15/83 approved 2/02/83. Nonoperational status for period 5/15/83 to 8/15/83 approved 5/04/83. Nonoperational status for period 8/15/83 to 11/15/83 approved 8/03/83. Request for approval of extension for last three-month period: 11/15/83 to 2/15/84.*) *Note: License must be activated prior to midnight 2/14/84.	Lurie - APPROVED Unanimous	Staff to proceed

APPROVED AGENDA ITEM

AGENDA DOCUMENTATION

0015

Date: October 21, 1983

TO: The City Council

FROM: RICHARD CAMPBELL, ACTING
DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- NOVEMBER 2, 1983 CITY COUNCIL AGENDA
LIQUOR -- Request for Approval of Nonoperational Status

PURPOSE/BACKGROUND

Item, "G", 1.

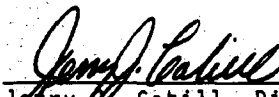
Request for approval on nonoperational status on liquor license
as follows:

1. Margi Kidd, 100%, dba Margi's Fiesta

Copy of letter dated October 20, 1983 from Charles M. Damus,
Counsel for licensee is attached.

FISCAL IMPACT

RECOMMENDATIONS


Jerry M. Cahill, Director
Department of Business Activity

Agenda Item

III G 1

Charles M. Damus, Esq. A PROFESSIONAL LAW CORPORATION

October 20, 1983

Mayor Bill Briare
-and-
Board of City Commissioners
City of Las Vegas
400 East Stewart
Las Vegas, NV 89101

RE: Margi's Fiesta
1610 East Charleston Blvd.
Las Vegas, Nevada
General On-Sale License
License No. L04-030-4-00216

REQUEST FOR EXTENTION OF INACTIVE STATUS

Honorable Mayor and Board of City Commissioners:

Pursuant to the letter from Jerry J. Cahill, Director of the Department of Business Activity, dated August 17, 1983, request is hereby made for an extension of the non-operational status of the above-referenced licensee for an additional period of ninety (90) days.

The licensee has diligently continued to relocate and negotiate a new lease with various landlords.

It is believed that the extention requested from November 15, 1983, to February 15, 1984, will assure the licensee time to negotiate a lease at a location acceptable to the Board, or a sale of the license.

0017

Mayor Bill Briare
-and-
Board of City Commissioners
City of Las Vegas
October 20, 1983
Page Two

It is requested that you place this request on the agenda
for the regular Commission meeting scheduled for November 2,
1983.

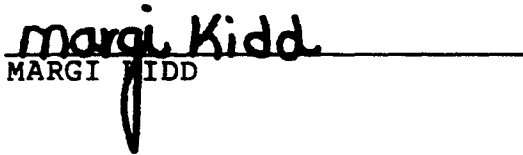
Very truly yours,



CHARLES M. DAMUS, ESQ.

CMD/psb

APPROVED:


MARGI KIDD

0010

AGENDA*City of Las Vegas*

November 2, 1983

Page 8

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)10:13 H.
AM SessionCOMMUNICATION ITEM

1. Request from Muscular Dystrophy Association for a waiver from the requirement of licensing as a rock concert as provided under Las Vegas Municipal Code 6.73.050

WITHDRAWN BY
APPLICANT

Applicant to submit new application when Cashman Field is prepared for rock concert.

Christopher Murray
District Director
of MDA, appeared.15:12
PM SessionABEYANCE ITEM -- Tabled 10/19/83

10:27

I. SECONDHAND DEALERS LICENSE AND
FIREARMS PERMIT -- New

1. PAUL LEONARDO
dba
LEONARDO INTERNATIONAL
3909 West Sahara, #5

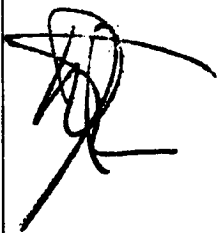
Class III-C

Paul Vincent Leonardo, 100%

Lurie -
APPROVED
Unanimous

Staff to proceed

APPROVED AGENDA ITEM



City of Las Vegas

AGENDA DOCUMENTATION

0019

Date: October 21, 1983

TO: The City Council

FROM: RICHARD L. CAMPBELL, ACTING
DEPUTY CITY MANAGERSUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- NOVEMBER 2, 1983 CITY COUNCIL AGENDA
COMMUNICATION ITEMPURPOSE/BACKGROUND

The Muscular Dystrophy Association has made application with the Department of Business Activity for a charitable solicitations permit to sell tickets at \$5 each to a music festival to be held on Saturday, December 3, at Cashman Field. The festival will take place in the afternoon between 2 - 6 p.m., and will feature six "rock" bands.

The rock concert ordinance under LVMC 6.73.050 provides for an exemption from the licensing requirements as follows:

"The requirement for a license or permit as herein provided may be waived by the Board (City Council) for a recognized charitable, educational or governmental organization when it appears to the satisfaction of the Board that the anticipated crowd is relatively small in number, that the event will be properly supervised and the facilities are suitable."

Attached is a copy of a letter dated October 17 from Christopher Murray, Program Coordinator for MDA, outlining this request. Mr. Murray has stated that the anticipated crowd expected will be 3-5,000 persons, and that security will be handled by the Henderson Constables.


Jerry P. Cahill, Director
Department of Business Activity

FISCAL IMPACTRECOMMENDATIONS

Agenda Item

III H 1



MUSCULAR DYSTROPHY ASSOCIATION
Fighting 40 Neuromuscular Diseases

Active Member, National Health Council

JERRY LEWIS
 National Chairman
 S. MOUCHLY SMALL, M.D.
 President
 SYLVESTER L. WEAVER, JR.
 Chairman, Executive Committee
 HENRY M. WATTS, JR.
 Vice Chairman,
 Executive Committee
 STEWART G. WOLF, JR., M.D.
 Chairman,
 Scientific Advisory Committee
 LEON I. CHARASH, M.D.
 Chairman,
 Medical Advisory Committee
 ROBERT ROSS
 Vice-President and
 Executive Director

Board of Directors 0020
 EDWARD W. BARRETT
 ROBERT M. BENNETT
 LOUIS R. BENZAK
 MICHAEL E. DeBAKEY, M.D.
 THOMAS R. DONAHUE
 JOHN A. GANNON
 JOHN J. GARDNER
 ALVIN HANPEL
 JACK HARRIS
 MRS. JOHN T. MASTERS
 FREDERICK O'NEAL
 ROBERT G. SAMPSON
 GEORGE J. SIMKO
 S. MOUCHLY SMALL, M.D.
 HENRY M. WATTS, JR.
 SYLVESTER L. WEAVER, JR.
 MRS. JOHN C. WEST

Please Reply To: 1785 EAST SAHARA AVENUE, SUITE 480, LAS VEGAS, NEVADA 89104, (702) 737-3103

October 17, 1983

Las Vegas City Counsel
 c/o Dept. of Business Activity
 P.O. Box 1900
 Las Vegas, NV 89125

Dear Friends,

The Muscular Dystrophy Association is planning a music festival be held at the Cashman Field Center on December 3, 1983. The bands scheduled to perform will be considered "rock" bands and therefore I am requesting an exemption from rock concert licensing requirements pursuant to Las Vegas Municipal Code 6.73.050.

All proceeds from this fund raising event will go to the Muscular Dystrophy Association for the ongoing worldwide fight against muscle disease and for patient care.

The anticipated crowd will be 3000 to 5000 persons, one half the capacity of the Cashman Field Center. Security will be handled by Lou Calliendo and the Henderson constables. The music festival will be held in the afternoon and no alcoholic beverages will be sold to insure that no problems arise.

Not only can this fund raising event raise thousands of dollars for the Muscular Dystrophy Association, it also gives local talent a great opportunity since only local bands will be asked to perform.

If you have any further questions please feel free to contact me at the local MDA office, 737-3103. Thanks for caring.

Sincerely,

Christopher Murray, MDA
 Program Coordinator
 Southern Nevada

CM:lc

YOUR HELP IS THEIR HOPE

NATIONAL OFFICE: 810 SEVENTH AVENUE, NEW YORK, N. Y. 10019 212 586-0808

MDA sponsors basic and applied research into neuromuscular disorders, including the muscular dystrophies; the myosites; Friedreich's ataxia, amyotrophic lateral sclerosis (ALS) and other spinal muscular atrophies; and myasthenia gravis, and provides services to those afflicted by these diseases.

0021

AGENDA*City of Las Vegas*

November 2, 1983

Page 9

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

IV(a) ADMINISTRATIVE AGENDA
DON J. SAYLOR, ACTING CITY MANAGER

No Agenda Items for this meeting.

10:28 Christensen directs staff to request reimbursement from State as a result of additional cost to the City caused by the Governor's declaration of the day after Thanksgiving a legal holiday. Copy of the correspondence to also be provided State Interim Finance Committee.

10:30 Christensen directs Acting City Manager Saylor to place on 11/16/83 Agenda the matter of the selection process for the hiring of a new City Manager which would bypass the Department Head Committee originally slated to reduce the top 25 candidates to 15 for submittal to Citizens Committee.

AGENDA*City of Las Vegas*

November 2, 1983

Page 10

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

IV(b) DEPARTMENT OF FINANCIAL MANAGEMENT
MARVIN A. LEAVITT, CPA, DIRECTOR*CONSENT AGENDA

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

10:28

A. SERVICE AND MATERIAL WARRANTS/PAYROLL
WARRANTS/OTHER WARRANTS AND INVESTMENTS

1. Service and Material Warrants
In the amount of \$1,190,298.22
2. Payroll Warrants
In the amount of \$615,883.49
3. Other Warrants and Investments
In the amount of \$140,071.84

Lurie -
APPROVED Items 1
thru 3.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

Ashley Hall

[illegible]

NO.	THRU	AMT.	DESCRIPTION
122387	123731	\$ 615,883.49	PP/E oct. 22, 1983

AGENDA*City of Las Vegas*

0024

November 2, 1983

Page 11

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL
& EMPLOYEE RELATIONS

MICHAEL P. COOL, DIRECTOR

AUTHORIZATION TO FILL BUDGETED
VACANCIES - CRITICAL HIRES - CITY
FUNDED - FULL TIME

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
Fire Services Firefighter (Replacement of one vacant and budgeted position)	\$1408.	To maintain full minimum manning requirements at all City stations
GS/Facilities Support Custodian (Replacement of two vacant and budgeted positions)	\$1077.	Responsible for the custodial maintenance of assigned areas in City Hall complex
Detention & Correctional Services Management Analyst I (Replacement of one vacant and budgeted position)	\$ 833.	Keeps department- al policies and procedures cur- rent to prevent serious errors and costly lit- igation; main- tains records as required to assure that accreditation of the facility is not jeopardized
PS/Animal Care & Control Kennel Attendant (Replacement of one vacant and budgeted position)	\$1077.	Responsible for the care and feeding of animals and maintenance of the facility

Lurie -
APPROVED
Unanimous

Staff to proceed

Mike Cool,
Director, Dept.
of Personnel &
Employee Relation
appeared.(Levy requested staff to pursue
the possibility of adjusting
personnel rather than hiring
new employees. He was especially
concerned with ensuring Municipal
Court had sufficient employees to
collect revenues.)

APPROVED AGENDA ITEM

Ashley Hall

10:38

AGENDA*City of Las Vegas*

0025

November 2, 1983

Page 12

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL
& EMPLOYEE RELATIONS

MICHAEL P. COOL, DIRECTOR

(Continued)

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
Management Information Services Systems Designer (Replacement of one vacant and budgeted position)	\$1250.	Responsible for designing programs and ensuring optimum use of the computer system
R&LA/Parks Maintenance Laborer (Replacement of three vacant and budgeted positions)	\$1132.	Serves as a member of a crew responsible for maintenance of City parks
Community Planning & Development Planning Assistant (Replacement of one vacant and budgeted position)	\$1312.	Provides information to the public on zoning matters; reviews building permits and business licenses for conformance to zoning ordinances; handles other projects as needed
Management Information Services Programmer (Replacement of one vacant and budgeted position)	\$1522.	Assists in the planning and development of complex programs for major projects to be processed by a computer

APPROVED
See Page 11

Staff to proceed

APPROVED AGENDA ITEM

Ashley Hall

AGENDA

CITY COUNCIL MINUTES - NOVEMBER 2, 1983

City of Las Vegas

November 2, 1983

0026

Page 13

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL
& EMPLOYEE RELATIONS

MICHAEL P. COOL, DIRECTOR

(Continued)

<u>Dept/Class</u>	<u>Monthly Salary</u>	<u>Justification</u>
R&LA/Cultural Services Junior Cultural Program Assistant (Replacement of one vacant and budgeted position)	\$1132.	Responsible for organizing, coordinating, and conducting a variety of cultural activities
Sr. Citizens- Sr. Citizen Program Assistant II (Create position)	\$ 953.	Responsible for room set-up, maintenance, and security of the Sr. Citizens Center during evening hour activities. To be supported through funds generated by the Sr. Citizens Center
Sr. Citizens Staff Secretary (Create position)	\$ 737.	Provides clerical assistance to the Social Worker, directs callers to appropriate community agencies, and provides information regarding social services available. Funding for this position is through a State grant

APPROVED
See Page 11

Staff to proceed

APPROVED AGENDA ITEM

Ashley Hall

City of Las Vegas

AGENDA DOCUMENTATION

0027

Date: October 26, 1983

TO:
The City CouncilFROM:
ASHLEY HALL
DEPUTY CITY MANAGERSUBJECT:
DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS - AUTHORIZATION TO FILL BUDGETED VACANCIESPURPOSE/BACKGROUND

The following is submitted under Agenda Item IV. (c)

Firefighter - replacement of one vacant and budgeted position.

Custodian - replacement of two vacant and budgeted positions.

Management Analyst I - replacement of one vacant and budgeted position.

Kennel Attendant - replacement of one vacant and budgeted position.

Systems Designer - replacement of one vacant and budgeted position.

Maintenance Laborer - replacement of three vacant and budgeted positions.

Planning Assistant - replacement of one vacant and budgeted position.

Programmer - replacement of one vacant and budgeted position.

Junior Cultural Program Assistant - replacement of one vacant and budgeted position.

Sr. Citizen Program Assistant II - create position.

Staff Secretary - create position.

FISCAL IMPACT

All of the above positions except the Sr. Citizen Program Assistant II and the Staff Secretary are included in the 1983-'84 budgets of the requesting departments and are critical hires to support ongoing programs. There are no additional non-budgeted expenses associated with any of the positions; the two Senior Citizen positions will not take any City funds since one is grant funded and one will be supported by the funds generated by the evening fees.

RECOMMENDATIONS

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

RECOMMENDED *MD Cool*
Michael P. Cool, Director
Personnel & Employee Relations

Agenda Item

IV. (c)

November 2, 1983

Page 14

AGENDA*City of Las Vegas*

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

IV.(c) DEPARTMENT OF PERSONNEL AND
EMPLOYEE RELATIONS cont.

MICHAEL P. COOL, DIRECTOR

B. RECOGNITION OF THE LAS VEGAS POLICE
PROTECTIVE ASSOCIATION METRO, INC.
AS THE BARGAINING AGENT FOR CERTAIN
EMPLOYEES OF THE DETENTION AND
CORRECTIONAL SERVICES DEPARTMENT.

Lurie -
APPROVED PPA to be
recognized effective
1/1/84.
Unanimous

Staff to proceed
Mike Cool, Director
Dept. of Personnel
& Employee Relations,
appeared.

O. C. Lee, Pres.,
PPA, appeared.

APPROVED AGENDA ITEM

Ashley Hall

City of Las Vegas

0029

Date: October 26, 1983

AGENDA DOCUMENTATION

TO: The City Council

FROM: MICHAEL P. COOL, DIRECTOR
PERSONNEL & EMPLOYEE RELATIONS
*M. Cool*SUBJECT: RECOGNITION OF THE LAS VEGAS POLICE PROTECTIVE ASSOCIATION, METRO, INC., AS THE
BARGAINING UNIT FOR CERTAIN EMPLOYEES OF THE DETENTION & CORRECTIONAL SERVICES
DEPARTMENTPURPOSE/BACKGROUND

Nevada Revised Statute 288.160 (2) states, "If an employee organization, at or after the time of its application for recognition, presents a verified membership list showing that it represents a majority of the employees in a bargaining unit, and if the employee organization is recognized by the local government employer, it shall be the exclusive bargaining agent of the local government employees in that bargaining unit."

The Las Vegas Police Protective Association, Metro, Inc. (PPA) has abided by all the provisions of NRS 288.160 and has requested the City to recognize them as the bargaining representative of the Detention Specialists at the City jail. The PPA has submitted signed interest cards from 70% of the affected employees (26 out of 37) which more than meets the majority requirement.

The Las Vegas Police Protective Association already represents the City's Court Marshal employees, and the Detention Specialists at the City jail seem more appropriately in their bargaining group.

FISCAL IMPACT

None.

RECOMMENDATIONS

Since the Las Vegas Police Protective Association has abided by Nevada Revised Statutes and has received a request by a majority of the City's Detention Specialists for representation, it is recommended that the PPA be recognized as the exclusive bargaining agent of the Detention Specialist positions, effective January 1, 1984.

Agenda Item

IV. (c) B

November 2, 1983

Page 15

AGENDA*City of Las Vegas*

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

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

- 10:43
- A. DISCUSSION AND POSSIBLE ACTION ON A SALE
AND PURCHASE AGREEMENT TO ACQUIRE A 30,000
SQUARE FOOT PORTION OF THE NUCLEUS PLAZA
FOR THE PURPOSE OF AN INDUSTRIAL COMPLEX
PROJECT

Nolen -
APPROVED as recom-
mended by staff.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

Ashley Hall

AGENDA DOCUMENTATION

0031

Date: October 21, 1983

TO: The City Council

FROM: ASHLEY HALL
DEPUTY CITY MANAGER

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON A SALE AND PURCHASE AGREEMENT TO ACQUIRE A 30,000 SQUARE FOOT PORTION OF THE NUCLEUS PLAZA FOR THE PURPOSE OF AN INDUSTRIAL COMPLEX PROJECT

PURPOSE/BACKGROUND

At the December 1, 1982 City Commission meeting, a Resolution authorizing the submission of an application to the U. S. Department of Commerce, Economic Development Administration for assistance under Title I Local Public Works Program was approved. The purpose of this application included acquisition and renovation of a 30,000 square foot portion of the Nucleus Plaza Shopping Center for use as an Industrial Complex. On December 16, 1982, the City of Las Vegas Planning Commission approved a use permit, thus allowing light manufacturing to take place at Nucleus Plaza.

On April 29, 1983, the City Commission approved a Resolution authorizing the submission of an application for Community Development Block Grant funds to be submitted to the U. S. Department of Housing and Urban Development. On May 4 and 18, public hearings were held before the City Commission to consider the recommendations of the Citizens Advisory Review Board for the Ninth Year Program, as well as Community Development Jobs Bill funds. During these hearings it was recommended that a portion of the Jobs Bill funds also be used for the purpose of acquiring and developing a light industrial complex at Nucleus Plaza. On May 26, 1983, a recessed City Commission meeting was held; at that time, approval was given to include an Industrial Complex Project as part of the City's Ninth Year Community Development Block Grant Program.

On July 1, 1983, the City was notified by HUD that its Community Development application had been approved and, on September 28, 1983, the City was notified that its application to the Economic Development Administration for Title I funding was also approved. Therefore, the federal dollars are on hand to commence the Industrial Complex Project. Three manufacturing companies have expressed an interest in locating their operation in Nucleus Plaza once the complex is completed.

Approval of the sale and Purchase Agreement would allow the project to commence.

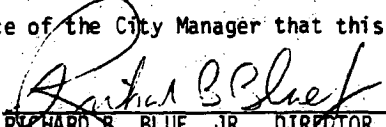
FISCAL IMPACT

No City dollars involved. Project financed through HUD/CDBG and EDA funds:

HUD/CDBG	\$ 415,000.00
EDA Title I	895,000.00
	<u>\$1,310,000.00</u>

RECOMMENDATIONS

It is the recommendation of the Office of the City Manager that this Agreement be approved.


RICHARD B. BLUE, JR., DIRECTOR
DEPARTMENT OF FUNDS COORDINATION

Agenda Item

IV. (d) A.

1 SALE AND PURCHASE AGREEMENT

2
3 THIS AGREEMENT, made and entered into on this 2nd
4 day of November, 1983, by and between NUCLEUS PLAZA, INC.,
5 a Nevada corporation (hereinafter referred to as "SELLER") and
6 the CITY OF LAS VEGAS, a municipal corporation of the State of
7 Nevada (hereinafter referred to as "PURCHASER");

8
9 W I T N E S S E T H:

10 WHEREAS, SELLER is the owner of the real property
11 and improvements thereon, consisting of a shopping center
12 commonly known as "Nucleus Plaza," situated within the City of
13 Las Vegas, County of Clark, State of Nevada; and

14 WHEREAS, PURCHASER, concerned with the overall economic
15 development of the community, desires to bring new businesses and
16 industries into the area for the benefit of the residents of the
17 City of Las Vegas, Nevada; and

18 WHEREAS, PURCHASER desires to acquire a portion of
19 the Nucleus Plaza Shopping Center which will be subsequently
20 leased to a light industrial tenant as part of an effort to
21 contribute to the economic development of the community; and

22 WHEREAS, PURCHASER and SELLER after various negotia-
23 tions concerning the sale and purchase of a portion of the afore-
24 mentioned shopping center, hereinafter more fully described
25 herein, have agreed to the purchase price and other terms and
26 conditions as hereinafter set forth.

27 NOW, THEREFORE, in consideration of the premises
28 and of the covenants, terms and conditions set forth below,
29 the parties agree to the following:

30 SECTION ONE

31 COVENANT OF CONVEYANCE

32 SELLER agrees to convey to the PURCHASER, in considera-

1 tion of the payment of the purchase price set forth in Section
2 Three, a good and marketable title, in fee simple absolute,
3 free and clear of all mortgages, liens or other encumbrances,
4 the real property and structure situated thereon, legally
5 described as follows:

6 Lot 2 of that Parcel Map recorded on
7 October 10, 1983 at page 60, file 41
8 of the public record for Parcel Maps,
9 Clark County Recorder's Office.

10 A diagram of the subject property is indicated on Exhibit "A"
11 attached hereto and by this reference incorporated herein as
12 a part of this Agreement.

13 SECTION TWO

14 TITLE INSURANCE

15 Title as herein required shall be evidenced and assured
16 by a standard form policy of title insurance issued by a title
17 company acceptable to and approved by the PURCHASER. Such policy
18 shall be issued as of date of the closing of escrow, shall be in
19 an amount of the purchase price, and shall insure the PURCHASER
20 of the SELLER'S good and merchantable title in the real property
21 and improvements above described.

22 SECTION THREE

23 PURCHASE PRICE

24 It is agreed by the parties hereto that the purchase
25 price for the property shall be in the following amount:

26 Three Hundred Fifty Thousand and 00/100 Dollars
27 (\$350,000.00).

28 PURCHASER agrees to deposit in cash the entire purchase price
29 into escrow on or before the close of escrow.

30 SECTION FOUR

31 CONDITIONS OF PURCHASE AND

32 RIGHT OF TERMINATION

1. It is understood and agreed by the parties hereto that

1 the effectiveness of this Agreement and the close of
2 escrow are conditioned upon occurrence of the following:

- 3 (a) The granting of the PURCHASER'S application to the
4 United States Department of Commerce, Economic
5 Development Administration for funds to acquire,
6 renovate and improve the property to be conveyed
7 herein in the amount of ONE MILLION TWO HUNDRED
8 THOUSAND DOLLARS (\$1,200,000), or a portion thereof
9 so long as the granted portion is, in the PURCHASER'S
10 sole and absolute determination, sufficient in
11 amount to proceed with the acquisition, renovation
12 and improvement of the property, and
13 (b) The execution of a lease, or other document acceptable
14 to the PURCHASER, for the property by a tenant
15 acceptable to the PURCHASER.

- 16 2. In the event that either one of these two conditions fails
17 to occur, the PURCHASER shall have the right to terminate
18 this Agreement upon written notification of the SELLER.
19 Payment of all costs incurred as of the effective date of
20 termination shall be in accordance with SECTION SIX of
21 this Agreement.
22 3. In addition to the right to terminate this Agreement if
23 either of the aforementioned conditions under Paragraph 1 fail
24 to occur, the PURCHASER shall have the right to terminate
25 this Agreement for whatever reason prior to the close of
26 escrow upon notification of the SELLER in writing.
27 Termination of this Agreement, whether it results from
28 the failure of either of the aforementioned conditions
29 or from the exercise by the PURCHASER of its general
30 right to terminate as in this paragraph 3 provided, shall
31 occur as of the postmarked date of the mailing of the
32 written notice, or in the event of personal delivery,

1 then as of the date of receipt by the SELLER of the
2 notification, and shall entitle the PURCHASER to the
3 return by the Escrow Holder of any money deposited in
4 escrow toward the purchase price, together with any other
5 monies or documents deposited by it in escrow. Upon such
6 termination, SELLER shall likewise be entitled to the
7 return of all documents deposited by it in escrow.

- 8 4. SELLER agrees to deliver possession of the premises as of
9 (close of escrow). Removal and relocation of any
10 and all tenants occupying any portion of the real property
11 and improvements conveyed herein are the sole responsibility
12 of the SELLER.

13 SECTION SIX

14 APPORTIONMENT OF COSTS

- 15 1. The following costs shall be borne equally by the parties:
16 Appraisal fees, recording fees, escrow fees, notarial
17 fees and the costs associated with the drawing of a
18 parcel map.
19 2. The following costs shall be prorated between the parties
20 as of the date of the closing of escrow: Taxes and
21 insurance.

22 SECTION SEVEN

23 RISK OF LOSS

- 24 1. Risk of loss or damage to property by fire, storm,
25 burglary, vandalism or other casualty between the date of
26 this Agreement and the closing date of escrow shall be
27 the responsibility of the SELLER. Any loss or damage to
28 the property during the period shall give rise to the
29 option of the PURCHASER to either (i) proceed with the
30 performance of this Agreement so long as the SELLER
31 repairs the loss or damage within a reasonable time to
32 the satisfaction of the PURCHASER in which event the close

- 1 of escrow shall be postponed until the completion of such
2 repairs, (ii) require the SELLER to make an adjustment in
3 the purchase price to allow the PURCHASER to repair the
4 loss or damage, (iii) demand that the SELLER assign to
5 the escrow holder, for the benefit of the PURCHASER,
6 all rights to the proceeds from the insurance on the
7 property for the repair of the property and require that
8 the SELLER remain responsible, as part of that assignment,
9 for the payment of any deductible under said insurance
10 in which event the close of escrow shall be postponed
11 until all such proceeds, together with the deductible,
12 have been received by the escrow holder, or (iv) terminate
13 this Agreement. Notification of the SELLER of which
14 option the PURCHASER has elected to proceed with shall
15 be in writing on or before sixty (60) days after the
16 PURCHASER has been notified in writing by the SELLER of
17 the occurrence of the loss or damage.
- 18 2. In the event that the PURCHASER elects to terminate this
19 Agreement, then all costs incurred as of the effective
20 date of the termination shall be shared equally by the
21 parties and the termination shall be effective in accordance
22 with paragraph 3 of SECTION FOUR above.
- 23 3. The SELLER agrees to obtain, if not already in effect,
24 insurance covering loss or damage to the property to the
25 full amount of the appraised value thereof and to maintain
26 said insurance until the closing date of escrow. If the
27 insurance which is provided by the SELLER pursuant to this
28 paragraph 3 is under a policy of insurance which applies
29 to the entire Nucleus Plaza shopping center, the PURCHASER
30 shall have the option, subsequent to the close of escrow,
31 either to continue the coverage of said insurance by
32 paying to the SELLER, as premiums on the over-all policy

1 become due, a prorated portion of those premiums, and in
2 that event the PURCHASER shall be named as a coinsured
3 party under said insurance, or to procure its own insurance
4 upon the property.

5 SECTION EIGHT

6 ESCROW

- 7 1. Subsequent to the execution of this Agreement the PURCHASER
8 and SELLER agree to open an escrow with the following
9 escrow company, to wit:
- 10 2. Escrow instructions, as the escrow holder may require,
11 not inconsistent with the provisions of this Agreement,
12 shall be signed and filed by the parties. Escrow shall
13 close when (i) the escrow company is in a position to
14 record all documents necessary under this Agreement to
15 transfer title, make all disbursements provided for
16 herein, and to issue or secure the title insurance policy
17 which is required pursuant to SECTION TWO above, (ii) the
18 conditions set forth under SECTION FOUR have been
19 satisfied, and (iii) all other terms and conditions of
20 this Agreement have been performed by the parties.
- 21 3. SELLER shall deposit with the escrow holder any and all
22 documents or instruments necessary for the completion of
23 the sale in accordance with the provisions of this Agreement.
- 24 4. PURCHASER shall deposit with the escrow holder the
25 purchase price required under SECTION THREE.

26 SECTION NINE

27 SECURITY AND MAINTENANCE

28 It is understood and agreed by the parties that the
29 PURCHASER assumes all responsibility for the security and
30 maintenance of the purchased property subsequent to the close
31 of escrow. However, the SELLER and PURCHASER subsequent to
32 the close of escrow may enter into such security and mainte-

1 nance agreement(s) with each other as may be agreed to between
2 the parties.

3 SECTION TEN

4 RIGHT OF INGRESS AND EGRESS

5 Although the walking and parking areas located on the
6 property of the SELLER and the property to be acquired by the
7 PURCHASER are held and used primarily for the benefit of the
8 respective SELLER and PURCHASER, their invitees, guests, employees,
9 agents or other parties associated with them, nevertheless, it is
10 the intent of the SELLER and PURCHASER that the right of ingress
11 and egress, as well as the use and enjoyment of the walking and
12 parking areas located on the SELLER'S and PURCHASER'S property,
13 be reciprocally given and conveyed to the other party for the
14 benefit of the other party's invitees, guests, employees, agents
15 or other persons associated with the property owner subject to
16 the limitations hereinafter stated. In accordance with this
17 intent, the SELLER and PURCHASER grant unto the other an easement
18 of ingress and egress across their respective properties, as well
19 as the right to use and enjoy said areas for walking and parking
20 purposes, subject to the following conditions:

- 21 (i) That said use and enjoyment of the granted easement shall
22 be subordinate to, and shall not interfere with, the
23 need of the PURCHASER to provide parking for its
24 employees;
- 25 (ii) The responsibility for the repair and maintenance
26 of the walking and parking areas shall remain with
27 the property owner; and
- 28 (iii) Except for the walking and parking area located to the
29 rear of the PURCHASER'S property, no fence which divides,
30 secures, remodels or restructures the walking and parking
31 areas which are subject to the reciprocal easement
32 provided herein may be constructed by either party

1 without the written consent of the other party, which
2 shall not be unreasonably withheld.

3 The reciprocal easements granted to the SELLER and
4 PURCHASER shall be set forth in the parcel map related to the
5 sale of this property if the same is recorded, and if the same
6 is not recorded, then it shall be set forth in a separate document
7 which shall be recorded.

8 SECTION ELEVEN

9 RIGHT OF PEACEFUL ENJOYMENT

10 The SELLER and PURCHASER mutually agree that each of
11 them will guarantee to the other the peaceful enjoyment of the
12 premises owned by the respective parties after the sale of the
13 premises contemplated herein, and covenant that they will not
14 interfere with, impede or in any other way restrict the peaceful
15 enjoyment of the premises by the other party hereto.

16 SECTION TWELVE

17 COMMON WALL

18 It is understood by the parties hereto that certain
19 building walls exist on the boundary line between the real property
20 which is the subject of this Agreement and the remaining property
21 of the SELLER. Those walls are referred to herein as "common
22 walls". Each of the parties hereto acknowledges and agrees that
23 the cost of maintaining and repairing common walls shall be
24 shared by the parties hereto. Rebuilding of common walls will be
25 done only by mutual agreement of the parties hereto, and on terms
26 and conditions then set by the parties. Each party may add or
27 build onto its respective side of a common wall as long as said
28 addition does not interfere with the use of the common wall by
29 the other party hereto. Thus common wall agreement will end on
30 the destruction of the building in which the common walls are
31 located.

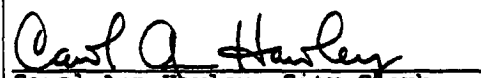
32

1 IN WITNESS WHEREOF, the parties have caused this
2 document to be executed, in duplicate, by their duly authorized
3 representatives on the day and year first above written.

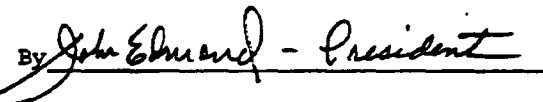
4 CITY OF LAS VEGAS, NEVADA
5 a Municipal Corporation

6 
7 WILLIAM H. BRIARE, MAYOR

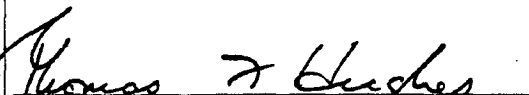
8 ATTEST:

9 
10 Carol Ann Hawley, City Clerk
11

12 NUCLEUS PLAZA, INC.
13 a Nevada Corporation

14 By  - President
15
16

17 Subscribed and sworn to before me
18 this 7th day of November, 1983.

19 
20 Notary Public in and for said
21 County and State



ITEM	Council Action	Department Action
------	----------------	-------------------

IV (g) DEPARTMENT OF GENERAL SERVICES

DAN R. PILKINGTON, DIRECTOR

*CONSENT AGENDA

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

PURCHASING & CONTRACTS DIVISION

10:44

*A. AWARD OF BIDS

1. Downtown Sewer Interceptor
Department of Engineering Services
2. Irrigation Water Flow Metering
Department of Public Services

Nolen -
APPROVED bid to
Johnson Bros.
without 10% contin-
gency on Item A-1.
Unanimous

Staff to proceed

11:03

*B. AWARD OF ANNUAL CONTRACTS AND AGREEMENTS

1. Employee Group Health and Accident
Insurance Plan
Department of Personnel and Employee
Relations

Lurie -
APPROVED Item A-2.
Unanimous

Staff to proceed

*C. PURCHASE ORDER APPROVAL

1. Printers for Data Communications
Department of Management Information
Services

Lurie -
APPROVED Item B-1.
Unanimous

Staff to proceed
Mike Cool, Directo
Personnel Dept. an
Dave Semenza, Pres
CEA, appeared.

Lurie -
APPROVED Item C-1.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

Ashley Hall

City of Las Vegas

0043

Date: OCTOBER 20, 1983

AGENDA DOCUMENTATION

TO:
The City CouncilFROM:
ASHLEY HALL,
DEPUTY CITY MANAGERSUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 2, 1983
IV (g) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*A. AWARD OF BIDS

<u>BID TITLE:</u>	DOWNTOWN SEWER INTERCEPTOR	<u>BID NUMBER:</u>	83.3550.13
<u>ITEM:</u>	CAPITAL PROJECT	<u>ESTIMATE:</u>	\$6,200,000.00
<u>DEPARTMENT:</u>	ENGINEERING SERVICES	<u>INVITATIONS MAILED:</u>	65
<u>FUNDING:</u>	COLLECTION SYSTEM BDND	<u>RESPDNSES RECEIVED:</u>	6

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO CONSTRUCT SEWER INTERCEPTOR LINES LOCATED IN THE DOWNTOWN AREA TO SUPPORT THE EXPANSION AND GROWTH IN THAT AREA.

BIO ABSTRACT SUMMARY

JOHNSON BRDS.	LITCHFIELD	MN	\$5,319,000.00
TAB CONSTRUCTION	LAS VEGAS	NV	\$5,483,600.00
SHAWNEE CONSTRUCTION	CASTLE ROCK	CO	\$5,531,500.00
CONTRI CONSTRUCTION	RENO	NV	\$5,638,288.00
DDRFMAN CONSTRUCTION	LDS ANGELES	CA	\$5,896,900.00
BURDICK CONTRACTORS	LAS VEGAS	NV	\$6,353,200.00

STAFF RECOMMENDATION OF AWARDSUBJECT TO THE SUCCESSFUL SALE OF THE BONDS THAT THE LOW BID BE AWARDED TO:

JOHNSON BROS.	LITCHFIELD	MN	\$5,319,000.00
---------------	------------	----	----------------

WITH APPROVAL TO ALLOW CONTINGENCIES NOT TO EXCEED, IN THE AGGREGATE, TEN PERCENT (10%) OF THE CONTRACT AMOUNT.

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 83-84. FUNDS ARE AVAILABLE IN THE COLLECTION SYSTEM BDND FUND.

RECOMMENDATIONS

THE DEPARTMENT OF GENERAL SERVICES HAS INDICATED THAT THIS ITEM IS IN ORDER BASED ON THE RECOMMENDATIONS OF THE USING AGENCIES.

IT IS THE RECOMMENDATION OF THE OFFICE OF THE CITY MANAGER THAT THIS ITEM BE AWARDED.

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

Agenda Item

SECTION A PAGE 1
IV (g)

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 1
IV(g). DEPARTMENT OF GENERAL SERVICES. PURCHASING & CONTRACTS DIVISION. ITEM A.
AWARD OF BIDS. NO. 1. DOWNTOWN SEWER INTERCEPTOR, DEPARTMENT OF ENGINEERING SERVICES

MAYOR BRIARE: The next is the Department of General Services. We have recommendations for the award of bids, one of which is the downtown sewer interceptor. Mr. Pilkington.

DAN PILKINGTON: Yes, sir.

MAYOR BRIARE: I have a question on this. The first recommendation for a \$6,200,000 project, the recommendation is that we also include in the approval to allow for contingencies not to exceed 10%. Well, 10% is over half a million dollars. I don't like bidding this way and we've probably been doing it for years. When somebody comes in and bids a project, what's to prevent them from cutting out \$500,000 off their bid, get the job, and then come back and get a 10% contingency?

DAN PILKINGTON: I'm going to have to defer that to Mr. Gilpin.

MAYOR BRIARE: First of all, tell me how long we've been doing this.

C. E. GILPIN: Many years, Mayor. It's standard in the industry to allow some contingency.

COUNCILMAN LEVY: In other words, in putting this sewer line in and we run into caliche, or something in our plans that we didn't put in, it's not a 10% plus for these guys.

MAYOR BRIARE: Is that included in the bid documents?

C. E. GILPIN: Contingency, no, it is not, only indirectly, sir. The bids are placed usually on a unit basis. Sometimes the units run greater than was measured or anticipated in the documents.

COUNCILMAN LEVY: By us.

C. E. GILPIN: By us, yes. Sometimes work that was not anticipated is come across.

MAYOR BRIARE: Why do we have engineering people if they can't anticipate? I want the record to reflect, Mrs. Hawley, that I'm going to guarantee everybody right now that before this job is finished, that all or most of that 10% will be used up.

COUNCILMAN LEVY: There's something that bothers me even more than that 10%. After you are through with that, then I'm going to get into it, and that's timing.

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 2
IV(g). DEPARTMENT OF GENERAL SERVICES. PURCHASING & CONTRACTS DIVISION. ITEM A.
AWARD OF BIDS. NO. 1. DOWNTOWN SEWER INTERCEPTOR, DEPARTMENT OF ENGINEERING SERVICES

MAYOR BRIARE:

Well, I think Mr. Gilpin has responded to the question.
Go ahead, Councilman.

