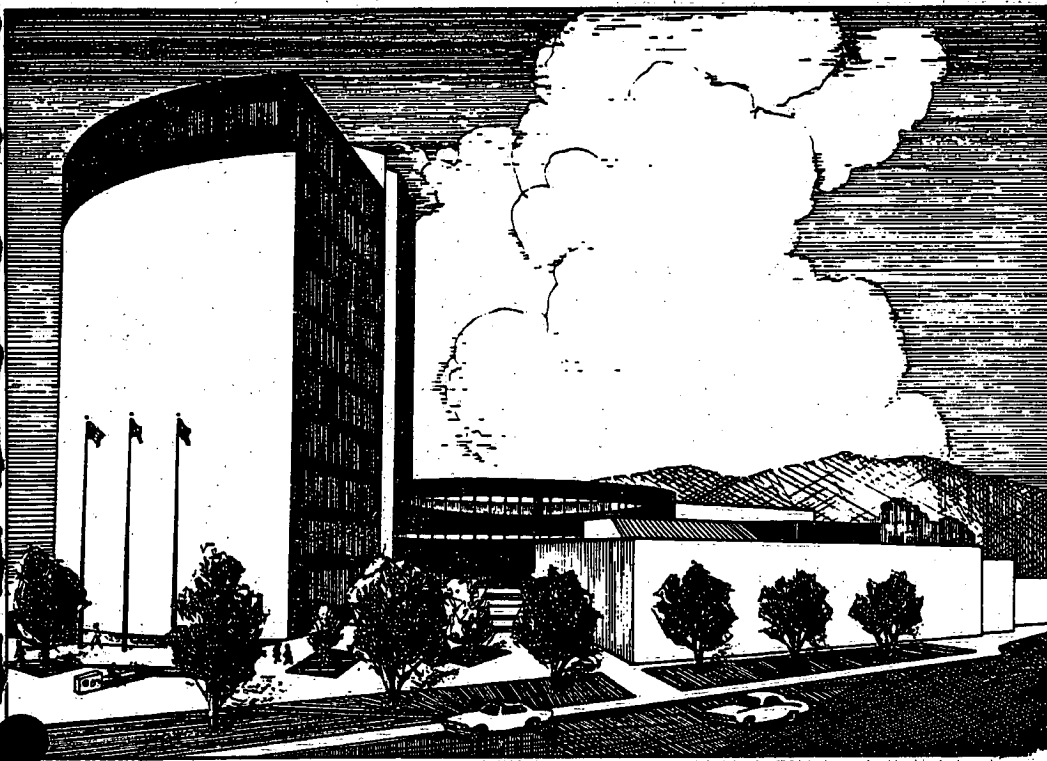




MINUTES

City of Las Vegas

CITY COUNCIL

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

DATE: December 5, 1984

TIME: 9:45 A.M.

INVOCATION: Gerald Sherry, Information Director of Roman Catholic Diocese of Reno/Las Vegas

PLEDGE OF ALLEGIANCE: Given

CITY COUNCIL

MAYOR BILL BRIARE

PRESENT

ABSENT

EXCUSED

☒

☐

☐

COUNCILMAN PAUL J. CHRISTENSEN

☒

☐

☐

COUNCILMAN RON LURIE
MAYOR PRO-TEM

☒

☐

☐

COUNCILMAN AL LEVY

☒

☐

☐

COUNCILMAN BOB NOLEN

☒

☐

☐

CITY ATTORNEY

GEORGE F. OGILVIE

☒

☐

☐

APPROVED BY REFERENCE

February 20, 1985

ATTEST:

Carol Ann Hawley
CITY CLERK

William H. Briare Jr.
MAYOR

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

AGENDA*City of Las Vegas*

0001

December 5, 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. COMMUNITY RELATIONS

NONE

B. SPECIAL EVENTS

United Way Presentations

Councilman Lurie, Donn Blake, Herman Saltzman, Wanda Randall, Dr. Bob Wentz, Undersheriff Eric Cooper participated in the special award presentations which were presented to Fire Chief Clell West, Battalion Chief Sorensen, Jimmy Belt, Charles Neal and Joe Sheleheda on behalf of outstanding contributions to this year's United Way drive.

II. 10:00 A.M.

A. ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

ANNOUNCEMENT GIVEN

B. INVOCATION

Gerald Sherry
Information Director of Roman Catholic
Diocese of Reno/Las Vegas.

INVOCATION GIVEN BY
GERALD SHERRY

C. PLEDGE OF ALLEGIANCE

MAYOR BRIARE LED
AUDIENCE IN PLEDGE

APPROVED

AFFIDAVIT OF POSTING

0002

(Posting 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 30th day of November, 1984, at the hour of 9:45 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 5th day December, 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 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

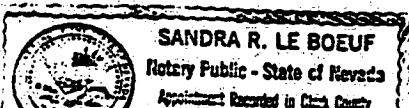
City Clerk
DEPARTMENT

Subscribed and sworn to before me this

30th day of November, 1984

Sandra R. Le Boeuf
NOTARY PUBLIC in and for said County and State.

My Commission expires: 3-15-86



CITY COUNCIL MINUTES - DECEMBER 5, 1984
AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

0003

STATE OF NEVADA)

COUNTY OF CLARK)

SS

Joanne Perry, an employee of the City of Las Vegas, being first duly sworn, deposes and says that on the 30th 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 5th day of December, 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)

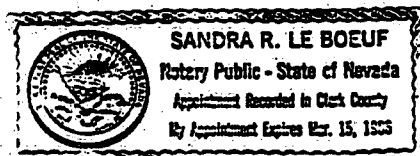
Subscribed and sworn to before me this

30th day of November, 1984

Sandra R. Le Boeuf

NOTARY PUBLIC in and for said County and State.

My Commission expires: 3-15-86



0004

AGENDA*City of Las Vegas*

December 5, 1984

Page 2

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

ITEM

Council Action

Department Action

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

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

10:09 *A. GAMING -- Additional1. CASINO SERVICES

Lady Luck Casino
206 North Third Street
1 slot

Viva Zapata's
3540 West Sahara
4 slots

Nolen -
APPROVED
Motion carried
with Lurie
abstaining from
voting and
Christensen excused.

Staff to proceed

10:09 B. LIQUOR -- Change of Ownership

1. From: Agustin C. Morales, 80%
Jorge M. Brambila, 20%

TO: *MORALES & BECERRA
dba
LAS ROSAS RESTAURANT
2401 West Bonanza

Beer/Wine On-Sale

Natalia Dela Rosa
Morales, 50%
Virginia Rueda Becerra,
50%

Lurie -
APPROVED, subject
to the provisions.
Unanimous
(Christensen
excused)

Staff to proceed

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

APPROVED AGENDA ITEM



0005

AGENDA*City of Las Vegas*

December 5, 1984

Page 3

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)0:10 C. LIQUOR -- Approval of Stockholder

1. TWENTY-NINE EAST, INC.
dba
MARCO'S PIZZERIA
700 East Sahara

Beer/Wine On-Sale

Stockholder:
Thomas Michael Zerr, 33 1/3%Lurie -
APPROVED
Unanimous
(Christensen
excused)

Staff to proceed

10:10 D. LIQUOR -- Approval of Franchise Manager

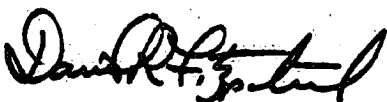
1. SOUTHLAND CORPORATION
dba
7-ELEVEN FOOD STORE #15974
6950 West Charleston

Beer/Wine Off-Sale

Franchise Manager:
Ronald Craig DarlingLurie -
APPROVED
Unanimous
(Christensen
excused)

Staff to proceed

APPROVED AGENDA ITEM



AGENDA*City of Las Vegas*

0006

December 5, 1984

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

Page 4

ITEM

Council Action

Department Action

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

1. DAVID M. RICE & KAREN W. RICE
FAMILY TRUST
dba
HARD HAT COCKTAIL LOUNGE
1675 Industrial Road

Restricted Gaming: 8 slots

David M. Rice, Trustee
Karen W. Rice, TrusteeLurie -
APPROVED
Unanimous
(Christensen
excused)

Staff to proceed

0:10

F. GAMING -- Change from Partnership
to Corporation/Change of Business
Name

1. From: Sunset Amusement
Company, a Partnership
dba
Sunset Amusement
Company

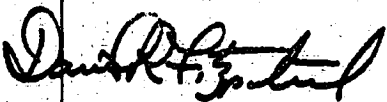
TO: SUNSET COIN, INC.
dba
SUNSET COIN, INC.
50 South Jones Blvd.,
Suite 100

Slot Operator License

Ernest A. Becker, Pres,
Dir, 25%
Ernest A. Becker, Jr.,
V. P., Dir, 25%
Barry W. Becker, Secy,
Dir, 25%
Bruce F. Becker, Treas,
Dir, 25%Lurie -
APPROVED
Unanimous
(Christensen
excused)

Staff to proceed

APPROVED AGENDA ITEM



AGENDA*City of Las Vegas*

0007

December 5, 1984

Page 5

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

- 10:10 G. SECONDHAND DEALER LICENSE --
Change of Location
1. From: 1218 South Main Street
- TO: ELIZABETH THOMPSON
dba
ANITA'S PENNY-WISE
EMPORIUM
1040 South Main Street
- Class II
- Elizabeth Thompson,
100%

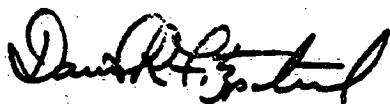
*Subject to the provisions of the
Fire codes

Lurie -
APPROVED, subject
to the provisions.
Unanimous
(Christensen
excused)

Staff to proceed

Elizabeth Thompson
appeared.

APPROVED AGENDA ITEM



AGENDA*City of Las Vegas*

0008

December 5, 1984

Page 6

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)10:11
to
10:25H. LIQUOR -- Request for Waiver of
1500' Distance Requirement on
Change of Ownership/Change of
Location/Change of Business Name1. From: Exco, Inc.
dba
The Tiger Room
121 1/2 South Casino
CenterLeonard Shapiro, 100%,
Sole Officer/Stock-
holderTO: *GERALD NUNGESTER
dba
BUCKEYE LOUNGE
2109 East Fremont

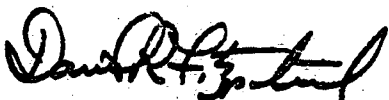
General On-Sale License

Gerald D. Nungester,
100%*Subject to the provisions of the
Planning, and Fire codes and
Health Department regulationsLurie -
DENIED
Motion carried
with Nolen voting
"No."Gerald Nungester,
applicant,
appeared.Jerry Cahill,
Director, Bus.
Act., appeared.

PROTESTANTS:

Jack Doyle,
Tavern Owners'
AssociationDon Tuckosh, Blue
Heaven LoungeJill Magliarditi,
Odyssey 2001Terry Petros,
Odyssey 2001David Rice,
Rice Paddy &
Hard Hat

APPROVED AGENDA ITEM



City of Las Vegas

AGENDA DOCUMENTATION

0009

Date: November 27, 1984

TO:
The City CouncilFROM:
DANIEL R. FITZPATRICK
DEPUTY CITY MANAGERSUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- DECEMBER 5, 1984 CITY COUNCIL AGENDA
LIQUOR -- Request for Waiver of 1500' Distance Requirement on Change of
Ownership/Change of Location/Change of Business NamePURPOSE/BACKGROUND

Item, "I", 1.

Appearing on the December 5, 1984 agenda is a request for waiver of the 1500' distance requirement made pursuant to the Liquor Control Ordinance, Las Vegas Municipal Code Section 6.50.310.

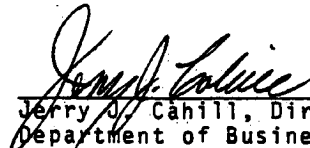
This request is made in conjunction with an application by Gerald Nungester for change of ownership, change of location, and change of business name on the general on-sale liquor license currently held by Exco, Inc., dba The Tiger Room, 121 1/2 South Casino Center Boulevard. Mr. Nungester is seeking approval to transfer this license to 2109 East Fremont Street, for operation of the Buckeye Lounge.

The following general on-off sale liquor licenses are within 1500' of the proposed location:

<u>Name</u>	<u>Address</u>	<u>Distance</u>
Vegas Lounge	2216 East Fremont	460'
Blue Heaven Cocktail Lounge	2025 East Charleston	560'
Odyssey 2001	1930 East Fremont	850'

Attached are copies of a letter from Gerald Nungester outlining his request, and a map showing the proposed location and surrounding neighborhood.

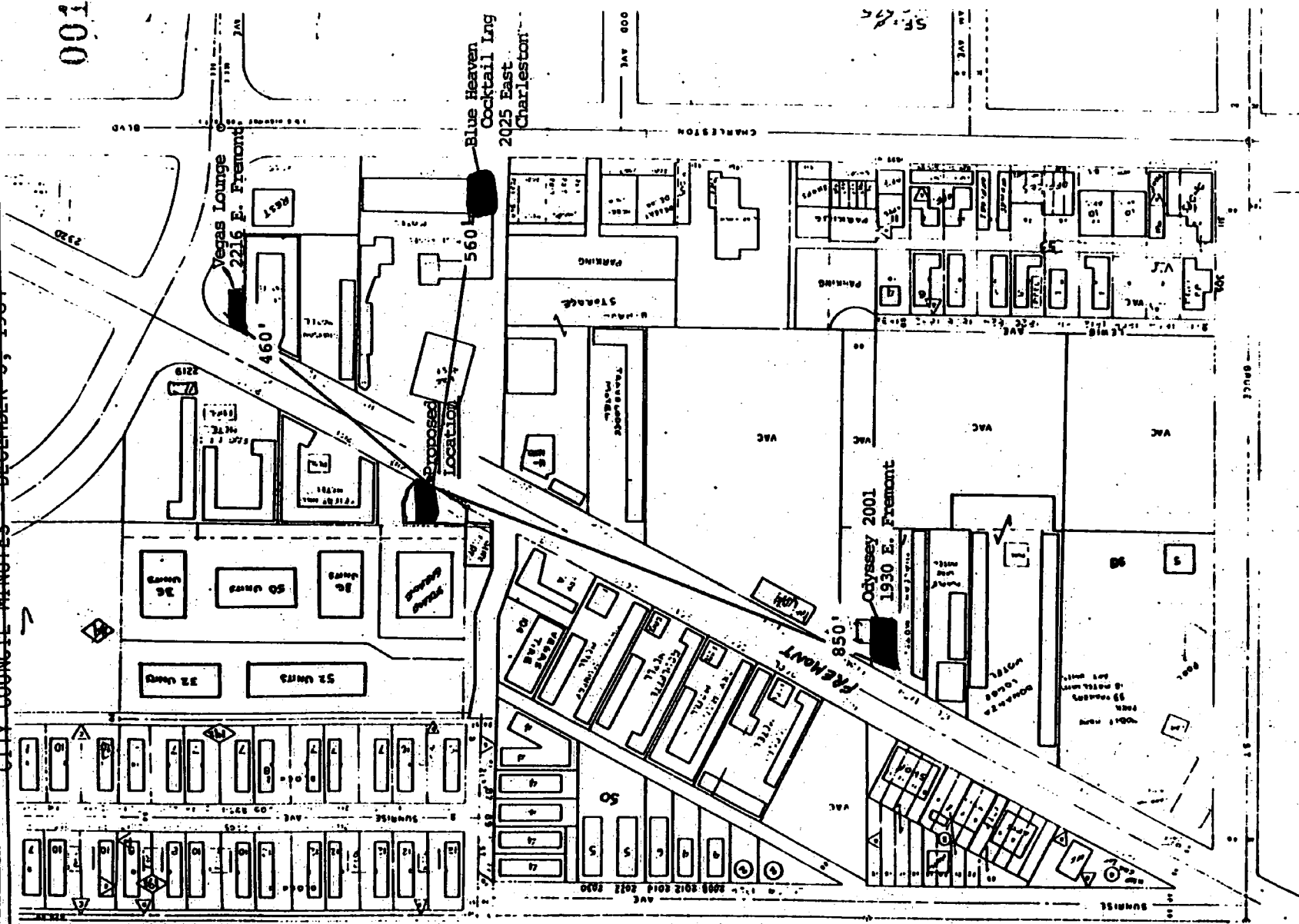
As indicated in Mr. Nungester's letter, the proposed location of 2109 East Fremont has been a licensed liquor establishment since December 1974. The present licensee of record at that location (Una Sloan, dba The Boomerang) ceased operation on February 3, 1984, and is currently under nonoperational status. Mrs. Sloan's lease has been terminated, and litigation affecting her license is pending in District Court.


 Jerry J. Cahill, Director
 Department of Business Activity

Agenda Item

III "H" 1

0010



Oct. 12, 1984

To Whom It May Concern: 0011

I hereby request a waiver of the 1500 foot rule. My reason for requesting this waiver is that I would like to re-open as a cocktail lounge, what formerly used to be the Boomerang Bar, which is located at 2109 E. Fremont St.

I feel that because the location is in a business area and has been a bar for several years now, it is suited for this type of business and will not be imposing a hardship on anyone. Your cooperation will be appreciated.

Thank you very much,
Gerald D. Nungester

NOVEMBER 30, 1984

MAYOR AND CITY COUNCIL
CITY OF LAS VEGAS
DEPT. OF BUSINESS ACTIVITIES
CITY HALL
400 E. STEWART
POST OFFICE BOX 1900
LAS VEGAS, NEVADA 89125

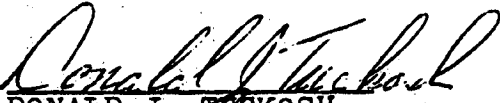
Re: Request for Waiver of 1500 Ft. Distance Requirement--

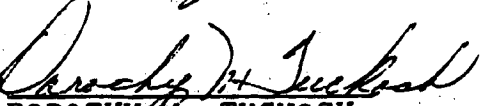
Applicant: Gerald Nungester, dba
Buckeye Lounge
2109 East Fremont St.
General on-Sale License

Dear Mr. Mayor and City Council:

We do not wish to waiver the 1500 Ft. distance for the above applicant, Gerald Nungester. We do not feel that there is enough trade in this area for another bar.

Sincerely,


DONALD J. TUCKOSH


DOROTHY M. TUCKOSH
BLUE HEAVEN COCKTAIL LOUNGE
2025 E. CHARLESTON
LAS VEGAS, NEVADA 89104

November 29 - 1984

Jerry J. Cahill, Director
Dep. of Business Activity:

Protest. for "Waiver of 1500' Distance Requirement"

Applicant: Gerald Nungster D.B.A.
"Buckeye Lounge"

2109 - East Fremont Street.
General On Sale License

Dear Sir:

This letter of protest pertains to the above, because, in all fairness, recently, being approved by Liquor and Gaming Board, on Oct 4, 1984, it would be a hardship; since The Odyssey lounge 2001, is approx. 800 to 850 ft. from the applicant's premises.

Sincerely,
Jilorma Magliardeti DBA
Odyssey 2001
1930 - East Fremont.

December 1, 1984

Jerry J. Cahill, Director
Department of Business Activity

Dear Sir:

I am writing this letter in protest of the request by Gerald Nungester to transfer a liquor license to the location of 2109 E. Fremont. There are 3 bars currently located within the 1500' distance of the proposed location for this license, the Blue Heaven, the Odyssey, and the Vegas Lounge.

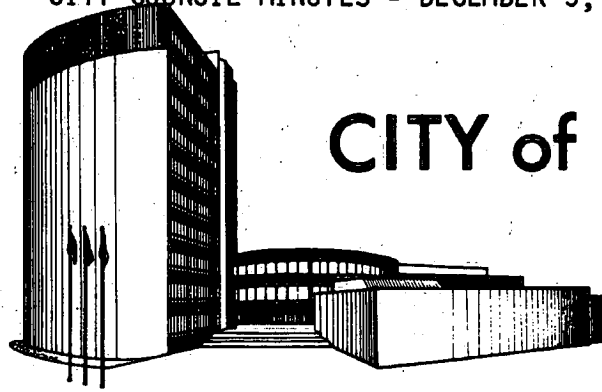
I object to this waiver of the 1500' distance requirement because the business in the neighborhood does not warrant another establishment in this proximity.

Sincerely,
Ray M. McLean
Owner, Vegas Lounge

MAYOR BILL BRIARE
COUNCILMEN
RON LURIE
PAUL J. CHRISTENSEN
AL LEVY
BOB NOLEN

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL



CITY of LAS VEGAS

November 26, 1984

NOTICE

December 5, 1984

Notice is hereby given that on December 5, 1984, at 10:00 a.m., in the Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, the City Council will hear the following:

REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT
AS PROVIDED UNDER TITLE 6, CHAPTER 50, SECTION 310,
LAS VEGAS MUNICIPAL CODE, LIQUOR CONTROL ORDINANCE,
SUBMITTED BY GERALD NUNGESTER, DBA BUCKEYE LOUNGE,
2109 EAST FREMONT STREET, LAS VEGAS, NEVADA, IN
CONJUNCTION WITH AN APPLICATION FOR A CHANGE OF
OWNERSHIP/CHANGE OF LOCATION/CHANGE OF BUSINESS NAME
ON THE GENERAL ON-SALE LIQUOR LICENSE CURRENTLY HELD
BY EXCO, INC., DBA THE TIGER ROOM, 121 1/2 SOUTH
CASINO CENTER BOULEVARD, LAS VEGAS, NEVADA.

Any and all interested persons may appear before the City Council either in person or by representative and object to or express approval of the request for waiver; or may, prior to this meeting, file with the City Clerk, written objection thereto or approval thereof.

III "H" 1



AGENDA*City of Las Vegas*

December 5, 1984

CITY COUNCIL

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM**Council Action****Department Action**

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

10:25

- A. DISCUSSION AND POSSIBLE ACTION ON REQUEST OF CITY MANAGER TO PURSUE THE ACQUISITION OF WATER RIGHTS TO BE USED IN CONJUNCTION WITH THE DEVELOPMENT OF ANGEL PARK AND POSSIBLY OTHER CITY PROPERTIES.

A.

Lurie -
 APPROVED as recommended by City Manager (to proceed with purchase negotiations of transferable non-revocable water rights for Angel Park and possible other City properties) and that matter be brought back to Council for final approval.
 Unanimous

Staff to proceed

10:28

- B. DISCUSSION AND POSSIBLE ACTION ON REQUEST OF CITY MANAGER TO HAVE APPRAISALS DONE BY MAI APPRAISERS OF SEVERAL OF THE CITY PROPERTIES.

B.

Lurie -
 APPROVED as recommended by City Manager (to negotiate with local MAI appraisers for appraisal of City properties) with appraisal costs added to sale price of any City property so appraised that is sold in the future.
 Unanimous

Staff to proceed

10:38

- C. DISCUSSION AND POSSIBLE ACTION ON AUTHORIZING CONTRACTOR TO PAVE PARKING AREA FOR CITY IN CONNECTION WITH INSTALLATION OF PARKING LOT UNDER THE FREEWAY FOR SENIOR CITIZENS.

C.

Lurie -
 APPROVED as recommended by City Manager (to pave for additional employee parking) by virtue of a change order with the State and brought back to Council for final approval.
 Unanimous

Staff to proceed

AGENDA DOCUMENTATIONDate: November 28, 1984

TO: The City Council

FROM: Ashley Hall
City Manager

SUBJECT: Angel Park - Water Rights

PURPOSE/BACKGROUND

In order to develop Angel Park a substantial amount of water will be necessary. The City has made application to the State for approximately one thousand acre feet of water rights per year. Our application is still being processed, consequently we don't know if it will be approved or not. Even if the City's request for the one thousand acre feet per year is approved, this will not be sufficient water for the complete park development. It will only be sufficient to irrigate an eighteen hole golf course.

Eventually after the area to the west of Angel Park is developed for urban purposes, a potential source of water for irrigational uses may be made available through utilization of small package sewer plants, but that possibility no doubt is a few years down the road. In the meantime it appears judicious for the City to purchase water rights that would be transferrable to utilization at Angel Park. An estimate of the going rate for water rights is approximately \$1000 per acre foot. From time to time offers have been made to the City from private owners to sell their water rights, and staff is requesting permission to pursue these offers. Each specific purchase when negotiated to a final action by staff will be brought back before you for specific approval.

Water rights are a saleable commodity which the City can sell if it should come about that the City does not need these rights some time in the future.

FISCAL IMPACT

Funds are available.

RECOMMENDATIONS

City Manager recommends that staff be authorized to proceed with purchase negotiations of transferrable non-revocable water rights to be used at Angel Park and possible other City properties.

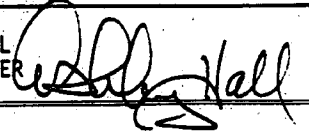
Agenda Item

IV.(a) A.

City of Las Vegas

0018

AGENDA DOCUMENTATION

Date: November 29, 1984TO:
The City CouncilFROM:
ASHLEY HALL
CITY MANAGERSUBJECT:
APPRAISAL OF CITY PROPERTYPURPOSE/BACKGROUND

The City has many parcels of land which are not occupied by a City use or proposed for any particular City use which do not have up to date appraisals. In order to update our inventory of City properties with current appraisals, staff is requesting permission to negotiate with local MAI's to do an appraisal of the several parcels of land in the vicinity of Nellis Air Force Base, the land in the vicinity of the Flamingo interchange, and land located between Washington and Charleston along Mojave.

FISCAL IMPACT

Approximately \$14,000 - funding is available.

RECOMMENDATIONS

City Manager recommends that staff be authorized to negotiate with local MAI appraisers to do appraisal of City properties.

Agenda Item

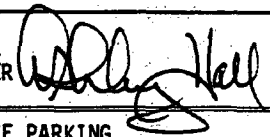
IV.(a) B.

City of Las Vegas

AGENDA DOCUMENTATION

Date: November 29, 1984

0019

TO:
The City CouncilFROM:
ASHLEY HALL
CITY MANAGERSUBJECT: DISCUSSION AND POSSIBLE ACTION ON AUTHORIZING CONTRACTOR TO PAVE PARKING
AREA FOR CITY IN CONNECTION WITH INSTALLATION OF PARKING LOT UNDER THE FREEWAY
FOR SENIOR CITIZENS.PURPOSE/BACKGROUND

The extension of the east leg of the freeway required modifications of the interchange which created a need for the State to acquire some of the Senior Citizens' Center property. The State, as part of the agreement, was obligated to provide additional paved parking for the Center under the freeway just east of the 4th street on ramp. There is a small piece of City property located between the area the State is going to pave and the improved park area. The contractor doing the paving for the State has agreed to pave the additional area for the City for approximately \$11,000. This will provide twenty-nine additional parking spaces for City employees. We do need additional employee parking, and the quickest and cheapest way would be to have the State contractor pave the City's parcel at the same time he is paving the other piece.

FISCAL IMPACT

Approximately \$11,000. Funding is available.

RECOMMENDATIONS

City Manager recommends that the State's contractor be authorized to pave the City's property to provide additional employee parking.

Agenda Item

IV.(a) C.

AGENDA*City of Las Vegas*0020
December 5, 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.

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

1. Service and Material Warrants
In the amount of \$1,539,895.04
2. Payroll Warrants
In the amount of \$753,020.67
3. Other Warrants and Investments
In the amount of \$107,297.29

Lurie -
APPROVED Items 1,
2 and 3.
Unanimous

Staff to proceed

APPROVED

Warrant Register Summaries Recap

SERVICE & MATERIAL WARRANTIES AND OTHER WARRANTIES

ATTEST: Carl A. H. [Signature]
CITY CLERK

0022

AGENDA*City of Las Vegas*

December 5, 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

A. AUTHORIZATION TO FILL
POSITIONS (CRITICAL HIRES)

10:32

1. REPLACEMENTS FOR EXISTING BUDGETED POSITIONS:

<u>POSITION(S)</u>	<u>DEPARTMENT</u>	<u>MONTHLY RANGE</u>	<u>FUNDING</u>
Mechanical/ Plumbing Inspector II	Building & Safety	\$1,845- 2,242	General
Chief, Finance & Budget	Finance & Computer Services	\$2,458- 3,185	General
Automotive Mechanic	General Services	\$1,671- 2,031	General
Park Ranger	Parks, Recreation & Sr. Citizen Activities	\$1,504- 1,965	General

<u>POSITION(S)</u>	<u>DEPARTMENT</u>	<u>HOURLY SALARY</u>	<u>FUNDING</u>
Volunteer Coordinator	Public Services	\$ 4.25	General

Lurie -
APPROVED as recom-
mended.
Unanimous

Staff to proceed

APPROVED

City of Las Vegas
CITY COUNCIL MINUTES - DECEMBER 5, 1984

AGENDA DOCUMENTATION

November 27, 1984

Date: 0023

TO: The City Council

FROM:

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% (285 positions) are currently vacant.

The staff is recommending the filling of five (5) critical positions at this time.

The chart below gives you a summary of our current staffing, as well as showing the five (5) 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	144	12	1	0	1
Classified	1155	1110	45	3	0	3
Contract	17	13	4	0	0	0
Elective	9	9	0	0	0	0
Hourly	<u>295</u>	<u>71</u>	<u>224</u>	<u>1</u>	<u>0</u>	<u>1</u>
Total	1632	1347	285	5	0	5

FISCAL IMPACT

The five vacant and budgeted positions shown above are included in the City's current budget and in the 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 \$436,088. 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 \$1,086,788.

RECOMMENDATION

Staff recommends the filling of five (5) positions indicated above.

RECOMMENDED

[Signature]
Jan Jait, Director
Personnel & Employee Relations

Agenda Item

IV. (c)

AGENDA*City of Las Vegas*

December 5, 1984

Page 10

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, DIRECTOR

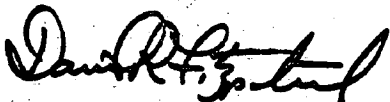
10:33

A. A RESOLUTION OF THE CITY COUNCIL AUTHORIZ-
ING DEPARTMENT OF ECONOMIC AND URBAN
DEVELOPMENT TO PARTICIPATE IN THE DEPART-
MENT OF HOUSING AND URBAN DEVELOPMENT
RENTAL REHAB PROGRAM FY 85-86

Lurie -
ADOPTED Resolution
Unanimous

Staff to proceed

APPROVED AGENDA ITEM



City of Las Vegas

0025

AGENDA DOCUMENTATION

Date: November 27, 1984

TO: The Board of City Commissioners

FROM: DAN FITZPATRICK
DEPUTY CITY MANAGERSUBJECT: A RESOLUTION OF THE CITY COUNCIL AUTHORIZING DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT
TO PARTICIPATE IN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RENTAL REHAB PROGRAM
FY 85-86PURPOSE/BACKGROUND

The City of Las Vegas on November 7, 1984, was again invited by the U. S. Department of Housing and Urban Development to make an application to participate in HUD's Rental Rehabilitation Program for FY 85-86.

In July, 1984, the City made application and later received \$147,300 in HUD Rental Rehab Program funds.

The purpose of the Rental Rehabilitation Program is to provide standard affordable housing for lower income tenants receiving vouchers and/or Section 8 certification.

The overall intent is twofold:

1. Increase the supply of private rent housing available to lower-income tenants by providing government funds to rehabilitate existing units; and
2. Provide rental assistance to lower-income persons to help them afford the rent of these units.

FISCAL IMPACT

The City's application, if approved, will provide \$143,000 in Rental Rehab program funds, as well as make the City eligible for Section 8 Existing Certificates and/or vouchers.

RECOMMENDATIONS

It is the recommendation of the Office of the City Manager to pursue the grant allocation process. Formal application is to be submitted no later than December 17, 1984.

DISPOSITION

Approved ☐
Disapproved ☐
Held ☐

Status Due: _____


JACK THOMASON, DIRECTOR
DEPT. ECO. & URBAN DEV.

Agenda Item

IV. (d) A

1 A RESOLUTION OF THE CITY COUNCIL OF THE
2 CITY OF LAS VEGAS, NEVADA, TO ESTABLISH
3 PARTICIPATION IN THE U. S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENTS' RENTAL
REHABILITATION PROGRAM

4 WHEREAS, the City of Las Vegas intends to submit a proposal to the
5 U. S. Department of Housing and Urban Development for participation in
6 their Rental and Rehabilitation Program; and

7 WHEREAS, the City of Las Vegas desires to further its Housing
8 Assistance Plan, goals, and objectives for FY 85-86 under its Community
9 Development Block Grant Program of Title I of the Housing and Community
10 Development Act of 1974 (P.L. 93-383) as amended; and

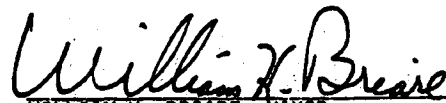
11 WHEREAS, the City has been formally notified to make application
12 for HUD's 1985-86 allocation under the Rental Rehabilitation Program for
13 \$143,000 and additional allowances of Section 8 existing certificates
14 and/or vouchers.

15 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
16 Las Vegas, Nevada:

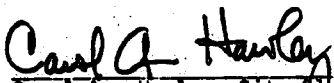
17 1. That the Department of Economic and Urban Development may
18 initiate the formal application process.

19 2. That the Department of Economic and Urban Development shall
20 be responsible for the administration of the Rental Rehabilitation Program.

21 PASSED, ADOPTED AND APPROVED THIS 5th day of December,
22 1984.

23 
24 WILLIAM H. BRIARE, MAYOR

25
26 ATTEST:

27 
28 Carol Ann Hawley, City Clerk
29
30
31
32

AGENDA

CITY COUNCIL MINUTES - DECEMBER 5, 1984

City of Las Vegas

December 5, 1984

0027
Page 11

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

IV (e) DEPARTMENT OF PARKS, RECREATION AND
SENIOR CITIZEN ACTIVITIES - CHRIS J.
STANFILL, DIRECTOR

A. Permission to apply to Nevada
Humanities Committee, Inc. for
mini-grant

Lurie
APPROVED
Unanimous

Staff to proceed

Chris J. Stanfill
appeared

APPROVED AGENDA ITEM

David R. Stanfill

City of Las Vegas

0028

AGENDA DOCUMENTATION

Date: November 19, 1984

TO:
The City Council

FROM: DANIEL FITZPATRICK,
DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF PARKS, RECREATION & SENIOR CITIZEN ACTIVITIES, SENIOR CITIZENS CENTERS,
REQUESTS PERMISSION TO APPLY TO NEVADA HUMANITIES COMMITTEE, INC. FOR MINI-GRANT

PURPOSE/BACKGROUND

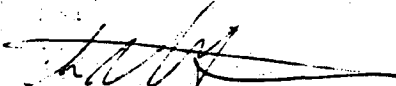
The Senior Citizens Centers Division of the Department of Parks, Recreation & Senior Citizen Activities has requested permission to apply for a mini-grant from the Nevada Humanities Committee, Inc. for a series of discussions exploring the ways personal spirituality is reflected in the arts. The title of this series is "The Religion - Arts Connection." There will be ten (10) consecutive sessions starting January 17, 1985 and ending March 21, 1985.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATIONS

The Department of Parks, Recreation & Senior Citizen Activities recommends approval of this request.


CHRIS J. STANFILL, DIRECTOR
PARKS, RECREATION & SENIOR CITIZEN ACTIVITIES
Agenda Item

IV(e)A

NEVADA HUMANITIES COMMITTEE, INC.
GRANT APPLICATION

0029

NHC# _____

Congressional District# _____

A. BASIC INFORMATION

1. Name of organization(s) presenting proposal: _____
City of Las Vegas Senior Citizens Centers _____

Street: 450 East Bonanza Road
City: Las Vegas Zip: 89101 Phone: 386-6454

2. Project Director: Deborah Shillinglaw
Address: 450 East Bonanza Road, Las Vegas, NV Phone: 386-6454

Fiscal Agent: _____
Address: _____ Phone: _____

Publicity Director: Deborah Shillinglaw Phone: 386-6454

3. Category of Application: General _____
Museums and Historical _____
Humanist in the Library _____ Media _____
Planning and Mini-Grants ☒ _____

4. Title: The Religion - Arts Connection _____

5. Brief description of project: A series of discussions exploring the ways
personal spirituality is reflected in the arts. _____

6. Dates: From January 17, 1985 To March 21, 1985
Location: 450 East Bonanza Road, Las Vegas, Nevada
Estimated Attendance: 40 _____

7. Cost of the Program: NHC Funds: \$1,000.00 G&M: _____
In-Kind: \$3,215.00 Total: \$4,215.00 _____

THE RELIGION - ARTS CONNECTION

0030

A series of discussions exploring the ways personal spirituality is reflected in the arts.

For many senior citizens religion is an important force in life (Princeton Religion Research Center, 1982). However, from the perspective of older individuals, religion per se is often less significant than spiritual well-being. The National Interfaith Coalition of Aging has defined spiritual well-being as "the affirmation of life in a relationship with God, self, community and environment that nourishes and celebrates wholeness." Spiritual well-being is considered indispensable for wholeness and sustained successful adjustment to the aging process. It is believed to be as important a factor as internal control in survival. Senior citizens have reached a life stage where they are beginning to reflect and sort out the meaning of their life experiences. For many, there is an increased awareness of the spiritual dimension of aging. The study of humanities helps them accept the challenge and begin to turn inward, seeking the rewards of reflection, insight, accumulation of meaning and acquisition of higher consciousness about themselves, others, and the world.

Most programs and services for senior citizens ignore the role of spiritual well-being. The emphasis is on life sustaining, not life enriching programs and activities. Encouragement of the emotional or spiritual component of each person is often disregarded.

The proposed study of spirituality in fine arts, drama, literature, and music will encourage senior citizen participants to recognize, identify, and appreciate the means by which others have expressed their personal spirituality. Furthermore, it will expose the participants to ways they can express their own spirituality.

0031

The topic for this proposal developed from needs and interests expressed by members of the ongoing humanities discussion group at the Las Vegas Senior Citizens Centers, Bonanza Road Center. Dr. Margaret Gavillet, program coordinator, and Deborah Shillinglaw, instructor, met with Dr. Joseph McCullough and Dorothy Wright to explore resources available and develop the theme.

Each academic humanist has agreed to be part of the project, if it is funded, and has supplied the class descriptions which are part of this proposal. A planning meeting will be held as soon as funding is confirmed. This will provide an opportunity for the academic humanists to share the material they will be presenting and to relate their presentations to one another. Each academic humanist will be expected to provide one or more items for a reading list which will be compiled by Ms. Shillinglaw and distributed at the first two or three sessions.

The humanities discussion group at the Bonanza Road Center is an ongoing group which meets each Thursday morning under the guidance of Ms. Shillinglaw. Most participants have had some education beyond high school and many are retired teachers and nurses. The average attendance is 28 and this number has expanded to as many as 80 for special programs led by Dr. Fiero. The proposed series would be the third one funded by Nevada Humanities, Inc. and developed specifically for this group. The previous series, Understanding the Culture of the Desert Southwest and Southern Nevada Movers and Shakers, have been well received and senior center participants who are not regular attendees of the discussion group are asking when there will be another Nevada Humanities funded series. Most members of the ongoing group are no longer able to drive after dark nor navigate unfamiliar roads. Therefore, they are seldom able to take advantage of cultural activities offered for the general public. Also, many are suffering decrement in hearing and vision

so presentations which are not especially developed for them are often incomprehensible. Therefore, it is imperative to bring humanities to them.

Each session is proposed to begin at 9:30 a.m. and end at 11:30 a.m. in the multipurpose room at the City of Las Vegas Senior Citizens Centers, Bonanza Road Center, 450 East Bonanza Road. The format will be necessary announcements, introduction of the guest humanist, 45 to 60 minute lecture, 15 minute break with coffee, and about 45 minutes of questions and answers and open discussion with the guest humanist. Ms. Shillinglaw will serve as moderator. If funding is approved, the schedule for "The Religion--Arts Connection" will be:

January 17, 1985 From Shamanism to Shakespeare: A look at
religion in drama.

Arlen Collier, Ph.D.

A look at how drama developed in two of its major periods, classical Greece and Renaissance England, from primitive religious rituals to complex philosophical outlooks. Almost 2000 years apart these two cultural developments began in extremely similar ways and grew into highly complex art forms; moving from the religious to the secular.

January 24, 1985 Painting & sculpture as manifestations of
religion

Kathie Cook Kelly, Ph.D.

From earliest times man has demonstrated a need for visual images which expressed his religious beliefs. This lecture will explore the changing forms and functions from pre-historic to modern times.

January 31, 1985 The Bible as literature

Joseph McCullough, Ph.D.

Without question, modern civilization is profoundly indebted to the Bible. Influences by such dominant biblical characters as Moses, David, Solomon, Isaiah, Paul, and Jesus pervade every level of our lives. Yet while no facet of our

lives remains untouched by the Hebraic vision, its influence is most clearly seen in the great body of western literature. The Bible has provided plots, scenes, characters and styles for writers from John Milton to John Steinbeck. Without some knowledge of this book it is all but impossible to read and appreciate most of western literature.

February 7, 1985 Spirituality in my work

Roy Purcell, M.A.

The works of Roy Purcell have a spiritual tone. The artist will use drawings and slides of his original works to focus the discussion on how each work depicts a journey seeking the light which he portrays as the sun.

February 14, 1985 A historical perspective of music in religion

Esther Weinstein

This session will examine the influence of religion on music as well as the role of music in religion from the Middle Ages until the present. Representative recorded examples from the choral and symphonic repertoire will be played and discussed for illustrative purposes.

February 21, 1985 Architecture: Religion in four dimensions

Kathie Cook Kelly, Ph.D.

Religion was the prime cause of the rise of permanent architecture. This lecture will explore how changing beliefs have effected the creation of space from prehistoric times to the late eighteenth century.

February 28, 1985 Art - a view through oriental eyes

William Fiero, Ph.D.

Taoism has influenced the art and music of China from antiquity. Using slides and recordings this lecture will expand the study of spirituality beyond the Judeo-Christian tradition.

March 7, 1985 American writers' views of religion

Joseph McCullough, Ph.D.

Whatever their personal religious beliefs, American

writers have grappled with religious questions in their works from the beginning. Often these writers have drawn upon Biblical sources, translating them into their personal visions; and at other times they quarrel with traditional religious utterances with sometimes anguished cries. But, whatever their views, man's relationship with God is often at the heart of our greatest literature.

March 14, 1985 Desert scenes to Bible vistas

Rita Deanin Abbey, M.A.

Most of the Bible is set in desert regions. This lecture will compare and contrast the desert regions of Southwestern United States and the Bible lands using original paintings and photography.

March 21, 1985 Wrap-up

Deborah Shillinglaw and Joseph McCullough, Ph.D.

The final session will be an open discussion among participants as they seek to analyze, compare and contrast the ways artists have expressed their spirituality.

All senior citizens and other interested adults will be invited to participate in this study of the religion - arts connection. The series will be highlighted in Senior Times, the local senior citizens newspaper. Weekly announcements will be placed on the senior citizen page of the Review-Journal and the Las Vegas Sun. Coverage will also be requested in About Town and Sunboard. An attractive poster in the Bonanza Road Center will highlight each weekly lecture and announcements will be made at the Dula Nutrition Site. If possible, Ms. Shillinglaw will also appear on Action Seniors and Senior Sounds, local senior citizen television and radio programs.

Evaluation of the proposed project will be three-fold. Each humanist will

be asked to complete a 4-item site evaluation and make suggestions for improvement after his/her presentation. Detailed attendance records will be kept by the project director to identify how many attend all or most of the sessions and how many only come for one session. Finally, during the final session each participant will be asked to complete a one-page evaluation of the site and the individual sessions.

CITY COUNCIL MINUTES - DECEMBER 5, 1984

0036

E. BUDGET

<u>ITEM</u>	<u>NHC FUNDS REQUESTED</u>	<u>LOCAL MATCHING</u>	<u>TOTAL</u>
a. <u>Personnel</u>			
1. Moderator & Discussion Leader	\$ 290.00	\$ 300.00	\$ 590.00
2. Academic Humanists			
A. Dr. Kathie Cook Kelly	75.00	75.00	150.00
B. Dr. Joseph McCullough	150.00	200.00	350.00
C. Dr. William Fiero	75.00	75.00	150.00
D. Dr. Arlen Collier	75.00	75.00	150.00
3. