

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

AGENDA*City of Las Vegas***0001**

November 7, 1984

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>	MAYOR BRIARE EXTENDED CONGRATULATIONS TO COUNCILMAN PAUL J. CHRISTENSEN WHO WAS ELECTED TO THE OFFICE OF COUNTY COMMISSIONER AT THE 11/6/84 ELECTION. NONE	
B. <u>SPECIAL EVENTS</u>	NONE	
II. 10:00 A.M.		
A. <u>ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW</u>	ANNOUNCEMENT GIVEN	
B. <u>INVOCATION</u> Reverend David Ketchand First Southern Baptist Church	INVOCATION GIVEN BY REV. KETCHAND	
C. <u>PLEDGE OF ALLEGIANCE</u>	MAYOR BRIARE LED AUDIENCE IN PLEDGE	
D. <u>APPROVAL OF CITY COUNCIL FINAL MINUTES</u> For the meetings of April 18, 1984, July 5, 1984 and July 18, 1984.	Lurie - APPROVED Unanimous	Clerk to proceed

APPROVED AGENDA ITEM

mp Core

AFFIDAVIT OF MAILING

0002

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)
COUNTY OF CLARK)

ss

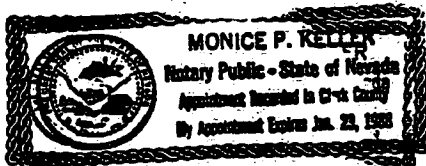
Sandra LeBoeuf, an employee of the City of Las Vegas, being first duly sworn, deposes and says that on the 2nd day of November, 1984 a true and correct copy, of a REGULAR MEETING of the CITY COUNCIL of the CITY OF LAS VEGAS, NEVADA, to be held on the 7th day of November, 1984, was deposited in the United 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). (Addendum No. 1 was mailed with regular agenda.)

Sandra LeBoeuf
SIGNATURE (an employee in the Office of
the CITY CLERK)

Subscribed and sworn to before me this

2 day of November, 1984

Monice P. Keller
NOTARY PUBLIC in and for said County and State.

My Commission expires: 1/23/88

AFFIDAVIT OF POSTING

0003

(Posting required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Linda M. Owens, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 2nd day of November, 1984, at the hour of 9:30 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 7th day November, 1984, at 400 East Stewart Avenue, Las Vegas, Nevada; to be posted on Public Bulletin Board at the following locations: (Addendum No. 1 was posted with regular agenda)

1. In the Bradley Building, State of Nevada, 2501 East Sahara Avenue;
2. In the Senior Citizens Center, 450 East Bonanza Road;
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)

Linda M. Owens

SIGNATURE

CITY CLERK

DEPARTMENT

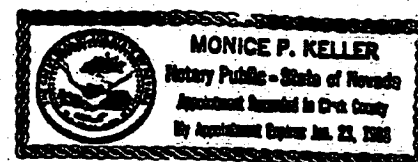
Subscribed and sworn to before me this

2nd day of November, 1984

Monice P. Keller

NOTARY PUBLIC in and for said County and State.

My Commission expires:

1/23/88

0004

AGENDA*City of Las Vegas*

November 7, 1984

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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 Items A and B 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.

10:04

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

Family Child Care Homes

1. TERRIE ARONSON
4974 Netti
6 children days/3 nights
2. LESLEY BALDWIN
1760 North Decatur, #87
2 children days
3. CYNTHIA FEDELLECK
6201 Burgundy
5 children days
4. GRACE GRACIO
1813 East Mesquite
6 children days/1 nights

Lurie -
APPROVED Items 1
thru 7.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

mp Rose

0005

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CITY COUNCIL

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)*A. CHILD CARE FACILITY APPLICATIONS
(cont'd)Family Child Care Homes
(cont'd)APPROVED
See Page 2

See Page 2

5. GINA HARVEY
7020 West Washington

4 children days

6. JUANITA MALDONADO
3313 Corona Del Mar

6 children days

7. LAVON OLESEN
117 Deerbrook Lane

6 children days/1 nights

10:04

*B. GAMING -- Additional

1. CALIFORNIA HOTEL & CASINO

California Hotel & Casino
12 East Ogden
6 Poker TablesLurie -
APPROVED Items 1
thru 11.
Unanimous with
Lurie Abstaining
from voting on
Item 7.

Staff to proceed

2. GOLDEN COIN LTD., A LIMITED
PARTNERSHIPCoin Castle Casino
15 East Fremont
2 slots

APPROVED AGENDA ITEM

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0006

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November 7, 1984

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)*B. GAMING -- Additional
(cont'd)APPROVED
See Page 3

See Page 3

3. EXBER, INC.

El Cortez Hotel & Casino
600 East Fremont
20 slots4. RAINBOW VEGAS HOTEL, A
PARTNERSHIPRainbow Vegas Hotel
401 South Casino Center
1 slot

5. J.D.G., INC.

Sundance Hotel & Casino
301 East Fremont
2 "21" Tables
1 Crap Table
1 Big Six

6. AMERICAN COIN MACHINE COMPANY

Atomic Liquor
917 East Fremont
2 slotsAPPROVED AGENDA ITEM
[Signature]

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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Department Action

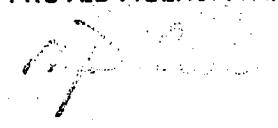
III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)*B. GAMING -- Additional
(cont'd)APPROVED
See Page 3

See Page 3

7. CASINO SERVICES

Golden Gate Casino
1 Fremont Street
10 slotsHotel Nevada & Casino
235 South Main Street
5 slotsLas Vegas Club
18 Fremont Street
5 slotsMartinelli's
333 North Rancho
2 slotsTovi's Italian Restaurant &
Lounge
808 South Decatur
1 slot

8. GAMES OF NEVADA

Lady Luck Casino
206 North 3rd Street
8 slotsAPPROVED AGENDA ITEM


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CITY COUNCIL
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Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)*B. GAMING -- Additional
(cont'd)APPROVED
See Page 3

See Page 3

9. J & H VENDING COMPANY

South Philly Hoagies
1406 Las Vegas Boulevard South
1 slot

10. RUJO, INC.

Memory Lane
1311 West Owens
3 slots

11. UNITED COIN MACHINE COMPANY

Koala Motel
520 South Casino Center
2 slotsLady Luck Casino
206 North 3rd Street
8 slotsSilver Star Casino
207 North 3rd Street
6 slots

APPROVED AGENDA ITEM

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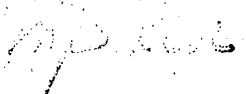
AGENDA*City of Las Vegas*

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November 7, 1984

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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ITEM	Council Action	Department Action
III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
C. LIQUOR -- New		
1. Y.K.C., INC. dba IMPERIAL GARDEN CHINESE RESTAURANT 2000 East Charleston Beer/Wine On-Sale License Francis Jee Ho Yang, Pres, Dir, 50% Peter Yuk-Tin Kwan, Secy, Dir, 30% Tom Y.C. Chan, Treas, Dir, 20%	Lurie - APPROVED Items 1, 2 and 3 as recom- mended, subject to the provisions. Unanimous	Staff to proceed
2. *CHANCE, INC. dba POINT ONE RESTAURANT 2800 West Sahara, #7-C Beer/Wine On-Sale License Jon Chi Chan, Pres, Dir Gaston King-Mung Lai, V. P., Dir Peter Chuk Liu, Secy, Treas, Dir Sui Cheong Kwok, Dir Wei Chung, Dir	APPROVED See Above	See Above
*Subject to the provisions of the Fire codes and Health Department regulations		
APPROVED AGENDA ITEM 		

AGENDA*City of Las Vegas*

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)C. LIQUOR -- New
(cont'd)APPROVED
See Page 7

See Page 7

3. VEGAS CHINESE & THAI
RESTAURANT, INC.
dba
VEGAS CHINESE & THAI
RESTAURANT
115 North Fourth Street, #A

Beer/Wine On-Sale License

Virod Sukavivatanachai, Pres,
Dir, 66 2/3%
Kittima Intarapuvassak, Secy,
Dir, 33 1/3%

D. LIQUOR -- Change of Business NameLurie -
APPROVED Items 1
and 2.
Unanimous

Staff to proceed

1. From: Martinelli's

TO: LINDA MARTINELLI
dba
DOODADS
333 North Rancho

General On-Sale
Restaurant Limited

Linda S. Martinelli,
100%

APPROVED AGENDA ITEM

10:04

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)D. LIQUOR -- Change of Business Name
(cont'd)

2. From: The Food Gallery

TO: M & P, INC.
dba
GALLERY CAFE
230 South Rainbow

Beer/Wine On-Sale

Michael D. Misuraca,
Pres, 51%
John H. Page, Jr.,
V. P., Secy, Treas,
49%APPROVED
See Page 8

See Page 8

10:05

E. LIQUOR -- Approval of Manager1. C.C.R.L., INC.
dba
THE WESTHILL PUB
3601 West Sahara

General On-Sale License

Manager:
Gene Arthur HillLurie -
APPROVED
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

mp Cor

AGENDA*City of Las Vegas*

0012

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)F. GAMING -- New

1. *U.S. TAKASAGO DISTRIBUTING COMPANY
dba
U.S. TAKASAGO DISTRIBUTING COMPANY
1407 Western Avenue

Slot Operator License

Junichi Hamano, Pres, Secy,
Treas, Dir, 100%*Subject to the provisions of the
Planning, and Fire codes

2. *UNIVERSAL DISTRIBUTING OF NEVADA, INC.
dba
UNIVERSAL DISTRIBUTING OF NEVADA, INC.
2901 South Highland, Bldg. 12-A

Slot Operator License

Tomoo Okada, Pres, Secy, Treas,
Dir, 100%*Subject to the provisions of the
Planning, and Fire codesLurie -
APPROVED Items 1,
2, 3 and 4, subject
to the provisions.
Unanimous

Staff to proceed

APPROVED
See Above

See Above

APPROVED AGENDA ITEM

ap Lee

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)F. GAMING -- New
(cont'd)

3. SIGMA GAME, INC.
dba
SIGMA GAME, INC.
3180 South Highland, Suite E

Slot Operator License

Katsuki Manabe, Pres, Secy,
Treas, Dir, 100%APPROVED
See Page 10

See Page 10

4. *STATUS GAME CORPORATION OF
NEVADA, INC.
dba
STATUS GAME CORPORATION OF
NEVADA, INC.
2901 South Highland, #15-D

Slot Operator License

Irving Yaffa, Pres, Dir
Lawrence Dunn, Secy, Treas,
DirAPPROVED
See Page 10

See Page 10

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

APPROVED AGENDA ITEM

mp Cole

0014

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)G. PRIVATE PATROLMAN LICENSE -- New

1. UNITED SERVICES, INC.
dba
PRO-TECT SECURITY
1600 East Desert Inn Road,
Suite 207

Margueritte Fitzgerald, Pres,
Secy, Dir, 100%
John Barr, Qualifying Agent

Lurie -
APPROVED, subject
to applicant sub-
mitting to Nevada
State Private Invest.
Licensing Board
their audited finan-
cial statements
within 60 days of
10/18/84 or their
private investigator's
license may be revoked or cancelled.
Unanimous

Staff to proceed

10:06 H. PRIVATE INVESTIGATOR/PRIVATE
PATROLMAN LICENSE -- Change of
Location/Approval of Branch
Manager

1. From: 2010 East Charleston
TO: PINKERTON'S, INC.
dba
PINKERTON'S, INC.
3111 South Valley View,
Suite K-105

Branch Manager:
Jack L. Broeder

Lurie -
APPROVED
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

mp Cool

CITY COUNCIL MINUTES - NOVEMBER 7, 1984
City of Las Vegas

0015

AGENDA DOCUMENTATION

Date: October 26, 1984

TO: The City Council

FROM: MIKE COOL, DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- NOVEMBER 7, 1984 CITY COUNCIL AGENDA
PRIVATE PATROLMAN LICENSE -- New

PURPOSE/BACKGROUND

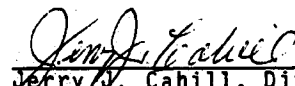
Item "G" under the Department of Business Activity portion of the agenda is a request from Pro-Tect Security for a new Private Patrolman License.

Attached is a copy of a letter dated October 23, 1984 from the Secretary to the Private Investigator's Licensing Board informing the City of the State's approval of this license, with conditions.

Inasmuch as State licensure is a requirement for obtaining and maintaining a City Private Patrolman License, any action taken by the State at their January 17, 1985 meeting in the form of revocation or cancellation of this license, would automatically nullify their City license.

FISCAL IMPACT

RECOMMENDATIONS


Jerry B. Cahill, Director
Department of Business Activity

Agenda Item

III "G" 1



0016

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

CAPITOL COMPLEX
CARSON CITY 89710

October 23, 1984

BRIAN MCKAY
ATTORNEY GENERAL

WILLIAM E. ISAEFF
CHIEF DEPUTY ATTORNEY GENERAL

City of Las Vegas
Dept. of Business Activity
P.O. Box 1900
Las Vegas, NV 89125

attn: Margery Hether

Dear Ms. Hether:

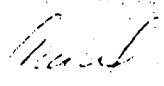
This is to inform you that United Services, Inc., dba Pro-Tect Security, qualifying agent John Barr, received a private investigator's license from the Nevada State Private Investigator's Licensing Board at its October 18, 1984 meeting. Said license was expressly conditional upon the receipt by the Board of their audited financial statements within 60 days of October 18, 1984. The matter has been placed for review on the Board's agenda for its January 17, 1985 meeting.

While they are currently licensed by the Board, their private investigator's license may be revoked and cancelled by the Board should they fail to comply with the condition or should the Board find any irregularities on said financial statements. However, we do not feel that this possibility should cause you to decline issuance to them of a business license.

If you have any questions, or if we may be of any further assistance to you in this regard, please do not hesitate to contact us.

Sincerely,

PRIVATE INVESTIGATOR'S
LICENSING BOARD


Carol A. Widmer
Secretary to the Board

0017

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CITY COUNCIL
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ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

10:07

I. PRIVATE INVESTIGATOR LICENSE/
POLYGRAPH OPERATOR LICENSE --
Change of Location

1. From: 3601 West Sahara, #208

TO: ROBERT NOLEN
dba
CORPORATE INTELLIGENCE
INTERNATIONAL
630 South 10th Street

Robert L. Nolen, 100%

Lurie -
APPROVED
Unanimous with
Nolen and Levy
Abstaining from
voting.

Staff to proceed

10:08

J. PRIVATE INVESTIGATOR LICENSE --
Approval of Branch Manager1. AMERICAN SERVICE BUREAU, INC.
dba
AMERICAN SERVICE, BUREAU, INC.
2915 West CharlestonBranch Manager:
Kathleen L. WilsonLurie -
APPROVED
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

AP Cool

AGENDA*City of Las Vegas*

November 7, 1984

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)K. FIREARMS PERMIT -- New

1. LAS VEGAS LOAN & JEWELRY, INC.
dba

LAS VEGAS LOAN & JEWELRY
114 North Third Street

SLIM'S READY CASH
119-133 North Third Street

George L. Sturman, Pres, Secy,
Treas, 75%
Richard W. Sturman, V. P., 25%

Nolen -
ABEYANCE
Unanimous

NOTE: Verbatim
transcript made a
part of final
minutes.

Police report from LVMPD, 10/29/84,
made a part of the record and on
file at LVMPD.

11/21/84 Agenda

Jerry Cahill,
Dept. of Bus. Act.
Hash Hanief,
LVMPD,
George L. Sturman
applicant, and
Harry Marquis,
attorney for
applicant appeared

L. BURGLAR ALARM LICENSE -- Change
of Location

1. From: 222 Las Vegas Boulevard
North

TO: *TELEMERGENCY SYSTEMS,
INC.
dba
TELEMERGENCY SYSTEMS,
INC.
1000 South Third Street,
Suite A

Jack D. Ruggles, Pres,
Secy, Treas, Dir, 100%

Lurie -
APPROVED, subject
to the provisions.
Unanimous

Staff to proceed

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

APPROVED AGENDA ITEM

City of Las Vegas

0019

AGENDA DOCUMENTATION

Date: October 26, 1984TO:
The City CouncilFROM:
MIKE COOL, DEPUTY CITY MANAGERSUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- NOVEMBER 7, 1984 CITY COUNCIL AGENDA
FIREARMS PERMIT -- NewPURPOSE/BACKGROUND

Item, "K", 1.

Appearing on the Department of Business Activity portion of the agenda is a request for new Firearms Permits from Las Vegas Loan & Jewelry, Inc., for the following two locations:

Las Vegas Loan & Jewelry
114 North Third Street

Slim's Ready Cash
119-133 North Third Street

This item has received an "unfavorable" police report. A confidential investigative report will be submitted by the Special/Privileged Investigations Section of the Las Vegas Metropolitan Police Department to the City Council prior to the meeting.

FISCAL IMPACTRECOMMENDATIONS


Jerry J. Cahill, Director
Department of Business Activity

Agenda Item

III "K" 1

MAYOR BRIARE: The next is a firearms permit for Las Vegas Loan and Jewelry. Is the applicant present?

CITY ATTORNEY OGILVIE: Mr. Mayor, while the applicant is coming forward, I'd like to have made a part of the record of this proceedings a police report which is before you identified as being from the Las Vegas Metropolitan Police Department dated October 29, 1984 to Preston E. Hubbs, Commander, Intelligence Services Bureau, Hash Hanief, Lieutenant, Special Privilege Investigation Section, from Tom Harbor, Detective, Special Privilege Investigation Section, Subject: Background investigation Las Vegas Loan and Jewelry, 114 North 3rd Street, Slim's Ready Cash, 133 East North 3rd Street, applicants, George L. Sturman, 40-7192, I.D. 442770, Richard W. Sturman, 40-7189, I.D. 442226, applicant's seek approval for a firearms permit at the above location.

MAYOR BRIARE: The Council have recommendations from our Investigative Department. You've just heard the City Attorney make comments with respect to the beginning of this request.

ATTY. HARRY MARQUIS: If I may, Your Honor, Harry Marquis on behalf of the applicant. My client has been out of the country until just this weekend and my office just became aware of this application just this week. We ask to continue this matter for several weeks to allow us an opportunity to take a close look at this.

MAYOR BRIARE: Is Mr. Sturman an absentee operator, owner, or --

LT. HASH HANIEF: No, sir. His son is listed as 25% on the application also.

MAYOR BRIARE: Oh, this is Mr. Richard Sturman or Mr. George Sturman?

GEORGE STURMAN: Actually, Richard--actually, I own 100% of the corporation. When we originally formed it, it was 75%/25%, but I think it was never put into effect. These are the things I have to check, sir.

COUNCILMAN LEVY: Then you have had an illegal license?

GEORGE STURMAN: No, no. I think it was effective that way. I'm checking that out now, sir.

MAYOR BRIARE: Counselor, what -- have you had an opportunity to review the papers that we're talking about here?

TRANSCRIPTS - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 10:00 A.M. - PAGE 2
III. DEPARTMENT OF BUSINESS ACTIVITY - ITEM K. FIREARMS PERMIT - NEW - 1.
LAS VEGAS LOAN & JEWELRY, INC.

0021

ATTY. HARRY MARQUIS: Not at all, Your Honor, not at all.

MAYOR BRIARE: Did you just come on the case this morning?

ATTY. HARRY MARQUIS: Fifteen minutes ago, Your Honor.

MAYOR BRIARE: Was Mr. Sturman aware that this was going to be discussed today?

LT. HASH HANIEF: Yes, he was sometime ago.

MAYOR BRIARE: Was he aware that there was a problem?

LT. HASH HANIEF: Yes. The unfavorable report was sent out sometime ago.

ATTY. HARRY MARQUIS: Your Honor, the problem was he was out of the country until this weekend and he just became aware of it this weekend and contacted my office.

MAYOR BRIARE: When was Mr. Sturman advised, Mr. Hanief?

LT. HASH HANIEF: I can't answer that question. I have the investigator on the case who are licensing.

MAYOR BRIARE: You're asking for a continuance and we're maybe thinking over in our minds whether you should have a continuance.

JERRY CAHILL: We normally advise the applicants approximately a week to ten days prior to the meeting.

MAYOR BRIARE: By mail or something like that? So you don't know whether Mr. Sturman ever had a notice because -- when did you come back to this country?

GEORGE STURMAN: Friday.

MAYOR BRIARE: This Friday, today's Wednesday.

COUNCILMAN LEVY: Five days.

JERRY CAHILL: We sent it Certified Mail so someone from his office --

COUNCILMAN LEVY: You don't know who signed for it?

JERRY CAHILL: No, I don't, not off the top of my head.

COUNCILMAN CHRISTENSEN: There is a question here. You're talking about notification of -- that this got an unfavorable report and so forth. Isn't there some notification when he makes an application to change?

COUNCILMAN LEVY:

I question this other remark.

COUNCILMAN CHRISTENSEN:

In other words, out of the country is a pretty tough excuse. Why is this guy out of the country when he's got an application to change in front of a licensing board?

GEORGE STURMAN:

The licenses were checked, all our licenses and pawn shops, were checked just as I left the country, just prior to when I left the country. At that time they told me, they asked me whether I -- I have a Federal firearms license and I've had it for five years or something like that. They asked me if I had a City firearms license. I says "I never heard of one." We filled out all the forms using a Federal firearms license during all the period of time we've been in business and never have been told anything other than that. I says "Maybe it was grandfathered in at the time we purchased the stores." I said "If that's the case, then issue it and whatever payment I have to make I would do." That's when I left the country. Someone in the License Department without my knowledge put through this formal proceeding which I didn't know I had to go through and so when I returned --

MAYOR BRIARE:

Okay, Mr. Sturman, let me save you a little bit of trouble here that in the event the Council should feel this way. Your attorney -- you had better sit down with your attorney. I'm very sorry, I didn't hear the name, Counselor.

ATTY. HARRY MARQUIS:

Harry Marquis.

MAYOR BRIARE:

Marquis.

COUNCILMAN LEVY:

I've got a problem, Mayor.

MAYOR BRIARE:

Let me just tell you what I was going to have in mind here. I was just going to suggest that he's asking for a firearms permit. We can hold that. He can't sell firearms. I don't think the Council is concerned about the firearms so much as we are the conduct of your business. You have been away. You've got some problems with the management and the reporting to Metro and the cooperation with the Police Department. I believe you have some real serious problems so that the matter before this Council might not be the firearms permit, it might be revocation of his pawn shop license. I think the Board should give him a couple of weeks to sit down with his attorney and get some of these problems resolved. I'd rather have them cooperate with the police on his pawn license than to be worried about a firearms permit.

TRANSCRIPTS - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 10:00 A.M. - PAGE 4
III. DEPARTMENT OF BUSINESS ACTIVITY - ITEM K, FIREARMS PERMIT - NEW - 1.
LAS VEGAS LOAN & JEWELRY, INC.

0023

COUNCILMAN LEVY: I'd like to ask another question. You're taking the position that he's not selling guns right now.

GEORGE STURMAN: Mr. Levy, I don't recall the last time we sold guns; I don't like guns.

COUNCILMAN LEVY: Do you have guns for sale today? Yesterday?

GEORGE STURMAN: No. They're not in my store. I says I have a license, but I don't sell them and I don't buy them. Only on occasion we have purchased the license.

COUNCILMAN LEVY: What do you need the license for?

COUNCILMAN LURIE: Why do you need the license?

GEORGE STURMAN: Well, we just took it. I told you, I don't know about this thing. It just hit me as I returned to the country.

COUNCILMAN LEVY: Mr. Cahill, is he selling guns?

JERRY CAHILL: Not to my knowledge. What precipitated this action is we in the Licensing Department have gone out to all these various privileged licensees, pawn shops, second-hand, private detectives and have asked them to update all their applications to determine whether they're sole proprietors, corporate, the ownership has changed, etc., etc. As a result of this, it was determined that perhaps if they were going to sell handguns that they would need a fire-arms permit. Obviously, they submitted the paperwork to us, which was referred to Metro for the investigation and as a result an unfavorable police report was submitted because of problems that they have had with their other licenses; namely, their pawn shop and second-hand.

COUNCILMAN LEVY: I also noticed that the gentleman said he didn't know if he was 100% or 75% owner. Do you know?

JERRY CAHILL: Well, what I have here -- my records reflect that it's 75% / 25%. We were just out there so if it's changed again, it's up to the licensee. I think our ordinance is very clear on that.

COUNCILMAN LURIE: I'd like to go one step further and I don't mind holding this because of the fact that he doesn't have the license, but I want an investigation into some of the information in this background report that we received that people who pawn items go back to get them and they are missing or they have been sold. I want an investigation into this because

COUNCILMAN LURIE: a situation like this gives all pawn shop owners a bad name and we've got a lot of good reputable people in the business and when this situation comes up, I don't like it. If we've got misrepresentation here, we ought to have a show case as to why the license should be revoked.

MAYOR BRIARE: Councilman Nolen.

COUNCILMAN NOLEN: Basically, that is what I was going to ask for. Is our next Council meeting sufficient time for you to do this?

MAYOR BRIARE: Counselor.

LT. HASH HANIEF: Yes. We can prepare the report.

MAYOR BRIARE: How about Mr. Marquis?

ATTY. HARRY MARQUIS: When is the next meeting?

MAYOR BRIARE: Two weeks.

COUNCILMAN LURIE: The 21st.

COUNCILMAN NOLEN: I'd also like to know who actually runs the day-to-day management of these operations. I'd like to know what the ownership structure is. I think all these questions that have been raised should be answered at that time. If that's not enough, then we'll go to the one after that, but I'd like it done as soon as possible.

LT. HASH HANIEF: We have no problem with our work. The Consumer Affairs records do have to be subpoenaed, so I would have to go through Mr. Ogilvie's office for those.

COUNCILMAN NOLEN: I would also like to have as much documentation as we can have on some of these allegations.

COUNCILMAN CHRISTENSEN: I would also like for the Commission's benefit. the transcript of the meeting where this license was originally granted. I can't recall anything about it, but I would like to refresh my mind because this appears to be one of the largest pawn shop operations in the City of Las Vegas that apparently is being run without a knowledge of any of the rules.

MAYOR BRIARE: You might suggest to your client, Mr. Marquis, that it would be very advisable for him to cooperate with Metro.

COUNCILMAN NOLEN: Your Honor, at this time I would like to make a motion we continue this until our next Council meeting.

MAYOR BRIARE: Comments? Cast your votes. Post. Motion is approved. It will be sometime around this hour of the day two weeks from now, Mr. Marquis.

AGENDA

0025

City of Las Vegas

November 7, 1984

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)**M. PAWNBROKER & SECONDHAND DEALERS
LICENSE -- Change of Ownership**

1. From: William Star

TO: *IRVING STAR
dba
BILL'S LOAN & JEWELRY
24 Fremont Street

Irving Star, 100%

*Subject to the provisions of the
Fire codesLurie -
APPROVED, subject
to the provisions.
Unanimous

Staff to proceed

Irving Star
appeared.**10:22 N. ARMORED CAR LICENSE -- Change of
Corporate/Business Name**1. From: Purolator Armored, Inc.
dba
Purolator Armored, Inc.TO: LOOMIS ARMORED, INC.
dba
LOOMIS ARMORED, INC.
1427 GragsonErnesto A. Gonzalez,
Branch ManagerLurie -
APPROVED
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

mp Cox

AGENDA*City of Las Vegas*

0026

November 7, 1984

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

10:22

O. SPECIAL EVENT LIQUOR LICENSE

1. ST. FRANCIS DE SALES SCHOOL

Location: 1111 Michael Way

Date: November 16, 1984

Responsible Licensee:
Charlotte M. Kelly
The Trap HouseLurie -
APPROVED Items O-1,
O-2 and P-1.
Unanimous

Staff to proceed

2. FRIENDS OF THE CHARLESTON
HEIGHTS ART CENTER

Location: 800 Brush Street

Date: November 13, 1984

Responsible Licensee:
Jilorma Magliarditi
Odyssey 2001APPROVED
See Above

See Above

P. SPECIAL EVENT GAMING LICENSE

1. ST. FRANCIS DE SALES SCHOOL

Location: 1111 Michael Way

Date: November 16, 1984

Type: Bingo

APPROVED
See Above

See Above

APPROVED AGENDA ITEM

mp Core

AGENDA*City of Las Vegas*

0027

November 7, 1984

Page 16-A

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

10:23

Q. LIQUOR -- Request for Approval of
Nonoperational Status

1. LEANDREW MCDANIEL
dba
ANDY'S LIQUOR
1320 North "D" Street

General On-Off Sale License

Leandrew McDaniel, 100%

(Nonoperational status for period
5/7/84 to 8/7/84 approved 4/18/84.
Nonoperational status for period
8/7/84 to 11/7/84 approved 8/1/84.
Request for approval of extension
for additional three-month period:
11/7/84 to 2/7/85.)

Lurie -
APPROVED
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

mp

City of Las Vegas

AGENDA DOCUMENTATION

0028

Date: October 26, 1984

TO:
The City Council

FROM:
MIKE COOL, DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- NOVEMBER 7, 1984 CITY COUNCIL AGENDA
LIQUOR -- Request for Approval of Nonoperational Status

PURPOSE/BACKGROUND

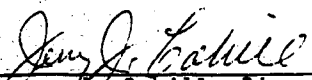
Item, "Q", 1.

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

1. Leandrew McDaniel, dba Andy's Liquor.

Copy of letter requesting extension is attached.

FISCAL IMPACT


Jerry J. Cahill, Director
Department of Business Activity

RECOMMENDATIONS

Agenda Item

III "Q" 1

October 29, 1984

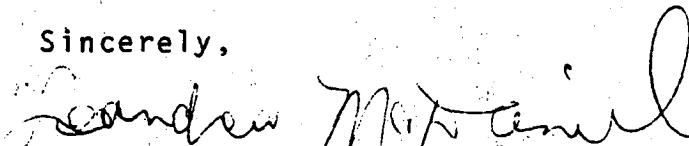
City of Las Vegas
Department of Business Activity
400 E. Stewart
Las Vegas, Nevada 89101

Re: Andy's
1320 North "D" Street
General On-Off Sale License
L04-106-4-00005

Dear Mr. Cahill:

I, Leandrew McDaniel, request approval of extension of nonoperational status for an additional 90 day period. This request is necessary in order to allow sufficient time for financing and locating a new facility; and to clear up the matter in bankruptcy court.

Sincerely,


Leandrew McDaniel

AGENDA

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

City of Las Vegas

November 7, 1984

0030

CITY COUNCIL

Page 17

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

IV(a.) ADMINISTRATIVE AGENDA
ASHLEY HALL, CITY MANAGER

Appoint-
ment

10:23

Accept-
ance

10:25

to
26

A. DISCUSSION AND RECOMMENDED RATIFICATION
OF THE APPOINTMENT OF DEPUTY CITY
MANAGER, COMMUNITY SERVICES.

Nolen -
APPROVED appoint-
ment of Daniel R.
Fitzpatrick as
Deputy City Manager
of Community
Services as recom-
mended by City Mgr.
Motion carried with
Briare voting "No."

Staff to proceed

NOTE: A verbatim
transcript made a
part of the final
minutes.

B. DISCUSSION AND POSSIBLE ACTION ON
A RESOLUTION ESTABLISHING A CITIZEN
PRIORITY ADVISORY COMMITTEE.

Christensen -
APPROVED Resolutions
on Items B and C
as recommended by
City Manager.
Unanimous

Staff to proceed

C. DISCUSSION AND POSSIBLE ACTION ON
RESOLUTION SUPPORTING THE "KEEP AMERICA
BEAUTIFUL" PROGRAM AND ENCOURAGING
CITIZENS, BUSINESSES AND LOCAL GOVERN-
MENTS INVOLVEMENT.

APPROVED
See Above

See Above

City of Las Vegas

0031

AGENDA DOCUMENTATION

Date: November 6, 1984

TO: The City Council

FROM: ASHLEY HALL
CITY MANAGERSUBJECT: DISCUSSION AND RECOMMENDED RATIFICATION OF THE APPOINTMENT OF DEPUTY CITY MANAGER,
COMMUNITY SERVICESPURPOSE/BACKGROUND

The request before you today is to ratify Mr. Daniel R. Fitzpatrick as Deputy City Manager, Community Services. I have worked with Dan on a professional basis many times over the past six years and I can attest to his competence, integrity and ability.

After earning his Master's Degree in Public Administration, Dan has developed an outstanding record of governmental service. A record which demonstrates his ability to assume increasingly difficult and complex responsibilities.

As Acting Assistant County Manager, as the Director of Clark County Business License Department and in the area of Policy, Planning and Research Analyst in the County Manager Office, Dan is familiar with complex issues and difficult operations. His experience with the 1981 and 1983 Legislative Sessions will make him a particularly valuable asset to the City's Legislative efforts during the upcoming 1985 Legislative Session.

I look forward to working with Dan and am confident of his ability and character.

FISCAL IMPACT

\$50,779

RECOMMENDATIONS

It is the City Manager's recommendation that Mr. Fitzpatrick be ratified as Deputy City Manager, Community Services at an annual salary of \$50,779.

Agenda Item

IV(a.) A.

TRANSCRIPT - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 10:00 A.M. - PAGE 1
IV(a). ADMINISTRATIVE AGENDA, ASHLEY HALL, CITY MANAGER. ITEM A. DISCUSSION AND
RECOMMENDED RATIFICATION OF THE APPOINTMENT OF DEPUTY CITY MANAGER, COMMUNITY SERVICES.

MAYOR BRIARE:

The next item on page 17 under the Administrative Agenda, Mr. Hall, Item A.

CITY MANAGER HALL:

Yes, Your Honor, discussion and recommended ratification of the appointment of Deputy City Manager for Community Services. Under the City Charter and City Personnel Policies and Procedures the request before you today is to ratify Mr. Daniel R. Fitzpatrick as Deputy City Manager of Community Services. I worked with Dan on a professional basis many times over the past six years and can attest to his competence, his integrity and his ability. After earning his Master's Degree in Public Administration, Dan has developed an outstanding record of governmental service, a record which demonstrates his ability to assume increasingly difficult and complex responsibilities. As Acting Assistant County Manager, as Director of the Clark County Business License Department and the area of policy, planning and research analysis in the County Manager's office, Dan is familiar with the complex issues and difficult operations which exist in local government. His experience with the 1981 and 1983 legislative sessions will be of particular value to assist the City in its legislative efforts in 1985. I look forward to working with Dan and I'm confident of his abilities and character. It's the recommendation of the City Manager that the City Council ratify the appointment of Mr. Dan Fitzpatrick.

COUNCILMAN NOLEN:

MOVE TO FOLLOW THE RECOMMENDATION OF THE CITY MANAGER.

MAYOR BRIARE:

Comments or questions? Cast your votes. Post. Motion is APPROVED.

END OF TRANSCRIPT

City of Las Vegas

0033

AGENDA DOCUMENTATION

Date: November 5, 1984TO:
The City CouncilFROM:
ASHLEY HALL
CITY MANAGERSUBJECT: DISCUSSION AND POSSIBLE ACTION ON RESOLUTION ESTABLISHING A CITIZEN
PRIORITY ADVISORY COMMITTEE.PURPOSE/BACKGROUND

In February 1984 a Citizen Priority Advisory Committee composed of Las Vegas residents was established in order to review the City's proposed budget for FY 1984-85. After extensive review of City operations, the Committee presented several sound recommendations which were subsequently adopted by the City Council.

Due to the success of the Committee, it has been recommended that the Citizen Priority Advisory Committee be reestablished by formal resolution.

The Committee will once again consider and make recommendations regarding the City's annual budget, proposed legislation of interest to the City, and other topics of major importance to the citizens of the City of Las Vegas.

FISCAL IMPACT

None

RECOMMENDATIONS

It is the recommendation of the City Manager that the City Council approve the attached resolution which formally establishes a Citizen Priority Advisory Committee.

Agenda Item

IV(a) B.

1 A RESOLUTION OF THE CITY COUNCIL
2 OF THE CITY OF LAS VEGAS, NEVADA
3 ESTABLISHING A CITIZEN PRIORITY
4 ADVISORY COMMITTEE

5 WHEREAS, in February, 1984, the City Council of the City
6 of Las Vegas, Nevada, established the Citizen Priority Advisory
7 Committee; and

8 WHEREAS, the Citizen Priority Advisory Committee, in
9 conjunction with the City Manager and City staff, received the
10 proposed budget of the City of Las Vegas for fiscal year 1984/85
11 and presented observations and recommendations with regard
12 thereto to the City Council; and

13 WHEREAS, the City Council desires to reconstitute by
14 formal resolution the Citizen Priority Advisory Committee; and

15 WHEREAS, the City Council desires to expand the topics
16 to be considered by the Citizen Priority Advisory Committee;

17 NOW, THEREFORE, BE IT RESOLVED by the City Council of
18 the City of Las Vegas, Nevada, as follows:

19 That the Citizen Priority Advisory Committee is hereby
20 formally reconstituted by this Resolution.

21 That the City Manager, upon the approval of the City
22 Council, shall select the members of the Citizen Priority
23 Advisory Committee.

24 That the members of said Committee shall select a chair-
25 man from among said members and establish the time and place for
26 their meetings.

27 That said Committee shall review and make recommen-
28 dations to the City Manager regarding the annual budget of the
29 City of Las Vegas, any proposed legislation of interest to the
30 City of Las Vegas that may come before the Nevada State Legis-
31 lature and other topics of general concern to the City of Las

32 . . .

. . .

0035

1 Vegas that the City Manager deems it desirable to place before
2 the Committee.

3 PASSED, ADOPTED AND APPROVED this 7th day of November,
4 1984.

5 APPROVED:

6
7 William H. Briare
8 WILLIAM H. BRIARE, Mayor

9 ATTEST:

10 Carol Ann Hawley
11 CAROL ANN HAWLEY, City Clerk

CITIZENS ADVISORY COMMITTEE MEMBERS

Dr. James B. McMillan (384-1276)

Lavonne Lewis (295-1961)

Henry Chism (873-4940)

Wayne Bunker (382-8925)

Robert Bugbee (877-1400)

Marvin Myers (386-5071)

Wanda Schick (646-3338)

Bob Bailey (384-3293)

Eva Garcia (384-8484)

Eddie Pinjuv (384-1157)

Reed Whipple (878-7862)

Barry Becker (870-0212)

Virgil Slade (386-2861)

Reverend Dale Schinke (382-5998)

City of Las Vegas

0037

AGENDA DOCUMENTATION

Date: November 6, 1984

TO:
The City CouncilFROM:
ASHLEY HALL
CITY MANAGERSUBJECT: DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION ENDORSING "KEEP AMERICA BEAUTIFUL"-
A NATIONAL BEAUTIFICATION PROGRAMPURPOSE/BACKGROUND

Keep America Beautiful is a national non-profit service organization, in existence for the past 30 years, that has offered the Clean Community System as an approach to solving the nation's solid waste problems.

The Clean Community System has successfully involved citizens in various communities in a beautification program that stresses a positive change in peoples' attitudes towards handling waste and littering. Research shows that a change in attitudes leads to behavioral changes and thus, is the key to a cleaner community.

The Las Vegas Chamber of Commerce Beautification Committee has concentrated its efforts on cleaning up the litter in Clark County and believes that such a program would be most successful with the help of private groups, businesses and governmental entities.

The idea of sharing the cost of the \$5000.00 membership fee has been discussed by Clark County, the Las Vegas Chamber of Commerce and the Junior League of Las Vegas.

FISCAL IMPACT

A required membership fee of \$5000.00 will be a shared expense of all parties involved.

RECOMMENDATIONS

It is the City Manager's recommendation that the City Council adopt the resolution endorsing the Keep America Beautiful Campaign, and join with Clark County, the Las Vegas Chamber of Commerce and the Las Vegas Junior League in the implementation of the national beautification program.

Agenda Item

IV.(a) C.

1 A RESOLUTION OF THE CITY COUNCIL
2 OF THE CITY OF LAS VEGAS, NEVADA
3 ENDORSING "KEEP AMERICA BEAUTIFUL"
4 A NATIONAL BEAUTIFICATION PROGRAM

5 WHEREAS, Keep America Beautiful is a national non-profit service
6 organization dedicated to improving the nation's solid waste problems by
7 instituting the Clean Community System which stresses the need for citizen
8 participation; and

9 WHEREAS, for the past 30 years the Clean Community System has
10 succeeded in reducing litter by changing peoples' attitudes towards handling
11 waste; and

12 WHEREAS, the success of the program is dependent upon the support
13 and cooperation of private citizens, non-profit organizations, businesses
14 and governmental entities;

15 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City
16 of Las Vegas, Nevada, that the City of Las Vegas fully endorse the Keep
17 America Beautiful Campaign by adopting this resolution to implement a
18 beautification program for a cleaner, more attractive community.

19 BE IT FURTHER RESOLVED that the City of Las Vegas join with Clark
20 County, the Las Vegas Chamber of Commerce and the Las Vegas Junior League
21 to share the costs of the membership fee of approximately \$5000.00 in support
22 of the national beautification program.

23 PASSED, ADOPTED AND APPROVED this 7th day of November,
24 1984.

25 APPROVED:

26 
27 WILLIAM H. BRIARE, Mayor

28 ATTEST:

29 
30 CAROL ANN HAWLEY, City Clerk
31
32

AGENDA*City of Las Vegas*

November 7, 1984

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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.

10:27

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

1. Service and Material Warrants
In the amount of \$2,853,767.08
2. Payroll Warrants
In the amount of \$714,231.50
3. Other Warrants and Investments
In the amount of \$244,543.62

Lurie -
APPROVED Items 1,
2 and 3 as recom-
mended.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

MP Coe

Warrant Register Summaries Recap

SERVICE & MATERIAL WARRANTIES AND OTHER WARRANTIES

Total Service & Material \$ 2,853,767.08

Total Other \$ 244,543.62

PAYROLL WARRANTS

Total Payroll \$ 714,231.50

TOTAL NET AMOUNT \$3,812,542.20

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

APPROVED

On Nov 7, 1984 The Board of City Commissioners ordered the above warrants paid and the City Treasurer is hereby ordered to disperse the warrants as presented.

ATTEST

Carl A. Hawker
CITY CLERK

0041

AGENDA*City of Las Vegas*

November 7, 1984

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL
& EMPLOYEE RELATIONS

JAN TAIT, DIRECTOR

10:27

A. AUTHORIZATION TO FILL
POSITIONS (CRITICAL HIRES)

1. REPLACEMENTS FOR EXISTING BUDGETED POSITIONS:

<u>POSITIONS(S)</u>	<u>DEPARTMENT</u>	<u>MONTHLY RANGE</u>	<u>FUNDING</u>
Mechanical/ Plumbing Inspector	Building & Safety	\$1,845- 2,242	General
Deputy City Manager	City Manager	\$3,625- 4,232	General
Office Assistant	City Manager	\$1,212- 1,474	General
Sr. Public Works Inspector (3)	Design & Development	\$1,986- 2,415	General, through local project reim- burse- ment
Administra- tive Assistant III	Economic & Urban Develop- ment	\$1,958- 2,617	General
Senior Reprographics Equipment Operator	General Services	\$1,212- 1,474	General

Lurie -
APPROVED Item A
as recommended.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

mp Coe

AGENDA DOCUMENTATION

Date: October 30, 1984

TO:
The City Council

FROM:

MICHAEL P. COOL
DEPUTY CITY MANAGER

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

PURPOSE/BACKGROUND

Of the 1,632 positions in the City's 1984-85 Fiscal Budget, 17.5% (286 positions) are currently vacant.

The staff is recommending the filling of ten (10) critical positions at this time. All ten are either replacements for persons who have resigned or moved to a different City job. Four involve reallocation of vacant positions to reflect changing programmatic needs and priorities.

The chart below gives you a summary of our current staffing, as well as showing the ten (10) requests to fill positions.

STAFFING SUMMARY

	CURRENT STAFFING			REQUESTS TO BE FILLED		
	<u>AUTHORIZED POSITIONS</u>	<u>NUMBER FILLED</u>	<u>NUMBER VACANT</u>	<u>FILL EXISTING VACANCIES</u>	<u>FILL NEW POSITIONS</u>	<u>TOTAL REQUESTED</u>
Appointive	156	143	13	2	0	2
Classified	1155	1096	59	7	0	7
Contract	17	14	3	1	0	1
Elective	9	9	0	0	0	0
Hourly	295	84	211	0	0	0
Total	1632	1346	286	10	0	10

FISCAL IMPACT

The ten replacements for existing budgeted positions shown above are included in the City's approved fiscal year '84-'85 budget. There are no additional non-budgeted expenses associated with these positions.

The total dollar savings realized through vacancies thus far in fiscal year 1984-'85 is \$341,613. If the positions that are currently vacant were to remain vacant for the remainder of the fiscal year 1984-'85, the estimated total savings for the year would be \$1,245,420.

RECOMMENDATION

Staff recommends the filling of ten (10) positions indicated above.

RECOMMENDED

Jan Tait
Jan Tait, Director
Personnel & Employee Relations

Agenda Item

IV. (c)

AGENDA*City of Las Vegas*

November 7, 1984

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

ITEM

Council Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL
& EMPLOYEE RELATIONS

JAN TAIT, DIRECTOR

AUTHORIZATION TO FILL
POSITIONS (CRITICAL HIRES)

<u>POSITION(S)</u>	<u>DEPARTMENT</u>	<u>MONTHLY RANGE</u>	<u>FUNDING</u>
Custodian	General Services	\$1,212- 1,474	General

APPROVED
See Page 19

See Page 19

<u>POSITION(S)</u>	<u>DEPARTMENT</u>	<u>HOURLY SALARY</u>	<u>FUNDING</u>
Special Inspector	Building & Safety	\$14.45	Local Reim- burse- ment

B. ACCEPTANCE OF PROPOSAL AND APPROVAL
OF CHANGES TO THE CITY EMPLOYEES
GROUP HEALTH INSURANCE PROGRAM.ABEYANCE as recom-
mended by City
Manager.11/21/84 Agenda
City Council Mtg.11/19/84 Agenda
Recommending
Committee Meeting
with Lurie and
Levy on Committee.NOTE: Recommending
Committee meeting
to be held on
8th Floor, Person-
nel Department,
Training Room at
4 P.M.

APPROVED AGENDA ITEM

mp Coe

CITY OF LAS VEGAS

Date

0044

INTER-OFFICE MEMORANDUM

November 1, 1984

TO: MAYOR BILL BRIARE COUNCILMAN RON LURIE COUNCILMAN PAUL J. CHRISTENSEN COUNCILMAN AL LEVY COUNCILMAN BOB NOLEN	FROM: MICHAEL P. COOL DEPUTY CITY MANAGER 
SUBJECT: RENEWAL OF GROUP INSURANCE PROGRAM	COPIES TO: ASHLEY HALL JAN TAIT

The City's current group insurance program is comprised of the following components:

- .Two group health insurance plans: indemnity coverage through Mutual of New York (MONY) and health maintenance organization coverage (HMO) through Health Plan of Nevada
- .Self-insured dental plan
- .Basic life and AD&D coverage through Mutual of New York
- .Supplemental life insurance through Rourne Associates

The insurance program is due for renewal December 1st. The attached agenda documentation reflects the recommendations of the City Employee Insurance Committee, which will be presented to the Council at the November 7th meeting. If approved, the proposed program will provide increased benefits to employees as well as a significant immediate and long-term savings to the City.

A. GROUP HEALTH INSURANCE Nationwide, group health insurance plans are experiencing annual insurance rate increases of from 15% to 25%.

1. HMO The City is required by law to provide HMO coverage. The rate increase for 12/1/84 through 11/30/85 proposed by HPN is 7%.

2. Indemnity coverage Three proposals for indemnity policy were received: a proposal for straight renewal from MONY; a proposal for a modified self-insurance program known as RRP from MONY; and a hospital-based plan from Humana Care Plus. Although the other local hospital-based insurance program, Universal Health Share through Valley Hospital, was contacted, they chose not to submit a proposal, since the City's group insurance experience in years prior to 1984 has not been good. The three proposals received are summarized below:

<u>PROGRAM</u>	<u>RATE CHANGE</u>	<u>COVERAGE</u>	<u>CONTRACT LENGTH</u>
MONY - Regular Renewal	24% Increase	Same as current	One Year
MONY - Self-insured	No change	Same as current	Fifteen Months
Humana Care Plus	27% Decrease	Improved	Four Years, with rates guaranteed not to increase more than 10% per year.

Renewal of Health Insurance Program
November 1, 1984, Page 2

0045

Comparison of the differences between the proposed programs in both cost and coverage indicated that the Humana program would provide the best overall package for the City.

C. DENTAL COVERAGE The dental program is self-insured, and therefore requires the City to maintain a fund balance sufficient to handle any unexpected large claims. The current fund is \$20,000 and needs to be increased slightly. A 5% increase in monthly contribution per employee (from \$9.12 to \$9.58) would ensure that the fund remains solvent. Because of the high cost of existing indemnity coverage, employees under the indemnity plan who wish dental coverage currently must pay for it themselves; the City pays dental for HMO employees. If the indemnity program is switched to Humana, the savings would allow the City to pick up dental for all employees.

D. LIFE INSURANCE MONY has agreed to continue our basic coverage with no increase in the rates. Like the dental, supplemental life insurance is provided to HMO employees at City expense. If the Humana plan is adopted, the savings will allow the supplemental life to be provided to everyone.

The specific Committee recommendations in the November 7th agenda item are:

- Indemnity Policy:** Approve execution of a four-year contract with Humana Care Plus to provide medical insurance for City employees.
- HMO:** Approve renewal of the agreement with Health Plan of Nevada, as mandated by federal law (Title 42, Section 1310 of the HMO Act of 1973).
- Dental:** Approve continuation of the City's self-insured dental program, with a contribution increase of 5%, and approve paying the cost of dental coverage for all employees.
- Life Insurance:** Approve renewal of life insurance coverage by Mutual of New York, at the same level of coverage and same rates as are currently in effect, and approve providing the same level of City-paid supplemental life insurance to indemnity members as is currently provided to HMO members.

Implementation of these recommendations should result in more than \$500,000 in savings to the City over the course of the four-year contract.

MPC:JGT:mp

AGENDA*City of Las Vegas*

0046

November 7, 1984

Page 21

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

ITEM

Council Action

Department Action

IV. (d) DEPARTMENT OF ECONOMIC AND URBAN
DEVELOPMENT -
JACK THOMASON, DIRECTOR

10:28

A. POLICY MINIMIZING DISPLACEMENT AND
PROVIDING RELOCATION ASSISTANCE TO
HOUSEHOLDS OR BUSINESSES INVOLUNTARILY
DISPLACED BY ACTIVITIES OF THE CITY OF
LAS VEGAS COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAMLurie -
APPROVED
Unanimous
(Christensen
excused)

Staff to proceed

B. SET DATE FOR REQUIRED PUBLIC HEARING TO
REPROGRAM NINTH YEAR (1983-1984) COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDSLurie -
APPROVED 11/21/84
as date for public
hearing as recom-
mended.
Unanimous
(Christensen
excused)

11/21/84 Agenda

APPROVED AGENDA ITEM

mp Core

City of Las Vegas

0047

AGENDA DOCUMENTATION

Date: October 18, 1984TO:
The City CouncilFROM:
Michael P. Cool, Deputy City ManagerSUBJECT: POLICY MINIMIZING DISPLACEMENT AND PROVIDING RELOCATION ASSISTANCE TO HOUSEHOLDS OR
BUSINESSES INVOLUNTARILY DISPLACED BY ACTIVITIES OF THE CITY OF LAS VEGAS COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAMPURPOSE/BACKGROUND

Housing and Urban Development (HUD) Community Development Block Grant (CDBG) regulations require Grantees provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and as amended.

Permanent and temporary involuntary displacement also can occur due to other Community Development Block Grant activities besides property acquisition. Other activities, not covered by the Uniform Act, typically are code enforcement, demolition of substandard structures, and substantial rehabilitation. This additional displacement can cause real hardships to the households and businesses affected by such CDBG activities.

To address coverage deficiencies in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Congress has adopted a new statutory requirement to the Community Development Act (Section 104(g) of the 1983 Amendments adds a new section 104(j) to the Act) which requires that a CDBG Grantee "provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of... (CDBG or Section 108 loan guarantee funds) to acquire or substantially rehabilitate property." This requirement applies to all such displacement resulting from CDBG assisted acquisition or substantial rehabilitation of nonresidential as well as residential property not governed by the Uniform Act.

HUD Grantees are now required to provide reasonable benefits to involuntary and permanent displacees not covered by the Uniform Act. This includes (a) acquisitions by an entity that is not a "State agency" (24 CFR 42.85) and (b) permanent displacement caused by substantial rehabilitation.

Until regulations are issued, each HUD Grantee must establish a policy implementing this requirement for the provision of reasonable benefits. This provision applies to all involuntary, permanent displacement as a result of acquisition or substantial rehabilitation activities occurring after the start of the FY 1984 program year.

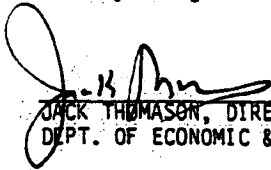
Contained herein, for your approval, is the policy recommended for adoption by the City of Las Vegas.

FISCAL IMPACT

Will require that any and all relocation and displacement be paid through CDBG funds. Will have no fiscal impact upon the City of Las Vegas General fund.

RECOMMENDATIONS

It is the recommendation of the office of the City Manager that this policy be approved.


JACK THOMSON, DIRECTOR
DEPT. OF ECONOMIC & URBAN DEVELOPMENT

IV. (d) A.

WILLIAM H. BRIARE, MAYOR

COMMISSIONER PAUL J. CHRISTENSEN
COMMISSIONER RON LURIE
COMMISSIONER AL LEVY
COMMISSIONER BOB NOLEN

COMMUNITY DEVELOPMENT BLOCK GRANT
DISPLACEMENT POLICY

POLICY MINIMIZING DISPLACEMENT AND
PROVIDING RELOCATION ASSISTANCE TO HOUSE-
HOLDS OR BUSINESSES INVOLUNTARILY DISPLACED
BY ACTIVITIES OF THE CITY OF LAS VEGAS'
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

ASHLEY HALL
CITY MANAGER

DON J. SAYLOR, A.I.C.P.
DEPUTY CITY MANAGER
COMMUNITY SERVICES

MICHAEL P. COOL
DEPUTY CITY MANAGER
ADMINISTRATIVE SERVICES

DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT
JACK THOMASON
DIRECTOR

PLANNING, EVALUATION AND FEDERAL AIDS DIVISION
WINNIFRED V. JACKSON, CHIEF

PREPARED BY:
IRENE CLARK, MANAGEMENT ANALYST II
400 E. STEWART AVENUE
LAS VEGAS, NEVADA 89101
(702) 386-6462

Minimizing Necessary Displacement

It shall be the policy of the City of Las Vegas' Community Development Block Grant Program to recommend and approve for funding, Community Development projects which will minimize to the greatest extent feasible, the direct permanent involuntary displacement of households or businesses. Projects which are deemed beneficial but which may cause such displacement may be recommended and approved for funding only if it has been demonstrated that such displacement is necessary and vital to the project and efforts have been made to reduce the number of households or businesses required to be displaced. Further, it shall be the policy of the City of Las Vegas' Community Development Block Grant Program to recommend and approve for funding such projects which may cause displacement only when it has been clearly demonstrated that the goals and anticipated accomplishments of a project clearly outweigh the stress and adverse effects of displacement imposed upon households or businesses who must relocate. The costs of such displacement will be charged against the project budget for the particular entity involved.

Mitigating Adverse Effects of Necessary Displacement

It shall be the policy of the City of Las Vegas' Community Development Block Grant Program to provide relocation assistance to all households or businesses permanently displaced by the acquisition of Real Property as required and in compliance with HUD regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646).

Further, it shall be the policy of the City of Las Vegas' Community Development Block Grant Program to provide relocation assistance to all low and moderate income households or businesses who are directly, involuntarily, and permanently displaced by, or for, the assisted activities of code enforcement, demolition or substantial rehabilitation; or, who are displaced by the acquisition of Real Property which is excluded from HUD regulations implementing Public Law 91-646. The assistance shall be provided expressly for the purpose of mitigating the adverse effects caused to low and moderate income households or businesses who must be displaced in order to carry out an approved project.

I. Eligibility and Payment Levels for Permanent Involuntary Displacement

(a) Eligibility

To be eligible for any of the benefits described in this section, a owner, person, or tenant must reside in a property affected by a Community Development project and must have received a Notice of Displacement.

In the case of code enforcement and substantial rehabilitation, a Notice of Displacement will be issued if the following conditions are met. The unit has been:

1. Found to be "unfit for human habitation",

2. Ordered to be demolished,
3. Overcrowded,
4. Determined to need extensive repairs that will require the occupants to move, or the owner decides to board-up, secure, or demolish the dwelling rather than bring the structure up to code.
5. Declared an illegal unit under the Zoning Ordinance.

A business tenant may also be eligible for displacement assistance if he/she occupy a location needed by an existing owner for business expansion. To be eligible, such a business expansion must be due to a loan, grant, interest subsidy, etc. involving the use "in whole or part" of Community Development Block Grant funds.

The business tenant must also be displaced in the middle of an existing tenured lease. If the business tenant is operating on a month to month extension or is at the end of the lease period, no displacement benefits will be provided.

(b) Displacement Assistance

The City of Las Vegas' Community Development Block Grant Program will pay actual moving expenses to any location within the City of Las Vegas for such a residential or commercial move. To receive reimbursement, the applicant must provide three written moving quotes from moving businesses licensed within the State of Nevada. The lowest priced bid will be utilized. No storage or utility connection costs will be paid.

Eligible residential displacees will be referred to the Housing Authority of the City of Las Vegas. We will request the issuance of priority status for the Section 8 Housing Assistance Payments Program for those households meeting the income qualifications and relocating within its jurisdiction.

II. Eligibility and Payment Levels for Temporary Displacement

(1) Eligibility

To be eligible for benefits under this section, a person or a business must reside in a property affected by a Community Development project, have received a Notice to Vacate Temporarily, and must be eligible and willing to re-occupy the property. This Notice to Vacate Temporarily must be approved by the person responsible for the Housing Rehabilitation Program within a jurisdiction or by the Certifying Officer within each jurisdiction.

(b) Displacement Assistance

The City of Las Vegas' Community Development Block Grant Program will pay as determined by the Program Coordinator and/or Certifying Officer:

1. Actual reasonable moving expenses to and from temporary quarters.

2. Actual reasonable expenses for rental of housing or commercial locations.
3. Actual expenses for transferring utility services to temporary quarters and returning to permanent residence. During this relocation period, the program will also pay only the monthly service charge and actual amount of utilities used at the property being rehabilitated.
4. Actual reasonable expenses for storage of household goods, if necessary.
5. Short term displacement, of less than a week, will be determined at the discretion of the Program Coordinator or Certifying Officer. Such displacement will be at a reasonable hotel or motel previously approved.

Payments will be made to temporary displacees only for such time until a replacement unit is available for permanent re-occupancy. This temporary residential/business relocation is not to exceed 120 days. The selection of the replacement space must be approved by the Certifying Officer or Program Coordinator and it must be similar in rent, size, and it must also meet applicable codes. Payment of all costs will be on an invoice basis for services rendered. No expense shall be reimbursed by the program unless authorized in advance by the Housing Rehabilitation Coordinator or by the Certifying Officer within a jurisdiction.

III. Definitions

- Certifying Officer - The individual authorized by the governing body or by the City Manager to approve program expenditures.
- CD Project - Any undertaking which receives Community Development Block Grant assistance, including but not limited to the following:
 1. Concentrated Code Enforcement program in Community Development (CD) Target Areas;
 2. Rental Rehabilitation Programs;
 3. Housing Development and Rehabilitation;
 4. Acquisition and rehabilitation for alternative uses by CD subrecipients, and
 5. Economic Development.
- Displacement Payment - A payment issued to a claimant to reimburse expenses related to displacement, such as moving expenses and security deposits on a temporary replacement dwelling unit.
- Moving Expenses - Payments issued to a claimant to reimburse expenses of a move due to displacement, which may include:
 1. Transportation of individuals, families, and personal property from the initial location to

0052

the replacement site. Transportation costs for a distance outside the City of Las Vegas are ineligible, unless the displacing agency determines that relocation beyond the City of Las Vegas boundaries is justified.

2. Packing, crating, uncrating and unpacking of personal property.
 3. Necessary charges for the removal and hookup of appliances, equipment, and other items not acquired as real property,
 4. Storage of the personal property, as determined necessary by the displacing agency, and
 5. Insurance of the personal property in connection with the move and necessary storage.
- 30-Day Notice to Move or Notice to Vacate - The official notice which identifies the latest date on which the tenant may occupy the unit.
 - Notice of Displacement - The official notice issued to permanent involuntary displacees which confers rights to displacement payments. This Notice must precede a 30-day Notice to Move.
 - Permanent Involuntary Displacee - Any person who must move permanently from the real property as the result of a Community Development Block Grant project who receives a written Notice of Displacement from owner or agency designating displaced status.
 - Person - Any individual, family, partnership, or association. Two or more individuals, whether or not they are members of the same family, who live together in one dwelling unit and are displaced from such dwelling shall be regarded as one person, unless the Program Coordinator or Certifying Officer determines that separate tenancies exist.
 - Personal Property - Tangible property located on the real property affected by a CD-assisted project.
 - Preliminary Notice - The notice issued to persons who reside in a CD project when a subrecipient's written offer to purchase is accepted or when a preliminary application is submitted to secure rehabilitation assistance. Notice advises of possible benefits if the tenant continues to reside in the project.
 - Subrecipient - An organization which receives Community Development funds to undertake Community Development eligible activities. This organization is typically under contract to either the Subgrantee or to the Grantee (City of Las Vegas).

0053

- Temporary Displacee - A person who moves temporarily from real property as a result of a Community Development project and who is eligible and willing to re-occupy the property.
- Temporary Move - A move made for a limited period of time, with occupancy in a rehabilitated unit to follow.
- Tenant - A person who rents an interest in real property.
- Uniform Act - The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1984, 42 U.S.C. 4601 et. seq. Public Law 91-646).
- Utility Charges - The cost for heat, hot water, lighting, telephone, water and sewer, and trash removal, incurred in renting a dwelling unit. Cable television hook-up will be at the expense of the person relocating.

City of Las Vegas

AGENDA DOCUMENTATION

Date: OCTOBER 24, 1984

0054

TO: The City Council

FROM: MICHAEL P. COOL
DEPUTY CITY MANAGERSUBJECT: REQUEST TO SET DATE FOR REQUIRED PUBLIC HEARING TO REPROGRAM NINTH YEAR (1983-1984)
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDSPURPOSE/BACKGROUND

It is the intent of the Department of Economic and Urban Development to reprogram \$112,000.00 of Ninth Year Community Development Block Grant (CDBG) funds from both the Neighborhood Strategy Area II Street Lighting Projects to the Nucleus Plaza Light Industrial Facility Project.

It is necessary to transfer the monies to the project because, during the course of construction, it was discovered by the contractor that the integrity of the Facility's roof had been comprised by years of disuse. Hence, it was determined that it would be necessary to reinforce the structural membranes of the roof to bring it up to a level of safety as delineated in the 1982 Uniform Building Code. Estimates were prepared to determine what the cost of roof repair would be. The additional cost of roof repair, when added to the cost of other construction activities exceeded the appropriation of funds already committed to the project.

A reprogramming letter was sent to the Housing and Urban Development (HUD) San Francisco Regional Office on October 2, 1984. A response was received from HUD, on October 10, 1984, indicating they had no objections to the change; however, the City must comply with Citizen Participation Requirement Section 570.301 (b) of the CDBG regulations which states that grantees provide affected citizens an opportunity to comment when the grantee proposes not to carry out an activity in its Final Statement or to carry out an activity other than the one described in the Final Statement.

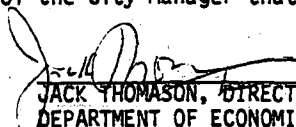
The Department of Economic and Urban Development requests that a public hearing date be scheduled for November 21, 1984, at which time interested and affected citizens may have an opportunity to comment on the proposed reprogramming of the CDBG activity.

FISCAL IMPACT

None

RECOMMENDATIONS

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


JACK THOMASON, DIRECTOR
DEPARTMENT OF ECONOMIC & URBAN DEVELOPMENT

Agenda Item

IV. (d) B.

0055

AGENDA*City of Las Vegas*

November 7, 1984

Page 21A

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

ITEM

Council Action

Department Action

IV. (d) DEPARTMENT OF ECONOMIC & URBAN
DEVELOPMENT
JACK THOMASON, DIRECTOR10:30 C. AUTHORIZATION TO EXECUTE PROFESSIONAL
SERVICES AGREEMENT FOR ATTORNEY/PROJECT
DIRECTOR OF SENIOR CITIZENS LAW PROJECT

ADDENDUM NO. 1 - See Page 61

Lurie -
APPROVED as recom-
mended.
Unanimous
(Christensen
excused)

Staff to proceed

APPROVED AGENDA ITEM

mp Cole

City of Las Vegas

0056

AGENDA DOCUMENTATION

Date: November 2, 1984TO:
The City CouncilFROM:
DAN FITZPATRICK
DEPUTY CITY MANAGERSUBJECT: AUTHORIZATION TO EXECUTE PROFESSIONAL SERVICES AGREEMENT FOR ATTORNEY/PROJECT
DIRECTOR OF SENIOR CITIZENS LAW PROJECTPURPOSE/BACKGROUND

On August 1, 1984, authorization was given by the City Council to the Department of Economic and Urban Development to file a grant application with the Division for Aging Services to fund the seventh year of the Senior Citizens Law Project. Said application was subsequently filed and notification of grant award was received. The grant award, which is effective October 1, 1984 through June 30, 1985, includes the provision of compensation for the Attorney/Project Director of the Law Project as follows:

1) Attorney/Project Director \$29,018.52

The Attorney/Project Director is currently working for the Project and will continue to do so for the period covering October 1, 1984 to June 30, 1985. He will provide services to the Law Project as delineated in the attached agreement and will be compensated on a bimonthly basis for such services.

Approval of this professional services agreement is hereby sought.

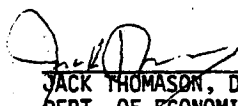
FISCAL IMPACT

\$29,018.52*

*This amount will be funded from the State Division for Aging Services Grant #A0AN86, awarded to the City effective October 1, 1984 through June 30, 1985.

RECOMMENDATIONS

It is the recommendation of the office of the City Manager that this agreement be approved.


JACK THOMASON, DIRECTOR
DEPT. OF ECONOMIC & URBAN DEVEL

Agenda Item

IV (d) C

0057

1 AGREEMENT BETWEEN THE CITY OF LAS VEGAS

2 AND

3 RICHARD E. DONALDSON

4 ATTORNEY/PROJECT DIRECTOR OF THE

5 SENIOR CITIZENS LAW PROJECT

6
7 THIS AGREEMENT, entered into this 7th day of November, 1984 by and
8 between the City of Las Vegas (hereinafter called the "Sponsor") and
9 RICHARD E. DONALDSON, Las Vegas, Nevada, (hereinafter called the
10 "Attorney").

11 PART I

12 WITNESSETH:

13 WHEREAS, the Sponsor desires to engage the Attorney to render professional
14 services hereafter described in connection with the Senior Citizens Law
15 Project which is expected to be partially financed under the Title III
16 of the Older Americans Act of 1965 (P.L. 94.135),

17
18 NOW, THEREFORE, the parties hereto do mutually agree as follows:

19 SECTION 1. DEFINITIONS. That the following definitions shall apply
20 to the terms used in this Agreement, except where the context necessarily
21 requires otherwise:

- 22 a. The "Project" shall mean the Senior Citizens Law
23 Project as described in Attachment 1, Statement of Work.
24 b. The "Agreement" shall mean this written agreement between
25 the Sponsor and the Attorney, and any amendments thereto,
26 to perform the work detailed in this Project.
27 c. The "Grant" shall mean the grant awarded the Sponsor
28 under Title III of the Older Americans Act.

29 SECTION 2. EMPLOYMENT OF THE ATTORNEY. The Sponsor hereby agrees
30 to engage the Attorney and the Attorney agrees to perform the
31 services set forth, as follows:
32

1 The Attorney will administer the Senior Citizens Law Project in accordance
2 with the guidelines and provisions established in the Grant awarded by
3 the State of Nevada, Division for Aging Services under Title III of the
4 Older Americans Act of 1965 as amended (P.L. 91.135). Under the Grant,
5 the Attorney will render legal service to citizens 60 years and older
6 residing within Clark County and Pahrump, Nevada, who fall within the
7 Grant guidelines.

8
9 SECTION 3. INDEPENDENT CONTRACTOR. It is agreed that the Attorney shall
10 perform as an independent contractor under this Agreement. The Attorney
11 is, for all purposes arising out of this Agreement, an independent
12 contractor pursuant to Nevada Revised Statute 284.173 and shall not be
13 deemed an employee of the Sponsor. It is expressly understood and agreed
14 that there shall be no (1) withholding of income taxes by the Sponsor;
15 (2) industrial insurance coverage provided by the Sponsor; (3) partici-
16 pation in group insurance plans which may be available to employees of
17 the Sponsor; (4) participation or contributions by either the Attorney
18 or the Sponsor to the Public Employees' Retirement System.

19
20 SECTION 4. INDEMNITY. The Attorney shall exonerate, indemnify and
21 hold harmless Sponsor from and against, and shall assume full
22 responsibility for, payment of all Federal, State and local taxes or
23 contributions imposed or required under unemployment insurance, Social
24 Security and income tax laws, with respect to Attorney in performance
25 of this Agreement. The Sponsor, and its agents and employees, shall
26 not be, nor be held, liable for any liabilities, penalties or forfeitures,
27 or for any damage to the goods, properties or effects of the Attorney,
28 or of any other persons, nor for personal injury to, or death of them,
29 whether caused by or resulting from any negligent act or omissions of
30 Attorney. The Attorney further agrees to indemnify and hold harmless
31 the Sponsor and Sponsor's agents and employees against and from any
32 and all of the foregoing liabilities, and any and all costs or expenses

1 incurred by Sponsor on account of any claim. The Attorney agrees to
2 assume the foregoing obligations and liabilities, by which it is
3 intended by both parties that Attorney shall indemnify and hold harmless
4 Sponsor from all claims arising by reason of the work done or by reason
5 of any act or omission of the Attorney.
6

7 SECTION 5. INSURANCE. The Sponsor will provide at Project or Sponsor
8 expense all appropriate insurance coverage necessary to meet the
9 obligations set forth in Section 4.
10

11 SECTION 6. SERVICES TO BE PERFORMED BY ATTORNEY. The Attorney shall
12 perform all necessary services as described in Attachment 1, Statement
13 of Work.
14

15 SECTION 7. PERIOD OF PERFORMANCE. The Period of Performance shall have
16 commenced the first day of October, 1984 and shall terminate the 30th day
17 of June, 1985.
18

19 SECTION 8. COMPENSATION. The Attorney shall be compensated for services
20 in such amount and in such manner as detailed in Attachment 2, Schedule
21 of Compensation.
22

23 SECTION 9. TERMINATION OF AGREEMENT FOR CAUSE. If the Attorney shall
24 materially breach any of the agreements or stipulations of the Agreement,
25 the Sponsor shall thereupon have the right to terminate this Agreement
26 by giving written notice to the Attorney of such termination and
27 specifying the effective date thereof, at least thirty (30) days before
28 the effective date of such termination. In such event, all finished or
29 unfinished legal documents prepared by the Attorney under this Agreement
30 shall be the property of the Sponsor.
31
32

1 SECTION 10. TERMINATION FOR CONVENIENCE OF SPONSOR. The Sponsor may
2 terminate this Agreement at any time funds are not available under the
3 Grant due to suspension or termination of the Grant by giving written
4 notice to the Attorney of such termination and specifying the effective
5 date thereof at least fourteen (14) days prior to the effective date
6 of such termination. In that event, all finished or unfinished documents
7 and other materials remain as property of the Sponsor.
8

9 SECTION 11. TERMINATION OF SUSPENSION BY ATTORNEY. The Attorney may
10 suspend work when funds are not available to the Sponsor for payment
11 of services rendered under terms of the Compensation Schedule
12 (Attachment 1) or in the event of a material breach of this Agreement
13 by the Sponsor, or in the event the Attorney shall provide thirty (30)
14 days notice to the Sponsor in writing. In such event, all finished or
15 unfinished documents and records prepared under the Project shall
16 remain as property of the Sponsor.
17

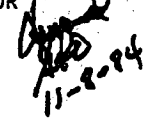
18 SECTION 12. EQUAL EMPLOYMENT OPPORTUNITY. (a) The Attorney will not
19 discriminate against any employee or applicant for employment because
20 of race, color, religion, sex or national origin. The Attorney shall
21 take affirmative action to ensure that applicants are employed and
22 that employees are treated during employment without regard to their
23 race, color, religion, sex or national origin. The Attorney agrees to
24 post in conspicuous places available to employees notices to be provided
25 setting forth the provisions of this non-discrimination clause. The
26 Attorney will, in all solicitations or advertisements for employees
27 placed on behalf of the Attorney, state that all qualified applicants
28 will receive consideration for employment without regard to race, color,
29 religion, sex or national origin. (b) The Attorney shall keep such
30 records and submit such reports concerning the racial and ethnic origin
31 of applicants for employment and employees as may be required. (c) The
32 Attorney agrees to comply with such rules, regulations or guidelines

0061

1 as may be issued to implement these requirements.
2
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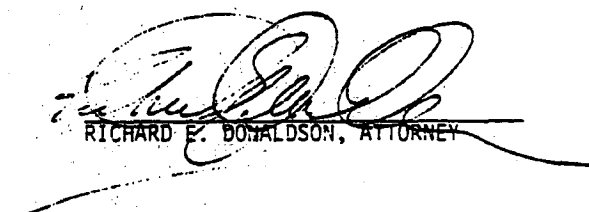
4 IN WITNESS WHEREOF THE SPONSOR AND THE ATTORNEY HAVE EXECUTED THIS
5 AGREEMENT AS OF THE DATE FIRST ABOVE WRITTEN.
6
7

CITY OF LAS VEGAS

8
9
10 
11 WILLIAM H. BRIARE, MAYOR
12 

13 ATTEST:

14
15 
16 Carol Ann Hawley, City Clerk
17

18 
19 RICHARD E. DONALDSON, ATTORNEY
20
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ATTACHMENT 1: STATEMENT OF WORK

Under the guidance of the Sponsor, the Attorney will perform the following duties:

- (1) Assume responsibility for the daily administration of the Project.
- (2) Assume responsibility for hiring, training, supervising and termination of Project personnel who have contracts with the Sponsor or are CETA personnel.
- (3) Assume responsibility for the hiring of Project staff in accordance with established EEO and Affirmative Action guidelines.
- (4) Ensure the quality of legal services rendered by reviewing all cases for proper documentation and compliance with legal requirements.
- (5) Ensure the confidentiality of case and record information by instituting safeguards.
- (6) Ensure the confidentiality and quality of legal services rendered by operating the program according to the Canons, Considerations and Rules of the American Bar Association and other applicable tenants of professional responsibility.
- (7) Represent project clients at the bar.
- (8) Represent the program to the community.
- (9) Prepare required monthly, quarterly and annual reports.
- (10) Serve as liaison to the Senior Citizens Law Project Advisory Board
- (11) Attend gerontology training sessions or seminars where appropriate.
- (12) Conduct outreach efforts.

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ATTACHMENT 2: SCHEDULE OF COMPENSATION

The Attorney shall receive compensation per the following schedule:

October 17, 1984	\$ 1,612.14
November 7, 1984	1,612.14
November 21, 1984	1,612.14
December 5, 1984	1,612.14
December 19, 1984	1,612.14
January 2, 1985	1,612.14
January 16, 1985	1,612.14
February 6, 1985	1,612.14
February 20, 1985	1,612.14
March 6, 1985	1,612.14
March 20, 1985	1,612.14
April 3, 1985	1,612.14
April 17, 1985	1,612.14
May 1, 1985	1,612.14
May 15, 1985	1,612.14
June 5, 1985	1,612.14
June 19, 1985	1,612.14
July 3, 1985	<u>1,612.14</u>
TOTAL - - - - -	<u>\$29,018.52</u>

AGENDA*City of Las Vegas*

November 7, 1984

Page 22

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

ITEM

Council Action

Department Action

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

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

PURCHASING & CONTRACTS DIVISION10:30 to 10:37 *A. AWARD OF BIDS

1. Renovation of Waste Water Treatment Equipment
Department of Public Services
2. Stewart Ave. Improvements - 25th to Nellis
Department of Design & Development

NOTE: Action should be taken on Item A-2 above in conjunction with Item IV(h) B-1 on page 28.

3. Replacement of Vehicles
Department of General Services

*B. PURCHASE ORDER APPROVAL

1. Microcomputer Equipment
Department of Finance & Computer Services
2. Traffic Signalization Reimbursement
Department of Public Services
3. Computer Support Equipment
Department of Finance & Computer Services

Levy -
APPROVED Items A-1, A-2, A-3, B-1, B-2 and B-3, as recommended by staff. Unanimous with Nolen Abstaining from voting on Item A-2.

APPROVED
See Above.

Staff to proceed
City Engineer, Carl Malone, and Frank Wyatt, SEA Engineers, appeared for Item A-2.

Staff to proceed

APPROVED AGENDA ITEM

mp Coe

AGENDA DOCUMENTATION

Date: OCTOBER 26, 1984

TO: The City Council

FROM: MICHAEL P. COOL
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 7, 1984
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. AWARD OF BIDS

1. <u>BID TITLE:</u>	RENOVATION OF SECONDARY SLUDGE COLLECTION EQUIPMENT, TROUGH AND WEIRS	<u>BID NUMBER:</u>	85.7112.3
<u>ITEM:</u>	CAPITAL IMPROVEMENT	<u>ESTIMATE:</u>	\$300,000.00
<u>DEPARTMENT:</u>	PUBLIC SERVICES	<u>INVITATIONS MAILED:</u>	27
<u>FUNDING:</u>	SANITATION ENTERPRISE FUND	<u>RESPONSES RECEIVED:</u>	2

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO RENOVATE AN ORIGINAL WASTEWATER TREATMENT PLANT FACILITY COMPLETED IN 1957 THAT HAS BEEN IN CONTINUOUS SERVICE SINCE THAT TIME. THE PROJECT IS ESSENTIAL FOR THE PLANT TO CONTINUE TO MEET NPDES EFFLUENT DISCHARGE STANDARDS.

BID ABSTRACT SUMMARY

MMC, INC.	LAS VEGAS	NV	\$276,000.00
F. T. ZIEBARTH	FULLERTON	CA	\$291,600.00

STAFF RECOMMENDATION OF AWARD

THAT THE LOW BID BE AWARDED TO:

MMC, INC.	LAS VEGAS	NV	\$276,000.00
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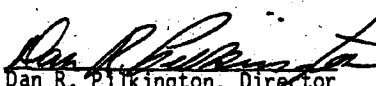
FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE IN THE SANITATION ENTERPRISE 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 1
IV (f)

AGENDA DOCUMENTATION

Date: OCTOBER 26, 1984TD:
The City CouncilFRDM:
MICHAEL P. COOL
DEPUTY CITY MANAGERSUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 7, 1984
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*A AWARD OF BIDS

2. <u>BID TITLE:</u>	STEWART AVENUE - 28TH STREET TO NELLIS	<u>BID NUMBER:</u>	85.3550.2
<u>ITEM:</u>	CAPITAL IMPROVEMENT	<u>ESTIMATE:</u>	\$2,936,197.85
<u>DEPARTMENT:</u>	DESIGN AND DEVELOPMENT	<u>INVITATIONS MAILED:</u>	30
<u>FUNDING:</u>	REGIONAL TRANSPORTATION COMMISSION	<u>RESPONSES RECEIVED:</u>	2

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO CORRECT DEFICIENCIES IN THE EXISTING ROADWAY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC THAT TRAVELS THIS MAJOR ARTERIAL ON A DAILY BASIS.

BID ABSTRACT SUMMARY

			<u>BID GROUP I AND IC</u>
LAS VEGAS PAVING	LAS VEGAS	NV	\$2,845,608.28
WELLS CARGO	LAS VEGAS	NV	\$3,222,846.78

STAFF RECOMMENDATION OF AWARDTHAT THE LOW BID BE AWARDED TO:

LAS VEGAS PAVING	LAS VEGAS	NV	\$2,845,608.28
			BID GROUP I AND IC

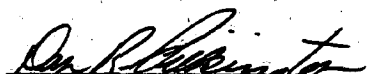
FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE IN THE REGIONAL TRANSPORTATION 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 (f)

City of Las Vegas

AGENDA DOCUMENTATION

0067

Date: OCTOBER 26, 1984TO:
The City CouncilFROM:
MICHAEL P. COOL
DEPUTY CITY MANAGERSUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 7, 1984
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*A. AWARD OF BIDS

3. <u>BID TITLE:</u>	TWO (2) EACH 3/4 TON TRUCK CAB/CHASSIS	<u>BID NUMBER:</u>	85.3460.3
<u>ITEM:</u>	CAPITAL EQUIPMENT	<u>ESTIMATE:</u>	\$30,000.00
<u>DEPARTMENT:</u>	GENERAL SERVICES	<u>INVITATIONS MAILED:</u>	8
<u>FUNDING:</u>	GENERAL SERVICES/ VEHICLE SERVICES	<u>RESPONSES RECEIVED:</u>	2

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO REPLACE TWO VEHICLES. THESE VEHICLES ARE, FOR ALL PRACTICAL PURPOSES, BEYOND ECONOMICAL REPAIR DUE TO THEIR AGE AND EXCESSIVE MILEAGE OF SOME 100,000 MILES EACH.

BID ABSTRACT SUMMARY

LAS VEGAS DODGE	LAS VEGAS	NV	\$22,262.30
FAIRWAY CHEVROLET	LAS VEGAS	NV	\$24,995.02

STAFF RECOMMENDATION OF AWARDTHAT THE LOW BID BE AWARDED TO:

LAS VEGAS DODGE	LAS VEGAS	NV	\$22,262.30
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FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE IN THE VEHICLE SERVICES 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 3
IV (f)

City of Las Vegas

0068

AGENDA DOCUMENTATION

Date: OCTOBER 26, 1984TO:
The City CouncilFROM:
MICHAEL P. COOL
DEPUTY CITY MANAGERSUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 7, 1984
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*B. PURCHASE ORDER APPROVAL

1. <u>ITEM:</u>	CAPITAL	<u>PURCHASE REQUEST:</u>	1042-667 1042-668
<u>DESCRIPTION:</u>	MICRO COMPUTER	<u>FUNDING:</u>	GENERAL
<u>DEPARTMENT:</u>	FINANCE AND COMPUTER SERVICES	<u>ESTIMATE:</u>	\$12,000.00

NEED FOR PURCHASE

THE NEED FOR THIS PURCHASE STEMS FROM THE EVER-INCREASING DEMANDS ON THE CITY'S EXISTING MAINFRAME CAPABILITIES AND THE NEED TO PROVIDE CUSTOMER SERVICE AT THE MOST ECONOMICAL MEANS AVAILABLE. THE ADDITION OF THIS EQUIPMENT WILL ALLOW THE USERS TO PERFORM VITALLY NEEDED TASKS THAT CANNOT BE SCHEDULED ON THE MAINFRAME DUE TO EXISTING DEMANDS. THIS EQUIPMENT IS TO BE PURCHASED ON CLARK COUNTY'S EXISTING COMPUTER CONTRACT THAT WAS COMPETITIVELY BID.

STAFF RECOMMENDATIONFOR PURCHASE ORDER APPROVAL

COMPUTERLAND OF LAS VEGAS	LAS VEGAS	NV	\$11,540.14
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FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE IN THE GENERAL 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 B PAGE 1
IV (f)

City of Las Vegas

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

0069

AGENDA DOCUMENTATION

Date: OCTOBER 26, 1984

TO:
The City Council

FROM:
MICHAEL P. COOL
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 7, 1984
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*B. PURCHASE ORDER APPROVAL

2. <u>ITEM:</u>	REIMBURSEMENT	<u>PURCHASE REQUEST:</u>	1711-285.1
<u>DESCRIPTION:</u>	TRAFFIC CONTROL SYSTEM	<u>FUNDING:</u>	TRAFFIC SIGNALIZATION
<u>DEPARTMENT:</u>	PUBLIC SERVICES	<u>ESTIMATE:</u>	\$19,915.28

NEED FOR PURCHASE

THIS PURCHASE ORDER APPROVAL IS NECESSARY TO REIMBURSE THE STATE OF NEVADA FINAL COSTS INCURRED IN THE INSTALLATION OF THE LAS VEGAS VALLEY AREA-WIDE COMPUTERIZED TRAFFIC CONTROL SYSTEM.

STAFF RECOMMENDATION

FOR PURCHASE ORDER APPROVAL

STATE OF NEVADA	CARSON CITY	NV	\$19,915.28
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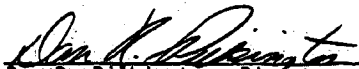
FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE IN THE TRAFFIC SIGNALIZATION 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 B PAGE 2
IV (f)

City of Las Vegas

AGENDA DOCUMENTATION

Date: OCTOBER 26, 1984 0070

TO:
The City CouncilFROM:
MICHAEL P. COOL
DEPUTY CITY MANAGERSUBJECT: AGENDA - CITY COUNCIL MEETING - NOVEMBER 7, 1984
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*B. PURCHASE ORDER APPROVAL

3. <u>ITEM:</u>	CAPITAL	<u>PURCHASE REQUEST:</u>	1042-665 1042-666 1042-673
<u>DESCRIPTION:</u>	MICRO COMPUTER	<u>FUNDING:</u>	GENERAL
<u>DEPARTMENT:</u>	FINANCE AND COMPUTER SERVICES	<u>ESTIMATE:</u>	\$45,000.00

NEED FOR PURCHASE

THE NEED FOR THIS PURCHASE STEMS FROM THE EVER-INCREASING DEMANDS ON THE CITY'S EXISTING MAINFRAME CAPABILITIES AND THE NEED TO PROVIDE CUSTOMER SERVICE AT THE MOST ECONOMICAL MEANS AVAILABLE. THE ADDITION OF THIS EQUIPMENT WILL RELIEVE THE MAINFRAME FOR HIGHER PRIORITY PROJECTS.

STAFF RECOMMENDATIONFOR PURCHASE ORDER APPROVAL

BURROUGHS CORPORATION	LAS VEGAS	NV	\$43,932.05
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FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE IN THE GENERAL 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 B PAGE 3
IV (f)

AGENDA

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

City of Las Vegas

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November 7, 1984

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

ITEM

Council Action

Department Action

IV. (g) DEPARTMENT OF PUBLIC SERVICES

DONALD E. DONOVAN, DIRECTOR

A. REPORTS/ACTION

1. Computerized Traffic Signalized System Budget Adjustment - Operating Funds.

Lurie -
APPROVED
Unanimous

(Award of contract to P.A.W.A. with City's additional allocation of \$34,824 available from General Fund.)

Staff to proceed

Donald E. Donovan appeared.

Consultant was present.

APPROVED AGENDA ITEM

mp Cool

*City of Las Vegas***AGENDA DOCUMENTATION**Date: October 24, 1984

TO: The Board of City Commissioners

FROM: MICHAEL P. COOL
DEPUTY CITY MANAGER

SUBJECT: COMPUTERIZED TRAFFIC SIGNALIZED SYSTEM BUDGET ADJUSTMENT - OPERATING FUNDS

PURPOSE/BACKGROUND

The Nevada Department of Transportation (NDOT) previously awarded a contract, in conjunction with County of Clark, North Las Vegas, and City of Las Vegas, to the consultant firm of P.A.W.A. to analyze and prepare traffic patterns for the T.M.C. master computer system. The original operating contract with P.A.W.A. (100% Federally funded), was due to expire June, 1983. Due to problems with the software and hardware, however, the Operating Committee recommended to NDOT to extend the consultant's contract to December 1, 1984. NDOT agreed to extending the contract, but they would only participate at 50% of the extended cost. An agreement with NDOT was signed in June, 1983 by County of Clark, North Las Vegas, and City of Las Vegas to fund the extension of the contract with the cost distribution to be as follows:

NDOT - 50%; CLV - 31%; NLV - 4.4%; COUNTY - 14.6%

The 1983-1984 T.M.C. budget provided staff for the T.M.C. as follows:

1 - Systems Engineer; 2 - System Technicians; 1 - Secretary (typist-clerk)

When the P.A.W.A. contract was extended in June, 1983, none of the staff personnel were hired. The personnel funds in the 1983-1984 budget were used to fund our share of the P.A.W.A. contract through July, 1984. Funds for our participation of the extended contract from July 1, 1984 to December, 1984 are provided in the 1984-1985 budget, as are funds to provide for the hiring of staff personnel. The Operating Committee delayed the hiring of staff on July 1, 1984 because of the extended contract and because problems were still present in the software. The Operating Committee at their regular meeting of July 19, 1984 has recommended that the consultant's contract again be extended until June 30, 1985 with the provision that the Systems Engineer be hired by January 1, 1985, the two technicians be hired by June, 1985, and the typist-clerk be hired July 1, 1985. It was further recommended that the consultant reduce members of their staff to coincide with the number of City contract employees hired for the T.M.C. (one for one).

The 1984-1985 budget was prepared in December, 1983. The change in the operation of T.M.C. was not anticipated; therefore, additional operating funds are required to meet the added cost of consultant operations (if approved).

The additional budget funds required of Las Vegas to operate the system is estimated to be \$34,824. The adjusted budget will provide for the services of the consultant through June 30, 1985, staffing of T.M.C. personnel, the training of personnel, and assurance of the operating responsibility of T.M.C. by staff members on July 1, 1985.

The attached contract has been reviewed and approved by the City Attorney.

FISCAL IMPACTSource of Funds

CLV 1984-1985 Budget	\$ 56,214
Clark County 1984-1985 Budget	26,432
North Las Vegas	7,875

Additional Allocations

CLV	\$ 34,824
Clark County	16,935
North Las Vegas	4,318
	<u>\$146,598</u>

The CLV additional allocation of \$34,824 is available from the General Fund.

Funds are available in Fund #066060 (Urban Area Traffic Control Fund) for the City of Las Vegas share of costs.

Agenda Item 11/7/84

IV. (g) A.1.

City of Las Vegas

AGENDA DOCUMENTATION

Date: October 24, 1984

TO: The Board of City Commissioners

FROM: MICHAEL P. COOL
DEPUTY CITY MANAGER

SUBJECT: COMPUTERIZED TRAFFIC SIGNALIZED SYSTEM BUDGET ADJUSTMENT - OPERATING FUNDS

RECOMMENDATIONS

It is the recommendation of the Director of Public Services that the City Council, in conjunction with the other governmental agencies involved, approve an adjustment of \$56,077 to the operating budget for the Las Vegas Valley Traffic Control Management System; that the City Council appropriate an additional \$34,824 as the City of Las Vegas' share of additional operating costs; that the City Council award a contract to P.A.W.A. in the amount of \$146,598 for training of personnel and operation of the system; and that the Mayor be authorized to execute the contract on behalf of the City Council.


DONALD E. DONOVAN, P.E.
Director of Public Services

0074

1 EMPLOYMENT AGREEMENT FOR THE
2 SIGNAL SYSTEM MANAGER OF THE
3 LAS VEGAS TRAFFIC CONTROL SYSTEM

4 THIS AGREEMENT, made and entered into this 7th day of
5 November, 1984, by and between the CITY OF LAS VEGAS,
6 NEVADA, a municipal corporation of the State of Nevada (herein-
7 after referred to as the "CITY OF LAS VEGAS"), and PAWA
8 INCORPORATED OF NEVADA (hereinafter referred to as the
9 "CONSULTANT"):

10 WITNESSETH:

11 WHEREAS, the CITY OF LAS VEGAS, the CITY OF NORTH LAS
12 VEGAS, the COUNTY OF CLARK (hereinafter collectively referred to
13 as "Jurisdictional Operators") and the STATE OF NEVADA entered
14 into the Agreement dated January 21, 1981, whereby the operation
15 of various traffic signals in each of the corporate boundaries of
16 Jurisdictional Operators were to be coordinated by computer from
17 a centralized management center (hereinafter referred to as the
18 "Traffic Management Center"), to be managed and operated by the
19 CITY OF LAS VEGAS as the Central Operator with the advice of
20 representatives from each of the Jurisdictional Operators serving
21 on the Operations Management Committee;

22 WHEREAS, the Department of Transportation for the State
23 of Nevada constructed the Traffic Management Center located at
24 416 North Eighth Street and installed the computerized traffic
25 control system housed therein (hereinafter referred to as the
26 "Traffic Control System"), along with constructing various juris-
27 dictional monitoring centers for each of the Jurisdictional
28 Operators and connecting various traffic signals within the cor-
29 porate limits of the Jurisdictional Operators onto and into the
30 Traffic Control System;

31 WHEREAS, pursuant to Highway Agreement No. 547-80-012
32 dated January 21, 1981, the Nevada Department of Transportation

0075

1 was to assume temporary responsibility for the operation of the
2 Traffic Control System on behalf of the Jurisdictional Operators;

3 WHEREAS, in accordance with that responsibility, the
4 Nevada Department of Transportation retained the expertise and
5 services of the CONSULTANT to manage and operate the Traffic
6 Control System pursuant to Amended Agreement No. 3 of Highway
7 Agreement No. P586-79-012 dated June 16, 1983;

8 WHEREAS, work under the Nevada Department of Transpor-
9 tation Amended Agreement No. 3 of Highway Agreement No.
10 P586-79-012 is nearing successful completion;

11 WHEREAS, the Nevada Department of Transportation entered
12 into Integrated Cooperative Agreement No. P170-83-012 on June 1,
13 1983, with the CITY OF LAS VEGAS to allow the CONSULTANT to
14 assist the Central Operator in the role of Signal System
15 Manager;

16 WHEREAS, the Operations Management Committee at their
17 meeting on July 5, 1984, approved retaining the services of the
18 CONSULTANT from November 30, 1984, through June 30, 1985, to per-
19 form the duties of Signal System Manager and to train the staff
20 to assume the Signal System Manager's role beginning July 1,
21 1985;

22 NOW, THEREFORE, in consideration of the covenants and
23 conditions herein set forth, the parties hereto mutually agree to
24 the following:

25 ARTICLE I - SCOPE OF WORK

26 The CONSULTANT agrees to furnish professional service in
27 the discipline of engineering, more specifically as related to
28 transportation and traffic control.

29 The CONSULTANT will assist the CITY OF LAS VEGAS as the
30 Central Operator as defined in Highway Agreement No. P547-80-012
31 with the Traffic Control System by serving in the role of Signal
32 System Manager.

1 The Signal System Manager shall be responsible for per-
2 forming the following tasks:

3 A. Task 1.1: Provide for Daily Operation of the Traffic
4 Management Center

5 This task requires the CONSULTANT to serve as Signal
6 Systems Manager, furnishing sufficient experienced staff for the
7 operation of the Traffic Management Center and the Traffic
8 Control System during normal operating hours to be set by the
9 Operating Management Committee. The staff shall consist of both
10 professional and technical personnel who shall be responsible for
11 (a) manning and operating the Traffic Control System, (b) moni-
12 toring the operation of the Traffic Control System, (c) respond-
13 ing to malfunctions in equipment of the Traffic Control System
14 located in the Traffic Management Center, (d) notifying the field
15 maintenance personnel of the Jurisdictional Operators as to
16 malfunctions in equipment which is part of the Traffic Control
17 System but whose responsibility for repair will remain that of
18 the Jurisdictional Operators, (e) updating the data base of the
19 traffic control computer, (f) implementing minor software changes
20 to the system's software which do not change timing parameters,
21 (g) assisting any person designated to implement major software
22 changes approved by the Operations Management Committee, and
23 (h) conducting special studies requested by the Operations
24 Management Committee. The CONSULTANT shall also provide clerical
25 personnel as deemed necessary to the efficient operation of the
26 Traffic Control System and the Traffic Management Center.

27 B. Task 1.2: Provide Routine Maintenance of Traffic
28 Control Equipment

29 This task requires the CONSULTANT to provide personnel
30 capable of performing routine maintenance, not covered by any
31 other agreement, on the Traffic Control System located in the
32 Traffic Management Center.

1 C. Task 1.3: Develop and Maintain Signal Timing Plans

2 This task requires the CONSULTANT to assist the
3 Operations Management Committee with developing, retiming and
4 selecting those traffic signal timing plans and strategies to be
5 in effect for the Traffic Control System during priority time.
6 All signal timing plans shall be maintained in documented hard
7 copy. The copy shall include time-space diagrams for each sub-
8 system, signal operating parameter, proof of efficiency and time
9 of day operating schedule established by the Operations
10 Management Committee.

11 D. Task 1.4: Formulate Overall Operation and
12 Maintenance Policy

13 This task requires the CONSULTANT to assist the Opera-
14 tions Management Committee with formulating overall policy and
15 establishing staffing needs with respect to the operation and
16 maintenance of the Traffic Control System.

17 E. Task 1.5: Supervising the Implementation of
18 Jurisdictional Signal Timing Plans

19 This task requires the CONSULTANT to assist with the
20 implementation of those traffic signal timing plans developed and
21 submitted by the Jurisdictional Operators to the Operations
22 Management Committee for operating their signals during non-
23 priority time.

24 F. Task 1.6: Collecting, Logging and Reporting System
25 Evaluation Data and Information

26 This task requires the CONSULTANT to collect and log
27 system evaluation data generated by the Traffic Control System
28 central computer. A report shall be filed every six months with
29 the various governmental entities with membership on the
30 Management detailing the performance of the Traffic Control
31 System and recommending possible improvements to the system.
32

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1 G. Task 1.7: Public Relations

2 This task requires the CONSULTANT to assist the
3 Operations Management Committee with all aspects of public rela-
4 tions with respect to the operation and maintenance of the
5 Traffic Control System.

6 H. Task 1.8: Central Operator Transitional Instruction

7 This task requires the CONSULTANT to give instruction to
8 those personnel hired by the Central Operator to manage the
9 operation of the Traffic Control System. Upon hiring of the
10 System Manager by the CITY OF LAS VEGAS in January, 1985, the
11 CONSULTANT shall no longer provide the services of the technician
12 nor bill for same.

13 ARTICLE II - TIME OF PERFORMANCE

14 The CONSULTANT agrees to perform the services provided
15 herein commencing on November 30, 1984, and terminating on
16 June 30, 1985.

17 The CONSULTANT further agrees that progress and imple-
18 mentation of all contract work shall be in accordance with
19 Highway Agreement No. P586-79-012.

20 ARTICLE III - COMPENSATION AND MANNER OF PAYMENT

21 A. Definitions: For purposes of this Agreement, the
22 following terms are defined as follows:

23 1. "Direct Costs" means the CONSULTANT's payroll cost
24 which is computed as follows: Employee's hourly wage rate x
25 number of hours worked x multiplier of 2.30 for fringe benefits
26 (Social Security benefits, payroll taxes, workmen's compensation,
27 etc.).

28 2. "Hourly Wage Rate" means the hourly wage paid to an
29 employee actually used in the performance of this Agreement. The
30 classifications and hourly wage range of those employees who the
31 CONSULTANT anticipates will be used in the performance of this
32 Agreement are attached hereto as Exhibit "A" and incorporated

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1 herein by this reference as a part hereof.

2 3. "Direct Non-Salary Expenses" means those costs incurred
3 by the CONSULTANT which are directly related to the daily opera-
4 tion of the Computer Control System, such as, office and computer
5 supplies, long-distance telephone calls, employee vehicle mileage
6 (28¢ per mile) and any subcontracted work.

7 B. Compensation Formula: CONSULTANT compensation for
8 performance of this Agreement shall not exceed the sum of
9 \$148,603.00 unless otherwise agreed to by the CITY OF LAS VEGAS.
10 The CITY OF LAS VEGAS agrees to reimburse the CONSULTANT for its
11 costs, to-wit: (i) Direct Costs, (ii) Direct Non-Salary Expenses
12 times a multiplier of 1.10, and to pay (iii) a Fixed Fee in the
13 total amount of \$15,921.75.

14 C. Compensation Amount and Limits: The Direct Costs,
15 Direct Non-Salary Expenses, and Fixed Fee to be paid to the
16 CONSULTANT shall not exceed the following amounts unless specifi-
17 cally authorized in writing by the CITY OF LAS VEGAS:

18 (a)	(b)	(c)
19 Direct Costs and Direct	+	Fixed Fee = Total Payment
20 Non-Salary Expenses		
21 \$132,681.25		\$15,921.75 \$148,603.00

22 The CONSULTANT agrees to complete the performance of this
23 Agreement despite having reached the payment limits set forth
24 above for the Direct Costs and Direct Non-Salary Expenses (Col-
25 umn (a)). It is understood and agreed that the Fixed Fee (Col-
26 umn (b)) is an amount guaranteed to the CONSULTANT for the
27 performance of this Agreement, but that the limit designated
28 above for the Direct Costs and Direct Non-Salary Expenses (Col-
29 umn (a)) may, or may not, be reached by the CONSULTANT.

30 If services of the CONSULTANT in connection with this
31 project are required which go beyond the scope of those defined
32 in this Agreement, CONSULTANT and the CITY OF LAS VEGAS shall

1 enter into a supplemental agreement defining the scope of such
2 services and compensation therefor prior to the performance of
3 such services. Any services, and the compensation therefor,
4 required after June 30, 1985, shall be negotiated between the
5 parties.

6 D. Manner of Payment: CONSULTANT, as a prerequisite
7 to the obligation on the part of the CITY OF LAS VEGAS for
8 payment of the compensation provided herein, shall submit monthly
9 invoices which have been reviewed, approved and signed by the
10 principal engineer in charge for the CONSULTANT requesting
11 payment for services performed the preceding month. The sub-
12 mitted invoices shall reflect the following information:

13 1. Direct Costs: The amount of payroll cost for which
14 compensation is sought by the CONSULTANT shall be shown on the
15 invoice along with the name or position of the employee, the
16 number of hours worked and the hourly wage rate of the employee.

17 2. Direct Non-Salary Expenses: The amount of Direct
18 Non-Salary Expenses for which compensation is sought by the
19 CONSULTANT. Where possible, receipts shall be attached to the
20 monthly invoice.

21 3. Fixed Fee: The amount of fixed fee for which com-
22 pensation is sought by the CONSULTANT which shall be prorated and
23 paid in proportion to the work performed that month as reflected
24 on the monthly invoice.

25 Payment of such invoices shall be on or within thirty (30) days
26 of the date of receipt of the CONSULTANT's invoice by the CITY OF
27 LAS VEGAS.

28 ARTICLE IV - PERSONNEL

29 The CONSULTANT agrees to furnish qualified personnel
30 sufficient in number to perform all services as required under
31 this Agreement.
32

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1 In addition, the CONSULTANT shall assign one individual
2 to act as the Principal-in-Charge throughout the life of this
3 Agreement. Said individual shall have overall project responsi-
4 bility unless illness, termination of employment or the like
5 should require consideration of a replacement. Any replacement
6 of the Principal-in-Charge must be approved in writing by the
7 CITY OF LAS VEGAS, after considering the recommendations of the
8 Operations Management Committee.

9 ARTICLE V - NOTICES

10 All written notices, papers or documents which are
11 required to be delivered pursuant to this Agreement shall be
12 delivered at the following addresses for the parties:

13 CITY MANAGER'S OFFICE
14 CITY OF LAS VEGAS
15 400 East Stewart Avenue
16 Las Vegas, Nevada 89101

17 PAWA INCORPORATED OF NEVADA
18 416 North Eighth Street
19 Las Vegas, Nevada 89101

20 A change in the above addresses may be accomplished by notifying
21 the other party in writing.

22 ARTICLE VI - WORKMEN'S COMPENSATION CLAIMS

23 The CONSULTANT agrees to save and hold harmless the CITY
24 OF LAS VEGAS from any and all claims, demands, suits, actions or
25 judgments arising or recovered under the Workmen's Compensation
26 Laws of the State of Nevada, or any other laws resulting from
27 injuries suffered or incurred by employees or agents of the
28 CONSULTANT.

29 ARTICLE VII - INDEMNIFICATION

30 The CONSULTANT agrees to protect, indemnify and hold
31 harmless the CITY OF LAS VEGAS, its officers and employees from
32 any and all claims, damages, losses, expenses, suits, actions,
decrees, judgments, attorney fees and court costs which the CITY
OF LAS VEGAS, its officers and employees may suffer, or which may

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1 be sought against, recovered from or obtainable against the CITY
2 OF LAS VEGAS, its officers or employees as a result of, or by
3 reason of, or arising out of the negligent acts or omissions of
4 the CONSULTANT, its subcontractors or agents or anyone directly
5 or indirectly employed by the subcontractor or agent, in fulfillment
6 or performance of the terms, conditions or covenants of this
7 Agreement.

8 ARTICLE VIII - MISCELLANEOUS PROVISIONS

9 It is further understood and agreed that:

10 1. The work embraced herein shall be done in accordance
11 with the requirements for this Agreement.

12 2. The CONSULTANT warrants that it has not employed or
13 retained any company or person, other than a bona fide employee
14 working solely for the CONSULTANT, to solicit or secure this
15 Agreement, and that it has not paid or agreed to pay any company
16 or person, other than a bona fide employee working solely for the
17 CONSULTANT, any fee, commission, percentage, brokerage fee,
18 gifts, or any other consideration, contingent upon or resulting
19 from the award or making of this Agreement. For breach or violation
20 of this warranty, the CITY OF LAS VEGAS shall have the right
21 to annul this Agreement without liability, or, in its discretion
22 to deduct from the contract price or consideration, or otherwise
23 recover the full amount of such fee, commission, percentage, brokerage
24 fee, gift or contingent fee.

25 3. The CONSULTANT shall comply with all Federal, State
26 and local laws, statutes, ordinances, rules and regulations; and
27 the orders and decree of any courts or administrative bodies or
28 tribunals in any manner affecting the performance of this Agreement
29 including without limitation, workmen's compensation laws
30 and licensing laws and regulations.

31 4. The CONSULTANT hereby further agrees that the
32 payment of the final amount due under this Agreement shall

1 release the CITY OF LAS VEGAS and the Operations Management
2 Committee from any and all claims by the CONSULTANT.

3 5. The Operations Management Committee has the option
4 of requesting, at any time, a meeting with the CONSULTANT or its
5 authorized representatives to discuss and review project status,
6 and the CONSULTANT shall furnish thereafter copy of the minutes
7 of such meeting to the Operations Management Committee.

8 6. The CONSULTANT and its subconsultants, if any,
9 shall maintain all books, documents, papers, accounting reports
10 and other evidence pertaining to cost incurred in the performance
11 of this Agreement which shall be made available at their respec-
12 tive offices at all reasonable times during the period of this
13 Agreement.

14 7. Upon completion of the services embraced in this
15 Agreement, copies of all pertinent information, such as research,
16 investigation, analysis data, reports, computations, tabulations,
17 diagrams, sketches, topographic map prints, correspondence input
18 from external sources, and any other documentation shall be deli-
19 vered to and become the property of the Management without limi-
20 tation.

21 8. The CONSULTANT shall procure permission for
22 entering and performing work on public and/or private property.
23 The CITY OF LAS VEGAS will pledge its assistance in the use of
24 the law to enable the CONSULTANT to enter public and/or private
25 property to perform the work if the CONSULTANT has difficulty in
26 obtaining permission. The CITY OF LAS VEGAS will in no manner
27 assume any responsibility for any damage occasioned by the entry
28 into or upon the realty.

29 The CONSULTANT shall appear as an expert witness on
30 behalf of the Operations Management Committee in any subsequent
31 court action when so requested. Compensation for services ren-
32 dered in this regard will be paid at the CONSULTANT's pro-

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1 fessional rate plus expenses at the time such services are
2 necessary. The CONSULTANT's professional rate, excluding ex-
3 penses, shall not exceed the following:

4 \$400.00 per Professional Engineer man day

5 \$480.00 per Principal Engineer man day

6 IN WITNESS WHEREOF, the parties hereto, by their duly
7 authorized representatives, have executed this Agreement the day
8 and year first above written.

9 CITY OF LAS VEGAS

10 By William H. Briare
11 WILLIAM H. BRIARE, Mayor

12 ATTEST:

13 Carol Ann Hawley
14 CAROL ANN HAWLEY, City Clerk

15 PAWA INCORPORATED OF NEVADA

16
17
18 By James A. Duddleston
19 Vice President

EXHIBIT AEMPLOYEE HOURLY WAGE RANGE

The classifications listed below are representative of those employees expected to be used in this PROJECT. The direct salary for employees shall be within the following listed salary ranges:

Principal	\$20.00 - \$30.00/hr.
Project Engineer	16.00 - 24.00/hr.
Technician	6.00 - 14.00/hr.
Secretary	5.00 - 10.00/hr.

T M C

<u>SALARY - 84-85 BUDGET</u>		<u>SAVINGS 1984-1985 BUDGET</u>	<u>PERSONNEL ON BOARD</u>
(System Engineer)			
\$48,190 x .50	=	\$24,095	January
(Secretary)			
\$20,365 x 1	=	20,365	July
(Systems Technicians - 2)			
\$25,034 x 1.00	=	25,034	June (Two Weeks)
25,034 x .92	=	<u>23,031</u>	
		\$92,525 Savings	

SAVINGS ON PROPOSED BUDGET:

CLV	=	\$92,525 x .621	=	\$57,458
COUNTY	=	92,525 x .302	=	27,943
NLV	=	92,525 x .077	=	7,124

ADDED COST OF CONSULTANT FOR 7 MONTHS --

EST.	=	\$21,229 AVERAGE/MONTH	
7 MONTHS	=	\$148,603	
CLV	=	\$148,603 x .621	= \$92,282
COUNTY	=	148,603 x .302	= 44,878
NLV	=	148,603 x .077	= 11,442

ADDITIONAL BUDGET REQUEST --

CLV	=	\$92,282 - 57,458	=	\$34,824
COUNTY	=	44,878 - 27,943	=	16,935
NLV	=	11,442 - 7,124	=	4,318

(Revision Two)

AGENDA*City of Las Vegas*

0087

November 7, 1984

Page 24

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

ITEM

Council Action

Department Action

IV (h). DEPARTMENT OF DESIGN AND DEVELOPMENTTHOMAS B. GRAHAM, AICP, RLA, DIRECTOR*CONSENT AGENDA

All matters listed under Item(s) A, 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.

10:39

*A. ACCEPTANCE OF RIGHT OF WAY ITEMS

1. Grant Deed

From: Las Vegas, Nev.,
B.P.O. Elks No. 1468, a
corporation of the
State of Nevada
To: City of Las Vegas
For: Portion of the SE-1/4,
Sec. 27, T20S, R61E,
M.D.M.. Previously
recorded as Document No.
2003:1962415 in the
office of the County
Recorder.
Right of Way for
Bonanza Rd. (10/5/84)

Lurie -
APPROVED Items A-1
thru A-12 with
Items A-6, A-7 and
A-8 to be brought
back before the
Council.
Unanimous

Staff to proceed

Tom Graham
appeared.

2. Sewer Easement

From: Lewis Homes of Nevada,
a partnership
To: City of Las Vegas
For: Portion of the N-1/2,
Sec. 26, T20S, R60E,
M.D.M.
20' Right of Way Grant
for Drainage Purposes
on Vegas Drive (Vegas-
Tenaya Sewer Intercep-
tor) (10/1/84)

APPROVED
See Above

See Above

APPROVED AGENDA ITEM

mp Cor

AGENDA*City of Las Vegas*

November 7, 1984

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

ITEM

Council Action

Department Action

IV (h). DEPARTMENT OF DESIGN AND DEVELOPMENT
(Continued)

*A. ACCEPTANCE OF RIGHT OF WAY ITEMS
(Continued)

3. Sewer Easement

From: Desert Leasing, a
general partnership
To: City of Las Vegas
For: Portion of the W-1/2,
NW-1/4, Sec. 26, T20S,
R60E
20' Right of Way Grant
for Drainage Purposes
on Vegas Drive (Vegas-
Tenaya Sewer Intercep-
tor) (10/9/84)

Lurie -
APPROVED Items A-1
thru A-12 with
Items A-6, A-7 and
A-8 to be brought
back before the
Council
Unanimous

Staff to proceed
Tom Graham
appeared.

4. Declaration of Utilization

From: Bureau of Land Manage-
ment
To: City of Las Vegas
For: Portion of the SW-1/4,
SE-1/4, Sec. 27, T20S,
R60E
For road and public
utility purposes on
Tenaya St. (Vegas-
Tenaya Sewer Intercep-
tor)

APPROVED
See Page 24

See Page 24

5. Declaration of Utilization

From: Bureau of Land Manage-
ment
To: City of Las Vegas
For: Portion of the SE-1/4,
SW-1/4, Sec. 27, T20S,
R60E
For road and public
utility purposes on
Tenaya St. (Vegas-
Tenaya Sewer Intercep-
tor)

APPROVED
See Page 24

See Page 24

APPROVED AGENDA ITEM

mp *Carl*

AGENDA*City of Las Vegas*

November 7, 1984

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

ITEM

Council Action

Department Action

IV (h). DEPARTMENT OF DESIGN AND DEVELOPMENT
(Continued)

*A. ACCEPTANCE OF RIGHT OF WAY ITEMS
(Continued)

6. Permission to appraise, purchase or condemn for necessary right of way for Vegas-Tenaya Sewer Interceptor.

7. Permission to appraise, purchase or condemn for necessary right of way for Lamb Blvd. Sewer Interceptor.

8. Permission to appraise, purchase or condemn for necessary right of way for Northwest-Decatur Sewer Interceptor.

9. Grant Deed
From:

Verne J. Lewton and
Carolyn A. Lewton, hus-
band and wife as joint
tenants

To: City of Las Vegas
For: Portion of the SW-1/4,
Sec. 28, T20S, R61E,
M.D.M.
15' Right of Way for
Bonanza Rd.

Lurie -
APPROVED Items A-1
thru A-12 with
Items A-6, A-7 and
A-8 to be brought
back before the
Council.
Unanimous

Staff to proceed
Tom Graham
appeared.

APPROVED
See Page 24

See Page 24

10. Grant Deed
From:

J. Bruce Alverson, Ltd.
a Nevada Corporation

To: City of Las Vegas
For: Portion of Lot 32 in
Block 11 of Wardie
Addition
10' radius on the South-
west corner of 8th St.
and Bonneville (10/8/84)

APPROVED
See Page 24

See Page 24

APPROVED AGENDA

mp Cool

AGENDA*City of Las Vegas*

November 7, 1984

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011**ITEM****Council Action****Department Action****IV (h). DEPARTMENT OF DESIGN AND DEVELOPMENT
(Continued)*****A. ACCEPTANCE OF RIGHT OF WAY ITEMS
(Continued)****11. Grant Deed
From:**

Helen M. Goulette, a married woman, as her sole and separate property

To: City of Las Vegas
For: Portion of Block 4 of Scotch Eighty Addition (Resubdivision) for right of way required for Regional Transportation Commission project on Rancho Dr. between Oakey Blvd. and Charleston Blvd. Previously recorded October 8, 1984 as Document No. 1962163 in Book 2003, Office of the County Recorder, Clark County, Nevada (6/21/84)

Lurie -
APPROVED Items A-1 thru A-12 with Items A-6, A-7 and A-8 to be brought back before the Council.
Unanimous

Staff to proceed

Tom Graham appeared.

**12. Grant Deed
From:**

Ronald K. Waagmeester and Sue Waagmeester, husband and wife as joint tenants

To: City of Las Vegas
For: Portion of Lot 11 in Block 4 of Woodland Park Subdivision. 10' radius on the Northwest corner of Shadow Lane and Alturas (10/24/84)

APPROVED
See Page 24

See Page 24

APPROVED AGENDA ITEM

mp Cool

AGENDA*City of Las Vegas*

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November 7, 1984

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

ITEM

Council Action

Department Action

IV (h). DEPARTMENT OF DESIGN AND DEVELOPMENT
(Continued)10:38 B. REPORTS/ACTION1. Approval of agreement for construction
administration services - Stewart Avenue
reconstruction.NOTE: Action should be taken on
Item IV(h) B-1 above in
conjunction with Item IV(f) A-2
on page 22.Levy -
APPROVED as recom-
mended.
Unanimous

Staff to proceed

City Engineer,
Carl Malone, and
Frank Wyatt, SEA
Engineers,
appeared.

APPROVED AGENDA ITEM

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City of Las Vegas

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

0092

AGENDA DOCUMENTATION

Date: October 26, 1984

TO: The City Council

FROM: MICHAEL COOL
DEPUTY CITY MANAGER

SUBJECT: APPROVAL OF AGREEMENT FOR CONSTRUCTION ADMINISTRATION SERVICES -
STEWART AVENUE RECONSTRUCTION

PURPOSE/BACKGROUND

Reconstruction of Stewart Avenue from 28th Street to Nellis Boulevard will soon begin. Due to a heavy in-house workload, Department of Design and Development staff has asked that we be authorized to obtain assistance in contract management through the use of a local private engineer. This engineer should have special knowledge of construction techniques in expansive clay. He shall provide project inspection, materials testing, and limited contract administration.

SEA Engineers-Planners, a firm especially qualified for this work, has been asked to submit an engineering proposal to perform this service. We have reviewed their proposal and find it acceptable.
Lump sum fee: \$159,880.

FISCAL IMPACT

\$159,880. Funds are available in the General Fund.

RECOMMENDATIONS

The Director of Design and Development recommends that the City Council authorize the Mayor to execute the agreement.



THOMAS B. GRAHAM, AICP, RLA
Director of Design and Development

Agenda Item 11/7/84

IV (h). B. 1.

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

CONSULTANT AGREEMENT

0093

THIS AGREEMENT, made and entered into as of the 7th day of November, 1984, by and between the CITY OF LAS VEGAS, NEVADA, a municipal corporation of the State of Nevada (hereinafter referred to as the "CITY OF LAS VEGAS") and SEA, INC., a Nevada corporation, (hereinafter referred to as "CONSULTANT").

W I T N E S S E T H:

WHEREAS, the CITY OF LAS VEGAS is the governmental entity responsible for providing adequate and safe road improvements within its corporate boundaries for use by the public; and

WHEREAS, Stewart Avenue between 28th Street and Nellis Boulevard is a street located within the CITY OF LAS VEGAS which is presently in a state of disrepair; and

WHEREAS, the CITY OF LAS VEGAS has elected to repair and reconstruct Stewart Avenue between 28th Street and Nellis Boulevard; and

WHEREAS, the CITY OF LAS VEGAS and SEA, INC. entered into an agreement dated September 15, 1982 and amended October 4, 1982 providing for an engineering analysis report, a final engineering report, engineering plans and specifications and engineering design support for repair and reconstruction of Stewart Avenue 28th Street and Nellis Boulevard; and

WHEREAS, the CONSULTANT has, pursuant to this amended agreement, conducted the necessary geotechnical testing, prepared engineering reports and provided the CITY OF LAS VEGAS with engineering plans and specifications for construction; and

WHEREAS, the CITY OF LAS VEGAS desires to retain a consultant to provide the Project Services, Quality Control Services and Survey Services hereinafter set forth in this Agreement for Stewart Avenue.

NOW, THEREFORE, in consideration of the terms, conditions and covenants set forth herein, the parties hereto agree to the following:

SECTION I: BASIC SERVICES OF CONSULTANT

The basic services of CONSULTANT are threefold: Project Services, including Design Services, Quality Control Services and Survey Services which shall be at the option of the CITY OF LAS VEGAS.

A. Project Services: At the commencement of this project as stated in the "Notice to Proceed" to the contractor and throughout the construction phase of the project, CONSULTANT agrees to assume full and complete responsibility for the following project services:

1. CONSULTANT shall attend pre-bid and pre-construction conferences.
2. CONSULTANT agrees to provide on-site a full-time resident project inspector who will be responsible for continuous inspection of the construction work in progress to determine if said work is proceeding according to the plans and specifications and to protect the CITY OF LAS VEGAS against defects or deficiencies in the work.
3. CONSULTANT shall provide intermittent asphalt plant inspection and continuous asphaltic concrete lay-down inspection.
4. CONSULTANT shall provide consultation and interpretation of the plans and specifications. Any necessary changes in plans or specifications will be discussed with the CITY OF LAS VEGAS prior to implementation, and change orders will be reviewed prior to CITY OF LAS VEGAS action.

5. CONSULTANT shall review progress pay estimates and final payments to the contractors. The CONSULTANT shall give recommendation for approval or disapproval to the CITY OF LAS VEGAS.
 6. CONSULTANT, through its resident project inspector, shall detail the progress of the project through written daily reports which will be provided to the CITY OF LAS VEGAS on a weekly basis. In addition to the daily reports, CONSULTANT through its resident project engineer will provide weekly summaries of quality control and material testing to the CITY OF LAS VEGAS. A monthly report (with color photos) will accompany the Contractor's pay estimate summarizing the stage of completion of the project at that point in time.
 7. CONSULTANT agrees to perform a final inspection, through its resident project inspector and engineer, with the CITY OF LAS VEGAS of the completed project and, if necessary, develop, or assist in its development, a punch list of those items remaining to be performed by the Contractor in order for the project to be fully completed and accepted by the CITY OF LAS VEGAS. CONSULTANT agrees to perform any subsequent inspections, if so requested, to determine if the punch list items have been completed by the contractor. The CONSULTANT is not to give approval for final Contractor's payment and release of retained monies until all deficiencies have been corrected to the satisfaction of the CONSULTANT and CITY OF LAS VEGAS.
 8. CONSULTANT shall prepare and maintain accurate records and drawings pertaining to elements of design, bidding, inspection, and construction. The CONSULTANT shall provide reproducible "as-built" drawings to the CITY OF LAS VEGAS within thirty (30) calendar days after notice of completion has been filed.
 9. Within thirty (30) calendar days after the filing of the notice of completion, the CONSULTANT shall provide to the CITY OF LAS VEGAS a binder containing all of the material testing data resulting from all quality control tests performed during the course of the project, as well as any written summaries or analysis of said tests.
 10. With input from the CITY OF LAS VEGAS, the CONSULTANT shall review the contractor's proposed traffic detours and/or rerouting methods and methods for maintaining egress and ingress to businesses and residences and make recommendations for approval or disapproval.
 11. CONSULTANT shall review all proposed changes in the plans, specifications or other contract documents for the purpose of recommending the approval or disapproval of said changes. CONSULTANT shall assist the CITY OF LAS VEGAS in negotiations concerning said proposed changes with the contractor.
 12. CONSULTANT agrees, upon final completion of the project, to issue a Certificate of Substantial Completion to the CITY OF LAS VEGAS warranting to the CITY OF LAS VEGAS that it has performed each and every duty and obligation on its part to be performed under this Agreement and assuring the CITY OF LAS VEGAS that to the best of its knowledge, information and belief, based upon its inspections and observations during the course of such performance, the project has been constructed without defect or deficiency and according to the plans and specifications, or any modifications or amendment thereof, approved by the CITY OF LAS VEGAS.
 13. The CONSULTANT has the following authority in the inspection of the project:
 - a. Authority to approve materials and workmanship that meet contract requirements.
 - b. Authority to order the contractor to stop operations with concurrence of City Engineer.
 - c. Authority to approve deviations from the contract requirements with concurrence of City Engineer.
 - d. Authority to instruct contractor or his superintendent or designated representative of contractor.
 - e. Authority to interpret the requirements of the contract and make decisions pertaining thereto.
- B. Quality Control Services: Throughout the course of this project, and when deter-

mined by CONSULTANT as necessary in order to assure the quality of materials used for the reconstruction and repair of Stewart Avenue, CONSULTANT agrees to provide the following quality control services:

1. CONSULTANT shall conduct whatever tests are necessary of the sub-surface soils in the project area to determine suitability for use in the reconstruction and repair of Stewart Avenue.
2. CONSULTANT shall also conduct whatever tests are necessary of the materials used in construction (including asphalt concrete) to determine suitability for use in the reconstruction and repair of Stewart Avenue.
3. The CONSULTANT shall maintain daily reports that contain the following information:

a. A construction report outlining the following information as a minimum:

- i. Description of work commenced
- ii. New work started
- iii. Status of work in progress
- iv. Manpower at site
- v. Equipment at site (working/not working)
- vi. Weather
- vii. Visitors to the site

b. Diary or log:

- i. Telephone calls made or received and brief summary of calls
- ii. Record non-conforming material and action taken to correct
- iii. List abnormal occurrences
- iv. List lack of activity on the part of the contractor
- v. Note corrective actions taken
- vi. Time and name of contractor's representative to whom field orders are delivered
- vii. Nature and contents of field order
- viii. Note unforeseen conditions which may cause a slowdown by the contractor.
- ix. When contractor performs extra work because of an unforeseen underground obstruction, make a careful field count of all personnel and equipment at the site and how they are occupied. Log the number and craft of each person idled by such work, as well as any idle equipment that would otherwise be capable of working
- x. Record the contents of all substantive conversations held with the contractor at the site, as well as any trade-offs, or commitments made by either party.
- xi. Record all field errors made by any party at the site.
- xii. Sign every dairy page or entry and date same.

C. SURVEY SERVICES (OPTIONAL)

1. Depending upon the CITY OF LAS VEGAS' work load, the CITY OF LAS VEGAS may elect to utilize CONSULTANT for field survey services during construction. CITY OF LAS VEGAS will formally direct CONSULTANT in writing to proceed with survey services should CITY OF LAS VEGAS require these services. The following scope of service is included as Survey Services:

- a. CONSULTANT shall provide field staking prior to the beginning of construction and check vertical and horizontal control during construction in cooperation with the contractor so that all construction is performed in compliance with the lines, grades and elevations indicated on the contract documents or as modified by change order.
- b. CONSULTANT shall prepare all calculations necessary to perform the survey work and provide grade sheets.
- c. CONSULTANT shall provide a copy of all survey notes to the CITY OF LAS VEGAS.
- d. The survey crew shall set reference points to existing monuments as required and reset monuments at completion of project.

- e. All survey and calculations work shall be performed under the direct supervision of a registered land surveyor.

SECTION II: RESPONSIBILITIES OF THE CITY OF LAS VEGAS

During the construction period of this Agreement, the CITY OF LAS VEGAS shall designate a project representative to provide the following:

- A. Provide contract administration, process pay estimates and change orders for the duration of the contract.
- B. Provide input, along with the CONSULTANT, into the interpretation of the plans and specifications or other contract documents during both the bidding period and construction period.
- C. Prepare addendas, if necessary, to the bid proposal package during the bidding phase of Stewart Avenue reflecting changes or additions agreed upon by the CONSULTANT and the CITY OF LAS VEGAS.
- D. Review shop drawings and laying diagrams of fabricated and manufactured pipe, or other items submitted by the contractor, to determine conformity with the requirements of the plans and specifications.
- F. Review the recommendations of the CONSULTANT with respect to the progress pay estimate and final payment to the contractor for purpose of giving final approval.
- F. Review, and approve if acceptable, the contractor's proposed performance schedule.

SECTION III: COMPENSATION AND MANNER OF PAYMENT

- A. Project Inspection and Quality Control Services: As consideration for providing the project and quality control services described in Sections IA and IB (excluding Survey Services), the CITY OF LAS VEGAS shall pay the CONSULTANT a fixed fee of ONE HUNDRED FIFTY NINE THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$159,880.00).
- B. Survey Services: If the CITY OF LAS VEGAS determines it cannot provide complete survey service for the project, the CITY OF LAS VEGAS may elect to utilize CONSULTANT for that portion of the work that remains. The actual consideration for the services remaining will be negotiated by the CITY OF LAS VEGAS with the CONSULTANT but in any event, the total amount for complete survey services shall not exceed EIGHTY SIX THOUSAND SEVEN HUNDRED SEVENTY DOLLARS (\$86,770.00).
- C. Monthly Billing: CONSULTANT shall submit invoices for services on a monthly basis on forms provided by the CITY OF LAS VEGAS. Invoices shall be on a percent complete basis with the percentage being based upon the actual percent complete of the contract as computed from the monthly pay estimates submitted by the contractor and approved by the CITY OF LAS VEGAS.
- D. Time Extensions Due to Contractor: Should the CONSULTANT be required to provide inspection services in excess of the period specified in Section IV due to failure of the contractor to meet the required schedule, including approved extensions of time, the CITY OF LAS VEGAS shall reimburse the CONSULTANT from the proceeds of any liquidated damages assessed to the contractor. The amount of the reimbursement shall be at a rate of FIVE HUNDRED SEVENTY FIVE DOLLARS (\$575.00) per day for which liquidated damages are assessed and received.

SECTION IV: TIME OF PERFORMANCE

Within ten (10) calendar days from delivery of notice from the CITY OF LAS VEGAS to the CONSULTANT to proceed ("Notice to Proceed"), the CONSULTANT shall commence performance of this Agreement and thereafter diligently proceed with the performance thereof to completion. CONSULTANT agrees to complete the performance of this Agreement within two hundred forty (240) calendar days after the date of the Notice to Proceed. With respect to the performance of the CONSULTANT of the terms, conditions and covenants herein provided it is expressly agreed that time is of the essence.

SECTION V: TERMINATION

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The CITY OF LAS VEGAS reserves the right to terminate this Agreement without cause or default on the part of the CONSULTANT immediately upon written notification to the CONSULTANT. Notification of the CONSULTANT is deemed to have occurred on that date that the CITY OF LAS VEGAS deposits the written notification with the United States Postal Service, postage prepaid, and addressed to the party and location contained in Section XXVI of this Agreement.

In the event of termination, without cause or default, the CITY OF LAS VEGAS agrees to pay to the CONSULTANT the reasonable value for all work and services performed to the date of termination.

SECTION VI: COORDINATION

In reviewing any and all plans, specifications, maps or other documents related to the performance of this Agreement, CONSULTANT agrees to complete said review so as to not delay the performance of this Agreement, or any other between the CITY OF LAS VEGAS and third parties. CONSULTANT agrees to notify the CITY OF LAS VEGAS of any and all documents in the possession of the CITY OF LAS VEGAS needed by the CONSULTANT in performing this Agreement.

SECTION VII: DEFAULT

A. The occurrence of any of the following events shall be a default by CONSULTANT hereunder (hereinafter called "Events of Default"):

1. If CONSULTANT shall default in the due observance and performance of any term, condition or covenant contained herein.
2. If CONSULTANT shall (a) voluntarily terminate operations or consent to the appointment of a receiver, trustee or liquidator of CONSULTANT for all or a substantial portion of its assets, (b) be adjudicated bankrupt or insolvent or file a voluntary petition in bankruptcy, or admit in writing its inability to pay its debts as they become due, (c) make a general assignment for the benefit of creditors, (d) file a petition or answer seeking reorganization or an arrangement with creditors or take advantage of any insolvency law, or (e) if action shall be taken by CONSULTANT for the purpose of effecting any of the foregoing;
3. If any warrant, execution or other writ shall be issued or levied upon any property or assets of CONSULTANT and shall continue unvacated and in effect for a period of thirty (30) days; or
4. If CONSULTANT should, in the judgment of CITY OF LAS VEGAS, neglect to prosecute the work hereunder properly and with proper dispatch in accordance with the time schedule which may have been agreed upon between the parties hereto:

Then, if any such Event of Default continues for three (3) working days after written notice to the CONSULTANT, CITY OF LAS VEGAS may, without prejudice to any other remedy it may have at law or in equity, (a) terminate this Agreement, suspend all payments otherwise due to CONSULTANT hereunder, finish the work by such means as CITY OF LAS VEGAS may see fit, deducting from any balance due CONSULTANT the cost of finishing the work if the CITY OF LAS VEGAS cannot complete the performance of this Agreement with the remaining funds originally set aside and budgeted for this project and paying the excess, if any, to CONSULTANT and in the event the cost of finishing CONSULTANT's work exceeds the balance due CONSULTANT, such excess shall be paid by CONSULTANT to CITY OF LAS VEGAS within five (5) days of invoicing by CITY OF LAS VEGAS, or (b) terminate this Agreement and all the obligations imposed hereunder, including the obligation of any further payment for the services of the CONSULTANT except for the reasonable value for all work and services performed to the date of termination. The costs and expenses of completing the work of CONSULTANT shall be computed and audited by CITY OF LAS VEGAS' designated representative, whose certification thereof shall be final and

binding upon the parties. The audit shall be made in accordance with generally accepted accounting principals and CONSULTANT shall pay all cost of such audit.

- B. In the event CITY OF LAS VEGAS is required to perform or does perform or hires others to perform any work or services because of the default of the CONSULTANT, the cost thereof, plus an additional ten percent (10%) to cover CITY OF LAS VEGAS' overhead expenses, shall be promptly paid by CONSULTANT to CITY OF LAS VEGAS.
- C. It is expressly agreed that CITY OF LAS VEGAS reserves the right to offset any and all claims made by CONSULTANT for payment of its fees hereunder or the reimbursement of additional costs it incurred, with any claims that CITY OF LAS VEGAS might have against consultant for failure to comply with any of the terms and conditions of this Agreement.

SECTION VIII: OWNERSHIP OF DOCUMENTS

All plans, drawings, specifications, reports or other like documents given, prepared or assembled by the CONSULTANT or any subcontractors which are related to the performance of this Agreement are deemed to be the property of the CITY OF LAS VEGAS. In the event of completion or termination of this Agreement, the CITY OF LAS VEGAS reserves the right to require delivery of any and all plans, drawings, specifications, reports or other like documents not presently in its possession.

All information, test results or other pertinent data on Stewart Avenue which is provided by the CITY OF LAS VEGAS, or obtained by the CONSULTANT in the performance of this Agreement is considered to be confidential and shall not be released unless authorized by the CITY OF LAS VEGAS.

SECTION IX: INSURANCE

- A. CONSULTANT shall provide and maintain during the existence of this Agreement for the protection of the CONSULTANT and the CITY OF LAS VEGAS, the following coverage:
 - 1. State Industrial Insurance System Insurance covering its full liability under the State Industrial laws of the State of Nevada as required by the State Industrial Insurance Commission, or equivalent coverage approved by the CITY OF LAS VEGAS.
 - 2. Comprehensive General Liability Insurance in the amount of \$500,000 for injury or death to each person, \$1,000,000 for each occurrence and \$500,000 for each claim of property damage with the CITY OF LAS VEGAS named as an additional insured party.
 - 3. Automobile Insurance in the amount of \$500,000 with the CITY OF LAS VEGAS named as an additional insured party.
 - 4. CONSULTANT is currently carrying special project insurance on the Stewart Avenue project for a maximum limit of FIVE MILLION DOLLARS (\$5,000,000) and is based upon a projected completion date of September 15, 1985. The coverage also includes a two (2) year discovery period effective immediately following the expiration of the project period. The special coverage detailed herein is provided for under the design contract dated September 15, 1982, and reference is made to those details for potential extensions to the discovery period which the CITY OF LAS VEGAS may elect to purchase, at its option.
- B. Prior to the commencement of this Agreement and as a condition precedent thereto, the CONSULTANT will obtain the insurance coverage required hereunder and will furnish Certificates of Insurance to the CITY OF LAS VEGAS demonstrating the procurement of such insurance and will provide the CITY OF LAS VEGAS with a copy of the appropriate sections of the policy.

- C. The insurance coverage required herein must be written by a company which is licensed to do business in the State of Nevada. The Certificates of Insurance sent to the CITY OF LAS VEGAS must contain a clause to the effect that cancellations, reductions or restrictions shall not be made until thirty (30) days after written notice to the CITY OF LAS VEGAS. In the event that any of the insurance coverage required hereunder is cancelled, reduced or restricted, the CITY OF LAS VEGAS reserves the right to terminate this Agreement or to require the CONSULTANT to obtain substitute insurance.

SECTION X: INDEMNITY

Notwithstanding any of the insurance requirements hereinabove set forth or limits of liability set forth therein, CONSULTANT shall protect, indemnify and hold harmless the CITY OF LAS VEGAS, its officers and employees from any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, attorney fees and court cost which the CITY OF LAS VEGAS, its officers or employees may suffer, or which may be sought against, recovered from or obtainable against the CITY OF LAS VEGAS, its officers or employees as a result of, or by reason of, or arising out of the negligent acts or omissions of the CONSULTANT, its subcontractors or agents or anyone directly or indirectly employed by the subcontractor or agent, in fulfillment or performance of the terms, conditions or covenants of this Agreement.

It is expressly agreed that the CONSULTANT shall, at its own cost, defend any and all suits or actions that may be brought against the CITY OF LAS VEGAS, its officers or employees by reason of any negligent act or omission against which the CONSULTANT has agreed to indemnify the CITY OF LAS VEGAS. If the CONSULTANT shall fail to do so, the CITY OF LAS VEGAS shall have the right to defend same and to charge all direct and incidental costs of such defense to the CONSULTANT, including court costs and council fees.

SECTION XI: ASSIGNMENT

The CITY OF LAS VEGAS and the CONSULTANT each bind itself and its partners, successors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party in respect to all covenants of this Agreement, except neither the CITY OF LAS VEGAS nor the CONSULTANT shall assign, sublet or transfer its interest in this Agreement without the written consent of the other. Nothing contained herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto.

SECTION XII: WAIVER

No consent or waiver, express or implied, by either party to this Agreement to or of any breach or default by the other in the performance of any obligations hereunder shall be deemed or construed to be a consent or waiver to or of any other breach or default by such party hereunder. Failure on the part of any party hereto to complain of any act or failure to act of the other party or to declare that other party in default hereunder, irrespective of how long such failure continues, shall not constitute a waiver of the rights of such party hereunder. Inspection by, payment by, or tentative approval or acceptance by CITY OF LAS VEGAS or the failure of CITY OF LAS VEGAS to perform any inspection hereunder, shall not constitute a final acceptance of the work or any part thereof and shall not release CONSULTANT of any of its obligations hereunder.

SECTION XIII: DESIGNATION OF REPRESENTATIVE

The City Engineer or his authorized representative is hereby designated as the CITY OF LAS VEGAS' representative with respect to the work to be performed under this Agreement. Said representative shall have complete authority to transmit instructions, receive information, interpret and define CITY OF LAS VEGAS' policies and decisions with respect to the services of the CONSULTANT.

SECTION XIV: CONSULTANT WARRANTIES

CONSULTANT represents and warrants:

- A. That is is financially solvent, able to pay its debts as they mature and possessed of sufficient working capital to complete this Agreement; that it is able to furnish the plant, tools, materials, supplies, equipment and labor, and is experienced in and competent to perform the work contemplated by this Agreement, and that it is qualified to do the work herein and is authorized to do business in the State of Nevada.
- B. That the CONSULTANT holds a license, permit or other special license to perform the services included in this Agreement, as required by law, or employs or works under the general supervision of the holder of such license, permit or special license.

SECTION XV: CONSULTANT'S EMPLOYEES

The CONSULTANT shall be responsible for maintaining satisfactory standards of employee competency, conduct and integrity, and shall be responsible for taking such disciplinary action with respect to its employees as may be necessary. In the event the CONSULTANT fails to remove any employee from the contract work whom the CITY OF LAS VEGAS deems incompetent, careless or insubordinate, or whose continued employment on the work is deemed by the CITY OF LAS VEGAS to be contrary to the public interest, the CITY OF LAS VEGAS reserves the right to require such removal as a condition for the continuation of this Agreement.

SECTION XVI: INDEPENDENT CONTRACTOR

It is hereby expressly agreed and understood that in the performance of the services provided herein, the CONSULTANT and any other person employed by him hereunder shall be deemed to be an independent contractor and not an agent or employee of the CITY OF LAS VEGAS.

SECTION XVII: APPLICABLE LAW

This Agreement shall be construed and interpreted in accordance with the laws of the State of Nevada.

SECTION XVIII: COMPLIANCE WITH LAWS

The CONSULTANT shall in the performance of its obligations hereunder comply with all applicable laws, rules and regulations of all governmental authorities having jurisdiction over the performance of Agreement, including the Federal Occupational Health and Safety Act and all state and federal laws prohibiting and/or related to discrimination by reason of race, sex, age, religion or natural origin.

SECTION XIX: SEVERABILITY

In the event that any provision of this Agreement shall be held to be invalid or unenforceable, the remaining provisions of this Agreement shall remain valid and binding on the parties hereto.

SECTION XX: PROHIBITION AGAINST CONTINGENT FEES

The CONSULTANT warrants that no person or entity has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee. For breach or violation of this warranty, the CITY OF LAS VEGAS shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the contract price or consideration or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

SECTION XXI: PUBLICITY

0101

All publicity concerning the services of the CONSULTANT with respect to the performance of this Agreement shall be approved by the CITY OF LAS VEGAS.

SECTION XXII: ARBITRATION

A. All claims, disputes and other matters in question between the parties to this Agreement, arising out of or relating to this Agreement or the breach thereof, may, at the option of the aggrieved party be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then obtaining unless the parties mutually agree otherwise. No arbitration, arising out of or relating to this Agreement, shall include, by consolidation, joinder or in any other manner, any additional person not a party to this Agreement except by written consent which contains a specific reference to this Agreement and which is signed by the CITY OF LAS VEGAS. Any consent to arbitration involving an additional person or persons shall not constitute consent to arbitration of any dispute not described therein or with any person not named or described therein. This agreement to arbitrate and any agreement to arbitrate with an additional person or persons duly consented to by the the CITY OF LAS VEGAS shall be specifically enforceable under the prevailing arbitration law.

B. It is further expressly agreed and understood between the parties that in the event the CITY OF LAS VEGAS is named as a party to any arbitration action arising out of, or resulting from, the construction of the Project, the CONSULTANT agrees and irrevocably consents, at the option of the CITY OF LAS VEGAS, to be joined as a party in the arbitration proceeding and to be bound by any decision resulting therefrom and further irrevocably consents to the joinder, in any arbitration to which it is a party, of the contractor with respect to the Project.

None of the time provisions imposed under Subsection C and D apply to the joinder rights provided herein in such a way as to preclude the CITY OF LAS VEGAS from joining the CONSULTANT as a party to any arbitration proceeding in which it is named and which arises out of, or results from, the construction of the Project.

C. In order for the CONSULTANT to be able to arbitrate any claim, dispute or other matter in question between the parties, written notice must be given to the CITY OF LAS VEGAS within thirty (30) days after the claim, dispute or other matter arises. In order for the CITY OF LAS VEGAS to be able to arbitrate any claim, dispute or other matter in question between the parties, written notice must be given to the CONSULTANT within sixty (60) days after the claim, dispute or other matter arises. The purpose of such notification is to place the other party on notice so that proper measures can be taken to properly defend against such claim, dispute or other matter, and the failure to give such notice shall preclude the party desiring arbitration from subsequently arbitrating that particular claim, dispute or other matter.

D. The filing of the aforementioned written notice shall preserve that party's right to arbitrate, but shall not obligate the party to proceed with arbitration. In the event that either party desires to proceed with the arbitration of any claim, dispute, or other matter with respect to which such notice has been given, a written demand for arbitration shall be filed in writing with the other party and with the American Arbitration Association within sixty (60) days after the filing of the Certificate of Substantial Completion with respect to the Project, and the failure to make such demand shall forever bar such claim, dispute or other matter from being arbitrated.

E. In the event of arbitration, it is agreed by the parties hereto that all means of discovery, including, but not limited to, depositions and interrogatories will be afforded to the parties involved in the arbitration, and the appointed arbitrator shall have all authority to impose sanctions against either party for failing to comply with the rules for discovery provided under the Nevada Rules of Civil Procedure.

F. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

SECTION XVIII: CONFIDENTIALITY

0102

CONSULTANT shall treat all information relating to the project and all information supplied to the CONSULTANT by the CITY OF LAS VEGAS as confidential and proprietary information of the CITY OF LAS VEGAS and shall not permit its release to other parties or make any public announcement or publicity releases without the CITY OF LAS VEGAS' written authorization. CONSULTANT shall also require subcontractors and vendors to comply with this requirement.

SECTION XXIV: SITE INSPECTION

CONSULTANT represents that it has inspected the location or locations of the project and all data relating thereto, including, but not limited to, soil test reports and data, and location of adjacent structures and utilities, and has satisfied itself as to the condition thereof and that the CONSULTANT compensation as provided for in Section III is just and reasonable compensation for performance hereunder, including all foreseen and foreseeable risks, hazards and difficulties in connection therewith.

SECTION XXV: SUBCONTRACTS

CONSULTANT agrees to include in all professional subcontracts in connection with performance of the terms and obligations imposed under this Agreement the following:

- A. A provision that CONSULTANT agrees to pay the subcontractor when paid for that portion of the work by the CITY OF LAS VEGAS, that no liability arises on the part of the CONSULTANT to the subcontractor for payment of the subcontracted work until payment has been made by the CITY OF LAS VEGAS, and that if the CITY OF LAS VEGAS has paid the CONSULTANT for said subcontract work, then the subcontractors only recourse is against the CONSULTANT and not against the CITY OF LAS VEGAS, either through the institution of legal or equitable action or the attachment of any lien;
- B. A provision that the subcontractors have no more rights against the CITY OF LAS VEGAS than that of the CONSULTANT;
- C. A provision that the subcontractor agrees to be bound to all the terms, conditions and obligations of this Agreement unless the CITY OF LAS VEGAS has approved any deviations, changes or modifications in writing; and
- D. A provision that the subcontractor will obtain and maintain professional errors and omissions insurance coverage in connection with the subcontracted work in an amount equal to that required of the CONSULTANT as provided in Section IX of this Agreement.

SECTION XXVI: NOTICES

Any notice required under this Agreement shall be sent to the following addresses:

CITY OF LAS VEGAS:	CITY OF LAS VEGAS Director of Public Services 400 E. Stewart Avenue Las Vegas, Nevada 89101
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CONSULTANT:	SEA, INC. 1405 Arville Street Las Vegas, Nevada 89102
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SECTION XXVII: MODIFICATION

All modifications or amendments to this Agreement are null and void unless reduced to writing and signed by the parties hereto.

SECTION XXVIII: ENTIRE AGREEMENT

The Agreement documents constitute the entire Agreement between the parties hereto with respect to the matters covered thereby. All prior negotiations, representations and agreements with respect thereto not incorporated in such Agreement documents are hereby cancelled. This Agreement can be modified or amended only by a document duly executed on behalf of the parties hereto.

IN WITNESS WHEREOF, this Agreement is hereby executed as of the date first above set forth.

CITY OF LAS VEGAS, NEVADA
a Municipal Corporation

By William H. Briare
WILLIAM H. BRIARE, Mayor
11-8-84

ATTEST:

Carol A. Hawley
CITY CLERK

SEA, INC.

By Frank E. Wyatt
FRANK E. WYATT, Manager

ATTEST:

Secretary

November 7, 1984

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AGENDA*City of Las Vegas*

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

ITEM	Council Action	Department Action
V. GEORGE F. OGILVIE - CITY ATTORNEY	Lurie - APPROVED as recommended by City Attorney, subject to determining what effect the petition for rehearing before the 9th Circuit Court filed by the City Attorney's Unanimous TO BE STRICKEN FROM AGENDA	Staff to proceed NOTE: A verbatim transcript made a part of the final minutes. Plaintiff has on recommendation.
10:41 to 10:43 A. Report and recommendation concerning recent Court decision re: sexually oriented businesses ordinance		
B. Special Improvement District No. 457 Step No.: 5 - Provisional Order Resolution Improvements: Installation of street paving, curbs and gutters, sidewalks, driveway approaches, street lighting, sanitary services and sanitary sewer laterals, together with acquisition of necessary rights of way therefor Location: Cory Place - Mohawk Street Area		

City of Las Vegas

AGENDA DOCUMENTATION

Date: November 5, 1984

TO:
The City CouncilFROM: *[Signature]*
George F. Ogilvie
City AttorneySUBJECT:

Report and Recommendation Concerning Recent Court Decision Re: Sexually Oriented Businesses Ordinance

PURPOSE/BACKGROUND

The City's Sexually Oriented Businesses Ordinance (Chapter 19.74 of the City Code) provides certain zoning restrictions which are applicable to sexually oriented businesses. These zoning restrictions were originally adopted on April 16, 1978, and any business which was non-conforming at that time was given 5 years to bring itself into conformance. This 5-year voluntary compliance period expired on April 15, 1983.

Just prior to the expiration of that 5-year period, a number of the sexually oriented businesses which would have been required to close or relocate commenced litigation against the City in federal court. The United States District Court for the District of Nevada subsequently entered a preliminary injunction which prevented the City from requiring the non-conforming businesses from closing or relocating pending a trial on the merits, and the City appealed from the granting of that injunction.

On October 23, 1984, the United States Court of Appeals for the Ninth Circuit issued an order which dissolved the preliminary injunction. The result of that decision by the Court of Appeals is that the City is now free to take whatever actions it feels are appropriate to require any sexually oriented business currently operating in the City to comply with the zoning requirements of Chapter 19.74 of the Code. This is so even though the original lawsuit remains active and has yet to be resolved on its merits.

There are currently operating in the City a number of businesses which are categorized as "sexually-oriented." The following list identifies those which do not conform to the zoning requirements of Chapter 19.74:*

SCHEDULE A

<u>Name</u>	<u>Address</u>	<u>Type of Business</u>
Bookstore #1	2426 Las Vegas Blvd. So.	Adult Bookstore
Bookstore #2	1149 Las Vegas Blvd. So.	Adult Bookstore
Denmark Bookstore	629 Las Vegas Blvd. No.	Adult Bookstore
Downtown Adult Bookstore	516 Fremont	Adult Bookstore
Pearl Adult Bookstore	2122 E. Charleston	Adult Bookstore
Erotic Cinemas 1 & 2	2206 E. Charleston	Adult Motion Picture Theater
Flick Theatre	717-721 Fremont	Adult Motion Picture Theater

* The Shadow Box Lounge, 1729 E. Charleston (Nude Show) is also properly included in Schedule A, since it is technically non-conforming. However, it is the subject matter of a different lawsuit, and no recommendation with respect to it is made at this time.

City of Las Vegas

AGENDA DOCUMENTATION

Date: November 5, 1984

The following list identifies those sexually oriented businesses which do conform to the zoning requirements of Chapter 19.74 of the Code and are therefore presently operating lawfully:

SCHEDULE B

<u>Name</u>	<u>Address</u>	<u>Type of Business</u>
Talk of the Town	2232 E. Charleston	Adult Bookstore
Four Star Theatre	112 N. Fourth St.	Adult Motion Picture Theater
Del Mar Motel	1411 Las Vegas Blvd. So.	Adult Motel
Desert Moon Motel	1701 E. Fremont	Adult Motel
Crazy Horse #2	2472 Industrial Road	Nude Show
Larry's Villa	2401 W. Bonanza	Nude Show
Larry's Fireside Inn	3535 N. Rancho	Nude Show

With regard to the seven non-conforming sexually oriented businesses which are identified in Schedule A, the City Council has various alternatives which are available to it that may be utilized in enforcing the zoning restrictions of Chapter 19.74. Pursuant to LVMC §19.96.030 violations of zoning ordinances are misdemeanors and the businesses may be issued criminal citations with subsequent proceedings taking place in Las Vegas Municipal Court. Pursuant to LVMC §19.96.040 violations of zoning ordinances are also considered to be public nuisances, and the City Attorney, upon order of the City Council, can institute civil litigation to abate the public nuisance. Operating a business at a location which is not properly zoned for that business is grounds for disciplinary action against the licensee pursuant to LVMC §6.02.330, and the City Council is authorized to have a complaint issued against the licensee and conduct a hearing on what disciplinary action should be taken pursuant to the City's Administrative Procedures Ordinance.

It is important that the City Council appreciate that each of the sexually oriented businesses listed in Schedule A is capable of operating lawfully at its current location if it would cease the sexually oriented aspect of its business. Therefore, each of the presently non-conforming establishments could remain at its current location and still conduct the non-sexually oriented

*City of Las Vegas*AGENDA DOCUMENTATION

Date: November 5, 1984

aspect of its business, but, if it chooses to continue the sexually oriented aspect, it must relocate to a site which is properly zoned for that type of business.

FISCAL IMPACT

NONE

RECOMMENDATIONS

It is recommended that (i) the seven establishments which are identified in Schedule A be given 30 days' notice either to cease the sexually oriented aspect of their businesses or relocate their establishments to locations which are properly zoned for sexually oriented businesses, (ii) the Department of Business Activity monitor the progress of those establishments in complying with such notice during the 30 day notice period, (iii) criminal citations be issued to, and disciplinary action be instituted against the business licenses of, any of those establishments which still are not in compliance with the ordinance following the expiration of such 30 day period, and (iv) any such disciplinary action be referred to a hearing officer for hearing and recommendation to the City Council in accordance with the City's administrative procedures ordinance.

DISPOSITION

Approved ☐
Disapproved ☐
Held ☐

Status Due: _____

Agenda Item

V-A

TRANSCRIPT - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 10:00 A.M. - PAGE 1
V. GEORGE F. OGILVIE - CITY ATTORNEY. ITEM A. REPORT AND RECOMMENDATION CONCERNING RECENT COURT DECISION RE: SEXUALLY-ORIENTED BUSINESS ORDINANCE.

0108

MAYOR BRIARE: The next item on Council's page 29, City Attorney's agenda. Mr. Ogilvie, did you want to make a comment or are we just ready to follow your recommendation or what?

CITY ATTORNEY OGILVIE: I would like to make one comment. Late last evening we were served with a notice for a Petition for Rehearing before the entire Ninth Circuit. The decision we got was by a panel of three judges. The defense or the plaintiffs have now petitioned for a rehearing before the full Ninth Circuit. We got it so late last night that I don't know how that affects the recommendations contained on the agenda. It would be my suggestion that the action the Board desires is to approve my recommendation, subject to determining what affect that petition has on my recommendation.

MAYOR BRIARE: Comments by the Council?

COUNCILMAN LURIE: Mayor, I'D MOVE THAT WE FOLLOW THE CITY ATTORNEY'S RECOMMENDATION AS OUTLINED IN HIS REPORT TO US.

MAYOR BRIARE: Any comments on the Motion?

COUNCILMAN LURIE: Yes. I'd just like to say, how can we not when you've gone this far?

MAYOR BRIARE: Cast your votes. Post. Motion is APPROVED.

END OF TRANSCRIPT

Voting was as follows:

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

Motion carried unanimously.

0109

AGENDA*City of Las Vegas*

November 7, 1984

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

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES

- 10:43 A. BILL NO. 84-56 - ANNEXATION NO. A-16-84(A) -
PROPERTY LOCATED: ON THE EAST SIDE OF
TORREY PINES DRIVE BETWEEN CHARLESTON
BOULEVARD AND WEST OAKLEY BOULEVARD,
PETITIONED BY: BOARD OF REGENTS, UNIVERSITY
OF NEVADA SYSTEM, ACREAGE: APPROXIMATELY
79 ACRES, ZONED R-E (COUNTY CLASSIFICATION)
N-U (CITY EQUIVALENT).

Committee: Councilmen Levy and Lurie

First Publication: SUN - 10/17/84

Committee Recommendation:

Adoption at the 11/7/84 City Council
meeting.

Levy -
Second Reading
and Bill ADOPTED.
Unanimous

Clerk to proceed
with second
publication.

APPROVED AGENDA ITEM

mp *Coel*

AFFIDAVIT OF MAILING

0110

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

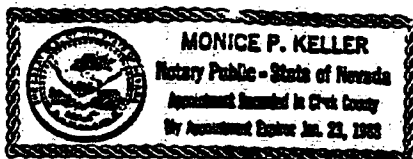
Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 4th day of October, 1984, a copy of a NOTICE OF INFORMATION MEETING before various RECOMMENDING COMMITTEES relative to proposed ordinances, to be held at the hour of 4pm, on Monday, October 15, 1984 in the City Manager's Conference Room, City Hall, 400 East Stewart Avenue, 10th Floor, 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).

Joanne PerrySIGNATURE (an employee in the Office
of the City Clerk)

Subscribed and sworn to before me this

4th day of October, 1984Monice P. Keller

NOTARY PUBLIC in and for said County and State.

My Commission expires: 1/23/88

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

0111

STATE OF NEVADA)
COUNTY OF CLARK) ss

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 4th day of October, 1984, at the hour of 9:30AM 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 4PM on Monday, October 15th, 1984, in the City Manager's Conference Room, City Hall, 400 East Stewart Avenue, 10th Floor, Las Vegas, Nevada; to be posted on Public Bulletin Board at the following locations:

1. In the Bradley Building, State of Nevada, 2501 East Sahara Avenue;
2. In the Senior Citizens Center, 450 East Bonanza;
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).

Joanne Perry
SIGNATURE

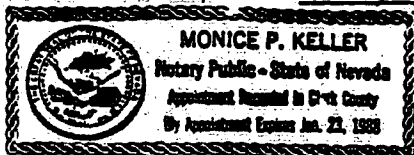
City Clerk
DEPARTMENT

Subscribed and sworn to before me this

4th day of October, 1984

Monice P. Keller
NOTARY PUBLIC in and for said County and State.

My Commission expires: 1/23/88



October 3, 1984

N O T I C E

The following Bill proposed for adoption by the City Council and other matters as set forth below will be the subject of PUBLIC COMMENT before the respective committees at the hour of 4:00 P.M., Monday, October 15, 1984, in the Council Chamber, 400 East Stewart Avenue, Las Vegas, Nevada:

- A. BILL NO. 84-56 -- ANNEXATION NO. A-16-84(A), PROPERTY LOCATED: ON THE EAST SIDE OF TORREY PINES DRIVE BETWEEN CHARLESTON BOULEVARD AND WEST OAKLEY BOULEVARD, PETITIONED BY: BOARD OF REGENTS, UNIVERSITY OF NEVADA SYSTEM, ACREAGE: APPROXIMATELY 79 ACRES; ZONED: R-E (COUNTY CLASSIFICATION) N-U (CITY EQUIVALENT)
RECOMMENDING COMMITTEE: Councilmen Levy and Lurie
- B. DISCUSSION AND POSSIBLE RECOMMENDATION ON THE SALE OF THE WOODLAWN CEMETARY
REAL ESTATE COMMITTEE: Councilmen Lurie and Levy
- C. DISCUSSION AND POSSIBLE RECOMMENDATION ON THE CITY OF LAS VEGAS TRAFFIC SIGNALIZATION SYSTEM
STUDY COMMITTEE: Composed of the Council as a whole.
- D. DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING PROBLEMS ENCOUNTERED WITH SEWER INTERCEPTOR PROJECTS
STUDY COMMITTEE: Composed of the Council as a whole
- E. DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING THE CITY OF LAS VEGAS STREET OVERLAY PROGRAM
STUDY COMMITTEE: Composed of the Council as a whole

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Attendance will be noted and a tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition. A copy of the above Bill may be obtained through the Office of the City Clerk, Monday through Friday, 8 A.M. to 5 P.M.

AGENDA DOCUMENTATION

Date: September 24, 1984

TO:
The City Council

FROM:
Val Steed *Val Steed*
Deputy City Attorney

SUBJECT: Bill No. 84-56
Annexation No. A-16-84(A)

PURPOSE/BACKGROUND

The proposed ordinance annexes certain real property located on the east side of Torrey Pines Drive between Charleston Boulevard and West Oakey Boulevard. The annexation process has now been completed in accordance with the NRS and the final date of annexation (November 16, 1984) is set by this ordinance.

The following is pertinent information:

Annexation No.:	A-16-84(A)
Property Located:	On the east side of Torrey Pines Drive between Charleston Boulevard and West Oakey Boulevard
Petitioned By:	Board of Regents University of Nevada System 405 Marsh Avenue Reno, Nevada 89509
Acreage:	Approximately 79 acres
Zoned:	R-E (County classification) N-U (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.

INTER-OFFICE MEMORANDUM

October 16, 1984

TO: FILE

FROM:

CAROL ANN HAWLEY
CITY CLERK

0114

SUBJECT:

RECOMMENDING/REAL ESTATE/STUDY COMMITTEE
MEETING - OCTOBER 15, 1984COPIES TO: 10/17/84 & 11/7/84 Meetings
City Attorney
Business Activity Director
Community Planning & Development Director
Public Services Director
Building & Safety Director
Metro
Fire Services Director

MEETING HELD:

Monday, October 15, 1984, at 4 P.M. in the Council Chambers,
City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.
Meeting adjourned at approximately 5:15 P.M.

IN ATTENDANCE:

Mayor William H. Briare
Councilman Ron Lurie
Councilman Paul J. Christensen
Councilman Al Levy
City Manager Ashley Hall
City Attorney George Ogilvie
City Clerk Carol Ann Hawley
Richard Blue, Exec. Assistant to the City Manager
Don J. Saylor, Deputy City Manager
Marvin Leavitt, Director, Finance & Computer Services
Chris Stanfill, Director, Parks, Rec. & Sr. Citizen Activities
Dan Pilkington, Director, General Services
Gene Donovan, Director, Public Services
Carl Malone, City Engineer
Ed Parks, General Services
Diane Ortiz,
Tom Oram, Economic & Urban Development
Tom Graham, Director, Design & Development
Ethel R. Pearson
Lila M. Carpenter
Dorothy Grigsby
Sharon L. Rather
Herman Youngman
James Duddleston
Ralph Phillips
Howard VanderMeer
Roger L. Freeman
Ken Sage, Bunker Brothers
Richard Sells
Victor M. Evans
Lois Ann Larson
Bill Buxton

Recommending/Real Estate/Study Committee Meeting
October 15, 1984

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- A. BILL NO. 84-56 - ANNEXATION NO. A-16-84(A), PROPERTY LOCATED: ON THE EAST SIDE OF TORREY PINES DRIVE BETWEEN CHARLESTON BOULEVARD AND WEST OAKLEY BOULEVARD, PETITIONED BY: BOARD OF REGENTS, UNIVERSITY OF NEVADA SYSTEM, ACREAGE: APPROXIMATELY 79 ACRES; ZONED R-E (COUNTY CLASSIFICATION) N-U (CITY EQUIVALENT)
Recommending Committee: Councilmen Levy and Lurie

No one appeared to speak in opposition to the annexation bill. Councilman Lurie reported subject property had been owned by the State and that he had gone before the Board of Regents and they had indicated their desire to be annexed. Councilman Lurie's recommendation to the Council is for adoption. (Bill will be before Council for final adoption at their November 7, 1984 meeting.)

- B. DISCUSSION AND POSSIBLE RECOMMENDATION ON THE SALE OF THE WOODLAWN CEMETARY
Real Estate Committee: Councilmen Levy and Lurie

Councilman Levy advised of the letter he had received from Sharon Rather and her wishes that the City continue to operate and control the cemetery. Deputy City Manager Saylor briefed the Council at the meeting on the steps the City had taken in regard to this matter. Mr. Saylor stated that the invitation for bid for the sale of the cemetery was performed in strict compliance with City policy with all local mortuaries receiving copies of the bids and that the bid announcement was advertised in the newspaper on August 20 and 27, 1984. He stated that in addition to interest indicated by local mortuaries there were three contacts made by private individuals; however, the City only received one proposal from Bunker Brothers. He said the City has been losing money on the operation ever since its inception and was probably the main reason the Citizens Advisory Committee made two recommendations -- a general one that the City pursue privatization wherever possible and more specifically recommended the sale of the cemetery be achieved. Mr. Saylor stated the sale would save the City an average of over \$150,000 a year. Mr. Saylor further stated that he anticipated the loss factor would increase as years go by due to the number of local mortuaries in the area and their ownership of private cemeteries, thus decreasing the number of lots sold at Woodlawn Cemetery. He explained the regulations imposed by the State if the cemetery was sold and added that the successful bidder would be required to apply and receive a Certificate of Authority from the State which would protect the interests of the citizenry.

Citizens Sharon Rader, 2745 S. Lindell, Ethel Reese Pearson and Herman Youngman of Temple Beth Shalom's Senior Citizen Club appeared and all spoke in protest to the City's proposed sale of the cemetery.

Councilman Levy indicated he was opposed to the sale of the cemetery. Councilman Lurie stated his recommendation to the full Council at the October 17, 1984 meeting would be to reject all bids and that the City look for ways to either increase the price to offset the expenditures of the cemetery or have staff and perhaps the Citizens Advisory Committee to look and discover more efficient ways to operate the cemetery. Mayor Briare indicated to the audience that Commissioners Levy and Lurie's recommendation was not final action and that the matter would be subject to final action at the October 17, 1984 City Council meeting.

Recommending/Real Estate/Study Committee Meeting
October 15, 1984

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C. DISCUSSION AND POSSIBLE RECOMMENDATION ON THE CITY OF LAS VEGAS TRAFFIC SIGNALIZATION SYSTEM

Study Committee: Council as a whole

City Manager Hall advised that James Duddleston, Consultant, and Ralph Phillips, State Traffic Engineer were present to brief the Council on the Las Vegas Valley Traffic Signalization Program. Mr. Duddleston presented a report giving a brief overview and system status report, spoke on the improvements and recommended items that should be possibly implemented in the system in the future. He stated the present system currently included 301 intersections with a future expansion capability of up to 500 intersections. He said the initial bid of 4.3 million dollars covered 280 intersections and that, since that time, 21 intersections had been added to the system. He compared the City of Dallas' system to Las Vegas, indicating Las Vegas' was a larger and more sophisticated system, complicating the type of control to be implemented on the streets. He said the actual acceptance of the contract between the systems supplier, Sperry Systems of New York, and the Nevada Dept. of Transportation occurred on January 25 of 1984, which was the date in which the warranty of one year began covering the software and hardware for the system. He then demonstrated the workings of the system on a map. He stated the system operates on a time of day schedule with most intersections coming on line between 7-7:15 AM with computer control dropped after 6 PM, Monday through Friday, with weekend control much less extensive. He said the guarantee of two-way progression on the arterial network was sometimes impossible due to the intersection spacing, the cycle length, and the phasing at many intersections and that, when this occurs, preferential treatment is afforded to the heavier traffic flow. He stated an extensive data collection was done on Boulder Highway, Fremont, Lake Mead Blvd., Tropicana Ave., Maryland Parkway, Charleston Blvd. and Sahara Ave. He stated it had been predicted in the feasibility study that travel time would improve within the range of 10-15% and that of the six arterials, travel time improved on two streets 10-15%, but, on the other four streets, travel time improved above 15% than that predicted. Stops and delays on those streets studied showed a minimum improvement of 35% with a maximum improvement of up to 65%, which results in smoother traffic flow, less air pollution, and reduced fuel consumption. He indicated that malfunctions were handled much more efficiently with the new system. Future recommendations were: develop, load and test additional timing plans; generation of new timing plans; review of local signal timing; reduce the delay to left turns; build in additional software enhancements for more flexibility; study additional locations to implement lead-lag left turn phasing; plans to resolve capacity deficiencies wherever possible.

Councilman Levy asked if he really knew what was going on on the streets and Mr. Duddleston indicated he was often in the field as well as others on his staff. Councilman Lurie asked if funding was available at the State level to implement Mr. Duddleston's recommendations and he indicated funding was being investigated with the State Highway Administration and EPA. Councilman Lurie indicated he felt the public was not well informed as to the operation of the new system and that the public should be encouraged to see the system and learn about it and that the system should be better marketed through public relations enhancement. He encouraged Mr. Duddleston to work with City staff to see if the City could help with public information about the system. Councilman Christensen stated his major problem with the new system was that though he could appreciate the system workings on some of the throughfares like it was supposed to, his question was at who's expense as if you had to cross the throughfares twice, it was at a break even timing.

Recommending/Real Estate/Study Committee Meeting
October 15, 1984

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- C. No recommendation or action was forthcoming from the Committee as this was an information type item.
- D. DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING PROBLEMS ENCOUNTERED WITH SEWER INTERCEPTOR PROJECTS

Study Committee: Council as a whole

Tom Graham, Director, Design and Development and City Engineer Carl Malone presented information relating the status of all ongoing sewer projects, street and flood control projects. Mr. Graham stated the projects were for the next 12 months and were either ongoing or under design and completion was anticipated during this period. Mr. Graham went on to say that this was one of the heaviest workloads, projectwise, construction activitywise the City has ever had and that due to the City Manager's reorganization in July, City engineering staff had been under reorganization and he had been filling critical engineering staff positions in an attempt to get a more effective, more efficient orderly development of these projects. City Engineer Malone then presented drawings of ongoing projects and explained their status as follows:

Johnson Bros. Construction from Fremont/Boulder Hwy. to the west side of Interstate 15 and Dorfman Construction which has project continuing on west from Interstate 15 to Durango -- a problem and delay caused with the construction of the sewer as it crosses underneath the Union Pacific Railroad. Project started 6/8 and anticipated to finish 10/29. Considerable conflicts -- interconnect with fuel line going to Nellis AFB being potholed on each side and when contractor got to the center, the pipe had followed the natural ground and was in the middle of the bore hole causing delay. Additionally, solid rock underneath and the UP Railroad would not allow a blasting operation or anything with any heavy equipment because of the dynamics and it had to be hand drilled and chipped out. Councilman Christensen questioned why the Railroad would not allow the blasting and Engineer Malone stated their approval was required to do certain construction features in the right-of-way and that the no blasting operation was a condition placed on the permit to do the construction job. Councilman Levy asked when both phases due to be finished. Mr. Malone stated it was originally scheduled to be finished 11/28/84 but finish date is now projected to be the middle of March (permanent patch to be completed, not overlay). Councilman Levy stated the only thing the contractor should be given time for was delay due to rain and emphasized he was in favor of imposing the \$500 a day fine for being late. Councilman Christensen stated this meant Rancho Road Project, Sahara to Charleston Blvd., scheduled for completion on April 21, 1985, won't even start until that time as if they didn't finish the sewer line, they couldn't widen that street. Malone stated the City had granted the contractor 90 days to interface subject project with the Rancho Road project and additionally, they were entitled to inclement weather days due to flood hazards encountered. Mr. Saylor stated the reason for the 90 days extension was that the City didn't want to put in the sewer line and then come back later and put the street in. Councilman Levy asked if they weren't doing the sewer line now with Rancho cut up at Oakey to do this. Mr. Saylor replied not on Rancho to Oakey to Charleston. Councilman Levy asked exactly what they were doing at Oakey and Rancho right now and Councilman Lurie replied they were putting the 26 ft. lateral in that connects so that that intersection could be done by the first of the year. Councilman Christensen stated they had left out 26 feet of pipe on the east/west leg because it was filled up with water and they were waiting for a movement

Recommending/Real Estate/Study Committee Meeting
October 15, 1984

Page 5

of the Water District of some valves, etc. and they had covered up the hole until they got a chance to get back in it and that is why it is still torn up as they are still draining that pipe, and that the contractor told him that the pipe from Valley View to Rancho is still full of water from the flood and it hasn't been drained yet. Engineer Malone stated the Water District took 5 to 7 weeks to implement a plan to relocate their utilities and at the time the City's contract was in the intersection, they could not shut the water off in order to get in there. The contractor was ordered to get into that intersection to get the job moving and when he opened it up -- the contractor has bulk heads at the end where the sewer was stubbed and at the other end where they had to tie in, the migration of ground water through the bedding material has now become the problem as it caused shoulders and the embankments became soft. Malone said the entire pipeline was acting like a French drain, and that from Spanish Oaks and all adjacent areas, all that water is now migrating through that pipe and it's being pumped. Councilman Levy disagreed and stated all you had to do was drive the street and you could see ground water on top of Oakley Street, particularly early in the morning. Councilman Levy stated he did not want Carl Malone to advance any free days for the contractors concerned and indicated he felt City staff was too soft to them. Councilman Levy cited his concern regarding Bruce Chatman's situation and his business hurting because of the torn up situation. City Manager Hall stated he had talked with Mr. Chatman and he had had Mr. Dorfman visit Mr. Chatman and that Mr. Chatman had indicated to him that Mr. Dorfman had assured him he would try to get out from in front of his business as quickly as he could. Councilman Levy emphasized strongly that there must be some double shifts in order to get the mess moved from the people it was affecting businesswise. Councilman Levy indicated March 15 was too long and the period must be shortened for completion of the contracts. City Manager Hall had stated Mr. Dorfman had indicated a willingness to increase the number of crews. Hall indicated he would try to get him to increase the daytime crew numbers as soon as possible. Councilman Levy and Christensen indicated fears that the ground water problem may not be eliminated with the present approach taken by the contractor. Carl Malone stated he had talked to Mr. Dorfman as well as his superintendent and they had indicated they would be out of that location with the pipe connected on the 26th of October. Mr. Saylor asked Mr. Malone the schedule from Charleston on Rancho north in front of businesses and Mr. Malone replied December 3 approximately and indicated he was patching back as he put the pipe in the ground. Mayor Briare asked if the City was sticking to the letter of the contract and Mr. Malone replied negatively and indicated that if the parties had followed strictly the contract, the project would be finished 11/28/84. Mayor Briare then asked who the City's Consultant Engineer was and Mr. Malone replied G. C. Wallace. Mayor Briare, Councilmen Levy and Lurie indicated disappointment that Mr. Wallace was not present at the meeting to address the problems and also indicated disappointment that City staff had allowed this to go to this point. Councilman Lurie indicated that major changes in a contract like this should have been brought back before the Council for approval and these problems pointed out earlier to the Council members. Councilman Levy agreed with Councilman Lurie and cited the embarrassment he had suffered from the project, i.e. calls from citizens. Tom Graham indicated that in the future strict compliance monitoring from City staff must take place at the beginning of the projects to avoid such problems. Councilman Levy requested that the project consulting engineer be present at such meetings in the future. Councilman Lurie asked for the engineers to be present at the 10/17/84 Council Meeting and indicated that in the past they had begged for City work and now that it had been given them, they were unable to stay on top of same and he objected to this.

Recommending/Real Estate/Study Committee Meeting
October 15, 1984

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Tom Graham indicated to the Council that City staff had already had some very candid conversations with the contractors and that they would probably hear about them. Councilman Lurie indicated his approval of staff's action in the matter.

City Manager Hall indicated he was looking at hiring in-house engineers rather than the City paying premium pay to outside engineers, indicating the City could save substantial money having professional engineers on board as project managers.

Councilman Levy then asked if the problem wasn't because the City had too many projects going at the same time. Engineer Malone clarified the City was talking about having the designs consulted out, but doing in-house contract administration. Councilman Levy then asked if one of the City's main reasons for problems was that because there were unsuspected gas lines, power lines and water lines where they weren't supposed to be. City Engineer Malone stated the City had hired a project utility coordinator last week and this was his sole function. City Manager Hall indicated that many of the maps drawn over the years were inaccurate and in order for the City to verify, they must pothole.

City Engineer Malone addressed Angel Park, Phase 2-A, stating it was still under construction, soon to be completed. He said Phase 2-B had been the controversy and that he met last Thursday with Clark County Public Works and that they have asked the City to get the plans and specifications, including bottom line number, so that they can enter into a cooperative agreement to fund the project and get things rolling. City Manager Hall stated this was the last project on 12.7 Million Dollars the City had from the 32 Million Dollar Bond Issue in 1981, and that the County had initially indicated they did not have the money for this project and then the City went back to them and indicated they had made prior commitments to 2-B and then subsequently came up with the money. Councilman Christensen asked if the City had any kind of a determination yet whether the County has a responsibility for flood control, and Manager Hall indicated the subject was still being debated. City Engineer Malone stated the engineering was finished and the matter would be put in Purchasing/Contracts this month without an agreement. Councilman Christensen indicated that was a problem to him until an agreement had been reached with the County.

City Engineer Malone then went to the Northwest Interceptor Project and stated the City planned to go to Purchasing & Contracts on this project the first week in January and start construction approximately April and finish in October of 1985, and that preliminary engineering was finished, with estimated cost 5.7 Million Dollars.

Mayor Briare then asked if the other projects were not in the form of a report and Mr. Malone indicated affirmatively. City Manager Hall stated today's reports were simply a status report in response to a request by members of the Council for an update on the status of City sewer projects and other projects.

Malone went on to the Lake Mead Sewer Interceptor and indicated this would be in conjunction with the Decatur Interceptor, approximately the first or second week in January, estimated cost 2 Million Dollars. City Manager Hall indicated the City was able to do this project due to the alignment chosen in the northwest sector area and money saved in that selection.

Recommending/Real Estate/Study Committee Meeting
October 15, 1984

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Malone then went to the Rancho Drive Project and indicated he had met earlier in the afternoon with Jerry Dorfman, George Ogilvie and other staff members and in order to expedite the contract on the Rancho Road Sewer Line extension, the City modified the contract to include moving the sewer line to the east side to maintain traffic and that very shortly the City would have a number from Dorfman for the cost to clear and grub, move fences and move fire hydrants and water facilities and any other utility that might be in the way to this construction in order to maintain traffic. Malone stated if the project were built as it sits today, it would be necessary to close Rancho Road to traffic and/or build a temporary detour on the east side. Malone indicated this would constitute a major contract modification and that he would like the contractor starting same on Monday and indicated he would be coming to the Council at a special meeting to obtain approval on the contract modification. Malone indicated G. C. Wallace was the Consulting Engineer on this project. Mayor Briare asked why the contract modification was necessary and if it occurred because of faulty design and indicated his disappointment that "horses were changed in the middle of the stream." Major Briare questioned again the design of the project. Councilman Levy indicated the plans had always been to put those lanes on the east side and that Gene Donovan and Bill Buxton could confirm same, and was at a loss to why the modifications came about.

Councilman Levy indicated he desired a meeting with G.C. Wallace Engineer to ascertain what really is happening with these projects that have problems. Malone indicated that costs would be defrayed by the Regional Transportation Commission for the contract modification and that that work was necessary anyway underneath the Rancho Road Project.

Tom Graham emphasized the magnitude of effort the City was undertaking. Councilman Lurie indicated his feelings that perhaps too many contracts were let at one time.

Malone went on to Stewart Avenue and indicated the project had a pre-bid conference last week and that bids would be opened on the 23rd, with construction starting the first week in December.

The meeting then adjourned with more discussion anticipated at the Wednesday, October 17, 1984 Council Meeting.

E. DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING THE CITY OF LAS VEGAS STREET OVERLAY PROGRAM

Study Committee: Council as a whole

This specific item was not addressed at this meeting.

The meeting adjourned at approximately 5:20 P.M.

AGENDA*City of Las Vegas*

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November 7, 1984

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

ITEM

Council Action

Department Action

VII. BOARDS AND COMMISSIONS

10:44

A. LAS VEGAS METROPOLITAN BEAUTIFICATION
COMMITTEE 3-Year Term

1. Nancy Houssels - Term Expired 11/1/84

Lurie -
Motion to concur in
Mayor's reappoint-
ment of Nancy
Houssels to a new
three-year term
carried unanimously.

Clerk to notify

APPROVED AGENDA ITEM

MP Coe

City of Las Vegas

AGENDA DOCUMENTATION

Date: October 30, 1984 **0122**

TO: The City Council

FROM: CITY CLERK

SUBJECT:

BEAUTIFICATION COMMITTEE - ONE VACANCY

PURPOSE/BACKGROUND

One vacancy currently exists on the Beautification Committee. It is the recommendation of the Committee as follows:

TERM VACANCY

1. Nancy Houssels - term expired 11/1/84

RECOMMENDED APPOINTMENT

Reappointment - Mrs. Houssels has expressed her desire to be reappointed.

FISCAL IMPACTRECOMMENDATIONS

SEE ABOVE RECOMMENDATION

Agenda Item

VII-A

AGENDA*City of Las Vegas*

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		
10:44 A. Bill No. 84-57 -- Authorizes Las Vegas Metropolitan Police Department to appoint and train traffic controllers Sponsored by: Councilman Al Levy	First Reading and referred - Levy and Lurie	11/19/84 Agenda Recommending Committee Meeting
10:45 B. Bill No. 84-58 -- Requires applicants for privileged licenses, approvals of suitability and work cards to pay the fees necessary for investigation of their applications Sponsored by: Councilman Al Levy	First Reading and referred - Levy and Lurie	11/19/84 Agenda Recommending Committee Meeting
0:46 C. Bill No. 84-59 -- Grants to Southwest Gas Corporation a new franchise for the transmission and distribution of natural gas within the corporate boundaries of the City of Las Vegas Sponsored by: Councilman Ron Lurie	First Reading and referred - Lurie and Levy	11/19/84 Agenda Recommending Committee Meeting

0124

November 7, 1984

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AGENDA

City of Las Vegas

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 (cont.)

10:47

D. Bill No. 84-60 -- Annexation No. A-17-84(A)

Property Located: On the northwest corner
of Roberta Lane and
Decatur Boulevard

Petitioned By: Greg Munsell

Acreage: Approximately one acre

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

Sponsored by: Councilman Al Levy

First Reading and
referred - Levy
and Lurie

11/19/84 Agenda
Recommending
Committee Meeting

10:48

E. Bill No. 84-61 -- Annexation No. A-18-84(A)

Property Located: On the northeast corner
of Lorenzi Boulevard and
Smoke Ranch Road

Petitioned By: Metropolitan Development
Corporation

Acreage: Approximately 121 acres

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

Sponsored by: Councilman Al Levy

First Reading and
referred - Levy
and Lurie

11/19/84 Agenda
Recommending
Committee Meeting

MORNING SESSION RECESSED AT 10:48 A.M.

AGENDA*City of Las Vegas*

November 7, 1984

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

ITEM

Council Action

Department Action

IX. 2:00 P.M. - PUBLIC HEARINGS14:04
to
14:07

- A. Proposed Franchise Agreement between City of Las Vegas and Southwest Gas Corporation (Abeyance from 10/17/84 meeting).

NOTE: Public Hearing portion of this item is closed.

MAYOR BRIARE CONGRATULATED COUNCILMAN NOLEN ON HIS FIRST GRANDCHILD, A NEW BABY GIRL BORN TODAY.

Christensen -
APPROVED Agreement
as amended.
Unanimous

Staff to proceed

Mr. Lowman, Southwest Gas Corp., was present.

NOTE: A verbatim transcript made a part of the final minutes.

APPROVED AGENDA ITEM*mp Carr*

FRANCHISE AGREEMENT

THIS FRANCHISE, granted this 17th day of October, 1984, by the CITY OF LAS VEGAS, a municipal corporation of the State of NEVADA (hereinafter referred to as the "CITY"), to SOUTHWEST GAS CORPORATION, a California Corporation (hereinafter referred to as the "FRANCHISEE");

W I T N E S S E T H:

WHEREAS, the FRANCHISEE, a corporation organized and existing under and by virtue of the laws of the State of California and duly qualified and authorized to transact a public utility business within the State of Nevada, is engaged in the business of distributing natural gas to users within the corporate boundaries of the CITY; and

WHEREAS, the CITY is a municipal corporation duly incorporated within the State of Nevada and duly authorized, pursuant to its City Charter and applicable provisions of general laws of the State of Nevada, to enter into this Franchise Agreement; and

WHEREAS, the FRANCHISEE, the successor in interest to Nevada Southern Gas Company, received, on August 24, 1954, a 30-year franchise from the CITY which, on August 15th, 1984, was extended until October 31, 1984; and

WHEREAS, the FRANCHISEE did, on the 28th day of June, 1984, file with the CITY a written application for the renewal of its franchise for a term of fifty (50) years for the purpose of constructing, installing, operating and maintaining a natural gas transmission and distribution system utilizing the public streets, alleys and right of ways in the CITY; and

WHEREAS, the CITY has been requested by said application to grant the FRANCHISEE the right, privilege, permission and

1 authority to do those acts more specifically described herein;

2 and

3 WHEREAS, subsequent to the filing of this application,
4 the City Council of the CITY adopted a resolution on September 19,
5 1984, acknowledging the filing of the aforementioned application
6 and setting forth the nature of the franchise, and the date, time
7 and place of a public hearing for consideration of whether the
8 franchise should be granted to the FRANCHISEE; and

9 WHEREAS, said application and this Franchise Agreement,
10 coming on regularly for hearing on the 17th day of October, 1984,
11 and it appearing by an Affidavit of Publication that due and legal
12 notice of the filing of said application, and of the date, time
13 and place for consideration of said application and this franchise
14 agreement has been given by publication of that resolution in the
15 Las Vegas Sun, a newspaper of general circulation within the
16 corporate boundaries of the CITY to-wit:

17 In the issues of said newspaper published on
18 the 25th day of September, 1984, and the
19 3rd day of October, 1984.

20 and

21 WHEREAS, the City Council of the CITY, in the exercise
22 of its lawful power has determined after the aforementioned public
23 hearing that it is in the best interests of the inhabitants of
24 the CITY that a franchise be granted, subject to the terms and
25 conditions hereinafter set forth;

26 NOW, THEREFORE, in consideration of the premises and
27 of the faithful performance by the FRANCHISEE of the conditions
28 hereinafter set forth, the City Council of the CITY hereby grants
29 the following franchise, as hereinafter more fully described, to
30 the FRANCHISEE, subject to the following terms and conditions:

31 SECTION 1: DEFINITIONS Wherever in this instrument
32 the following words and phrases are used, they shall have the

1 respective meaning assigned to them in the following definitions:

2 (A) "CITY" means CITY OF LAS VEGAS, NEVADA, a
3 municipal corporation of the State of Nevada in its
4 present incorporated form or in any subsequent consoli-
5 dated, reorganized, enlarged or reincorporated form;

6 (B) The term "franchise" means the right and
7 privilege, authority and permission hereinafter more
8 particularly described;

9 (C) "FRANCHISEE" means SOUTHWEST GAS CORPORATION,
10 its lawful successors or assigns and its partners,
11 fellow joint venturers, associates, subcontractors,
12 officers, employees or other agents;

13 (D) The phrase "install, maintain and use" or any
14 derivation thereof, means to lay, construct, erect,
15 install, operate, maintain, use, repair, relocate,
16 replace, improve, extend, enlarge or remove;

17 (E) The phrase "natural gas transmission and
18 distribution system" means the gas mains, lines, pipes,
19 laterals, pumps, compressors, valves, meters, towers,
20 supports, wires, conductors, cables, fixtures, or
21 other appurtenances, located, or to be located in,
22 upon, along across, under or over the public roads of
23 the CITY and used or useful in the transmission and
24 distribution of natural gas to users within the CITY.

25 (F) The term "public road" means any public high-
26 way, street, road, alley, avenue, easement, including
27 easements reserved for road and public utility purposes
28 in any patent granted by the United States of America,
29 right of way and public place, improved or unimproved,
30 as the same now or may hereafter exist within the CITY,
31 including state highways now or hereafter established
32 within the CITY to whatever extent the CITY may have

1 jurisdiction to authorize the use of same for the
2 purposes herein specified;

3 SECTION 2: GRANT OF FRANCHISE - The CITY hereby grants
4 to the FRANCHISEE the non-exclusive right, privilege, permission
5 and authority to install, maintain and use a natural gas trans-
6 mission and distribution system in, upon, along, across, above,
7 over and under the public roads within the corporate boundaries
8 of the CITY for which the FRANCHISEE holds a certificate of public
9 convenience and necessity issued by the Nevada Public Service
10 Commission for the purpose of the transmission, distribution and
11 sale of natural gas to users within the CITY.

12 SECTION 3: GRANT RESTRICTIONS - Nothing contained in
13 this Franchise Agreement shall be construed as authorizing the
14 FRANCHISEE to use, or permit the use of, any portion of its natural
15 gas transmission and distribution system for any purpose other
16 than those reasonably necessary for the transmission and distribu-
17 tion of natural gas unless prior written approval is obtained from
18 the CITY. No privilege or exemption is granted by or to be
19 inferred from this Franchise Agreement except those specifically
20 described herein. Any right, privilege, permission or authority
21 claimed under this Franchise Agreement in any public road shall
22 be subordinate to any prior lawful occupancy of the public road.

23 SECTION 4: NON-EXCLUSIVITY OF GRANT - The franchise
24 granted by this Franchise Agreement is not exclusive, and the
25 CITY hereby reserves the right, power and authority to grant
26 similar rights, privileges, permission and authority to any person
27 firm or corporation at any time and from time to time.

28 SECTION 5: TERM - This Franchise Agreement shall
29 commence on the date the City Council of the CITY adopts an ordin-
30 ance granting to the FRANCHISEE a franchise for the transmission
31 and distribution of natural gas to users within the corporate
32 boundaries of CITY, incorporating the terms and conditions as

1 provided herein, and shall continue in full force and effect to
2 and including the second regularly scheduled meeting of said City
3 Council in the month of October, 2009, unless, prior to the
4 expiration of such term. (i) the FRANCHISEE shall surrender or
5 abandon its franchise, (ii) the franchise shall be forfeited for
6 non-compliance by the FRANCHISEE with the terms and conditions
7 imposed herein, or with such reasonable restrictions, limitations
8 and regulations as said City Council may from time to time, by
9 ordinance and after due notice and public hearing, impose, (iii)
10 the State of Nevada, or other public corporation thereunto duly
11 authorized, shall purchase, by voluntary agreement, or shall
12 condemn and take, under the power of eminent domain in accordance
13 with the existing law, all property actually used and useful in
14 the exercise of said franchise situate within the CITY or (iv)
15 the FRANCHISEE shall permit its corporate existence to expire
16 without renewal, whichever of the foregoing shall first occur,
17 but said franchise shall not terminate solely by reason of merger,
18 sale or other consolidation in which a successor is approved by
19 the CITY and a successor to the FRANCHISEE assumes the obligations
20 of the FRANCHISEE hereunder.

21 SECTION 6: OBTAINING A BUSINESS LICENSE - For and as
22 consideration for the execution of this Franchise Agreement, the
23 FRANCHISEE agrees to obtain from the CITY, and to renew or maintain
24 throughout the existence of this Franchise Agreement, a business
25 license and to pay the fee imposed in connection with the issu-
26 ance of said business license, all according to the provisions of
27 Title 6, Chapter 66, of the Municipal Code of the City of Las Vegas,
28 1983, Edition, or any subsequent amendment thereto.

29 In order to determine the amount of the business license
30 fee, the CITY shall have the right, from time to time and at
31 all reasonable times, to inspect the books and records of the
32 FRANCHISEE insofar as such books and records pertain to the gross

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1 receipts, expenses and the net profits necessary for the proper
2 determination of the amount of the FRANCHISEE's business license
3 fee arising from the operation of its natural gas transmission
4 and distribution system within the corporate boundaries of the
5 CITY. The FRANCHISEE shall furnish to the CITY, upon request by
6 the CITY, such reports, documents and information as may be reason-
7 ably necessary to enable the CITY to verify the correct amount of
8 the payments required to be made by the FRANCHISEE.

9 SECTION 7: FORFEITURE CLAUSE - This franchise is
10 granted upon each and every condition contained herein and shall
11 ever be strictly construed against the FRANCHISEE. Each of the
12 conditions is a material and essential condition to the granting
13 of this franchise. Except for causes beyond its reasonable con-
14 trol, if the FRANCHISEE fails to comply with any of the conditions
15 and obligations imposed hereunder, and such failure continues for
16 more than thirty (30) days after written demand from the CITY to
17 commence the correction of such non-compliance on the part of the
18 FRANCHISEE, the CITY shall have the right to revoke and terminate
19 this Franchise Agreement, in addition to any other right or remedy
20 provided by law.

21 No provision herein made for the purpose of securing
22 enforcement of the terms and conditions of the franchise hereby
23 granted shall be deemed an exclusive remedy or to afford the
24 exclusive procedure for the enforcement of said terms and condi-
25 tions, but the remedies herein provided are deemed to be cumula-
26 tive.

27 The CITY reserves the right to waive any specific breach
28 of the terms and conditions imposed herein and such waiver shall
29 not be deemed to be continuous with respect to any future breach
30 of the same or any other term or condition on the part of the
31 FRANCHISEE.

32 In the event the FRANCHISEE is adjudged bankrupt, insolvent

1 or placed in receivership, the CITY may terminate the rights,
2 privileges, permission and authority granted hereunder.

3 SECTION 8: QUALITY OF USE AND MAINTENANCE - The
4 natural gas transmission and distribution system which is
5 installed, maintained or used under and pursuant to the provisions
6 of the franchise hereby granted or any prior franchise shall be
7 installed, used and maintained in a good workmanlike manner, in
8 accordance with good engineering practices and in compliance with
9 all applicable laws, ordinances, rules and regulations of the
10 United States, the State of Nevada and the CITY from time to time
11 in effect.

12 The FRANCHISEE further agrees that the installation,
13 use, and maintenance of said natural gas transmission and distri-
14 bution system shall be constructed and maintained in such a
15 manner as to avoid unreasonable danger to persons and property,
16 to cause minimum interference with the proper use of public roads
17 and to cause minimum interference with use and enjoyment of
18 property by adjoining property owners.

19 SECTION 9: LOCATION: Prior to the installation, con-
20 struction, erection, enlargement, replacement, extension or
21 relocation of any portion of the natural gas transmission and
22 distribution system authorized herein, the FRANCHISEE shall apply
23 for and obtain from the CITY a permit. The CITY shall issue such
24 permit to the FRANCHISEE on such conditions as are reasonable and
25 necessary to ensure compliance with the terms and conditions
26 of this Franchise Agreement.

27 The installation, use and maintenance of the FRANCHISEE's
28 natural gas transmission and distribution system within the
29 corporate boundaries of the CITY shall be in such a manner as not
30 to interfere with the placement, construction, use and maintenance
31 of public roads, street lighting, water pipes, drains, sewers,
32 traffic signal systems or other municipal systems that have been,

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1 or may be, installed, maintained, used or authorized by said City
2 Council, acting either as the governing body of the CITY, or as
3 the governing body of any special district or entity, now or
4 hereafter created for any purpose.

5 The FRANCHISEE agrees not to install, maintain or use
6 any of its natural gas transmission and distribution system in such
7 a manner as to damage or interfere with any existing facilities
8 of another utility located within the public roads of the CITY.

9 For any installations of gas lines made after the effec-
10 tive date of this Franchise, the FRANCHISEE further agrees to
11 provide, upon request, at no charge to the CITY, plan and profile
12 drawings showing the gas lines to within ± 6 inches of their
13 actual location as referenced to standard CITY datum and horizontal
14 dimensions at 50 feet intervals along the gas line from right-of-
15 way boundary lines.

16 SECTION 10: RELOCATION AND REMOVAL - Nothing in this or
17 any prior Franchise Agreement shall be construed to vest in the
18 FRANCHISEE any right or interest as to the use or location of the
19 FRANCHISEE's natural gas transmission and distribution system in,
20 upon, along, across, under or over the public roads of the CITY
21 even though such location or use was previously approved by the
22 CITY.

23 The CITY reserves the prior and superior right to lay,
24 construct, erect, install, use, operate, repair, replace, remove,
25 relocate, regrade, widen, realign or maintain any public road or
26 any surface or subsurface improvement, including but not limited
27 to water mains, traffic signal conduits, sanitary or storm sewers,
28 subways, viaducts, bridges, underpasses or overpasses, within the
29 corporate boundaries of the CITY.

30 The FRANCHISEE shall, at its own cost and expense, remove,
31 relocate or reconstruct, if necessary, any portion of its natural
32 gas transmission and distribution system located within the

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1 public roads of the CITY whenever requested in writing by the
2 CITY so as to accommodate said prior and superior right of the
3 CITY.

4 Within a reasonable time, which in no event shall exceed
5 six (6) months, after receiving official written notification, the
6 FRANCHISEE shall complete such removal, relocation or reconstruc-
7 tion of that portion of its natural gas transmission and distribu-
8 tion system described in the written notice from the CITY.

9 In the event that such removal, relocation or recon-
10 struction is not completed within a reasonable time, which in no
11 event is to exceed six (6) months, the FRANCHISEE shall pay to
12 the CITY the sum of \$1,000.00, as liquidated damages and not as
13 a penalty, for each day beyond said six (6) month period, or
14 such shorter time as may constitute a reasonable time, that such
15 removal, relocation or reconstruction remains uncompleted. The
16 FRANCHISEE shall not be liable for any liquidated damages for
17 those days beyond the aforementioned time limits resulting from
18 delays beyond the FRANCHISEE's reasonable ability to control.

19 The FRANCHISEE agrees to obtain a permit as required
20 under SECTION 9 of this Franchise Agreement prior to removing,
21 relocating or reconstructing, if necessary, any portion of its
22 natural gas transmission and distribution system.

23 SECTION 11: REPAIR - If, in the installation, use or
24 maintenance of its natural gas transmission and distribution
25 system, the FRANCHISEE damages or disturbs the surface or subsur-
26 face of any public road or adjoining public property or the public
27 improvement located thereon, therein or thereunder, the FRANCHISEE
28 shall promptly, at its own expense, and in a manner acceptable
29 to the CITY, restore the surface or subsurface of the public
30 road or public property, or repair or replace the public
31 improvement thereon, therein, or thereunder, in as good a
32 condition as before such damage or disturbance. If such restora-

1 tion, repair or replacement of the surface, subsurface or any
2 structure located thereon, therein or thereunder is not completed
3 within a reasonable time, or such repair or replacement does not
4 meet the CITY's duly adopted standards, the CITY shall have the
5 right to perform the necessary restoration, repair or replacement,
6 either through its own forces or through a hired contractor, and
7 the FRANCHISEE agrees to reimburse the CITY for its expenses in so
8 doing within thirty (30) days after its receipt of the CITY's
9 invoice therefor.

10 SECTION 12: REIMBURSEMENT FOR REDUCTION IN ROADWAY
11 SERVICE LIFE. The FRANCHISEE agrees to reimburse the CITY for all
12 direct and indirect costs arising from the reduction in the service
13 life of any public road resulting from the pavement cuts of the
14 FRANCHISEE. The FRANCHISEE agrees to pay within thirty (30) days
15 from the date of issuance of an invoice from the CITY for such
16 direct and indirect costs.

17 If the FRANCHISEE disputes any portion of the invoice,
18 it shall, nevertheless, make full payment of such invoice under
19 protest and may appeal the disputed portion to the City Manager
20 for a redetermination of those costs within said thirty (30) day
21 period. The City Manager shall review the matter within thirty
22 (30) days after his receipt of such payment and appeal. The
23 FRANCHISEE may submit to the City Manager such data and written
24 information in support of its request for a redetermination as
25 it deems appropriate.

26 If the FRANCHISEE disagrees with the City Manager, it
27 may appeal the City Manager's decision to the City Council if,
28 within thirty (30) days of receipt of the City Manager's decision,
29 it files a notice with the City Clerk requesting that the matter
30 be placed on the agenda for the next regular meeting of the City
31 Council for review. The decision of the City Council shall be
32 final and binding upon both the CITY and the FRANCHISEE.

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1 SECTION 13: SERVICE INTERRUPTION - Except when such
2 necessity is unforeseen and immediate, whenever it is necessary to
3 shut off or interrupt services for the purpose of installing,
4 maintaining or using any of its natural gas transmission and
5 distribution system, the FRANCHISEE shall do so at such time as
6 will cause the least amount of inconvenience to its customers
7 and shall give reasonable notice thereof to its affected customers.

8 SECTION 14: HOLD HARMLESS - The FRANCHISEE shall, at
9 its own expense and throughout the term of this Franchise Agree-
10 ment, indemnify, defend and hold harmless the CITY, and each of
11 its officers and employees, from and against any and all claims,
12 demands, actions, damages, decrees, judgments, expert witness and
13 consultant fees, attorney fees, costs and expenses which the CITY
14 or such officer or employee may suffer, or which may be recovered
15 from or obtainable against the CITY or such officer or employee
16 as a result of, by reason of or arising out of (i) the installa-
17 tion, use, or maintenance by the FRANCHISEE of its natural gas
18 transmission and distribution system, (ii) the exercise by the
19 FRANCHISEE of any or all of the rights, privileges, permission
20 and authority conferred herein, or (iii) as a result of any
21 alleged act or omission, negligent or otherwise, on the part of
22 the FRANCHISEE in performing or failing to perform any of its
23 obligations under this Franchise Agreement. The FRANCHISEE is
24 not, however, liable, nor is it required to indemnify or hold
25 harmless the CITY from and against any damage caused by the active
26 negligence of any agent, servant or employee of the CITY. The
27 CITY will furnish to the FRANCHISEE all information in its possession
28 related to such claims, demands or actions and will cooperate
29 with the FRANCHISEE in the FRANCHISEE's defense of such claims,
30 demands or actions.

31 SECTION 15: COMPLIANCE WITH LAWS - The FRANCHISEE shall
32 comply with all of the rules and regulations prescribed by the

1 Nevada Public Service Commission with regard to its certificate
2 of public convenience and necessity, including but not limited to
3 the filing of the rates to be charged for the transmission and
4 distribution of natural gas. The FRANCHISEE further agrees to
5 comply with all ordinances of the CITY presently in effect or
6 hereafter adopted, applicable to and affecting the rights and
7 privileges conferred by this Franchise Agreement.

8 The City Council of the CITY may, at any time hereafter,
9 upon providing reasonable notice to the FRANCHISEE and the oppor-
10 tunity for the FRANCHISEE to be heard, alter or amend this
11 Franchise Agreement or impose pursuant to law such conditions,
12 restrictions or limitations in addition to those imposed herein
13 concerning the use by the FRANCHISEE of the public roads as said
14 City Council deems reasonably necessary for the public welfare or
15 the protection of the public interest.

16 SECTION 16: NON-TRANSFERABILITY - This Franchise Agree-
17 ment and the rights, privileges, permission and authority granted
18 herein are personal to the FRANCHISEE and the FRANCHISEE may not
19 sell, transfer, lease, assign or otherwise dispose of, in whole
20 or in part, either by voluntary or involuntary proceedings, any
21 of the rights, privileges, permission or authority granted pursuant
22 to the provisions of this Franchise Agreement without the consent
23 of the CITY, expressed by resolution of its City Council upon such
24 conditions as it may prescribe, and any attempt so to do, whether
25 it be by purchase or acquisition of the state controlling the
26 FRANCHISEE or otherwise, shall be void. Such consent shall not be
27 unreasonably withheld.

28 The provisions of this Section do not apply to a cor-
29 poration acquiring, with the specific approval of the Nevada
30 Public Service Commission, all or substantially all of the
31 natural gas transmission and distribution system of the FRANCHISEE
32 located in the CITY, but only upon condition that such acquiring

1 corporation specifically agree to assume, without exception, all of
2 the terms, conditions and provisions of this Franchise Agreement;
3 provided, however, that no restriction on transfer specified in
4 this Section shall be understood as preventing the FRANCHISEE
5 from conveying its properties to a trustee as security for bonded
6 indebtedness incurred in the normal course of the FRANCHISEE's
7 business.

8 SECTION 17: PERFORMANCE BOND - The FRANCHISEE shall
9 file and maintain during the existence of this Franchise Agreement
10 a faithful performance bond in favor of the CITY in the sum of
11 FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) to guarantee that the
12 FRANCHISEE shall well and truly observe, fulfill and perform each
13 and every term and condition of the franchise granted herein and
14 guaranteeing the payment of the liquidated damages as set forth
15 in Section 10 hereof. In case of any breach of any condition of
16 this Franchise Agreement, any amount of the sum designated in
17 the bond, up to the whole thereof, may be forfeited to compensate
18 the CITY for any damage it may suffer by reason of such breach.
19 Said bond shall be acknowledged by FRANCHISEE, as principal, and
20 by a corporation licensed by the Nevada Insurance Commissioner
21 to transact the business of a fidelity and surety insurance
22 company, as surety, and said bond shall be approved by the CITY.

23 SECTION 18: BREACH - In the event that a forfeiture is
24 declared as provided in Section 7 hereof, it is agreed by and
25 between the parties that the CITY will be damaged in an amount
26 and to an extent not reasonably foreseeable or calculable, and
27 that, therefore, the CITY shall be entitled to the sum of FIVE
28 HUNDRED THOUSAND DOLLARS (\$500,000.00) as liquidated damages and
29 not as a penalty, which sum shall be in addition to any and all
30 other damages which may be proven by the CITY and which sum shall
31 be covered by the bond required to be posted by the FRANCHISEE.

32 SECTION 19: REIMBURSEMENT EXPENSES - The FRANCHISEE

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1 agrees to reimburse the CITY for all publication costs related to
2 the granting of this Franchise Agreement within thirty (30) days
3 after the CITY furnishes to the FRANCHISEE a written statement
4 of the costs.

5 SECTION 20: RIGHT OF ACQUISITION - The franchise
6 hereby granted shall not in any way or to any extent impair or
7 affect the right of the CITY to acquire the property of the
8 FRANCHISEE, either by purchase or through the exercise of the
9 right of eminent domain, and nothing herein contained shall be
10 construed to contract away or to modify or to abridge the CITY's
11 right to exercise the power of eminent domain. In the event that
12 the CITY chooses to exercise its power of eminent domain, it
13 shall do so in accordance with the procedures provided by the
14 general laws of the State of Nevada for the condemnation of public
15 utility property. The valuation of such property for condemnation
16 purposes shall be made in accordance with such general laws.

17 SECTION 21: TERMINATION OF JURISDICTION - This Fran-
18 chise Agreement shall cease to apply to any public road if and
19 when the CITY ceases to be obligated to maintain such public road.
20 In the event that the CITY ceases to have jurisdiction over a
21 public road, the FRANCHISEE is subject to being required to
22 relocate all or any portion of its natural gas transmission
23 distribution system located along said public road.

24 SECTION 22: CONTRIBUTIONS - No officer or employee of
25 the FRANCHISEE shall offer to any officer or employee of the
26 CITY, either directly or indirectly, any rebate, contribution,
27 gift, money, service without charge or other thing of value
28 whatsoever, unless permitted by law and given with the consent
29 and approval of the CITY, except where given for the use and
30 benefit of the CITY.

31 SECTION 23: VALIDITY - If any section, subsection,
32 sentence, clause, phrase, word or other portion of this fran-

chise is held invalid, unenforceable or unconstitutional, such section, subsection, sentence, clause, phrase, word or other portion will be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions hereof.

IN WITNESS WHEREOF, the parties hereto have caused this Franchise Agreement to be executed by their duly authorized representatives the day and year first above written.

CITY OF LAS VEGAS, NEVADA

William H. Briare
WILLIAM H. BRIARE, Mayor

ATTEST:

Carol A. Hawley
CAROL ANN HAWLEY, City Clerk

SOUTHWEST GAS CORPORATION

By *C. H. McCREA*
C. H. McCREA, Executive Vice
President and General Counsel

ATTEST:

Norman J. Murphy
Assistant
Secretary

TRANSCRIPT - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 2:00 P.M. - PAGE 1
IX. 2:00 P.M. - PUBLIC HEARINGS. ITEM A. PROPOSED FRANCHISE AGREEMENT BETWEEN
CITY OF LAS VEGAS AND SOUTHWEST GAS CORPORATION.

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MAYOR BRIARE: The first item on this afternoon's agenda is a proposed franchise agreement between the City of Las Vegas and Southwest Gas Corporation. The public hearing was held, I believe, Mr. Hall, at the last meeting so it's now before the Council. It was held over from the meeting of October 17 and I would like to ask now, what action, if any, does the Council wish to take?

COUNCILMAN LURIE: Mayor, I think the City Attorney has something he would like to add to the ordinance.

MAYOR BRIARE: Mr. Ogilvie.

CITY ATTORNEY OGILVIE: Yes, Mr. Mayor. The City Engineer suggested and it is my understanding that the Power Company or the Gas Company, excuse me, has agreed to the following insertion which would go on page 7, the end of section 9, line 26 on page 7, the following language: "For any installations of gas lines made after the effective date of this franchise, the franchisee further agrees to provide upon request and at no charge to the City, the plan and profile drawings showing the gas lines to be plus or minus 6" from their actual location as reference to City data and horizontal dimensions at 50' intervals along the gas line from the right-of-way boundary lines." Mr. Carl Malone, does the Gas Company have any objection to that language?

CITY ENGINEER MALONE: No.

CITY ATTORNEY OGILVIE: I would suggest that the franchise which is before you be amended as indicated on page 7.

COUNCILMAN CHRISTENSEN: I'LL MOVE FOR APPROVAL AS AMENDED.

MAYOR BRIARE: Are there comments on the question to APPROVE? Comments by anyone? Cast your votes. Post. Motion is APPROVED AND THE FRANCHISE HAS BEEN GRANTED TO SOUTHWEST GAS.

COUNCILMAN LEVY: Mr. Mayor, I see Mr. Lowman in the audience today. I would just like to make a comment. I think that you were at our meeting last week and you see our problems and frustrations that we're having and I hope that over the heat of a battle or a situation of the problems that we are having and frustrations that some of this Board is having that you will understand where we're coming from.

MAYOR BRIARE: Thank you, Councilman Levy.

END OF TRANSCRIPT

Voting was as follows:

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

AGENDA*City of Las Vegas*

November 7, 1984

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

ITEM

Council Action

Department Action

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

14:08
to
14:11

- B. V-90-84 - Reconsideration of APPEAL filed by JUEL A. PARKER to the action of the Board of Zoning Adjustment in approving the application of FRANK HAWKINS, JR. for a Variance to allow an 8½ foot high block wall along the front and side yards adjacent to Rancho Road and Alta Drive, on property located at 2300 Alta Drive in Zoning District R-A (Ranch Acres District).

Board of Zoning Adjustment recommended APPROVAL (2-1 vote), subject to the following conditions:

1. Approval of the wall aesthetics by the Department of Community Planning and Development.
2. Dedicate a 25' property line radius at the intersection of Rancho Road and Alta Drive as required by the Department of Design and Development.
3. Approval of an encroachment agreement for the wall along Alta Drive.
4. This approval is limited to a 6' block wall with 2 additional feet of wrought iron or decorative block which is 50% open.
5. Provide access to the fire hydrant as required by the Department of Fire Services.
6. Conformance to the plot plan.

Staff Recommendation: DENIAL

PROTESTS: 4

NOTE: At the October 17, 1984 City Council meeting, action was taken by the City Council to rescind its action of the September 19, 1984 meeting which denied the appeal allowing 8 foot fence (6 ft. solid and 2 ft. wrought iron) on Rancho, 4 foot fence along Alta with 4 feet decorative wrought iron with landscaping on outside of fence.

Christensen -
Appeal DENIED,
Application
APPROVED, as
recommended by the
Board of Zoning
Adjustment with
Condition No. 4
altered to allow a
6' masonry with a
2' wrought iron
fence along Rancho
and Alta with
exception that the
portion between
the circular drive-
way on Alta be 4'
masonry and 4'
wrought iron.
Unanimous

Clerk to notify
and Planning to
proceed.

Diana Kovak,
Wallace Engin-
eering, 1555 S.
Rainbow Blvd.,
appeared and
represented
Frank Hawkins, Jr.

Mrs. Frank Hawkins
was present.

NOTE: Juel A.
Parker does not
object to the
amended applicator

NOTE: A verbatim transcript made a
part of the final minutes.

APPROVED AGENDA ITEM

mp Carr

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

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To: The City Council
Re: Public Hearing Agenda Item
November 7, 1984 City Council Agenda

X.

B. V-90-84 - RECONSIDERATION OF APPEAL FILED BY JUEL A. PARKER

At your last meeting, you rescinded the action on this Variance application which allowed an eight foot high fence along Rancho and Alta so the revised plan on the decorative wrought iron and block wall portions of the fence could be considered. The previous approval allowed a six foot block wall with two feet of decorative wrought iron along Rancho and a four foot block wall with four foot of wrought iron along the Alta side of the property. The applicant now wishes to modify the approval to allow the portions of the fence along Alta that are east and west of the circular driveway to be the same type of fence that is to be allowed along Rancho (6 feet of block wall with 2 feet of wrought iron) and the remaining portion of the fence along Alta as approved with 4 feet of block and 4 feet of decorative wrought iron.

This item was brought to you on an appeal by Juel Parker, who resides at 2315 Alta Drive. The protestant is aware of the revised plan for the fence.

The Board of Zoning Adjustment and staff recommendations indicated below are on the previous action:

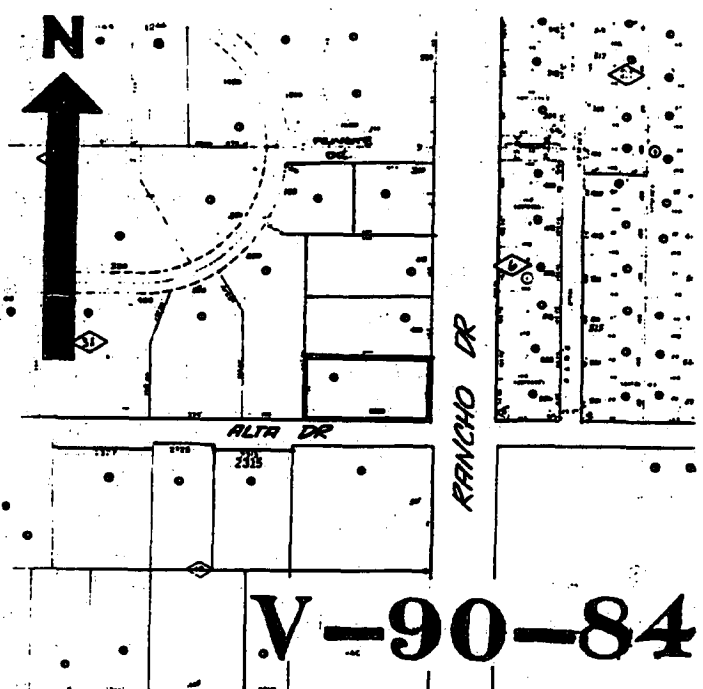
BOARD OF ZONING ADJUSTMENT RECOMMENDATION: APPROVAL
STAFF RECOMMENDATION: DENIAL

PROTESTS: 4

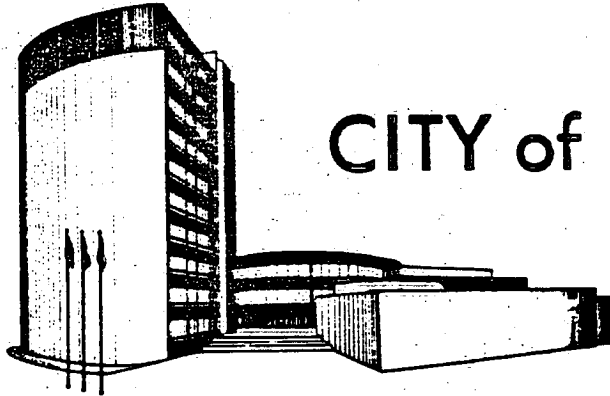
PREVIOUS ACTION:

October 17, 1984 - Motion by Councilman Lurie to rescind previous Council action; motion carried unanimously.

September 19 - 1984 - Motion by Councilman Lurie to deny appeal, thereby allowing the BZA approval, subject to modifying the request to a six foot masonry with two foot wrought iron fence along Rancho and a four foot masonry fence with four foot decorative wrought iron along Alta Drive. Motion carried with Mayor Briare voting no.



MAYOR BILL BRIARE
COUNCILMEN
RON LURIE
PAUL J. CHRISTENSEN
AL LEVY
BOB NOLEN
CITY ATTORNEY
GEORGE F. OGILVIE
ACTING CITY MANAGER
DON J. SAYLOR



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

NOVEMBER 7, 1984

V-90-84

APPEAL filed by JUEL A. PARKER to the action of the Board of Zoning Adjustment in approving the application of FRANK HAWKINS, JR. for a variance to allow an 8½ foot high block wall along the front and side yards adjacent to Rancho Road and Alta Drive, on property located at 2300 Alta Drive in Zoning District R-A (Ranch Acres District).

PUBLIC NOTICE IS HEREBY GIVEN that at the October 17, 1984 City Council meeting, action was taken by the City Council to rescind its action of the September 19, 1984 meeting which denied the appeal. Therefore, YOU ARE HEREBY NOTIFIED that, on Wednesday, November 7, 1984, 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 said appeal.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION
OF THE SOUTH HALF (S½) OF THE NORTHEAST QUARTER (NE¼)
OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M.

ANY AND ALL INTERESTED PERSONS may appear and be heard at said meeting or, prior thereto, may file objections thereto or approvals thereof with the City Clerk, 10th Floor, City Hall.

Carol Ann Hawley
CAROL ANN HAWLEY
CITY CLERK



TRANSCRIPT - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 2:00 P.M. - PAGE 1
IX. 2:00 P.M. - PUBLIC HEARINGS. ITEM B. V-90-84. RECONSIDERATION OF APPEAL
FILED BY JUEL A. PARKER TO THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING
THE APPLICATION OF FRANK HAWKINS, JR. FOR A VARIANCE.

MAYOR BRIARE: This is a reconsideration of an appeal filed by Juel Parker to an action of the Board of Zoning Adjustment in approving the application of Frank Hawkins, Jr. for a fence around the home on Alta and Rancho. The Council has had this before a couple of times and I think that we're all familiar with it.

COUNCILMAN LEVY: I think they have come with a different plan.

DIANA KOVAK: Diana Kovak, 1555 South Rainbow. Frank Hawkins has asked me to show you a compromised plan with a high block wall on Rancho, but between the drives a 4' block wall with 4' wrought iron on top.

COUNCILMAN LURIE: Are you saying the wall on Rancho, instead of it being 6' with 2' wrought iron, you want to go the 8' with the block?

DIANA KOVAK: No, I'm sorry. Six foot block and 2' wrought iron. The compromise is between here.

COUNCILMAN LURIE: The compromise is between the driveways where you go 4' with 4' of wrought iron.

DIANA KOVAK: Right.

MAYOR BRIARE: Any questions of Mrs. Kovak? Are there any folks in the audience that were here before and here for the first time to be heard on this?

COUNCILMAN CHRISTENSEN: Your Honor, I'd just like to report that I talked to the people that were the main protestors on that and I personally showed them the plans and they have no opposition to that.

COUNCILMAN LEVY: Good. Then you're ready to make a motion.

COUNCILMAN CHRISTENSEN: I'D MOVE THAT WE APPROVE IT AS THE PLAN THAT HAS BEEN SHOWN TO US HERE WITH THE 6 AND 2 AND 4 AND 4.

MAYOR BRIARE: Comments by the Council members? Councilman Christensen, the normal conditions and so forth?

COUNCILMAN CHRISTENSEN: Yes, all the normal things, but the only bone of contention we had was the change in the height of the fence and what they've done is they've dropped the center section between the driveway openings to 4 and 4, which satisfies the objections and all of the other normal --

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

TRANSCRIPT - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 2:00 P.M. - PAGE 0146
IX. 2:00 P.M. - PUBLIC HEARINGS. ITEM B. V-90-84. RECONSIDERATION OF APPEAL
FILED BY JUEL A. PARKER TO THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING
THE APPLICATION OF FRANK HAWKINS, JR. FOR A VARIANCE.

HAROLD FOSTER: Yes. It just alters Condition No. 4 for this plan.

COUNCILMAN CHRISTENSEN: Right. It just alters the one condition.

MRS. FRANK HAWKINS: Now may I have it done now?

COUNCILMAN CHRISTENSEN: Wait until we see the vote.

MAYOR BRIARE: Cast your votes. Post. Now.

END OF TRANSCRIPT

Voting was as follows:

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

"NOES" None

Motion carried unanimously.

AGENDA*City of Las Vegas* November 7, 1984

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BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

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ITEM

Commission 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, Department of Design and Development, 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*MP Coe*

AGENDA*City of Las Vegas*

November 7, 1984

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CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

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 Division of Land Development and Flood Control of the Department of Community Planning and Development.

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. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom.

APPROVED AGENDA ITEM

mp Cole

AGENDA*City of Las Vegas*

0149

November 7, 1984

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

Commission 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

mp Cool

AGENDA*City of Las Vegas*

November 7, 1984

CITY COUNCIL

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

14:11 * CONSENT ITEMS - A, B, AND C may be acted upon in one motion.

Staff recommends APPROVAL of all items. The Planning Commission has recommended approval on Item A (subdivision maps). Any item may be discussed at the Council's discretion.

* A. FINAL MAP1. TENAYA I - PLASTER DEVELOPMENT

Property generally located on the north side of Westcliff Drive, east of Antelope Way, 2.5 Acres, 14 lots, R-CL Zone.

Lurie -
APPROVED Items A,
B, C, D and E as
recommended.
Unanimous

Clerk to notify
and Planning to
proceed.

APPROVED AGENDA ITEM

mp Cole

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

X.

A. FINAL MAP

1. Tenaya I - Plaster Development

This map is in conformance to the approved Tentative Map and to the subdivision regulations.

AGENDA*City of Las Vegas*

November 7, 1984

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

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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)*B. RELEASE OF BOND

1. Location: 4550 W. Oakey Blvd.
 Use: Offsite Improvements
 Builder: C & H Construction
 Surety Co.: Firemen's Fund Ins. Co.
 Amount: \$18,500.00
 Bond No.: SCR6405074 (CLV#47-83)

Lurie -
 APPROVED Items A,
 B, C, D and E as
 recommended.
 Unanimous

Clerk to notify
 and Staff to
 proceed.

2. Location: 1593 & 1595 N. Eastern
 Use: Offsite Improvements
 Builder: Grofts Searchlight
 Advertising
 Surety Co.: None (Cash deposit @
 Valley Bank)
 Amount: \$5,600.00
 Bond No.: CLV #23-83

Lurie -
 APPROVED Items A,
 B, C, D and E as
 recommended.
 Unanimous

Staff to proceed

3. Location: 301 S. Maryland Parkway
 Use: Offsite Improvements
 Builder: First Good Shepherd
 Lutheran Church
 Surety Co.: None
 Amount: \$800.00
 Bond No.: CLV #18-84

Lurie -
 APPROVED Items A,
 B, C, D and E as
 recommended.
 Unanimous

Staff to proceed

APPROVED AGENDA ITEM

mp Cool

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

0153

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

X.

B. RELEASE OF BOND

1. C & H Construction - 4550 W. Oakley Boulevard
2. Grofts Searchlight Advertising - 1593 & 1595 N. Eastern Avenue
3. First Good Shepherd Lutheran Church - 301 S. Maryland Parkway

The installation of offsite improvements at the above locations have been completed, inspected and accepted. Therefore, these items are in order to release the bonds for the work.

STAFF RECOMMENDATION: APPROVAL

AGENDA*City of Las Vegas*

November 7, 1984

CITY COUNCIL

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

*C. ACCEPTANCE OF SUBDIVISION IMPROVEMENTS

1. Northwind (Macher Enterprises)

Property generally located on the south side of Owens Avenue, west of Nellis Boulevard, 1.75 acres, 8 lots, R-3 Zone.

Lurie -
APPROVED Items A,
B, C, D and E as
recommended.
Unanimous

Staff to proceed

2. Parkwood #9 (Metropolitan Development)

Property generally located at the southeast corner of Marion Drive and the Cedar Avenue Channel, 14.3 acres, 61 lots, R-1 Zone.

Lurie -
APPROVED Items A,
B, C, D and E as
recommended.
Unanimous

Staff to proceed

3. Lewis Homes - Stonegate #2

Property generally located on the northeast corner of Alta Drive and Rainbow Boulevard, 9.8 acres, 46 lots, R-1 Zone.

Lurie -
APPROVED Items A,
B, C, D and E as
recommended.
Unanimous

Staff to proceed

4. Bonanza Park (Bonanza Park Ltd)

Property generally located on the south side of Bonanza Road, east of Rancho Drive, 2.6 acres, 132 Units, R-PD46.

Lurie -
APPROVED Items A,
B, C, D and E as
recommended.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

mp Coe

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

x.

0155

C. ACCEPTANCE OF SUBDIVISION IMPROVEMENTS

1. Northwind (Macher Enterprises)
2. Parkwood #9 (Metropolitan Development)
3. Lewis Homes - Stonegate #2
4. Bonanza Park - (Bonanza Park Ltd.)

All offsite improvements for these subdivisions have been completed in accordance with the agreements and all City requirements. The improvements can be accepted subject to completion of the improvements correction list.

STAFF RECOMMENDATION: APPROVAL

INTER-OFFICE MEMORANDUM

December 7, 1984

TO: CITY CLERK

FROM:

COMMUNITY PLANNING & DEVELOPMENT

SUBJECT:

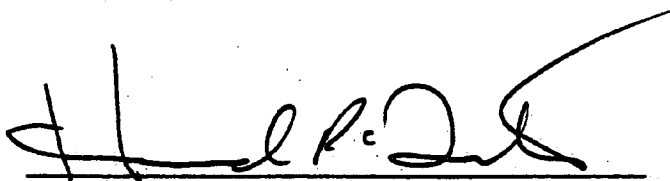
RELEASE OF SUBDIVISION BOND

COPIES TO:

CHUCK TURK

On November 7, 1984 the City Council accepted the improvements for LEWIS HOMES - STONEGATE NO. 2 subject to the completion of the improvement correction list items for this subdivision. Please be notified that these items have now been completed to the satisfaction of the Department of Community Planning & Development.

It is recommended that the CASH DEPOSIT AGREEMENT with FIRST INTERSTATE BANK be released to the subdivider.


HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

HPF:CT:bc

0157

AGENDA*City of Las Vegas*

November 7, 1984

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

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)D. ENCROACHMENT REQUESTSRequest of Bonneville Associates for an
Encroachment Agreement at 600 Las Vegas
Boulevard South.

Staff Recommendation: APPROVAL

Lurie -
APPROVED Items A,
B, C, D and E as
recommended.
Unanimous

Staff to proceed.

APPROVED AGENDA ITEM

MP Core

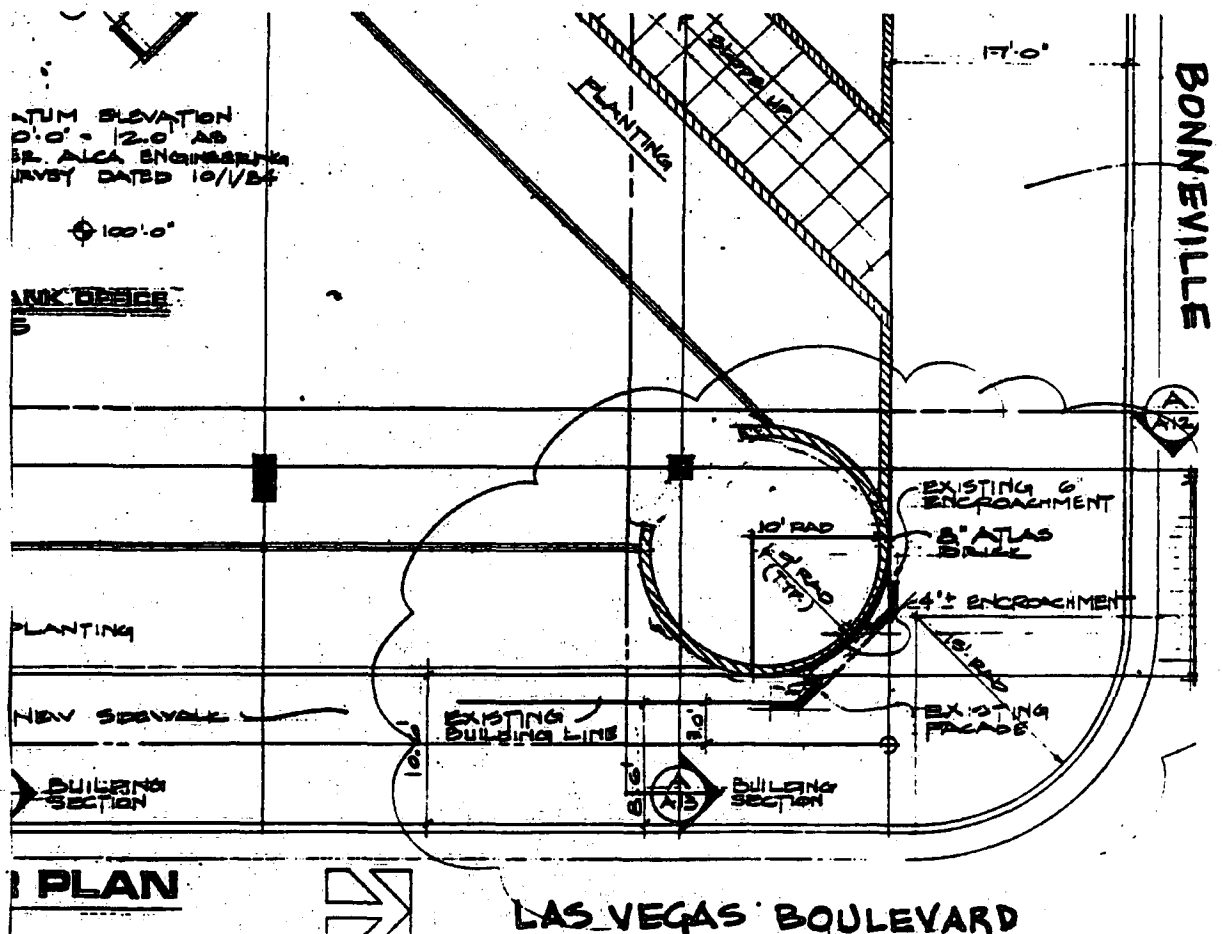
0158

X.

1. Request of Bonneville Associates for an Encroachment Agreement at 600 Las Vegas Boulevard South

The encroachment is the 9" radius corner of the building which will extend into the 10' radius corner of the right-of-way. If Bonneville or Las Vegas Boulevard is widened to the maximum, the encroachment would restrict the 5' wide sidewalk to 4'8" around the corner.

STAFF RECOMMENDATION: APPROVAL



AGENDA*City of Las Vegas*

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

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)E. REQUEST TO INITIATE VACATION PETITIONREQUEST FOR THE CITY TO INITIATE A VACATION
ACTION ON DARMAK DRIVE BETWEEN WESTLEIGH
AVENUE AND WEST OAKLEY BOULEVARD.

STAFF RECOMMENDATION: APPROVAL

Lurie -
APPROVED Items A,
B, C, D and E as
recommended.
UnanimousPlanning to
proceed.

APPROVED AGENDA ITEM

mp Core

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

x. 0160

E. REQUEST TO INITIATE VACATION PETITION

This item involves a request to initiate vacation proceedings on a 107' long segment of Darmak Drive between West Oakey Boulevard and Westleigh Avenue for the purpose of closing this street so that drainage and flood waters can be directed easterly along Oakey Boulevard. Presently, through this improved street, drainage and flood waters enter the subdivision on Darmak Street and then accumulate on the northeast part of the tract causing flooding problems to many of the residents in the area. This portion of Darmak is not needed for traffic circulation purposes and can be closed.

STAFF RECOMMENDATION: APPROVAL - to initiate vacation proceedings.

AGENDA*City of Las Vegas*

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November 7, 1984

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

14:12 F. SATELLITE PARKING

1. SP-2-84 - ORDOWSKI & EADS

Request for approval of satellite parking on property generally located at the north-east corner of Charleston Boulevard and Eighth Street, C-2 Zone.

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

1. Conformance to the plot plan.
2. Approval of the land division.
3. Provide a perpetual easement for six (6) parking spaces.
4. Close the abandoned curb cut on Gass Avenue as required by the Department of Design and Development.

Staff Recommendation: APPROVAL

Lurie -
APPROVED as recommended by Planning Commission and Staff, subject to conditions.
Unanimous

Clerk to notify and Planning to proceed.

APPROVED AGENDA ITEM

MP Cor

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

X.

0162

F. SATELLITE PARKING

SP-2-84 - ORDOWSKI & EADS

The request is to utilize the parking lot for the Frontier Savings and Loan as the required parking for a proposed office building on the immediate southeast corner of Eighth and Gass Street in a C-2 Zone. The site for the 2300 square foot office building is being separated from the overall parcel, however, it will have perpetual use of the adjoining parking area. There are ample spaces available on the Savings and Loan site and it appears to be a workable situation.

PLANNING COMMISSION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

0163

AGENDA*City of Las Vegas* November 7, 1984

CITY COUNCIL

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

14:13

G. VARIANCE - TWO YEAR REVIEW - V-72-82 -
YOLAND R. BULLIS

Required two year review of a Variance to allow a corral to the side and rear property lines where twenty-five feet (25') is required on property located at 3820 Thom Boulevard in Zoning District R-E (Residence Estates), under Resolution of Intent to R-PD2 (Residential Planned Development).

STAFF RECOMMENDATION: APPROVAL TO CONTINUE
THE VARIANCE

Lurie -
APPROVED continuation of Variance;
however, subject to
review by the
Council upon any
complaint.
Unanimous

Clerk to notify
and Planning to
proceed.

APPROVED AGENDA ITEM

mp Core

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

x. 0164

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

G. VARIANCE - TWO YEAR REVIEW - V-72-82 - YOLANDA R. BULLIS

This item involves a two year review that was required on a variance that allowed existing corrals to be located to the rear and side property lines where a twenty-five foot (25') setback is required in this R-PD2 zone. There are existing six foot (6') block walls that are being used as part of the corral on the property lines. This property is located in a subdivision with homes around it. The purpose of the review is to determine if there were any complaints on this corral during the past two years. Staff has received no complaints nor are we aware of any problems associated with this corral. The variance application was denied by the BZA and appealed by the applicant and was approved with this condition for a two year review. There were two protestants at the BZA meeting who own a vacant lot approximately 100 feet to the southeast from this property.

STAFF RECOMMENDATION: APPROVAL TO CONTINUE THE VARIANCE.

AGENDA*City of Las Vegas*

November 7, 1984

CITY COUNCIL

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

14:14 H. EXTENSION OF TIME

1. Z-76-83 - BENEVOLENT AND PROTECTIVE
ORDER OF THE ELKS

Request for an Extension of Time on property generally located on the north side of Bonanza Road between Las Vegas Boulevard and Ninth Street, C-1 and C-2 Zones (under Resolution of Intent to C-2 Zone).

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

1. This Resolution of Intent shall expire on October 19, 1985.

Staff Recommendation: APPROVAL

Levy -
APPROVED as recom-
mended.
Unanimous

Clerk to notify
and Planning to
proceed.

Bob O'Connell
appeared and
represented
the Elks.

MAYOR BRIARE SENT CONGRATULATIONS TO
MRS. BOB O'CONNELL ON HER ELECTION
TO THE STATE SENATE DISTRICT 5.

APPROVED AGENDA ITEM

mp Carl

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

0166

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

X.

H. EXTENSION OF TIME

1. Z-76-83 - BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS

This is the first request for an Extension of Time on this property that is owned by the Elks. The representative of the Elks indicated additional time is needed to develop this property on a commercial basis.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

0167

AGENDA*City of Las Vegas*

November 7, 1984

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

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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

14:15

H. EXTENSION OF TIME2. Z-49-78 - MRS. RICHARD ZEITER

Request for an Extension of Time on property generally located on the southwest corner of Desert Lane and Kenyon Place, R-2 Zone (under Resolution of Intent to R-3).

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

1. The Resolution of Intent shall expire on October 6, 1985.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

Staff Recommendation: APPROVAL

Lurie -
APPROVED as recommended by Planning Commission and Staff.
Unanimous

Clerk to notify and Planning to proceed.

APPROVED AGENDA ITEM

mp Cor

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

x.

0168

H. EXTENSION OF TIME

2. Z-49-78 - MRS. RICHARD ZEITER

This is the sixth request for an Extension of Time on this property, generally located on the southwest corner of Desert Lane and Kenyon Place, from R-2 to R-3. The applicant indicated economic conditions have prevented the redevelopment of this property on an apartment basis. The property is in an area that is transitioning to R-3 zoning.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL, subject to a one year extension only.

AGENDA*City of Las Vegas*

November 7, 1984

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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PHONE 386-6011

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

4:16

I. TENTATIVE MAP - REVIEW OF CONDITION -
RANCHO BEL AIR

Request of the RANCHO BEL AIR PROPERTY OWNERS ASSOCIATION, INC. for a Review of Condition to allow the 20-foot wide emergency vehicle access lane on Lantern Lane with an electronically operated gate to be used as additional access to the Bel Air subdivision on property generally located on the southwest corner of Mesquite Avenue and Rancho Drive in zoning district R-PD4 (Residential Planned Development).

Planning Commission unanimously recommended DENIAL.

Staff Recommendation: DENIAL

PROTESTS: 38

Lurie -
DENIED
Unanimous

Clerk to notify

No one appeared to represent the application.

No one appeared in favor or opposition.

APPROVED AGENDA ITEM

mp Carr

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

0170

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

I. TENTATIVE MAP - REVIEW OF CONDITION - RANCHO BEL AIR

The request is to allow a 20' wide emergency vehicle access to Lantern Lane with an electronically operated gate to be used as a secondary access to the Rancho Bel Air Subdivision which has its primary access on Rancho Drive. The entrance to the Rancho Bel Air Subdivision on Rancho has a security guard for this R-PD4 planned development with private streets. At the time the tentative map was approved, the subdivider requested Lantern Lane to be reduced from a sixty foot (60') street to a twenty foot (20') drive and to use it for emergency access only. Sometime in the past, a twelve foot (12') wide electronically operated gate was installed, which is now being used by the residents with all or many of them having a remote control device similar to an electronically operated garage door opener. The residents in the Rancho Nevada Estates subdivision to the west have complained to the City about the amount of traffic and hazards that are occurring from the residents of Rancho Bel Air subdivision using this accessway. Staff advised the Homeowners Association of the Rancho Bel Air subdivision to discontinue this access and to keep the gate locked at all times and, due to this, it precipitated this request. The accessway is constructed to the east of Lantern Lane on the south portion and motorists going west from the Rancho Bel Air subdivision on this accessway enter Lantern Lane in a head-on type situation and then must transition to the correct travel lane (north side) as they proceed west. The residents in the Rancho Nevada Estates subdivision indicated it is dangerous due to the speed of some of the vehicles going through the open gate and that it is dangerous to children who may be playing on the gate and that it engages in operation. At the Planning Commission meeting, it was indicated by the residents and the Rancho Nevada Subdivision that if the accessway was widened to a sixty foot (60') wide right-of-way there would be no objection to access at this location but due to the narrow width and how it is situated in relation to Lantern Lane, it is a traffic hazard and should be retained as an emergency vehicle access only. The request was for a twenty foot (20') accessway, however, it has been determined there exists a twenty-five foot (25') improved section for this emergency vehicle access lane.

Several days after the Planning Commission action on this matter, there was an accident at this location which damaged the gate and it presently remains locked.

PLANNING COMMISSION RECOMMENDATION: DENIAL

STAFF RECOMMENDATION: DENIAL

PROTESTS: 3B

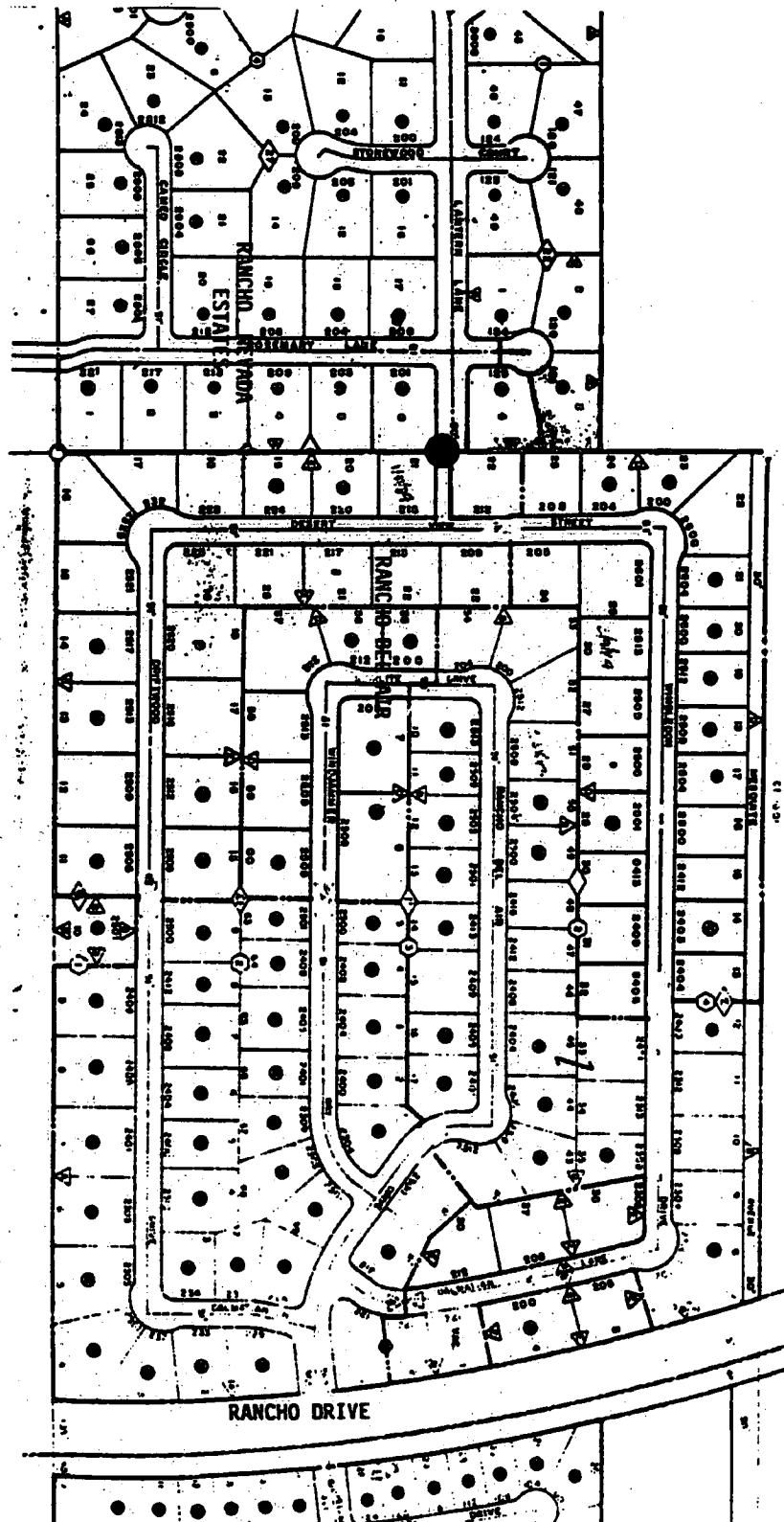
SEE ATTACHED LOCATION MAP.

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

X. COMMUNITY PLANNING AND DEVELOPMENT AGENDA ITEM
NOVEMBER 7, 1984 CITY COUNCIL AGENDA

ITEM I. TENTATIVE MAP - REVIEW OF CONDITION - RANCHO BEL AIR

0171



AGENDA*City of Las Vegas*

0172

November 7, 1984

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

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ITEM Council Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

14:16

J. PLOT PLAN REVIEW1. Z-60-80 - VTN

Request for a Plot Plan Review of property generally located on the west side of Torrey Pines Drive, 1300' south of Smoke Ranch Road, N-U Zone (under Resolution of Intent to R-PD14).

Planning Commission unanimously recommends APPROVAL, subject to:

1. Conformance to the plot plan redesigned as required by the Department of Community Planning and Development.
2. Dedicate 40' of right-of-way for Torrey Pines Drive and 30' of right-of-way for James Bilbray Drive.
3. If phased, provide access easements for the private drives to dedicated public right-of-way.

Staff Recommendation: APPROVAL

Levy -
APPROVED as recom-
mended.
Unanimous

Clerk to notify
and Planning to
proceed.

Charley Johnson,
VTN-NEVADA,
2300 Paseo
Del Prado,
appeared and
represented
the application.

APPROVED AGENDA ITEM

MP Cole

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

0173

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

x.

J. PLOT PLAN REVIEW

1. Z-60-80 - VTN

The request is for a Plot Plan Review on this 20 acre parcel to revise the layout from a condominium project with common open area to four-plex lots with public streets. There will be a common driveway across the rear of the lots similar to an alley arrangement to provide access to the rear parking areas. The property is located west of Torrey Pines Drive approximately 1300 feet south of Smoke Ranch Road in an R-PD14 zone. The revised plan is acceptable with a revision to the street alignment along the northerly part of the site as required by staff to carry the drainage in west/east direction. The applicant was in agreement to the revision. There are 304 units proposed in this project.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

AGENDA*City of Las Vegas* November 7, 1984CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:17 K. ZONE CHANGE1. ABEYANCE ITEM - Z-56-84 - ADELE B. ROBERTS

Reclassification of property located generally south of Johnson Avenue between Pecos Road and Gold Bar Court.

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

Proposed Use: Medium High Density Residential
(Apartments)

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

1. Resolution of Intent with a twelve (12) month time limit.
2. Provision of a means of access for two-way traffic to this site approved by City if it is for joint use.

Staff Recommendation: Abeyance until access to this site is acquired.

PROTESTS: 0

NOTE: THIS APPLICATION HAS BEEN

WITHDRAWN BY THE APPLICANT.

WITHDRAWN BY THE
APPLICANT.

APPROVED AND FORWARDED
mp

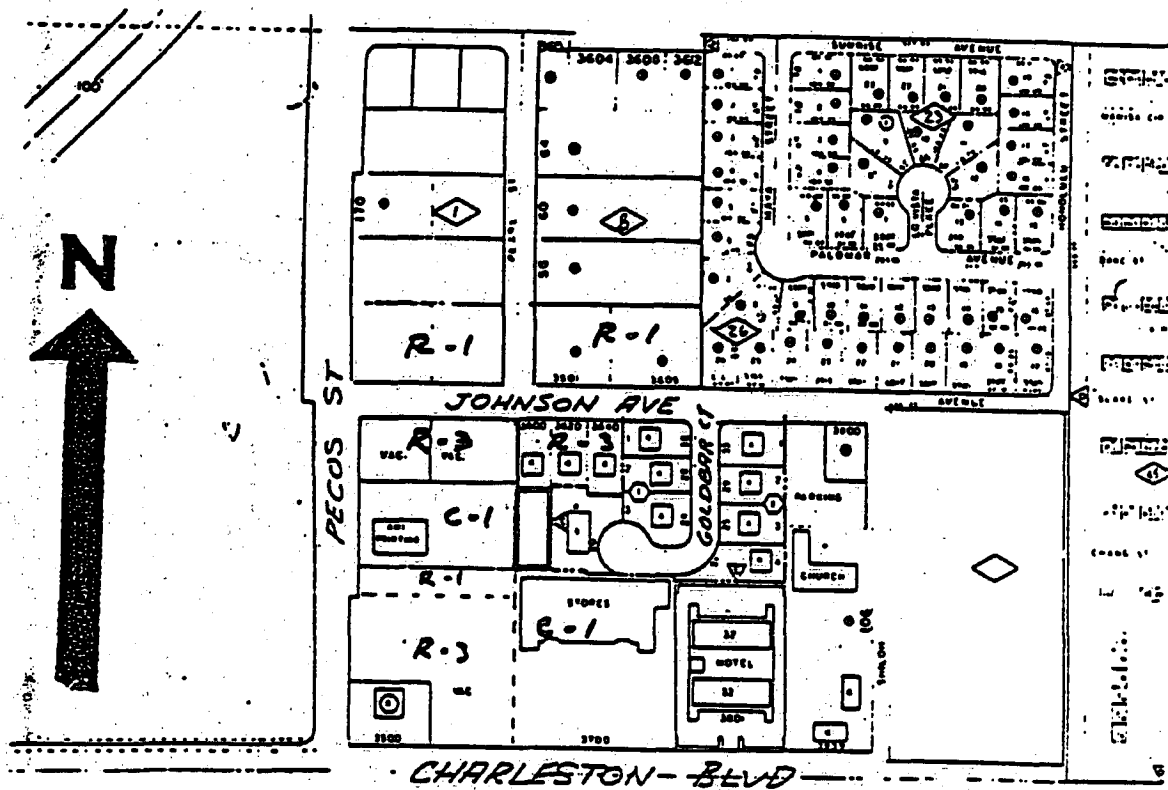
0175

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

X.

K. ZONE CHANGE1. ABEYANCE ITEM - Z-56-84 - ADELE B. ROBERTS

This item has been held in abeyance since your September 19, 1984 meeting at the request of the applicant so she could obtain access to this land-locked property. Apparently, the applicant was not successful in obtaining this access and has withdrawn the application.

**Z-56-84**

AGENDA*City of Las Vegas*

0176

November 7, 1984

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

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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:17 K. ZONE CHANGE2. Z-71-84 - JEAN B. CALHOUN

Reclassification of property generally located on the north side of Sahara Avenue between Mariposa Avenue and Monterey Avenue.

From: R-2 (Two Family Residence)
To: C-1 (Limited Commercial)

Proposed Use: Patron and Employee Parking Lot

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

1. Resolution of Intent with a twelve month time limit.
2. Install sidewalks on Sahara Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.

Staff Recommendation: APPROVAL

PROTESTS: 0

Levy -
APPROVED as recommended.
Unanimous

Clerk to notify and Planning to proceed.

Joe Connor, contractor, appeared and represented the applicant.

No one appeared in opposition.

APPROVED AGENDA ITEM

mp Core

To: The City Council
 Re: Community Planning and Development Agenda Item
 November 7, 1984 City Council Agenda

X.

0177

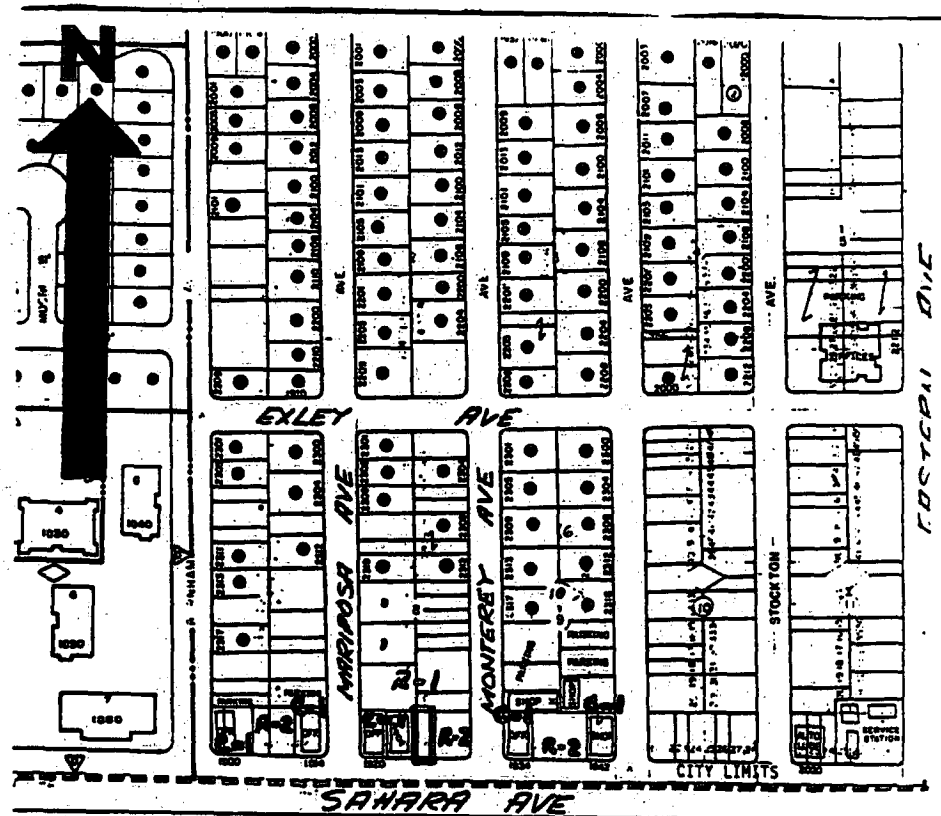
K. ZONE CHANGE2. Z-71-84 - JEAN B. CALHOUN

The request is to rezone this one 25 x 90 foot lot on the north side of Sahara between Mariposa and Monterey, from R-1 to C-1. The lot will be used as additional parking for the adjoining shoe store to the west. Approximately eight parking spaces will be provided on this site. The request is in conformance with the transitioning pattern to C-1 on this segment of Sahara Avenue.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0



(COUNTY)

Z-71-84

AGENDA*City of Las Vegas*

November 7, 1984

CITY COUNCIL

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:18
to
4:33K. ZONE CHANGE3. Z-72-84 - RICHARD AND FRANCES MINNOZZI

Reclassification of property generally
located at 1017 Carpenter Drive.

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

Proposed Use: Business Office with retail
sales

Planning Commission voted (5-2) to recommend
APPROVAL, subject to the following conditions:

1. Resolution of Intent shall be restricted
to a twelve month time limit.
2. The application be amended to P-R.
3. Conformance to the plot plan amended to
revise the parking layout.
4. Close the existing driveway on Carpenter
as required by the Department of Design
and Development.

Staff Recommendation: DENIAL

PROTESTS: 2

Nolen -
TABLED for 60 days.
Motion carried
with Christensen
voting "No."

1/2/85 Agenda

Clerk to notify
and Planning to
proceed.

Richard and Frances
Minnozzi, 2000 S.
Monte Cristo Dr.,
appeared and
represented the
application.

No one appeared
in opposition.

NOTE: Applicants
to poll the owners
of the residential
lots abutting
Charleston Blvd. on
the north side
between Salem and
Monticello as to
whether they desire
P-R zoning and
report back to
Council.

NOTE: Christensen requests traffic
study re ingress/egress on
Carpenter Drive and
Charleston Boulevard.

APPROVED AGENDA

MP Cox

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

x.

0179

K. ZONE CHANGE

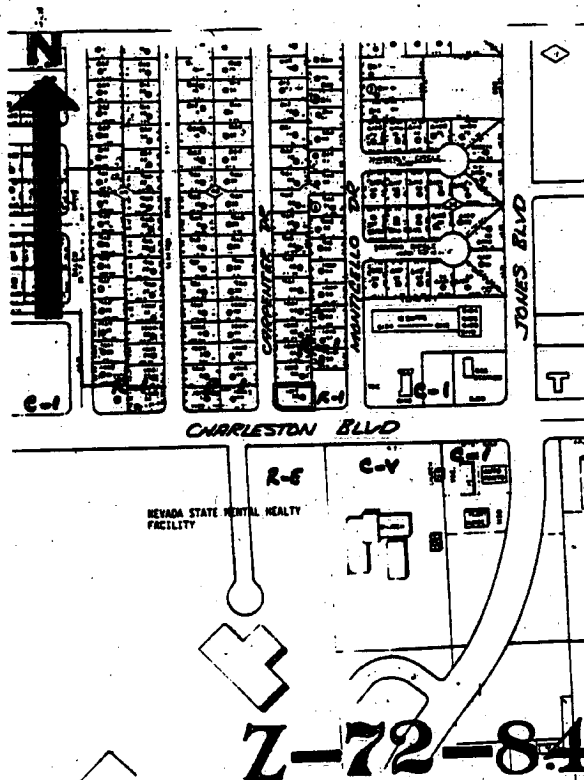
3. Z-72-84 - RICHARD AND FRANCES MINNOZZI

The applicant is proposing to rezone this property from R-1 to C-1 at 1017 Carpenter Drive for a business office with retail sales. There is an existing single family residence on the property which sides on Charleston Boulevard. This lot is part of the residential subdivision which extends to Charleston. There is a vacant lot to the east and developed R-1 to the north and west. To the south is vacant land in the County. At the Planning Commission meeting, the applicant indicated the house is used as a rental and they propose to convert it to an office for the sale of encyclopedias and educational materials. There will be several salesman working out of the office. The applicant indicated the property is no longer suitable for residential use due to the heavy traffic along Charleston Boulevard. The Planning Commission recommended the application be amended to P-R and the applicant was in agreement to modify the operation to an office use only.

PLANNING COMMISSION RECOMMENDATION: APPROVAL, subject to amending the application to P-R.

STAFF RECOMMENDATION: DENIAL, contrary to the established single family pattern on this portion of Charleston Boulevard.

PROTESTS: 2 (appeared at the Planning Commission meeting)



AGENDA*City of Las Vegas*

November 7, 1984

CITY COUNCIL

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM**Council Action****Department Action****X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)**14:33
to
4:42**K. ZONE CHANGE****4. Z-61-84 - BEN F. WITSELL, ET AL**

Reclassification of property generally located south of the intersection of Rock Springs Drive and Washington Avenue.

From: N-U (Non-Urban)

To: R-PD11 (Residential Planned Development)

Proposed Use: Medium Density Residential (Condominiums)

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

1. Resolution of Intent with a twelve month time limit.
2. Application shall be amended to R-1 on the west five acres.
3. Dedicate 40' of right-of-way for Washington Avenue and a 25' property line radius at the intersection of Washington Avenue and Rock Springs Drive as required by the Department of Design and Development.
4. Install street improvements on Washington Avenue and Rock Springs Drive and the east/west street as required by the Department of Community Planning and Development, Division of Land Development and Flood Control.
5. Standard conditions 2-8 shall apply to the R-PD11 portion.

Staff Recommendation: Approval - subject to the west five acres being amended to R-1.

PROTESTS: 78

APPROVED AGENDA ITEM

MP Core

Levy -
APPROVED as recommended by Planning Commission and Staff.
Unanimous

Clerk to notify and Planning to proceed.

John D. Taylor, co-owner of property, appeared and represented the application.

Vincent Martinez, 7100 Alamosa Way, appeared in protest.

Note: Levy directed City Manager to have Traffic Engineer conduct a traffic study on the Washington Avenue overpass.

To: The City Council
 Re: Community Planning and Development Agenda Item
 November 7, 1984 City Council Agenda

X.

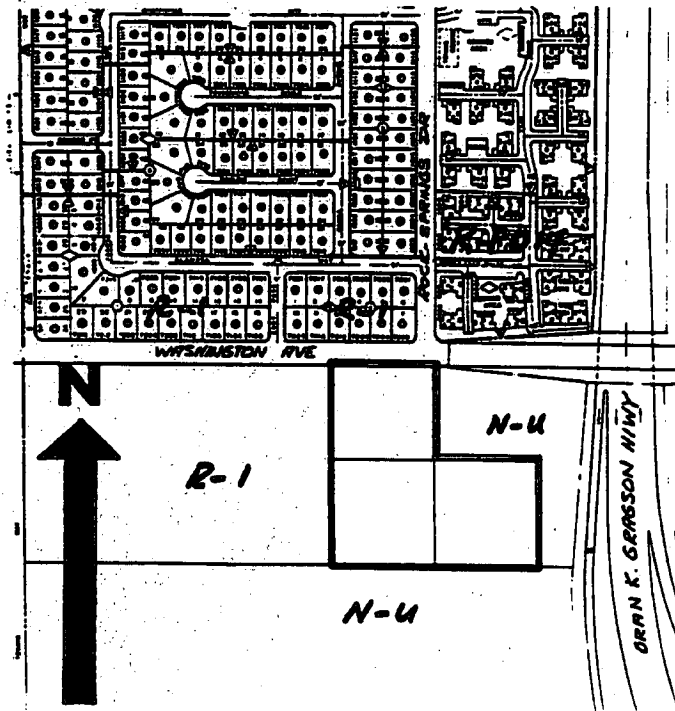
K. ZONE CHANGE4. Z-61-84 - BEN F. WITSELL, ET AL

This application was before you previously and referred back to the Planning Commission when the applicant submitted a revised development plan from what was presented at the Planning Commission meeting. The original request by the applicant was for a seventy-eight unit two-story condominium project on this L-shaped 7½ acre site, located southwest of Oran K. Gragson Highway and Washington Avenue. That application was recommended for approval by the Planning Commission subject to being amended to R-1 on the westerly five acres to be consistent with the zoning that was approved several meetings ago on the abutting parcel to the west for Richard Plaster. The amended application would allow 27 R-1 lots and approximately 30 R-PD11 units for a total of 57 units. The revised plan that is now before you for consideration is to allow 12 R-1 lots and 48 R-PD11 units for a total of 60 units. The Planning Commission felt that nothing had changed from its previous recommendation and again recommended approval with the west five acres being amended to R-1. The extension of Rock Springs Drive from the north on to this property is considered by staff as the dividing line between the R-1 and the higher density that is appropriate adjacent to the Oran K. Gragson Expressway.

PLANNING COMMISSION RECOMMENDATION: APPROVAL, subject to the west five acres being amended to R-1.

STAFF RECOMMENDATION: APPROVAL - with the west 5 acres amended to R-1.

PROTESTS: 78



Z-61-84

0182

AGENDA*City of Las Vegas*

November 7, 1984

CITY COUNCIL

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM**Council Action****Department Action****X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)****K. ZONE CHANGE****5. Z-69-84 - NEVADA SAVINGS & LOAN ASSN.**

Reclassification of property generally located on the northwest corner of Cheyenne Avenue and Michael Way.

From: R-1 (Single Family Residence)
R-2 (Two Family Residence)
R-3 (Limited Multiple Residence)
C-2 (General Commercial)

To: R-3 (Limited Multiple Residence)

Proposed Use: Medium High Density Residential

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

1. Resolution of Intent with a twelve month limit.
2. Construct a six foot (6') block wall along the north and west property lines.
3. Dedicate a 30' property line radius at the intersection of Cheyenne Avenue and Michael Way and the right-of-way for Santa Catalina as required by the Department of Design and Development.
4. Approval of the dual driveways along Michael Way by the Traffic and Parking Commission.
5. Install street improvements on Santa Catalina Drive, Michael Way and Cheyenne Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.

APPROVED AGENDA ITEM

mp Cor

(continued)

Levy -
APPROVED as recommended by Planning Commission and Staff, subject to conditions.
Unanimous

Clerk to notify and Planning to proceed.

Kenny Guinn appeared and represented Nevada Savings & Loan Association.

No one appeared in opposition.

0183

AGENDA*City of Las Vegas*

November 7, 1984

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

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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)K. ZONE CHANGE5. Z-69-84 (continued)6. Provision of a 20' sewer easement along
the north property line as required by
the Department of Design and Development.

Staff Recommendation: APPROVAL

PROTESTS: 185

APPROVED
See Page 54

See Page 54

APPROVED AGENDA ITEM

mp Cor.

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

x. 0184

K. ZONE CHANGE

5. Z-69-84 - NEVADA SAVINGS & LOAN ASSOCIATION

The application is to rezone this property from R-1, R-2, R-3 and C-2 to R-3 for a 458 unit apartment project that is generally located on northwest corner of Cheyenne and Michael Way. The site contains 18.4 acres and will have a density of 24.9 units per acre, which is the maximum allowed in the R-3 zone. There will be 724 parking spaces where 458 are required.

An identical application was submitted by the applicant in 1982 and it was recommended for denial by the Planning Commission and was withdrawn prior to consideration by the City Council. At the initial public hearing of the Planning Commission on this current application, there was a substantial protest factor from the residents in the R-1 area to the northwest. The application was held in abeyance so the applicant could meet with the property owners to resolve any differences. At the last Planning Commission meeting the applicant indicated the differences have been resolved with the property owners and no one appeared in protest. The existing zoning will allow essentially the same amount of apartment units on this property with the assumption a use permit would be approved for apartments in the C-2 portion. The plot plan reflects all access will be to Cheyenne and Michael Way with no access to the R-1 to the west and north. There will be ample landscaping provided for this project and the building elevations are acceptable.

PLANNING COMMISSION RECOMMENDATION: APPROVAL, compatible with the zoning pattern in the area.

STAFF RECOMMENDATION: APPROVAL - compatible zoning.

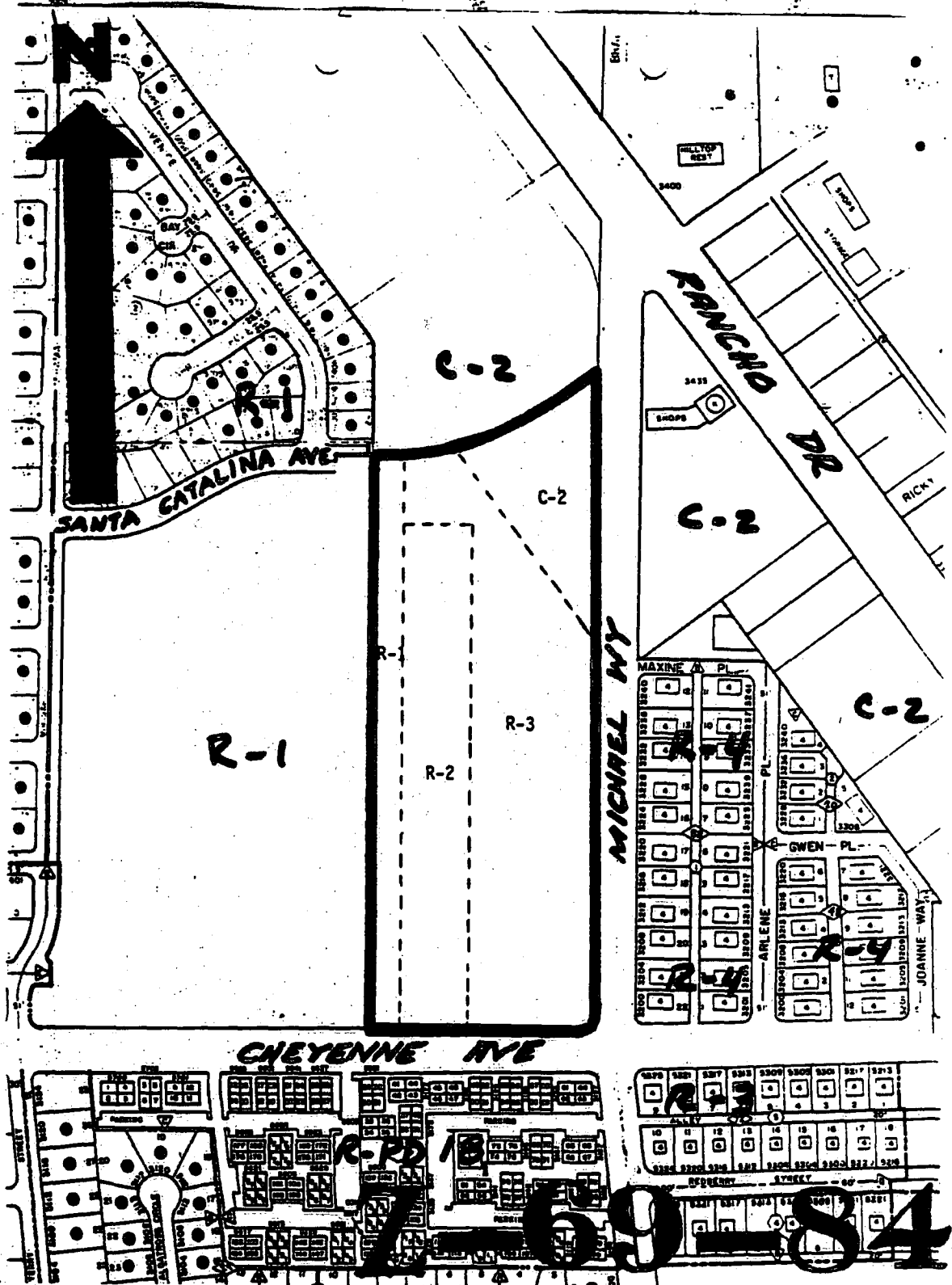
PROTESTS: 185. The developer has met with the protestants and satisfied their concerns. There were no protestants at the meeting when the Planning Commission made its recommendations.

SEE ATTACHED LOCATION MAP.

X. COMMUNITY PLANNING AND DEVELOPMENT AGENDA ITEM

K. 5. NEVADA SAVINGS & LOAN

0185



AGENDA*City of Las Vegas*

0186

November 7, 1984

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:44
to
16:11K. ZONE CHANGE6. ABEYANCE ITEM - Z-64-84 - RAINBOW
EXPRESSWAY, INC.

Reclassification of property generally located
at the southeast corner of Rainbow Boulevard
and Westcliff Drive.

From: R-E (Residence Estates)
To: C-1 (Limited Commercial)

Proposed Use: Shopping Center, Restaurants
and Bank

Planning Commission recommended DENIAL (4-1
vote). If approved, following are the
recommended conditions:

1. Resolution of Intent shall be restricted
to a twelve month time limit.
2. Conformance to the plot plan amended to:
 - a. Dedicate a cul-de-sac for Nunca
Street as required by the Department
of Design and Development.
 - b. Provide a 6 foot masonry wall on a
3 foot high landscaped berm along
the east and south sides of the
development as required by the
Department of Community Planning
and Development.
3. Dedicate 30 feet of right-of-way for
Lorenzi Boulevard and a 25 foot property
line radius at the intersection of
Lorenzi Boulevard and Westcliff Drive
as required by the Department of Design
and Development.

APPROVED AGENDA (continued)

mp Cor

Lurie -
DENIED
Motion carried with
Briare voting "No."

Clerk to notify

Michael Saltzman,
2309 Renaissance
Drive, and Dan
Shaw, 2309
Renaissance Drive,
appeared and
represented the
application.

90 names on a
petition for
approval.

OPPOSITION:

Daniel Gray, 148
Nunca Street

Gordon Paulson,
6625 Robin Lane

Robert Chesto,
6725 Cabra Circle

Juanita Clark,
137 Lorenzi Blvd.

FAVOR:

Joseph Merica
333 Bent Creek Dr

Paul Frausnik,
149 Nunca Street

3 letters

NOTE: A verbatim transcript made a
part of the final minutes.

AGENDA*City of Las Vegas*

0187

November 7, 1984

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

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ITEM	Council Action	Department Action
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
K. <u>ZONE CHANGE</u>	DENIED See Page 56	See Page 56
6. <u>ABEYANCE ITEM - Z-64-84 (Continued)</u>		
4. Install street improvements on Lorenzi Boulevard and Westcliff Drive; a sidewalk on Rainbow Boulevard and full improvements on the cul-de-sac on Nunca Street as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.		
Staff Recommendation: APPROVAL, with the application being amended to P-R.		
PROTESTS: 49		
APPROVED AGENDA ITEM <i>MP</i>		

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

K. ZONE CHANGE

6. ABEYANCE ITEM - Z-64-84 - RAINBOW EXPRESSWAY, INC.

This application was held in abeyance from your October 17 meeting at the request of the applicant so he could meet with the property owners and resolve some of their protests to this proposed shopping center project. The latest indications are that many of the property owners in the area are still opposed to this application.

This 7.7 acre parcel is located at the southeast corner of Rainbow and Westcliff Drive. C-1 zoning was requested twice in the late 1970s and was denied both times because it was felt there was sufficient commercial zoning in the area. The applicant is proposing several restaurants and a bank in conjunction with the shopping center that will contain 74,000 square feet. A total of 340 parking spaces will be provided where 336 are required. There is developed R-1 to the south and east. A developed C-1 site exists to the west and there is vacant N-U and C-1 to the north which is surplus State-owned property. The applicant is proposing to orient the shopping center to Rainbow and Westcliff with no access to the east or south. A landscaped berm with a 6 foot block wall is proposed on the east and south sides adjacent to the R-1. Nunca Street, which dead-ends into this property along the south side of this site is proposed on the plot plan to have only a small area for a turn-around. A full cul-de-sac will be required to be constructed on the shopping center site for adequate turn-around area with a 6 foot block wall around it. The full cul-de-sac will require a revision to the proposed building location. Staff recommended the application be amended to P-R for an office development, however, the developer stated he preferred to pursue the C-1 for a shopping center. The applicant, Michael Saltman, is one of the developers who constructed the Renaissance Shopping Center at Eastern and Tropicana.

PLANNING COMMISSION RECOMMENDATION: DENIAL, there is sufficient commercial in this area.

STAFF RECOMMENDATION: APPROVAL, with the application being amended to P-R.

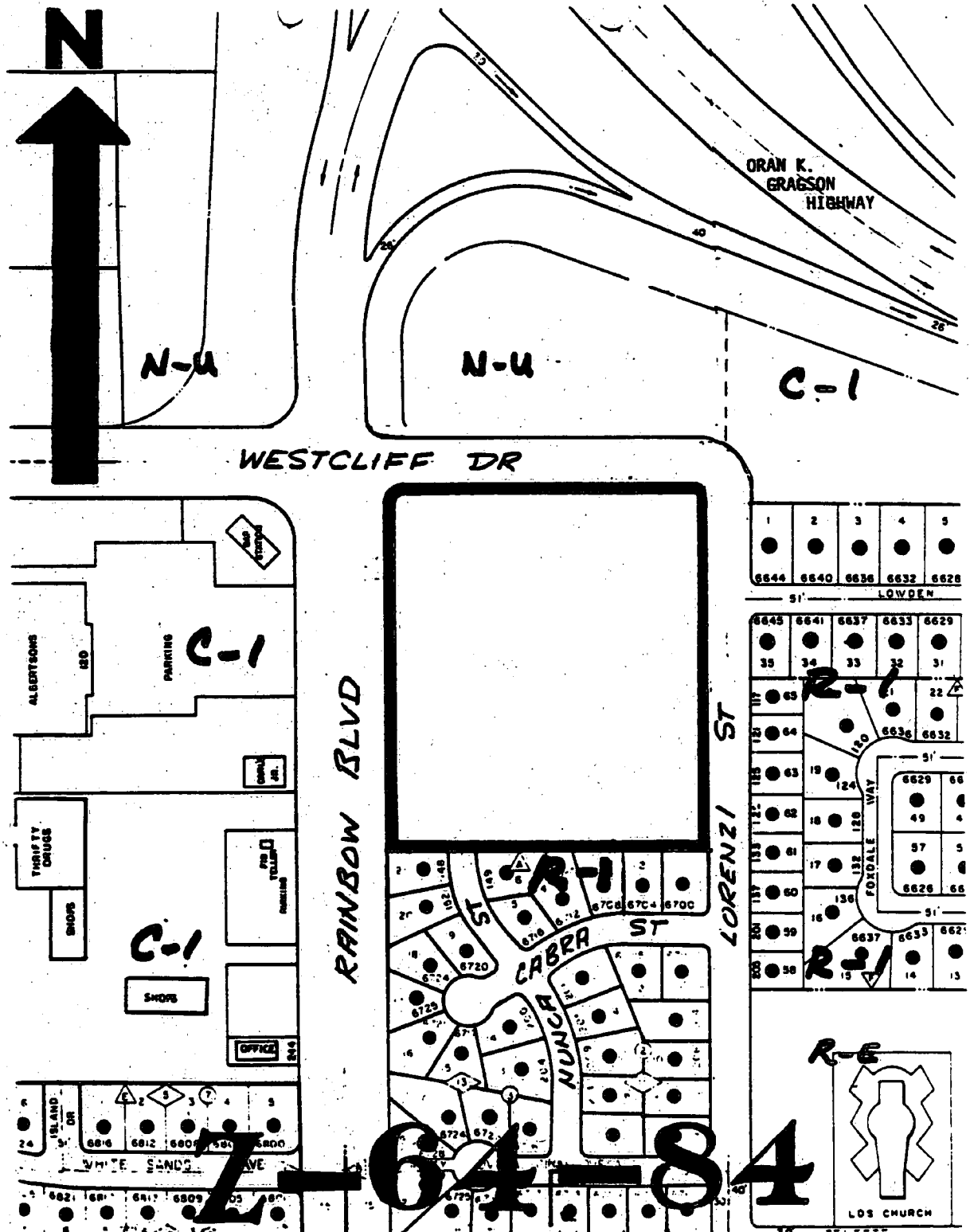
PROTESTS: 49 (5 spoke at the Planning Commission meeting;
20 were in the audience;
24 petition signatures or letters)

See Location Map on following page.

X. COMMUNITY PLANNING AND DEVELOPMENT AGENDA ITEM

ITEM K. 6.

0189



Z-64-84

We the undersigned believe there is a strong need for additional retail shopping facilities at Rainbow Boulevard and Westcliff Drive. We therefore support the first-class project proposed by Michael Saltman and Rainbow Expressway, Inc., for the southeast corner of that intersection, and urge the Las Vegas City Council to provide its approval.

0190

NAME	ADDRESS	PHONE
Bill Smith	1013 Willowtree Dr	363-2472
Alan Blair	1009 Willowtree	363-1329
Lawrence Sagan	10054 1/2 Walnut	363-2601
Saida York	6106 W Washington #196	876-0531
Don Stokes	6529 Lowden Ln	870-2745
Carl Brigg	125 Homedale Way	870-2328
Lyn M. Pursey	6604 Pickford Ln	870-2699
James W. Elliott	208 Courtney Circle	877-9905
Laura E. Olson	201 country club	877-1054
James H. Miller	215 Courtney Cir	
Steve S. S. S.	920 S. S. S.	363-2737
Sharon S. S. S.	6521 Elton	870-5623
Nelanie Hirtz	220 Lundy Dr	878-3790
Alfred Olson	217 Lundy Dr	870-9509
Frank Ramont	209 Lundy Dr	878-0891
Josephine Sma	205 Lundy Dr	878-6441
Mike S. S. S.	6412 S. S. S. Dr	877-6913
James Olson	616 S. S. S. Dr	
Ken G. S. S.	603 S. S. S.	870-2350
Paul Nicola	516 Sportsman Dr	877-2450
Jim Nicola	"	"
Debi Waters	513 Sportsman	877-6875

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

We the undersigned believe there is a strong need for additional retail shopping facilities at Rainbow Boulevard and Westcliff Drive. We therefore support the first-class project proposed by Michael Saltman and Rainbow Expressway, Inc., for the southeast corner of that intersection, and urge the Las Vegas City Council to provide its approval.

0191

NAME	ADDRESS	PHONE
Lena Crossin	6433 Alta	870 5967
Sybil Haggard	6429 Alta	877-3046
Jane Howard	6425 Alta	877-0381
Anna E. Hledge	6417 Alta	877-9415
John Hill	6413 Alta	877-9565
Roy G. Van Guilder	6409 ALTA	870-4049
Charlotte E. Haggard	6405 Alta Dr.	870-9775
Indine Wyffel	6337 Cromwell Ave.	870-7851
Patricia Creamy	6404 Alta Dr.	878-8832
Carrie Haggard	6337 Cromwell Ave.	870-7851
Katie Wetz	6404 Alta Dr.	878-1532
Elsie Brown	6408 Alta Dr.	878-7931
Thomas L. Haggard	6432 ALTA DR	878-9222
Renee Brainer	6452 Alta Dr.	878-2341
Sylvia Pearson	6508 Alta Dr.	877-1028
Alfon BRENT	6525 CASADA Wy	878-6851
Betty Johnson	6536 ALTA DR	870-1708
Patricia Stevens	6540 Alta Dr.	877-2826
Joe E. E. E.	6908 C. Road Tree Drive	363-1529
Verona Crawford	6904 Roundtree	363-2664
Pam Studer	6904 Roundtree, # D	363-3557
Alan Whitice	1000A Willowtree	363-2976

We the undersigned believe there is a strong need for additional retail shopping facilities at Rainbow Boulevard and Westcliff Drive. We therefore support the first-class project proposed by Michael Saltman and Rainbow Expressway, Inc., for the southeast corner of that intersection, and urge the Las Vegas City Council to provide its approval.

0192

NAME	ADDRESS	PHONE
Peggy Tracy	430 Greenfield	
James Brooker	408 Greenfield	
Donna Kugler	401 Greenfield	
Nancy Lewis	405 Greenfield	
Preston L. Altman	407 Greenfield	
Kakany Bennett	920 Bishop	
Bill Case	6340 Factor Ave	
Daryl D.	6728 Outer Circle	
Evelyn Cooper	313 S. Torrey Pines	
Charlotte Skrao	" "	" "
Lance & Rhonda	31 " "	" "
Jay L. Stevens	305 S. Torrey Pines	
Tracy Lightly	6541 Alta	875 4114
Olivia Pennell	6533 Alta Dr	
R M Pennell	6533 Alta	
A.M. Burching	6521 Alta	
A.C. Thomas	6505 Alta	
S. Helsten	6501 Alta	
S. D. ...	6461 Alta	
Robert ...	6457 Alta	
T. ...	6453 Alta	
J. Smith	6449 Alta	

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

We the undersigned believe there is a strong need for additional retail shopping facilities at Rainbow Boulevard and Westcliff Drive. We therefore support the first-class project proposed by Michael Saltman and Rainbow Expressway, Inc., for the southeast corner of that intersection, and urge the Las Vegas City Council to provide its approval.

0193

NAME	ADDRESS	PHONE
RICHARD MARTIN	666 W. Washington	877
ANA BROEDER	5026 Delgado	873-3030
Janie Blum	6666 W. Washington	877-0111
Her Dwyer	6666 Washington	877-0111
Michael Black	6666 W. Washington	877-1337
Zu He	6666 W. Washington	877-1225
David	6666 W. Washington #43	877-4750
Anna Reyle	6666 W. Washington #141	
David Brubaker	6666 W. Washington #140	
Jim Vinnian	6666 W. Washington	
Linda Sarah	425 Vassar Ln	877-1123
Linda Sarah	425 Vassar Ln	877-5528
Linda Mella	409 Vassar Ln	877-2328
Ernest Walker	401 Vassar Ln	
Bell Bender	317 Vassar Ln	878-4335
Maryanne Bender	317 Vassar Ln	878-4335
Jeff Koser	1636 Burlington	
Willie J. Hays	320 Vassar Lane	
Debra Wessner	324 Vassar Lane	878-0157
T. Anne Chapman	6601 Shuman Ln	870-8717
Laure Shuman	6617 Shuman Ln	
John Smith	494 Greenfield	

CITY COUNCIL MINUTES - NOVEMBER 7, 1984

We the undersigned believe there is a strong need for additional retail shopping facilities at Rainbow Boulevard and Westcliff Drive. We therefore support the first-class project proposed by Michael Saltman and Rainbow Expressway, Inc., for the southeast corner of that intersection, and urge the Las Vegas City Council to provide its approval.

0194

NAME**ADDRESS****PHONE**

Anthony Cocco 8666 W Washington 877 0111

June 5. Buck 617 spots

0195

October 31

~~September 12~~, 1984

Council Chambers of City Hall
Planning Commissioner
400 E. Stewart
Las Vegas, Nevada

RE: Reclassification from RE to CL
Desert bounded by Lorenzi, Westcliff & Rainbow

3

Dear Planning Commissioner:

As a taxpayer, voter, homeowner and seven year resident, we object to the reclassification of item Z-64-84 from R-E to C-1. Some of our reasons are: kids hang out, walking on our lawn, littering our lawn, chances are greater that our home will be burglarized, increased traffic in front of our home, increased insect population and lowered appraisal value of our home.

Sincerely,

Mrs. Wayne A. Yeoman, Jr.

Mr. and Mrs. Wayne A. Yeoman, Jr.
201 South Lorenzi
Las Vegas, Nevada 89107

RECEIVED
OFFICE OF CITY COUNCIL
1984 NOV - 2 A 10:46
CITY OF LAS VEGAS

CITY COUNCIL MINUTES - NOVEMBER 13, 1984

City Councilmen
L.V. City Hall
400 East Stewart
Las Vegas, Nevada 89101

RECEIVED
OFFICE OF CITY COUNCIL 0196
1984 NOV -1 A 10:30
CITY OF LAS VEGAS

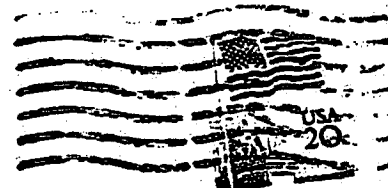
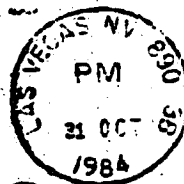
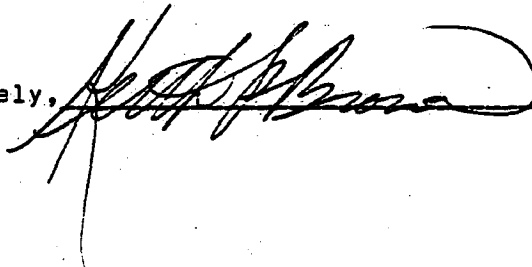
Dear Planning Commission:

I am a taxpayer, a voter, a homeowner, a 4 year resident. I moved here to be in a residential area. If I would have wanted to live in a business section I would have moved into one. We have plenty of business area to serve us here. I very strongly object to the reclassification of item Z-64-84 from R-E to C-1.

You are already aware of most reasons why it is objectionable such as:

- * Noise
- * Odors
- * Undesirable conduct in allies etc.
- * Obstruction of anatural view.
- * Lower appraisal value of home.
- * Uncleanliness of backallies in commercial.
- * And many more.

Sincerely,



City Councilmen
L. V. City Hall
400 East Stewart
Las Vegas , Nevada 89101

CITY COUNCIL MINUTES - NOVEMBER 7, 1984
Oct. 30, 1984

City Councilmen
L.V. City Hall
400 East Stewart
Las Vegas, Nevada 89101

RECEIVED 0197
OFFICE OF CITY COUNCIL
1984 NOV -1 A 10:32
CITY OF LAS VEGAS

Dear Planning Commission:

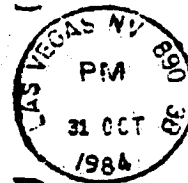
I am a taxpayer, a voter, a homeowner, a 4 year resident. I moved here to be in a residential area. If I would have wanted to live in a business section I would have moved into one. We have plenty of business area to serve us here. I very strongly object to the reclassification of item Z-64-84 from R-E to C-1.

You are already aware of most reasons why it is objectionable such as:

- * Noise
- * Odors
- * Undesirable conduct in allies etc.
- * Obstruction of anatural view.
- * Lower appraisal value of home.
- * Uncleanliness of backallies in commercial.
- * And many more.

Sincerely,

Nona B. Brown



City Councilmen
L. V. City Hall
400 East Stewart
Las Vegas , Nevada 89101

November 2, 1984

0198

Subject: Objection to Reclassification of Property
Generally Located at the Southeast Corner
of Rainbow Boulevard and Westcliff Drive,
from R-E to C-1.

To: Councilman Al Levy
City of Las Vegas
City Hall
400 East Stewart
Las Vegas, NV. 89101

Dear Councilman Levy:

The purpose of this correspondence is to express our unequivocal objection to the reclassification of subject property from residence estates (R-E) to limited commercial (C-1) or any other classification besides single family housing.

Although it is obvious that this section of Las Vegas has a very rapid residential growth rate, we are of the opinion that there are sufficient nearby shopping facilities available to provide adequate services. Our residential area is conveniently located within minutes of what is probably the largest shopping mall in the state of Nevada. In addition, there are numerous shopping centers of modest size with available space distributed throughout our residential community. Therefore, we can not comprehend how another shopping center can better serve the needs of this particular residential area.

The history of neighborhood objections to reclassifying subject property is well known, therefore, it is extremely difficult to understand why Rainbow Expressway, Inc. would speculate without conducting a comprehensive survey of the surrounding neighborhoods. The statement by an agent of Rainbow Expressway, Inc., "That this property is too valuable to be developed as single family housing" is not viable when placed in the proper context. Which is what about the home owner who normally has his or her life savings invested in their respective home. We can not be convinced that Rainbow Expressway, Inc. has our best interests in mind or that they have the same love for our neighborhood as we have. It is quite possible that this corporation has out of state and foreign monies from speculators who could care less about the home owners.

0199

As a fellow tax payer and voter, we are confident you will do your part in helping us maintain the integrity of our family orientated single family dwelling neighborhood. We love our life style and do not want to have commercial blight impair our way of life.

We have taken the liberty to attach comments we have received from residents who are located behind the Rainbow Boulevard Albertson Center. We believe their comments say it all!

Thank you for your kind consideration and we are confident you will understand our sincere objections to reclassification, thus support our plea for help.

Sincerely,

Gordon W. Paulson



Girusha Paulson



Enclosure:
Comments from residents
located behind Albertson Center.

These reasons came from residents behind the Albertson center.

- *a murder was committed here*
- *kids hang out*
- *loud yelling*
- *loud music*
- *sitting on our lawns*
- *urinate on side of homes*
- *urinate in my hedge*
- *disposal dumpsters are dropped from the top of the trucks causing noise at decibels above tolerance*
- *disposal dumpsters cause house to vibrate as they fall, this noise and vibration occurs between 2 a.m. and 4 a.m.*
- *robbery has occurred in the 3 homes bordering the shopping driveway*
- *fumes from the immense concentration of traffic is unhealthy for plants and people*
- *people come to rummage through produce dumpsters*
- *people drop unwanted produce in alley*
- *people throw unwanted produce against back wall*
- *view of natural scenery is blocked by a high wall*
- *this high wall is covered from time to time by soft produce and/or eggs, etc.*
- *palettes with deliveries are drug across the cement, dragging the palettes across the cement causes noise at decibels above tolerant levels*
- *swarms of flies are over the dumpsters*
- *swarms of flies come from the dumpsters into my yard when we try to entertain outside*
- *roaches have appeared since the center was built (this from a 15 year homeowner with a backyard at Albertsons alley)*
- *fire has been ablaze in one dumpster*
- *people use dumpsters to put garbage and large bulk items in rather than going to the dump*
- *these objects blow into our yards*
- *paper and bottles are on my lawn*
- *car, truck, motorcycle, etc. racers in alleyway*
- *commercial traffic is an unnecessary fear factor for residential streets*
- *homeowners are deprived of efficient ingress and egress to their homes*
- *lowered appraisal value of homes*
- *odors from restaurants is offensive*

Dora and Pat Moore
6704 Calbra Ave.
Las Vegas Nev.

City Council
Harold P. Foster
Depty Community Planning

Dear Mr. Foster,

Pat and I are in favor of the
the zone change that would allow limited
commercial zoning. Our property backs on to
the Section 34, Township 20 South, Range 60 East,
MDB&M. and think that our best interest would
be served by the zone change from residence
estates to limited Commercial.

Thank you
Dora A. Moore
Pat H. Moore
6704 Calbra
Las Vegas 89128
870-2160

0202

November 2, 1984

To Whom It May Concern:

Regarding the parcel of vacant land bounded by Lorenzi on the East, Westcliff Drive on the North, Rainbow Blvd on the West, and the Sproul Addition on the South, my wife and I approve of the development of said parcel as illustrated on the plan shown to us by Mr. J. Schumacher of 6708 Cabra St., Las Vegas, Nevada, 89107.

Yours truly,

Mr. C. W. Schoppe

C. W. Schoppe
Mrs. Margaret Schoppe
Mrs. Margaret Schoppe

6700 Cabra St.

Las Vegas, Nevada

89107

0203

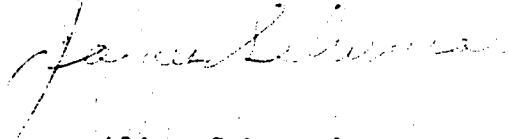
6708 Cabra Street
Las Vegas, Nevada
89128
November 5, 1984

To Whom It May Concern:

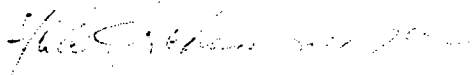
We, as homeowners on Cabra Street, are very concerned as to what will be built directly in back of us, on Westcliff Drive and Lorenzi Blvd. We are in agreement to the Rainbow Commercial Center which plans have been presented to us as is.

Sincerely,

James Schumacher



Alice Schumacher



TRANSCRIPT - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 2:00 P.M. - PAGE 1
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT. ITEM K. ZONE CHANGE. 6.
ABEYANCE ITEM, Z-64-84, RAINBOW EXPRESSWAY, INC.

0201

MAYOR BRIARE:

The next item on the agenda is on Council's page 56. It's an abeyance item for Rainbow Expressway, Inc. for reclassification of property generally located at the southeast corner of Rainbow Boulevard and Westcliff Drive. This is to request a change from R-E to C-1. The proposed use is shopping center, restaurants and bank. Planning Commission's recommendation was for denial. Staff recommendation was for denial. There were 49 protests shown to us as being in opposition to this. In the meantime, from that meeting there were a variety of letters and other materials sent to us that also were opposed to the request. Are you gentlemen the applicants? Did you have legal counsel that was going to be with you this afternoon?

MICHAEL SALTZMAN:

No.

MAYOR BRIARE:

Would you come forward.

HAROLD FOSTER:

Your Honor, you indicated staff's recommendation was denial; it was approval with the application being amended to P-R.

MAYOR BRIARE:

You know, I kind of wonder about that. They don't want P-R, so when things come up, and this is the second one this afternoon, when things come up and you say "okay, we don't want to consider your request as it has been submitted to us, but we will approve it for some totally different thing." It's like telling a person, this is what you're going to use your property -- if they want to use P-R, do you recommend P-R? Let them come in with P-R.

HAROLD FOSTER:

This was just staff's recommendation at the Planning Commission meeting, that we gave the Planning Commission.

COUNCILMAN LEVY:

Did they discuss it? Did the citizens, the people who were protesting the commercial, had they had an opportunity to speak on P-R?

HAROLD FOSTER:

Yes. They discussed it. The applicants indicated they were not in favor as well as protestants, but all this reflects is what staff recommended at the Planning Commission meeting.

MAYOR BRIARE:

Mr. Foster, it might be an expression of an opinion that had they come in for P-R, they might have gained the approval of staff, but they didn't come in for P-R, they don't want P-R, so you approve it, subject to conditions

MAYOR BRIARE:

and they go to P-R. Maybe we ought to discuss that at some future time as to how things change. Okay, gentlemen, we'll get back to the subject at hand. and that is the request that you have for changing R-E to C-1.

MICHAEL SALTZMAN:

My name is Michael Saltzman on behalf of the applicant, Rainbow Expressway. This is a very controversial item, I recognize. We've had extensive meetings with the Planning staff and had many meetings with the neighborhood and we recognize going into the project and going into our proposal that this is a controversial proposal. When we bought the property in 1981, our research indicated, and still shows, that all of the adjacent property, which I'll be glad to point out which was owned by Sproul Homes had been zoned for residential and had been built out as residential. This piece of property, the southeast corner of Rainbow and Westcliff, had never been owned by Sproul Homes and so representations made by Sproul Homes over the years to the homeowners that live particularly along Cabra, Nunca and Lorenzi that this would never be anything but residential, from our point of view, would have been a promise made by Sproul Homes. In fact, Sproul Homes of New Mexico was the promising seller. Sproul, in fact, did own the properties on Cabra, Nunca and Lorenzi and the properties south of us and did own the property directly across the street, including where the current Albertson's Shopping Center is. We didn't really come up with our plan and our proposal to develop this project until after the Albertson's Center was planned for, so once we recognized that Albertson's in that large shopping center was going in on the other side of the street, we felt that we could come up with a successfully designed proposal that would meet with most of the neighbors, some of the neighbors, and certainly with the Planning staff, and hopefully, with the City Council. We are developers in Las Vegas of relatively long standing. My partner, Larry Larkin, has been developing here and owning various pieces of real estate and been plumbing for thirty-five to forty years. I've been here for ten years and Larry and I have been together doing projects together for ten years. Mr. Shaw, my associate on my right, has been here for three years with us and is directly involved also in the development of our properties. Just so that you can recognize the properties that we have done in Las Vegas, we've built and developed Winchester Plaza, which is immediately adjacent to residential; Bolero Plaza, also immediately adjacent to residential; The Village Apartment and Campus Village complex, across

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ABEYANCE ITEM, Z-64-84, RAINBOW EXPRESSWAY, INC.

0206

MICHAEL SALTZMAN:

from the university; Tamarus Village Apartments, Gateway Village Apartments; Renaissance Shopping Center, Renaissance Office Park, which is also adjacent to residential, incidentally; Renaissance Office Park, Second Phase, which we are completing now, which is also adjacent to residential. We are doing now the upcoming Renaissance West project at the northwest corner of Flamingo and Decatur, which, too, is also adjacent directly to residential. My point in mentioning those projects is number one: we try to do the best kind of project we can for the community, both city and county, and we think we have done so in our projects. More importantly, I think we recognize how to blend the design of our projects with residential communities. In meeting with our neighbors--we presented a plan originally to the Planning staff which is not the plan that you see today. The plan that we presented to the --

MAYOR BRIARE:

Wait a minute, is what?

MICHAEL SALTZMAN:

We changed the site plan. The site plan that you see here today is a changed site plan after our meetings with the neighborhood.

MAYOR BRIARE:

Between the Planning Commission meeting and this meeting?

MICHAEL SALTZMAN:

Correct.

MAYOR BRIARE:

So the Planning Commission meeting -- the Planning Commissioners have not seen this.

MICHAEL SALTZMAN:

They have. We delivered this site plan to the Planning Commission about three or four days ago, five days ago, upon the completion of this new site plan.

COUNCILMAN LEVY:

The Commissioners didn't see it.

MICHAEL SALTZMAN:

Excuse me, staff has seen it.

HAROLD FOSTER:

The change basically is the orientation of the buildings. The buildings were on an angle fronted and now it is more of an L-shape.

MICHAEL SALTZMAN:

The changed site plan is as a result of our meetings with the neighborhood. Incidentally, I have with me here today, which was delivered to my office at noon today by parties unknown, a petition which says "We, the undersigned, believe there is a strong need for additional retail shopping facilities at Rainbow Boulevard and Westcliff Drive. We, therefore, support the first-class project proposed by Michael Saltzman and Rainbow Expressway, Inc. for the southeast corner of that intersection and urge the Las Vegas City Council

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ABEYANCE ITEM, Z-64-84, RAINBOW EXPRESSWAY, INC.

0207

MICHAEL SALTZMAN:

to provide its approval." I counted the names on my way down here. There are 90 names on the petition and I would be glad to hand it in to the City as a matter of public record and verifiable. I want to explain to the City Councilmen what we've done with the site plan and with this proposed project to show how we've tried to comply with the neighbors' demands, desires. I will clearly add that there are some neighbors who are in support of the project and there are neighbors who are against the project. I understand that and I know both sides are here represented today. I would like to show you on the site plan what we've done. Westcliff Drive, entering off of Rainbow -- directly across the street, as you know, is the Albertson's Shopping Center. Westcliff today, as you drive in you go around a small guard rail here which we would propose at our expense to improve on behalf of the city unrelated to the project, just to improve the access into Westcliff. Some of the people that we have talked to, in fact, many of the people we've talked to that live even away and the rippling affect from this project have been aghast for years at the entry into Westcliff. Our proposal would be to include, at our expense and in conjunction with the City, some type of a design for this guard rail, a new wall, or some way of improving the entryway. Along Lorenzi Boulevard, which is also a part of our original proposal, we have proposed to build a 6' berm from the sidewalk, 6' landscaped and have agreed with the various neighbors to commit to even certain forms of landscaping. On top of that berm, a 6' wall, so what you see in this drawing here is what people who live along Lorenzi would see from their front yards. Incidentally, I'll add that there's only one house on Lorenzi along this entire property line that has a two-story home and that one home has no windows on the Lorenzi side of the second story, so if you're on Lorenzi looking at this proposed site, what you see is a landscaped berm and a wall on top of it completely finished with specifications that I know would match any architectural specifications the City has today and the County for that matter.

MAYOR BRIARE:

Mr. Foster, have that handed up here, would you? Mr. Saltzman, before you proceed, would you let us look at this for just a second and tell us if this was designed by your architects for this specific project. This is not just some general thing that you pulled out --

MICHAEL SALTZMAN:

We spent a great deal of time with our architects, designers and neighbors and planning people on the design of this project specifically.

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ABEYANCE ITEM, Z-64-84, RAINBOW EXPRESSWAY, INC.

0208

MAYOR BRIARE:

Well, in some materials that have been provided you talk about projects in other parts of the community. We're interested in this specific one and this applies to that specific project. Also, rather than go through all the names and addresses here, have the families that live on Lorenzi, have they seen this?

MICHAEL SALTZMAN:

Those that have attended our meetings have seen it, yes.

MAYOR BRIARE:

How about those that -- have you made an effort for those that did not attend?

MICHAEL SALTZMAN:

We made an effort to contact everybody in the neighborhood, Mayor.

MAYOR BRIARE:

What was the reaction of the people who live on Lorenzi?

MICHAEL SALTZMAN:

We have about a mix -- Lorenzi, I would say, is probably more against than for the project.

MAYOR BRIARE:

I'm specifically interested, Mr. Saltzman, at those who live directly across the street that may or may not be impressed with this architectural rendering.

MICHAEL SALTZMAN:

There are six homes along Lorenzi.

MAYOR BRIARE:

Now we're getting down to it.

MICHAEL SALTZMAN:

I haven't polled all six of the people. The only person that I spoke with who came to our meeting two nights ago was a man who lives at the southeast corner of Lowden and Lorenzi.

MAYOR BRIARE:

What was their reaction?

MICHAEL SALTZMAN:

He was against the project; he and his family were against the project.

MAYOR BRIARE:

Anyone in favor of it?

MICHAEL SALTZMAN:

At that meeting, no.

COUNCILMAN LEVY:

Mr. Mayor, I just looked at this petition and didn't see any names from Cabra or Nunca or Lorenzi. Those three streets are the main streets that would have any objections and none of them have signed it.

MICHAEL SALTZMAN:

In fact, Commissioner Levy, what I would like to say about that particular issue is that when we first started designing this plan, we spent all of our time with those neighbors on Lorenzi, Cabra and Nunca. Why or why not

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0209

MICHAEL SALTZMAN:

the petitioners may have -- the petition may have gone to those streets, is almost secondary in the sense that we spent our time with the neighbors themselves. We have been spending our time directly with the neighbors along Lorenzi and along Cabra and the two neighbors on Nunca. I believe they are represented here today, all of them, so I'm sure you're going to hear their views.

COUNCILMAN LEVY:

Let me just make a comment, Mr. Saltzman. I have had an opportunity to vote on this matter in the past and I think one of the things that really bothered me -- I don't want to blow your presentation, but there is a street going into your property called Nunca that was proposed before I was on this Board and it must have been proposed to go into the balance of this property for residential. I guess the people who had bought their homes on Nunca, and I guess on Cabra, probably felt that that was what was going to happen because of the street going into this. I guess that is going to be my biggest thing and you're going to have to overcome that on my vote.

MICHAEL SALTZMAN:

Let me address it for you and I'll overcome it the only way I can, which is as sincerely as I possibly can with my own research. If you will also look across the street at the Albertson's Shopping Center, you'll see a street that goes right into the Albertson's Center, the south boundary, exactly the way Nunca comes into our piece of property. The difference is, and of course, you can see that the Albertson's Shopping Center has been built and there is a street that goes right into it.

COUNCILMAN LEVY:

You would never -- knowing you -- would ever build a kind of center as that one is, so don't compare your work to theirs because yours is a much higher quality, sir.

MICHAEL SALTZMAN:

You know the kind of center we'll build.

COUNCILMAN LEVY:

Yes, sir, much higher quality.

MICHAEL SALTZMAN:

I appreciate that. What I am pointing out though is the street issue. The street on the other corner goes directly into the shopping center as Nunca. The difference is this, Commissioner Levy. That piece of property was owned by Sproul Homes of New Mexico, which was the only entity. The property south of that Albertson's Center was also owned by Sproul Homes. When Sproul built the project, which is the particular streets of Cabra,

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0210

MICHAEL SALTZMAN:

Nunca and Lorenzi are involved, Sproul made commitments to the homeowners, maybe there are some second and third homeowners now, but did make commitments to those homeowners that that property, which the pencil is pointing now, would become residential, but Sproul never owned it, controlled it, never had an option on it, and no ability and certainly no authority to represent how that property would be completed. Of course, today what's happened is, Rainbow is changed. Rainbow and Westcliff and the expressway setting have changed materially.

COUNCILMAN LEVY:

And the people who own that property allowed Sproul to put a street up to their edge?

MICHAEL SALTZMAN:

I'm just going to end it right there.

COUNCILMAN LEVY:

I just can't see that.

MICHAEL SALTZMAN:

Hard to believe, but that's the way it was designed and, of course, today if you look at it, stand on Nunca and look into that property, what you see is a guard rail that has been banged up heavily, it's totally open to that piece of property, it's definitely a property that has a lot of waste material on it and residue being dumped there by all sorts of folks, but at any time, and at no time in the last twenty-five years did anybody have a right to represent that that piece of property would always be residential; that's the issue here. We know that, too. We know that the neighbors, many of the neighbors who live in the neighborhood have felt and feel, we think this will always be residential here. Well, I can tell you quite frankly what we paid for the piece of property in 1981, would be glad to disclose that. The neighbors know how much the property is worth today and exactly what we put into it. We even told the neighbors that if they don't like this project, it's rejected, we'll sell them the property for the exact price that we've put into it, no profit transaction. We are in a position to sell that piece of property to anybody, and particularly the neighborhood, who would like to see it continued as residential. What we're saying is, that throughout the southwest and in growing Las Vegas a commercial development can compatibly fit with the residential development. And how do you do that? You do these kinds of things. Let me just carry on briefly with what we have on Cabra and Nunca. Lorenzi, you see the berm and the six-foot wall, and that's the picture that was just passed by. We are also planning -- in that picture what you see is a tree, possibly the equivalent of a thirty-six inch box tree. We would propose to plant mature trees, at least thirty-six inch box trees along that berm, deciduous or evergreen, whichever the neighbors prefer. Along Cabra, what we have proposed, and this is why the site plan

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MICHAEL SALTZMAN:

changed, originally the large building was situated closer to Cabra. At the request of a particular neighbor on Cabra to whom the building was the closest, we agreed to move the building further north, and incidentally, if you will notice the site plan, the building itself is one hundred and five feet from the middle of Lorenzi, so it's a long distance between Lorenzi and the back of the building and at grade level on Lorenzi, one without the trees will not see the top of this building at twenty-two feet in height with mechanical screening all the way around the A/C equipment. In the front portion of the building is where the A/C equipment would be, so there would be no view of this building from Lorenzi. What Lorenzi will see is effectively a small part dedicated by a private developer and maintained by a private developer. Along Cabra, as well as moving the building further north, we propose to increase the barrier between the neighbors and the project to deed to the neighborhood ten feet of our property all the way along the line from our back property line to Rainbow. Along that ten foot barrier we will plant again mature trees of at least thirty-six inch box in size at a ten foot on center spacing along a slumpstone wall that we will build, and again at our expense, of ten to twelve feet, depending upon the final height requirement of the neighbors. We propose a twelve-foot wall across this entire border and have discussed it with the neighbors. That wall will be a fully-grouted wall. It would have dirt on our side of the property for additional sound-proofing because it has dirt on the front and back side to support the wall. When we complete the wall, we'll do all the demolition of all the existing neighbors' walls. We'll give to the neighbors, particularly the ones that live here on Nunca and here on Nunca a greater portion of ground away from the property. Right now, this house sits probably three feet from the property line and this house is within appropriate setback. This house would have a twelve-foot wall that went all the way across the property line, all of whom would be there for protection from this project. They would not see the project. They will hear the project; certainly, they will hear some activity in the project to the extent that we can control management and we feel that we are good at controlling management and if anybody ever did buy the property from us, which is one of the other issues, we're putting enough money into this project with that type of purchaser, if it were to occur, and it isn't planned to occur, would have to have the same standard of care that we have in maintaining the project. We have ways to do that in our documentation as well. We've also moved the ingress and egress away from Mr. Gray's house because Mr. Gray lives as close to the project

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MICHAEL SALTZMAN:

as anyone on Rainbow. The Frausnik's live on this side of the property, on this side of Nunca, excuse me. We moved the ingress and egress from our original site plan, which was on the south side of the median further north, even though it's going to impact our ability to get in and out of the complex, at least we would have additional ingress and egress and again move further away from Mr. Gray's house. This pad site that you see here which we call Pad 3, which is proposed to be a restaurant site, not a fast-food site, a clean grease-trap restaurant, which can occur if you manage your property properly. We have also moved that further toward Westcliff and more into the commercial zone. Recognizing, of course, that we are dealing with commercial across the street as well. We took the pad building, which was on Westcliff on this portion, and moved it further toward the corner as well, to take it away aggressively from the residential site in the back. We have moved all of our buildings forward so we've taken the Lorenzi portion of the project and pushed it as far toward Rainbow as we could to get it away from the residential. All of these small details, the design of the project we have here in fact -- I would appreciate it if you would pass that around. This is basically an extension of our design of the Renaissance complex at Tropicana and Eastern. What you see is a diagonal "U" coming from the corner. This is a proposed financial institution on the corner, not a gas station, not a tire and battery accessory store, so, therefore, a noiseless user. In the center itself, which is approximately 90,000 feet in size would be this type of a design, which is basically what we have at Tropicana and Eastern; you might pass that around. The neighbors have seen that. In fact, the neighbors themselves with whom we've dealt, including the protestors, don't have a particular problem with our development. They have said we develop nice properties and we manage them well and we recognize that, so we're not trying to force our design on anybody. It is a relatively expensive shopping center concept and, of course, these additions have taken roughly 12,000 square feet out of our leasable space and still it's a viable project with the footage that we have left. The other issue, of course, here and that's the project, and of course, we're open to any questions that you may have on the project and as we told the neighbors, we are prepared to bring in someone from the neighborhood to act in a liaison capacity with us. They could work on our development team. They

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MICHAEL SALTZMAN:

could pick the most difficult, arduous person in the neighborhood to be that liaison with us, someone with construction expertise would certainly be appropriate and would help the situation for the neighborhood. We are prepared, as someone said to us, you draw nice pictures but how do we know you're going to be able to perform? We are prepared to escrow hard dollars into whatever escrow account would be required for purposes of making certain the berm and the landscaping was completed, making certain that the wall was completed according to our specifications. We are prepared to take our working drawings themselves, the full set of working drawings and submit them, not only to the Planning staff, of course, but to the neighborhood themselves so the neighborhood can see what a landscape and a hardscape plan can be like when drawn by a firm of the quality of Lees and Pomroy Associates in pod, who are our architects and our landscape architects. We propose a first-class project for the City of Las Vegas and for the residents. I recognize that there is a desire amongst many of the residents to maintain residential on this property. My argument to that and my counter argument is that it's an extensive piece of property for residential and I doubt quite frankly that residential will ever be built on this property because to do so will either require a very high density in housing or it will require a home so overloaded in costs that it will throw the other part of the neighborhood in disarray. If you had, for example, and Commissioner Levy would certainly know this because of his background, if you put thirty-six homes on this piece of property, you're talking about at cost \$25,000 a lot sale minimum, that's before any lot improvements. We're talking then maybe in terms of \$8,000 to \$10,000 in lot preparation, so we're up to \$40,000 roughly, \$35,000 to \$40,000 in a lot for residential. Or, someone will come in and make a strong argument for residential and the residential may not be what the neighbors would like for a lot of other reasons. We are basically blocking off residents in this neighborhood from the project in the sense of our walls, our berms, what we consider to be our sensitivity to the neighborhood. We are open to any and all questions from the Councilmen, and of course, we would like to hear what our supporters and our protestors have to say. Thank you very much.

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MAYOR BRIARE:

Mr. Saltzman, the procedure that we follow as a matter of practice on this Council is that you have the opportunity to present your application. If the Councilmen have any questions to ask, they can do it now, but then we want to hear from the people who are here to speak in opposition to your proposal and then you will have an opportunity to come back and address yourselves to those persons who objected and to address yourself to their objections, not to try to resell the whole project again. However, before I call for the persons that are here to object, I want to ask you about Lorenzi Boulevard again. Each of us on this Council, we like to consider ourselves pretty familiar with our city and one thing that occurred to me before and while you were talking here that on Lorenzi Boulevard you indicated about escrowing monies to guarantee the construction of the berm and the fence and blocks and so on and so forth. If one of the neighbors should come forward and say "Well, that's all well and good, but how about the maintenance and upkeep of those thirty-six -- "

MICHAEL SALTZMAN:

Well, the size of the box of the tree, yes.

MAYOR BRIARE:

Three foot, thirty-six inch box. Supposing they were to ask this Council, or object because we have all seen, unfortunately, some great intentions and some great promises made and then all of a sudden the project is put together and nobody now pays attention and it becomes a no-man's land.

MICHAEL SALTZMAN:

We recognize the need for maintenance to this piece of property. In the sense of being a no-man's land, we are again willing, Mayor, to escrow monies, even on an annual basis, for the management of what we see now is those public area facilities and adequate to maintain them, including sprinkler systems and all the other irrigation material that goes into that type of a gesture.

MAYOR BRIARE:

Are there any comments by the Council members before we ask for the --

COUNCILMAN CHRISTENSEN:

Yes, I'd like to ask a question or two, if I might, to verify in my own mind. This commercial endeavor, what are you talking about an hour? You mentioned a financial institution, you mentioned a restaurant. Obviously, the restaurant will be open in the evenings, but financial institution you would -- that obviously doesn't stay open in the evenings. What about the rest of the buildings?

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COUNCILMEN CHRISTENSEN: What type of tenants do you anticipate there?

MICHAEL SALTZMAN: We anticipate a grocery store being the large building and it would be a twenty-four hour facility.

COUNCILMAN CHRISTENSEN: Twenty-four hour facility.

MICHAEL SALTZMAN: Right. We told one of the neighbors, for example, that if there was some way of entering into a noise ordinance control program between certain hours, we would be prepared, of course, to do that. We have even gone so far in the plan, Councilmen, is to take the truck-well loading dock that we have in the back of the shopping center and make it a straight shot from Westcliff so that when you're driving in Westcliff to load those stores, the truck would be able to drive into Westcliff and back directly into the truck-well, which is that portion of the back end of the grocery store and below grade.

COUNCILMAN CHRISTENSEN: Then this would not be unlike the situation we have at Rancho and Charleston, with the exception that you design yours nicer, is what you're telling us.

MICHAEL SALTZMAN: I think the Rancho Towne and Country Center is a very nice design. How well has it been maintained? The Mayor lives there. I remember when the project came up.

COUNCILMAN LEVY: Not very well.

MICHAEL SALTZMAN: The Renaissance complex has been extremely well maintained and the reason it has been well maintained is because we have a certain amount of dollars that we use toward management.

COUNCILMAN LEVY: What about the campus one?

MICHAEL SALTZMAN: I'm sorry.

COUNCILMAN LEVY: What about the campus one?

MICHAEL SALTZMAN: It is also very well maintained. It is empty and is the responsibility --

COUNCILMAN LEVY: Do you still own that?

MICHAEL SALTZMAN: No, we sold that project to a man who feels that with his

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MICHAEL SALTZMAN:

sense of free enterprise that he can keep it clean and immaculate as he does and if he wants to keep it unleased, we can't control that. He makes his payments the first of each month and we're not unhappy with his performance. All of our projects look --

COUNCILMAN LEVY:

I'm not going to get into design, but I think you need a a buffer in there, a residential buffer, not on the whole parcel, Mr. Saltzman. I'm not going to get into a design situation here today, but I just feel that we owe those people that much.

MICHAEL SALTZMAN:

I'd like you to hear from the people because I've spent so much time with them lately. I've been there on week-ends, during the week, in the evenings, and they've been nice enough and kind enough to open their doors to us.

COUNCILMAN LURIE:

Let me ask you one question that we can get straightened out. My understanding of one of the first meetings you had that you told the residents that if they objected to it and they protested C-1, that you were just going to withdraw the application and not proceed. Is that a true statement?

MICHAEL SALTZMAN:

No. I would say, Councilman, that I have maybe changed a bit in that presentation. Since that day when we had that meeting --

COUNCILMAN LURIE:

You did tell them that. They were under the impression that that's what you said at that first meeting that you had.

MICHAEL SALTZMAN:

Some I did say that to.

COUNCILMAN CHRISTENSEN:

I missed that. What was said?

MICHAEL SALTZMAN:

I said to the neighbors that if we weren't able to get support for the project, that we would withdraw our application. Well, if we lose this vote today, we're obviously by definition going to withdraw this particular zoning proposal. What happened in the interim, however, was that we met with the neighbors on a repeated basis, and there are many neighbors in the neighborhood, and particularly those that live along Nunca, Cabra and Lorenzi that have changed their minds and they can represent themselves and if they're here to represent themselves, so much the better for us, and if they're not, then obviously it's not going to be to our benefit, but recognize that not only do we build a quality project, but that we're a known commodity in the community and that if we propose to build something, we'll build what we say we're going to build as opposed to someone else who may come along and say "Okay, I'll build residential or a residential buffer," or perhaps some other acceptable

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MICHAEL SALTZMAN: project from the point of view of zoning and planning and not do a project as integral to the neighborhood and as attractive as ours can be, so I backed off a bit from that representation because there are people there that support this project.

MAYOR BRIARE: Let's hear from them.

COUNCILMAN LURIE: I have another question; I'm not finished yet.

MAYOR BRIARE: Oh, I'm sorry.

COUNCILMAN LURIE: One thing that concerns me on why we should change this to commercial is the fact that we just got finished approving to the south Lewis Homes, Metropolitan Homes that went R-1. True that Rainbow is the major street, Westcliff, in my estimation, on the east side or to the north of your property is not a major street, it's a feeder street. When you get to the west of Rainbow, Westcliff is a major street, so I think there's some problems there and I told Harold, and I agree with the Mayor, that I wouldn't make a recommendation if he wants C-1, to say they'll go P-R, then we should stay with R-1, but the Planning Commission recommended denial based on sufficient commercial in the area. We have Charleston Boulevard and Rainbow. We have the property in pink on the other side of Lorenzi, Silverstream, that's commercial. There is quite a bit of commercial already in the particular area that we're already talking about now.

MICHAEL SALTZMAN: I can tell you from my own view --

COUNCILMAN LURIE: In my estimation, the other thing that disturbs me is the fact that you had submitted a petition with 90-some names and not get the residents within the affected area. I mean, I can get a petition with --

MICHAEL SALTZMAN: They live within the mailing address; those people all live within the --

COUNCILMAN LURIE: -- a hundred signatures on anything as long as it's not in that particular area. I mean, when you get on -- I don't have the petition in front of me, but clear down on Alta those people don't really care what goes up there because it doesn't affect their particular house.

MICHAEL SALTZMAN: Those people that live off Alta are the ones that can enter into that Stonegate project either off of Alta or off Westcliff. If they choose to enter off of Alta, as it was expressed to us, because they choose not to enter off Westcliff because Westcliff they feel is --

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COUNCILMAN LURIE:

Then we get clear over on Washington and, you know, that's clear on the other side, and I think we are just getting the wrong type of petition. I told you when we first talked that you've got to get the support of your neighbors.

MICHAEL SALTZMAN:

I spent all my time only with the neighbors; only with the neighbors.

COUNCILMAN LURIE:

I know you have and you've done a good job and nobody questions your integrity or the type of construction that you do because I personally think it's quality, but my concern is, what's compatible with what's existing there and taking care of the immediate neighbors who are going to have to be blocked from this. I have a problem now with the 12' wall and the berms. If you've got a nice looking project, everybody should be able to see it, and you're hiding it.

MICHAEL SALTZMAN:

I'd be glad to hide it. The obvious problem is that people don't want -- okay, I'll straighten out your confusion real easily. People who live in the neighborhood would prefer to have people who don't live in the neighborhood not transversing their property and today they walk through the property at will, drive motor bikes and three wheelers and all the other mechanical equipment that you can have and come through that property and go on to Nunc and walk right out Nunc and go in any direction they want. The reason we have the large wall is to shield them from the project, particularly from the noise point of view. Visually, it will look good. It will be one of the very few finished shopping centers in Las Vegas. There are no finished rear ends in Las Vegas. Everybody does their nice front end, if they do that at all, and leave a block wall in the back. The one neighbor, whom I'm curious to hear if he is here today or not and will speak, there is one person in the neighborhood who can look into the project; there is one two-story complex that looks into the project. They may protest us today and they may not, I don't know where they stand because I know they were on the fence when I last met with them, but we spent all of our time, Councilman, with the neighbors only on Nunc and Cabra to the extent that they would come along Lorenzi.

MAYOR BRIARE:

Okay, thank you very much, gentlemen. You may be seated and we'll ask for those folks who are in the audience today that wish to speak against this proposal. Yes, sir, would you come forward, come right on forward. For the record, sir, please give us your name and home address.

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DANIEL GRAY: My name is Daniel Gray. I live at 148 Nunca, I'm sure you've heard my name already. I've been up here four times now on this one parcel of land. Commissioner Lurie has --

COUNCILMAN LEVY: How long have you lived in that house?

DANIEL GRAY: Sixteen years.

MAYOR BRIARE: Are you 148?

DANIEL GRAY: Yes, Mayor, 148 Nunca. I've lived there, like I say, for sixteen years. This is my fourth opposal to zoning changes to this piece of property, two of them on commercial. If you look back through the minutes of the meetings which I have here from 1978, 1979, the Board, staff recommends that this area remain its residential zoning so it will be compatible with that which is already developed to the south and east, that was 1978. Nineteen seventy-nine, Mr. Brown, staff, it states in here "There is far more commercial zoned land in this area than will be used for some time." This was in 1969. There is a few more parts in here that --

MAYOR BRIARE: Sixty-nine?

DANIEL GRAY: Pardon me, Mayor, seventy-nine. There is a few more parts in here that you may be interested in reading.

MAYOR BRIARE: Could we look at those, Mr. Gray?

DANIEL GRAY: Yes.

MAYOR BRIARE: We'll give them back to you. Go ahead, Mr. Gray.

DANIEL GRAY: The developments that were planned prior to this, I agree, were not as nice a plans as Mr. Saltzman has proposed here and I think I've made it quite clear through this whole ordeal that I do admire Mr. Saltzman's ability to build a good complex. I just feel that this is not the proper place to put it in a residential area. This area was designed and built for residential, with the exception of this one parcel of land, which, from the time that I can remember to the present time of this sale to Saltzman and Larkin Corporation was owned and maintained, if you can call it maintained, I'll get into that in a little bit, but it was owned by land speculators, all from out of state. In fact, if you'll go back to the records, I think you'll find this. These land speculators sold it, sold it and sold it until they run the price of this property up where the housing developers -- it's trying to make it unfeasible to build homes on there. It is still feasible, but with a lot less profit than what

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DANIEL GRAY:

homebuilders are used to receiving and I think that the Council will recognize that. I just tried to get some figures from different people around town on development costs, square footage of building costs, and dividing the land, if I could have my first slide, please. This shows 34 homes. I kind of scribbled this out, so please bear with me on this. That parcel there that is shaded is the parcel that is in question here and that shows 34 homes and it looks to me like it was intended for those streets to go on through such as that with some nice cul-de-sacs in there. What I have done there, gentlemen, is I just flip flopped the 36 homes that are presently in my area over on the other side, it fits very well. I think that would finish off the area as residential with leaving us a good buffer zone between commercial and residential using Rainbow Boulevard and Westcliff. I have met with Mr. Saltzman several times. His first proposal he showed us was a nice proposal for, like I say, a commercial site. The second proposal I didn't understand what he is doing here until I took a good look at it. With his first proposal, which is this, and if you would like to pass that around and this one too, please. The first proposal showed a major retail store with 40,000 square foot. The new proposal shows the major retail store with 43,000 square feet. Shops on the old proposal, 22,000 square feet; on his new proposal, 26,000 square feet. Pads, which includes his restaurant, his banks, the old proposal, 12,000 square feet. With the new proposal, 13,000 square feet. The total in rentable space for his old proposal was 74,000 square feet. With his new proposal is 82,000 square feet. He has increased 8,000 square feet of rentable space to his project. This here, gentlemen, you've all heard the cliché, "there's no free lunch." The 10' of land that he is deeding to the residents, there's your free lunch, 8,000 square feet of an additional retail marketing in there. I stumbled across it, if you'll look at his two proposals there and the first one in the very broad print, and the little one I can hardly see it, or the new one, pardon me. The land there, if built, with nice residential, if I could have my slides, too, please, these are the Westgate Homes which I think would be an asset to the community. I worked with Mr. Lurie, Councilman Lurie, and several of the neighbors in trying to work with Lewis Homes to get these homes in that area. I would welcome something like this. I would push and fight as hard as I could and as far as I could to get something like this in my area. I think that would finish off our area. With the proposed extension of the freeway in years to come, I'm sure that there'll be entrances and exits onto the freeway west of us. The homes that are now situated west of us will empty into, pardon me, will take away from the

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DANIEL GRAY: traffic flow of our area. How many years down the road, gentlemen, I don't know. I don't know where we are on our freeway extension, but I do know that that will take a lot of the impact away from that corner. That is a major corner, we understand that. We put up with a lot of adverse conditions due to the commercial in the area and due to Rainbow, which we understood at the time was going to be a four-lane and it's a six-lane. Councilman Lurie has assisted us in getting a two-block extension to our rear walls to try to bury us from some of the sound that goes along with Rainbow.

MAYOR BRIARE: Mr. Gray, is your home -- is the block wall that you're talking about -- I kind of forget, I was out there as recently as this afternoon, but I kind of forget on Rainbow whether that's all wall.

DANIEL GRAY: Yes, Mr. Mayor, it is.

MAYOR BRIARE: How tall?

DANIEL GRAY: Our wall in the back from street level, I believe, is about 7 foot.

MAYOR BRIARE: Does that run the whole block?

DANIEL GRAY: Yes. It runs all the way down Rainbow as far as the housing goes and then with the new addition they have just followed the same grade. It appears to me as it has gone down there.

MAYOR BRIARE: Do you have a side wall now?

DANIEL GRAY: Yes, I do, Mayor.

MAYOR BRIARE: That faces the empty lot.

DANIEL GRAY: Yes, I do.

MAYOR BRIARE: How tall is that?

DANIEL GRAY: It's 6 foot.

MAYOR BRIARE: I'm just kind of curious now. I think he said when Mr. Saltzman -- when we were talking about your home, actually, yours and your neighbors, your across-the-street neighbor, he said something about a 10 or 12 foot wall, is that terribly high?

DANIEL GRAY: I believe so. His plan is to put a 6-foot berm with a 6-foot wall on top of it.

MAYOR BRIARE: Oh, I see, between the two. Where is Mr. Saltzman?

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MICHAEL SALTZMAN: It's not on their side; it's not a 12-foot wall.

MAYOR BRIARE: It's a 6-foot berm and a 6-foot wall.

MICHAEL SALTZMAN: Along Lorenzi we're proposing to build a 6-foot berm and a 6-foot wall, but along Cabra, we're proposing to build a 12-foot fully-grouted slumpstone wall.

MAYOR BRIARE: No berm? Again, it's an extra piece of property.

MICHAEL SALTZMAN: We could do the berm, we could certainly do the berm. The berm would then be a 10 -- we're giving the 10 feet of property to the neighbors to do with what they want. We could certainly make it into a berm. The berm would just add a little bit of attractiveness, too, but we're planning on proposing to plant trees there instead of building the berm, but the berm is equally acceptable to us.

MAYOR BRIARE: Either a berm or a 12-foot wall, but the ultimate height --

MICHAEL SALTZMAN: Ultimately 12 feet in height.

MAYOR BRIARE: I am just wondering what it would be like to live next to a 12-foot wall.

DANIEL GRAY: Folsom Prison.

MAYOR BRIARE: You're living next to a 6 foot, which is your own wall.

DANIEL GRAY: Exactly, Mr. Mayor. I can still see over my wall from my kitchen window.

COUNCILMAN CHRISTENSEN: But there's another factor, Mayor, with a 12-foot wall. A lot of 12-foot walls are 12 feet on one side and 6 on the other, depending on where they're terraced on hills and it's part of a retaining wall. You see that all over town, so that on one side you might have a 12-foot wall and on the other side a 6-foot wall.

MAYOR BRIARE: Six-foot wall with a hill leading up to it.

COUNCILMAN CHRISTENSEN: What I'm getting at is to say it's like living in Folsom Prison to live next to a 12-foot wall, it's done all over the United States wherever you have sloping land; we've got it all over town that way. We've got them all up and down in every area that's sloping. I can appreciate the look. I know what he's fighting.

DANIEL GRAY: The neighbors in the area have been opposed to this and were up until this point, up until, of course, Monday night. We met with Mr. Saltzman. He has been diligently trying to convince the neighbors. Myself, I've had him

DANIEL GRAY:

in my home. We've talked at great lengths. I have stated from the beginning, I admire Mr. Saltzman, Mr. Larkin, and this corporation. I think they do build a fine shopping center. I just don't believe again that this is what belongs in a residential area of this size area. If you look, all the flow is with residential, except for that one parcel. The only protection we have from land speculators and developers is this Council. This Council has shown good judgement in the past in upholding the wishes of the people in trying to preserve our neighborhood. Now, I wish they would do that again and consider, which I asked the Planning Commission. I met with Mr. Foster after the Planning Commission because I was unclear of his statement with P-R. When the Commission before that, all four times, even when they tried to put high density apartments in there, was opposed to it and said this area should retain R-1 zoning. I would like to push for R-1 zoning from this Commission on this piece of property and let's maintain this as a residential area.

COUNCILMAN LEVY:

That's not the item on the agenda, make it R-1.

MAYOR BRIARE:

He knows that. He's just making a suggestion as to what that property should be.

DANIEL GRAY:

I would like to see the recommendations of the Planning Commission not be swayed by the price of the property. Land speculators who have run up the price of the property, not the people of Las Vegas, not the people of my community, not members of this Council, it's land speculators who do that.

MAYOR BRIARE:

Now you've covered that, Mr. Gray.

DANIEL GRAY:

I'm sorry, Mr. Mayor, that I go over this twice, but it's a very big issue to me. Like I say, I have been here four times in protest to this and seven times all toll preserving my community with residential.

MAYOR BRIARE:

You wish somebody would come in and make an application for single-family homes, then you wouldn't have to come down any more.

DANIEL GRAY:

Each one of the developers that have come in have just threatened: "Well, if we don't build in here, the next guy that has this, you don't know what he's going to get." They're trying to wear us down and they are wearing us down and they are wearing the Commission down, I'm sure.

MAYOR BRIARE:

Thank you, Mr. Gray. I think there are some others that wish to be heard.

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ROBERT CHESTO:

Good afternoon. My name is Robert Chesto, I live at 6725 Cabra Circle. My property is to the south of the proposed property rezoning. I'm one of those difficult and arduous persons that Mr. Saltzman should probably work with when he undergoes the project because I'm pretty good at that. The difference between the classifications of how we call our property -- see, I live in a home and my family resides there with me. The people that Mr. Saltzman has been dealing with indirectly or directly have a house in that their house is up for sale. I know for a fact that three of the five people that live along Cabra that have conceded to go in with Mr. Saltzman have their house up for sale. We live in a home. I've resided there for ten years. The people that I represent -- the last time I was here I represented 500 people. Mr. Lurie had attended a town council meeting and we had in excess of 500 people who were opposed to the property. I don't believe we have wore down. I think our forces have gotten divided and people have come to rely on Mr. Gray and myself. By the way, if Mr. Saltzman would like to have those plans, I'm sure Mr. Gray wouldn't mind donating those to him. We estimated last night that he could make within a half million to a million dollars profit. I'm a working man. That's a pretty healthy profit, a million bucks.

COUNCILMAN LEVY:

Sir, are you in the housebuilding business?

ROBERT CHESTO:

No, I'm not, as a matter of fact.

COUNCILMAN LEVY:

Then I don't think you should be speculating. I think you're way out of line on those numbers.

ROBERT CHESTO:

Alright, scratch that then. We don't think we need any more commercial.

COUNCILMAN CHRISTENSEN:

How did he arrive at the numbers?

ROBERT CHESTO:

Pardon me?

COUNCILMAN CHRISTENSEN:

Maybe you're not.

ROBERT CHESTO:

We based -- do you really want to get into this?

MAYOR BRIARE:

No, please.

ROBERT CHESTO:

Anyone who wants to, it's easy to do. The community of the people that I represent doesn't want or need any more commercial property. In addition to the property that's rezoned commercial, they have to

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ROBERT CHESTO:

split the map up. You'll note that the 25 acres to the south of Charleston and Rainbow is also zoned commercial, a major shopping center. Westcliff, all along moving to the west, is going to be -- it seems to be that the projection is to be that it's going to be moving commercial. Again, poor planning to destroy our residence with that. I am not a business man. However, if I were a business man and had bought that property, I would have gone to the people in that neighborhood and said "People, what would you like me to build? I have this property. I want to open some stores. I want to be successful. What do you want me to build here that you will patronize?" That has never been done. Never has anyone come to the people in the neighborhood and said "I own this property. I want to build on it. What would you like to have?" Not this is what you're going to get, so like it. To me, if I was a businessman, and I owned that 10 acres, and I wanted to convince the people to join my side, I would go and say "What would you like to have, a movie theatre, drivein?" Whatever it might be, convince the people and get them on your side. One of the concerns that a lot of us have that live in that neighborhood, we look across at the Albertson's Shopping Center, one of our biggest concerns is that the trash pickup seems to be about 2:30 A.M. or 3 o'clock in the morning. I don't know if you've ever heard those dumpsters come by about that time and pick up those 50-ton trash cans and bang them back down, but it interrupts your sleeping process as well as the pollution, the smell, the noise, and all the other types of things. Again, to reinforce what Mr. Gray has said, I don't want to cover a lot of things that he did, but we do think that it would be advantageous for Mr. Saltzman to meet with us and we can help him, if he would like, design something that the neighbors would not disagree or would fight against him on.

COUNCILMAN LEVY:

Would it be anything besides single family?

ROBERT CHESTO:

They would not.

COUNCILMAN LEVY:

In other words, there's no discussing it. In other words, you're insisting on single family and he says he doesn't want to push single family, so what good is some more meetings then?

ROBERT CHESTO:

That's correct.

MAYOR BRIARE:

Thanks, Mr. Chesto.

ROBERT CHESTO:

Thank you.

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MAYOR BRIARE:

Is there anyone else that wishes to be heard? Sir, why don't you come on up and you'll be next and then we'll give -- no, ma'am, you're up, but I wanted the gentleman to come forward now too. We're going to hear from him and then we'll give Mr. Saltzman an opportunity to say what he wants to do and we can proceed.

JUANITA CLARK:

Okay. I'm Juanita Clark. I live at 137 Lorenzi Boulevard. I agree with everything that has been said. I think that I have heard nothing about the traffic situation; which, being a Lorenzi resident, I am very very concerned about, being able to get into my driveway and out of my driveway and the noise and the air quality which it causes.

MAYOR BRIARE:

Excuse me, Mrs. Clark. I didn't hear the street number. What street?

JUANITA CLARK:

1-3-7 Lorenzi.

MAYOR BRIARE:

We have a little map. This is your house right there.

JUANITA CLARK:

It's exactly what I'm looking at, okay, so I want to address several things. I was never notified of a meeting by Mr. Saltzman or Rainbow Expressway Incorporated. His presentations were, as the others have indicated, very much like the presentation here. He did all the talking. Any response was, I felt, belittled. I got the same impression that what other people would come in we wouldn't have any say over, but if we went with him, then he would be able to really solve all of our problems. I'm also concerned with the number of people that did meet with him over a period of time. It got to the point -- I went twice and I said "Oh, it's his presentation again, why bother going because it's the same type of ramrod type of thing," you might say. I'm concerned with the traffic. I heard nothing about a traffic study having been done. We are having commercial at Charleston. I'm glad they moved that map up there because that really gives a different perspective when the people can see that there is commercial right to the south of us there on that. I feel there is no correlation with the time spent. It's the quality of time spent with people, whether you are listening as well. When you bring up some other project that is worse than mine, that is really not relative to what has been proposed there.

MAYOR BRIARE:

Thank you, Mrs. Clark. Yes, sir.

JOSEPH MERICA:

My name is Joe Merica. I live at 333 Bent Creek Drive, which is about a block south of where the project is. I've been to those same meetings that your previous witness has been to and I think, on the contrary, that Mr. Saltzman has bent

JOSEPH MERICA:

over backwards to get the input of the neighbors who attended those meetings. He hasn't directed the meeting and it hasn't been his show. He has been -- he has asked questions as to their input. I have a few very quick points to make. The first being that the property as it is now is a complete eyesore in our neighborhood. If it's allowed to remain that way for a period of years, it can get worse and worse and worse and Councilman Lurie certainly realizes that. I think the main point is that this property is too small to be developed residentially. You're talking about --

COUNCILMAN LURIE:

Say that again.

JOSEPH MERICA:

This property is simply too small to be developed residentially. You've got 8 acres. Now if you talked to builders around town, you find a builder that is willing to dive into an 8-acre project with a price tag that is on that piece of ground, I don't think you'll find any.

COUNCILMAN LURIE:

What expertise do you have as far as a builder knowing how that land could be developed into R-1?

JOSEPH MERICA:

Pardon me?

COUNCILMAN LURIE:

I said, what kind of expertise do you have to tell a person that that can't be developed in R-1 or R-CL?

JOSEPH MERICA:

I don't have any expertise.

MAYOR BRIARE:

Are you speaking in favor of the application or in opposition?

JOSEPH MERICA:

I'm speaking in favor of this application.

MAYOR BRIARE:

Sir, you're out of turn. If we neglect to give you a turn, we'll let you take some of Mr. Saltzman's response time. I'm sorry.

JOSEPH MERICA:

I made my point.

MAYOR BRIARE:

I didn't want to cut off the proponents. We heard the applicant who made the proposal to us. I don't think anybody knows better the arguments for the proposal than they do. I didn't mean to cut off any people who wanted to speak in favor of it. Mr. Saltzman might want to devote a little of his rebuttal time to hear comments that you have or you might tell Mr. Saltzman what your comments are. I'm sorry, I neglected to do that. I didn't realize there would be some folks that wanted to come up and speak along with Mr. Saltzman. That's perfectly proper.

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GORDON PAULSON:

My name is Gordon Paulson. I'm at 6625 Lowden Lane, directly east of this property. I'd just like to add that us in that area also have objections to this being rezoned. Thank you.

MAYOR BRIARE:

Mr. Saltzman, I didn't mean to not allow the other folks to speak in favor. That's -- we don't find that too often. Usually the applicant does all the speaking for his own. You've already indicated, sir, that you had made your comments and you were satisfied that was enough. The other gentleman that wanted to speak in favor, come on and give us your comments and we're going to call Mr. Saltzman to make his rebuttals and we'll try to see if we can't come up with some decision one way or the other on the application.

PAUL FRAUSNIK:

My name is Paul Frausnik. I live at 149 Nunca. There are 6 homes that whose property comes in direct contact with this piece of property. These are the only houses that but up against the property. I am here on behalf of 5 of the property owners. The one opposed, which is Daniel Gray, which you've already heard from. I have some letters from the other property owners that are for this project. I'd like to hand those in, please.

MAYOR BRIARE:

Did you give us your street address?

PAUL FRAUSNIK:

1-4-9 Nunca.

MAYOR BRIARE:

Okay. Your 149; your right across the street from Mr. Gray.

PAUL FRAUSNIK:

Yes, I am. Other addresses are there. These are the other property owners whose properties but up against this piece of property; that's the main thing right there. We feel it's obvious that because our properties are extremely close to this land, we will be the most affected by whatever goes in there. It is not that we are overjoyed by the prospect of living next to a commercial development, because we aren't. If this property had already been developed into homes like the ones in our neighborhood, we'd all be a lot happier, but we feel we must approach this issue and take the concerns of the property. This is a prime piece of property. It's located on a corner next to a major boulevard and a freeway access, across from an existing commercial complex. We feel that if this property were destined to be developed into R-1, it would have occurred a long time ago. Our homes were built sixteen years ago and all that time not one residential developer, not one, has shown an interest in buying and developing that property into houses so why should it begin now. I have personally spoken to

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PAUL FRAUSNIK;

several residential developers, both large and small, and I've gotten the same answer from all of them that this piece of property is both too expensive and too small to be worth their trouble unless they were putting high-density housing on it. We are adamantly against this, as we feel it would reduce both the quality of our neighborhood and the value of our homes if they did put high-density housing in there. Therefore, we feel we are protecting our best interests by supporting the project because we have a chance to work with the developer who is willing to work with us for once. We all know that developers have tried to develop this property in the past, but none have tried to work with the neighborhood to the extent that Mr. Saltzman has. We recognize that this parcel of land is destined for some type of development sooner or later. We are concerned that if this proposal is not approved, we will be stuck with a piece of junk and we all know that junkie commercial complexes abound in this town. We may get some developer who is not willing to work with us here on down the road. I'd also like to add that we are opposed to the P-R zone change as has been recommended before. Ever since Rainbow -- well, ever since Albertson's and Carl's Jr., ever since that complex has been built, our neighborhood has been plagued by foot traffic from all surrounding areas because our neighborhood happens to be a shortcut over to -- walk across to Albertson's, Carl's Jr., wherever, so along with this traffic we have experienced both an increase in trash and theft. I don't know how many times or how many bikes have been stolen in broad daylight often and I am personally sick and tired of having to go out of my front yard and pick up Carl's Jr.'s trash and garbage that are left by other people walking through our neighborhood. Mr. Saltzman's development will secondly cut off access of our neighborhood to Rainbow/Westcliff complex and eliminate this one problem. In regards to the 10' of property that he is proposing to deed over to the homeowners that are adjacent, there seems to be quite a big misunderstanding. There is a few people around here that have ideas that maybe we're trying to be bought off by that. Several of the neighbors have suggested that we have been bought off with 10' of property. Some even responded with "Well, if you get 10', what do I get"? The only thing I can say is "If you would like to trade places, fine. You take the 10' and I'll live in your house down the street away from the whole thing." The fact is, these people already have a buffer zone that consists of a street and several houses. I have the present 4' from the side of that property and a tri-level house being the one closest to this, that buffer

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PAUL FRAUSNIK:

zone makes a lot of sense to me, I will have to look at the property every morning out of my bedroom window. No one else has this view of the property that I have, no one. This 10' of property is neither a gift or an inducement to support this project. It's simply an example of one of the ways that Mr. Saltzman is trying to create a complex that will disturb us as little as possible. Dan Gray will be getting the 10' of property regardless of his position, if this proposal is passed.

MAYOR BRIARE:

Thank you, Mr. Frausnik.

COUNCILMAN NOLEN:

Is your home for sale right now?

PAUL FRAUSNIK:

Is my home for sale right now? No, it is off the market.

COUNCILMAN NOLEN:

Has it been on the market recently?

PAUL FRAUSNIK:

Yes.

COUNCILMAN NOLEN:

When did you take it off?

PAUL FRAUSNIK:

We took it off last month, I believe, we took it off.

COUNCILMAN NOLEN:

How long was it on the market?

PAUL FRAUSNIK:

It was on the market ever since April. Could not sell it. In fact, we lost two sales on it because there is nothing on that piece of property.

COUNCILMAN NOLEN:

So from April until September or October.

PAUL FRAUSNIK:

I would also like to say one thing about that. There was a gentleman that got up and tried to argue that because the houses that we've had up for sale recently that he suggested that we don't care anything about the -- about where we live. I want to stress very strongly that indeed we do care about the quality of our neighborhood. Sometimes because of business or professional reasons a person has no control over whether or not he must sell his home, we all know that. These were factors for each of us and without getting too personal, we no longer have our homes up for sale.

MAYOR BRIARE:

Mr. Frausnik, we've got to continue on here. You've had quite a bit of time. You're infringing on Mr. Saltzman's time. Thank you very much, sir.

COUNCILMAN NOLEN:

I have one other question, Your Honor. If the 10' wasn't

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COUNCILMAN NOLEN: being offered to you, would you still favor this project?

PAUL FRAUSNIK: Yes, I would.

COUNCILMAN NOLEN: Thank you.

MAYOR BRIARE: How much time are you going to need, Mr. Saltzman?

MICHAEL SALTZMAN: Very little.

MAYOR BRIARE: Okay. Ladies and gentlemen, before Mr. Saltzman is through here, I don't know whether you know it, and this is -- Councilman Nolen has been in the hospital and he's ready to go back to the hospital and his leg, he has indicated, is killing him. We're going to take a short recess after Mr. Saltzman is through in order to give Mr. Nolen an opportunity to get his blood moving again.

MICHAEL SALTZMAN: I would have gladly have given the opportunity -- any occasion for Mr. Chesto to have come to any of the meetings we have had and certainly Mrs. Clark, who did come to two of the meetings, to discuss any and all details of the project. At no time have I felt at all that we have been ramroding anything in the neighborhood. In response to your earlier question, Mr. Mayor, the project has been designed for this site and for no other site. The wall height itself was the neighbors request; that was not our request for that height. The commercial project can and does fit well with residential all over the United States, certainly in the southwest and in Las Vegas, and if it's designed properly and with the sensitivity to the neighborhood, it can fit very well right up next to residential housing. Some of the owners of the property prior to our buying it did live out of state and the others were in-state owners, we're not land speculators living out of state trading off of our backs. We are local, thirty-five years with the development and we understand the nature of the local requirements. Furthermore, my last point, but minor point, Mrs. Clark claimed the traffic will be increased with the development of this project and my only comment to that, of course, is that the traffic will be increased with the development of any sort on the property and it's our intention to control that to the extent that it is controlable. Thank you for hearing us and we'll wait for your vote.

MAYOR BRIARE: Thank you, Mr. Saltzman. The one thing that Mrs. Clark also mentioned, and Mrs. Clark, it seems that

MAYOR BRIARE:

your points were obviously quite valid that you did not respond to Mr. Saltzman, but I made a note of it. How do you respond to Mrs. Clark's concern about trash collection. I suppose behind what would appear to be the major tenant there.

MICHAEL SALTZMAN:

All of our dumpsters are enclosed. Every dumpster we have on our commercial projects is an enclosed dumpster, and secondly, we can control the time of pickup and delivery of trucks and of garbage.

MAYOR BRIARE:

You can do that?

MICHAEL SALTZMAN:

We do it in our projects now.

MAYOR BRIARE:

Where on the plot plan would it be?

MICHAEL SALTZMAN:

The dumpsters themselves have not been sited, but most likely this could be a question of control with the neighborhood. It could be up in this area here. It could be here behind the Number 2. It could be any place behind these shops. It could be in behind these buildings. It would not be along the back end of the large store, which, incidentally, is not necessarily a grocery store; it's a 45,000 or 43,000 or 42,000 or 40,000 foot user which is intended to be a large user. It could very well be an off-price retail consideration. We have had those conversations. Most likely, however, so as not to think anybody would be any different from what I'm saying today or any consideration, it would be a grocery store, but the dumpsters and the trash enclosures would be placed again at the request of Planning and the neighbors themselves.

MAYOR BRIARE:

Do you have any questions, Councilman Levy? Christensen?

COUNCILMAN CHRISTENSEN:

Yes, I've got just a comment on that very same thing and I don't want to hold Nolen up, but I think the comment was made by the person that raised the trash issue that those 50-ton dumpsters at 2 o'clock in the morning and Number 1, the garbage company doesn't use 50-ton dumpsters because our streets won't allow that kind of traffic on it. When you start talking about dumpsters, I'm somewhat of an expert on that because I rent commercial dumpsters and I also have garbage cans that are dumped and I can't tell a whole lot of difference between the noise and I think with a large complex like that, he can probably arrange with the garbage company to have those picked

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COUNCILMAN CHRISTENSEN: up whenever he wants, so it really isn't a factor.

MAYOR BRIARE: Thank you, Councilman. Apparently, we are in recess. We will be in recess for five minutes. The hearing is closed. When we come back, we will have a discussion amongst the Council members and see what the pleasure of the Board is.

(FIVE MINUTE RECESS)

MAYOR BRIARE: The Council is back in order now. If there are questions by the Council of either the applicant or any of the persons who appeared on behalf of the applicant or are there any questions by the Council members to the folks that are in opposition to this application, now is the time to bring them up or we are now open to comments by the Council and any actions that the Board wishes to take.

COUNCILMAN LURIE: Mayor, I don't believe there has been any information presented to this Council to change what the Planning Commission's recommendation was, so I'LL MOVE THAT WE FOLLOW THE RECOMMENDATION OF THE PLANNING COMMISSION.

MAYOR BRIARE: Comments by the Council members? The motion is to follow the recommendation of the Planning Commission which was for denial.

COUNCILMAN CHRISTENSEN: Your Honor, I sympathize with Councilman Lurie's motion and will probably support it, but there are a couple of things here that I think, and I am probably making a mistake even mentioning them, but I am interested in the homeowners in this area and the problems that they face and I think that they're going to have to get together and see if they can work some kind of a plan out for this piece of property because there are two or three realities that are here that really haven't been discussed; the price of the property. There seems to be a feeling that if you refuse to zone it, that's going to drop the price of that property. From my experience, and I've lived here an awful long time, I've seen property remain vacant for years and years and years until it becomes a total eyesore and stays a total eyesore until such time as the houses eventually deteriorate and drop down to the level of where -- then we have to go in with urban redevelopment and EDA funds and so forth and tear it down and do something. I guess what I'm saying is that in reality the price of the property is not going to come down and the price of homes looks like it continues going up. I also would point out that there's an interesting thing in the County's Master

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COUNCILMAN CHRISTENSEN:

Plan, which I don't necessarily approve of, but if the County has their way in their Master Plan, this is exactly the kind of development you're going to see because you're going to have clustered developments where they expect you to live within walking distance of where you work, in apartments, houses, or whatever is there and there has to be so many apartments as well as so many houses, and so forth, in each cluster, so that you eliminate the transportation problem and the traffic problems and the pollution, the streets, all of those things. Thirdly, like one of the people that was in favor of this project, I think that you will probably get further without the remarks that some people live in houses and some people live in homes because I resent that remark, too. I am a homeowner and I've been a homeowner a number of years and my home is where I happen to live. I've lived in rental properties that were my home because that's where my home had to be. I think people who live in a house and make it a home not necessarily the fact that it's for sale or not for sale and I almost challenge anybody that doesn't stay in a home their whole lifetime to make the statement that "if you don't live in a house forever, it's really not a home, it's a house."

MAYOR BRIARE:

Any other comments by the Council members? Alright, if there are no further comments, Councilman Lurie's motion is to deny this application. Cast your votes. Post. The motion is approved. The application is denied.

Voting was as follows:

"AYES" Christensen, Levy, Lurie and Nolen

"NOES" Briare

Motion carried by a 4/1 vote.

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

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

16:11

L. CLARIFICATION OF ZONING CONDITIONS - Z-14-84
HAL OBER, RA HOMES

Property generally located southeast of Decatur Boulevard and Lake Mead Boulevard, R-E Zone (under Resolution of Intent to R-CL, R-3 and C-1).

The applicant is requesting clarification of Conditions 17 and 18. These conditions are as follows:

17. The development of the R-1 type lots shall take place prior to or concurrently with the development of the R-CL lots and C-1 portion.
18. The R-1 type lots and the R-CL lots be developed prior to or concurrently with any development of the R-3 portion.

Christensen -
APPROVED Clarification of Conditions 17 and 18 as described in Hal Ober's letter dated 10/23/84 (see letter made a part of the final minutes.)
Unanimous
(Levy excused)

Clerk to notify and Planning to proceed.

Hal Ober appeared and represented the application.

NOTE: A verbatim transcript made a part of the final minutes.

APPROVED AGENDA ITEM

mp

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

X.

0236

L. CLARIFICATION OF ZONING CONDITIONS - Z-14-84 - HAL OBER, R A HOMES

This item involves a clarification of conditions 17 and 18 which stipulate the sequence of development of the R-CL and R-1 type lots, the R-3 and C-1 that was approved on this property, generally located southeast of Decatur and Coran Lane. Conditions No. 17 and 18 are as follows:

17. The development of the R-1 type lots shall take place prior to or concurrently with the development of the R-CL lots and the C-1 portion.
18. The R-1 type lots and the R-CL lots be developed prior to or concurrently with any development of the R-3 portion.

The applicant is of the opinion these conditions only required the lots to be improved (installing offsite improvements and grading of the lots) rather than constructing the homes prior to being allowed to proceed on the R-CL, R-3 and C-1 portions of this development. Staff has advised him the intent of the conditions is that construction of the homes must be started on the R-1 type lots if permits are to be issued for any other type of construction. The applicant has indicated these conditions are placing a hardship on him in that he proposes to start construction on the R-CL along Decatur and then develop east towards the R-1 type lots. The reason for this is that all of the utilities are located on Decatur and he will be building the first unit on an incremental basis. He plans to start with the construction of five models and then seven additional homes. He will have his grand opening for the R-CL in February or early March and, by that time, he will have at least two homes on the R-1 type lots in the framing stage. He then agrees to start construction on the four remaining R-1 type lots in the first unit prior to applying for any building permits in Unit 2.

The applicant is in the process of selling the ten acre R-3 portion along Decatur to West Coast Holdings which has building permits on file and plans to start construction on this 240 unit apartment project as soon as the sale closes sometime in November, 1984. Staff has advised him the permits for this apartment project could not be issued until construction of the homes has commenced on all 6 of the R-1 type lots and some construction of the R-CL is underway in the first unit. The developer feels he is satisfying these conditions by constructing the off-site improvements on the R-CL and the R-1 type lots.

Attached is a copy of the letter of request from the applicant and the location map.

TRANSCRIPT - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 2:00 P.M. - PAGE 1
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT. ITEM L. CLARIFICATION OF
ZONING CONDITIONS - Z-14-84 - HAL OBER, RA HOMES 0237

MAYOR BRIARE:

Did I miss something again? I must have glue on my book or something. I was wondering why you were here. I beg your pardon. Hal Ober, for gosh sakes. Do any Council members recall putting conditions on this?

COUNCILMAN LURIE:

What there was was there was some conditions at the meeting and they needed some clarifications on what's before us on Conditions 17 and 18. I think I would just like to explain that I think I understand it, but can you explain what you thought the conditions were.

HAL OBER:

Okay. Councilmen, when I got the letter May 25, or, I'm sorry, April 19, showing Conditions 17 and 18, it says "the development of the R-1 type lots." I really took it to be a developed lot, but I can understand the confusion and the concern of staff. The interpretation probably could go either way.

COUNCILMAN LURIE:

My understanding is that the R-3 is for sale or sold.

HAL OBER:

That's correct.

COUNCILMAN LURIE:

What you want to do is that you want to develop Unit No. 1.

HAL OBER:

We are developing Unit No. 1.

COUNCILMAN LURIE:

So many lots. You're going to go ahead and develop that and also you're going to develop the back lots.

HAL OBER:

That's correct.

COUNCILMAN LURIE:

Okay. Then Unit No. 2 would be developed at a later date after Unit 1 is sold out.

HAL OBER:

Well, let me just explain that the utilities -- what we're developing is going from west to east. Our models are going on the western part, the western border of the property. The R-1 type lots are on the eastern border. We have to get from Point A to Point B and bring the utilities in. Those lots are being developed now as far as their being moved, the underground utilities and so forth, but they won't be all developed until February or March. Okay? We are starting our models now, and as I say in my letter, I'm certainly willing to prior or concurrently with developing inventory -- I'll certainly be willing to develop a couple of those lots and Councilmen, there are approximately 90 lots in Unit 2 and I'm telling you that I'm committed to saying in front of you that I will develop the other 4 lots and put housing on them prior to asking for Permit No. 1 Phase 2.

TRANSCRIPT - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 2:00 P.M. - PAGE 2
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT. ITEM L. CLARIFICATION OF ZONING CONDITIONS - Z-14-84 - HAL OBER, RA HOMES 0238

COUNCILMAN NOLEN: You've already got equipment moving in there, haven't you?

HAL OBER: Oh, yes. There's a lot of money in the ground right now.

COUNCILMAN LURIE: So the clarification is on the R-3 and the R-CL in Unit 1.

HAL OBER: Right. The C-1 is also part of that. We are not developing the commercial at the present time.

COUNCILMAN LURIE: I think the intent was that we wanted to see R-CL lots developed along with the R-3, which you're telling me is that there are going to be --

HAL OBER: They're being developed, yes, simultaneously right now with the R-1 type lots.

COUNCILMAN CHRISTENSEN: Let me see if I understand something else. My recollection of the development timetable was the development of Unit 1 prior to Unit 2 so you're going to develop the R-CL in Unit No. 1 and the R-1 in Unit No. 1 before you start development in Unit No. 2, is that correct?

HAL OBER: We may start land development, but I will not build a house. And also Councilman, they are not R-1 lots. They are R-1 type. The whole project is zoned R-CL.

COUNCILMAN CHRISTENSEN: I understand. What the safety was with the conditions was so that we wouldn't build the R-CL and leave the R-1 type lots vacant forever more so that somebody in ten years could come back and say the R-1 type development is not compatible here and move to R-CL. As long as what he's got stated in his letter which indicates that that doesn't take place, then I don't see a problem.

COUNCILMAN NOLEN: He gave us a good commitment on that on the record, as I recall.

HAL OBER: I would have 90 lots sitting --

COUNCILMAN NOLEN: As I recall, he gave us a real good commitment on that, as far as the simultaneous development of the R-1 type lots.

MAYOR BRIARE: How can we solve this?

COUNCILMAN CHRISTENSEN: Well, I would move that we accept the clarification of Conditions 17 and 18 to coincide with his letter of October 23 directed to Harold Foster which lays out the development plan that we've discussed right here. Would that be a sufficient motion to make, clear, Harold?

HAROLD FOSTER: Yes.

TRANSCRIPT - CITY COUNCIL MEETING - NOVEMBER 7, 1984 - 2:00 P.M. - PAGE 3
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT. ITEM L. CLARIFICATION OF
ZONING CONDITIONS - Z-14-84 - HAL OBER, RA HOMES

0239

MAYOR BRIARE:

Comments by the Council? Cast your votes. Post. The motion is APPROVED.

END OF TRANSCRIPT

Voting was as follows:

"AYES" Briare, Christensen, Lurie and Nolen

"NOES" None

"EXCUSED" Levy

Motion carried unanimously.



0240

October 23, 1984

Harold Foster
Director of Community Planning
City of Las Vegas
400 E. Stewart
Las Vegas, Nevada 89101

Dear Harold:

In our meeting today, I made you aware of certain difficulties involved with the development of Concord Village. I am also aware of your concerns regarding items 17 & 18 in the Zoning Change letter dated April 19, 1984, concerning the subject property.

To allay any concerns the city might have, I am prepared to do the following:

We expect to start models very quickly, followed by approximately seven (7) spec homes. We hope to have a Grand Opening late in February or early in March. Concurrently with the Grand Opening, I am prepared to have at least two (2) of the R-1 type lots on the eastern boundary of the property in framing. I am also prepared to start construction on the four (4) remaining R-1 type lots prior to applying for any building permits in Unit Two.

I believe that these assurances should satisfy the intent of items 17 & 18 in the Zoning Change letter dated April 19, and we can then proceed with immediate development of the R-3 portion. I would appreciate your placing this clarification on the agenda of the City Council for November 7, 1984.

Should you have any further questions, please feel free to call me.

Sincerely,

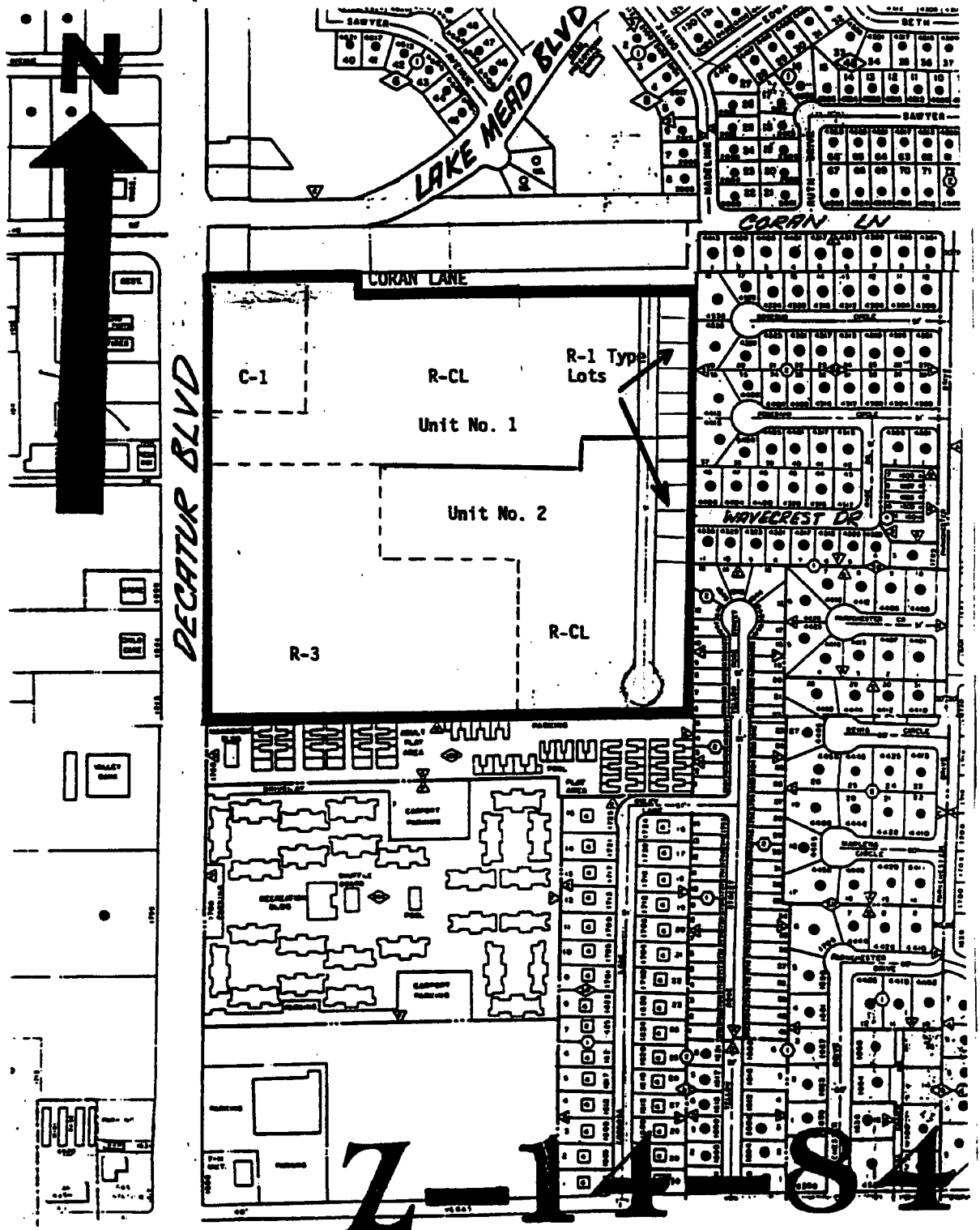
A handwritten signature in dark ink, appearing to read "Harold J. Ober", written over a horizontal line.

Harold J. Ober
President

HJO:rs

0241

COMMUNITY PLANNING AND DEVELOPMENT AGENDA ITEM
ITEM L.



AGENDA*City of Las Vegas* November 7, 1984CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 59

ITEM		Council Action	Department Action
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	X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
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16:17

	M. CONSIDERATION OF ADOPTION OF THE POLICY PLAN FOR FEDERAL LANDS IN THE CLARK COUNTY AREA		
--	--	--	--

PLANNING COMMISSION RECOMMENDATION: ADOPTION
OF THE PLAN

STAFF RECOMMENDATION: ADOPTION OF THE PLAN

Lurie -
ADOPTED Policy Plan
Unanimous
(Levy excused)

Staff to proceed

APPROVED AGENDA ITEM

mp Core

To: The City Council
Re: Community Planning and Development Agenda Item
November 7, 1984 City Council Agenda

0243

M. CONSIDERATION OF ADOPTION OF THE POLICY PLAN FOR FEDERAL LANDS IN
THE CLARK COUNTY AREA

This item involves the Council considering the adoption of a policy plan for Federal lands located in Clark County. The Plan was called for by Senate Bill 40 of the 1983 Legislature. The Bill directed the Division of State Lands to prepare in cooperation with the appropriate State agencies and local governments throughout the State, plans or policy statements concerning the use of lands in Nevada which are under Federal management. The purpose of the plan is to provide State and locally developed public management policies to be used by the various Federal agencies managing the public lands in Nevada.

The Plan sets forth a comprehensive description of problems and opportunities relating to the public land as perceived by the State and local governments and the citizens of Nevada. There is background and statistical data on such items as population, employment, recreation etc. The concerns are summarized and they primarily relate to matters outside the jurisdiction of the City, such as expansion of State park boundaries, agricultural interests, the wilderness issue and on wild horses. The policies of the Plan for Clark County relate to setting aside certain public lands for school sites, parks and various other public uses, land exchanges being given high priority, the development of public lands adhering to local zoning and other ordinances, and the preservation of lands for wildlife habitat, archeological and historical sites.

Staff has been working with personnel from the Division of State Land on this Plan since the first of the year and it includes all of our recommendations. There have been a series of workshops throughout the Clark County area for input from all the Cities and the County. Each jurisdiction is being asked to adopt the Plan and then it will be forwarded to the Governor for his approval.

PLANNING COMMISSION RECOMMENDATION: ADOPTION OF THE PLAN

STAFF RECOMMENDATION: ADOPTION OF THE PLAN

SEE COPY OF PLAN ON THE FOLLOWING PAGES.

X. COMMUNITY PLANNING AND DEVELOPMENT AGENDA ITEM
ITEM M.

Division of State Lands
State Land Office
State Land Use Planning Agency
(702) 885-4363



Address Reply to
Division of State Lands
201 S. Fall Street
Capitol Complex
Carson City, Nevada 89710

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

0244

Division of State Lands

August 6, 1984

M E M O R A N D U M

TO: Planning Commission Members and Interested Persons

FROM: Jay Meierdierck, Land Use Planner *JM*

SUBJECT: Draft Clark County Policy Plan for the Federal Lands

Attached is the draft of the Clark County Plan for the Federal Lands. It is based on the comments made at a series of workshops, from meetings with Clark County and City Planners, and from the several General Plans. The plan was called for by Senate Bill 40 of the 1983 Legislature.

This draft is being presented to the Planning Commissions in Clark County according to the following schedule:

August 13, 1984	Clark County Regional Plan Steering Committee
September 18, 1984	Clark County Planning Commission
September 19, 1984	Boulder City Planning Commission
September 20, 1984	Henderson Planning Commission
September 25, 1984	Las Vegas Planning Commission
September 26, 1984	North Las Vegas Planning Commission

The specific time and place of each of these meetings can be obtained from the respective agency.

If this draft is substantially approved at these meetings, it will then be forwarded to the Clark County Commissioners, the Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas City Councils for their consideration. If additional meetings are necessary, we will be happy to schedule them.

The plan must be approved by the County, the incorporated cities and the Governor before it is put into effect.

JHM:js

Attachment

CLARK COUNTY

DRAFT, AUGUST 1, 1984
Includes comments from public
workshops

0245

PURPOSE

The Division of State Lands was directed by the 1983 State Legislature (Senate Bill 40) to "prepare, in cooperation with the appropriate state agencies and local governments throughout the state, plans or policy statements concerning the use of lands in Nevada which are under federal management." The purpose of the plans is to provide state and locally developed public land management policies to be used by the various federal agencies managing the public lands in Nevada. The plans are a comprehensive set of policies and measures which are designed to increase the role Nevadans have in determining the management of the public lands. Within the plans are comprehensive descriptions of problems and opportunities relating to the public land, as perceived by the state and local governments and the citizens of Nevada, which must be addressed by the federal public land managing agencies. With these plans the federal land management agencies will be better able to know, and to respond in a positive fashion to, the concerns and needs of Nevada.

Planning, effective communication and coordination by Nevada's governments, in concert with its citizens, can establish a set of policies for the best use of the lands. The recommendations contained in this report are directed to this end.

PROCESS

A series of meetings and workshops were the basis for this plan. The first meetings were with the County Commissioners, City Councils, the Planning Commissions, staff and major land managing agencies. The plan addresses issues identified for Clark County by the residents of Clark County. The policies are adopted by the County Commission and City Councils to act as a guide for dealing with the federal lands. Appendix I is a listing of meetings and workshops held that specifically related to Clark County.

BACKGROUND

Originally part of Arizona Territory, the area known today as Clark County was made part of Nevada and Lincoln County in 1867, when Nevada's southern boundary was extended.

Around 1907, the citizens of Las Vegas, Lincoln County's population and business center, petitioned the Nevada Legislature to form a new county. The vast distance between Las Vegas and the county seat, coupled with a mining slump, resulted in Clark County becoming a legal entity on July 1, 1909.

The construction of Hoover Dam, the development of a tourist gaming industry, and the establishment of the Nevada Test Site have all contributed to Clark County's growing economy and rapid population growth.

0246

POPULATION**TABLE II
CENSUS POPULATION OF CLARK COUNTY**

	1920	1940	1960	1970	1980
County	4,859	16,414	127,016	273,288	463,087
Boulder City			4,059	5,223	9,590
Henderson			12,525	16,395	24,363
Las Vegas			64,405	125,787	164,674
North Las Vegas			18,422	36,214	42,739
State	77,407	110,247	285,278	488,758	800,495
% of State	6.2	14.9	44.5	56.0	57.8
Persons per square mile	.6	2.0	15.7	33.8	57.1

**TABLE III
POPULATION PROJECTIONS FOR CLARK COUNTY
(Nevada Office of Community Services, 1984)**

	1985	1990	2000
County	567,150	661,700	889,269
State	980,597	1,164,480	1,498,234
% of State	57.8	56.8	59.4

EMPLOYMENT

Though more diversified than many other counties, Clark County's economy is services dominated, representing 50 percent of employment in 1980. The second largest employment sector, retail trade, represents 16 percent of employment. Table IV indicates the number of persons employed in each industry sector in Clark County, the percent of persons employed in each industry sector in Clark County and what percent those persons are of the entire number of persons employed in that sector in the State of Nevada.

**TABLE IV
INDUSTRY OF EMPLOYED PERSONS FOR CLARK COUNTY: 1980
(US Census PC 80-1-C30)**

Industry	Employed Persons	% of County Total	% of State Industry Total
Agriculture	1,469	0.6	23.1
Forestry/Fisheries	70	-	
Mining	585	0.3	10.9
Construction	17,484	7.8	55.6
Manufacturing	9,738	4.3	41.7
Transportation, Communications Utilities	15,994	7.1	52.9

CONCERNS EXPRESSED ON PUBLIC LANDS

During the initial workshops and meetings, the purpose of the plans and the process were explained. To provide a focus for the planning effort and to provide a base for plan objectives, individuals in the meetings and workshops identified concerns they personally felt or represented were significant relative to the public lands in Clark County. Some of the problems mentioned seem contradictory, and indeed are; however, each represents an actual concern as perceived by a participant or group of participants.

These problems are consolidated from several meetings, workshops held in Boulder City, Las Vegas and Overton, and from local general plans (see Appendix I).

There were some conflicting concerns on the retention of all public lands in multiple use; some people thought that there are too many lands now withdrawn from multiple use while others thought that "special areas" should be better identified and protected including withdrawals if necessary. A related concern was expressed that withdrawals of public lands from full public use (by the military or sales, etc.) should be matched by providing new or other multiple use lands elsewhere in the county. It was felt by these same advocates that sales receipts from the sale of public lands should be used for the purchase of sensitive lands elsewhere, similar to the Burton-Santini Act. High value recreation lands, specifically private lands within the Mt. Charleston area and private undeveloped lands near Red Rock Canyon Recreation Lands, should be acquired.

The Valley of Fire State Park expansion was supported at the Overton workshop and it was felt that the expansion should include protection or reserves for wildlife.

There were concerns expressed that disposals for state and local public needs, for example through the Recreation and Public Purposes Act process, should continue. Lands in close proximity to urban areas and where municipal services are available should be disposed of for private and public needs. One person objected to disposals that would expand the urban uses in Las Vegas Valley because the urban "sprawl" that would occur would cause increased air pollution and other undesirable side effects. People at the Boulder City workshop expressed a concern that Lake Mead National Recreation Area boundaries affect urban expansion in Boulder City. Overton workshop participants expressed a desire that only minimal lands in Moapa Valley be disposed of, to retain public open space in the valley.

The pending disposal to the Department of Defense (Groom Range area in Lincoln County) was supported at one workshop and opposed at another. There was concern that sensitive areas within the Fort Mohave land transfer should be set aside for wildlife purposes or park purposes and not be developed. Questions were asked on what impacts the Senate Bill 40 plan would have on the Eldorado Valley (105,000 acres) land disposal. Concern was also expressed that the Gold Butte area not be disposed of.

Roads, ways and all other existing access ways across public lands or across private lands to public lands should remain open. Hunters cited specific access problems in some mountain areas.

The agricultural interests felt that grazing should continue on the public lands, but there were several concerns expressed at the urban workshops that the public lands were being overgrazed and that livestock numbers should be reduced. Some expressed a feeling that there should be more wild horses and burros instead of more livestock. Also brought up was the impression that livestock pollute waterholes. Suggestions were made that overgrazed areas should be reseeded with natural grasses and that livestock use be adjusted annually to protect the forage. Some felt that grazing fees should be increased to represent the true value of the grazing resource.

The designation of key wildlife areas as ACEC's (Areas of Critical Environmental Concern) was also recommended. The problem of pesticides and poisons for wildlife was also presented as well as the trapping of cougars and bobcats. Some people advocated better inventories and planning to promote wildlife in multiple use management of the public lands.

A concern was expressed about utility corridors. It was felt that the number of corridors should be restricted to those only absolutely necessary and that new transmission lines should utilize existing corridors.

There were some general or administrative concerns including the feeling that BLM was not productive and that the public sometimes got conflicting information and the run-around from federal agencies. Some also thought that the different multiple uses should be equally monitored, citing mining and off-highway vehicle use as the two extremes.

Concerns were also brought up that dealt with state rather than federal problems. These include water rights, air quality, landscaping of highway medians, and funding for non-game wildlife.

POLICIES

This policy plan for the public lands in Clark County is a guide developed by the citizens and local governmental entities regarding the use of public lands in Clark County. The plan addresses federal land use management issues directly and is intended to be used as a positive guide for federal land management agencies in their development and implementation of federal land plans and management actions. The citizens of Clark County support the continued multiple use of the public lands in Clark County. The county commission and affected city councils should be consulted on any interpretation of these policies.

FEDERAL LANDS

Manage and utilize public lands on the basis of multiple use and sustained yield concepts, and in a manner that will conserve natural resources; protect and preserve the quality of the environment, and ecological, scenic, historical and archeological values; protect and preserve wildlife habitat, and certain lands in their natural condition; and provide for long term benefits for the people of Clark County and future generations.

POLICIES

1. Increase opportunities for community and local economic development by selectively increasing the amount of privately owned and locally managed land within the county.
 - a. Certain lands within the Las Vegas Valley and near other communities should continue to remain as public lands, or be set aside for public uses, such as school sites, parks, golf courses.

AGRICULTURE

Recognize that agricultural production will be necessary to help meet the requirements of future state populations and is important to Clark County. Protect agricultural land and promote the continuation of agricultural pursuits.

POLICIES

1. The federal government should continue to make the public rangelands economically and realistically available for livestock grazing where compatible with the other multiple use objectives.
2. To preserve existing agricultural activity, public lands should be made available to accommodate commercial, industrial, and residential uses on non-agriculturally suitable land.

MINERAL RESOURCES

Recognize that the development of Nevada's mineral resources is desirable and necessary to the nation, the state and Clark County. Retain existing mining areas and promote the expansion of mining operations and areas.

POLICIES

1. There should be access to lands where the mineral estate is in federal ownership.
2. Community sand and gravel pits should be provided for mineral material sales to the public. The specific sites should be determined in co-operation with local governments and evaluated every two years.

RECREATION

Conserve and protect scenic, historical and recreational resources for the benefit of present and future generations.

POLICIES

1. Dispersed recreation opportunities on public lands should be provided.
2. Off-road vehicle use and management should be in conformance with citizen developed CRMP (Coordinated Resource Management and Planning) recommendations.
3. Public lands with value for concentrated recreational use (camp grounds, historic sites, etc.) should be identified, protected and developed for recreational purposes and adequately maintained. The local governments and the Division of State Parks should be involved in recreational site designation and planning.
 - a. Special interest user fees should be collected and designated for development of special interest facilities. User fees should reflect the impact of the use on the facilities and the environment.

CULTURAL RESOURCES

Conserve and protect the buildings, historic districts, objects, sites, trails and structures of historical and prehistorical significance for the benefit of the present and future generations.

POLICIES

1. Continue and expand the federal efforts in identifying, preserving and interpreting Nevada's cultural resources.

WILD HORSES AND BURROS

Manage wild horses and burros to minimize detrimental impacts on other multiple uses and pursue resource enhancement where needed to correct wild horse and burro damage.

POLICIES

1. Wild horse and burro herds should be managed at reasonable levels to be determined with public involvement and managed with consideration of the needs of other wildlife species and livestock grazing.
2. Wild horse groups, the coordinated resource management and planning (CRMP) process and/or Heil funds should be used to solve wild horse and burro problems.

WILDLIFE

Identify, protect and preserve wildlife species and habitats.

POLICIES

1. Identify habitat needs of wildlife species and provide for those needs so as to, in time, attain species diversity at reasonable population levels.
 - a. Known critical wildlife habitats, such as streams, riparian zones, and wetlands, should receive special management.
 - b. Wildlife habitat improvement projects such as guzzlers should be continued as appropriate. The projects should take into consideration impacts on other uses.
2. Mechanical and chemical treatments of vegetation and varmints throughout Clark County should be used only if it is demonstrated there are minimal undesirable side effects on wildlife or wildlife habitat.
3. Adequate and sufficient habitat to support the augmentation of bighorn sheep in Clark County should be provided on public lands. These mountain ranges currently have bighorn sheep: Newberry Mountains, North and South McCullough, North and South Eldorado, Highland Range, River Mountains, Muddy Mountains, Spring Mountain Range, New York Mountains, Arrow Canyon Range, Virgin Mountains, Gold Butte, plus the Desert National Wildlife Range.

0251

**Approximate
Acreage**

- d. Other state park sites will be included in the State Park Systems Plan, a plan that includes the Division of State Parks goals and development plans for existing and new state parks.
- e. The Department of Transportation has identified a fifteen acre site for a maintenance station.
- Township 19 South, Range 57 East 15
- f. The Division of Forestry has not identified any lands in Clark County at this time.
- g. The Nevada National Guard has not identified any lands in Clark County at this time.
- h. Clark County has identified and made application for the acquisition of public lands for cemetery sites, sanitary land fills, sewage facilities, recreation use, community expansion, fire station and storage facilities.
- | | |
|----------------------------------|-----|
| Township 13 South, Range 70 East | 15 |
| Township 13 South, Range 71 East | 252 |
| Township 14 South, Range 66 East | 40 |
| Township 15 South, Range 67 East | 190 |
| Township 16 South, Range 68 East | 5 |
| Township 21 South, Range 59 East | 10 |
| Township 32 South, Range 66 East | 840 |
- i. Clark County Sanitation District has made application to the Bureau of Land Management for expansion and new sewage facilities.
- | | |
|-----------------------------------|-----|
| Township 13 South, Range 70 East | 80 |
| Township 13 South, Range 71 East | 80 |
| Township 14, South, Range 66 East | 160 |
| Township 16 South, Range 67 East | 100 |
| Township 19 South, Range 57 East | 160 |
| Township 21 South, Range 62 East | 80 |
| Township 32 South, Range 66 East | 326 |
- j. Additional county needs for public lands have been identified by the County Library and the County Housing Authority for their agency needs.
- | | |
|----------------------------------|----|
| Township 20 South, Range 60 East | 5 |
| Township 21 South, Range 60 East | 80 |
| Township 22 South, Range 61 East | 3 |

**Approximate
Acreage**

- o. The City of Mesquite, having only recently incorporated, is reviewing public lands near the community for certain public needs. These include a golf course, land fill, flood control, sewage ponds and an airport. As specific lands are identified, they will be amended in this plan.

PRIVATE

Dispose of certain public lands (approximately 123,500 acres) within Clark County. These lands were identified in the Las Vegas District, Bureau of Land Management Framework Plan after extensive public involvement and concurrence. To provide maximum public benefit, all disposals will be by the most appropriate authority available, with exchanges and recreation and public purposes authority encouraged. Disposals must be in coordination with local government officials and agencies. These lands primarily are small tracts and part of the Las Vegas Valley. As specific parcels of public land are proposed for sale, site specific information must be made available to the public, and environmental assessments developed.

This includes approximately 108,107 acres within the Las Vegas Valley with priority to lands identified as part of the Santini-Burton Act; and public lands near the rural communities of Indian Springs (approximately 382 acres), Goodsprings (approximately 880 acres), Searchlight (approximately 640 acres), Nelson (approximately 312 acres) and Laughlin (approximately 1,280 acres). Also included are isolated parcels of 640 acres or less near settlement areas: Eastern Pahrump Valley (1,000 acres), Mountain Springs (65 acres), Sandy-Mesquite Valley (1,098 acres), Jean (590 acres), Sloan (2,065 acres), Blue Diamond (326 acres), Moapa Valley (1,080 acres), Virgin Valley (1,127 acres) and Kyle Canyon Road Small Tract Area (4,500 acres).

Date	Meeting
June 12, 1984	Division of State Parks, Carson City
June 12, 1984	Division of Historic Preservation and Archeology, Carson City
June 21, 1984	North Las Vegas Planning Director
June 21, 1984	Clark County Comprehensive Planning
June 21, 1984	Boulder City Community Development Director
June 21, 1984	Henderson City Planning Director
June 22, 1984	BLM - Las Vegas District
June 22, 1984	Clark County Comprehensive Planning
June 22, 1984	City of Las Vegas Planning Director
July 16, 1984	Senate Bill 40 Workshop - Las Vegas
July 17, 1984	Mesquite City Manager, Mesquite
July 19, 1984	Senate Bill 40 Workshop - Boulder City
August 13, 1984	Clark County General Plan Steering Committee
September 18, 1984	Clark County Planning Commission
September 19, 1984	Boulder City Planning Commission
September 20, 1984	Henderson Planning Commission
September 25, 1984	Las Vegas Planning Commission
September 26, 1984	North Las Vegas Planning Commission

Date	Meeting
February 7, 1984	Toiyabe Chapter of the Sierra Club, Reno
February 21, 1984	Coordinated Resource Management and Planning Executive Group, Reno
February 21, 1984	David Williams, Bureau of Land Management, Washington, D.C.; in Reno
February 22, 1984	State Conservation Commission, Carson City
February 24, 1984	Nevada Indian Commission, Carson City
March 2, 1984	Nevada Resource Action Council, Reno
March 5, 1984	Toiyabe Chapter of Sierra Club, Red Rock Audubon Society, Las Vegas
March 6, 1984	Administrative Assistant to Congressman Reid, Las Vegas
March 15, 1984	Nevada Outdoor Recreation Association, Carson City
March 26, 1984	Department of Minerals, Carson City
April 25, 1984	Nevada Resource Action Council, Reno
April 27, 1984	State Land Use Planning Advisory Council, Yerington
May 2, 1984	State Parks Advisory Commission, Las Vegas
May 4, 1984	Legislative Commission on Federal Lands, Las Vegas
May 30, 1984	Department of Economic Development, Carson City
June 6, 1984	Nevada Prospectors and Miners Association, Hawthorne
June 11, 1984	Nevada Range Committee, University of Nevada-Reno, Reno
June 14, 1984	Nevada Association of Counties, Carson City
June 21, 1984	Commission on Mineral Resources, Sparks
June 29, 1984	State Multiple Use Advisory Committee on Federal Lands, Reno
July 10, 1984	Nevada Public Affairs Institute, University of Nevada-Reno, Carson City

AGENDA*City of Las Vegas*

November 7, 1984

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

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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)N. SET DATE FOR PUBLIC HEARING ON ANY ITEM
REQUIRING A PUBLIC HEARING THAT WAS ACTED
UPON BY THE CITY PLANNING COMMISSION AT ITS
OCTOBER 23, 1984 MEETING.

VAC-21-84

11/21/84 Agenda

O. SET DATE ON ANY APPEALS FILED OR REQUIRED
PUBLIC HEARINGS FROM THE BOARD OF ZONING
ADJUSTMENT MEETING HELD OCTOBER 25, 1984V-118-84
U-68-84
V-113-8411/21/84 Agenda
11/21/84 Agenda
11/21/84 Agenda

APPROVED AGENDA ITEM

mp Coe

0256

AGENDA*City of Las Vegas*

November 7, 1984

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

ITEM

Council Action

Department Action

XI. ADDENDUM ITEMSADDENDUM NO. 1

IV(d) DEPARTMENT OF ECONOMIC & URBAN DEVELOPMENT

C. AUTHORIZATION TO EXECUTE PROFESSIONAL
SERVICES AGREEMENT FOR ATTORNEY PROJECT
DIRECTOR OF SENIOR CITIZENS LAW PROJECT

SEE PAGE 21A

Lurie -
APPROVED as recom-
mended.
Unanimous
(Christensen
excused)

Staff to proceed

APPROVED AGENDA ITEM

mp Core

City of Las Vegas

0257

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

ADDENDUM NO. 1 to the Agenda of the meeting of the Las Vegas City Council on Wednesday, November 7, 1984, beginning at 10:00 A.M. in the Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

AGENDA

IV(d) DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT
JACK THOMASON, DIRECTOR

C. AUTHORIZATION TO EXECUTE PROFESSIONAL SERVICES AGREEMENT FOR
ATTORNEY/PROJECT DIRECTOR OF SENIOR CITIZENS LAW PROJECT.

AGENDA*City of Las Vegas*

November 7, 1984

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

ITEM

Council Action

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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

MEETING ADJOURNED AT 4:18 P.M.

APPROVED AGENDA ITEM

mp Cole

AGENDA*City of Las Vegas***0259**November 1, 1984
10:00 A.M.

Page 1

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

ITEM

Council Action

Department Action

IV(a). ADMINISTRATIVE AGENDA
ASHLEY HALL, CITY MANAGER

- A. DISCUSSION AND POSSIBLE ACTION
CONCERNING THE CITY OF LAS VEGAS'
POSITION ON CLARK COUNTY'S PROPOSAL
TO AMEND ITS 208 WASTEWATER TREATMENT
PLAN.

Christensen -
APPROVED motion
directing staff and
Mayor Pro-Tem
Lurie to appear at
the Clark County
Commission Meeting
on November 6, 1984,
and protest their
adoption of their
amendment to the
208 Plan.
Unanimous
(Mayor Briare and
Councilman Nolen
were excused.)

Staff and Council
to proceed.

A VERBATIM TRANSCRIPT MADE PART OF
FINAL MINUTES.

APPROVED AGENDA ITEM

mp Coe

CITY COUNCIL MINUTES - NOVEMBER 7, 1984
AFFIDAVIT OF MAILING

0260

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)
COUNTY OF CLARK) ss

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 26th day of October, 1984, a copy of an AGENDA (NOTICE), the attached of which is a true and correct copy, of a SPECIAL MEETING of the CITY COUNCIL of the CITY OF LAS VEGAS, NEVADA, to be held on the 1st day of November, 1984, 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).

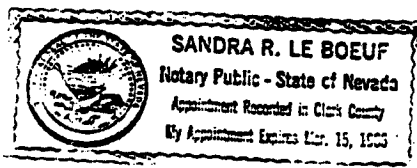
Joanne Perry
SIGNATURE (an employee in the Office
of the CITY CLERK)

Subscribed and sworn to before me this

26th day of October, 1984

Sandra R. Le Boeuf
NOTARY PUBLIC in and for Said County and State.

My Commission expires: 3-15-86



AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

0261

STATE OF NEVADA }
COUNTY OF CLARK } SS

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 26th day of October, 1984, at the hour of 10 AM there were posted copies of a NOTICE, the attached of which is a true and correct copy, of a SPECIAL MEETING of the CITY COUNCIL of the CITY OF LAS VEGAS, NEVADA, to be held on the 1st, day of November, 1984, at 400 East Stewart Avenue, Las Vegas, Nevada; to be posted on Public Bulletin Board at the following locations:

1. In the Bradley Building, State of Nevada, 2501 East Sahara Avenue;
2. In the Senior Citizens Center, 450 East Bonanza Road;
3. In the Clark County Courthouse, 200 East Carson;
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)

Joanne Perry
SIGNATURE

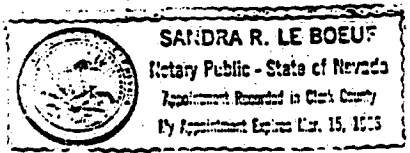
City Clerk
DEPARTMENT

Subscribed and sworn to before me this

26th day of October, 1984

Sandra R. LeBoeuf
NOTARY PUBLIC in and for said County and State.

My Commission expires: 3-15-86



City of Las Vegas

0262

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

The Las Vegas City Council will hold a Special Meeting on Thursday, November 1, 1984, at the hour of 10:00 A.M. in the Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, to consider the following:

AGENDA

1. DISCUSSION AND POSSIBLE ACTION CONCERNING THE CITY OF LAS VEGAS' POSITION ON CLARK COUNTY'S PROPOSAL TO AMEND ITS 208 WASTEWATER TREATMENT PLAN.

T R A N S C R I P T

SPECIAL MEETING
CITY COUNCIL
CITY OF LAS VEGAS, NEVADA

NOVEMBER 1, 1984

RE: CITY OF LAS VEGAS' POSITION ON CLARK COUNTY'S PROPOSAL TO AMEND
208 WASTEWATER TREATMENT PLAN

APPEARANCES:

Mayor Pro-Tem Ron Lurie, City of Las Vegas
Councilman Paul Christensen, City of Las Vegas
Councilman Al Levy, City of Las Vegas
Ashley Hall, City Manager, City of Las Vegas
George Ogilvie, City Attorney, City of Las Vegas
Carol Ann Hawley, City Clerk, City of Las Vegas
Gordon Culp, Engineering Consultant for City of Las Vegas
Joseph Karaganis, Legal Counsel to the City of Las Vegas
Dr. James B. McMillan, Chairman, Citizens Priority
Committee, City of Las Vegas
Reed Whipple, Member, Citizens Priority Committee, City
of Las Vegas
Gene Donovan, Director, Department of Public Services,
City of Las Vegas

TRANSCRIPT

PREPARED BY:

Carol Ann Hawley, City Clerk, City of Las Vegas

TRANSCRIPT - LAS VEGAS CITY COUNCIL - SPECIAL MEETING - NOVEMBER 1, 1984
RE: CLV'S POSITION ON COUNTY'S PROPOSAL TO AMEND 208 WASTEWATER TREATMENT PLAN

MAYOR PRO-TEM LURIE:

I'd like to call the Special Meeting of the City Council of the City of Las Vegas to order today. This meeting's been called to discuss and possible action concerning the City of Las Vegas' position on Clark County's proposal to amend its 208 Wastewater Treatment Plan, and this meeting has been properly noticed and posted and we're in compliance with the Open Meeting Law. Let the record show that Mayor Briare's out of town today and will not attend the meeting and Councilman Nolen is home ill, and they'll both be excused. Mr. Hall, do you want to go ahead and give us the brief report that you have and then we'll have some discussion.

CITY MANAGER HALL:

You bet. Thank you very much. Mayor Pro-Tem Lurie, Councilman Levy, Councilman Christensen, the purpose of the meeting today is to brief the Council on the present sewer capacity of the City of Las Vegas and Clark County as we have -- as to the information that we have, and then to also request certain action that we should take relative to the meeting -- the County Commission Meeting on November the 6th. I might say in preface to Mr. Culp's presentation to you, a statement that I have prepared. Special City Council Meetings are only called to consider special or unique problems that cannot wait until a regular meeting of the Council comes. Today is one of those special or unique occasions. The purpose of this meeting today is two-fold; first to discuss a major issue of overriding importance to the City of Las Vegas and its residents that has the potential to negatively affect the entire economic well being of the City of Las Vegas and the Valley, and also to give you a status report on the sewer capacity that the City of Las Vegas and Clark County has and what we are doing to presently meet current and future growth needs. I also will discuss with you the options open to us and the potential costs of such options should we desire to proceed. Secondly, to determine the appropriate course of action the City wishes to take at the County Commission meeting on Tuesday, November the 6th, 1984, wherein a Public Hearing has been noted for them to consider the adoption of an amendment to the County's 208 Water Quality Management Plan, which in effect, would prevent the City, or could potentially prevent the City from constructing urgently needed sewer capacity within the City and also to require City residents to subsidize County sewer users by forcing City residents into a more costly facility. There's also a possibility, by the way, that by doing so, the City residents may ultimately be held to some degree financially responsible for the current \$140,000,000 lawsuit that the contractor of the County's New Treatment Plant has

TRANSCRIPT - LAS VEGAS CITY COUNCIL - SPECIAL MEETING - NOVEMBER 1, 1984
RE: CLV'S POSITION ON COUNTY'S PROPOSAL TO AMEND 208 WASTEWATER TREATMENT PLAN

CITY MANAGER HALL:

brought against the County, and if that lawsuit is won by that company, the City, if it's involved in this, may be required to pay some of those costs. Lastly, by virtue of the County's action in amending its 208 Plan, the City of Las Vegas stands to lose some valuable water rights that were obtained by the City some years ago in the Las Vegas Wash. Mr. Gordon Culp, the City's Consulting Engineer on our sanitary sewer plant of the firm of Culp, Wesner and Culp will now review the City's sewer treatment capacity, the options open to the City and its potential cost to the City residents if the City is prevented from constructing the additional 25,000,000 gallons per day capacity that we urgently need to meet the growth that the City of Las Vegas faces. Following Mr. Culp, Mr. Joe Karaganis will conclude the briefing and answer any questions, and then it will be open for any other discussion. Mr. Culp.

GORDON CULP:

I've got some charts I'd like to show you here, so standing to the side. I stood in virtually the same spot in January, 1983, and gave a presentation to the City Council which really contains the same basic information that we're talking about today. At that point the City Council recognized that there was a capacity crunch coming in the wastewater treatment capacity and in existing treatment plants, and a few months later, recognizing the need to get more capacity built in time to serve the needs of the Valley, the Council authorized our firm to proceed to design a 25 Million Gallon per day expansion of the City Wastewater Treatment Plant. That design is being completed on schedule this month and will be ready to go to bid as soon as the City directs that action be taken. Now, the hearing that Ashley references on November 6th by the County is on a wastewater treatment plan which, if adopted, and approved by the State and Federal Governments would block the City from building the needed treatment capacity. I'd like to use these charts to show you where we are in capacity right now. This first graph is a plot of the City and County sewage flows in million gallons per day against the time in years, and what we've done here is plot the actual flow data gathered by the County and the City during the last two years. What has happened in the last years is the increases in wastewater flows have far exceeded the County's projection as to what was going to happen and it's basically what we predicted was likely to happen two years ago. So you see the solid portion of this curve is what has actually happened in the last two years. Our flows in the summer have reached 80 Million Gallons a day. Now, the plan that the County will be discussing next week

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GORDON CULP:

would limit the capacity in the Valley to 99 Million Gallons a day. But what happens if we continue to grow in the area at the same rate that we have the last two years? We run out of capacity in 1986 or 1987. So in other words, unless more treatment capacity is built and built quickly, we don't have the treatment capacity to sustain the growth rate that has occurred the last two years. If we look at just the City's situation alone without looking at the County flows, our capacity at the City plant, useful capacity, is 41 million gallons a day. Again, if we look at what has happened since 1980, we can see the sudden surge in growth the last two years and if this were to continue, we would be out of capacity in 1986 -- just our facility alone.

CITY MANAGER HALL:

Gordon, one comment right quickly. You're saying that if the growth rate in the City continues at the same rate that it has for the last two years, that the City's sewer treatment facility will be out of capacity in when?

GORDON CULP:

1986. Now, it takes two years to build an expansion large enough to do us any good, so that means that we really should be under construction as we sit here today. We're not. We're ready to go into construction. They say that the hearing on the 6th is a plan that conflicts with the City's plan to expand its own plant, and you really can't afford any further delay in time. This is a very simple schematic of where we stand with the plants that we have and the plan that the County will be discussing next Tuesday. The City's sewage currently goes through the City's treatment plant where it's treated biologically and phosphorus is removed so that we meet all the State requirements for discharge and that is discharged to Las Vegas Wash. Now, the flows that you see here of 37½ MGD, 40 MGD and 21½ are the flow capacities contained in the County Plan. We actually have capacity to treat about 41 at our plant. So indeed, the County's Plan is not going to give us any increase in capacity. In fact, if adopted, would deprive us of about 4 MGD of capacity that we really have. Now, the Plan that's being discussed would involve diversion of flows above our capacity of raw sewage, the County flows around the County's existing secondary plant which would treat 40 MGD. These flows would be mixed and then pass through the New Wastewater Treatment Plant and discharged to the Wash meeting the same standards that we're currently meeting. So it gives a total, when you add these numbers up, of 99 MGD. What the City is proposing to do is to build a 25 MGD addition. Now, you don't see any other secondary treatment on this schematic,

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GORDON CULP:

other than these two plants. At one time the County had proposed and had designed another secondary plant some five years ago, but that has never been built and has been shelved. It involved a very expensive way of treating the wastewater and if they were to proceed with more secondary treatment capacity, it's unlikely they would build the plant they designed, so they are really a year behind where we are. We're ready to go to construction with this right now. What it amounts to is we have 21½ Million Gallons per day available for treatment of raw sewage above and beyond the capacity of our secondary plant and the County's secondary plant. How much of a cushion does that give us? Well, this year, the County's flows in the summer reached 45 Million Gallons a day, 5 MGD beyond this piece of the pie. We have a 99 MGD treatment pie to divide up. The County has 40 at its plant; we have 37½ at our plant. This summer, the County used 5 of this pie, and if they continue to grow at that rate, next year they'll use another five. The year after that, they'll use another five. Now, that's the year we run out of capacity at our plant. So the next year, we would need to send flows over there; the County would be sending another five. We'd have 1 million gallons a day left, a small piece of the pie. We're currently growing at a rate of over 3 million gallons a day per year. So you can see that that 1 MGD piece of pie is insignificant. We need to get our own expansion built and on line.

CITY MANAGER HALL:

Gordon, one question quickly for clarification. The County's secondary treatment plant capacity is how much?

GORDON CULP:

Forty Million Gallons a day.

CITY MANAGER HALL:

And during the peak month of this year, how much did that run?

GORDON CULP:

Forty-five Million Gallons a day.

CITY MANAGER HALL:

So that meant that they utilized their total capacity in the peak month, and that month was when?

GORDON CULP:

August of this year.

CITY MANAGER HALL:

So they utilized their total capacity in their secondary treatment plant and then used five million gallons additional treatment capacity out of the New Treatment Plant?

TRANSCRIPT - LAS VEGAS CITY COUNCIL - SPECIAL MEETING - NOVEMBER 1, 1984
RE: CLV'S POSITION ON COUNTY'S PROPOSAL TO AMEND 208 WASTEWATER TREATMENT PLAN

GORDON CULP: That's correct.

CITY MANAGER HALL: Any you're saying if they went ahead -- if their growth rate continued over the next few years for the County as it has in the past that they would utilize the 21½ Million Gallons in that New Treatment Plant within a four-year period?

GORDON CULP: Yes. Even if we didn't send any flows over there, that's correct. Actually, it would be closer to three years. One obvious question here, I guess, is why the difference in opinion as to the availability of capacity? If you ask the County, as the City did recently, what their position was on the capacity issue, they said we have enough capacity to last until 1993 or 1994. Indeed, that's in the materials that they released prior to the hearing next week. Well, to try to get at an answer to that, we've plotted this graph which is, again, City plus County sewage flows from the year 1975 through the year 2000. And if you look at the red line here, this is what has actually happened -- the flows reported by the County added to those reported by the City using the County's own information here, and again, if these last two years, that rate of growth continues, we'll be out of capacity here in 1986 or '87 and with the capacity the City would be adding would get the Valley up to 124 MGD. That's not even going to make it until 1993. If the County were to divert some of their flows to our facility, the combined flows in the Valley would exhaust this addition. But one might think that the growth rate in the last two years is not going to be sustained, so what we've done is plot the green line. This is the average growth rate over the last 10 years. That runs out of this capacity in about 1989. What's the County using? That's the blue line, which is growth rate even far less than that which has occurred over a 10-year period and much, much less than has occurred the last two years. So again, the conclusion here is that unless the City proceeds to build treatment capacity now, we simply do not have enough capacity in the Valley to maintain the growth that we've experienced the last two years. What happens if we run out of capacity before the plant is expanded? Then we're looking at some very severe consequences to the economy of the area. We're looking at -- is there a question?

COUNCILMAN CHRISTENSEN: I have one question perhaps of our staff. I doubt if you can answer it, Gordon. Is there a possibility and has the County ever been asked if they through their newly adopted Master Plan intend to utilize their plan

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- COUNCILMAN CHRISTENSEN: to curtail growth and make this a no-growth community and is that where they're maybe getting some of their figures that they're not going to need increased sewage capacity? Could that affect their growth rate figures, in other words, if they were to adopt their Master Plan, which they have done, and utilized the things in that, the controls that are available to them that they talk about in their Master Plan to curtail growth in the whole Valley so that there is no more growth and then we won't have the sewage capacity problems?
- CITY MANAGER HALL: They haven't come out and directly said that, Councilman Christensen.
- COUNCILMAN CHRISTENSEN: Have we asked them?
- CITY MANAGER HALL: Well, we have asked them the question, yes. Now, secondly, the information that I received back in a letter to Pat Shalmy, the County Acting Manager -- I asked him several questions. He responded by indicating and the capacity question was one of those very critical questions, because I think it's incumbent on both the City and the County to sit down and resolve this thing jointly, because all of us are affected. It's just not the City, it's both of us. I indicated to him the timeframe that we saw -- both of us running out of capacity-- and he in response to that said that they did not agree with our figures, that they showed on an average annual flow that they were good to 1993, 1994. Now, the point that I think Mr. Shalmy has missed is that you don't take an average annual flow and work on an average annual flow. You take the high point, and that is --
- COUNCILMAN CHRISTENSEN: Well, you can't work on an average because you don't have the average flows. You have to work on the maximum amount that can go through the machinery. I mean you can have an average flow for some comparisons, but it's a situation where you have to determine how much the plant can process in a 24 hour period, and that's -- in other words, the only way you can utilize an average flow is if you've got a place to store the sewage so you can feed it through at an average rate, and I would hate to see a large lagoon of untreated sewage to be stored so that they can use -- treat it during an average time.
- CITY MANAGER HALL: I think the analogy that I used with him and others is that if Nevada Power, for example, only planned their power sources for the average annual usage, come the

TRANSCRIPT - LAS VEGAS CITY COUNCIL - SPECIAL MEETING - NOVEMBER 1, 1984
RE: CLV'S POSITION ON COUNTY'S PROPOSAL TO AMEND 208 WASTEWATER TREATMENT PLAN

- CITY MANAGER HALL: months of June, July and August, then those of us in the Valley would have a very difficult time because you have peak months, and especially the same with sewer, that during the months of July and August particularly and that's our high point months that we must plan for.
- COUNCILMAN CHRISTENSEN: But the rest of the questions you have asked, you haven't got answers on them yet?
- COUNCILMAN LEVY: I'd like to bring up one more thing. You know, Ron and I went to a meeting here just last Tuesday and we talked about a spirit of cooperation with the County. You know, I really think if the County really wanted to have that spirit of cooperation and really wanted to work out together and work our problems -- we tried to put this on the table and, of course, they didn't want to talk about it, but I think if they really mean and want to show some good will and some real class, I think that they would not have this on their agenda for the 6th of November and hold it off until we can sit down and talk about it.
- CITY MANAGER HALL: I think that's one option. I think what we would like to discuss with you today and that is what action do you want -- would you direct us to take, or the City to take, relative to the meeting on November the 6th.
- MAYOR PRO-TEM LURIE: Well, I can tell you just from my prospectus so far that I plan on being at that County Commission Meeting as an elected official representing the City taxpayers to make a statement when they discuss the wastewater treatment plant, and here's a case where we've talked about staffs getting together and working out a problem. I think it's time that we sit face to face with our County Commissioners and talk face to face about this serious problem because what I see happening on November 6th is an attempt to stop the City from building our plant and for planning for our economic diversification and growth in the City, and I think it's time that the County Commissioners realized that this is a very serious problem, that they're either being misinformed by their staffs or they don't know the background of the problem that exists with the treatment of secondary sewage, and I think that this meeting today isn't to actually come out and slam the County Commissioners or the County staff, but to try and reasonably work out a plan that's going to benefit the growth of this community. Now, no one's even mentioned -- I don't think anybody's here from North Las Vegas. Nobody's even mentioned North Las Vegas.
- COUNCILMAN LEVY: Why aren't they here?

TRANSCRIPT - LAS VEGAS CITY COUNCIL - SPECIAL MEETING - NOVEMBER 1, 1984
RE: CLV'S POSITION ON COUNTY'S PROPOSAL TO AMEND 208 WASTEWATER TREATMENT PLAN

- MAYOR PRO-TEM LURIE: We're treating North Las Vegas sewage. They're looking for support from the City and economic development in their city, and we're going to shut them off from any growth in North Las Vegas because we've got to take care of the City of Las Vegas.
- CITY MANAGER HALL: I think part of the problem that I see as City Manager, and particularly working with staff and other individuals, is the fact that as Mr. Shalmy had indicated that he used the average annual flows. Those average annual flows, during those peak months, if you do not have the capacity to handle those peak months, then you've got to begin restricting businesses, residences and others from flushing toilets and from using water.
- MAYOR PRO-TEM LURIE: Well, what you have, you have a difference between the average annual flow and the peak daily flow.
- CITY MANAGER HALL: That's correct.
- MAYOR PRO-TEM LURIE: And that's something --
- COUNCILMAN CHRISTENSEN: No, it's worse than that. It's average annual flow which could indicate that in the peak tourist months, you could run into a situation where you couldn't sell your hotel --
- MAYOR PRO-TEM LURIE: You would have to limit capacity to 80% instead of a 100%.
- COUNCILMAN CHRISTENSEN: You couldn't run 100% occupancy because it would exceed your average flow if you did that. I think that to push this one step further -- Councilman Lurie, I agree with what you're saying. If it requires a motion, I'll make it.
- COUNCILMAN LEVY: I'd like to bring up one --
- COUNCILMAN CHRISTENSEN: But I think that we should point out, and I think this is doubly important because I've maintained this all along -- this appears to be a confrontation between the City and the County and I think it's really maybe misunderstanding, because what we should have is something that benefits the whole valley. Now, when we successfully got the wastewater standards and so forth modified to 30, 30 and 1, which is more stringent requirements that we should be meeting, but when we agreed to meet the 30/30/1, we saved millions for every -- for all the entities put together in this valley at that time. So we have benefited all the County residents as well as the City residents with this action, and I think that if we go

TRANSCRIPT - LAS VEGAS CITY COUNCIL - SPECIAL MEETING - NOVEMBER 1, 1984
RE: CLV'S POSITION ON COUNTY'S PROPOSAL TO AMEND 208 WASTEWATER TREATMENT PLAN

- COUNCILMAN CHRISTENSEN: with a clear presentation, like Mr. Culp has made, and that if you plead our case as the representative of the City as the Mayor Pro-Tem, then I think our staff should go over and make this case to the County along with any citizens that want to become involved and point out what our real desires are and that's that we're not looking for a confrontation with the County, we're looking for solution of a problem that affects us valleywide. It's a valleywide solution.
- COUNCILMAN LEVY: There's one other thing I'd like to bring up for just a moment if I may. I'd like to take the position that Mr. Culp is wrong, that the County will have plenty of sewer, but we know what our position is and we know where our sewer line is and in two years, we're out. I don't want to connect to the County's new sewer line even if that's all we have left. For us to connect there and assume the responsibility that the County is expecting us to assume is going to cost the citizens of the City of Las Vegas too many millions of dollars. They've got a lawsuit right now for 120 Million is it? How much?
- CITY MANAGER HALL: One Forty (140 Million).
- COUNCILMAN LEVY: Some number that they want us to assume that they goofed up. I'm not ready to do that. I'm not ready to come in and charge our citizens twice what they're paying right now for sewer because of the County's goof-up. It's not right and it's not fair.
- CITY MANAGER HALL: Once again, a further point. In Mr. Shalmy's letter dated back to me of October 23, 1984, I want to quote directly from it, because, again, I think it has to do with the misunderstanding where they used average annual flows and he says this in the second paragraph from the bottom: "There's no reason to expect that the other flow projections of the TFS 1 to be in error, indicating that the combined flow of 99 Million Gallons per day will probably be reached in 1993 or 1994." Now, the thing that they don't understand apparently in the staff at the County is the fact that the information that helped develop the TFS 1 Report under the Consent Decree was based on --
- COUNCILMAN CHRISTENSEN: That stands for Treatment Facility Study Number One.
- CITY MANAGER HALL: That's correct. That was based on 1970 Census and has not been updated since that time, and as Mr. Culp has indicated, we've had over the last two years a significant growth rate in our valley that has increased our daily flows particularly in peak months.

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GORDON CULP:

Ashley, if I might just further confirm what everyone is saying, this is a copy of the County's discharge permit which I would suggest someone over there ought to read because when the full limitation is described as a thirty day average not to be exceeded, not the annual average figures that the County cited in their letter, so it's not something we've made up. This is both standard practice in the sanitary engineering field to design your facility to handle the biggest month of the year. It's also written right into the County's permit from the State of Nevada, as it is in the City's, so one must deal with the month in which the largest flows occur, which are the numbers we've shown you.

MAYOR PRO-TEM LURIE:

George, if I could ask you a question, the County said they didn't want to discuss this particular item at their last meeting. What is your opinion as far as us discussing something that is in litigation or the affect on the 208 and where we are as far as the restraining order that we asked for to prevent them from taking action on their November 6th meeting?

CITY ATTORNEY OGILVIE:

I see no reason why we can't discuss it. I see no reason why they couldn't discuss it with us. Back, oh, probably the end of September or early part of October, Mr. Hall wrote the County Manager an extensive letter asking for a lot of answers concerning what Gordon has just presented this morning. What he got back was a, maybe a page and a half of doubletalk. We asked them to discuss it at that time. I don't consider the response we got an adequate discussion in any respect, so they refused to talk to us, in my opinion. What else can we do, if they refuse to talk to us, but ask for some injunctive relief, which we did? Now, they're turning that around and said "Because you asked for injunctive relief, we're not going to talk to you." I think that's just a cop-out. The litigation which existed prior to the recent request for injunctive relief really had nothing to do with the 208, the County's 208 Plan. It was tangentially involved, I suppose, because the Consent Decree discussed the preparation of TFS 1 by the Water Quality Study Board. There was action to approve the design, approve the TFS 1 for design, but not construction or implementation by the Water Quality Study Board, so it was tangentially involved

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- CITY ATTORNEY OGILVIE: in the litigation, but it wasn't an integral part of the litigation until they refused to talk to us and we were forced to ask for the interim relief to prevent any action being taken next Tuesday. I think it's just some figment of somebody's imagination that any litigation at this time is precluding any discussion between the two boards.
- MAYOR PRO-TEM LURIE: Okay. Thank you.
- CITY MANAGER HALL: One further comment. I'd ask Mr. Culp to have a little summation. If he can present that, then Mr. Karaganis will answer any questions, and any further discussion that anyone else has today, they're very welcome.
- COUNCILMAN LEVY: The question was asked, was North Las Vegas invited here today? Carol is saying "yes."
- CITY CLERK HAWLEY: They were send a notice. Their officials received a copy of our agenda.
- MAYOR PRO-TEM LURIE: Is anyone here from North Las Vegas? It seems to me that they've got a big interest in this particular item, and if they're not that concerned about it --
- CITY MANAGER HALL: Again, I discussed this with the City Manager of North Las Vegas several times over the last year. Again, he -- I won't take words out of his mouth, he can quote for himself, but I haven't found a tremendous amount of interest by the City of North Las Vegas.
- COUNCILMAN LEVY: Mr. Hall, from now on, would you please address copies of this to the Mayor and Councilmen. I think that might help.
- CITY MANAGER HALL: Yes.
- COUNCILMAN LEVY: I think that might help if they're aware of everything.
- MAYOR PRO-TEM LURIE: It's a case here where probably the elected officials of North Las Vegas aren't aware of this meeting today; otherwise, they might have enough concern that they would be here because this is just going to stop growth in North Las Vegas right away.
- CITY MANAGER HALL: Mr. Culp.
- GORDON CULP: Well, to summarize, the sewage treatment capacity we have existing in the valley right now is going to be used up in two to three years time. If the City does not begin construction of the expansion of their waste treatment plant as rapidly as possible, then the valley is faced with the very high probability of building moratoriums in two to three years, hence restrictions on existing users. If, for example, we've used up all the

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GORDON CULP: 99 MGD, when the hotels have been averaging 70% occupancy, they'll have to be held to that percentage occupancy. We won't be able to allow any increased use in, for example, hotels. This is a very serious problem that the City has proceeded to prepare plans and is ready to begin construction and that's what's going to be necessary to avoid some very big economic consequences. If I could just extract from what Al said earlier, assume we're wrong and the flows don't grow as rapidly as projected. One of the consequences, it means we have a plant a year too soon rather than a year too late, but the consequences of being wrong in the other direction if we don't build the capacity and the flows continue are very severe in terms of economic impacts on the valley.

MAYOR PRO-TEM LURIE: One thing you said that kind of concerns me and that's running our secondary treatment through their AWT plant. Why do we have to treat it twice when we already meet all the standards?

GORDON CULP: No, we're not proposing that. We would continue to discharge to the Wash without any use of the County facilities. The expansion as designed does not depend on the County.

MAYOR PRO-TEM LURIE: As far as the new one, but you did show us where we could go through their plant.

GORDON CULP: That was only if we don't build more secondary capacity. That's the plan the County is discussing. The plan the City has proposed is an expansion of our own facility to meet all the discharge standards of the State and independent discharge to the Wash. We would meet --

MAYOR PRO-TEM LURIE: Meet the same standards at less cost.

COUNCILMAN LEVY: We have directed our staff to go ahead and get the plans drawn -- everything to go ahead with this facility, is that correct?

GORDON CULP: The plans are done.

COUNCILMAN LEVY: They're all ready. Why don't we go ahead?

CITY MANAGER HALL: Maybe George Ogilvie can address that more than I could. I've asked George Ogilvie to approach the State Environmental Department about the necessary permit that the City of Las Vegas must receive from the State EPA --

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- COUNCILMAN LEVY: Before we start?
- CITY MANAGER HALL: -- before we can start, yes. George, do you want to address that?
- CITY ATTORNEY OGILVIE: The Division of Environmental Protection of the State has the right by statute to approve any new permit for construction of additional capacity. We approached the State people in August, early August, with the suggestion that, let's put the issues involved in a lawsuit aside for the time being. We're not capitulating on that. We'll let that be decided in due course, but because the urgency of new capacity if we were to design our plant to remove 30, 30, 1, the present standards which, as you know, we're contesting, but we would design and construct our plant to remove to those levels. If we commit to that, would they commit to give us a construction permit to do so? The answer was: "No, we would not commit at this time to do that. Even though what you end up with does meet that, we will not give you that commitment at this time." When asked why the State was taking that position, the answer was by the Deputy Attorney General who represents the division was that they felt it was time for the State to take steps to make sure that the capacity of the NWT plant was used to its maximum. In other words, they don't want us to have the expansion. They want us to have to go into the County plant to share the more expensive costs.
- COUNCILMAN LEVY: They want us to go in and help take care of the County mistake.
- COUNCILMAN CHRISTENSEN: Did they indicate equalization of the tendency on their part to want to equalize the sewer rates in the valley?
- CITY ATTORNEY OGILVIE: They did quite graphically, I think.
- COUNCILMAN LEVY: Did they guarantee us capacity in that new plant out there?
- MAYOR PRO-TEM LURIE: We haven't been guaranteed capacity. We haven't been guaranteed a price yet. They won't answer those questions; that's the problem we have.
- CITY ATTORNEY OGILVIE: I'm not so sure that the State people knew at that time -- as I say, this was the first part of August -- the critical capacity shortage that exists and will continue to exist in the County plant. But in answer to Councilman Levy's question, yes, they very definitely did indicate. To

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CITY ATTORNEY OGILVIE: Councilman Christensen's question, they very definitely indicated that there should be cost sharing. That -- they didn't use the word "subsidization," but that was the only word they didn't use to indicate that that was really at the bottom of the argument.

MAYOR PRO-TEM LURIE: Well, I think the other thing, too, in the backup material that we have is that the rumor that we hear from the State and Federal bureaucrats who would like to control growth in Southern Nevada and with the County's 99 MGD Plan would give them that control, then the State would use the County's plans as a base to refuse to issue permits so the City could expand our plant, which, in turn, would place a moratorium on growth within the City of Las Vegas, and that's wrong.

CITY MANAGER HALL: That's basically correct.

COUNCILMAN CHRISTENSEN: Could I get you to go over just a second a little bit on the costs, the ERU costs. We're working on the equivalent residential unit, which is what we're basing all of our wastewater discharges on in order to come to a unit figure that you can multiply by the number of ERU units of each building so that you can determine that cost. As I understand it, the equivalent residential unit is your average single residence and then you add to it from that for the number of drains, number of residences. For instance, a hotel would have X number of ERU's, and so forth. What are we talking about in costs, and what are we talking about in increasing the ERU costs, and then times how many rooms, and so forth? What are we really talking about in dollars if we get moved into this plant where we have to pay these County fees?

CITY MANAGER HALL: Well, in terms of millions of dollars, I haven't calculated that.

COUNCILMAN LEVY: No, we're talking about the individual citizen.

COUNCILMAN CHRISTENSEN: Yes, that's what I'm interested in.

CITY MANAGER HALL: I will. One of the things that I think the City of Las Vegas has been very proud of in years past is we've had the most cost-effective, cost-efficient sewer treatment facility in the entire valley. Our costs are one-half the costs of any other entity to include the County or the City of Henderson. We treat North Las Vegas' water basically at our cost on an agreement with them. The statement that George Ogilvie referred to with the Deputy Attorney General, George Postrozny, that represents the Environmental Protection Department at the State level when he indicated that, one, that what they wanted to do was to utilize -- was to force the utilization of all the capacity in the valley before they allowed

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- CITY MANAGER HALL: anything else to happen and to equalize the rates. Now in equalizing those rates, that means that the ratepayer in the City of Las Vegas now pays around \$50 per ERU. In the County it's about \$100. In the City of Henderson it's about \$110.
- COUNCILMAN LEVY: In North Las Vegas?
- CITY MANAGER HALL: In North Las Vegas about \$100. We charge North Las Vegas basically our cost, then they tack onto that an additional administrative cost of about \$50 that they then use in their General Fund as added revenue, but that's basically --
- COUNCILMAN CHRISTENSEN: So what we're saying is that if we did that, we would end up forcing the taxpayers that utilize the City's sanitation plant to probably come up 25% to 30% on their rates in order to lower the County's by 25% or 30% in order to make it pay, which, in effect, we would be subsidizing the Clark County Sanitation District off the City's Sanitation District users.
- CITY MANAGER HALL: That's if you look at it only in the costs of the sewer treatment. If you look at it in terms of the costs, the potential cost in the Briscoe suit --
- COUNCILMAN CHRISTENSEN: I'm talking about strictly treatment. Now, if you add into it -- if they spread all of the problems over the total rate base, including all the entities in the valley, then we could end up much higher than that because we would be paying off their lawsuit as well as --
- CITY MANAGER HALL: The City rates would probably triple.
- COUNCILMAN LURIE: I would like to ask if there's anyone in the audience that would like to say anything?
- CITY ATTORNEY OGILVIE: Councilman Lurie, can I make one more statement in answer to Councilman Lurie's question about why can't we just go ahead at this point?
- COUNCILMAN LEVY: That was my question.
- CITY ATTORNEY OGILVIE: In addition to what I said about my conversation with the State, we have to sell bonds, about 30 Million Dollars in bonds, to finance the expansion that Gordon has designed. Without assurance that we're going to be able to use that plant to generate the revenues to pay off those \$30 Million Dollars, we would have no chance whatsoever in selling the bonds. No bond counsel would give a clean opinion that these bonds will be paid off. So we just don't have the money, unless we sell the bonds, and we can't sell the bonds until we get the go-ahead from the State.

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MAYOR PRO-TEM LURIE: Thank you. Does that answer your question? Dr. McMillan.

DR. JAMES B. McMILLAN: I'm Dr. James B. McMillan, 705 Twin Lakes Drive. I was elected the Chairman of the Citizens Priority Committee through the City. It is our concern that we need to know some questions and answers about finance and what it's going to cost the City, so we can intelligently advise the City in regards to budget and what-have-you as it comes up. I have two of my committee members here, Mr. Reed Whipple and Mr. Myers, and they would like to have something to say. But at first, I would like to say I noticed the City Commission had a meeting with the County the other day in regards to this cooperation thing. Two days before that, I met with Commissioner Dondero at the Channel 3 Television Editorial Board. We discussed this water treatment thing thoroughly with her and it was her opinion, or my understanding, that I could have a meeting with her and my City Advisory Committee, that she was in perfect accord with the City being able to expand their water treatment plant to the 25 MGDs and she had no problem with that and that she would be willing to sit down and discuss this situation with us before the November 6 meeting and that we could come to some accord in this regard, and she went on record as saying that. So I will call her today or tomorrow and try to set that meeting up and see if she is true to her word and see if she is sincere in that regard. So at this time what we need to do is to have some expression from these experts as to what it's going to cost the City so that my Committee would have some information in regards to what we can recommend.

MAYOR PRO-TEM LURIE: We can make all that material available to you and then, Ashley, if you want to give some of that information out, you can, so everyone here will know. I think he told us just a minute ago, three times.

COUNCILMAN CHRISTENSEN: One of the problems we have is that we really -- if she wants an accurate cost figure, we're unable to provide that until we get the answers from the County as to the questions we asked them as to what it's going to cost us, and they don't have that information.

COUNCILMAN LEVY: He's talking about the new facility.

COUNCILMAN CHRISTENSEN: Oh, you're talking about just the new facility?

COUNCILMAN LEVY: Our new facility.

DR. JAMES B. McMILLAN: We're talking about what we discussed with her is that the City -- we wanted the County to give us their permit or what-have-you, permission, for the City to expand our existing facility to the 25 MGDs per day.

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- COUNCILMAN CHRISTENSEN: Oh, we can give you those figures. That's not a problem. Gordon has those figures.
- DR. JAMES B. McMILLAN: And the other thing is, she said she had no objections or she didn't think the County had any objections, as long as the treatment of the water from the Las Vegas facility met the standards.
- COUNCILMAN LEVY: That's all we asked.
- DR. JAMES B. McMILLAN: I said, "Well, hey, we wouldn't do any otherwise."
- COUNCILMAN CHRISTENSEN: We couldn't by law do anything else.
- DR. JAMES B. McMILLAN: So I said, "Why the heck all this confusion between the City and County when you can sit down and get this thing--?" She says, "I have no problem with that."
- COUNCILMAN LEVY: Doctor, be there Tuesday.
- DR. JAMES B. McMILLAN: I want to try to meet with her before Tuesday to see if they can delay or put this meeting off.
- MAYOR PRO-TEM LURIE: You had better get a couple more of the County Commissioners there, too. She's only one vote.
- DR. JAMES B. McMILLAN: I guess I may not -- I thought there would be three or four of the other County Commissioners that would be willing to help support this position, and I haven't had a chance to talk to them yet, but I plan to do that before this Tuesday meeting.
- MAYOR PRO-TEM LURIE: The thing that bothers me, too, is they're trying to ramrod this thing through before the election, before new Commissioners take office and that bothers me.
- DR. JAMES B. McMILLAN: At this time I would like for one of our committee members, Mr. Whipple --
- COUNCILMAN CHRISTENSEN: And before old ones leave, too.
- GORDON CULP: Doctor, I could answer your question on the rates, if you'd like. The cost to the City ratepayer when this new plant is built by the City will cause us to raise our rates in 1986 to \$76 an ERU. That, of course, is still less than the \$95 the County is charging their customers today, and we know the County has to expand their facilities too, so their 95 is going to go up. Even after our plant is expanded, our rate will be \$20 an ERU less than their rate is before they expand theirs.

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- DR. JAMES B. McMILLAN: Well, that's why our Committee would like for the technicians and the people to supply our Advisory Committee with these facts so that we will be able to advise the City in their budget figures. Mr. Whipple at this time.
- REED WHIPPLE: It's a pleasure for me to be here this morning and to listen to the conversation that's gone on, and this is a real revelation for me to be here and think back in 1923 in October when I came to Las Vegas with less than 4,000 people in this whole valley. I commend you for your foresightedness and your leadership in helping the citizens of this community, and it just seems to me that if the City of Las Vegas can build a sewer plant that can take care of all the requirements and provide it at less cost than the County, why would any thinking person then think that we ought to be forced into something that's going to ask our citizens to pay more than what we would pay if we just left it in your hands. To me, that's the critical question, and I --
- MAYOR PRO-TEM LURIE: Well, possibly, Mr. Whipple, Tuesday you will have the opportunity to ask the County Commission that same question.
- REED WHIPPLE: I had some questions here too that I was going to ask, but I think that they've been pretty well answered today, and anything that I can do as a citizen to assist the Council in this, I would be very grateful for the opportunity to do so.
- MAYOR PRO-TEM LURIE: I'd like to have you there Tuesday with me standing side by side and we'll ask some questions. Maybe we'll get some answers.
- REED WHIPPLE: I commend you and the staff for the good planning that you're giving us.
- MAYOR PRO-TEM LURIE: Thank you. Mr. Myers, do you have anything, or have we already covered everything? (Mr. Marvin Myers shakes his head negatively.) Joe, is there anything you'd like to add. This is Joe Karaganis, Carol.
- ATTY. JOE KARAGANIS: There is one thing that is of major concern in this discussion about cost. I think that Mr. Culp has clearly pointed out that there's a substantial cost savings in the type of treatment and the quality of treatment provided by the City. But what's coming up on Tuesday is not a question of cost alone. Indeed, if the City was willing to pay two or three times what they're paying now, the figures Mr. Culp has shown you is that there won't be

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ATTY. JOE KARAGANIS:

any capacity left and the real cost, the real harm that is going to come from this capacity shortfall comes from the -- literally, the untold millions of dollars in lost construction wages, in businesses that have to shut down, in businesses that have to ration hotel rooms, in new construction that doesn't take place. Now, those figures are anybody's guess except that we know they're going to happen if we run out of capacity, and what's the foolishness of this squabble, this fight, is that there's a 21.5 million gallon piece of pie that's left. This isn't a question of different planners disputing over what their projections are. We know. The meter has recorded that the City and County are currently using in their peak month in 1984 80 million gallons. We know from Mr. Culp's figures and the County's own estimates that the capacity left in the three plants that are in Las Vegas Valley to meet this need is either 99 or 102 million gallons, depending on which figure you take. But if you do simple arithmetic and subtract 80 from 99 or 80 from 102, the maximum capacity you get left out of that picture is 22 million gallons and we know that seven million gallons a year is being used up. We have that in historical record. One of the things that's used in all of this debate and it's used to confuse political leadership and media and everybody else is that this is a scientific question and you folks just don't understand. It doesn't take a genius to add 7, plus 7, plus 7. It comes out to 21, and that's what you've got left, and if you use that up, unless you start building now as Gordon has suggested to you, we've got a two to three year construction lead time. There isn't going to be any more and if there isn't going to be any more, you've got two to three years of moratorium facing you, and that requires action now. So I think while there's no question that historical evidence supports the fact that the City has provided treatment costs at a far less cost than the County, that cost savings or cost loss to the citizens pales by comparison to the loss that will come from a moratorium unless people respond to the construction needs now, and as Mr. Culp has suggested, those construction needs really need to expand the remaining piece of pie of 21 million gallons. So, I just want to emphasize --

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- COUNCILMAN CHRISTENSEN: We have another problem besides the business loss that I think needs to be considered here that I don't think anybody's brought up today, because if you assume the County's correct, we're still going to need more treatment capacity. The question is when.
- ATTY. JOE KARAGANIS: Exactly.
- COUNCILMAN CHRISTENSEN: The question isn't if we're going to need it, the question is when. Is there something wrong with being, instead of a year behind, being two years ahead? It's kind of like the TV ad that Andy Granatelli runs, you can pay me now or you can pay me later, but you're going to buy it some day anyhow.
- ATTY. JOE KARAGANIS: And if you don't act now --
- COUNCILMAN CHRISTENSEN: And we might just as well buy it now. I would rather be wrong and have the capacity for the growth than to be right and not have it and I would rather be wrong by two years and have it two years sooner than I need it than be wrong and have it two years after I needed it.
- MAYOR PRO-TEM LURIE: You can't explain that to the County because they feel the same way about roads too. They'd rather have them later than now.
- COUNCILMAN CHRISTENSEN: They don't understand that about roads either?
- MAYOR PRO-TEM LURIE: No. So how are they going to understand about flushing toilets.
- ATTY. JOE KARAGANIS: The central issue for Tuesday's discussion has got to be, how are you going to meet the capacity needs of the valley and the fact that you're running out and will run out.
- COUNCILMAN LEVY: Wait a minute, I don't want a big brother situation. I don't want them to worry about ours. We'll worry about ours.
- ATTY. JOE KARAGANIS: Exactly. They've got enough to worry about their own. There's no question about that, but --
- COUNCILMAN LEVY: They've got this new guy coming over there.

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COUNCILMAN CHRISTENSEN: Well, I might need your help, so don't close that door.

MAYOR PRO-TEM LURIE: Tell me one thing. On this North Las Vegas situation, because it concerns me, how do we control the amount of flow that we accept from them on an annual basis?

CITY MANAGER HALL: Mr. Donovan, do you want to address that? It's done on a metered basis, but Gene can explain it.

COUNCILMAN LEVY: What is our obligation?

MAYOR PRO-TEM LURIE: That's, I guess, the next question.

GENE DONOVAN: Well, I think Mr. Ogilvie could probably answer the question probably with more certainty than I do. It's my understanding that we take all of North Las Vegas flows as long as we have capacity. George may be able to speak on that better than I do.

MAYOR PRO-TEM LURIE: Okay. Well, we're out of capacity now. Now, what do we do?

CITY ATTORNEY OGILVIE: That's essentially correct.

COUNCILMAN LEVY: What if we don't have capacity?

MAYOR PRO-TEM LURIE: Al, we're saying we're running out of capacity now and whatever capacity we have left, we have got to take care of us right here in the City of Las Vegas. So does that mean now that we tell North Las Vegas that any additional capacity they have they're going to have to find another way to flow it to the County or build their own plant, or what?

GENE DONOVAN: That would be two alternatives as you mentioned there, but we should be making contingency plans right now as to what we're going to do if we don't have capacity because that time is going to fly by.

COUNCILMAN LEVY: Well, I don't want to threaten them. I don't want to --

COUNCILMAN CHRISTENSEN: Let's cut through all the meat -- all the meat and get right to the bone. What you're saying, as I understand what you're asking, Commissioner Lurie, is when we face a building moratorium, who gets stuck first? Do we stick North Las Vegas first, or do we all take the building moratorium at the same time?

COUNCILMAN LEVY: We will have to take it all at the same time.

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- COUNCILMAN CHRISTENSEN: And I think that's the answer. We'll all take it at the same time. We can't very well say we've only got a half million gallons left and so you shut down your building and we'll continue until the half million is gone. I think we're stuck until we're all out of capacity and then where?
- COUNCILMAN LEVY: If we don't build this facility within the next 90 to 120 days -- we don't start construction -- I'd notify North Las Vegas immediately that they're not to put any more volume in there.
- MAYOR PRO-TEM LURIE: Well, we've got to notify them especially --
- COUNCILMAN LEVY: I'm not threatening. I don't mean it to be a threat.
- MAYOR PRO-TEM LURIE: I think the Mayor and the City Council over there should be made aware of the problem. I don't think they're aware of the problem. Pardon me.
- COUNCILMAN CHRISTENSEN: What you're saying is we have an obligation to warn them that they're facing the same problem we're facing.
- MAYOR PRO-TEM LURIE: That's right. They should be familiar with the problem and hopefully, to be there Tuesday to get some of this information to take back to their board and discuss what position they're going to be in. I'm sure their building trades -- their Chamber of Commerce is going to be concerned about this. If not, they should be. Okay, Paul, you made a motion kind of to direct staff to appear at the County meeting on November 6 and make a statement?
- COUNCILMAN CHRISTENSEN: That's right.
- MAYOR PRO-TEM LURIE: Is there anything you want to add to that?
- CITY MANAGER HALL: I didn't hear the statement.
- COUNCILMAN CHRISTENSEN: Well, I would defer a little to staff. I'm trying this on for size. Now, you tell me if I'm correct, or if I'm wrong, or it needs to be corrected, or what, but I WOULD MOVE THAT WE DIRECT OUR STAFF AND COUNCILMAN LURIE, AS THE MAYOR PRO-TEM, TO APPEAR AT THAT MEETING AND PROTEST WITH THIS INFORMATION THE ADOPTION TO THE AMENDMENT TO THEIR 208 PLAN FOR THE REASONS WE'VE STATED AND TO MAKE THIS PRESENTATION TO THEM AND --
- COUNCILMAN LEVY: Will we be able to have an opportunity to make this presentation, do you know?
- CITY MANAGER HALL: They've informed us that we would.

TRANSCRIPT - LAS VEGAS CITY COUNCIL - SPECIAL MEETING - NOVEMBER 1, 1984
RE: CLV'S POSITION ON COUNTY'S PROPOSAL TO AMEND 208 WASTEWATER TREATMENT PLAN

COUNCILMAN CHRISTENSEN: It's a public hearing. I don't think they could stop us.

MAYOR PRO-TEM LURIE: I would hate to have them try and shut us off at a public meeting.

COUNCILMAN CHRISTENSEN: Does that -- is that the proper motion, gentlemen, to make to direct our staff?

MAYOR PRO-TEM LURIE: That's fine, and I would hope that the motion would include anyone else that wanted to attend to --

COUNCILMAN CHRISTENSEN: It's a public hearing. Anybody else could attend.

MAYOR PRO-TEM LURIE: -- be in attendance at the meeting and make a statement. If Al wanted to be there, you wanted to be there, I'm sure those comments -- Paul should be there. He's not going to be doing anything else that day.

COUNCILMAN CHRISTENSEN: Well, I'm looking at -- the reason I stated it the way I did, is I'm looking at any legal ramifications that the City Council did not authorize anybody to make that statement. I want to make sure that it's in the record that the City Council did authorize our staff and Councilman Lurie, as Mayor Pro-Tem, to go and protest the amendment to the 208 Plan at that public hearing. Is that sufficient, George?

CITY ATTORNEY OGILVIE: Yes, I think so. You have further clarified that by making the same type of presentation that was made here this morning. I think that it's very clear what your intended motion was.

COUNCILMAN LEVY: Call for the question.

MAYOR PRO-TEM LURIE: All in favor of the motion say "Aye."

(VOTE: Councilman Christensen: "Aye"
Councilman Levy: "Aye"
Mayor Pro-Tem Lurie: "Aye")

Opposed? (No response.) The motion's APPROVED and this meeting will be adjourned.

(NOTE: Mayor Briare and Councilman Nolen were excused from attending this meeting.)

(MEETING WAS ADJOURNED AND NO FURTHER DISCUSSION WAS HELD.)