COUNCILMAN LEVY:

Well, can I bring up a problem? I want to know, especially when we're working in the downtown area in this downtown sewer interceptor, that means there's going to be a considerable amount of interruption in some critical areas. I don't want what the State has done to us on Sahara and Las Vegas Boulevard to happen again, and I want to know, do we have a time schedule for this company and the penalties that will be strong enough that they will not exceed that time for any excuses?

C. E. GILPIN:

It's not anticipated.

COUNCILMAN LEVY:

Then I won't go for this contract.

C. E. GILPIN:

May I comment on that? I can only tell you, sir, that our concern for the flow of traffic and the disruption of the adjacent businesses that went on in Sahara is great. The City staff --

COUNCILMAN LEVY:

It wasn't the City staff, I realize that.

C. E. GILPIN:

-- as well as the Councilmen, are very much more concerned with it than are our other agencies.

COUNCILMAN LEVY:

Well, sure, they're up in Carson. I agree with you. Gil, I know that you've done everything possible and our staff. I have no problem with our staff in the fact that they're sticking their nose into something that really isn't their problem, except that it's in the City limits and it's Sahara Avenue.

C. E. GILPIN:

We definitely consider it our problem.

COUNCILMAN LEVY:

But now I want to know from you, do we have some time restraints and some heavy penalties for this contractor in the development of this intersection?

C. E. GILPIN:

Oh, yes, we have.

COUNCILMAN LEVY:

I just asked you and you started to say "no."

C. E. GILPIN:

Well, all I can say is, most probably not. I could not give an absolute guarantee that because of weather or for other conditions that the 10 months I believe that's authorized here can under no circumstances be exceeded. I can only tell you that we're well aware of your concern and it's of our highest concern that the time limits be met and that the disruption of traffic and adjacent businesses be as little as possible and that's provided for.

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 3
IV(g). DEPARTMENT OF GENERAL SERVICES. PURCHASING & CONTRACTS DIVISION. ITEM A.
AWARD OF BIDS. NO. 1. DOWNTOWN SEWER INTERCEPTOR, DEPARTMENT OF ENGINEERING SERVICES

COUNCILMAN LURIE:

Why don't you ask the question of when this contract is going to start? When is it going to be completed? Are the streets going to be torn up during the busy time of the year in May, June and July? Is it going to be completed by then? Do we have traffic officers that are going to be out there when they're digging to reroute traffic? Those are the types of questions I think that Commissioner Levy is alluding to.

COUNCILMAN LEVY:

I can ask them.

COUNCILMAN LURIE:

Well, then ask them, because he is answering questions, so maybe he can answer those questions.

C. E. GILPIN:

Yes, we require a traffic plan. We require a flagman. There are funds allocated in that contract for flagmen and for traffic control. It will be a difficult project. It's scheduled to begin construction in December and end in October.

COUNCILMAN LEVY:

What streets?

C. E. GILPIN:

It will be on Oakey from east of Rancho and west to Wyoming and under the railroad tracks to approximately several blocks west of the railroad tracks and there's another leg going north on Decatur up to Alta.

COUNCILMAN LEVY:

While you're at the intersection of Oakey and Rancho, I certainly hope that some patchwork that your predecessor and I worked on will be taken care of so that we will not have that basin of water at that intersection. I hope that's being taken care of. Is it, Gene, the old Rancho and Oakey problem we have been having over the years, has that been taken into consideration with this?

C. E. GILPIN:

No, sir, it has not -- the low spot?

COUNCILMAN LURIE:

You're talking about a storm drain or a sewer.

MAYOR BRIARE:

Councilman Christensen.

COUNCILMAN CHRISTENSEN:

The question that I wanted to ask about this project is a different question and that requires maybe a legal answer. I've been looking for a way to give a preference to local bidders, especially when it's close. Now I know at the Convention Authority, our learned attorney out there always tells us, and maybe we're under a different set of rules out there, that we can reject a bid or reject the low bid and take the second low bid based on for the good of the community or some -- in the interests of the community, or something like that. Can we do the same here, George?

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 4
IV(g). DEPARTMENT OF GENERAL SERVICES. PURCHASING & CONTRACTS DIVISION. ITEM A.
AWARD OF BIDS. NO. 1. DOWNTOWN SEWER INTERCEPTOR, DEPARTMENT OF ENGINEERING SERVICES

CITY ATTORNEY OGILVIE:

Yes, you can, but I don't think that the mere fact that a company has been doing business here for some time would fall into that exception. That is one of the statutory things that you can consider for the best interests of the community.

COUNCILMAN CHRISTENSEN:

The reason I asked the question, George, is because if you take a company that has been doing business in Las Vegas for years and years and years, you're going to run into less problems with contingencies than if you use a company that's new to Las Vegas because the company that has been digging and putting sewer and water mains and underground facilities in this community for a number of years is far more expertise in what's in the ground around Las Vegas than someone from out of state that comes in and bids a job without really knowing what all is under the ground.

COUNCILMAN LEVY:

Is somebody here from Johnson Brothers?

COUNCILMAN CHRISTENSEN:

I'm just thinking, we're talking about a difference of \$160,000 roughly on -- which is five and a half million.

MAYOR BRIARE:

Which is less than 3% and we have a 10% contingency built in. I don't like it. I believe the post office abbreviates Minnesota with an MN. Are Johnson Brothers from Minnesota?

C. E. GILPIN:

That's their home office, sir.

MAYOR BRIARE:

Do they have a local contracting office? Obviously, they are licensed in the state of Nevada.

C. E. GILPIN:

Yes, they are. They've done some work here.

MAYOR BRIARE:

But furthermore, this is a labor intensive thing. I'm sure they are not going to bring laborers and crews from Minneapolis and they're all going to buy their pipe and everything and they're going to rent their equipment and so forth and so on, but still, I'm back to this contingency. Tab Construction, for example, who is the second low bid by less than 3%, if they were, and this is not a pitch for Tab Construction Company, and Councilman, I trust you feel the same way, whoever the second low bid was, but this contingency thing, as I say, is over half a million dollars and it could very well be that the contingencies that Tab would run into would be less money than the contingencies that Johnson Brothers -- because there's a heck of a lot of leeway.

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 5 0048
IV(g). DEPARTMENT OF GENERAL SERVICES. PURCHASING & CONTRACTS DIVISION. ITEM A.
AWARD OF BIDS. NO. 1. DOWNTOWN SEWER INTERCEPTOR, DEPARTMENT OF ENGINEERING SERVICES

COUNCILMAN CHRISTENSEN: That \$164,000 may have been the contingency that they know that there's caliche in there, so you know, there's a lot of wiggles to this that just bothers me -- they wouldn't know what's in there because they haven't dug in it.

MAYOR BRIARE: We've got to get going on this though -- we've got to do this job.

COUNCILMAN CHRISTENSEN: We award this bid of five and a half million dollars on this job and we awarded one two weeks ago for what, six and a half million?

C. E. GILPIN: A little over five.

COUNCILMAN CHRISTENSEN: Five million. We're ten million dollars into a bid out of state with a 10% contingency fund that could cost us eleven million dollars with no sweat at all.

COUNCILMAN NOLEN: I would make a motion that we award the contract to Johnson Brothers and strike the 10% contingency.

COUNCILMAN LEVY: You can't do that.

MAYOR BRIARE: Oh, yes.

COUNCILMAN NOLEN: The legal advisor says we can.

CITY ATTORNEY OGILVIE: I see no reason why you can't strike it.

MAYOR BRIARE: I don't see any reason either and there's no representative of Johnson.

CITY ATTORNEY OGILVIE: They certainly don't have any vested rights in that 10%. The bidder doesn't have any vested rights in that 10%.

MAYOR BRIARE: He'll create some.

CITY ATTORNEY OGILVIE: I know, but I don't think they're entitled to it.

COUNCILMAN LURIE: What would happen then if he runs into a problem? If you take that 10% out, and I agree with it, I'd like to do that, then he has to come in if he has overruns and justify it to us. You can either approve it or disapprove it.

COUNCILMAN LEVY: What if we have overruns?

ACTING CITY MANAGER SAYLOR: Exactly. The 10% contingency there is simply to allow staff to approve the changes that are necessary that come about during the project. However, if you eliminate that, it simply means that on each and every one it comes back to you for approval.

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 0049
IV(g). DEPARTMENT OF GENERAL SERVICES. PURCHASING & CONTRACTS DIVISION. ITEM A.
AWARD OF BIDS. NO. 1. DOWNTOWN SEWER INTERCEPTOR, DEPARTMENT OF ENGINEERING SERVICES

COUNCILMAN LEVY:

Am I wrong, Don, when I indicate that this overrun is our problem. Things that we basically, when I say us, that we create when we run into problems that we didn't expect, isn't that what that's for? We have to approve those change orders. These guys don't just get this money because it's raining today.

ACTING CITY MANAGER SAYLOR:

That's right. The 10% contingency is simply to allow an exigency fund for unexpected situations that may occur on a project of this nature. It's simply impossible to anticipate all the conditions, but again, I want to reiterate that there's no problem if you want to eliminate that. It simply means that we'll come back before you and say we want a change order because of this, this, or this.

MAYOR BRIARE:

And then that's the time we can ask the engineer on the job, why didn't you consider this before and obviously I know that you don't have a crystal ball to do all of this, but later on in the agenda, members of the Council, the same question is going to come up and when we get to it I had intended to bring it up with a notation I had made here that, I'll quote; "There are two items that require engineering design work which were not anticipated, nor included, in the original contract." I just simply said, "why not?" Why weren't they anticipated? Engineers are supposed to be magicians and know all this stuff.

COUNCILMAN LEVY:

Do you want to talk about Stewart Avenue now?

MAYOR BRIARE:

Yes.

COUNCILMAN NOLEN:

My point, Your Honor, is Johnson Brothers says that they can do this project for five million three hundred nineteen thousand, not five million three hundred nineteen thousand plus 10%, and I think we should hold them to that.

COUNCILMAN CHRISTENSEN:

The problem is going to be, they're going to start digging in there and they're going to say: "What is this water main that we have to run around?" And then they're going to say: "Well, you didn't tell us the water main was there." And we're going to say: "We didn't know it was there." Everybody is going to point their finger at everybody else and we're going to end up with the buck right here and we're going to have to give them the money to go around the water main.

MAYOR BRIARE:

I'm going to find out why our engineer didn't know there was a water main.

COUNCILMAN CHRISTENSEN:

He'll tell you because the Water District didn't tell him it was there. The Water District will say it was in there before our map was complete -- the other guy did it. That's exactly what's going to happen.

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 7 0050
IV(g). DEPARTMENT OF GENERAL SERVICES. PURCHASING & CONTRACTS DIVISION. ITEM A.
AWARD OF BIDS. NO. 1. DOWNTOWN SEWER INTERCEPTOR, DEPARTMENT OF ENGINEERING SERVICES

MAYOR BRIARE: Nobody didn't tell the engineer on Stewart Avenue that there was too much lime down there and we're still suffering for it.

COUNCILMAN CHRISTENSEN: Yes, they did but he can't find his letter.

MAYOR BRIARE: Councilman, your motion is to award to the lowest bidder and eliminate the portion pertaining to a contingency, is that correct?

COUNCILMAN NOLEN: That's correct, Your Honor.

MAYOR BRIARE: Are there comments on the motion?

COUNCILMAN LEVY: No comments on the motion, but I'd like to request that we have a copy of our construction plan regarding all those items of concern and also I want to know what kind of penalties they have, Gil, please.

CITY ATTORNEY OGILVIE: Mr. Mayor, before you take a vote on this, there is something I'd like to clarify. About three years ago the City Council established the policy with respect to change orders that the City Manager could sign any approved change orders which do not exceed five thousand dollars as to any individual change order and any aggregate 5% of the construction contract, so even with eliminating this 10% contingency, which I think should never have been established in the first place, you still have some control and still have some leeway at the same time by this limited authority which you vested in the City Manager. A change order which does not exceed five thousand dollars as to any individual change order and any aggregate 5% of the construction contract.

MAYOR BRIARE: Are there any comments on that? Then you understand the motion. Are you ready for a vote? Cast your votes. Post. Motion is APPROVED.

Voting was as follows:

"AYES" Briare, Christensen, Levy, Lurie and Nolen
"NOES" None

Motion carried unanimously.

CITY COUNCIL MINUTES - NOVEMBER 2, 1983
City of Las Vegas

AGENDA DOCUMENTATION

0051

Date: OCTOBER 20, 1983

TO:
The City Council

FROM:
ASHLEY HALL,
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 2, 1983
IV (g) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. AWARD OF BIDS

<u>BID TITLE:</u>	IRRIGATION WATER FLOW METERING	<u>BID NUMBER:</u>	84.3550.2
<u>ITEM:</u>	CAPITAL IMPROVEMENT	<u>ESTIMATE:</u>	\$40,000.00
<u>DEPARTMENT:</u>	PUBLIC SERVICES	<u>INVITATIONS MAILED:</u>	94
<u>FUNDING:</u>	SANITATION FUND	<u>RESPONSES RECEIVED:</u>	3

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO MEASURE THE FLOW OF WATER THROUGH THE RECENTLY RENOVATED WASTEWATER TREATMENT PLANT.

BID ABSTRACT SUMMARY

J. R. JACKS TRUCKING	LAS VEGAS	NV	\$29,825.00
M. M. C., INC.	LAS VEGAS	NV	\$36,165.00
NEVADA CONSTRUCTION CO.	LAS VEGAS	NV	\$43,345.00

STAFF RECOMMENDATION OF AWARD

THAT THE LOW BID BE AWARDED TO:

J. R. JACKS TRUCKING	LAS VEGAS	NV	\$29,825.00
----------------------	-----------	----	-------------

(SUBJECT TO E.P.A. APPROVAL)

WITH APPROVAL TO ALLOW CONTINGENCIES NOT TO EXCEED, IN THE AGGREGATE, TEN PERCENT (10%) OF THE CONTRACT AMOUNT.

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 83-84. FUNDS ARE AVAILABLE IN THE COLLECTION SYSTEM BOND FUND.

RECOMMENDATIONS

THE DEPARTMENT OF GENERAL SERVICES HAS INDICATED THAT THIS ITEM IS IN ORDER BASED ON THE RECOMMENDATIONS OF THE USING AGENCIES.

IT IS THE RECOMMENDATION OF THE OFFICE OF THE CITY MANAGER THAT THIS ITEM BE AWARDED.


Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION A PAGE 2
IV (g)

City of Las Vegas

0052

AGENDA DOCUMENTATION

Date: October 26, 1983TO:
The City CouncilFROM: CITY EMPLOYEES' INSURANCE COMMITTEE
THROUGH MICHAEL P. COOL, DIRECTOR
PERSONNEL & EMPLOYEE RELATIONSSUBJECT: ACCEPTANCE OF BID AND APPROVAL OF CHANGES TO THE CITY EMPLOYEES' GROUP HEALTH
INSURANCE PROGRAMPURPOSE/BACKGROUND

The oversight of the City's Group Health Insurance Program has been assigned to an employee committee during the last two years. This committee has conducted user surveys, worked with our broker representatives to study cost-containment and benefit options, and reviewed the financial soundness of the Insurance Trust Fund.

The City's current health program uses two primary coverages that are available at the option of the individual employee: (1) indemnity coverage through Equitable Assurance Society, and (2) health maintenance coverage (HMO) through Health Plan of Nevada. Equitable currently covers 60% of our non-Fire employees, while the HMO provides coverage for the remaining 40%.

In reviewing the status of these two programs (our insurance year runs December through November), the City broker informed the Insurance Committee that the indemnity carrier, Equitable, would not be renewing its contract, effective December 1, 1983, due to a substantial financial loss on the City account. Upon receiving this notification in September, the City solicited bids for a carrier to replace Equitable.

As the bid documents indicate, only one insurance company, Mutual of New York (MONY), submitted an indemnity proposal for the coverage requested. Three additional companies submitted proposals to install a self-insurance program, but this was determined not financially feasible at this time due to the large cash investment required from City funds. The bid submitted by Mutual of New York represents an increase in premium rates for City employees and dependents. The following is a comparison between rates currently in effect and those proposed by MONY:

	<u>CURRENT</u>	<u>NEW</u>
1. Employee only (City paid)	\$101.66/Mo.	\$141.16/Mo.
2. One dependent (Employee paid)	97.55/Mo.	142.57/Mo.
3. Two or more dependents (Employee paid)	150.50/Mo.	220.19/Mo.

The rates listed above are medical, life and accidental death coverage only and do not include the optional costs for dental coverage, which range from \$8.87/mo. to \$18.88/mo.

While the above information is discouraging, there is good news in that neither the dental nor the HMO rates will be increased this next year. The following is a listing of the HMO and dental option rates that are currently in effect and will stay the same:

	<u>HMO</u>	<u>DENTAL</u> (employee option)
1. Employee only	\$ 91.56/Mo.	\$ 8.87/Mo.
2. One dependent	88.42/Mo.	8.28/Mo.
3. Two or more dependents	140.40/Mo.	18.88/Mo.

Agenda Item

IV. (g) B.1

City of Las Vegas

AGENDA DOCUMENTATION

Date: 0053
November 1, 1983

TO: The City Council

FROM: ASHLEY HALL,
DEPUTY CITY MANAGERSUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 2, 1983
IV (g) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*B. AWARD OF ANNUAL CONTRACTS AND AGREEMENTS

<u>BID TITLE:</u>	EMPLOYEE GROUP HEALTH AND ACCIDENT INSURANCE PLAN	<u>BID NUMBER:</u>	NOT REQUIRED
<u>ITEM:</u>	SERVICE	<u>ESTIMATE:</u>	UNKNOWN
<u>DEPARTMENT:</u>	PERSONNEL AND EMPLOYEE RELATIONS	<u>INVITATIONS MAILED:</u>	15
<u>FUNDING:</u>	EMPLOYEE INSURANCE TRUST	<u>RESPONSES RECEIVED:</u>	5

NEED FOR PURCHASE

THE NEED FOR THIS SERVICE STEMS FROM CONTRACTUAL REQUIREMENTS ESTABLISHED BETWEEN THE CITY OF LAS VEGAS AND THE VARIOUS EMPLOYEE BARGAINING UNITS.

BID ABSTRACT SUMMARY

MUTUAL OF NEW YORK	FULLY INSURED
BLUE CROSS-BLUE SHIELD	SELF FUNDED
PRUDENTIAL	SELF FUNDED
NORTHWESTERN NATIONAL	SELF FUNDED
EQUITABLE	DECLINED TO BID

STAFF RECOMMENDATION OF AWARD
THAT THE AGREEMENT BE AWARDED TO:

	<u>EMPLOYEE</u>	<u>ONE DEPENDENT EMPLOYEE PAID</u>	<u>TWO OR MORE DEPENDENTS EMPLOYEE PAID</u>
MUTUAL OF NEW YORK	*\$141.16/MONTH	\$142.57/MONTH	\$220.19/MONTH
	<u>AND OFFER HMO OPTION</u>		
NEVADA HEALTH PLAN (NO PREMIUM INCREASE OVER B2-B3)	\$ 91.56/MONTH	\$ 88.42/MONTH	\$140.40/MONTH
*MAXIMUM BUDGETED CITY CONTRIBUTION TO EMPLOYEE HEALTH INSURANCE PLAN IS \$132.16 PER MONTH PER EMPLOYEE. EMPLOYEE MUST PAY DIFFERENCE.			
	<u>AND OFFER EMPLOYEE DENTAL OPTION</u>		
NEVADA HEALTH PLAN	\$ 8.87/MONTH	\$ 8.28/MONTH	\$ 18.88/MONTH

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 83-84. FUNDS ARE AVAILABLE IN THE EMPLOYEE INSURANCE TRUST.

RECOMMENDATIONS

THE DEPARTMENT OF GENERAL SERVICES HAS INDICATED THAT THIS ITEM IS IN ORDER BASED ON THE RECOMMENDATIONS OF THE USING AGENCIES.

IT IS THE RECOMMENDATION OF THE OFFICE OF THE CITY MANAGER THAT THIS ITEM BE AWARDED.

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

Agenda Item

SECTION B PAGE 1
IV (g)

SUBJ: ACCEPTANCE OF BID AND APPROVAL OF CHANGES TO THE CITY EMPLOYEES' GROUP HEALTH INSURANCE PROGRAM

In view of these facts, the City Employees' Insurance Committee recommends the following changes be made to the Group Health Insurance Program, effective December 1, 1983:

1. Accept the indemnity coverage (medical, life and accidental death) bid from Mutual of New York.
2. Self-insure the dental coverage of employees and their dependents, as our broker has advised this is the area of our program in which we are fiscally sound and do not need an independent carrier.
3. Renew the claims administration of the City's medical, life, accidental death, and dental coverages with Mutual Administrators for one year. Mutual Administrator's claims payment system is compatible with Mutual of New York, and they are developing an on-line computer system to handle employee records.
4. Continue offering employees the HMO health option, as mandated by Title 42, Section 1310 of the Health Maintenance Organization Act of 1973.

FISCAL IMPACT

The City's current annual health insurance contribution has been budgeted at \$132.16/month (\$1,586/year). This budget money will be sufficient to pay employee premium costs for those in the HMO plan, but employees electing to stay in the Mutual of New York plan will be required to pay \$9.00/month for their medical, life, and accidental death coverage (if they want dental, it will be an available option at their expense).

<u>PLAN</u>	<u>COST FOR EMPLOYEE</u>	<u>CITY PAYS</u>	<u>EMPLOYEE PAYS</u>
1. MUTUAL OF NEW YORK	\$141.16/Mo.	\$132.16/Mo.	\$9.00/Mo.
2. HMO	\$ 91.56/Mo.	\$132.16/Mo.	\$ 0

With those employees selecting the HMO plan, the City would also offer to pay their dental costs and supplemental term life coverage out of the difference between premium costs and the \$132.16/mo. City contribution. Any additional savings between City contributions and premium costs would be placed into the Group Health Insurance Trust Fund (it is estimated that a minimum of \$130,000 would be saved the coming insurance year to possibly be used at a later date towards self-insurance for medical).

RECOMMENDATION

The City Employees' Insurance Committee recommends that the City Council approve the acceptance of Mutual of New York as the new indemnity carrier, along with those additional recommendations discussed in Items 2 - 4 above.

CITY COUNCIL MINUTES - NOVEMBER 2, 1983
City of Las Vegas

0055

AGENDA DOCUMENTATION

Date: OCTOBER 20, 1983

TO:
The City Council

FROM:
ASHLEY HALL,
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 2, 1983
IV (g) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*C. PURCHASE ORDER APPROVAL

<u>ITEM:</u>	LEASE	<u>PURCHASE REQUEST:</u>	1340-507
<u>DESCRIPTION:</u>	PRINTERS FOR ON-SITE DATA PROCESSING NEEDS	<u>FUNDING:</u>	SPECIAL REVENUE SYSTEMS DEVELOPMENT
<u>DEPARTMENT:</u>	MANAGEMENT INFORMATION SERVICES	<u>ESTIMATE:</u>	\$41,000.00

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO OBTAIN ON-SITE PRINTERS TO SUPPORT VARIOUS DEPARTMENTAL NEEDS FOR WRITTEN STATUS REPORTS, WRITTEN DATA OUTPUT, AND CONTINUED ON-LINE SUPPORT OF MANAGEMENT INFORMATION SERVICES. SOLE SOURCE

STAFF RECOMMENDATION

FOR PURCHASE ORDER APPROVAL

BURROUGHS CORPORATION LAS VEGAS NV \$40,954.20

FY 83-84	COSTS	\$3,871.92	FY 86-87	COSTS	\$8,098.56
FY 84-85	COSTS	\$8,098.56	FY 87-88	COSTS	\$8,098.56
FY 85-86	COSTS	\$8,098.56	FY 88-89	COSTS	\$4,688.04

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 83-84. FUNDS ARE AVAILABLE IN THE COLLECTION SYSTEM BOND FUND.

RECOMMENDATIONS

THE DEPARTMENT OF GENERAL SERVICES HAS INDICATED THAT THIS ITEM IS IN ORDER BASED ON THE RECOMMENDATIONS OF THE USING AGENCIES.

IT IS THE RECOMMENDATION OF THE OFFICE OF THE CITY MANAGER THAT THIS ITEM BE AWARDED.


Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION C PAGE 1
IV (g)

AGENDA*City of Las Vegas*

0056

Nov. 2, 1983

Page 17

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM Council Action Department Action

IV (i). DEPARTMENT OF ENGINEERING SERVICESC. E. GILPIN, DIRECTOR*CONSENT AGENDA

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

*A. APPROVAL OF SUBDIVISION MAPS

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

1. Metropolitan Alta Meadows #1. (Metropolitan Development - property generally located south of Alta Drive, east of Rainbow Blvd., No. of acres: 9.74, No. of lots: 78, Zoned R-CL)

2. Breezewood #2. (Nevada Escrow Service, Inc. - property generally located on the northeast corner of Lamb Blvd. and Monroe Ave., No. of acres: 6.03, No. of lots: 47, Zoned R-CL)

3. San Tropez Country Club, Phase I. (San Tropez, Inc. - property generally located on the north side of Vegas Drive, west of Comstock Drive, No. of acres: 48, No. of lots: 184, Zoned R-PD8) (Subject to an agreement between the City and San Tropez, Inc. regarding a \$100,000.00 contribution to be made by the developer to the City of Las Vegas for street improvements in the area impacted by the development.)

Lurie -
APPROVED Items A-1
and A-2.
Unanimous

Staff to proceed

Lurie -
APPROVED Item A-3.
Motion carried with
Christensen voting
"No."

Staff to proceed

(Acting City Manager directed to research original approval as to how the \$100,000 contribution was designated.)

11:17

11:18

APPROVED AGENDA ITEM

AGENDA*City of Las Vegas*

0057

Nov. 2, 1983
Page 18

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM**Council Action****Department Action****IV (i). DEPARTMENT OF ENGINEERING SERVICES
(Continued)****11:22 *B. ACCEPTANCE OF RIGHT OF WAY ITEMS****1. Grant Deed**

From: Bonanza Lamb Ltd., a
Nevada Limited Partnership
To: City of Las Vegas
For: Portion of Boulder Heights
Addition Tract No. 1
Radius corners. Bingham
Ave. (10/11/83)

2. Quitclaim Deed

From: M. D. Close Real Estate
Company
To: City of Las Vegas
For: Portion of NW-1/4, Sec. 21,
T20S, R61E
Highland Ave. (10/14/83)
Recorded as Instrument No.
1780162 in Book 1821 on
October 18, 1983

Lurie -
APPROVED Items B-1
and B-2.
Unanimous

Staff to proceed

C. REPORTS/ACTION**11:22 1. Request by Joseph Bolognese for land-
scaping encroachment at Sahara Avenue
and Valley View Boulevard.**

Lurie -
APPROVED as recom-
mended by staff.
Unanimous

Staff to proceed

**11:23 2. Approval of increase in scope of
to engineering design work, Highland Drive
11:38 from Charleston Boulevard to Carey
ape 2 at 11:30) Avenue.**

ABEYANCE

11/16/83 Agenda

Frank Wyatt, SEA,
appeared.

APPROVED AGENDA ITEM

City of Las Vegas

AGENDA DOCUMENTATION

0058

Date: October 21, 1983

TO: The City Council

FROM: RICHARD L. CAMPBELL
ACTING DEPUTY CITY MANAGERSUBJECT: REQUEST BY JOSEPH BOLOGNESE FOR LANDSCAPING ENCROACHMENT AT SAHARA
AVENUE AND VALLEY VIEW BOULEVARDPURPOSE/BACKGROUND

A request has been received from Joseph Bolognese for an Encroachment Agreement to allow landscaping in the public right of way.

The landscaping is required for a new commercial building at the northwest corner of Valley View Boulevard and Sahara Avenue. The planter will be five (5) feet wide and located at the back of the existing sidewalk on Valley View Boulevard.

The existing right of way curve radius leaves a large portion of the corner in the public right of way. The applicant plans to ask for a vacation in the future that would void most of this encroachment.

Landscaping on Sahara Avenue will also be required, but is an encroachment on Nevada Department of Transportation right of way and will be handled separately.

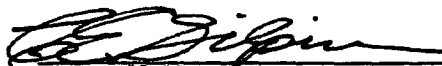
The applicant has signed the Encroachment Agreement which has conditions of liability, removal, and maintenance.

FISCAL IMPACT

None

RECOMMENDATIONS

The Director of Engineering Services recommends that the City Council approve the encroachment and authorize the Mayor to execute the agreement.

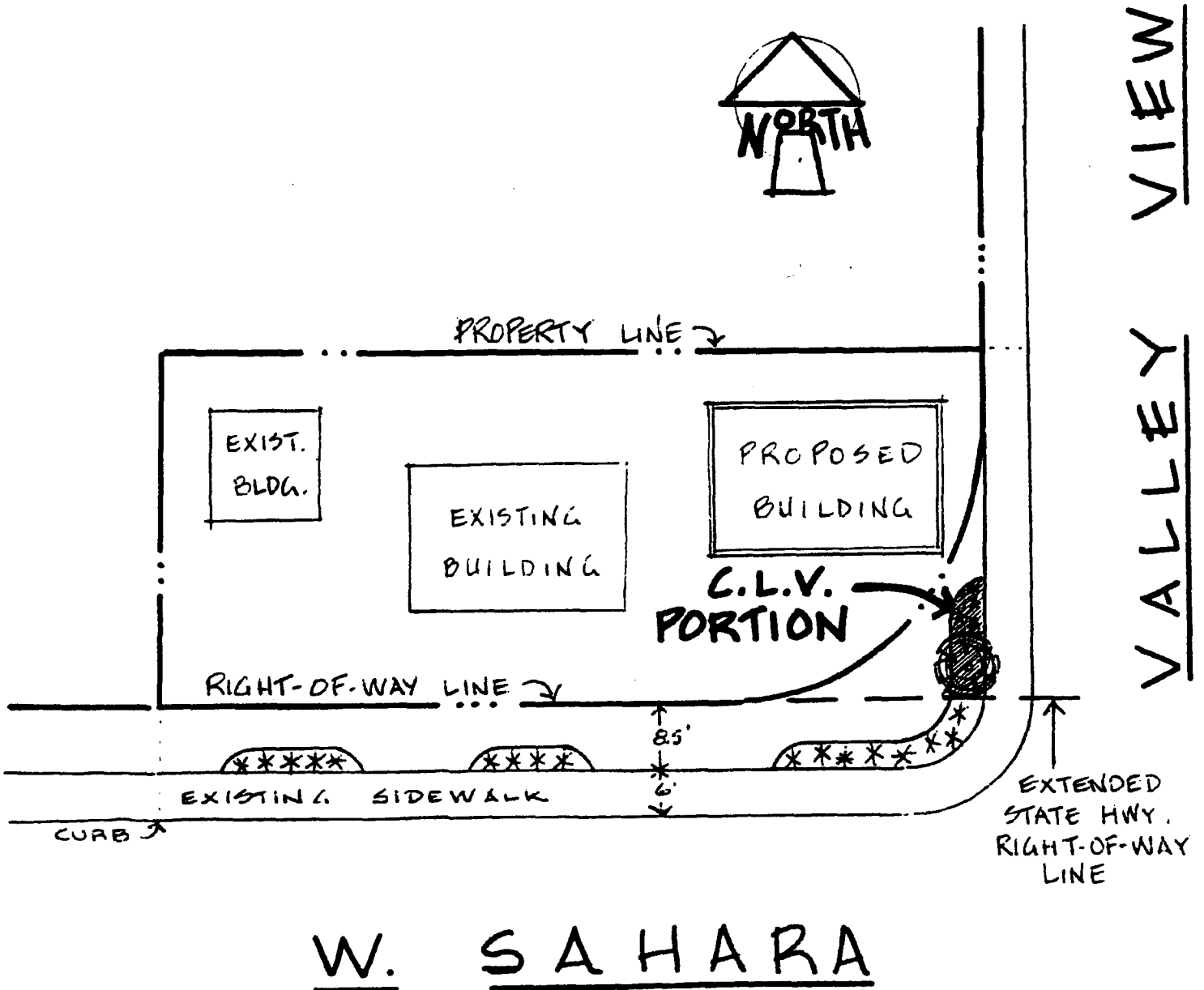
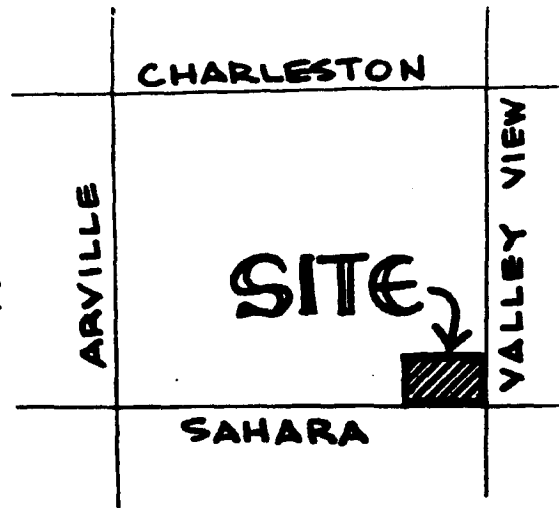
C. E. GILPIN
Director of Engineering Services

Agenda Item 11/2/83

IV (i). C. 1.

0058

REQUEST BY:
JOSEPH BOLOGNESE
3800 W. SAHARA
for LANDSLAPING
ENCROACHMENT



City of Las Vegas

0060

AGENDA DOCUMENTATION

Date: October 24, 1983

TO:
The City CouncilFROM: RICHARD L. CAMPBELL
ACTING DEPUTY CITY MANAGERSUBJECT: APPROVAL OF INCREASE IN SCOPE OF ENGINEERING DESIGN WORK, HIGHLAND DRIVE
FROM CHARLESTON BOULEVARD TO CAREY AVENUEPURPOSE/BACKGROUND

On June 16, 1982 the City of Las Vegas entered into an agreement with SEA Consulting Engineers for the design and preparation of contract documents for improvements on Highland Avenue between Charleston Boulevard and Carey Avenue.

There are two items of required engineering design work which were not anticipated nor included in the original contract scope of work. They are:

1. Special storm drain study.
2. Changes in the contract documents as a result of removal of Bonanza Village Subdivision from the Special Improvement District.

SEA has requested that they be compensated for additional costs in the amount of \$12,500. The Engineering Services Department staff has examined the cost breakdown presented by SEA and finds it reasonable.

If the additional fee is authorized, the anticipated project costs will then be:

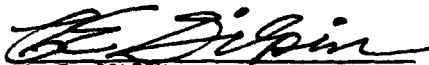
<u>ITEM</u>	<u>COST</u>	<u>PERCENT OF CONSTRUCTION COST</u>
CONSTRUCTION		
Clark County Bond Issue:	\$3,010,000	
S.I.D.:	340,000	
City of Las Vegas:	<u>30,000</u>	
SUB-TOTAL CONSTRUCTION:	\$3,380,000	
ENGINEERING & ADMINISTRATION		
SEA - Design		
Original Contract:	\$ 140,000	
Increase in fee:	<u>12,500</u>	
Sub-total	\$ 152,500	4.5%
SEA-Construction Inspection:	120,000	3.6%
CLV Staff (design and construction phases):	<u>37,500</u>	<u>1.1%</u>
SUB-TOTAL ENGINEERING & ADMINISTRATION:	\$ 310,000	9.2%
TOTAL PROJECT:	\$3,690,000	

FISCAL IMPACT

\$12,500. Funds are available in the Clark County Bond Issue and the City of Las Vegas Special Improvement District revolving fund.

RECOMMENDATIONS

The Director of Engineering Services recommends that the City Council approve the additional expenditure to SEA Consulting Engineers in the amount of \$12,500.


C. E. GILPIN
Director of Engineering Services

Agenda Item 11/2/83

IV (i). C. 2.

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 1 0061
IV(i). DEPARTMENT OF ENGINEERING SERVICES. C. REPORTS/ACTION. ITEM 2. APPROVAL OF
INCREASE IN SCOPE OF ENGINEERING DESIGN WORK, HIGHLAND DRIVE FROM CHARLESTON BOULEVARD
TO CAREY AVENUE.

MAYOR BRIARE: Item 2. Approval of increase in scope of engineering design work. Where is the engineer on this?

C. E. GILPIN: The firm is SEA. This is Mr. Frank Wyatt.

MAYOR BRIARE: Is this something that we were talking about this morning?
Is this something that came up that the City had not intended, but while you're there, let's do it?

C. E. GILPIN: Yes, that's true, Your Honor, the two items as shown. Special Storm Drain Study was necessary because of a lack of a known criteria in the beginning and then a change in the documents when we took the S.I.D. out along Bonanza Village. I would like to say by way of preface that still the engineering fee has represented as a percentage of anticipated construction is quite low and that's one of our measures of performance -- it's not the only measure, but the fee is very good with respect to the total construction cost.

MAYOR BRIARE: I have no other comment.

COUNCILMAN CHRISTENSEN: I've got a question. Maybe I don't understand my mathematics because there's no signs here. I have to look at the total and add it up or subtract it, but it looks to me like we've got three million ten thousand from the bond issue, plus three hundred forty thousand from the S.I.D., plus thirty thousand, for a total of thirty-three eighty, and original contract, one hundred forty thousand, increase in fee of twelve thousand. I guess my problem is, if you cut out three hundred and forty thousand dollars worth of Special Improvement District, how does that increase the fee?

C. E. GILPIN: Well, first of all, the three million three hundred eighty is construction cost only. The change in the S.I.D. came about this way. The plans were prepared by the engineer on our standard basis of collection of S.I.D. funds and so forth. Then when it was decided to --

COUNCILMAN CHRISTENSEN: What do you mean they were made on the basis of collection of funds?

C. E. GILPIN: Well, the plans show --

COUNCILMAN CHRISTENSEN: If you collect the funds or don't collect the funds, does that change the street design?

C. E. GILPIN: It requires him to make changes in his plans that have already been made. No, there was no change in the street design. In fact, the street --

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 2
IV(i). DEPARTMENT OF ENGINEERING SERVICES. C. REPORTS/ACTION. ITEM 2. APPROVAL OF
INCREASE IN SCOPE OF ENGINEERING DESIGN WORK, HIGHLAND DRIVE FROM CHARLESTON BOULEVARD
TO CAREY AVENUE.

COUNCILMAN CHRISTENSEN: Well then, what plans had to be changed?

C. E. GILPIN: The construction plans.

COUNCILMAN CHRISTENSEN: That's the part I don't understand.

ACTING CITY MANAGER SAYLOR: At the time this project originally started, Councilman, the S.I.D. included street lights along the whole project for all practical purposes. As a result of several meetings with some of the Councilmen and homeowners in Bonanza Village, we came back to you and we took the street lights out. That requires a change in the design plans which required more work of this firm.

COUNCILMAN CHRISTENSEN: Okay, that's what I can't understand why it requires more work. You X out the light poles on one side and that's twelve thousand five hundred dollars? The plans haven't changed. You've eliminated some things that were on the plans. It's not hard to X those out.

C. E. GILPIN: May I clarify that? It's a little more complicated. We changed the street lights from an S.I.D. situation to a contingency situation. If you recall, we want the street lights to go in if the County will pay. We conferred with the County staff. They said, "Take them out of the S.I.D., take all those items out and show them separately, summarize them, and so forth. Put them in as a contingency or as an added option and if the budget allows it, we will consider paying them with bond issue funds." It was that additional work.

COUNCILMAN CHRISTENSEN: You haven't explained to me how that changes and how that creates any additional work for the designer. He's designed the street lights. The determination is whether we buy them now or buy them when we've got money to buy them. How does that change the design?

FRANK WYATT, SEA: My name is Frank Wyatt. I'm with SEA Engineers and Gil, if I'm not mistaken, the breakdown of costs that I gave you on our extra S.I.D. work included more than just the street lights. The way the plans are prepared we have to draft on a number of things, including sidewalks, curbs and gutters, street lights, prepare quantities and cost estimates for all these items and a change in one of those things sometimes has a very large effect on the total amount of changes required on the plans. The plans--I think we have 98 sheets of plans and one small change in concept means a lot of engineering related changes.

COUNCILMAN CHRISTENSEN: Let me ask you kind of a leading question. If I as a private operator were going to have you do that engineering for streets around a building that I was going to build and

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 3
IV(i). DEPARTMENT OF ENGINEERING SERVICES. C. REPORTS/ACTION. ITEM 2. APPROVAL OF
INCREASE IN SCOPE OF ENGINEERING DESIGN WORK, HIGHLAND DRIVE FROM CHARLESTON BOULEVARD
TO CAREY AVENUE.

- COUNCILMAN CHRISTENSEN: I was going to pay for the streets, would I be charged \$12,500 for deciding whether we buy the street lights now or six months after the project's done?
- FRANK WYATT: It's hard for me to answer that question because you're talking about a very specific area and a lot of the changes that we did on the plans were over the complete three mile length of the project.
- COUNCILMAN CHRISTENSEN: I guess my problem is that you keep talking about changes in plans, but I keep finding out that the changes in plans are whether we're going to include it now or later; that basically the plans haven't changed. We've still got to have so much thickness of asphalt. We've still got to have a certain "L" type curb. We've still got to have it the same distance from the center line of the street and we've still even got to have the street lights in in case we can afford them. I can't figure why that costs us \$12,000 for engineering for us to decide whether we can afford them on the first bid or not.
- FRANK WYATT: The \$12,000 included also some design work on some storm drain which was exclusive of the S.I.D. amounts.
- COUNCILMAN CHRISTENSEN: Hah, it doesn't say that here. I don't have any of that backup.
- C. E. GILPIN: The majority of this \$12,500 is for the Special Storm Drain Study. I don't know if Frank remembers an approximate ratio, but --
- COUNCILMAN NOLEN: I'd like to see a cost breakdown on that.
- COUNCILMAN CHRISTENSEN: What's the Special Storm Drain Study? Is that because we decided to add that later or is that because they ran into that when they started the design, or what?
- C. E. GILPIN: When we specified the project in the beginning, we were not certain what level of storm or what extent the County bond issue administrators would fund. Mr. Wyatt's people proceeded in the normal manner. We then required him to make a special study, special economic evaluations, which were not anticipated in order to present to the County.
- COUNCILMAN CHRISTENSEN: Okay, I'll ask the Mayor's question. Who didn't anticipate them, us, or them, or the County, or who do we point the finger at this time?
- C. E. GILPIN: You can point a finger at me. The Engineering Services

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 4
IV(i). DEPARTMENT OF ENGINEERING SERVICES. C. REPORTS/ACTION. ITEM 2. APPROVAL OF
INCREASE IN SCOPE OF ENGINEERING DESIGN WORK, HIGHLAND DRIVE FROM CHARLESTON BOULEVARD
TO CAREY AVENUE.

C. E. GILPIN:

Department prepares the engineering specifications. There are often questions for which there's no known answer at the time. There are not enough facts and we have to sometimes change our criteria.

FRANK WYATT:

Can I make another interjection here? When we get involved in initial contract negotiations we have really a very good picture of the way the project is going to come together. For instance, on the storm drain system we had to do a very involved hydrology study to determine how big the pipes were and subsequently we did cost estimates to figure out how much this system was going to cost. When we finished the study on the Highland project, we ended up coming up with an extremely large and expensive system. It was at this point that we alerted Public Services to the problem and decided that we had better do another little study on the system because we had to construct some outfall lines down Owens, Bonanza and, I think, Lake Mead to make the system function adequately and we knew that there would be some severe budget problems in doing so and that is primarily where the extra work came in. It was just getting to an end point and determining that there was not enough money to construct the system.

MAYOR BRIARE:

I think you've been sitting here most of the morning and you could tell that perhaps the Council is getting to the point where we don't like surprises and this might be a surprise, but did you answer -- I was looking at something else, Councilman Christensen, while you were asking Mr. Gilpin some questions, did you separate on our backup material, our indepth material here, we have Item No. 1, a Special Storm Drain Study and Item No. 2, change in the contract documents pertaining to the deletion of Bonanza Village Subdivision. I think Councilman Christensen's comments were more toward the changing in the subdivision improvement district -- what the costs to us were. Tell us just this much, Mr. Gilpin, how much of the \$12,500 is for Special Storm Drain Study and how much is for the changes in the contract documents.

C. E. GILPIN:

The contract changes -- I can't give you the exact figure. It couldn't be over \$2,500.

MAYOR BRIARE:

Okay. So \$10,000 for the Storm Drain Study and \$2,500 for the subdivision changes. Okay, that's perspective.

COUNCILMAN NOLEN:

Those are approximates, aren't they?

MAYOR BRIARE:

Yes. He said he couldn't tell us exactly, but --

COUNCILMAN NOLEN:

I'd make a motion to TABLE this until I know exactly. I can't vote on this until I know.

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 5
IV(1). DEPARTMENT OF ENGINEERING SERVICES. C. REPORTS/ACTION. ITEM 2. APPROVAL OF
INCREASE IN SCOPE OF ENGINEERING DESIGN WORK, HIGHLAND DRIVE FROM CHARLESTON BOULEVARD
TO CAREY AVENUE.

MAYOR BRIARE:

Would your firm -- your firm is the one that requested \$12,500. You probably have somewhere --

FRANK WYATT:

We gave a breakdown to Public Services and it seems like it was \$3,900 for the Special Improvement District and the difference was for the storm drain. One other thing is, we normally try to take care of all this kind of thing in our contract and we don't like coming back for extra money any more than you like hearing about it and we're getting toward the tail end of the job and it was apparent that these items were going to throw us over our contract limitation and that's the reason we're here.

MAYOR BRIARE:

The storm drain is just new.

COUNCILMAN CHRISTENSEN:

What it boils down to, Mayor, is, if I can oversimplify it and get you right straight to the bottom line, we're not allowed to bid on professional services until we negotiate them, which is the way to get around not being able to bid on them, and we negotiate them and in order for everybody to come out, we really reduce them at bottom line to a cost-plus contract.

MAYOR BRIARE:

That's right. I agree with you.

COUNCILMAN CHRISTENSEN:

I mean, we're doing cost-plus contracting in the City, is what we're doing.

MAYOR BRIARE:

But is this storm drain -- Councilman, I think what we're doing, we're working on your motion to hold this until this afternoon to find out what the differences are. It could be \$3,900 for one, but this Special Storm Drain Study, this is something probably, Mr. Gilpin, and I don't think anybody's picking on you right today, we'll get to the others later, the Special Storm Drain Study, for some reason or other, we decided we didn't want to do it six months or a year ago, but all of a sudden now we want to do a Special Storm Drain Study and incorporate it into this agreement. Is this a Special Storm Drain Study and new project which was not contemplated back in those days?

C. E. GILPIN:

We simply did not anticipate the problem or the need for the special study. When we do, and in many of our contracts we do anticipate this because these sorts of studies are often required and they're in the main place in the contract.

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 6 0086
IV(i). DEPARTMENT OF ENGINEERING SERVICES. C. REPORTS/ACTION. ITEM 2. APPROVAL OF
INCREASE IN SCOPE OF ENGINEERING DESIGN WORK, HIGHLAND DRIVE FROM CHARLESTON BOULEVARD
TO CAREY AVENUE.

MAYOR BRIARE:

Can this project be completed because the engineer said it's almost near completed? Can it be completed without this Special Storm Drain Study, or are the holes open and while the holes are open you want to make any changes that have to be made?

COUNCILMAN CHRISTENSEN:

You have to understand that this is a study and all this tells us is whether we need to keep the holes open, make them bigger, or whatever. This is just the tip of the iceberg. When it's really going to hit is when the study says it's got to have great big storm drains and then we've got to modify the contract to put in the great big storm drains and then it will cost us more to design that because now we've got to design those big storm drains.

MAYOR BRIARE:

Would you help by getting the answers to Councilman Nolen's question?

COUNCILMAN LEVY:

I'd like to make a comment, Mayor, when we're through here. Sir, I'd like for you to take a message back to your association, if it's necessary for me to say something today. There is an attitude, or new attitude, as you can see from this Council, regarding surprises, monies, additional monies. It's a new day and I think in speaking for the Council I might say that we're going to be watching these nickels and dimes and watching them hard, not that we haven't in the past, but I think it's going to be a new ballgame. We're not blaming you or Gil or anybody else regarding this one particular amount of money, but not only this money, but it's going to be, as the Mayor said, it's not picking on Gil Gilpin at the moment, we've got some other departments, and we're going to be watching these things very carefully. We want to see some changes and some new thoughts and attitudes. It's not going to be these contingency funds just floating around. I'd like you to take it back to your, not just your firm, but to the associations at their meetings.

MAYOR BRIARE:

Are there any objections by the Council to hold this off until this afternoon, Councilman Nolen?

COUNCILMAN NOLEN:

The only other comment I have is, it hasn't been answered, Councilman Christensen's question regarding why it cost just approximately \$3,900 not to put street lights in in the Special Improvement District. That question has not been answered to my satisfaction. I can't believe it would cost us that much money to not put street lights in. All you're doing is saying "We're not going to put those street lights in." You haven't justified that to me yet.

EXCERPT - CITY COUNCIL MEETING - NOVEMBER 2, 1983 - 10:00 A.M. - PAGE 7
IV(i). DEPARTMENT OF ENGINEERING SERVICES. C. REPORTS/ACTION. ITEM 2. APPROVAL OF
INCREASE IN SCOPE OF ENGINEERING DESIGN WORK, HIGHLAND DRIVE FROM CHARLESTON BOULEVARD
TO CAREY AVENUE.

MAYOR BRIARE:

It is hard to understand, laymen, non-engineers, it's hard to understand. I'm not going to do something so it's going to cost me more money and if I do it it won't cost that much. What time element are we on here, Mr. Gilpin?

C. E. GILPIN:

There's no rush on this. In fact, it would probably be to our benefit to table this until the next Commission meeting.

MAYOR BRIARE:

Until the next meeting. Councilman Nolen, is that alright with you?

COUNCILMAN NOLEN:

That's fine, Your Honor.

MAYOR BRIARE:

Are there any objections by the Council?

COUNCILMAN LURIE:

The only rush is it is one of the last projects on the bond issue that we're trying to get Regional Transportation to get it built so we can go on to some other projects. Holding it one more meeting is not going to really make that much difference.

C. E. GILPIN:

The engineer is proceeding. He's not being held up.

MAYOR BRIARE:

Next agenda, if there's no objection by the Council.

AGENDA*City of Las Vegas*

0068

Nov. 2, 1983
Page 19CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

IV (i). DEPARTMENT OF ENGINEERING SERVICES
(Continued)C. REPORTS/ACTION (Continued)3. Request from John T. Moran, Jr. for
an Encroachment Agreement at 638 S.
4th Street.Lurie -
APPROVED
Unanimous

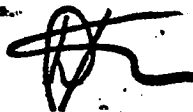
Staff to proceed

4. Request from the Golden Nugget Hotel
for an Encroachment Agreement on First
Street.Lurie -
APPROVED
Unanimous

Staff to proceed

11:39

APPROVED



AGENDA DOCUMENTATION

0069

Date: Oct. 26, 1983

TO:
The City Council

FROM: RICHARD L. CAMPBELL
ACTING DEPUTY CITY MANAGER

SUBJECT: REQUEST FROM JOHN T. MORAN, JR. FOR AN ENCROACHMENT AGREEMENT
AT 638 S. 4th STREET.

PURPOSE/BACKGROUND

A request has been received from John T. Moran, Jr. for an encroachment to allow landscaping, steps, and parking in the public right of way on S. 4th Street and on Garces Avenue. All landscaping and parking will be behind the five-foot sidewalks.

This request is in conjunction with a new office building at the north-west corner of S. 4th Street and Garces Avenue.

The applicant has signed the Encroachment Agreement which has conditions of liability, removal and maintenance.

FISCAL IMPACT

None.

RECOMMENDATIONS

The Director of Engineering Services recommends that the City Council approve the encroachment and authorize the Mayor to execute the agreement.



C. E. GILPIN
Director of Engineering Services

Agenda Item 11/2/83

IV (i). C. 3.

JOHN T. MORAN, JR.
ATTORNEY AT LAW
A PROFESSIONAL CORPORATION
VALLEY BANK PLAZA, SUITE 1212
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101
(702) 384-8424

October 24, 1983

City of Las Vegas
Engineering Services
400 East Stewart Avenue
Las Vegas, Nevada 89101

Dear Sirs:

This letter will serve as a request for an encroachment located at 638 South Fourth Street. I intend to construct an office building at this location and need approval to landscape ten (10) feet of public right-of-way on Garces Street including parking at the rear.

I also need permission to construct steps to the building and raise planters on 2-1/2 feet of public right-of-way on Fourth Street.

Should any questions arise concerning this request, please contact Mr. Mike Morris, our General Contractor, at 459-5594. I remain

Very truly yours,

John T. Moran, Jr.

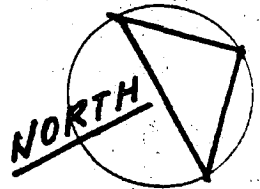
JTM/jm

ALLEY

4'
PARKING
ENCROACHMENT

P A R K I N G

DRIVEWAY



GARCES AVE.

10' LANDSCAPING
ENCROACHMENT

PROPOSED BLDG.
JOHN T. MORAN JR.

638

SOUTH FOURTH ST

EXISTING
5' SIDEWALK

EXST. CURB

LAWN & SMALL SHRUBS

LAWN & SMALL
SHRUBS

2.5' LANDSCAPING
ENCROACHMENT

2.5' STAIRS ENCROACHMENT

FOURTH ST.

City of Las Vegas

AGENDA DOCUMENTATION

0079

Date: October 27, 1983

TO: The City Council

FROM: RICHARD L. CAMPBELL
ACTING DEPUTY CITY MANAGERSUBJECT: REQUEST FROM THE GOLDEN NUGGET HOTEL FOR AN ENCROACHMENT AGREEMENT
ON FIRST STREETPURPOSE/BACKGROUND

A request has been received from the Golden Nugget Hotel for an Encroachment Agreement to allow electrical conduits on the outside of the new Golden Nugget building on First Street. The conduits will be enclosed by two protective structures that will project 8"-10" into the 15' sidewalk.

The structures are to be designed to present no hazard to pedestrians.

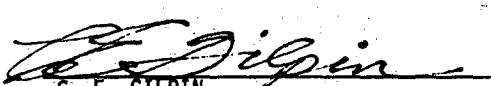
The applicant has signed the Encroachment Agreement, which has conditions of liability and maintenance. This will be a permanent encroachment, which will require the City to be included as an insured party on their liability insurance policy.

FISCAL IMPACT

None.

RECOMMENDATIONS

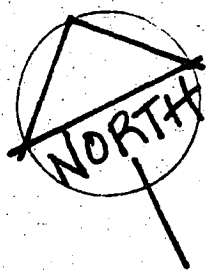
The Director of Engineering Services recommends that the City Council approve the encroachment and authorize the Mayor to execute the agreement.


C. E. GILPIN
Director of Engineering Services

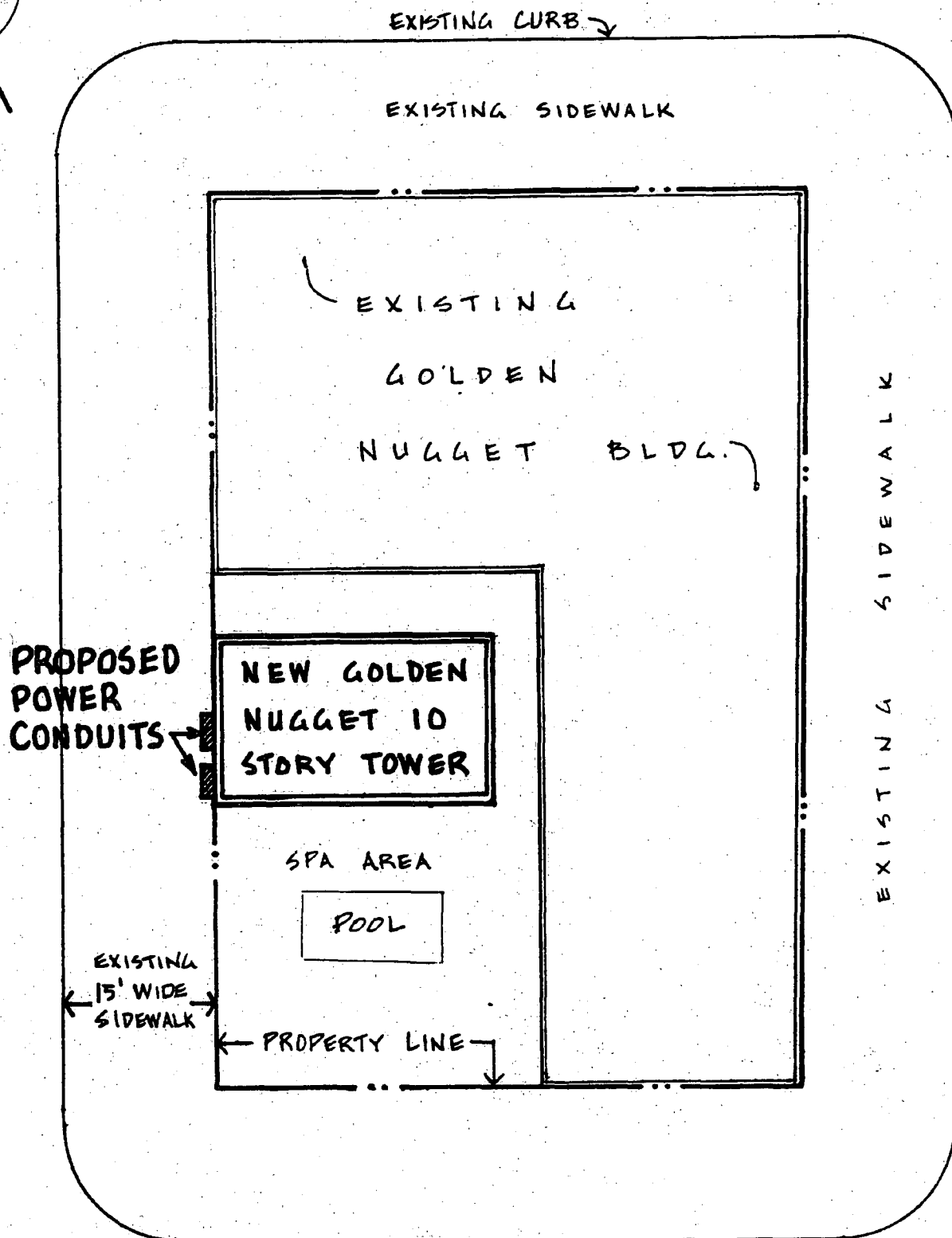
Agenda Item 11/2/83

IV (i). C. 4.

FREMONT STREET



FIRST STREET



EXISTING SIDEWALK

CASINO CENTER BLVD.

CARSON AVE.

0071

November 2, 1983

AGENDA*City of Las Vegas*

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

Page 20

ITEM

Council Action

Department Action

V. GEORGE F. OGILVIE - CITY ATTORNEY

11:39 A.M. Session

Hearing on Complaint for Disciplinary
Action Against the License of James
Perry, dba JIM'S AAA BEDS FOR RENT

13:37 P.M. Session

AFTERNOON SESSION RECONVENED AT
1:30 P.M.Levy -
License REVOKED
and business closed
immediately.
Unanimous

Staff to proceed

Appeared:

Val Steed,
Deputy City Atty.Exhibit A, Verbatim
Transcript of
3/18/83 City
Commission meeting,
and
Exhibit B, Business
License Application,
made part of Final
Minutes.James Perry,
Licensee, Jim's
AAA Beds For RentBill Sistek,
Business Activity
Dept., CLVRay Peeples,
Fire Dept., CLVNed Barker,
Fire Dept., CLVFrank Pierce,
Business Activity
Dept., CLV(Verbatim transcript made part
of Final Minutes.)

MORNING SESSION RECESSED AT 11:57 A.M.

City of Las Vegas

007

AGENDA DOCUMENTATION

Date: October 26, 1983

TO:
The City CouncilFROM:
Val Steed *Val Steed*
Deputy City AttorneySUBJECT:

Hearing on Complaint for Disciplinary Action Against the License of James Perry, dba Jim's AAA Beds for Rent

PURPOSE/BACKGROUND

At the October 5, 1983, Council meeting, the Council approved a Complaint for Disciplinary Action against the license of James Perry, dba Jim's AAA Beds for Rent, located at 222 N. 1st Street, Las Vegas, Nevada. A hearing on that Complaint has been scheduled for the November 2, 1983, Council meeting.

The grounds for the Complaint are summarized as follows:

1. That in September, 1983, Mr. Perry caused or permitted certain Fire Code violations to exist on the licensed premises. A similar complaint filed in 1981 was not pursued by the City after Mr. Perry was advised that any future safety violations would result in immediate disciplinary proceedings.
2. That in September, 1983, Mr. Perry caused or permitted on the premises other Fire Code and Building Code violations relating to the use of oxygen bottles, occupant load requirements, alarm and sprinkling requirements and emergency exit requirements.
3. That Mr. Perry was not licensed to operate the type of facility he was operating in September, 1983.
4. That Mr. Perry has failed to pay certain taxes and has not maintained or made available to the City the required records relating thereto.

Attached for your reference is the Complaint for Disciplinary Action in this matter. Also attached, as Exhibit "A," is the transcript of the hearing held before you in the 1981 matter (Exhibit A, Excerpt -- City Commission Meeting Minutes -- March 18, 1981).

FISCAL IMPACT

NONE

RECOMMENDATIONS

It is recommended that the City Council conduct a hearing on the Complaint herein and take such disciplinary action against Mr. Perry's license as may be appropriate.

DISPOSITION

Approved ☐
Disapproved ☐
Held ☐

Status Due: _____

Agenda Item

V-A

0076

BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA

In the Matter of:)

The Department of Business)
Activity, on behalf of the)
City of Las Vegas, Nevada,)

Petitioner,)

COMPLAINT FOR DISCIPLINARY ACTION

v.)

JAMES PERRY, dba JIM'S AAA)
BEDS FOR RENT,)

Respondent.)

Comes now the Petitioner, the Department of Business Activity of the City of Las Vegas, Nevada, and makes this Complaint for Disciplinary Action against the Respondent, James Perry, dba Jim's AAA Beds for Rent, as follows:

I.

1. From June, 1977, through the present, James Perry has been and is the owner and licensee of a business located at 222 North 1st Street, Las Vegas, Nevada, known as Jim's AAA Beds for Rent.

2. During said period of time, James Perry, dba Jim's AAA Beds for Rent (hereinafter "Respondent") has been and is in the business of renting out sleeping accommodations at said location.

3. At all times mentioned herein, Respondent was and is the holder of a license (#R08-059-6-15426), issued by Petitioner to conduct said business at said location.

4. As owner and licensee of said business, Respondent is subject to all terms and conditions of the general business licensing requirements of the City of Las Vegas.

5. Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas, 1983 Edition, contains said general business licensing requirements.

1 6. Title 6, Chapter 88, of said Code provides the
2 manner in which sanctions may be imposed against licensees for
3 violations of said requirements.

4 7. Title 6, Chapter 2, Section 330 of the Municipal
5 Code provides that a licensee may be subject to disciplinary
6 action for good cause. Included as examples of good cause are
7 the following:

8 * * *

9 B. The licensee or any of its principals fails to
10 satisfy any qualification or requirement imposed by this
11 Code, or other local, State or Federal law or regulation per-
12 taining to the particular license or approval for suitability
13 sought or held;

14 * * *

15 D. The licensee or any of its principals is or has
16 engaged in a business, trade or profession without a valid
17 license, permit, approval for suitability or work card when
18 the applicant or holder knew that one was required or under
19 such circumstances that he reasonably should have known one
20 was required;

21 E. The licensee or any of its principals has been sub-
22 ject, in any jurisdiction, to disciplinary action of any kind
23 against a license, permit, approval for suitability or work
24 card to the extent that such disciplinary action reflects on
25 the qualification, acceptability or fitness of the licensee;

26 * * *

27 H. The licensed premises do not satisfy local, State
28 or Federal laws or regulations pertaining to the activity to
29 be actually engaged in;

30 I. The actual business activity constitutes a public
31 or private nuisance, or will be or is conducted in an
32 unlawful, illegal or improper manner;

1 J. The licensee or any of its principals lacks suf-
2 ficient financial, technical or educational ability or
3 experience to conduct or perform the activity for which the
4 license is sought;

5 K. The licensee or any of its principals violates any
6 condition imposed upon the license.

7 8. Title 6, Chapter 2, Section 360 of said Code
8 authorizes suspension, revocation and other forms of disciplinary
9 action against a licensee.

10 9. On February 18, 1981, a Complaint to Show Cause was
11 approved by the Board of Commissioners (now the City Council)
12 seeking disciplinary action against Respondent's license on the
13 basis of certain safety and fire code violations relating to exit
14 requirements.

15 10. At a show cause hearing on said Complaint, held on
16 March 18, 1981, said Board approved a motion not to proceed with
17 that Complaint, but Respondent was advised that any future safety
18 violations would result in immediate disciplinary proceedings
19 against his license.

20 11. On September 2, 1983, representatives of the
21 Department of Fire Services visited the premises at 222 North 1st
22 Street and discovered certain obstructions in a corridor of the
23 building.

24 12. Respondent caused or permitted such obstructions in
25 violation of Section 12.103 of the Uniform Fire Code, as adopted
26 by the City of Las Vegas.

27 13. On the same date, there were located on the prem-
28 ises oxygen bottles which did not have pressure relief valves and
29 were not properly secured.

30 14. Respondent caused or permitted said oxygen bottles
31 to be located in the building in such condition in violation of
32 NFPA Standard 56F, adopted as part of the Fire Code of the City

1 of Las Vegas.

2 15. On September 6, 1983, at least six elderly, non-am-
3 bulatory persons were found to be occupying the premises as resi-
4 dents, four of whom occupied an area of approximately 255 square
5 feet.

6 16. Respondent caused or permitted said condition to
7 exist in violation of Section 3301 of the Uniform Building Code,
8 1979 Edition; Appendix VI-C, Table 33-A of the Uniform Fire Code,
9 1982 Edition, as adopted by the City of Las Vegas; and Section
10 13-1.7 of the Life Safety Code.

11 17. On September 6, 1983, the building in question was
12 not equipped with a manually-operated fire alarm system or auto-
13 matic sprinklers.

14 18. Respondent caused or permitted said condition to
15 exist in violation of Sections 10.307 and 10.309, and Appendix
16 III-C, of the Uniform Fire Code, as adopted by the City of Las
17 Vegas; and Sections 13-3.4.2 and 13-3.5.1 of the Life Safety
18 Code.

19 19. On the same date, the windows in the building were
20 covered with heavy metal screens with no release mechanism on the
21 inside.

22 20. Respondent caused or permitted said condition to
23 exist in violation of Section 1204 of the Uniform Building Code,
24 as adopted by the City of Las Vegas.

25 21. The existence of the above-cited conditions consti-
26 tutes a violation of a condition imposed on Respondent's license
27 by the then Board of Commissioners in March, 1981.

28 II.

29 22. On September 6, 1983, several persons who were
30 residing at AAA Beds for Rent were observed to be non-ambulatory
31 and in need of care. Upon information and belief, a number of
32 the residents had previously resided at a group care facility

1 operated by James Perry, had moved to AAA Beds after Mr. Perry
2 relinquished his state license to provide care for the elderly at
3 the other location, and were continuing to receive the same type
4 of care at AAA Beds.

5 23. Respondent does not have a license to provide care
6 to non-ambulatory persons, in violation of Title 6 of the
7 Municipal Code and State licensing requirements.

8 III.

9 24. Reports have been made by certain agencies con-
10 cerning allegations of abuse and neglect of elderly persons who
11 were residing at AAA Beds for Rent on September 6, 1983.
12 Pursuant to NRS 200.5091 et seq., information relating to those
13 reports is declared to be confidential and is not available at
14 this time.

15 IV.

16 25. Title 4, Chapter 20, and Title 6, Chapter 46, of
17 the Municipal Code require the licensee of an establishment which
18 provides rooms or temporary accommodations to pay certain room
19 taxes and to maintain and make available to the City of Las Vegas
20 adequate records relating to accommodation rentals.

21 26. In violation of said provisions, Respondent has
22 failed to pay certain taxes and to maintain and supply the
23 required records.

24 27. Respondent currently owes \$5,064.30 plus interest
25 and penalties for the period of January through December 1981,
26 and additional amounts for 1982 and 1983.

27 V.

28 28. The acts and omissions of Respondent as set forth
29 herein constitute good cause for disciplinary action against
30 Respondent's license.

31 29. It has been necessary for Petitioner to devote the
32 attention of its attorneys to this matter.

1 WHEREFORE, Petitioner respectfully requests the City
2 Council as follows:

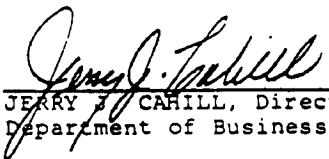
3 1. To approve this Complaint and to order Respondent,
4 at a hearing before the Council or before a Hearing Examiner, to
5 show cause why disciplinary action should not be taken against
6 his license.

7 2. Following said hearing, to suspend or revoke said
8 license and take such other disciplinary action as may be
9 appropriate.

10 3. To award the City of Las Vegas the costs incurred
11 and to be incurred herein, together with reasonable attorney's
12 fees.

13 4. To grant such other relief as the Council seems
14 proper.

15 DATED this 3 day of October, 1983.

16
17 
18 JERRY J. CAHILL, Director
19 Department of Business Activity
20
21
22
23
24
25
26
27
28
29
30
31
32

EXCERPT - CITY COMMISSION MEETING MINUTES - MARCH 18, 1981

Page 1

ITEM V-C - SHOW CAUSE HEARING RE: JAMES PERRY, DBA AAA BEDS, 222 N. FIRST ST. 0082

MAYOR BRIARE: Mr. Foley, would you have any opening remarks you'd like to make on this.

ATTORNEY GEORGE FOLEY: Your Honor, the only thing I have is that after this fire --

MAYOR BRIARE: Well, Mr. Foley, I wonder if I could interrupt you just for a second. There's a Commissioner who wishes to propose a motion and I would just be anxious for you to hear what the motion is and then --

ATTORNEY GEORGE FOLEY: Fine.

MAYOR BRIARE: -- see what comments you might have. Commissioner Levy.

COMMISSIONER LEVY: Yes. I'd like to -- I think to get this thing -- I think you might agree with this, George, and I think the Commission will agree with it, that if one more legitimate violation, and if you'll agree that if we have one more violation, we will close the place permanently.

ATTORNEY GEORGE FOLEY: I would say on a legitimate violation. As far as we know, and we were here for the last meeting, the Fire Department reported that they had checked the place that morning and found everything was kosher.

MAYOR BRIARE: That's correct. That's correct.

ATTORNEY GEORGE FOLEY: Now, we would like to have, if they wish, right at this time and right with this stipulation to have an inspection and tell us what we need do, and then if they tell us that, if we don't do that, we violation that, then fine.

COMMISSIONER LEVY: If we find that you have been told to do something and then two months later --

ATTORNEY GEORGE FOLEY: That's right. If they'll make us an inspection -- is that right, Mr. Perry?

JAMES PERRY: That's right.

ATTORNEY GEORGE FOLEY: Make us an inspection and tell us -- have the right evidence in writing what they want us to do and we'll check it off and if we violate that, then, fine. I think you gentlemen would be absolutely within your province to.

COMMISSIONER LEVY: That's our motion.

MAYOR BRIARE: Mr. Barker, do you understand what is being driven out here?

NED BARKER: You mean, Mr. Foley, that I am to give your client written warning when we find a situation?

COMMISSIONER LEVY: Nope.

CERTIFIED TRUE
Carl A. Huntley
(2 pages)

EXCERPT - CITY COMMISSION MEETING MINUTES - MARCH 18, 1981

Page 2

ITEM V-C - SHOW CAUSE HEARING RE: JAMES PERRY, DBA AAA BEDS, 222 N. FIRST ST. 0083

ATTORNEY GEORGE FOLEY: No, no. We want an inspection now and if we're told that there's something wrong, a time to fix it.

NED BARKER: Well, there's nothing wrong now. It's a very nice facility right now. The thing is is that we can't continue warning about these exiting problems.

ATTORNEY GEORGE FOLEY: I'm not asking about that. I mean -- I just know that if you've got something that's wrong right now, give us a chance to fix it. If not --

COMMISSIONER LEVY: There is nothing wrong right now, Mr. Foley.

ATTORNEY GEORGE FOLEY: Having that in mind --

MAYOR BRIARE: So the procedure would be that --

NED BARKER: Mr. Perry has spent a lot of money and a lot of time and the place is very nice.

MAYOR BRIARE: Yes.

ATTORNEY GEORGE FOLEY: And it's just a matter of maintaining it within it.

MAYOR BRIARE: So, Mr. Barker, that meets with your approval

NED BARKER: Sure. That's all we want to do.--the exiting compliance.

MAYOR BRIARE: Are you the Fire Marshal, Ned?

NED BARKER: Sure.

MAYOR BRIARE: You're the Fire Marshal and you approve of this kind of procedure. Are there any question by the Commissioners? Cast your votes. Post. Motion's approved.

(VOTE: Unanimous vote by full Board approving motion.)

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 1

MAYOR BRIARE: We have only one item on Mr. Ogilvie's, and that is the Hearing on Complaint for Disciplinary Action on the AAA Beds for Rent. Is there a representative for the AAA Beds for Rent?

CITY ATTORNEY OGILVIE: My Deputy, Val Steed, will handle this for the City Attorney's Office.

MAYOR BRIARE: Are you James Perry, sir?

JAMES PERRY: Yes, sir.

MAYOR BRIARE: Are you prepared to present a defense on the matter of whether we should take disciplinary action?

JAMES PERRY: No. I'm not prepared.

MAYOR BRIARE: Would you come forward please, Mr. Perry. These are preliminary -- just before we start in here. You're aware of the complaints against your establishment?

JAMES PERRY: Yes, I'm aware of the complaints.

MAYOR BRIARE: And are you prepared to defend against those complaints today?

JAMES PERRY: No. George Foley is the representative. He had jury trial. He just couldn't be here.

MAYOR BRIARE: Counsel, what is the status of AAA Beds for Rent now? Are they in business?

DEP. CITY ATTORNEY VAL STEED: Yes. Well, as far as I know they are.

MAYOR BRIARE: Are you in business, Mr. Perry?

JAMES PERRY: Yes, sir.

COUNCILMAN LURIE: Well, when were you notified that this hearing was going to take place today?

JAMES PERRY: I was first notified about a month ago that it was going to be on the 20th --

COUNCILMAN LURIE: So you had sufficient time and your attorney had sufficient time to reschedule anything so we could get on with this hearing and get you to justify to us why you should remain open.

JAMES PERRY: George Foley has been in a jury trial most of this month -- most of the month of October.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 2

COUNCILMAN LEVY: Well, then you'd better --

MAYOR BRIARE: Mr. Perry, you've got to understand that this is not a court of law right here, and sometimes judges will do some things that are very peculiar to us who sit in administrative positions. Mr. Ogilvie, where do we stand here? Now, Mr. Perry had legal counsel show up the last time and he's not here now? Did your office get any indication that there were a conflict of schedules for counsel?

CITY ATTORNEY OGILVIE: It's my understanding that Mr. Foley called Mr. Steed last evening and said that he had just been retained on this matter and could not be here today because of having --

MAYOR BRIARE: He was here before. He represented Mr. Perry before.

COUNCILMAN LEVY: Where do we stand? I think the Mayor asked, "Where do we stand legally?" Can we continue -- can we have the hearing right now?

CITY ATTORNEY OGILVIE: Yes.

COUNCILMAN LURIE: That's what it's set for.

COUNCILMAN CHRISTENSEN: Let's proceed.

CITY ATTORNEY OGILVIE: You can grant Mr. Perry's request to continue it, if you wish to, but if you wish to proceed, you can go ahead and proceed.

MAYOR BRIARE: Well, if he were not in business, if that place were closed, then let him continue as long as he wants, but inasmuch as the problems that have been complained about are perhaps ongoing, I think we're obliged to go ahead. Mr. Ogilvie, I'm not arguing, I'm just trying to establish --

COUNCILMAN LURIE: Maybe we'll ask Mr. Perry. Would you be willing to close your establishment and we'll continue this --

COUNCILMAN LEVY: For two weeks.

COUNCILMAN LURIE: -- until you're ready?

MAYOR BRIARE: Until your lawyer's here-

JAMES PERRY: No, I would not be willing to close because I don't think --

MAYOR BRIARE: Then fine. We'll just proceed right now. Then, Mr. Perry, you may stand there or sit down, whichever you

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 3

MAYOR BRIARE:

find the most comfortable, and we're going to listen to the City Attorney present his side of the case, and then you can answer whatever, in any manner you wish, the matters that this attorney brings up. Counsel.

DEPUTY CITY ATTORNEY
VAL STEED:

Once again, my name is Val Steed. I'm a Deputy City Attorney. Just briefly, to give you an idea of what this is about, on October 5, you approved a Complaint against James Perry doing business as AAA Beds for Rent.

MAYOR BRIARE:

Excuse me. Mr. Perry, can you hear? Can you hear there? Can you hear the attorney?

JAMES PERRY:

Yes, sir.

MAYOR BRIARE:

Okay.

DEPUTY CITY ATTORNEY
VAL STEED:

The basis of that Complaint, which I have attached to your Agenda, is that in September of 1983, a number of Fire Code violations and other violations were found on the premises. This, after two years ago, in 1981, a similar matter had been held before the City Commission. At that time Mr. Perry was allowed to keep his license, but he was advised that any further safety or extra related violations would result in immediate proceedings against his license. I have attached also as Exhibit A, a copy of those proceedings before the City Commission in 1981. Also, at the same time, Mr. Perry was not licensed legally to operate the kind of facility that he was operating in September, 1983, and also that he has failed to pay certain room taxes and to keep the required records that are required of him by the City Code. I would like to ask that Exhibit A be made part of the record, Your Honor --

MAYOR BRIARE:

If there is no objection by the Council.

DEPUTY CITY ATTORNEY
VAL STEED:

-- which is a transcript of the City Commission meeting. Okay. Mr. Sistik, would you come forward.

COUNCILMAN LURIE:

Val, has Mr. Perry been given a copy of all of the allegations here in our backup material?

DEPUTY CITY ATTORNEY
VAL STEED:

Yes, Mr. Lurie. He was served twice. He was served by mail on October 7 with the entire package, and also personally on October 19.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 4

COUNCILMAN LURIE: So after you get finished with your witnesses, he can answer all these questions, if we want him to answer all of these, of anything that's been done to take care of the complaint that's before us.

DEPUTY CITY ATTORNEY VAL STEED: Sure. He'll have an opportunity. Could you state your name for the record.

BILL SISTEK: My name is Bill SisteK.

DEPUTY CITY ATTORNEY VAL STEED: And your employment?

BILL SISTEK: Senior License Inspector, Department of Business Activity, City of Las Vegas.

DEPUTY CITY ATTORNEY VAL STEED: Mr. SisteK, are you familiar with the license of James Perry?

BILL SISTEK: Yes, I am.

DEPUTY CITY ATTORNEY VAL STEED: Did you bring a copy of that -- of his license application here today?

BILL SISTEK: I have a certified copy of his business license application for AAA Beds.

DEPUTY CITY ATTORNEY VAL STEED: Let me show you a copy of this and also mark it for the record as Exhibit B. Could you tell me what type of business --

CITY ATTORNEY OGILVIE: Val, I think we should have Mr. SisteK sworn.

CITY CLERK HAWLEY: Would you raise your right hand. Do you, Bill SisteK, solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

BILL SISTEK: I do.

DEPUTY CITY ATTORNEY VAL STEED: Mr. SisteK, let me show you a copy of this license application Exhibit B, and have you tell the Council what type of business this license authorizes.

BILL SISTEK: This license authorized Mr. Perry to operate a rooming house with six rooms at 222 North First Street.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 5

DEPUTY CITY ATTORNEY
VAL STEED:

Could I have you turn to Page 4 of that Exhibit and read what the description of the business to be conducted is there.

BILL SISTEK:

Written in -- what I presume is the handwriting of James Perry -- it says, "A rooming house for sleeping only with showers, single beds only, Army barracks style bunk beds."

DEPUTY CITY ATTORNEY
VAL STEED:

Thank you. Mr. Mayor, I'd like to have Exhibit B made part of the record.

MAYOR BRIARE:

Go ahead, if there are no objections.

DEPUTY CITY ATTORNEY
VAL STEED:

Mr. Sistek, did you have occasion to visit the license premises on or about September 6, 1983?

BILL SISTEK:

Yes, I did.

DEPUTY CITY ATTORNEY
VAL STEED:

Could you tell me what the occasion of that visit was?

BILL SISTEK:

I was called by an individual -- I forget the name -- from the State Welfare Department saying that they were going to go over there, that there were non-ambulatory patients being cared for and that's when I went over there.

DEPUTY CITY ATTORNEY
VAL STEED:

Okay, did you notice -- at the time you made your visit, was Mr. Perry conducting a rooming house or hotel operation on the premises as far as you could tell?

BILL SISTEK:

As far as I could tell, the area of the rooming house that we went to, there were eight or ten -- some ambulatory some not ambulatory -- patients that were considered to be adult care facility patients.

DEPUTY CITY ATTORNEY
VAL STEED:

Is a license -- for example, Mr. Perry's license to operate a rooming house -- would that cover care of non-ambulatory patients?

BILL SISTEK:

No, it would not.

DEPUTY CITY ATTORNEY
VAL STEED:

Then you would be required -- is there a different classification --

BILL SISTEK:

Yes.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 6

DEPUTY CITY ATTORNEY
VAL STEED:

-- to take of --

BILL SISTEK:

First of all, he must have his State license and also a Health Permit and then apply to the City for business license entitled "Adult Group Care Facility."

DEPUTY CITY ATTORNEY
VAL STEED:

Are you aware of whether he had such a license?

BILL SISTEK:

He did not have such a license at 222 South -- North First Street.

DEPUTY CITY ATTORNEY
VAL STEED:

I have no other questions of --

MAYOR BRIARE:

Mr. Perry, do you have any questions that you'd like to ask this gentleman?

JAMES PERRY:

Yes, I do.

MAYOR BRIARE:

Would you come forward please, sir. And perhaps, you ought to stay right here because it will help us to expedite this matter which in turn is a service to you and your cause. Just state your questions please, that's relative to the questions that were just asked by the attorney.

JAMES PERRY:

Well, just a specific question to Mr. Sistek.

MAYOR BRIARE:

Mr. Perry, excuse me. You're going to have to speak a little louder.

JAMES PERRY:

Speaking directly to Mr. Sistek they have charged that the facility, these people were ambulatory or non-ambulatory. I think someone needs to give a definition of ambulatory and non-ambulatory. Everyone here clearly understands but me.

DEPUTY CITY ATTORNEY
VAL STEED:

Do you know the answer to that, Mr. Sistek?

BILL SISTEK:

Well, I hope I can answer it. Ambulatory patients are those who can get around by themselves. Non-ambulatory patients are those who need assistance.

MAYOR BRIARE:

So there were some folks there in your opinion that were -- needed assistance to get around?

BILL SISTEK:

That's correct. There are some blind people there and there are some people who required -- lying in bed

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 7

BILL SISTEK: requiring oxygen. So when somebody moved those people, it seemed to me that they have to carry the oxygen with them, and as a matter of fact, I saw some people taken out on stretchers.

MAYOR BRIARE: Mr. Perry, did you know of anybody there that was blind or needed assistance?

JAMES PERRY: We had one individual that was blind and is blind. I had operated the Condo AGF Center for a year and a half with a State license, and when I terminated my license with the State, all these people were ruled legally --

MAYOR BRIARE: Just a minute, Mr. Perry. This is why we have a difficult thing here because I've already indicated, this is not a court of law. You've asked your question and did the gentleman answer your question as to definition of ambulatory and non-ambulatory?

JAMES PERRY: Yes, he did.

MAYOR BRIARE: What his impression was --

JAMES PERRY: Yes.

MAYOR BRIARE: -- of what he means by ambulatory. I think he responded to that question. Okay, sir, do you have other questions of this gentleman?

JAMES PERRY: Well, first of all.

MAYOR BRIARE: We don't want you to explain your case now. You'll get your opportunity to do that. We want you just to cross-examine this man if you care to.

JAMES PERRY: But he cannot make a -- he says his opinion that some of these people were non-ambulatory --

MAYOR BRIARE: Okay.

JAMES PERRY: He don't know. That's a doctor -- a doctor should establish that who is ambulatory and not ambulatory, and that hasn't been established by a doctor.

MAYOR BRIARE: Very well, sir. Okay. Well, that's the counsel's -- that's his problem. Now, were you listening when this gentleman was answering the questions? Were you listening when you were sitting over there?

JAMES PERRY: Sure. Yes, sir.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 8

MAYOR BRIARE: So you know what questions were asked?

JAMES PERRY: Well, I don't quite --

MAYOR BRIARE: So your questions of this gentleman are going to have to be limited to the answers he gave to the attorney.

JAMES PERRY: Well, one other question regarding the rooming house. This has been a hotel, operated as a hotel, for probably six or seven years, since 1977, and the Fire Department have come out and evaluate the place and said you're allowed to have five people in this particular area, which I had four in a particular area.

MAYOR BRIARE: Are you going to ask a question of this man, or are you going to --

JAMES PERRY: Well, he made the statement that there were more peoples in the rooms --

MAYOR BRIARE: Mr. Perry, would you turn to him and ask him a question.

JAMES PERRY: No, I won't turn to him and ask him a question because --

MAYOR BRIARE: Then you're through your cross-examination.

JAMES PERRY: Basically, what he -- the answer that he gave to what was asked was not true.

MAYOR BRIARE: Were not true?

JAMES PERRY: Was not true.

MAYOR BRIARE: Well, do you want to restate the question so he can answer you in a manner that you would think would be a truthful answer, if you think he didn't tell you the --

JAMES PERRY: It was a truthful answer as to how many people was the place qualified to hold -- legally qualified to hold.

BILL SISTEK: His rooming house was licensed for 12 rooms and I think according to the zoning laws, he's entitled to 80 people.

COUNCILMAN LEVY: Eighty.

BILL SISTEK: Eighty people sleeping in a manner in which he described in that application. It's Army type barracks, bunk beds, and there's no limit over 80 people. And he's licensed for six rooms, and the license fee for that was \$12.50 semi-annually. But in the other half -- now, when I say "half," it isn't exactly half. In the south end of this

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 9

BILL SISTEK: building at 222 North First Street, there were -- I don't want to lie in front of Mr. Perry, he'll catch me at it. I think five or six rooms, and in those five or six rooms, there was at least one patient or two in some of them -- this -- these people that we're talking about right now, and this was not part of the Army barracks type rooming house. This was the south end of the building. The army type rooming house is on the north end of the building.

MAYOR BRIARE: When you say "patients," -- Mr. Perry, did you have patients in that building?

JAMES PERRY: No, I did not have patients. That's the reason why I asked him --

MAYOR BRIARE: It's no hospital, obviously. This is a rooming house. It's a flophouse. People who are living there are not -- people who are there are not patients.

JAMES PERRY: That's right.

BILL SISTEK: But the people who were there and who have oxygen tanks, and hooked up to an oxygen tank, I call them a patient.

MAYOR BRIARE: Any other questions, Mr. Perry?

JAMES PERRY: Well, that's not true. A person can have oxygen any place -- hotel or anywhere -- so he's not --

MAYOR BRIARE: Okay. Do you have any other questions?

JAMES PERRY: Not right now.

MAYOR BRIARE: Thank you, Mr. Perry. You may be seated. Are you through with this witness?

DEPUTY CITY ATTORNEY
VAL STEED: Yes, Your Honor.

MAYOR BRIARE: Thank you very much. Do you have another witness?

DEPUTY CITY ATTORNEY
VAL STEED: Yes, Your Honor.

MAYOR BRIARE: Would you stay right here, Mr. Perry. Be seated right in that front aisle, if you would. Ma'am, you're very welcome to come over and sit with Mr. Perry, if you wish, by all means.

DEPUTY CITY ATTORNEY
VAL STEED: Can I get you to swear him?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 10

CITY CLERK HAWLEY: Yes. Raise your right hand. Do you, Ray Peeples, solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

RAY PEEPLES: I do.

MAYOR BRIARE: How many witnesses are you going to call, Counsel? Well, maybe we'd better stop right now.

DEPUTY CITY ATTORNEY VAL STEED: None of my witnesses are very long winded, Your Honor.

MAYOR BRIARE: I beg your pardon.

DEPUTY CITY ATTORNEY VAL STEED: I say none of my witnesses are very long winded.

MAYOR BRIARE: Well, Mr. Allen has to have an opportunity to cross-examine each one, so --

COUNCILMAN LEVY: Mr. Perry.

MAYOR BRIARE: But Mr. Perry's going to have to get some help on knowing what cross-examining is. . . What is the Council's time schedules right now? How long do you think you're going to need? I just don't understand. Mr. Ogilvie, the formality -- I just can't see us having to be so terribly formal.

COUNCILMAN LEVY: Well, it's a part of the rules. It's going to go to the courts.

(OFF THE RECORD DISCUSSION AMONGST MEMBERS OF THE COUNCIL.)

MAYOR BRIARE: How long did you say?

DEPUTY CITY ATTORNEY VAL STEED: I don't need any more than a half hour, depending upon his cross-examination, of course.

MAYOR BRIARE: Counsel, can you be back at 1:30 -- Mr. Ogilvie.

(HEARING WAS RECESSED AT 11:57 A.M. AND RECONVENED AT 1:30 P.M.)

MAYOR BRIARE: Mr. Steed, I believe you had the officer -- has he been sworn in?

CITY CLERK HAWLEY: Yes.

MAYOR BRIARE: Would you then proceed with your questions and we'll try to finish this up by two o'clock, if possible.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 11

DEPUTY CITY ATTORNEY
VAL STEED:

Okay. Could you state your name.

RAY PEEPLES:

Ray Peeples.

DEPUTY CITY ATTORNEY
VAL STEED:

And your employment?

RAY PEEPLES:

City of Las Vegas Fire Department.

DEPUTY CITY ATTORNEY
VAL STEED:

Did you have occasion to visit the premises of AAA Beds for Rent on or about September 2, 1983?

RAY PEEPLES:

That's correct.

DEPUTY CITY ATTORNEY
VAL STEED:

And what was the purpose of your visit?

RAY PEEPLES:

I received a call from Chief Ned Barker who stated that he had gotten a call from someone in reference to the fact that AAA Beds was housing people who were non-ambulatory and he wanted it checked out.

DEPUTY CITY ATTORNEY
VAL STEED:

Did you then inspect the premises for any violations of the Fire Code?

RAY PEEPLES:

Yes, we did.

DEPUTY CITY ATTORNEY
VAL STEED:

Did you find anything in that regard.

RAY PEEPLES:

Yes.

DEPUTY CITY ATTORNEY
VAL STEED:

Explain to the Council what you found.

RAY PEEPLES:

Yes. Upon arriving, we tried to make an attempt to get the people out; however, there was a doctor there and we didn't get into that too much. We did make a regular inspection and did find several violations. The most serious, in my opinion, was the storage in the corridor. There was approximately 20 feet of storage in an exit corridor, which is 58 inches in width. The storage occupied approximately 30 inches of that required width and leaving a remainder of 28 inches approximately.

DEPUTY CITY ATTORNEY
VAL STEED:

And what is it that the City Code requires as far as --

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 12

RAY PEEPLES: A minimum of 44 inches when you have an occupancy load of 10 or more in that kind of an occupancy.

DEPUTY CITY ATTORNEY VAL STEED: So that was a violation of the --

RAY PEEPLES: Yes. It was a violation to -- in that it obstructed the exit, and also, it's a violation to even have it there in the first place because guests can stumble across these types of things when they are exiting the building.

DEPUTY CITY ATTORNEY VAL STEED: I have nothing further right now.

MAYOR BRIARE: Mr. Perry, do you have any questions you'd like to ask of this witness?

JAMES PERRY: Yes, sir.

MAYOR BRIARE: Now, that's in reference to the examination that he just completed for the City Attorney's Office. Nothing else at this time, Mr. Perry. You'll have an opportunity to speak at your own will at a later time, but you must direct your questions to the witness relative to the questions that he's responded to.

JAMES PERRY: First of all, you claim that 30 inches of the corridor was blocked and also, the written request on September 2 to check all extension cords, carry the stuff out of the corridor. These people were moving in at the time and also put base support on the oxygen tanks, and the corridor was cleared before he left the premises, and the several violations, there was none written up for several violations.

DEPUTY CITY ATTORNEY VAL STEED: Do you have a question for him?

RAY PEEPLES: Yes, he's correct in that violations were corrected prior to my leaving. However, they did exist upon my arrival. The other violations he noted were in fact violations of the code and also in that there was an electrical violation involving illegal use of an extension cord and also the non-securing of an oxygen bottle.

MAYOR BRIARE: Mr. Perry, do you have any other questions?

JAMES PERRY: Well, I'd like for him to state the requirement of the use of oxygen bottles whereas the oxygen company that

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 13

JAMES PERRY: supplied the bottles whether each one of them has to have a base on it or not because that's what the oxygen company did, and most places do not have each bottle supported by a base.

RAY PEEPLES: As you know, oxygen is non-flammable itself, but it is an oxidizer and that greatly enhances the burning of any material it comes in contact with, so, therefore, you have to secure the bottle to make sure that the oxygen remains contained, and also, it's a pressure vessel. So for that reason the code officials require that all oxygen bottles be secured in some form. Normally, this can be secured against the wall with some type of suitable chain or it can be some time of baseboard like some of his units contained.

MAYOR BRIARE: Does that answer your question, Mr. Perry?

JAMES PERRY: Is this rule enforced throughout the City or just for me specifically?

RAY PEEPLES: Absolutely it's enforced throughout the City of Las Vegas.

MAYOR BRIARE: Thank you, Mr. Perry. Thank you, sir. Any comments or questions by the Council? Thank you, sir. Next witness.

CITY CLERK HAWLEY: Do you, Ned Barker, solemnly swear that the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

NED BARKER: I do.

DEPUTY CITY ATTORNEY
VAL STEED: Would you state your name and employment for the record?

NED BARKER: Ned Barker, Fire Marshal, City of Las Vegas Fire Department.

DEPUTY CITY ATTORNEY
VAL STEED: Mr. Barker, let me refer you to December of 1980. Did you have an occasion to visit AAA Beds for Rent on or about that date?

NED BARKER: Yes, during the month of December it was.

DEPUTY CITY ATTORNEY
VAL STEED: What was the occasion of your visit?

NED BARKER: We had a fire there in the corridor, the exit hallway, where Peebles found the materials stored again. It was

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 14

NED BARKER: a shopping cart, a laundry cart, and above it, they had some shelves, linen and all kinds of combustible materials that had caught fire.

COUNCILMAN LEVY: What was the date again?

NED BARKER: December of '80.

DEPUTY CITY ATTORNEY
VAL STEED: As a result of that fire, did you request the City Commission to take any action?

NED BARKER: Yes, I did, because we had had problems with this establishment locking exit doors and this particular day, the doors were indeed locked. There were three doors locked. There were screens on the windows. There was literally no way for the people to get out since the fire was burning in the exit corridor on the one side of the building. Firemen, arriving engine crews, had to literally tear the back doors down to bring the people out.

DEPUTY CITY ATTORNEY
VAL STEED: Do you know what the result of that complaint that you made was?

NED BARKER: Yes, it was brought before the Commission and they heard it, and they voted to give the owner another chance providing, of course, that he didn't have any more Building or Fire Code violations, and in particular, exiting problems at all.

DEPUTY CITY ATTORNEY
VAL STEED: Okay. Now, let me direct your attention to the date of September 6, 1983. Did you have an occasion to visit those premises again?

NED BARKER: Yes, I did.

DEPUTY CITY ATTORNEY
VAL STEED: What was the circumstances?

NED BARKER: I received a call that the Public Health Department had a vast question in their mind about people being transferred from an aged-care home who were taking older people who are probably non-ambulatory and kicking them over to the AAA Beds which is not designed for this type of occupancy.

DEPUTY CITY ATTORNEY
VAL STEED: Did you inspect the premises at that time?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 15

NED BARKER: Yes, I did.

DEPUTY CITY ATTORNEY
VAL STEED: Let me ask you specifically with reference to windows in that building. Did you make an investigation about the condition of the windows?

NED BARKER: Yes, the dormitory had screens on the window again. The exiting was open. The doors were open, unlocked. I noted that there was a large swamp cooler on the outside of the building sitting precariously on cement blocks with two RC type wires running to the inside of the building and plugged in, which is a violation of the Electric Code. It should be --

DEPUTY CITY ATTORNEY
VAL STEED: Okay. As far as the windows are concerned, you said there were screens on the windows. Is there anything in the applicable codes that relate to that condition?

NED BARKER: Yes. It's in the Fire Code and Chapter 12 of the Building Code. It says that you cannot have any bars or similar materials along the windows unless it has some kind of an approved release mechanism where you can open it from the inside.

DEPUTY CITY ATTORNEY
VAL STEED: Was there such a mechanism on these windows?

NED BARKER: No, these were nailed on.

DEPUTY CITY ATTORNEY
VAL STEED: Now, we've heard reference to oxygen bottles. Did you see any oxygen bottles on the premises?

NED BARKER: Yes, there was seven, I believe -- seven oxygen bottles and one what we call logs -- liquid oxygen generator.

DEPUTY CITY ATTORNEY
VAL STEED: Do you know what those bottles were being used for?

NED BARKER: Yes, there was a case where there was two of them manifolded together and then there was a case where there were three of them manifolded together with one regulator leading to nasal canalist to one man who was lying on the bed. When I say "manifolded," I mean pipe to pipe to the bottle.

DEPUTY CITY ATTORNEY
VAL STEED: Are there any provisions in the Fire Code that govern how oxygen bottles are to be used or maintained?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 16

NED BARKER:

Well, there definitely is -- yes. Under the Fire Code, we've adopted the NFPA 56-F and it's quite clear in there on how oxygen bottles are to be used, especially manifolding like that, such as no pressure lead valves on it. They were using miocopper to connect the two tanks together. There was no back flow preventers. They had a little stand on them that was designed for a singular bottle in a room of a hospital wherever there's carpeting to be used so that it doesn't tip over. Anytime you manifold two or more bottles together, this should be in a separate room or on the outside of the building or at least a one-hour fire suppression.

DEPUTY CITY ATTORNEY
VAL STEED:

So were these bottles in conformance with NFPA Standard 56-F that you just --

NED BARKER:

Definitely not -- no. There was also one room where oxygen was being used where there was no warning sign. The door was open and the other occupants in the building were walking around with cigarettes. Like Mr. Peeple's says, this is -- while it doesn't burn itself, it is a heck of an oxidizer. It does cause a very intense flame if you get something going.

DEPUTY CITY ATTORNEY
VAL STEED:

Okay. Now, did you make any investigation into the occupant load of these premises?

NED BARKER:

Yes, I did. We've had problems with overcrowding in the past. This particular day there was somewhere in the area of less than 80 people, I believe, which was quite alright, since the occupant load is 80. The problem I would say you're looking at is that they have too many people in each one of the rooms for an R type occupancy, which is a hotel or rooming house type thing. You are required to have 200 square feet per person. These small rooms that these patients are in, and many cases there were four to the room. The room was 15 by 17. That would give you about 255 square feet. As you can see, if this was even a hospital, that would be overcrowding, because even in a hospital, you're required to have 80 square feet per person.

DEPUTY CITY ATTORNEY
VAL STEED:

Did you investigate the fire alarm system?

NED BARKER:

There's no fire alarm system.

DEPUTY CITY ATTORNEY
VAL STEED:

What does the Code require as far as a fire alarm for that type of occupancy?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 17

NED BARKER: For an R type occupancy, you're not required to have a fire alarm system unless you go over three stories. For an I occupancy, you're required to have it in all cases.

DEPUTY CITY ATTORNEY VAL STEED: Now, when you say "I" occupancy, what do you mean by that?

NED BARKER: That means where you have people that's not capable of caring for themselves.

DEPUTY CITY ATTORNEY VAL STEED: We've heard reference to non-ambulatory persons. Do you know if there's a definition of that term in the Fire Code?

NED BARKER: There is in the Fire Code, the Life Safety Code both.

DEPUTY CITY ATTORNEY VAL STEED: What would that definition be?

NED BARKER: Basically, somebody who is not able to immediately care for themselves during a fire or an emergency.

DEPUTY CITY ATTORNEY VAL STEED: Okay. Sprinkling system -- was there a sprinkling system in effect on the premises?

NED BARKER: There's no automatic sprinkler system at all.

DEPUTY CITY ATTORNEY VAL STEED: Is one required for that type of use?

NED BARKER: For a residential type hotel, no. For an institutional, where you have the older people, yes, it's required.

DEPUTY CITY ATTORNEY VAL STEED: So in this situation, there would be one required?

NED BARKER: Yes, he had more than five people which places that into an I occupancy.

DEPUTY CITY ATTORNEY VAL STEED: In your opinion as Fire Marshal, would you consider these conditions to be a hazard to those who were occupying the premises at that time?

NED BARKER: An extreme hazard -- an immediate hazard.

DEPUTY CITY ATTORNEY VAL STEED: I have nothing further.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 18

COUNCILMAN LEVY: Excuse me. You mentioned -- regarding locked doors.

NED BARKER: We've had trouble in the past.

COUNCILMAN LEVY: Was there at the time of your inspection?

NED BARKER: No, we've had no trouble since December of '80.

COUNCILMAN LEVY: That other time.

MAYOR BRIARE: Mr. Perry, do you have any questions of Mr. Barker with respect to window screens or oxygen bottles or their connections or warning signs or overcrowding?

JAMES PERRY: Yes. As far as the window screens, there are no window screens on the windows and it has -- none been on there in the last two years, and he said it is. Also, I got a rider from the Health Department yesterday requesting me to put window screens on, and I haven't had none in two years. So the window screens have never been on.

MAYOR BRIARE: Did you bring that document with you?

JAMES PERRY: I have it available. I have it available. The County Health Department, they come out and make an inspection of the place every month.

COUNCILMAN LEVY: You're saying Mr. Barker is wrong?

JAMES PERRY: He's wrong, yes.

COUNCILMAN LEVY: There is no window screens?

JAMES PERRY: No window screens. Never has been. And Ray Peebles was out there on the 2nd and he didn't find none of these things. The only thing that he found and asked me to correct was supporting the oxygen bottles, clear the stuff out of the corridor and be careful about using the extension cords, and that was all I was cited for.

MAYOR BRIARE: Mr. Perry, what have you got to do with oxygen bottles?

JAMES PERRY: Well, older people use oxygen. That don't mean that they are ambulatory or non-ambulatory.

MAYOR BRIARE: Do you furnish it to them?

JAMES PERRY: No, I don't furnish the oxygen. HRB Oxygen Service supply those people -- HRB -- and they put it in and this party has nothing to do with it.

MAYOR BRIARE: Do you charge for it?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 19

JAMES PERRY: No, I don't have nothing to do with it, absolutely. All they've got --

MAYOR BRIARE: Would you tell us exactly what AAA Beds for Rent is?

JAMES PERRY: AAA Beds for Rent -- it's a hotel. It's licensed as a hotel. That term's used -- flophouse, transit house, or whatever, but it's a licensed hotel.

MAYOR BRIARE: Right.

JAMES PERRY: And an ambulatory person can live --

MAYOR BRIARE: The question Council is if he's using a licensed hotel or flophouse for the facility to take care of patients who require oxygen and maybe some other types of care that non-ambulatory people might need.

JAMES PERRY: Non-ambulatory means that they need assistance. Ambulatory means that they can get around on their own. All the peoples that I have there was determined by the doctor that they was able to get around on their own, was not on medication. Dr. Karabey is the last physician who treated these people, evaluated --

MAYOR BRIARE: You seem to be so heavily involved in the medical care of these people, that I've got to believe you're operating a medical facility.

JAMES PERRY: They have determined that I was violating my license or law of the hotel by bringing these elderly people in and they are saying that these people was non-ambulatory, they could not get around on their own. They could get around. They all walked in that building. Nobody was carried in on a stretcher and how they carried them out was a show for the press.

COUNCILMAN LEVY: Mr. Perry, you said doctor who?

JAMES PERRY: Karabey, K-A-R-A-B-E-Y.

COUNCILMAN LEVY: He took care of all the patients?

JAMES PERRY: He was the one who had been treating these people because he evaluated them.

COUNCILMAN LEVY: All or every one of them?

JAMES PERRY: He evaluated each and every one of them.

COUNCILMAN LEVY: Who got Dr. Karabey to handle this?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 20

JAMES PERRY: Beg your pardon?

COUNCILMAN LEVY: Did you get Dr. Karabey to come in?

JAMES PERRY: I got Dr. Karabey to do it and also, Joyce Harris of the State Bureau of Health Facilities recommended me to get him.

COUNCILMAN LEVY: Why would she recommend you to get him?

JAMES PERRY: He was one of the only people who specialized in treating the elderly and also, he would come out.

COUNCILMAN LEVY: Well, why would they have you get ahold of this doctor?

JAMES PERRY: I operated a care center for a year and a half.

COUNCILMAN LEVY: But you weren't operating a care center there?

JAMES PERRY: No, I was not operating a care center there.

COUNCILMAN LEVY: So why did you get involved in that aspect at all?

JAMES PERRY: These people were determined when I gave up the care center that they could live where they wanted to. They was not confined to live in any nursing home or group care home.

COUNCILMAN LEVY: Okay, that's fine, but why did you get involved with -- what doctor -- to handle these patients?

JAMES PERRY: I was involved with a doctor when I was operating a State licensed care facility.

COUNCILMAN LEVY: That's right.

JAMES PERRY: So there has to be evaluations.

MAYOR BRIARE: Mr. Perry, do you have any other questions of Mr. Barker?

JAMES PERRY: Yes. Mr. Barker said something about some doors being locked and there was a fire December, 1980 or '81 and he said he found all the doors locked. Well, how many people did you or the Fire Department assist in exiting from that building?

NED BARKER: In 1980, all the rear doors were locked. The only one door that was open had a fire in it -- the corridor had a fire leading to the main door. Therefore, all exits at that time were locked and blocked. The Fire Department pulled approximately 12 to 15 people through the back door. They had to carry a few of them out that were overcome by smoke.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 21

- JAMES PERRY: This is not true. The Fire Department -- there was 80 some people in the building at the time. The Fire Department assisted no one out of the building -- no one. There are two -- the building is a straight type building. There are two 30 inch -- at least 36 inch minimum width steel doors with crash hardware on it -- exit hardware. These doors was not locked. These doors that could not be opened unless you blown them open, they was not locked. In 19 -- when the fire was in December, Mr. Lurie stated that the charges that you brought against this man is not right and if you have requested him to do something and he refused, or if you cited him for it, to come back into this court -- come back into this chamber and we'll do something about it. The charges at that time was just as erroneous as the charges are now.
- MAYOR BRIARE: Okay. Any other questions of Mr. Barker? Are you through?
- JAMES PERRY: Let's see. He mentioned something about the doors locked and the oxygen bottles. Mr. Barker, have you ever written a request in the last year, two years or three years to get me to do anything at AAA, that I refused to, or have you ever found anything at AAA to write a request on? And you've been in the place a dozen times.
- NED BARKER: No, since the fire, you've kept the doors unlocked. I've checked the fire extinguishers. The place is usually fairly clean. You run a very nice facility up until we found these people in there that shouldn't be in there that are just not capable of living in that type of atmosphere.
- JAMES PERRY: Mr. Barker, what's your credentials on deciding who are ambulatory or non-ambulatory?
- NED BARKER: I've pulled about three or four hundred of them out after they were nice and crisp. Those are my credentials.
- MAYOR BRIARE: Yes, and you're also a Fire Marshal, are you not, Mr. Barker?
- NED BARKER: Yes, sir.
- MAYOR BRIARE: Alright. We'll accept that as having credentials. Do you have any other questions, Mr. Perry? Are you through with Mr. Barker?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 22

DEPUTY CITY ATTORNEY
VAL STEED:

Just one other question, Ned. Did you see any people there when you visited the premises that you would consider non-ambulatory, and if so, could you describe one or more of them for the Council?

NED BARKER:

I found seven who met the definition of being unable to care for themselves. The way I determined this was to talk with them or to have them demonstrate what their physical capabilities were. One man was totally blind, a Mr. Kennedy. He was not only blind, he was very, very confused. He was in some kind of a mental condition that he really didn't even know where he was at. There was a little old lady sitting on the bed with her clothes, hat and purse. She thought she was sitting on the back porch waiting for her Uncle Maurice to pick her up, and when I asked her her address, I believe she said Indiana. One other gentleman there with the oxygen, with the three oxygen tanks beside his bed, was curled up in the fetal position. I tried to talk to him. I couldn't get no answer. After several tries, I finally asked the man had he been to the bathroom lately since I noticed the bed. It was badly soiled. He stated that he went yesterday, and I said, "How do you go," and he said, "Well, they help me." "How do they help you?" "Do you have a wheelchair?" "No." I said, "How do you go to the bathroom?" "Well, they help me." This time, one of the attendants walked by. I asked him. I said, "How do you get this gentleman to the bathroom?" "Well, I have to pick him up and carry him." And I said, "How do you bring the oxygen with him?" "Well, we don't bring the oxygen." I said, "Isn't that a little dangerous?" He said, "I don't know." I found another gentleman with a walker.

MAYOR BRIARE:

Is he still responding to your question?

DEPUTY CITY ATTORNEY
VAL STEED:

Yes.

MAYOR BRIARE:

You wanted all these various examples?

DEPUTY CITY ATTORNEY
VAL STEED:

Yes.

MAYOR BRIARE:

How long is it going to take, Counselor?

DEPUTY CITY ATTORNEY
VAL STEED:

I think he's almost done.

MAYOR BRIARE:

Because he might have 150 more examples.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 23

NED BARKER:

I do, but I'll just tell you about --

MAYOR BRIARE:

Well, just respond to his questioning. He asked you a question. I thought you answered it, but you're volunteering some more answers based on some more incidents.

NED BARKER:

These were examples I was giving, how I determined them to be non-ambulatory.

DEPUTY CITY ATTORNEY
VAL STEED:

Ned, did you ever talk to Mr. Perry about the requirements for alarms and sprinkler systems if you were to be caring for people as he did in his other facility?

NED BARKER:

Only when he was at the Condo Hotel. I received calls from the Police Department five or six months ago that they were chaining or strapping some blind person to his chair, and there was urine all over the man and in the hallway and so forth in the room. I went over there. Mr. Perry wasn't there. I looked around. Nobody was around. I told the attendant on duty at the time: "Do not have this kind of person in the building. You are a residential occupancy. You can't do this." I received a call later that afternoon from Mr. Perry and he wanted to know why he couldn't do this. I said, "Because you're a residential occupancy." He said, "Well, it did used to be a hospital at one time -- Las Vegas Hospital." I stated that he took out the license, he changed the occupancy therefore, the grandfather clause was done with; he's now a residential occupancy and that he has five or more people who are incapable of caring for themselves; that I would classify him as an institutional occupancy; and at that time the building wouldn't begin to meet the requirements for an institutional occupancy in this day and age.

DEPUTY CITY ATTORNEY
VAL STEED:

Okay, thank you. I've nothing further.

MAYOR BRIARE:

You've asked some new questions that you hadn't -- you concluded your examination of Mr. Barker and then Mr. Perry came up and cross-examined and then you began asking some more questions, so I think -- Mr. Perry, do you have any cross-examination on this now?

JAMES PERRY:

Mr. Barker, the Condo Hotel at 201 North 8th Street, would that place fully meet all the requirements of the Fire Department?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 24

NED BARKER: The home for the aged care? The single story house?

JAMES PERRY: 20T North 8th Street, the Condo Hotel?

NED BARKER: The Condo Hotel is two-story. No, it will not meet the requirements.

JAMES PERRY: It's met all requirements -- licensed for over two years.

NED BARKER: For a hotel.

JAMES PERRY: And sprinkler systems, fire hose, alarm system. The Condo Aged Care Center which was at 128 North 8th Street, they even made me meet the requirements for a nursing home or hospital -- that facility. So it met all requirements. They had all alarm systems, sprinkler systems. Is that correct, Mr. Barker?

NED BARKER: That's a single-story building.

JAMES PERRY: That's a single-story building.

NED BARKER: Yes, that would well meet "I" occupancy requirements. The one I'm talking about where the gentleman was strapped in his room is a two-story building.

JAMES PERRY: Mr. Barker, that was an accusation that someone was strapped. There was never no one seen or found strapped or no one admitted that they strapped anyone to anything.

COUNCILMAN NOLEN: Your Honor, if I might interrupt. We're talking about the Condo Hotel. It has nothing to do with the issue here today, does it? Why are we off on this? I don't understand that.

COUNCILMAN LURIE: Do you still own the Condo Hotel or the Onsolo?

JAMES PERRY: I don't own the Condo Hotel or the Care Center.

COUNCILMAN LEVY: You don't operate it?

MAYOR BRIARE: I think what he's trying to do, Councilman, he's trying to say that the regulations of a nursing home are being applied to his AAA Beds for Rent and they are more strict than the regulations that apply to the Condo Motel? What is it called?

COUNCILMAN LURIE: Well, it's not the Condo any more. It's the Onsolo?

MAYOR BRIARE: Whatever it was.

JAMES PERRY: The Oslo.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 25

COUNCILMAN LURIE: Oslo.

MAYOR BRIARE: I believe he answered the question.

JAMES PERRY: Mr. Barker is going a little bit too extreme as far as expressing his opinion about the peoples that was at AAA Beds for Rent, and I just don't want to ask him no more questions. It's just too extreme. He's just --

MAYOR BRIARE: Okay. Mr. Perry, I just want you to have the opportunity to ask if you wish. You don't have to, but if you wish to ask questions, I want to give you the opportunity to ask them.

JAMES PERRY: It's just too extreme. I think if you'll listen to his statement it'll tell you right there what's really happening here.

MAYOR BRIARE: Are you through, Counselor? Thank you, Mr. Barker. Would you call your next witness, please. Is this the concluding witness?

DEPUTY CITY ATTORNEY VAL STEED: Yes, Your Honor.

CITY CLERK HAWLEY: Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

FRANK PIERCE: I do.

DEPUTY CITY ATTORNEY VAL STEED: Your name and employment?

FRANK PIERCE: My name is Frank Pierce. I'm the Acting Audit Supervisor for the Department of Business Activity.

DEPUTY CITY ATTORNEY VAL STEED: In that capacity, do you deal in room taxes?

FRANK PIERCE: Yes, I do.

DEPUTY CITY ATTORNEY VAL STEED: What are the obligations under the City Code of an operator of a hotel or other operations?

FRANK PIERCE: Okay. Any establishment offering rooms on a less than weekly basis is required to charge, collect and remit to the City room taxes.

DEPUTY CITY ATTORNEY VAL STEED: Is there a requirement as far as reporting?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 26

- FRANK PIERCE: Yes. That's the method that we have established for the collection of the room taxes is a monthly report with the monthly remittance of room taxes. It's to be made on or before the 15th of each month.
- DEPUTY CITY ATTORNEY VAL STEED: Are there any auditing requirements?
- FRANK PIERCE: Yes. Every year the Audit Division performs an audit on the licensed establishments to verify the accuracy of those reports and these establishments within 72 hours written notice are required to submit documentation to us so we can perform that audit.
- DEPUTY CITY ATTORNEY VAL STEED: Okay. Are you familiar with the status of room taxes for AAA Beds for Rent?
- FRANK PIERCE: Yes.
- DEPUTY CITY ATTORNEY VAL STEED: Could you just describe in general terms what the status of AAA Beds for Rent is on 1981 taxes, first of all?
- FRANK PIERCE: Okay. On 1981 taxes, an audit was performed and it was found that taxes were underreported and approximately \$5,300.
- DEPUTY CITY ATTORNEY VAL STEED: Okay. Have you done any -- performed any audits for the period since then?
- FRANK PIERCE: Yes. We have done an audit, updated it through -- just a minute. All of 1982 and since May of this year, we have not received any room tax reports or payments. We brought the audit through the end of August. So the latest audit is for all of 1982 through August of 1983.
- DEPUTY CITY ATTORNEY VAL STEED: Have you contacted Mr. Perry for the purposes of obtaining those records?
- FRANK PIERCE: Yes, we have. We have contacted him through the establishments. One of my auditors has conversed with him by phone, has made appointments. Those appointments have not been kept. Certified letters have been mailed giving the required 72 hours and stating that an audit is to be performed and those requirements have not met -- been met either.
- DEPUTY CITY ATTORNEY VAL STEED: That's all I have.
- MAYOR BRIARE: Do you have the figures of 1982 and up to May 1983 of the estimated delinquencies?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 27

- FRANK PIERCE: Yes. We're talking about approximately \$9,000 in taxes.
- COUNCILMAN LEVY: Why did you allow them to get that far behind?
- FRANK PIERCE: Two things. First, on the audit -- part of that \$9,000 includes a period of time where no reports were made. When no reports are made, then we attempt to collect the money and communicate with the people. When we do not receive any payments, we lien them within the prescribed 90-day period. There have been liens filed against this establishment for each month from May through September. Now, October is due. That would be a six-month period. Prior to that time, we do not have the mechanism to file liens against establishments that are reporting revenue to us. What we do is we perform the audit and because we have to -- we are only enabled to lien for a 90-day period, we perform an audit in the middle of a succeeding year. We cannot lien for something that happened 10 months previously.
- MAYOR BRIARE: Mr. Pierce, when you do an audit, you personally --
- FRANK PIERCE: Yes. I did this latest update.
- MAYOR BRIARE: What do you do? Just look over the book of receipts?
- FRANK PIERCE: Okay. The ordinance is very specific on what type of records and what type of documents are to be provided. They include journals, daily cash summary receipts, deposit slips, folios and room registration cards. We take that documentation and we're supposed to go back three years. We take that documentation and evaluate it to ascertain the validity of the reports and we compare that with the revenue that has been reported and the taxes that have been remitted and either request the additional sums and clear the audit or refund money if it's been overpaid.
- MAYOR BRIARE: Based on your experience, Mr. Pierce, and having examined the records that you've just indicated, what business would you say that Mr. Perry is in?
- FRANK PIERCE: The latest documents that have been provided to our department were for 1981. At that time he was operating as a hotel. He was offering rooms for rent. He did have some guests who were what we classify as permanent guests -- people who have resided in the establishment for more than 30 consecutive days.
- MAYOR BRIARE: There's no rule against a permanent resident of a hotel?
- FRANK PIERCE: Right, exactly, but as far as anything else, the only documents that have been provided, despite our requests, are for 1981.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 28

- MAYOR BRIARE: Mr. Perry, do you have any questions?
- COUNCILMAN CHRISTENSEN: I have one question of this gentleman about Mr. Perry. When you file a lien against this piece of property for the unpaid taxes, then does that lien lay against the property so that in the event that this man is a lessee rather than owner, the owner has to pick up the unpaid taxes eventually?
- FRANK PIERCE: That's my understanding.
- CITY ATTORNEY OGILVIE: Commissioner Christensen, in this particular instance, the landowner did file a lawsuit against the City for collecting those taxes and as a result of that lawsuit, the liens on the property were cancelled. We presently have that under appeal to the Supreme Court, but the ordinance and the State law provide that they do become a lien on real property. However, in this case, the judge cancelled the lien.
- COUNCILMAN CHRISTENSEN: So you're telling us that if the Supreme Court upholds the judge's decision, that it will in effect make unconstitutional the law allowing us to lien the property?
- CITY ATTORNEY OGILVIE: That's correct. However, there's --
- COUNCILMAN CHRISTENSEN: Then we'll have no way of collecting the taxes. A guy could just -- we can't shut him down, so he keeps operating and doesn't pay the taxes and then when he gets tired, he says, "Bye-bye" and we're stuck.
- CITY ATTORNEY OGILVIE: Well, there is a prior Supreme Court case which upholds the constitutionality of the law and the validity of those liens. One of our District Court Judges disagreed with that Supreme Court opinion, so we're going back to the Supreme Court on it.
- COUNCILMAN CHRISTENSEN: Which District Court Judge was it?
- COUNCILMAN LEVY: Never mind.
- MAYOR BRIARE: Which one was -- it wasn't --
- COUNCILMAN LEVY: It wouldn't be him again, would it?
- COUNCILMAN CHRISTENSEN: I don't know. I was curious, because I've signed all the liens.
- MAYOR BRIARE: Mr. Perry, do you have any questions of Mr. Pierce? This will only be with respect to the audits and the back taxes -- or delinquent fees.

0112

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 29

JAMES PERRY:

Well, first of all, I paid the taxes on AAA for a number of years until they started with this newspaper and news media -- they're going to shut me down -- and it just created bad business. Now, to operate as a hotel, six cents on bed tax --

COUNCILMAN CHRISTENSEN:

Let me ask you a question before you go any further so I understand your first comment. You say you paid the taxes until you got the adverse publicity and then you quit paying the taxes. Is that because you didn't have the money or was that retaliation against the adverse publicity, or both?

JAMES PERRY:

Not neither really because the auditors came out and I gave them my records. They just have blown this thing all out of proportion on what I owe and I never could make confrontation with them.

COUNCILMAN CHRISTENSEN:

Do you figure you owe nothing?

JAMES PERRY:

I owe them for about three months, that's about it. For the last five years I have tried with Bill Sistik to -- all my residents, all the people that live in the hotel are residents. They are permanent guests on a weekly, monthly basis and they're not on a daily basis. All signs was removed and he never did get the status into the book work and it's still not in the book work, so what he's doing is coming out auditing the records showing these as daily guests. I advertise or promote nothing in the way of a daily transaction and they won't accept the one or two guests that I do have per day as daily guests, which I've been paying.

COUNCILMAN CHRISTENSEN:

Are you telling me that the License Department refuses to issue you a license for a residence weekly place and have refused to do that for three years?

JAMES PERRY:

Not refused to issue a license. The license is for a hotel which you just operate as -- most of your guests are permanent residents-- permanent resident or daily.

COUNCILMAN CHRISTENSEN:

I guess what I'm getting at is --

JAMES PERRY:

Daily you've got to pay taxes.

COUNCILMAN CHRISTENSEN:

I guess what I'm getting at is you say you've tried to get that for three years and you haven't been successful.

JAMES PERRY:

I haven't been successful.

COUNCILMAN CHRISTENSEN:

How come this is the first time anybody has ever heard

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 30

COUNCILMAN CHRISTENSEN: about it?

JAMES PERRY: It's one of the first times they ever brought this up before the Commission and I've talked to Bill. Bill has known me for ten years. He knows what the problem is. He knows why I have it and he knows that --

COUNCILMAN CHRISTENSEN: Why didn't you bring it up to the Commission? I mean, you've been having liens filed against the property, audits and everything else and you don't say anything? You just figure "Well, I'll just quit paying"?

JAMES PERRY: I didn't know I had a right to, sir? I've been audited before and I paid every month, every month by the 15th, but they decided to come down and put this huge amount of taxes on me and they know that place down there don't earn that kind of money, they know that in the beginning, but it's just a way of saying, "we're going to take your license, we're going to put you out of business." I just don't think it's right.

COUNCILMAN LURIE: When they audit you to determine how much you owe, they are using your figures. They're not pulling figures out of the sky. They're taking your numbers and your guest count to determine the amount of money you owe in taxes and business license fees. They're not making those numbers up. How can you say they're overcharging you in the taxes?

JAMES PERRY: They are overcharging me. There's no hotel in this city that size or that calibre that pay that kind of taxes, and not only that, these are permanent guests.

COUNCILMAN LURIE: Mr. Pierce, whose figures are you using?

FRANK PIERCE: Okay, the figures that are used are based on the documents provided. The documents that were provided to us in September of '82 were by and large receipt books. These receipt books which indicated the amount of the money received and sometimes the individual who paid it and--

MAYOR BRIARE: And the period of time to which it applied.

FRANK PIERCE: Right. What Mr. Perry was reporting to us as revenue was approximately \$500 a month on an average and what we were finding was there was actually a gross revenue in the neighborhood of \$2,500 a month. Twenty-five hundred dollars a month for the number of beds and the type of

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 31

FRANK PIERCE: occupancy that he has been running is not an abnormal rate for that type of an establishment.

COUNCILMAN LURIE: Thank you.

MAYOR BRIARE: Do you have any other questions of Mr. Pierce, Mr. Perry?

JAMES PERRY: What other establishments do you associate AAA with that are valid?

FRANK PIERCE: I don't have that documentation on me.

JAMES PERRY: There are not even one in the city, not one, period.

MAYOR BRIARE: You're making the statement, Mr. Pierce, that all -- the same criteria apply to other places the same as they apply to Mr. Perry.

FRANK PIERCE: Exactly.

COUNCILMAN CHRISTENSEN: The point that I -- that's not clear to me yet is that apparently this gentleman is disputing the figures we used and yet he has not given us the figures that are required under the statute to determine those numbers. Now, it would seem to me like if a person is disputing the figures that he would keep the books in a manner so that he could prove his figures rather than refuse to keep those books in a manner that could prove his figures right.

MAYOR BRIARE: That concludes your questions, Mr. Perry, does it? Thank you, sir. Are you through with Mr. Pierce?

JAMES PERRY: Yes.

MAYOR BRIARE: Then that's the last one. Mr. Perry, do you have any witnesses that you're going to call on your behalf?

JAMES PERRY: No. I didn't bring any witnesses, sir.

MAYOR BRIARE: Okay. Mr. Steed, would it be a proper statement to make that the Council who have before them as part of the documentation here, plus the exhibits you've already introduced as your exhibits, this document,

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 32

MAYOR BRIARE: October 26, sets down four items as a grounds for the complaint. You've covered each one of those, ending with Mr. Pierce here with respect to the payment of the taxes. Now, is that a fair summary of the complaint that we have, that we're hearing today?

DEP. CITY ATTORNEY VAL STEED: Yes, Your Honor, it is.

MAYOR BRIARE: Do you want to add anything further and then we're going to give Mr. Perry an opportunity to make his statement and then we're going to be through with this hearing.

DEP. CITY ATTORNEY VAL STEED: I would like a closing statement, whether now or after he's done, it doesn't matter.

MAYOR BRIARE: Well, I think -- is it not the normal procedure that you would go first?

DEP. CITY ATTORNEY VAL STEED: Well, I think he would put his case on first and then we would --

MAYOR BRIARE: I should think that he'd like to hear what you say.

DEP. CITY ATTORNEY VAL STEED: He's heard what I said.

MAYOR BRIARE: Then you're through?

DEP. CITY ATTORNEY VAL STEED: Except for a closing statement, if that's agreeable.

MAYOR BRIARE: Why don't you go ahead and make it, why don't you go ahead and make it.

DEP. CITY ATTORNEY VAL STEED: Okay. As set forth in the complaint, there are various reasons, grounds, upon which this Council can take disciplinary action against the license. One of those that we've cited is the failure to abide by applicable codes that apply to the activity being conducted. We believe that there has been a demonstration that there was a violation of exiting requirements, the screens on the windows, failure to secure and maintain oxygen bottles properly, failure to provide proper alarm and sprinkling

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 33

DEP. CITY ATTORNEY
VAL STEED:

systems and to provide adequate documentation and pay remit taxes to the City. Another ground is to engage in business without a proper license when the person knew, or should have known, that a license was required. We believe that there's evidence to show that Mr. Perry was conducting more than just a rooming house; that he was conducting something which would be classified under the City Code as an "Adult Group Care Facility" or some kind of health related facility that would require an additional license to that which he has. Another ground that the licensee has been subject to disciplinary action previously. Certainly when Mr. Perry came before this body before he was advised that he would be able to keep his license if no further safety violations took place. A further ground that a public or private nuisance is being conducted on the premises. We believe that the testimony of Mr. Barker shows that it was in fact a hazardous condition for this type of non-ambulatory person to be there without proper exit, without proper alarm and sprinkling systems. Another ground that the licensee lacks sufficient ability or experience for the activities conducted. We believe that his failure to provide adequate documentation of accommodation rentals suggests that maybe he ought not to be doing business at this location; and finally, that a condition imposed upon his license has been violated, and once again, with reference to the earlier hearing, we believe that a condition has been violated and would ask that the Council revoke Mr. Perry's license to do business and award the City --

MAYOR BRIARE:

Did you indicate what that condition was?

DEP. CITY ATTORNEY
VAL STEED:

Beg your pardon?

MAYOR BRIARE:

Did you indicate what the condition was that you just commented on, that there was a condition put -- ?

DEP. CITY ATTORNEY
VAL STEED:

The condition imposed upon his license?

MAYOR BRIARE:

Yes.

DEP. CITY ATTORNEY
VAL STEED:

That no further safety violations would take place or it would come back before this body.

MAYOR BRIARE:

Does that conclude your remarks then, Mr. Steed?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

0117

Page 34

DEP. CITY ATTORNEY
VAL STEED:

Yes, Your Honor.

MAYOR BRIARE:

Mr. Perry, your closing statment.

JAMES PERRY:

All the charges that have been brought statistically regarding the health situation, the City Attorney did not bring in a medical person to back up his statement and they are a little off on ambulatory and non-ambulatory, or who's ambulatory, or how they determine who's what, and we need some opinion on that. We need some facts on that. Ned Barker is just a little bit ridiculous in his statement. If you go there now, you find that there are no screens on the window, no screens has been on the windows. One department will tell you to do something and another department will tell you not to do it, so the Health Department now said "put screens on" and Ned Barker said "the screens are on and never should be on." Well, that's not true. As far as the tax charges are concerned, if you have permanent guests, they don't pay taxes. If you have transient guests, day-to-day basis, and they are not inconsistent with them much, then you have to pay the tax on them. I don't even collect no taxes. Most of my guests are monthly guests, weekly guests, and all signs, all advertising leading to daily is not done, it's been taken down, taken down over two years ago, requested by Bill Sistik of the License Department and he knows that and he's aware of that. That can be proved by him. That's about all I have to say about this. Thanks very much for your time.

MAYOR BRIARE:

Okay, Mr. Perry, we appreciate your comments. Now, I'm going to ask once again, is there anything you'd like to add. I want you to have all the opportunity that you need to make comments before this Council with respect to the matters we've just heard here. Do you feel like you've had an opportunity to respond and to ask questions to your satisfaction?

JAMES PERRY:

For the best of my capability.

COUNCILMAN LEVY:

Mr. Mayor.

MAYOR BRIARE:

Do you have a question of Mr. Perry?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

COUNCILMAN LEVY: No.

MAYOR BRIARE: I just want to ask Mr. Perry one question. Mr. Perry, right now today at this hour without asking names, tell me who is in your place of business right now?

JAMES PERRY: As guests?

MAYOR BRIARE: Yes.

JAMES PERRY: I couldn't call up three or four names.

MAYOR BRIARE: No, I don't want their names? Do you have any old folks?

JAMES PERRY: No, no old folks.

MAYOR BRIARE: Do you have transients? Do you have people who have been living with you for some time?

JAMES PERRY: Yah, quite a few have been living there.

MAYOR BRIARE: Give me an idea of how many people are with you right now who have been with you for the last month?

JAMES PERRY: I would say about forty, forty-four.

MAYOR BRIARE: Forty, 4-0.

JAMES PERRY: Yah, forty, fifty people.

MAYOR BRIARE: Forty people are living there. Would you classify them as more or less permanent?

JAMES PERRY: Sure they're permanent.

MAYOR BRIARE: Do you collect the rents from them by the day or by the week or by the month, or what?

JAMES PERRY: They pay by the month and they pay weekly into a month.

MAYOR BRIARE: Do you have any people who are particularly in need, to your knowledge, of medical care?

JAMES PERRY: No one, no more than anyone else, I mean, I can't say that these peoples are in need of medical care, oh no, I mean, and then again if they went to a doctor you probably could find a little bit of everything wrong

0119

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 36

JAMES PERRY: with them.

MAYOR BRIARE: That goes for all of us. Do any of the Councilmen have any questions?

COUNCILMAN LURIE: I have a couple questions. To my satisfaction I don't think a lot of the questions have been answered in the complaint. Maybe you can just clarify some of the items as far as the number of people that you have in the establishment now. You say just forty, or is there more than forty?

JAMES PERRY: I'd say a little bit more. It varies based on, you know, coming in --

COUNCILMAN LURIE: Do you have people there that are just on a daily basis or two days or a week or month?

JAMES PERRY: Some of them are on a daily basis, but they pay daily.

COUNCILMAN LURIE: How much do you charge for just a night, one night, just to rent a bed for one night?

JAMES PERRY: Five dollars a night.

COUNCILMAN LURIE: Five dollars. Is that the normal charge, five dollars a night?

JAMES PERRY: Five dollars a night, yes, that's all.

COUNCILMAN LURIE: Okay. On the complaint, Item No. 17, it states: "The building in question was not equipped with manually operated fire alarm system or automatic sprinklers."

JAMES PERRY: It never was required to be equipped with it.

COUNCILMAN LURIE: But you don't have any kind of fire safety equipment in the building at this time?

JAMES PERRY: Sure we have. We have fire safety for them. We have extinguishers and they're all up to date. We have exit signs in the corridor. We have crash bars on the doors, or exit bars on the doors, so --

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 37

- COUNCILMAN LURIE: Do you still have that chain-link fence in the back of the building?
- JAMES PERRY: No, there is no chain-link fence in the back and never was.
- COUNCILMAN LURIE: It's not there anymore, it was there. There was a chain-link fence.
- JAMES PERRY: Many years ago, but it wasn't around the doors? It was around the fenced yard and one department required me to have it around the power meters and the gas meter and water heater and another department, Ned Barker, said "Take it down," so we're taking it down.
- COUNCILMAN LURIE: The money that you owe the City, based on what you're telling us you charge, five dollars a night and you've got forty people there now, just some quick calculations, we're not charging you enough for the location. You probably don't have any intentions of paying this, I don't believe, because you're saying that we're picking some figures up, but you've got forty people there now and you charge them five dollars a night. It doesn't take very much to add up how much you've got coming in a month, about six thousand dollars.
- JAMES PERRY: There are permanent residents and for a transient type of operation like this hotel this audit is ridiculous. He knows it, but it's one way of saying --
- COUNCILMAN LURIE: Audits are ridiculous if we get the correct figures and if you're truthful and honest with us and you'd give us the correct numbers, we don't have to come in and keep auditing you. We probably spend a great deal of time and money just auditing your books to figure out what you owe us and then you're not going to pay us anyway.
- JAMES PERRY: I've been there six years and I've paid every month, six years.
- MAYOR BRIARE: Except for 1981, 82 and 83, except for 1981, 1982 and part of 1983.
- COUNCILMAN LURIE: I'm not too sure that all of the violations that

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 38

COUNCILMAN LURIE: have been stated have been satisfied, and in my personal opinion, I don't believe that location is safe for public occupancy.

JAMES PERRY: It's just as safe as the MGM.

COUNCILMAN LEVY: Mr. Mayor.

COUNCILMAN LURIE: Well, I'll just pass on that and give it to --

MAYOR BRIARE: Any other questions or comments, Councilman Levy?

COUNCILMAN LEVY: Yes, Mr. Mayor. I don't believe that our officers, Peeples and Officer Barker and Mr. Pierce from our department, have all lied. In looking at our transcripts and our agreement just a short period of time ago when you promised that if you ever came back before this Board, that it would be automatically closed down. Do you remember that statement that Mr. Foley made for you, sir --

JAMES PERRY: Mr. Foley --

COUNCILMAN LEVY: -- representing you?

JAMES PERRY: Mr. Lurie made a statement that if there was a --

COUNCILMAN LEVY: That was Mr. Levy that made that statement.

JAMES PERRY: Mr. Levy?

COUNCILMAN LEVY: Yes, sir.

JAMES PERRY: Alright, that if there was a request made of Mr. Perry to do something or there was a violation there, you'd cite him for it.

COUNCILMAN LEVY: And if you'd come back here one more time, it would be automatic. Mr. Mayor, because of his repeated violations of previous warnings, violation of numerous Fire Codes, operating a group care facility without proper licensing, non-payment of room taxes and failure to maintain or make available to the City the proper records in that regard, I move that we close the AAA, revoke the license of AAA Beds for Rent located at 222 North First Street.

MAYOR BRIARE: Are there comments or questions by the Council on the

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 39

MAYOR BRIARE: motion?

COUNCILMAN LURIE: I just have one question, depending on how the vote comes out --

COUNCILMAN LEVY: How fast?

COUNCILMAN LURIE: That's number one question. How fast can the place be closed, but how will those people that you have in there that are ambulatory and that be relocated? Are you going to see that these people are taken care of or are you just going to --?

MAYOR BRIARE: Why don't we find out from this --

COUNCILMAN LURIE: Well, we'll vote first.

MAYOR BRIARE: -- City Council that in the event that Councilman Levy's motion was approved, that the license would be revoked, Mr. Ogilvie, what is the process following such action, if that should be the pleasure of the Board?

CITY ATTORNEY
OGILVIE: It would be my recommendation, Mr. Mayor, that the revocation so far as accepting any new residents go into effect immediately and that as to the existing residents that Mr. Perry be given some period of time to provide for relocation of those.

COUNCILMAN LURIE: That's what I want.

COUNCILMAN CHRISTENSEN: Well, George, it shouldn't really be a problem because if this vote is affirmative and it's closed, Mr. Perry stood right up here under oath and said that all these patients are ambulatory, and if they're ambulatory and not requiring medical services and it's not a group health care facility, then they can move out today and go to a hotel. There shouldn't be a problem there.

CITY ATTORNEY
OGILVIE: I suppose that's correct. When one of the Strip hotels closes down, the residents are greeted at the front door with their baggage.

COUNCILMAN CHRISTENSEN: That's right. What's the difference here?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING MINUTES - NOVEMBER 2, 1983
V-A - HEARING ON COMPLAINT FOR DISCIPLINARY ACTION AGAINST THE LICENSE
OF JAMES PERRY, DBA JIM'S AAA BEDS FOR RENT

Page 40

MAYOR BRIARE: AAA Beds for Rent is not exactly what you'd call a Strip hotel.

COUNCILMAN CHRISTENSEN: No, but this gentleman has indicated that our people lied when they said these people are not ambulatory, which indicates, yah, they all can get around on their own, they're all ambulatory, they have no problem. If that's the case, they can check into any hotel or motel in town.

COUNCILMAN NOLEN: I believe, Councilman Levy, your motion was immediate.

COUNCILMAN LEVY: As quickly as possible, yes.

COUNCILMAN NOLEN: Thank you.

MAYOR BRIARE: You had better be more definitive than "quickly as possible" because that --

COUNCILMAN LEVY: I don't mean on his part. I mean on our departments to be able to make sure that these people who happen to be in there, even though he doesn't say any of them are unable to take care of themselves, just in case there might be one or two, our department has to get involved and the Health Department has to get involved. They certainly need some time to take care of these people and I think that's what we have to worry about, but I want our departments over there and closing the facility this afternoon.

MAYOR BRIARE: Mr. Ogilvie, since this is kind of a judicial -- we're in a judicial atmosphere here, is that going to be a motion that we can now vote on?

CITY ATTORNEY OGILVIE: Yes.

MAYOR BRIARE: And it's clear in everyone's mind and since it might require some legal instructions that you can proceed in accordance with Councilman Levy's motion here?

CITY ATTORNEY OGILVIE: Yes.

MAYOR BRIARE: Okay. Any further comments or questions? Cast your votes. Post. Motion is approved. Mr. Perry, your license has been revoked. Motion carried unanimously.

END OF TRANSCRIPT

AGENDA*City of Las Vegas*

November 2, 1983

Page 21

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM	Council Action	Department Action
VI. REPORTS FROM RECOMMENDING COMMITTEES		
A. BILL NO. 83-54 - ANNEXATION NO. A-9-83(A). PROPERTY LOCATED APPROXIMATELY 300' EAST OF RAINBOW BOULEVARD ON DEL REY AVENUE. PETITIONED BY: CARL E. JONAS. ACREAGE: APPROXIMATELY 5.15 ACRES. ZONED: R-E UNDER RESOLUTION OF INTENT TO R-3 (COUNTY CLASSIFI- CATION) N-U UNDER RESOLUTION OF INTENT TO R-PD15 (CITY EQUIVALENT). (FIRST AMENDMENT) Committee: Councilmen Lurie and Christensen First Publication: SUN - 10/19/83 <u>Committee Recommendation:</u> Adoption at the November 2, 1983 Meeting. First Amendment The following Bills have received a recommendation as noted; however, no action may be taken at the 11/2/83 City Council meeting:	Lurie - Second Reading and Bill ADOPTED as per First Amendment. Unanimous (Christensen excused)	Clerk to proceed with second publication.
B. BILL NO. 83-55 - AUTHORIZES TRAFFIC ENGINEER- ING OFFICIALS TO ISSUE CITATIONS FOR VIOLA- TIONS OF TRAFFIC CODE. Committee: Councilmen Lurie and Levy First Publication: None <u>Committee Recommendation:</u> Held in Abeyance until the November 14, 1983 Recommending Committee meeting.	Recommendation Noted.	11/14/83 Agenda Recommending Committee Meeting.

APPROVED AGENDA ITEM

Ashley Hall

City of Las Vegas

CITY COUNCIL MINUTES - NOVEMBER 2, 1983

0125

September 15, 1983

Date: _____

AGENDA DOCUMENTATION

TO: The City Council

FROM: Val Steed, *Val Steed*
Deputy City Attorney

SUBJECT: Bill No. 83-54
Annexation No. A-9-83(A)

PURPOSE/BACKGROUND

The proposed ordinance annexes certain real property located approximately 300' east of Rainbow Boulevard on Del Rey Avenue. The annexation process has now been completed in accordance with the NRS and the final date of annexation (November 11, 1983) is set by this ordinance.

The following is pertinent information:

Annexation No.:	A-9-83(A)
Property Located:	Approximately 300' east of Rainbow Boulevard on Del Rey Avenue
Petitioned By:	Carl E. Jonas 6825 Del Rey Avenue Las Vegas, Nevada 89102
Acreage:	Approximately 5.15 acres
Zoned:	R-E under ROI to R-3 (County classification) N-U under ROI to R-PD15 (City equivalent)

FISCAL IMPACT

RECOMMENDATIONS

This Bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

Agenda Item

VI. A

AFFIDAVIT OF MAILING
CITY COUNCIL MINUTES - NOVEMBER 2, 1983

(Mailing required under the provisions of NRS CHAPTER 241) 0120

STATE OF NEVADA)
COUNTY OF CLARK) ss

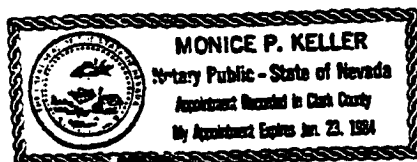
Loretta A. Hall, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 12th day of October, 1983, a copy of a NOTICE OF INFORMATION MEETING before various RECOMMENDING COMMITTEES relative to proposed ordinances, to be held at the hour of 4 pm, on Monday Oct. 17, 1983, in the City Manager's Conference Room, 10th Floor, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, of which the attached is a true and correct copy, was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears in the Agenda Register maintained in the Office of the City Clerk as having requested, in writing, a copy of said AGENDA (NOTICE).

Loretta A. Hall
SIGNATURE (an employee in the Office of
the CITY CLERK)

Subscribed and sworn to before me this

12th day of October, 1983

Monice P. Keller
NOTARY PUBLIC in and for said County
and State.
My Commission expires: 1/23/84



AFFIDAVIT OF POSTING
CITY COUNCIL MINUTES - NOVEMBER 2, 1983
(Posting required under the provisions of NRS CHAPTER 241)

0127

STATE OF NEVADA }
COUNTY OF CLARK } ss
CITY OF LAS VEGAS }

Lorith A. Hall, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 12th day of October, 1983, at the hour of 10:00 AM there were posted copies of a NOTICE, the attached of which is a true and correct copy, of an INFORMATION MEETING before various RECOMMENDING COMMITTEES relative to proposed ordinances, to be held at the hour of 4:00 PM on Monday, October 17th, 1983, in the City Manager's Conference Room, 10th Floor, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada; to be posted on Public Bulletin Board at the following locations:

1. In the United States Post Office (Downtown), 301 Stewart Avenue;
2. In the Federal Building, 300 Las Vegas Boulevard South;
3. In the Clark County Courthouse, 200 East Carson Avenue;
4. On the Public Bulletin Board at the Plaza Level of City Hall, 400 East Stewart Avenue (near the entrance to the Court Clerk's office); and
5. On the Special Public Bulletin Board at the Plaza Level of City Hall, 400 East Stewart Avenue (near the entrance to the City Council Chamber).

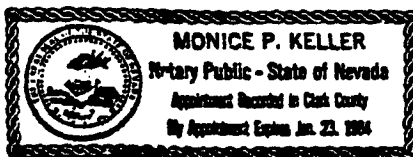
Lorith A. Hall
SIGNATURE

City Clerk
DEPARTMENT OF DIVISION

Subscribed and sworn to before me this

12th day of October, 1983

Monice P. Keller
NOTARY PUBLIC in and for said County
and State. My Commission expires: 12/31/84



October 5, 1983

N O T I C E

The following Bill proposed for adoption by the City Council of the City of Las Vegas, Nevada, and Real Estate items will be the subject of PUBLIC COMMENT before the respective Recommending Committees at the hour of 4:00 P.M., Monday, October 17, 1983, in the City Manager's Conference Room, 10th Floor, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

- A. BILL NO. 83-54 - ANNEXATION NO. A-9-83(A). PROPERTY LOCATED APPROXIMATELY 300' EAST OF RAINBOW BOULEVARD ON DEL REY AVENUE. PETITIONED BY: CARL E. JONAS. ACREAGE: APPROXIMATELY 5.15 ACRES. ZONED: R-E UNDER RESOLUTION OF INTENT TO R-3 (COUNTY CLASSIFICATION), N-U UNDER RESOLUTION OF INTENT TO R-PD15 (CITY EQUIVALENT).

Committee: Councilmen Lurie and Christensen
- B. ESTABLISHMENT OF A POLICY CONCERNING SPECIAL ASSESSMENT DISTRICTS FOR IMPROVEMENTS ON PRIVATE PROPERTY.

Councilman Nolen, Chairman, and Council as a whole.

REAL ESTATE COMMITTEE:

- C. REQUEST OF TEE JAY ENTERPRISES, INC. TO LEASE CITY PROPERTY FOR A FAMILY-ORIENTED ENTERTAINMENT COMPLEX CONSISTING OF SUCH ACTIVITIES AS MINIATURE GOLF, VIDEO GAME ARCADE, BALL-BATTING TENT, FAST-FOOD EATERY (ADDITIONAL ACTIVITIES TO BE ADDED IN THE FUTURE) ALL ENCLOSED BY A PERMANENT AIR-SUPPORTED STRUCTURE.

Real Estate Committee: Councilmen Levy and Lurie
- D. REQUEST OF H.E.L.P. OF SOUTHERN NEVADA FOR A REDUCTION IN THEIR MONTHLY LEASE FEE FOR PROPERTY LOCATED AT 212 EAST MESQUITE AVENUE.

Real Estate Committee: Councilmen Levy and Lurie

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Attendance will be noted and a tape recording of the proceedings will be kept on file in the office of the City Clerk until final disposition. A copy of the above Bill can be obtained through the Office of the City Clerk, Monday through Friday, 8 A.M. to 5 P.M.

INTER-OFFICE MEMORANDUM

October 18, 1983

TO:

FILE

FROM:

Carol Ann Hawley
CAROL ANN HAWLEY
CITY CLERK

SUBJECT:

RECOMMENDING COMMITTEE MEETING -
OCTOBER 17, 1983

COPIES TO: 10/19/83 and
Agenda Blue Books, 11/2/83 Council Meeting
City Attorney's Office
Business Activity Dept.
Community Planning & Development Dept.
Engineering Services
Metro
Fire Services
Building & Safety

MEETING HELD:

Monday, October 17, 1983, at 4:00 P.M., City Manager's
Conference Room, 10th Floor, City Hall. Meeting adjourned
at 4:45 P.M.

PRESENT:

Mayor Briare
Councilman Ron Lurie
Councilman Paul Christensen
Councilman Al Levy
Councilman Bob Nolen
Don Saylor, Acting City Manager
George Ogilvie, City Attorney
Richard Campbell, Acting Deputy City Manager
Carol Ann Hawley, City Clerk
Sandra LeBoeuf, Deputy City Clerk
Jim Gist, Engineering Design
Nancy Payan, Engineering Design
Kirk S. Anderson, Alca Engineering
Doreen Mills, Executive Director, HELP of Southern Nevada
Ray Maiers, Bonanza Village Homeowners
Frank Trascik, Steve Sax Fun World
Ben Roscoe, Rocket Newspaper
Jim Fink, Southern Nevada Homebuilders Association
Jessie A. Moore
Howard Simon
Brevell Baxter
Rick McCarty, Americana Development Group
James Shipp
Jerry Ralya, Las Vegas Sun

- A. BILL NO. 83-54 - ANNEXATION NO. A-9-83(A). PROPERTY LOCATED APPROXIMATELY 300' EAST OF RAINBOW BOULEVARD ON DEL REY AVENUE. PETITIONED BY: CARL E. JONAS. ACREAGE: APPROXIMATELY 5.15 ACRES. ZONED: R-E UNDER RESOLUTION OF INTENT TO R-3. (COUNTY CLASSIFICATION), N-U UNDER RESOLUTION OF INTENT TO R-PD15 (CITY EQUIVALENT).

Committee: Councilmen Lurie and Christensen

No one appeared in opposition to this bill. Applicant was present. Committee recommendation is for adoption at the November 2, 1983 meeting.

Recommending Committee Meeting Minutes
October 17, 1983
Page 2

B. ESTABLISHMENT OF A POLICY CONCERNING SPECIAL ASSESSMENT DISTRICTS FOR IMPROVEMENTS ON PRIVATE PROPERTY

Committee: Councilman Nolen, Chairman, and Council as a whole

This item was discussed amongst the members of the Council and representatives of Bonanza Village Homeowners Association who were present. (A verbatim transcript is on file in the City Clerk's Office.) In July of 1983, the Legislature passed a bill providing for special assessment districts for improvements on private property. The Bonanza Village home owners are desirous to utilize this legislation and build a wall around their subdivision. As this is the first time this has come before the City, staff recommended that a policy be set by the Council for not only Bonanza Village but for future policy guidelines as well. Concerns were voiced by members of the Council relative to ownership of the improvements, liabilities involved, maintenance of the improvement and assurance that staff costs would be paid for whether or not the improvement was actually implemented. It was recommended by Chairman Nolen that more study and work should be done on a staff basis and then the matter back to the Committee as a whole.

C. REQUEST OF TEE JAY ENTERPRISES, INC. TO LEASE CITY PROPERTY FOR A FAMILY-ORIENTED ENTERTAINMENT COMPLEX CONSISTING OF SUCH ACTIVITIES AS MINIATURE GOLF, VIDEO GAME ARCADE, BALL-BATTING TENT, FAST-FOOD EATERY (ADDITIONAL ACTIVITIES TO BE ADDED IN THE FUTURE) ALL ENCLOSED BY A PERMANENT AIR-SUPPORTED STRUCTURE.

Real Estate Committee: Councilmen Levy and Lurie.

The request of Tee Jay Enterprises was withdrawn as they have found another location. However, the Committee requested that staff study the concept of establishing a policy for the type of request made by Tee Jay Enterprises and place it on the agenda of the Parks and Recreation Advisory Board. Staff might also survey other cities that have turned over recreation programs to private enterprise. After study and recommendation from the Advisory Board this matter would then be presented to the full Council.

D. REQUEST OF HELP OF SOUTHERN NEVADA FOR A REDUCATION IN THEIR MONTHLY LEASE FEE FOR PROPERTY LOCATED AT 212 EAST MESQUITE AVENUE

Real Estate Committee: Councilmen Levy and Lurie

Doreen Mills, Executive Director of HELP, appeared before the Committee. She explained this request was a result of severe budget cutbacks experienced by this organization. After discussion, Committee recommended that the monthly rent be reduced by 50% and that one year's notice be given to HELP to find another location as the City will desire by that time to utilize the property presently occupied by them.

AGENDA*City of Las Vegas*

November 2, 1983

Page 22

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM Council Action Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)

- C. BILL NO. 83-56 - ADOPTS THE MOST RECENT EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND DESIGNATES THE DIRECTOR OF THE DEPARTMENT OF BUILDING AND SAFETY AS THE BUILDING OFFICIAL REFERRED TO IN THAT CODE.

Committee: Councilmen Lurie and Levy

First Publication: SUN - 11/5/83

Committee Recommendation:

Adoption at the November 16, 1983 meeting.

Recommendation
Noted.

11/16/83 Agenda

- D. BILL NO. 83-57 - NEW STANDARDS AND REQUIREMENTS ARE ADOPTED IN LIEU OF THE OLD STANDARDS AND REQUIREMENTS FOR THE ANCHORING OF MOBILE HOMES.

Committee: Councilmen Lurie and Levy

First Publication: SUN - 11/5/83

Committee Recommendation:

Adoption at the November 16, 1983 meeting.

Recommendation
Noted.

11/16/83 Agenda

APPROVED AGENDA ITEM

Ashley Hall

INTER-OFFICE MEMORANDUM

0132

November 2, 1983

TO:

FILE

FROM:

Linda
LINDA M. OWENS
ACTING CITY CLERK

SUBJECT:

RECOMMENDING COMMITTEE MEETING -
NOVEMBER 1, 1983

COPIES TO:

Agenda Blue Books, 11/2/83 and 11/16/83 City
Council Meetings

City Attorney's Office
Business Activity Dept.
Community Planning and Development Dept.
Engineering Services

Metro
Fire Services
Building and Safety

MEETING HELD:

Tuesday, November 1, 1983, at 4:00 P.M. in the City
Council Chambers, Plaza Level, City Hall. Meeting
adjourned at 4:45 P.M.

PRESENT:

Councilman Ron Lurie
Acting City Manager Don Saylor
Acting Deputy City Manager Richard Campbell
City Attorney George Ogilvie
Director of Building and Safety Clay Hymer
Supervisor of Animal Control Dr. Leslie Williams
Dennes Jensen, Flood Control, CLV
Steve Waugh, Las Vegas Metropolitan Police Department
Acting City Clerk Linda M. Owens
Deputy City Clerk Sandra LeBoeuf
Jerry Ralya, Las Vegas SUN
Mary Hale, Superior Air Conditioning, Inc.
Dennis Soukup, Sunrise Refrigeration
Richard Lapointe, AM/PM Air Conditioning
Jack Thuet, Jack's Refrigeration
Thomas Hansen, Sunset Mechanical, Inc.
Scott Minoth, Sunset Mechanical, Inc.
Terry Tingle, Refrigeration Supplies Distributors
Herman Fandel, Plumbers & Pipefitters Local 604
Jeff Jones, Plumbers & Pipefitters Local 525
Rick Vandenberg, Assoc. Plumbing Contractors & Plumbing
& Mechanical Contractors
Steve McGinty, Plumbers & Pipefitters Local 525
Billy Williams, Assoc. Plumbing Contractors
Gene Gorlich, Pioneer Plumbing, Inc.
Jack McGinty, Plumbers & Pipefitters Local 525
Howard Waters, Southern Nevada Air Conditioning &
Refrigeration Contractors
Thelma Clark, Mobile Homeowners League of the Silver State

EXCUSED:

Councilman Al Levy

Recommending Committee Meeting Minutes
November 1, 1983
Page 2

A. BILL NO. 83-55 - AUTHORIZES TRAFFIC ENGINEERING OFFICIALS TO ISSUE CITATIONS FOR VIOLATIONS OF TRAFFIC CODE.

Committee: Councilmen Lurie and Levy

The Committee recommended this bill be held until the November 14, 1983 Recommending Committee meeting to obtain input from the Traffic Engineer.

B. BILL NO. 83-56.- ADOPTS THE MOST RECENT EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND DESIGNATES THE DIRECTOR OF THE DEPARTMENT OF BUILDING AND SAFETY AS THE BUILDING OFFICIAL REFERRED TO IN THAT CODE.

Committee: Councilmen Lurie and Levy

Acting City Manager Saylor said this Bill brings the Uniform Code up to date with the most recent Building Code. The Committee recommended adoption at the 11/16/83 City Council meeting.

C. BILL NO. 83-57 - NEW STANDARDS AND REQUIREMENTS ARE ADOPTED IN LIEU OF THE OLD STANDARDS AND REQUIREMENTS FOR THE ANCHORING OF MOBILE HOMES.

Committee: Councilmen Lurie and Levy

Thelma Clark, 2038 Palm, Space 253, Vice President, Mobile Homeowners League of the Silver State, appeared to obtain clarification of this Bill. Dennes Jensen, Chief, Land Development and Flood Control Division, stated this Bill protects mobile home parks that are located in Flood Zone A. This Bill outlines how the mobile homes should be tied down in a flood zone, but is only applicable to those mobile homes that became located in a park after the adoption of the Flood Hazard Reduction Ordinance, which was effective on September 3, 1980. Committee recommended adoption at the 11/16/83 City Council meeting.

D. BILL NO. 83-58 - AUTHORIZES ISSUANCE OF A PERMIT TO A REFRIGERATION CONTRACTOR FOR THE INSTALLATION OF GAS PIPING DIRECTLY RELATED TO THE INSTALLATION OF REFRIGERATION OF AIR CONDITIONING EQUIPMENT.

Committee: Councilmen Lurie and Levy

Director of Building and Safety, Clay Hymer, stated the refrigeration contractors asked his department to draft this Bill to allow them to perform any type of work incidental to a gas or refrigeration unit on an existing structure. The Building Department is unbiased as to whom should perform the work. Howard Waters, 1918 East St. Louis, appeared to represent the Southern Nevada Air Conditioning and Refrigeration Service Contractors Association stating they are in favor of this Bill. The Committee recommended this Bill be held until the November 14, 1983 Recommending Committee meeting for input from the Councilmen, Homebuilders and Staff.

Recommending Committee Meeting Minutes
November 1, 1983
Page 3

- E. BILL NO. 83-59 - ANNEXATION NO. A-11-83(A). PROPERTY LOCATED ON THE WEST SIDE OF DECATUR BOULEVARD APPROXIMATELY 573' SOUTH OF LAKE MEAD BOULEVARD. PETITIONED BY: JOHN J. PAVELL, ET AL. ACREAGE: APPROXIMATELY 3.85 ACRES. ZONED: R-E (COUNTY CLASSIFICATION) N-U (CITY EQUIVALENT).
Committee: Councilmen Lurie and Levy

No one appeared in opposition to this Bill. Committee recommended adoption at the November 16, 1983 City Council meeting.

- F. BILL NO. 83-60 - SPECIAL IMPROVEMENT DISTRICT NO. 403. STEP NO. 25-D. ORDINANCE LEVYING ASSESSMENTS. 26 - NOTICE TO PROPERTY OWNERS. LOCATION: ALONG BOTH SIDES OF BONANZA ROAD FROM EASTERN AVENUE TO PECOS STREET. IMPROVEMENTS: INCLUDES THE INSTALLATION OF A PARKING LANE, STANDARD "L" TYPE CURBS AND GUTTERS, STREET LIGHTING AND STANDARD CONCRETE SIDEWALKS.
Committee: Councilmen Lurie and Levy

No one appeared in opposition to this Bill. Committee recommended adoption at the November 16, 1983 City Council meeting.

- G. BILL NO. 83-61 - AMENDS THE MASTER PLAN OF STREETS AND HIGHWAYS BY REALIGNING TORREY PINES DRIVE BETWEEN VEGAS DRIVE AND WASHINGTON AVENUE AND BY ADOPTING ENGINEERING DESIGN NO. 115-370.
Committee: Councilmen Lurie and Levy

No one appeared in opposition to this Bill. Committee recommended adoption at the November 16, 1983 City Council meeting.

- H. BILL NO. 83-62 - LOWERS THE AGE REQUIREMENT FROM THE SIX (6) MONTHS TO THREE (3) MONTHS FOR THE OBTAINING OF DOG AND CAT LICENSES, DOG FANCIER PERMITS, CAT FANCIER PERMITS, RABIES VACCINATION, AVAILABILITY OF A LITTER OF ANIMALS FOR IMMEDIATE ADOPTION BY THE PUBLIC AND THE NUMBER OF CANINES AND FELINES WHICH MAY BE KEPT BY A PERSON AT ANY PARTICULAR PLACE, PREMISE, RESIDENCE OR LOCATION.
Committee: Councilmen Levy and Lurie

Dr. Leslie Williams of Animal Control stated they are in favor of this Bill. No one appeared in opposition to this Bill. Committee recommended adoption at the November 16, 1983 City Council meeting.

Recommending Committee Meeting Minutes
November 1, 1983
Page 4

0135

- I. BILL NO. 83-63 - REPLACES THE REFERENCES TO THE "BOARD OF COMMISSIONERS" AND THE "DIRECTOR OF PUBLIC SERVICES" WITH REFERENCES TO THE "CITY COUNCIL" AND "DIRECTOR OF ENGINEERING SERVICES"; ALLOWS THE COUNCIL TO WAIVE THE REQUIREMENT OF UNDERGROUND INSTALLATIONS WHEN ENFORCING THAT REQUIREMENT WOULD NOT PROMOTE THE PURPOSES OF SECTION 13.52.010, OR IS UNREASONABLE DUE TO OTHER CIRCUMSTANCES PRESENTED BY THE APPLICANT.

Committee: Councilmen Lurie and Levy

Acting City Manager Saylor said the City has an Ordinance that requires the installation of underground utilities. However, this Bill would allow the Council to waive that requirement when certain conditions are in existence in outlying areas. No one appeared in opposition. Committee recommended adoption at the November 16, 1983 City Council meeting.

- J. BILL NO. 83-64 - REMOVES POTENTIAL ABUSE OF PARKING EXEMPTION BY RESTRICTING USE OF THE PERMITTEES WHILE ACTUALLY ENGAGED IN FIELD WORK OR IN BUSINESS OUTSIDE THEIR OFFICE; ALSO IMPOSES TWO DOLLAR (2.00) APPLICATION FEE.

Committee: Councilmen Lurie and Levy

Acting City Manager Saylor stated this Bill limits persons receiving parking exempt permits to only use them during activities involving governmental work. It also allows the City to collect a \$2.00 application fee from permittees which will help to defray some of the costs. No one appeared in opposition. Committee recommended adoption at the November 16, 1983 City Council meeting.

- K. BILL NO. 83-65 - DECRIMINALIZES VIOLATIONS OF THE PARKING LAWS AND REGULATIONS, IMPOSES CIVIL LIABILITY FOR SUCH VIOLATIONS AND PROVIDES A CIVIL PROCEDURE FOR THE ENFORCEMENT AND COLLECTION OF MONETARY SANCTIONS WHICH ARE ASSOCIATED THEREWITH.

Committee: Councilmen Lurie and Levy

City Attorney Ogilvie stated criminal penalties will no longer apply to parking violations. There will be substantial changes in the bail structure. Parking violations will be enforced by a civil procedure. This Bill also allows for an increase in the parking violation fines. No one appeared in opposition. Committee recommended adoption at the November 16, 1983 City Council meeting.

AGENDA*City of Las Vegas*

November 2, 1983

Page 23

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)

- E. BILL NO. 83-58 - AUTHORIZES ISSUANCE OF A PERMIT TO A REFRIGERATION CONTRACTOR FOR THE INSTALLATION OF GAS PIPING DIRECTLY RELATED TO THE INSTALLATION OF REFRIGERATION OF AIR CONDITIONING EQUIPMENT.

Committee: Councilmen Lurie and Levy

First Publication: None

Committee Recommendation:Held in Abeyance until the November 14, 1983
Recommending Committee meeting.Recommendation
Noted.11/14/83 Agenda
Recommending
Committee Meeting.

- F. BILL NO. 83-59 - ANNEXATION NO. A-11-83(A). PROPERTY LOCATED ON THE WEST SIDE OF DECATUR BOULEVARD APPROXIMATELY 573' SOUTH OF LAKE MEAD BOULEVARD. PETITIONED BY: JOHN J. PAVELL, ET AL. ACREAGE: APPROXIMATELY 3.85 ACRES. ZONED: R-E (COUNTY CLASSIFICATION) N-U (CITY EQUIVALENT).

Committee: Councilmen Lurie and Levy

First Publication: SUN - 11/5/83

Committee Recommendation:

Adoption at the November 16, 1983 meeting.

Recommendation
Noted.

11/16/83 Agenda

APPROVED AGENDA ITEM

Ashley Hall

AGENDA*City of Las Vegas*

November 2, 1983

Page 24

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)

- G. BILL NO. 83-60 - SPECIAL IMPROVEMENT DISTRICT NO. 403. STEP NO. 25-D - ORDINANCE LEVYING ASSESSMENTS. 26 - NOTICE TO PROPERTY OWNERS. LOCATION: ALONG BOTH SIDES OF BONANZA ROAD FROM EASTERN AVENUE TO PECOS STREET. IMPROVEMENTS: INCLUDES THE INSTALLATION OF A PARKING LANE, STANDARD "L" TYPE CURBS AND GUTTERS, STREET LIGHTING AND STANDARD CONCRETE SIDEWALKS.

Committee: Councilmen Lurie and Levy

First Publication: SUN - 11/5/83

Committee Recommendation:

Adoption at the November 16, 1983 meeting.

Recommendation
Noted.

11/16/83 Agenda

- H. BILL NO. 83-61 - AMENDS THE MASTER PLAN OF STREETS AND HIGHWAYS BY REALIGNING TORREY PINES DRIVE BETWEEN VEGAS DRIVE AND WASHINGTON AVENUE AND BY ADOPTING ENGINEERING DESIGN NO. 115-370.

Committee: Councilmen Lurie and Levy

First Publication: SUN - 11/5/83

Committee Recommendation:

Adoption at the November 16, 1983 meeting.

Recommendation
Noted.

11/16/83 Agenda

APPROVED AGENDA ITEM

Ashley Hall

AGENDA*City of Las Vegas*

November 2, 1983

Page 25

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)

- I. BILL NO. 83-62 - LOWERS THE AGE REQUIREMENT FROM THE SIX (6) MONTHS TO THREE (3) MONTHS FOR THE OBTAINING OF DOG AND CAT LICENSES, DOG FANCIER PERMITS, CAT FANCIER PERMITS, RABIES VACCINATION, AVAILABILITY OF A LITTER OF ANIMALS FOR IMMEDIATE ADOPTION BY THE PUBLIC AND THE NUMBER OF CANINES AND FELINES WHICH MAY BE KEPT BY A PERSON AT ANY PARTICULAR PLACE, PREMISE, RESIDENCE OR LOCATION.

Committee: Councilmen Levy and Lurie

First Publication: SUN - 11/5/83

Committee Recommendation:

Adoption at the November 16, 1983 meeting.

Recommendation
Noted.

11/16/83 Agenda

- J. BILL NO. 83-63 - REPLACES THE REFERENCES TO THE "BOARD OF COMMISSIONERS" AND THE "DIRECTOR OF PUBLIC SERVICES" WITH REFERENCES TO THE "CITY COUNCIL" AND "DIRECTOR OF ENGINEERING SERVICES"; ALLOWS THE COUNCIL TO WAIVE THE REQUIREMENT OF UNDERGROUND INSTALLATIONS WHEN ENFORCING THAT REQUIREMENT WOULD NOT PROMOTE THE PURPOSES OF SECTION 13.52.010, OR IS UNREASONABLE DUE TO OTHER CIRCUMSTANCES PRESENTED BY THE APPLICANT.

Committee: Councilmen Lurie and Levy

First Publication: SUN - 11/5/83

Committee Recommendation:

Adoption at the November 16, 1983 meeting.

APPROVED AGENDA ITEM

Ashley Hall

Recommendation
Noted.

11/16/83 Agenda

AGENDA*City of Las Vegas*

November 2, 1983

Page 26

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM**Council Action****Department Action****VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)**

- K. BILL NO. 83-64 - REMOVES POTENTIAL ABUSE OF PARKING EXEMPTION BY RESTRICTING USE OF THE PERMITTEES WHILE ACTUALLY ENGAGED IN FIELD WORK OR IN BUSINESS OUTSIDE THEIR OFFICE; ALSO IMPOSES TWO DOLLAR (\$2.00) APPLICATION FEE.

Committee: Councilmen Lurie and Levy

First Publication: SUN - 11/5/83

Committee Recommendation:

Adoption at the November 16, 1983 meeting.

Recommendation
Noted.

11/16/83 Agenda

- L. BILL NO. 83-65 - DECRIMINALIZES VIOLATIONS OF THE PARKING LAWS AND REGULATIONS, IMPOSES CIVIL LIABILITY FOR SUCH VIOLATIONS AND PROVIDES A CIVIL PROCEDURE FOR THE ENFORCEMENT AND COLLECTION OF MONETARY SANCTIONS WHICH ARE ASSOCIATED THEREWITH.

Committee: Councilmen Lurie and Levy

First Publication: SUN - 11/5/83

Committee Recommendation:

Adoption at the November 16, 1983 meeting.

Recommendation
Noted.

11/16/83 Agenda

APPROVED AGENDA ITEM

Ashley Hall

AGENDA*City of Las Vegas*

November 2, 1983 0140

Page 27

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

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

NONE

NONE

NONE

0141

AGENDA*City of Las Vegas*

November 2, 1983

Page 28

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

IX. 2:00 P.M. - PUBLIC HEARINGS14:44
Tape 3

- A. PUBLIC HEARING to consider a report by the Director of Public Services of the expense incurred by the City in the repair of a building at 615 West Van Buren Street.

Christensen -
ABEYANCE
Unanimous
(Nolen excused)

12/7/83 Agenda
Robert Sylvain,
Deputy City Atty.
appeared stating
owner of property
has requested this
item be held in
abeyance.

APPROVED AGENDA ITEM

Ashley Hall

AGENDA DOCUMENTATION

Date: Sept. 29, 1983

TO: The City Council

FROM: DON J. SAYLOR
ACTING CITY MANAGER

SUBJECT: CONSIDERATION OF DIRECTOR OF PUBLIC SERVICES REPORT IN REGARD TO PROPERTY
LOCATED AT 615 WEST VAN BUREN TO RECOVER COST OF DANGEROUS BUILDING ABATEMENT
AND POSSIBLE SETTING OF A DATE FOR PUBLIC HEARING.

PURPOSE/BACKGROUND

In June of 1982 the building located at 615 W. Van Buren was in a state of extreme disrepair. The Department of Building and Safety determined the building to be hazardous to the public. The Department of Building and Safety sent a Notice and Order to Abate the Dangerous Building to the owner of record, Marion D. Bennett. The Order states that the property must be rehabilitated, demolished, or secured, and the lot cleaned.

The Department of Building and Safety then sent the required notice to the County Recorder, certifying the building as a public hazard.

Before having the building secured by a contractor, Department of Public Services staff personally contacted Rev. Bennett to request compliance with the Order. Rev. Bennett said he would do the work himself, but that it was very difficult to keep the doors and windows boarded up.

After several weeks, the building was not secured to City standards, and Rev. Bennett was notified that the City would hire a contractor to secure the building.

A formal bid was awarded to Building Dynamics for the lump sum of \$3,630.00 to secure the building, with work to commence on March 30, 1983.

Reverend Bennett again contacted the City and stated that he would perform the work himself.

The contractor was put on a Stop Work Order on April 12, 1983.

Reverend Bennett did have workmen on the job for several weeks, but there was very little change in the condition of the building. On August 24, 1983 Rev. Bennett was notified that the contractor would be ordered back on the job as of September 1, 1983.

On September 23, 1983, the building was secured, and a report of the charges incurred was sent to the City Clerk's office.

In accordance with the Uniform Code for the Abatement of Dangerous Buildings, Chapter 9, Section 902, the City Council shall now set the time, place, and date for hearing the report and any protests or objections thereto.

FISCAL IMPACT

None

RECOMMENDATIONS

The Acting City Manager recommends that the City Council set a date and time for public hearing.

Agenda Item

IX. A

CHRONOLOGY OF EVENTS

<u>Date</u>	<u>Item</u>	<u>Parties</u>	<u>Nature</u>	<u>Rec</u>	<u>d</u>	<u>Exhibit</u>
June 17, 1982	Certified Letter	Lawson, Building Inspector to Marion Bennett	Informs Bennett that his building is unsafe	Yes		A
July 27, 1982	Certified Letter	Hymer to Bennett	Notice and Order to Abate his Dangerous Building - Gives Bennett 30 days to Appeal and 40 days to correct the problem	Yes	August 11, 198	B
September 14, 1982	Certified Letter	Hymer to County Clerk	Certifies that the building has been declared unsafe and a danger to the public			C
September 14, 1982	Memo	Hymer to Donovan	Requests the Department of Public Services to proceed with abatement	Yes		D
September 17, 1982	Purchase Request					E
October 21, 1982	Telephone conversation	Bennett and Nancy DelaBarre	Bennett informs Nancy of his intent to render the building safe			
October 22, 1982	Certified Letter Copies to his home and Marion Bennett Youth Center	Donovan to Bennett	Donovan confirms Bennett's conversation with Nancy that negotiations with a private contractor are being cancelled - Gives Bennett 2 weeks to resolve problem			F
						First certified letter returned to CLV. A second certified letter with copies to three other locations sent to Bennett. Bennett has admitted receiving this letter (telephone conversation with Nancy D. and in a meeting on 10-10-83)
November 15, 1982	Memo	Donovan to Ogilvie	Requests opinion as to whether reinstitute the building abatement procedures			G
December 1, 1982	Memo	Jones to Donovan	Opinion by the City Attorney's Office is that a new notice is not required	Yes		H

<u>Date</u>	<u>Item</u>	<u>Parties</u>	<u>Nature</u>	<u>Received</u>	<u>Exhibit</u>
December 3, 1982	Certified Letter Copies to his church and home	Donovan to Bennett	Acknowledges that Bennett made attempt to secure building but it was not adequate. Donovan in- forms Bennett that City will contract with a private contractor. Preliminary cost estimated at \$7,000	Certified letter returned to CLV. However, the copies were not returned to the City of Las Vegas	I
	Letter	Kuhn to Marion Bennett	Bid Documents	Bennett admitted in meeting on 10-10-83 in City Manager's Conference (9:30 a.m.) to having received the bid documents.	
March 28, 1983	Letter	Ed Park to Building Dynamics	States that the "work to start" date is March 30, 1983, with completion in April 8, 1983	Yes	J
	Telephone conversation	Between Hymer and Bennett	According to Hymer, Bennett stated he would do the work himself		
April 12, 1983	Certified Letter	Gilpin to Building Dynamics	Notifies Building Dynamics to stop work		K
April 12, 1983	Certified Letter Copies to Ben- nett's church and home accord- ing to Nancy.	Gilpin to Bennett	Confirms telephone conversation between Hymer and Bennett where- in Bennett stated he intends to comply with the specifications. Places a completion date of May 17, 1983. Bennett to contact Kuhn for inspections	Certified letter was returned to City of Las Vegas. However, the copies were not returned to the CLV	L
August 24, 1983	Certified Letter & copy to 960 Owens	Kuhn to Bennett	Informs Bennett that a private contractor will begin securing on September 1, 1983 - Anti- cipated cost is \$3,600	Certified letter re- turned to CLV. How- ever, copy was not returned to the CLV	M
September 1, 1983	Letter with copy to Bennett	Kuhn to Building Dynamics	Lifts prior stop work order	Copy was not returned to the CLV	N
September 27, 1983	Memo	Building & Safety to Gilpin	Inspector states that the building is secure	Yes	O

[illegible]

June 17, 1982

960 West Owens Avenue
Las Vegas, Nevada 89100

Re: Request To Abate Dangerous Building

As a part of the City of Las Vegas ongoing effort to beautify the City, we are requesting your assistance in dealing with the abatement of dangerous or vacant buildings pursuant to City Ordinance No. 1911.

A Building Inspector from this Department has made an inspection of your property at 615 West Van Buren, and has determined its present condition to be "open and accessible to vagrants, creating an attractive nuisance" and, also containing trash and debris in violation of City Codes 8-3A-3 and 8-3A-5.

We are appealing to you to take whatever action is necessary to improve the condition of your property by either rehabilitating, demolishing, or safely securing the structure within thirty (30) days of receipt of this notice.

We all would enjoy a cleaner and safer environment. However, without the contribution of individual efforts from our citizens, no community betterment program would ever be successful. Therefore, we are asking your help to achieve this goal.

Sincerely,

DEPARTMENT OF BUILDING & SAFETY

James M. Lawson

JAMES M. LAWSON, Building Inspector
Complaint Division

Dr. Peter 7/26

Exhibit "A"



CITY CLERK
MON LORIE
CITY ATTORNEY
GEORGE F. O'NEILL
CITY MANAGER
RUSSELL DORN

July 27, 1982

Marion D. Bennett
960 W. Owens Avenue
Las Vegas, Nevada 89106

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL PS Form 3811, Jan. 1975	
1. The following service is requested (check one): ☐ Show to whom and date delivered. ☐ Show to whom, date and address of delivery. ☐ RESTRICTED DELIVERY ☐ Show to whom and date delivered. ☐ RESTRICTED DELIVERY. ☐ Show to whom, date, and address of delivery.	2. ARTICLE ADDRESSED TO: (CONSULT POSTMASTER FOR FFPM)
3. ARTICLE DESCRIPTION: REGISTERED NO. _____ CERTIFIED NO. _____ INSURED NO. _____	4. ADDRESS (Complete only if registered) I have received the article described above. SIGNATURE _____ ADDRESS _____ DATE OF DELIVERY _____
5. ADDRESS (Complete only if registered) I have received the article described above. SIGNATURE _____ ADDRESS _____ DATE OF DELIVERY _____	
6. ADDRESS (Complete only if registered) I have received the article described above. SIGNATURE _____ ADDRESS _____ DATE OF DELIVERY _____	
7. UNABLE TO DELIVER BECAUSE:	

NOTICE AND ORDER TO ABATE DANGEROUS BUILDING

You are hereby notified as owner of the property located at 615 W. Van Buren that it has been found to be a dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, 1976 Edition, Section 302, adopted by Las Vegas City Code, Title IV, Chapter 12. The building constitutes a public hazard because of large amounts of trash and is also open and accessible to vandals and vagrants. The following repairs must be made to correct this condition: The buildings shall be either rehabilitated, demolished, or safely secured, and the property cleaned.

Please be advised that if the problem still exists after this thirty (30) day notice that court citations could be issued with each day constituting a separate offense, and that once you have been officially notified this condition exists, you could be held responsible for the expenses involved in fighting any and all fires that might occur under Provision E (23) of the Appendix, 1976 Uniform Fire Code, and held liable for any and all injuries or fatalities resulting from such fires or other causes attributed to the existing condition of the structure.

If you intend to repair and correct these conditions by advised that any and all required permits must be secured and work must be physically commenced within thirty (30) days and completed within forty (40) days. If work on any of the required repairs is not commenced or completed by the time specified, the City shall then direct a licensed contractor to abate the problem as described above. As the property owner, you will be billed by the City for all costs incurred to correct this condition. Where the full amount due the City is not paid within (60) days after the correction of the problem, then a lien shall be recorded against the property. It shall remain in full force, plus any court costs for collection, until final payment has been made.

Exhibit "B"

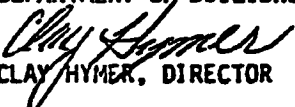


You or any person having any record title or legal interest in the building may appeal from this Notice and Order to the Board of Zoning Adjustment provided the appeal is made in writing and filed with the Director of the Department of Building and Safety of the City of Las Vegas within 30 days from the date of service of this Notice and Order. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. If it is recommended you contact the Department of Building and Safety, City of Las Vegas, by telephoning 386-6251, concerning your intentions on the referenced

Dated this 27th day of July, 1982.

Sincerely

DEPARTMENT OF BUILDING & SAFETY

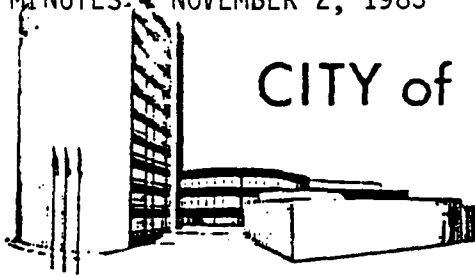

CLAY HYMER, DIRECTOR

CH:JL:dh

CITY COUNCIL MEMBERS
MON LUTHE
PAUL J. LAMMERTSEN
ROY WOOTEN
AL LEVY

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
RUSSELL DORN



CITY of LAS VEGAS

September 14, 1982

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Clark County Recorder
Clark County Courthouse
200 East Carson Avenue
Las Vegas, Nevada 89101

Re: Dangerous Building Abatement at 615 West Van Buren

This Department hereby certifies that the building on the property legally described as Parcel 010-502-002, located at 615 West Van Buren, Las Vegas, Nevada, constitutes a public hazard and is considered a dangerous building.

The owner, Marion D. Bennett, 960 West Owens Avenue, Las Vegas, Nevada 89106, has been notified by certified letters from this Department and received and signed for on August 11, 1982 and June 21, 1982, those letters stating that the building must be rehabilitated, demolished, or safely secured.

Sincerely,

DEPARTMENT OF BUILDING & SAFETY


CLAY HYMER, DIRECTOR

Exhibit "C"



INTER-OFFICE MEMORANDUM

TO:

Gene Donovan, Director
Public Services

FROM:

Clay Hymers
Clay Hymers, Director
Building & Safety

SUBJECT:

Dangerous Building -

COPIES TO:

Please arrange to have the building at 615 West Van Buren secured from entry.

DESCRIBED AS

Parcel 010-502-002

OWNERMarion D. Bennett
960 West Owens Avenue
Las Vegas, Nevada
89106ATTACHMENTS

1. Map of subject property,
2. Letter to County Recorder,
3. Letters received by Marion D. Bennett

Entry 'D'

SHIP TO: **0150**
 William C. Kuhn, P.E.
 Chief of Quality Control
 Public Services/Quality Control
 400 East Stewart Avenue
 Las Vegas, NV 89101

REQ. NO. **3530-1034 T.S.**
 REQ. DATE **September 17, 1982**

ESTIMATES FROM: ☐ FORMER P.O. NO. _____ DATE _____ ☒ PURCHASING & CONTRACTS ☐ OTHER (SPECIFY) _____		FUNDING: ☐ UNBUDGETED ☒ BUDGETED		PAGE _____	OBJECT CODE _____
REQUESTING DEPT/DIV Public Services/Quality Control		F.O.B. POINT Las Vegas, NV	TERMS Net 30 Days	BUYER	DELIVERY REQUIRED ASAP
JUSTIFICATION FOR PURCHASE REQUESTING DEPT. EST. 1,000.00 NOT TO EXCEED _____					

Dangerous Building abatement request from Building and Safety					
QUANTITY	UNIT	DESCRIPTION		UNIT PRICE	TOTAL
1	1	Furnish all labor, plant, tools, equipment and materials necessary to board up building at 615 West Van Buren VOID			1,000.00

Approved for Fund Source. By the Rev. Bennett dated October 22, 1982.

[Signature]

Exhibit 'E'

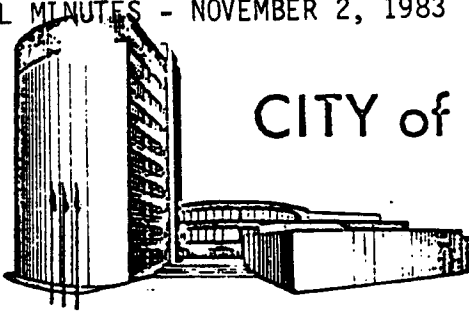
VENDORS CONTACTED

CONSTRUCTION CONTRACT						VERBAL QUOTE	
SUPPLY CONTRACT						INFORMAL BID	
FORMAL BID						SOLE SOURCE	
SINGLE SOURCE						COMPETITIVE	
LINE	FUND/ORG	ACCOUNT	TASK	OPT	ACT/NA	TOTAL	
1	3721	6110			WFF. BUREAU	1,000.00	
1	3721	6110				1,000.00	

THE DEPARTMENT HEAD CERTIFIES THAT TO THE BEST OF THEIR KNOWLEDGE FUNDS ARE BUDGETED AND AVAILABLE FOR THIS PURCHASE AND THE ITEMS/SERVICES REQUESTED ARE FOR PUBLIC USE

<i>[Signature]</i> DEPT. HEAD	9/24/82 DATE
<i>[Signature]</i> FINANCE	9-24-82 DATE
<i>[Signature]</i> BUDGET & MANAGEMENT	10/25/82 DATE
<i>[Signature]</i> PURCHASING & CONTRACTS	10-2-82 DATE

MAYOR BILL BRIARE

COMMISSIONERS
RON LURIE
PAUL J. CHRISTENSEN
ROY WOOPSTER
AL LEVYCITY ATTORNEY
GEORGE F. OGILVIECITY MANAGER
RUSSELL DORN0151
CITY of LAS VEGAS

October 22, 1982

RETURN RECEIPT REQUESTED

Rev. Marion D. Bennett
1911 Goldhill Avenue
Las Vegas, Nevada

Re: Dangerous Building located at
615 West Van Buren Avenue

Dear Rev. Bennett:

This letter is to confirm the telephone conversation on October 21, 1982, with Nancy DelaBarre of the Department of Public Services staff.

Mrs. DelaBarre called to notify you that the City of Las Vegas is negotiating with a private firm to board up and secure the building at 615 West Van Buren. You indicated that you were willing to handle the problem yourself.

Based on our understanding that you will have the building secured, we will cancel the negotiations for the private contractor. And will assume, unless notified by you to the contrary, that the problem will be resolved within two weeks from the date of this letter.

We appreciate your cooperation in this matter, and will make every effort to notify you personally when a hazardous situation of this type arises.

Very truly yours,

Donald E. Donovan, P.E.
Director of Public Services

DED:lsy

cc: Clay Hymer
John Humphrey

Exhibit "F"



TO:	GEORGE OGILVIE CITY ATTORNEY	FROM:	DONALD E. DONOVAN, P.E. DIRECTOR OF PUBLIC SERVICES
SUBJECT:	DANGEROUS BUILDING ABATEMENT - PROCEDURES	COPIES TO:	CLAY HYMER /JOHN HUMPHREY

SITUATION

The Department of Public Services received a request from the Department of Building and Safety to secure the building at 615 West Van Buren Avenue. The owner of the property is Rev. Marion D. Bennett.

Rev. Bennett was telephoned to notify him of the City's procedure, and also to advise him that the cost of securing the building would be billed to him. Rev. Bennett indicated he would take care of it himself.

Since that time, approximately three weeks have elapsed and the building is again unsecured.

RECOMMENDATION

That your office determine whether we can now have the building secured and bill Rev. Bennett; or, if we must begin the formal notification procedure all over again.

ANALYSIS

According to our inspectors, the building was never secured to our standards. Rev. Bennett boarded up the first floor windows and doors only. The second story windows and doors were not boarded. The doors on the first floor have been forced open. When we called Rev. Bennett again, he said he would try to fix the doors again, but that it was a useless attempt to keep people out of the building.

Attached is the file on this property. As a matter of information, our low bid to secure this building is \$7,000.00.


DONALD E. DONOVAN, P.E.

DED:ND:lsy
Attachment

Exhibit "C"



INTER-OFFICE MEMORANDUM

December 1, 1982

TO: Donald E. Donovan, Director Department of Public Services	FROM: Stephen G. Jones Deputy City Attorney <i>Stephen G. Jones</i>
SUBJECT: Abatement of Dangerous Building - Interruption of Procedure at Request of Property Owner - Steps Necessary	COPIES TO: Clay Hymer, Director Department of Building & Safety

On August 11, 1982 Marion D. Bennett received a Notice and Order to Abate a Dangerous Building at 615 W. Van Buren. That Order by Clay Hymer, Director of the Department of Building and Safety, directed Bennett to repair and correct the dangerous conditions. Bennett was thereby placed on notice that if he failed to complete the repairs within 40 days the City would direct a licensed contractor to do the work and bill him for it. On September 14, 1982 a certification that the property constitutes a dangerous building and that Bennett, the owner, had been notified was filed with the County Recorder.

Bennett asked for more time to make the repairs himself. The work was never completed and what little he accomplished was undone by vandals. You have inquired what steps are necessary to reinstitute abatement proceedings in such a case.

The Uniform Code for the Abatement of Dangerous Buildings provides for a series of steps whereby a building owner is given due process before the City can interfere with his property rights. The attached flow chart shows these steps in numbered sequence. The City stopped the procedures at the owner's request after Step 8. There is nothing in the UCADB which renders the filed certificate (Step 6) invalid or requires a new notification (Step 3) after a lapse of time. The Uniform Codes were drafted with the hope and expectation that the procedures set out would be reasonably applied. The lapse of time here is approximately 2 months and it was certainly reasonable for the City to allow it, when it was requested by the owner so he could perform the repairs himself. Moreover it is hardly reasonable for Bennett to assume that the matter is now closed given the current state of his property and the fact that no certification of correction has been filed at the County Recorder's office.

In this instance you can proceed immediately to Step 9 which is for Public Services to contract with a private firm to abate the dangerous conditions. The time that starting fresh with new notifications or certifications should be considered would be in

Exhibit "H"

Donald E. Donovan

-2-

December 1, 1982

a situation where there has been an unreasonably long period where no action was taken, and particularly if the property has been sold to a new owner or if a new dangerous condition has developed.

SGJ/pb

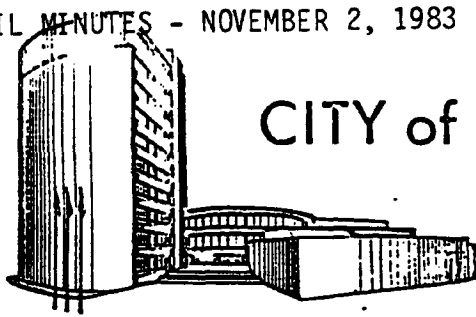
Attachment/Building Abatement
Flow Chart

MAYOR BILL BRIARE

COMMISSIONERS
 RON LURIE
 PAUL J. CHRISTENSEN
 ROY WOOTER
 AL LEVY

CITY ATTORNEY
 GEORGE F. OGILVIE

CITY MANAGER
 RUSSELL DORN

0155
CITY of LAS VEGAS

December 3, 1982

CERTIFIED
 RETURN RECEIPT REQUESTED

1711 W. GUNHILL AVENUE
 Las Vegas, NV 89106

RE: 615 W. VAN BUREN AVENUE

Dear Rev. Bennett:

On September 14, 1982 a certification that the above property constitutes a dangerous building was filed with the County Recorder.

The building is still dangerous and the situation must be remedied. You have been given adequate notice plus sufficient extension of time to have completed the repairs necessary to secure the building in an acceptable manner.

Therefore, the Department of Public Services will contract with a private firm to abate the dangerous condition. A preliminary cost estimate for this work is \$7,000.00 which after a public hearing will be billed to you or filed as a lien on your property.

We realize that you made an attempt to secure the building. However, it was not secured to City of Las Vegas standards, and the condition of the building requires immediate action.

Sincerely,

DONALD E. DONOVAN, P.E.
 Director of Public Services

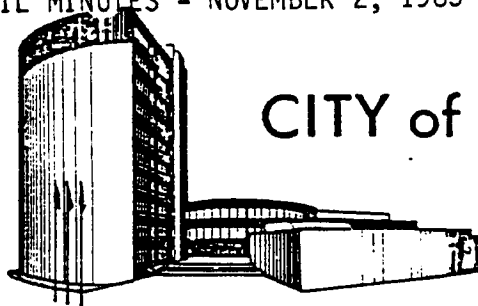
cc: Don Saylor
 Clay Hymer
 SGJones
 WCKuhn ✓

DED:ND/mm

Exhibit "I"



MAYOR BILL BRIARE
COMMISSIONERS
RON LURIE
PAUL J. CHRISTENSEN
AL LEVY
WILLIAM L. PEARSON
CITY ATTORNEY
GEORGE F. OGILVIE
CITY MANAGER
RUSSELL W. DORN



CITY of LAS VEGAS

March 28, 1983

Building Dynamics
708 S. Sixth St.
Las Vegas
Nevada 89101

Subject: Bid #B3.3530.2
SECURING OF BUILDING AND CLEANUP OF LOT

Gentlemen:

Our enclosed purchase order, No. 47530, will serve as formal document covering the subject contract recently awarded your firm. Your "Work to Start" date shall be March 30, 1983 with "Work to be Completed" by April 8, 1983.

Thank you for your interest in the City's requirements.

Sincerely yours,

J. E. Park, CPPO
Chief, Purchasing and Contracts Division

ldr

Enc.

cc: City Clerk
Budget Management
Public Svcs/Quality Control ✓

CERTIFIED

Exhibit 3



PURCHASE ORDER

CITY OF LAS VEGAS

400 EAST STEWART STREET

LAS VEGAS, NEVADA 89101

P.O. No. 47530

0157

BUILDING DYNAMICS
708 S. Sixth
Las Vegas, NV 89101

DATE 4/2/83		TERMS Net 30 Days		SHIP TO: Public Svcs/Quality Control 400 East Stewart Ave. Las Vegas, NV 89101 Attn: C. Kuhn, P.E.		1 COPY OF INVOICE WITH ORDER NUMBER INDICATE THEREON TO BE MAILED TO CITY OF LAS VEGAS DEPARTMENT OF FINANCIAL MANAGEMENT.	
ITEM NO.	QUAN.	UNIT	DESCRIPTION			UNIT PRICE	TOTAL
			Furnish all labor, plant, tools, equipment and materials necessary to clean up and secure the building at 615 Van Buren, all in strict accordance with terms, conditions and specifications of Formal Bid #83.3530.2				
	LUMP	SUM	Secure One (1) Structure and Cleanup of Lot				\$ 3,630.0
TOTAL:							\$ 3,630.0

*Complete 9/27/83
Lillian R. Ruppel
Quality Control*

NOTE: THIS PURCHASE ORDER IS ISSUED FOR ADMINISTRATIVE ACCOUNTING PURPOSES ONLY AND THE TERMS AND CONDITIONS NOTED ON THE REVERSE SIDE OF THIS PURCHASE ORDER ARE APPLICABLE ONLY WHEN NOT IN CONFLICT WITH THE TERMS AND CONDITIONS OF THE REFERENCED FORMAL BID.

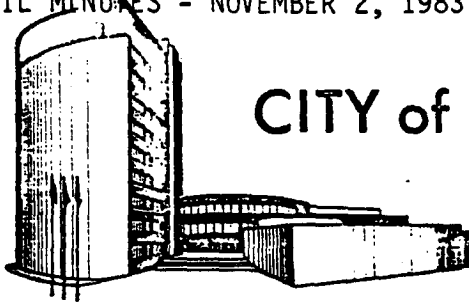
LINE	FUNDING	ACCOUNT	TASK	OPT.	ACT/WA	TOTAL	CHIEF, PURCHASING AND CONTRACTS
1	3394	6520				\$3,630.00	
		3503					

INSTRUCTIONS

ORDER NUMBER MUST SHOW ON ALL PACKAGES, SHIPPING PAPERS AND INVOICES, SHOW FREIGHT CHARGES AS A SEPERATE ITEM ON YOUR INVOICES. SUPPORT ALL FREIGHT CHARGES WITH A COPY OF RECEIPTED FREIGHT BILL.

REQUESTING AGENCY

MAYOR BILL BRIARE
COMMISSIONERS
RON LURIE
PAUL J. CHRISTENSEN
AL LEVY
WILLIAM L. PEARSON
CITY ATTORNEY
GEORGE F. OGILVIE
CITY MANAGER
RUSSELL W. DORN



CITY of LAS VEGAS

0158

April 12, 1983

Building Dynamics
708 S. Sixth St.
Las Vegas, NV 89101

Att: Bruce Bilzeu

DANGEROUS BUILDING LOCATED AT 615 WEST VAN BUREN AVENUE
CITY OF LAS VEGAS PURCHASE ORDER #47530

Dear Mr. Bilzeu:

You are hereby notified to stop work on P.O. #47530, with no penalties whatsoever to you, effective date April 12, 1983.

If our formal meeting at City Hall on April 12, 1983 we agreed that the City of Las Vegas has the option to lift the stop order. If we elect to do so, you will proceed with the contract on April 18, 1983 and be completed by April 31, 1983.

In the event the Rev. Bennett complies to the City's requirements, your contract with the City will be nullified and you will receive as compensation for your time and effort spent on this project to date, an amount of ten percent (10%) of the total contract, which would be \$363.00, as agreed upon at our meeting.

We wish to take this time to thank you for your time and indulgence in this matter and look forward to working with you in the future.

Very truly yours,

A handwritten signature in dark ink, appearing to read "C. E. Gilpin". The signature is fluid and cursive.

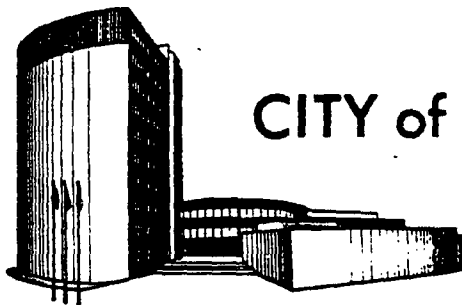
C. E. GILPIN
City Engineer

CEG/LP/jb

Exhibit "K"



MAYOR BILL BRIARE
COMMISSIONERS
RON LUBIE
PAUL J. CHRISTENSEN
AL LEVY
WILLIAM U. PEARSON
CITY ATTORNEY
GEORGE F. OGILVIE
CITY MANAGER
RUSSELL W. DORN



CITY of LAS VEGAS

April 12, 1983

CERTIFIED
RETURN RECEIPT REQUESTED

Rev. Marion D. Bennett
1911 Goldhill Ave.
Las Vegas, NV 89106

DANGEROUS BUILDING LOCATED AT 615 WEST VAN BUREN AVENUE

Dear Rev. Bennett:

On March 28, 1983 a purchase order (P.O. No. 47530) was issued to Building Dynamics in the amount of \$3,630.00, to clean up and secure the building at 615 West Van Buren, all in strict accordance with terms, conditions and specifications of Formal Bid #83.3530.2.

Upon hearing of your phone conversation with Mr. Clay Hymer, Director of Building and Safety with the City of Las Vegas, and with due respect to you and your intent to complete this work according to the Technical Specifications (attached) the City of Las Vegas has held a formal meeting with Building Dynamics. The result being a stop work order issued the contractor dated 4-12-83 and extending through 5-17-83.

The City of Las Vegas and the contractor, Building Dynamics, have extended ourselves on your behalf to allow you to comply with the Technical Specifications, to clean up and secure the building at 615 West Van Buren no later than the close of working hours 5-17-83.

We do request that you notify Mr. Bill Kuhn, Quality Control City of Las Vegas, for inspection and approval of the work you have performed at the site prior to 5-17-83.

If after that date the site is unsatisfactory to the City, we will then cancel the stop work order issued to Building Dynamics and allow them to proceed according to their contract. We hope this will not be necessary.

Please feel free to call us. Thank you and good luck.

Very truly yours,


C. E. GILPIN
City Engineer

CEG/LP/jb

Exhibit "L"

Originals

TECHNICAL SPECIFICATIONS

0100

INSTALLATION (SCOPE)

All window areas shall be completely covered and thru bolted on each side in the window area to a 2 x 4" interior back board. The thru bolts shall be peened over to prevent removal both inside and out. The doors shall be locked and toe nailed shut.

MATERIALS

3/4" Exterior grade plywood. 2 x 4" Construction grade. cat. or galvanized 1/2" thru bolts.

PROPERTY CLEANING (SCOPE)

All trash, debris, and heavy weeds shall be removed from the property.

PROPERTY DESCRIBED AS

Parcel 010-502-002
H.F.M. & M Addition
Lot 10 Block 22
615 West Van Buren

OWNERS

Marion D. Bennett
1911 Goldhill Ave.
Las Vegas, NV 89106

0161

NR AIT

155200

4-7-83

1

NOTICE

4.20

DATE RECEIVED

Detached from
PG Form 3048-A

29, Forta 2048-A

卷之五

Rev. Marion D. Bennett
1911 Goldhill Avenue
Las Vegas, NV 89106

City of LAS VEGAS

**DEPARTMENT OF PUBLIC SERVICES
400 EAST STEWART AVENUE
LAS VEGAS, NEVADA
89101**

CERTIFIED

Return Receipt Required

CERTIFIED-RETURN RECEIPT REQUESTED

0276 A13

Form 3811, Jan. 1979

● **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered.....
☒ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
Rev. Marion D. Bennett
1911 Goldhill Avenue
Las Vegas, NV 89106

3. **ARTICLE DESCRIPTION:**
REGISTERED NO. CERTIFIED NO. 94046 INSURED NO.
(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

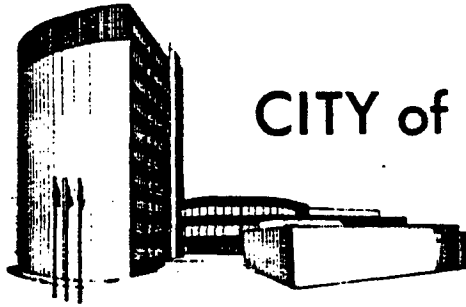
4. **DATE OF DELIVERY** **POSTMARK**

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:** **CLERK'S INITIALS**

GPO : 1979-000-008

MAYOR BILL BRIARE
COUNCILMEN
RON LURIE
PAUL I. CHRISTENSEN
AL LEVY
BOB NOLEN
CITY ATTORNEY
GEORGE F. OGILVIE
CITY MANAGER
RUSSELL W. DORN



0163
CITY of LAS VEGAS

CERTIFIED

August 24, 1983

Reverend Marion D. Bennett
1911 Goldhill Avenue
Las Vegas, Nevada 89106

Re: Dangerous Building.
Located @ 615 West Van Buren

Dear Reverend Bennett:

A contractor hired by the City of Las Vegas will begin securing your buildings at 615 West Van Buren on Thursday, September 1, 1983 in accordance with City Ordinance. Anticipated cost to you is approximately \$3,600.00.

If you have any questions, please contact me at 386-6337.

Sincerely,

William C. Kuhn, P.E.
Chief of Quality Control
Engineering Services

WCK:JRG:ld

cc: 960 West Owens Avenue
Las Vegas, Nevada 89106

Exhibit "A"

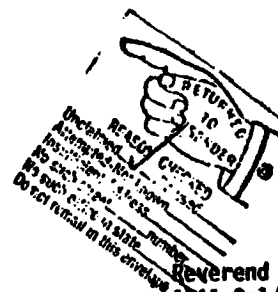
Original



City of LAS VEGAS

DEPARTMENT OF PUBLIC SERVICES
400 EAST STEWART AVENUE
LAS VEGAS, NEVADA
89101

RECEIVED
93830
Mail Room



Reverend Marion D. Bennett
1911 Goldhill Avenue
Las Vegas, Nevada 89106

NR AG
CLAIM CHECK
NO.
555868

☐ HOLD

DATE

8-25-83
1ST NOTICE

2ND NOTICE

9-1

RETURN

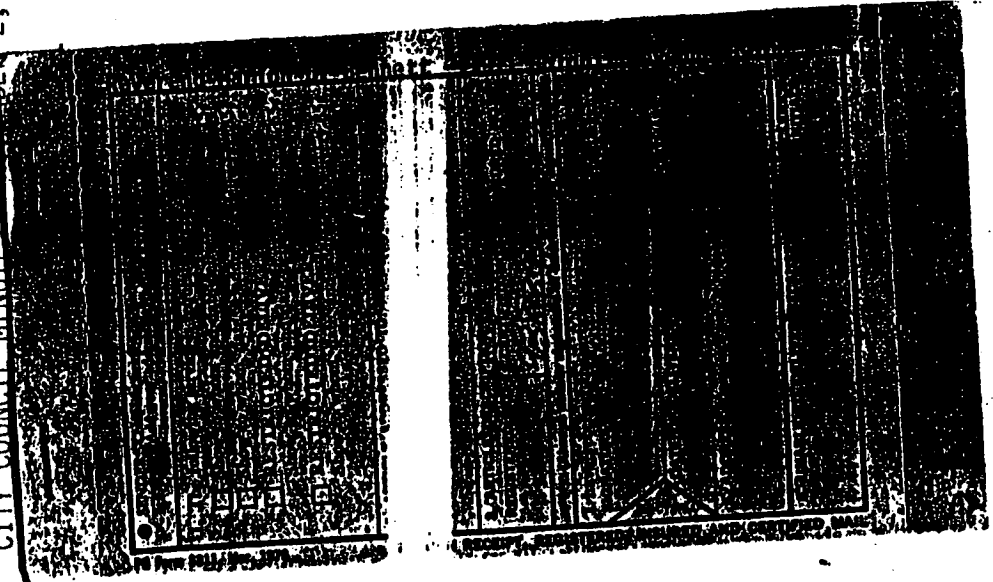
9-11

Detached from
PS Form 3849-A
Oct. 1980

CITY COUNCIL MINUTES - NOVEMBER 2, 1983

0164

CLV 3420



MASTERS HILL MEMORIAL
COUNCILMEMBERS
BOB LUTHE
PAUL J. CHRISTENSEN
AL LEE
BOB SCHLES
CITY ATTORNEY
GEORGE J. CRIVELLO
CITY MANAGER
RUSSELL W. THOMAS



CITY of LAS VEGAS

September 1, 1983

Building Dynamics
708 South 6th Street
Las Vegas, Nevada 89101

Re: 615 W. Van Buren

Attn: Mr. Bruce Bilyeu

Dear Sir:

Effective upon receipt of this letter, the Stop-Work Order at the above location is lifted. Please resume work in accordance with City P.O. #47530.

Thank You

William C. Kuhn
William C. Kuhn, P.E.
Chief of Quality Control
Engineering Services

WCK:JRG:ld

cc: File
Rev. Marion D. Bennett

Exhibit "N"



INTER-OFFICE MEMORANDUM

September 27, 1983

TO:	FROM:
C.E. Gilpin Director of Engineering Services	Building and Safety
SUBJECT:	COPIES TO:
Building Abatement	Nancy Delabarre William Kuhn <i>mk</i> Leslie Peplinski Clay Hymer

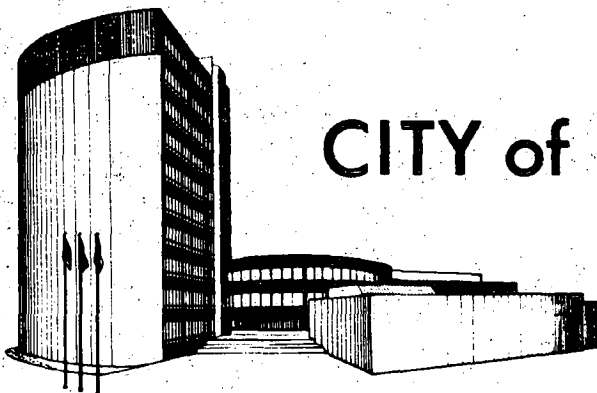
I examined the building located at 615 West Van Buren, P.O. #47530 and found it to be secured and acceptable with the City of Las Vegas.

Building and Safety

Ed. Toland

Exhibit "O"

MAYOR BILL BRIARE
 COUNCILMEN
 RON LURIE
 PAUL J. CHRISTENSEN
 AL LEVY
 BOB NOLEN
 CITY ATTORNEY
 GEORGE F. OGILVIE
 CITY MANAGER
 RUSSELL W. DORN



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

NOVEMBER 2, 1983

NOTICE IS HEREBY GIVEN that on Wednesday, November 2, 1983, at the hour of 2:00 p.m. in the Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, the City Council will consider a report by the Director of Public Services of the expense incurred by the City in the repair of a building at 615 West Van Buren Street. This hearing is being scheduled pursuant to Section 902 of the Uniform Code for the Abatement of Dangerous Buildings, adopted as Section 16.08.010 of the Las Vegas Municipal Code.

The property referred to above is legally described as:

Lot Ten (10) in Block Twenty-Two (22) of the HFM & M Addition

The Director of Engineering Services certifies in the report that the sum of \$3,630 was expended by the City's contractor for repairs on the building located at 615 West Van Buren. If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order the City Attorney to collect the same from the property owner on behalf of the City by the use of all appropriate legal remedies.

Any and all interested persons may appear and be heard at said meeting or file written protests or objections with the City Clerk 10th Floor, City Hall, at any time before the hearing. Each such protest or objection must contain a description of the property which is the subject of the hearing and the grounds of the protest or objection.

Carol Ann Hawley
 CAROL ANN HAWLEY
 CITY CLERK



0170

November 2, 1983

Page 29

AGENDA*City of Las Vegas*

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

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

14:48

- B. PUBLIC HEARING - ANNEXATION A-10-83 -
Property generally located west of Lorenzi
Boulevard between Westcliff and Washington
Avenue.

APPROVED as recom-
mended.City to proceed
with Annexation.No one appeared
in favor or
opposition.

APPROVED AGENDA ITEM

Ashley Hall

To: The City Council
Re: Public Hearing Agenda Item
November 2, 1983 City Council Agenda

X.

B. ANNEXATION - A-10-B3 - THOMAS BEAM, ET AL

This is the required public hearing for the annexation that was initiated by the City and includes the north portion of Angel Park. The purpose of the hearing is to determine if there are any protests from within the annexation area. Approximately 80% of the owners of the parcels of land in the annexation area have signed petitions for this annexation. No further action is necessary at this hearing other than to record any protestants. The next step of the process will be preparing an ordinance that will be submitted to you at one of your future meetings.

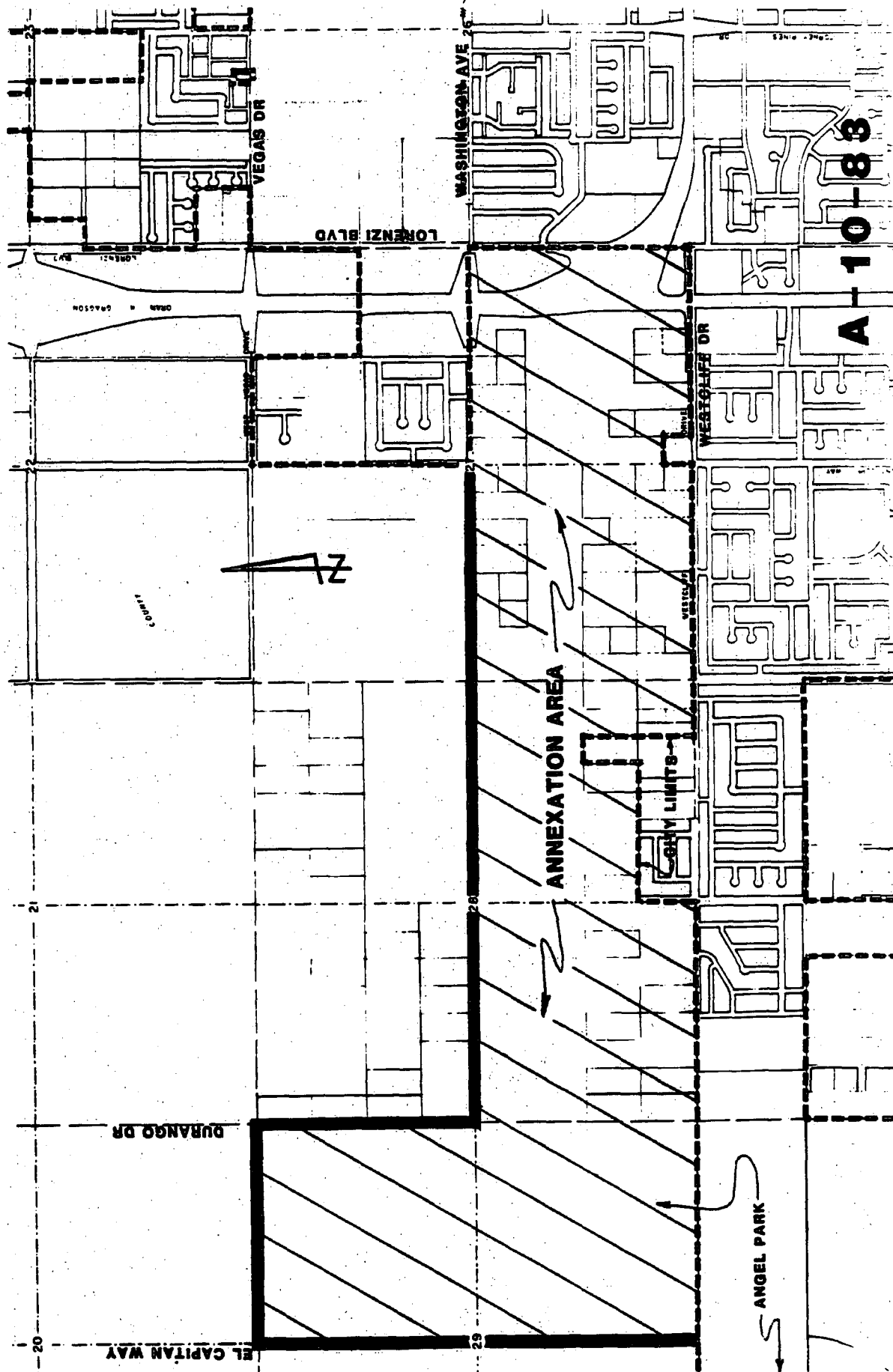
PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

SEE ATTACHED LOCATION MAP

B. LOCATION MAP - A-10-83



NOTICE OF HEARING ON QUESTION OF ANNEXATION OF TERRITORY WITHIN PROPOSED LAS VEGAS, NEVADA, ANNEXATION A-10-83:

NOTICE IS HEREBY GIVEN to the property owners within the proposed Las Vegas, Nevada, that:

1. The City Council of the City of Las Vegas, Nevada, has by Resolution duly passed, adopted and approved on the 21st day of September, 1983, declared its intention to annex to said City the territory generally located west of Lorenzi Boulevard between Westcliff Drive and Washington Avenue.

The territory proposed to be annexed is more particularly described as follows:

Those portions of Township 20 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, described as follows:

PARCEL 1

The South Half (S 1/2) of Section 27, Township 20 South, Range 60 East, M.D.M.

EXCEPT THEREFROM the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 27.

PARCEL 2

The South Half (S 1/2) of Section 28, Township 20 South, Range 60 East, M.D.M.

EXCEPT THEREFROM the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 28.

ALSO EXCEPTING THEREFROM the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 28.

ALSO EXCEPTING THEREFROM the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 28.

PARCEL 3

The East Half (E 1/2) of Section 29, Township 20 South, Range 60 East, M.D.M.

2. That said City Council shall meet on Wednesday, November 2, 1983, at the hour of 2:00 o'clock p.m. in the Council Chambers, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, to conduct a public hearing on the question of such annexation.

3. That a report setting forth the plans for the extension into said territory of all major municipal services presently furnished by the City to its residents and citizens will be available for examination by the public in the Office of the City Clerk, City Hall, 400 East Stewart Avenue, Las Vegas,

Nevada, twenty (20) days prior to the date of the public hearing. Such report shall include:

A. An accurate map or plat of the territory proposed to be annexed, prepared under the supervision of a competent surveyor or engineer;

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

- (1) The present and proposed boundaries of the City;
- (2) The present streets and sewer interceptors and outfalls;
- (3) The proposed extension of the present streets and sewer interceptors and outfalls;
- (4) The present and proposed general land use pattern into the territory proposed to be annexed.

C. A statement showing that the territory proposed to be annexed is eligible for annexation under N.R.S. 268.570 to 268.608, inclusive.

4. The following is a list of the names and addresses of all record owners of real property within the said described territory and proposed to be annexed hereunder:

<u>NAME & ADDRESS</u>	<u>PARCEL NUMBER</u>
Evans, Percy Trs et al. 3812 Apache Lane Las Vegas, NV 89107	450-220-002
Scott, Frank L. & Bernice B. Sisselman Neal M. & Marion 3650 Russell Road Las Vegas, NV 89120	450-220-003
Woofter, Roy A. 436 No. 23rd Las Vegas, NV 89101	450-220-004
Hammerbacher, Paul M. & Alice R. Box 22 Coleville, CA 96107	450-220-005
Hazan, Morris A. 925 No. Beverly Drive Beverly Hills, CA 90210	450-220-006
Eckert, John et al. 7234 W. Tara Avenue Las Vegas, NV 89117	450-220-007
Fremont & Buffalo 1000 E. Garces Avenue Las Vegas, NV 89101	450-220-008 450-220-019
Crosby, Mary Lee 6913 Conifer Lane Las Vegas, NV 89107	450-220-009
Judd, Paul Trs 5028 W. Lake Mead Las Vegas, NV 89108	450-220-015

Kunich, John L. & Florence 32679 Seagate Drive #D Rancho Palos Verdes, CA 90274	450-220-016	
Curtis, Arthur W. Trs 3619 Industrial Road Las Vegas, NV 89119	450-220-017	
Tallman, John C. Box 1826 St. Thomas, VI 00801	450-220-018	
Grows, Eugene A. 532 6th Street Boulder City, NV 89005	310-140-004	
Beam, Thomas T. 1267 Strong Drive Las Vegas, NV 89102	310-140-005 310-140-006 310-140-007 310-140-008 310-140-009 310-140-010 310-140-011 310-140-012 310-140-013 310-140-014 310-140-015	310-140-028 310-140-029 310-140-030 310-140-031 310-140-032
Church Baptist Twin Lakes 5700 Vegas Drive Las Vegas, NV 89108	310-140-016 310-140-017	
USA Washington, DC	310-140-018 310-140-019	
Scalise, Guy 1876 Leonard Lane Las Vegas, NV 89108	310-140-020	
Witsell, Ben F. Taylor, J.D. 2001 Santa Ynez Las Vegas, NV 89104	310-140-021	
DeLuna, Leonardo V. Garrett, Thomas A. 2104 Saratoga Street Las Vegas, NV 89102	310-140-022	
Yee, Gar Jing & Lorraine 1371 41st Avenue San Francisco, CA 94122	310-140-023	
Hunter, Dick & Margueritte SR 42 Box 3020 Las Vegas, NV 89124	310-140-024 310-140-025 310-140-026 310-140-027	

5. Any record owner of real property within the said described territory may appear and be heard either in favor of or in protest of the proposed annexation at such public hearing and/or may file with the City Clerk a written protest of such annexation at the public hearing or at any time within fifteen (15) days after the conclusion of said public hearing.

Unless a majority of the property owners in the territory proposed to be annexed protest such annexation either orally or in writing at the public hearing or in writing within fifteen (15) days after the conclusion of such public hearing, the City Council shall have authority to adopt an ordinance extending the corporate limits of the City of Las Vegas to include all or any part of the territory described in this Notice.

By ORDER of the City Council of the City of Las Vegas,
Nevada.

DATED this 21st day of September, 1983.


CAROL ANN HAWLEY, CITY CLERK

AGENDA

CITY COUNCIL MINUTES - NOVEMBER 2, 1983

0177

City of Las Vegas

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 30

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING & 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, Engineering 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 and elevations;
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.
6. Approval of the parking and driveway plans by the Traffic Engineer.

APPROVED AGENDA ITEM



AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

Page 31

ITEM

Council Action

Department Action

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

7. Repair any damage to the existing street improvements resulting from this development as required by the Department of Engineering Services.
8. Provision of fire hydrants and water flow as required by the Department of Fire Services.

All subdivision items shall conform to the following general conditions:

Tentative Maps:

1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve (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.

Final Maps:

1. Conformance with the tentative map.

All Vacations shall conform to the following general conditions:

1. Satisfaction of the requirements of the various utility companies.

APPROVED AGENDA ITEM

AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL

Page 32

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

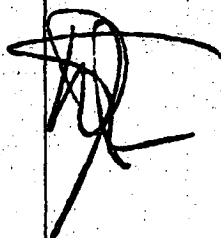
Department Action

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

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 and elevations;
2. Satisfaction of City Code requirements and design standards of all City departments.

APPROVED AGENDA ITEM

AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

Page 33

ITEM**Council Action****Department Action****X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)****A. ABEYANCE ITEM - ZONE CHANGE - Z-60-83 -
DECATUR INVESTMENTS****ABEYANCE**Placed back on
agenda in approx
60 days with
property owners
to be renotifiedReclassification of property generally
located on the east side of Decatur Boulevard
between Eugene Avenue and Sawyer Avenue.

From: R-3 (Limited Multiple Residence)

and R-1 (Single Family Residence)

To: R-PD12 (Residential Planned
Development)Proposed Use: Medium Density Residential
(Apartments)Barry Becker
appeared on
behalf of
application.Planning Commission recommends APPROVAL (4-2
vote), subject to the following conditions:Marilyn Bailey,
4871 Stacey Ave.
Las Vegas, NV.
89108 appeared
to represent
surrounding
property owners.1. Resolution of Intent with a twelve (12)
month time limit.2. Provide decorative screens on the
balconies facing east.

Staff Recommendation: APPROVAL

PROTESTS: 259

APPROVED AGENDA ITEM

To: The City Council
 Re: Community Planning and Development Agenda Item
 November 2, 1983 City Council Agenda

A. ABEYANCE ITEM - ZONE CHANGE - Z-60-83 - DECATUR INVESTMENTS

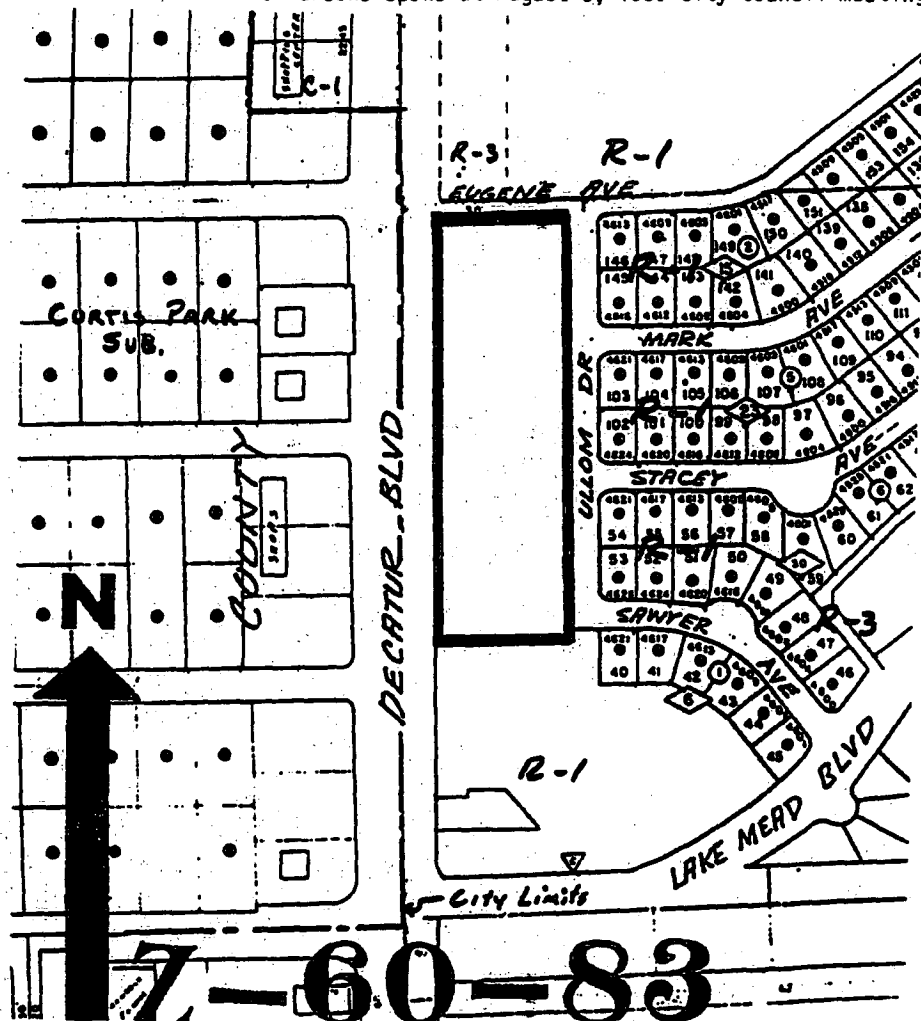
This item was held in abeyance for approximately two months to determine if the protestants and the applicant could resolve the matter of whether private deed restrictions limited the use of this property to single family homes. Contact with the applicant determined that the court hearing has been delayed and is scheduled for November 3, 1983, which is the day after this Council meeting. The applicant would like this item held in abeyance until this litigation can be resolved.

The applicant is requesting R-PD12 on this site which is presently zoned R-1 and R-3. An application for an R-PD35 for 140 condominium units at a density of 27 units per gross acre was denied on this site earlier this year. The developer is now requesting a density of 12 units per gross acre for a total of 72 units which is the same number of units the existing R-1 and R-3 zoning on the property will allow. There is no vehicular access to the east to Ullom where R-1 development exists. The buildings will be two story fourplexes and all units will be two bedroom. There will be adequate parking and landscaping provided with all access to Decatur.

PLANNING COMMISSION RECOMMENDATION: APPROVAL - Compatible with the zoning pattern in the area.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 259 - 1 Person appeared at Planning Commission meeting
 28 Persons in audience at Planning Commission meeting
 Petitions with 224 signatures
 6 Persons spoke at August 3, 1983 City Council meeting



AGENDA

0182

City of Las Vegas

November 2, 1983

CITY COUNCIL

Page 34

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

**X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)**

14:48

**B. TENTATIVE MAP - CASA MARIA (CONDOMINIUM
CONVERSION)**

Property generally located on the east side
of Decatur Boulevard, north of Pennwood
Avenue, R-3 Zone.

Owner: 2800 S. Decatur

No. of Acres: 5.43 No. of Units: 138

Planning Commission unanimously recommends
APPROVAL.

Staff Recommendation: APPROVAL

Lurie -
APPROVED
Motion carried with
Levy "Abstaining" from
voting.

Clerk to notify
and Planning to
proceed.

Eleanor Ernie,
1515 S. Mojave,
appeared to
represent the
applicant.

APPROVED AGENDA ITEM

To: The City Council
Re: Community Planning and Development Agenda Item
November 2, 1983 City Council Agenda

X.

B. TENTATIVE MAP - CASA MARIA (CONDOMINIUM CONVERSION)

The subdivision is to convert an existing apartment project to a condominium development. The map conforms to the Subdivision Regulations and there is adequate off-street parking.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 35

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

14:49

C. EXTENSION OF TIME - Z-49-78 - RICHARD E. ZEITER

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).

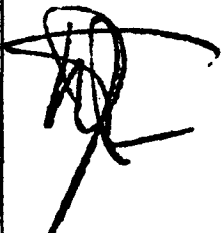
Planning Commission unanimously recommends APPROVAL, subject to the following conditions:

1. Extension of Time shall expire October 6, 1984.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

Staff Recommendation: APPROVAL

Lurie -
APPROVED subject
to conditions.
Unanimous

Clerk to notify
and Planning to
proceed.

APPROVED AGENDA ITEM


CITY COUNCIL MINUTES - NOVEMBER 2, 1983

0183

To: The City Council
Re: Community Planning and Development Agenda Item
November 2, 1983 City Council Agenda

X.

C. EXTENSION OF TIME - Z-49-78 - RICHARD E. ZEITER

This is the fifth request for an extension of time for this proposed apartment project. The applicant indicates economic reasons have caused the delay of development on this site. The approved R-3 zoning is in accordance with the Special Activity Center Plan in this area.

PLANNING COMMISSION RECOMMENDATION: APPROVAL - Subject to a one-year time limit.

STAFF RECOMMENDATION: APPROVAL - Subject to a one-year time limit.

AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 36

ITEM**Council Action****Department Action****X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)**

14:49

**D. PLOT PLAN REVIEW - Z-18-68(16) - MICHAEL R.
GORDON**

Plot Plan Review to allow an addition to the existing office building on property located at 3501 W. Charleston Boulevard, C-D Zone.

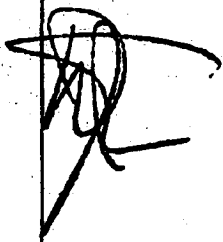
Planning Commission unanimously recommends APPROVAL, subject to the following condition:

1. Conformance to the revised plot plan and staff approval of the elevations.

Staff Recommendation: APPROVAL

Lurie -
APPROVED subject
to conditions.
Unanimous

Clerk to notify
and Planning to
proceed.

APPROVED AGENDA ITEM

To: The City Council
Re: Community Planning and Development Agenda Item
November 2, 1983 City Council Agenda

X.

D. PLOT PLAN REVIEW- Z-18-68(16) - MICHAEL R. GORDON

The applicant is proposing a major addition to an existing office building in the C-D zone at 3501 W. Charleston Boulevard. The building contains 1,046 square feet and a 1,000 square foot addition is being requested along the east side. Essentially the only concern at the Planning Commission meeting was the roof aesthetics because the existing building has a white bar tile roof and the addition would be of asphaltic shingle. The applicant proposes to screen it with a mansard roof on the north and east sides along the street frontages. The Planning Commission approved this subject to staff approving the elevations on the addition so it would be compatible with the existing structure.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

Page 37

PHONE 386-6011

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:49
to
15:05E. PLOT PLAN REVIEW - Z-18-68(29) - DANIEL W.
HALBY, D.O.

Plot Plan Review to construct a two-story commercial medical office building on property located at 2496 W. Charleston Boulevard, C-D Zone.

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

1. Conformance to the plot plan amended to place the building to the east side of the site.
2. Construction of a 6' block wall along the north and west property lines adjacent to the residentially zoned properties.
3. The north 208' shall be used for parking only.
4. Approval of the proposed 65' driveway shall be subject to the requirements of the Traffic and Parking Commission.

Staff Recommendation: APPROVAL

Levy -
ABEYANCE
Unanimous

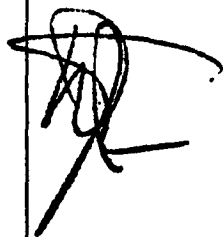
11/16/83 Agenda

Dr. Daniel W.
Halby appeared.

Dr. Halby to
obtain approval
from Mr. Becker,
affected property
owner, to place
building on west
side of property
and advise staff

NOTE: This item to
be placed at
beginning of
Planning Dept's
agenda for 11/16/83
agenda.

APPROVED AGENDA ITEM



To: The City Council
Re: Community Planning and Development Agenda Item
November 2, 1983 City Council Agenda

E. PLOT PLAN REVIEW - Z-18-68(29) - DANIEL W. HALBY, D.O.

The request is to construct a two-story medical office building at 2496 W. Charleston Boulevard in a C-D Zone. The property abuts an R-PD2 to the north and R-E zoning to the northwest that fronts on Shetland Road. The C-D zoning has existed on this property since 1968. The proposed building is two stories and will contain 36,582 square feet. The plot plan indicates the building will be 7' from the west property line which would be relatively close to the R-E properties to the northwest. At the Planning Commission meeting staff recommended the building be placed on the east side of the property that would in fact be reversing the plot plan. When C-D zoning was requested on the lot to the east of this parcel it was approved with the north 178' amended to P-R for parking use only, however, that application has expired. There is 208' from the building to the rear property line that will be utilized for parking on this site which will conform to the intended pattern to the east. There are 140 parking spaces proposed where 92 are required for this office building.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 38

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)15:07 F. C-D USE REVIEW - CD-1-83 - ELIZABETH BARON

To allow a psychic business and to sell books and tapes in conjunction with this business on property located at 3017 W. Charleston Boulevard, C-D Zone.

Planning Commission unanimously recommends APPROVAL.

Staff Recommendation: APPROVAL

Lurie -
APPROVED
Unanimous

Clerk to notify and Planning to proceed.

Elizabeth Baron and Atty. Richard Koch, 302 E. Carson Ave., appeared on behalf of application.

APPROVED AGENDA ITEM

To: The City Council
Re: Community Planning and Development Agenda Item
November 2, 1983 City Council Agenda

X.

F. C-D USE REVIEW - CD-1-83 - ELIZABETH BARON

This involves a request to allow an office operation for a psychic along with the sale of related books. The use would operate during normal office hours and customers would come to the premises on an appointment basis. The applicant on this particular request will conduct her operation on a one-to-one basis, however, group sessions would also be acceptable.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 39

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

15:08

G. ZONE CHANGE - Z-85-83 - JACK C. AND PHILOMENA
CHERRYReclassification of property located at
1112 South Highland Avenue.

From: R-4 (Apartment Residence)

and C-1 (Limited Commercial)

To: C-1 (Limited Commercial)

Proposed Use: Retail Store

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

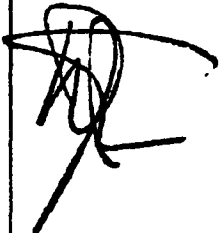
1. Resolution of Intent with a twelve (12) month time limit.
2. Install sidewalk on Highland Avenue as required by the Department of Engineering Services.

Staff Recommendation: APPROVAL

PROTESTS: 0

Levy -
APPROVED as recom-
mended by Planning
Commission and
Staff.
UnanimousClerk to notify
and Planning to
proceed.Kirk Woolley
appeared to
represent the
applicants.

APPROVED AGENDA ITEM

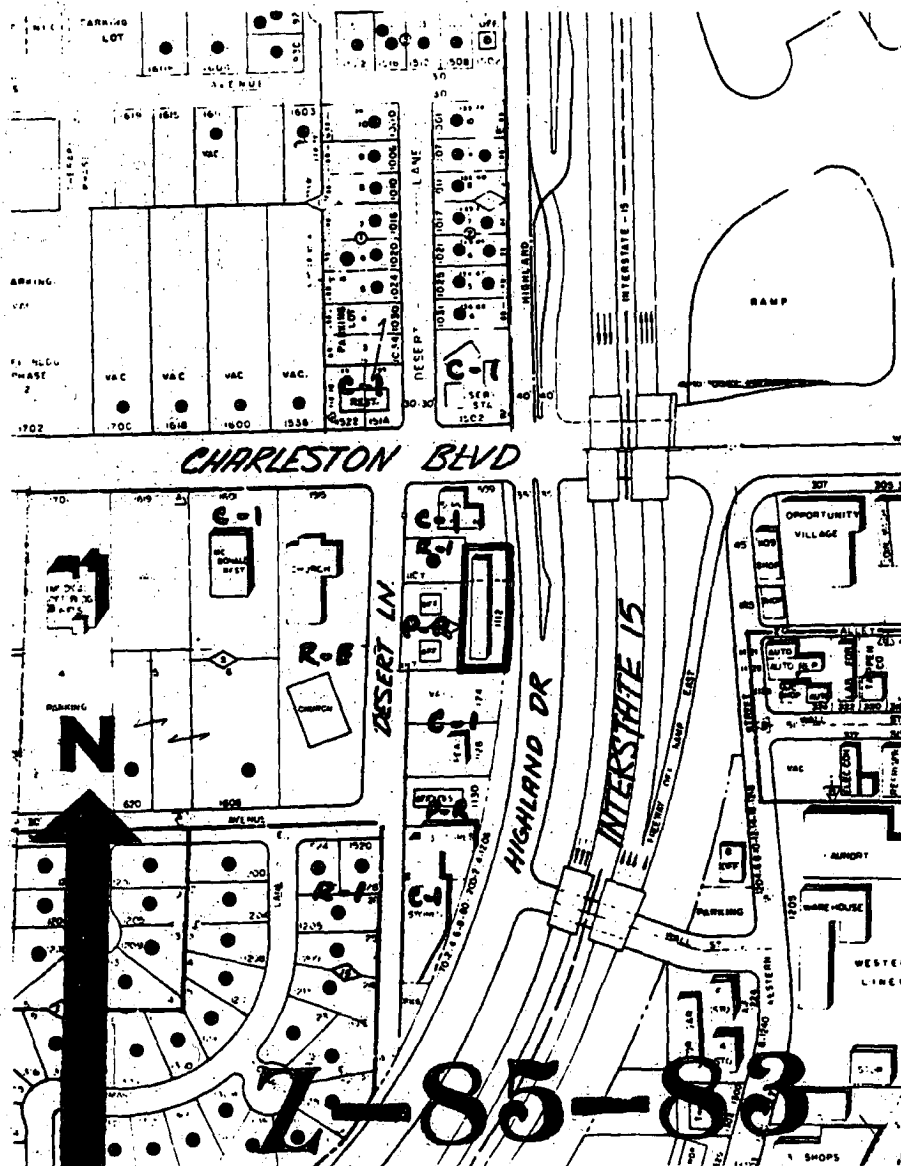


X.

The request is to rezone this property from R-4 and C-1 to C-1 so the property can be used for retail commercial. The property has been used as a medical office for many years by means of a use permit in the R-4 zone. Only a small portion of the property is presently zoned C-1. There is sufficient parking and landscaping on the site.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0



AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL

Page 40

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

**X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)**

15:09

**H. ZONE CHANGE - Z-87-83 - ROBERT W. WILLIAMS,
M.D., LTD., PROFIT SHARING PLAN AND TRUST**Reclassification of property located at
2809 W. Charleston Boulevard.

From: R-E (Residence Estates)

To: C-D (Designed Commercial)

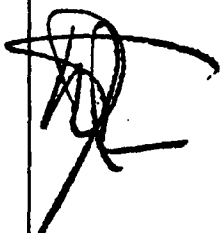
Proposed Use: Offices

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

1. Resolution of Intent with a twelve (12)
month time limit.

Staff Recommendation: APPROVAL

PROTESTS: 0

Levy -
APPROVED as recom-
mended by Planning
Commission and Staff.
UnanimousClerk to notify
and Planning to
proceed.**APPROVED AGENDA ITEM**

To: The City Council
Re: Community Planning and Development Agenda Item
November 2, 1983 City Council Agenda

X.

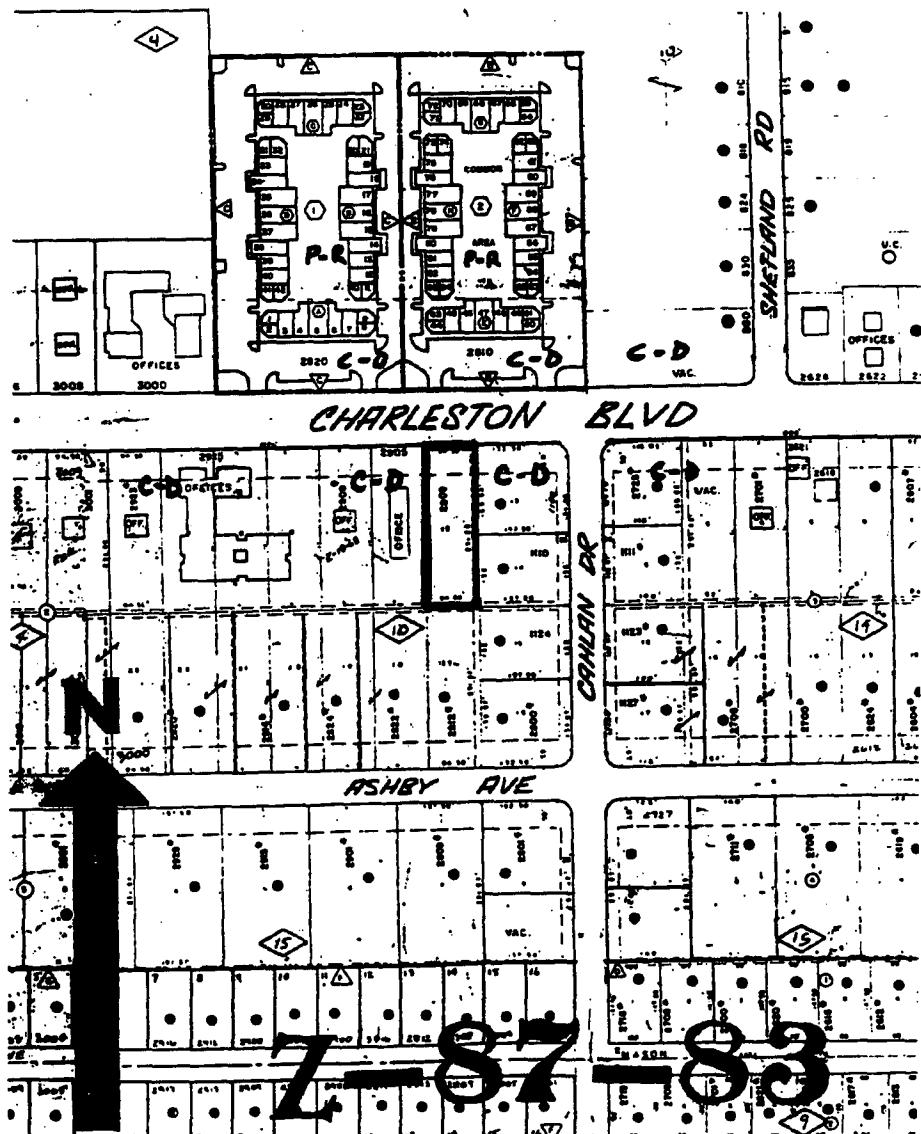
H. ZONE CHANGE - Z-87-83 - ROBERT W. WILLIAMS, M.D., LTD., PROFIT SHARING PLAN AND TRUST

The request is to rezone this property from R-E to C-D for a new one-story office building. There is C-D zoning to the east and west of this property. Adequate landscaping and parking is proposed for this development.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0



AGENDA

0190

City of Las Vegas

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

Page 41

PHONE 386-6011

ITEM**Council Action****Department Action****X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)**

15:10

**I. ZONE CHANGE - Z-88-83 - CHARLES M. KELLOGG,
ET AL**Reclassification of property located at
1510-12 S. Casino Center Boulevard.

From: R-4 (Apartment Residence)

To: C-2 (General Commercial)

Proposed Use: High Density Apartments

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

1. Resolution of Intent with a twelve (12) month time limit.
2. Remove and replace damaged sidewalk and install street lighting as required by the Department of Engineering Services.

Staff Recommendation: APPROVAL

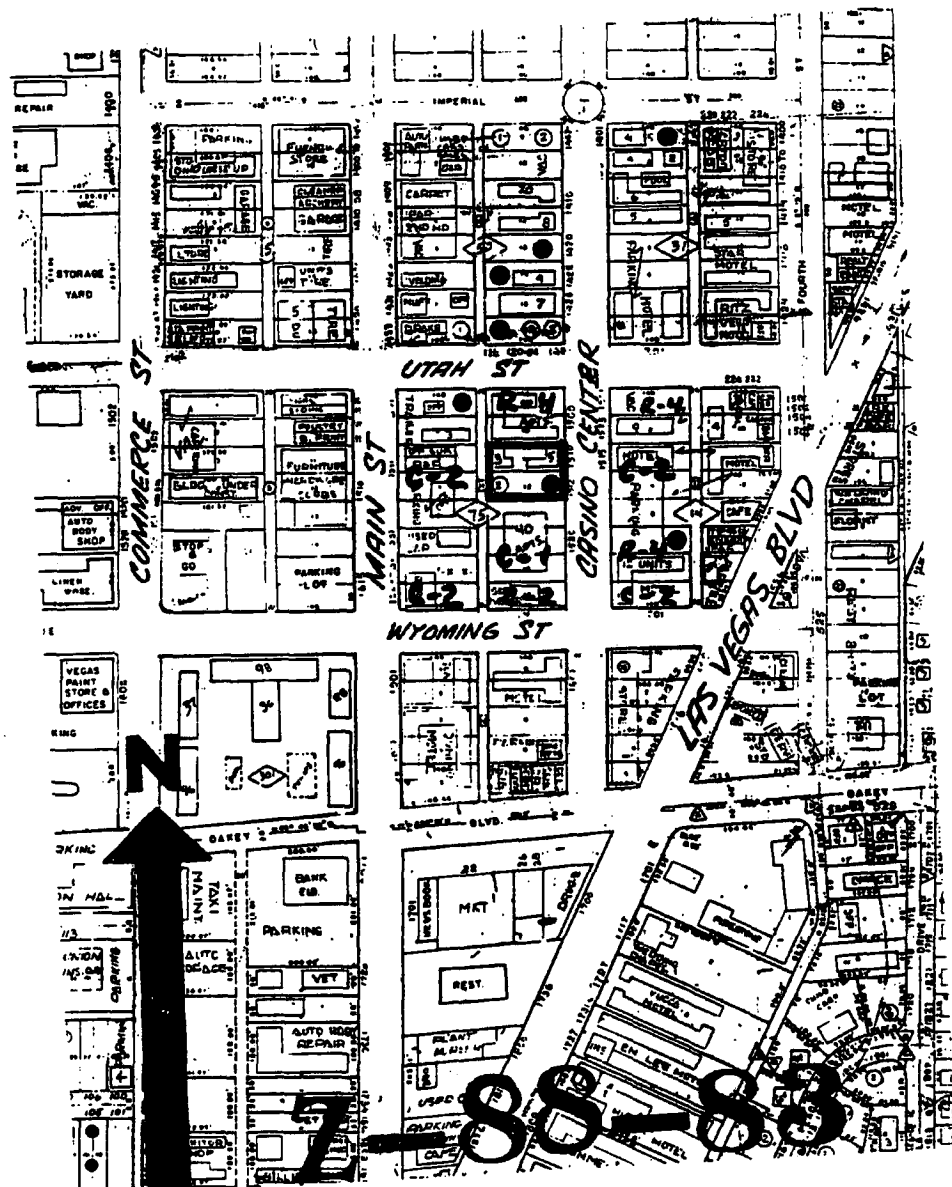
PROTESTS: 0

Lurie -
APPROVED subject
to conditions.
UnanimousClerk to notify
and Planning to
proceed.**APPROVED AGENDA ITEM**


0197

X.

PROTESTS: 0



AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 42

ITEM

Council Action

Department Actio

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)15:12
to
15:24J. VARIANCE - V-99-83 - RICHARD N. AND GUNILLA I.
KING

To allow an accounting and real estate office where such use is not permitted on property located at 2511 W. Bonanza Road in Zoning District R-1.

Board of Zoning Adjustment unanimously recommends APPROVAL, subject to the following conditions:

1. Provision of a 6' block wall along the south property line except the front yard where it shall be 4' with the top 2' fifty-percent (50%) open.
2. The use of this property be limited to the current property owners only.

Staff Recommendation: DENIAL

PROTESTS: 1

Lurie -
APPROVED subject
to conditions.
Unanimous

Clerk to notify
and Planning to
proceed.

Richard N. King
and Atty. Geo.
Rudiak appeared
on behalf of
application.

APPROVED AGENDA ITEM

To: The City Council
 Re: Community Planning and Development Agenda Item
 November 2, 1983 City Council Agenda

X.

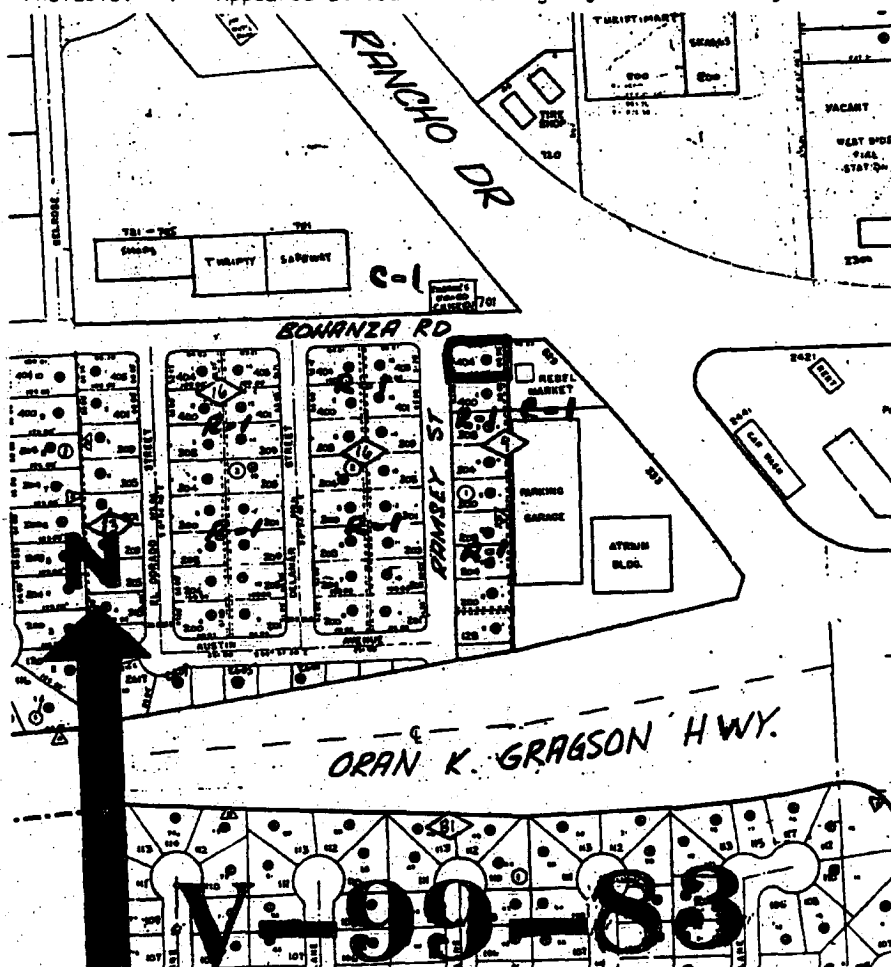
J. VARIANCE - V-99-83 - RICHARD N. AND GUNILLA I. KING

This involves a variance request to allow an accounting and real estate office at 2511 W. Bonanza Road in an R-1 zone. You will remember several meetings ago a rezoning request to P-R was submitted on this site and at that time it was indicated the Council was not receptive to the P-R but may be receptive on the basis of a variance. This property is a corner lot and to the north is a shopping center in the C-1 zone that backs up to Bonanza. Also, there is C-1 backing up to this property to the east which fronts on Rancho Drive. This lot is part of a homogeneous subdivision and there would be no logical stopping point along Bonanza if a P-R pattern was started. The applicant has two approved home occupation permits on this property, one is for fire extinguisher sales and the other for bookkeeping. A request for P-R was denied in 1979 and a home occupation permit for a real estate office was denied in 1972. The applicant is proposing to move from this property to a new home and would like to use this property as his real estate and accounting office. The ordinance requires a minimum of six parking spaces on this site which would take up most of the front yard area. Four parking spaces can be provided in the front yard area which would allow the mature landscaping to be retained and the property would appear to be more residential in character. The Council can authorize the reduction in parking to four spaces if it desires. There is ample street parking available if needed because the property is a corner lot.

BOARD OF ZONING ADJUSTMENT DECISION: APPROVAL - Because of the proximity of this property to the commercial to the north and east.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 1 - Appeared at Board of Zoning Adjustment meeting



AGENDA*City of Las Vegas* November 2, 1983CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 43

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)K. ABEYANCE ITEM - ZONE CHANGE - Z-70-83 -
RICHARD N. AND GUNILLA I. KINGReclassification of property located at
2511 West Bonanza Road.

From: R-1 (Single Family Residence)

To: P-R (Professional Offices & Parking)

Proposed Use: Offices

Planning Commission unanimously recommends
DENIAL. If approved, following are the
recommended conditions:

1. Resolution of Intent with a twelve (12)
month time limit.
2. Conformance to the plot plan amended to
provide five (5) off-street parking
spaces.
3. Provision of a 6' block wall along the
south property line except in the front
yard where it shall be 4' high with the
top 2' fifty percent open.

Staff Recommendation: DENIAL

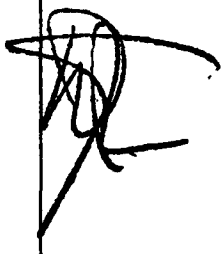
PROTESTS: 1

WITHDRAWN by
applicant's
attorney, George
Rudiak.

Clerk to notify.

Richard N. King
and Atty. Geo.
Rudiak appeared
on behalf of
application.

APPROVED AGENDA ITEM



To: The City Council
 Re: Community Planning and Development Agenda Item
 November 2, 1983 City Council Agenda

X.

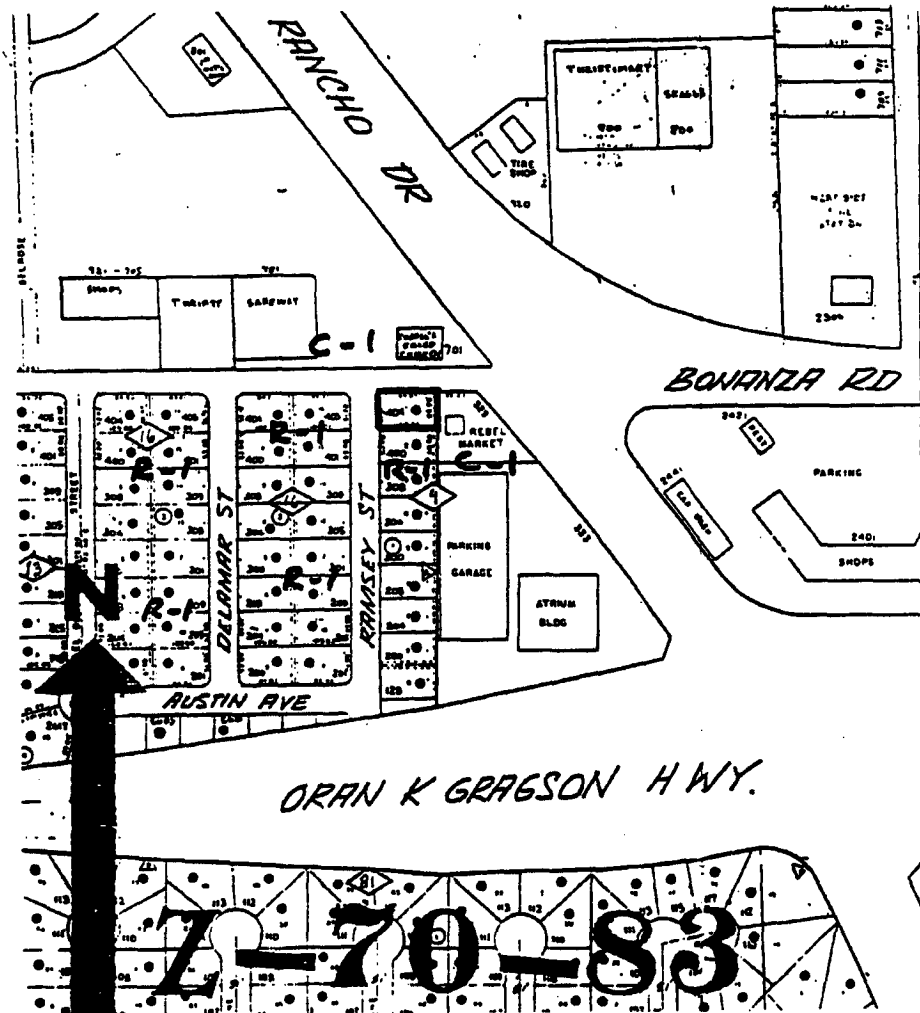
K. ABEYANCE ITEM - ZONE CHANGE - Z-70-83 - RICHARD N. AND GUNILLA I. KING

This is the rezoning request that was held in abeyance for the variance application that is under Item J. If that application is approved, then this application should be denied.

PLANNING COMMISSION RECOMMENDATION: DENIAL

STAFF RECOMMENDATION: DENIAL

PROTESTS: 1 - Spoke at Planning Commission meeting



AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

Page 44

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)15:24
to
15:52

L. ZONE CHANGE - Z-86-83 - LEWIS HOMES OF NEVADA

Reclassification of property generally located on the southwest corner of O'Bannon Drive and Torrey Pines Drive.

From: N-U (Non-Urban)

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

R-1 (Single Family Residence),

R-3 (Limited Multiple Residence)

and R-PD16 (Residential Planned Development)

Proposed Uses: Low, Medium Low and Medium High Density Residential Development

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

1. Resolution of Intent with a twelve (12) month time limit.
2. The north 20' of the R-PD16 parcel be amended to R-D.
3. Conformance to the plot plan and elevations amended to provide:
 - (a) Two means of access to the R-PD16 parcel from Redwood Street;
 - (b) Construct a 6' block wall along the north and west property lines of the R-PD16 parcel and along the north property line of the R-3 parcel; and
 - (c) Driveway easements on the recorded plats for the R-3 parcels.
4. Install street improvements on Torrey Pines Drive and O'Bannon Drive as required by the Department of Engineering Services.
5. Install a minimum 30' pavement width on Redwood Street from this site to Sahara Avenue as required by the Department of Engineering Services.
6. Participation in the cost of a traffic signal at Torrey Pines Drive and Sahara Avenue as required by the Department of Engineering Services.

Christensen - APPROVED as recommended by Planning Commission and Staff with change that R-3 portion be amended to R-PD16. Unanimous

Clerk to notify and Planning to proceed.

Robert Lewis, 5240 S. Polaris appeared on behalf of application.

Protestants:

Bob Wyman, 2000 Spring Vie

Al Lesky, 6345 Vicuna Dr.

To obtain further information: _____

Irving Duze, O'Bannon Dr.

Effie Murray, Vicuna Dr.

(Lurie directs Acting City Manager Saylor to check on traffic light installation at Jones and Oakley.)

APPROVED AGENDA ITEM

AGENDA*City of Las Vegas* November 2, 1983CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 45

ITEM Council Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)L. ZONE CHANGE - Z-86-83 - LEWIS HOMES OF NEVADA
(CONTINUED)APPROVED
See Page 44

See Page 44

6. Participation in the cost of a traffic
signal at Torrey Pines Drive and Sahara
Avenue as required by the Department of
Engineering Services.

7. Develop the R-D concurrently with the R-1.

Staff Recommendation: APPROVAL

PROTESTS: 4

APPROVED AGENDA ITEM



To: The City Council
 Re: Community Planning and Development Agenda Item
 November 2, 1983 City Council Agenda

X.

L. ZONE CHANGE - Z-86-83 - LEWIS HOMES OF NEVADA

The applicant is requesting R-D, R-1, R-3 and R-PD16 zoning on this 41.5 acre site which is currently zoned N-U. There have been applications for higher density zoning on this site in the past and all of them have been denied. The last denial was in November 1982 for West Coast Holdings Corporation which requested R-PD16 zoning on this parcel and an adjoining parcel for a 660 unit condominium project. There is a developed R-E subdivision in the County to the northwest and vacant land to the north. To the east in the City is developed R-1 in a subdivision that was constructed by the applicant. There is vacant N-U land to the south and west. The applicant intends to continue with essentially the same models for the single family portions on approximately half of this site with the other half to be developed with apartments and condominiums. The applicant is requesting the following on this site:

<u>Requested Zoning</u>	<u>Number of Acres</u>	<u>Number of Units</u>
R-D	1.9	6
R-1	20.8	89
R-PD16	10.2	168
R-3	<u>8.6</u>	<u>144</u>
TOTALS	41.5	407

The applicant is proposing six R-D lots on the northwest part of this site that will be across from the developed R-E on O'Bannon. All of the traffic from the proposed R-3 and R-PD16 will be directed to the south to Sahara Avenue or east to Torrey Pines Drive. The applicant is proposing fourplexes on the R-3 lots which will have joint access driveways across the rear of the lots. The requested density is at 9.8 units per gross acre which is in accordance with the design population recommended in the General Plan. It is anticipated a portion of the land along the north side of Sahara will be zoned and developed for commercial purposes. At the Planning Commission meeting it was requested the applicant amend the north 20' of the R-PD16 parcel to R-D so that the depth of the R-D lots could be increased to provide for a 50' front setback from O'Bannon which would be the same as the R-E setbacks for the homes on the north side. Also, the applicant was requested to provide approximately 300' of temporary paving on Redwood Street to Sahara Avenue for secondary access to this site and to develop the R-D concurrently with the R-1. The applicant was in agreement to these conditions.

PLANNING COMMISSION RECOMMENDATION: APPROVAL - Compatible with the zoning pattern in the area.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 4 - Spoke at Planning Commission meeting

SEE ATTACHED IMPACT DATA AND LOCATION MAP

L. IMPACT DATA - ZONE CHANGE - Z-86-83 - LEWIS HOMES OF NEVADA

SCHOOL, FIRE SERVICES AND TRAFFIC DATA:

Data has been compiled for the site where the R-D, R-1, R-3 and R-PD16 is requested. There are a total of 407 units proposed on this parcel.

School Data:

Doris Hancock Elementary School - 83 students would be added to the current enrollment of 676 students which already exceeds the 97% design capacity of 655.

Sixth Grade Center - 15 students would be bussed out of the area.

Frank Garside Jr. High School - 29 students would be added to the current enrollment of 1,111 students which would not exceed the 97% design capacity of 1,238 students.

Cashman Jr. High School - 18 students would be added to the current enrollment of 1,271 students which already exceeds the 97% design capacity of 1,238 students.

Bonanza High School - 37 students would be added to the current enrollment of 2,098 students which would not exceed the 97% design capacity of 2,194 students.

Fire Services Data:

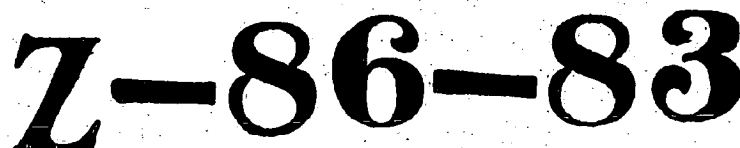
Fire Station #5 and #6 serve this area and it was indicated that Station #6 would arrive first due to the straight run. There are two fire engines and a rescue truck that are manned by 10 employees at all times. The response time to this parcel is approximately 6.5 minutes.

Traffic Data:

There is good access from this site to Torrey Pines Drive to the east which is a secondary street and ultimately will carry 8,000 cars per day. Temporary access on Redwood Street will provide additional access from this site to Sahara Avenue to the south. Sahara Avenue is a 100' primary street capable of carrying 25,000 cars per day. Along the north side of the site is O'Bannon Drive, a 60' collector street, that presently has access to Torrey Pines Drive and will ultimately be extended west to Rainbow Boulevard.

L. LOCATION MAP - Z-86-83

1



AGENDA*City of Las Vegas*

November 2, 1983

Page 46

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

15:52

M. TENTATIVE MAP - LEWIS HOMES SAHARA #12

Property generally located on the southwest corner of O'Bannon Drive and Torrey Pines Drive, N-U Zone (proposed R-D, R-1 and R-3).
Owner/Subdivider: Lewis Homes of Nevada
No. of Acres: 31.3 No. of Lots: 131

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

1. Approval of zoning request Z-86-83.
2. Conformance to the conditions of approval for Z-86-83.
3. No vehicular access to Torrey Pines Drive from the abutting R-1 lots.
4. Approval of the sewer design as required by the Department of Engineering Services.
5. A waiver be permitted for the length of Blocks C and D.
6. If a wall is constructed on an exterior boundary street, the Conditions, Covenants and Restrictions shall contain wording to the effect that each property owner of a lot backing up to said wall shall be responsible for the continued maintenance of the exterior side of the wall and the ground area at the exterior base of the wall.

Staff Recommendation: APPROVAL

Levy -
APPROVED map for
R-1 and R-D
portions (R-3
zoning deleted
in rezoning
application).
Unanimous

Clerk to notify
and Planning to
proceed.

Robert Lewis,
5240 S. Polaris,
appeared on
behalf of
application.

APPROVED AGENDA ITEM

0208

X.

To: The City Council
Re: Community Planning and Development Agenda Item
November 2, 1983 City Council Agenda

M. TENTATIVE MAP - LEWIS HOMES SAHARA #12

This tentative map is for the R-D, R-1 and R-3 portions of the rezoning application under Item L. The map will be adjusted to provide for the additional 20' of depth for the six R-D lots so a 50' front setback can be provided. There are two minor waivers requested for the length of two blocks. In all other respects the map conforms to the subdivision regulations. If the zoning is approved under Item L, then this map is in order to be approved.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 47

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)N. REVIEW OF CONDITION - Z-39-82 - A. W. HAM,
JR., ET AL

Review of Condition to allow access to the property from Sixth Street (entrance only) on property generally located on the southwest corner of Sixth Street and E. Charleston Boulevard, R-1 Zone (under Resolution of Intent to P-R).

Planning Commission recommends APPROVAL (4-2 vote), subject to the following conditions:

1. Conformance to the plot plan.
2. Install a one-way traffic control device for ingress only as required by the Department of Community Planning and Development.

Staff Recommendation: DENIAL

PROTESTS: 33

Levy -
DENIED 6th Street
access to property.
Motion carried with
Briare and
Christensen voting
"No."

Clerk to notify.

Lance Peto,
3108 Conners Dr.
appeared on
behalf of
applicants.

Protestants:

Mrs. Gerry
Howard, 1101 S.
6th Street

Pat Bennett,
1108 S. 6th St.

APPROVED AGENDA ITEM

To: The City Council
 Re: Community Planning and Development Agenda Item
 November 2, 1983 City Council Agenda

X.

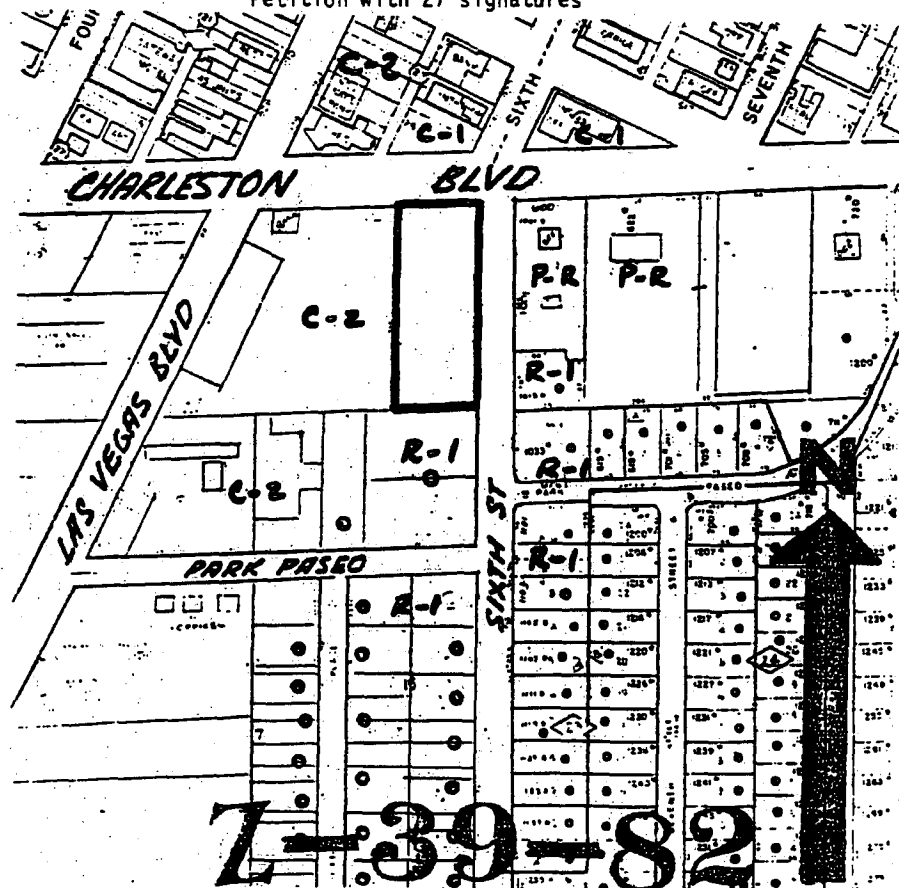
N. REVIEW OF CONDITION - Z-39-82 - A. W. HAM, JR., ET AL

This item and Item O involve the same parcel of land which is at the southwest corner of 6th Street and Charleston Boulevard where office buildings are being constructed. This request is to change the condition of approval which prohibits access to 6th Street because a landscaped berm was required on the south 111' along S. 6th Street. The applicant is requesting an entrance only to the parking lot approximately 200' south of Charleston Boulevard. The applicant wants this additional access because prospective tenants feel additional access is needed to this property. During the hearing on the rezoning of this site to P-R there was a protest factor and there was primary concern about access to 6th Street. As a result, a landscaped berm was required as part of the approval. Initially, the applicant requested C-1 on this property with access to 6th Street. The application was referred back to the Planning Commission and the applicant amended his application to P-R and the plot plan showed no access to 6th Street. At the Planning Commission meeting on this request for access to S. 6th Street, the applicant was in agreement to providing a traffic control device that would insure the access would be used for an entrance only. The applicant is requesting through the variance under Item O that the American Bank of Commerce, which is a commercial use, be allowed in the front building along Charleston. The bank will have no drive-in facilities and is a bank essentially used by businesses and has less traffic flow than a regular bank. Also, some additional signs are requested in that application.

PLANNING COMMISSION RECOMMENDATION: APPROVAL - Subject to a one-way traffic control device being installed.

STAFF RECOMMENDATION: DENIAL - Adverse to the residential area on S. 6th Street.

PROTESTS: 33 - 2 Persons spoke at Planning Commission meeting
 4 Persons at Planning Commission meeting
 Petition with 27 signatures



AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

Page 48

ITEM**Council Action****Department Action****X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)**

16:21

**O. VARIANCE - V-91-83 - A. W. HAM, JR., TRUSTEE
OF ALTA HAM TRUST**

To allow a commercial bank (as tenant in the most northerly 5,010 square feet of the building fronting on Charleston Boulevard), where financial institutions are not permitted, and to allow two freestanding signs on Charleston Boulevard where only one is permitted, and to allow a wall sign (bank logo) to a height of 8' where 6' is the maximum height permitted, and to allow one of the ground signs to be 87 square feet where 15 square feet is permitted on property located at 550 E. Charleston Boulevard in Zoning District R-1 (under Resolution of Intent to P-R).

Board of Zoning Adjustment unanimously recommends APPROVAL, subject to the following conditions:

1. Conformance to the conditions of approval of Z-39-82.
2. Conformance to the plot plan and elevations pertinent to the signs.
3. The Sixth Street entrance shown on the plot plan is not approved through this action.

Staff Recommendation: APPROVAL

PROTESTS: 33

Lurie -
APPROVED bank
facility and
DENIED all sign
requests.
Motion carried with
Levy voting "No"
and Christensen
"Abstaining" from
voting.

(NOTE: A First
Motion by Levy
to DENY application
failed with Briare
and Nolen voting
"No" and
Christensen
"Abstaining" from
voting.)

Clerk to notify
and Planning to
proceed.

Lance Peto,
3108 Connors Dr.
appeared on
behalf of
applicants.

Protestant:

Max Howard,
1101 S. 6th St.

APPROVED AGENDA ITEM

To: The City Council
 Re: Community Planning and Development Agenda Item
 November 2, 1983 City Council Agenda

X.

O. VARIANCE - V-91-83 - A. W. HAM, JR., TRUSTEE OF ALTA HAM TRUST

This variance application is being submitted to you for final decision because the Council has taken a position on this property that it be used for office use only. The applicant is requesting the north part of the building on Charleston Boulevard be used for a commercial bank and that one additional freestanding ground sign and a wall sign which will be the bank logo be permitted to a height of 8' where only 6' is allowed. Also that the additional freestanding sign be 87 square feet in size where only 15 square feet is permitted. The American Bank of Commerce is presently located at the corner of Charleston Boulevard and Las Vegas Boulevard South and proposes to relocate to this property. The applicant indicates this bank caters to businesses only and has no drive-in facilities and less traffic than most other banks. The Board of Zoning Adjustment felt that because there is commercial zoning to the north and west along Charleston that the bank use and signs would be compatible.

BOARD OF ZONING ADJUSTMENT DECISION: APPROVAL - Compatible with the commercial uses along Charleston Boulevard.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 33 - Petition with 33 signatures



AGENDA*City of Las Vegas*

November 2, 1983

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 49

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)P. SET DATE FOR PUBLIC HEARING ON ANY ITEM
REQUIRING A PUBLIC HEARING THAT WAS ACTED
UPON BY THE CITY PLANNING COMMISSION AT
ITS OCTOBER 25, 1983 MEETING.

VAC-16-83

11/16/83 Agenda

Q. SET DATE ON ANY APPEALS FILED OR REQUIRED
PUBLIC HEARINGS FROM THE BOARD OF ZONING
ADJUSTMENT MEETING HELD OCTOBER 27, 1983.

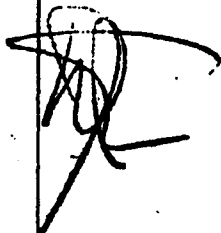
U-78-83

11/16/83 Agenda

U-79-83

11/16/83 Agenda

APPROVED AGENDA ITEM



AGENDA*City of Las Vegas*

November 2, 1983

Page 50

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

XI. ADDENDUM ITEMS

NONE

NONE

NONE

APPROVED AGENDA ITEM

Ashley Hall

AGENDA*City of Las Vegas*

November 2, 1983

Page 51

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

XII. CITIZENS PARTICIPATION

Items raised under this portion of the Agenda cannot be acted upon by the City Council 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.

NONE

NONE

16:38

Conclusion
of meeting

Meeting adjourned at 4:38 P.M.

APPROVED AGENDA ITEM

Ashley Hall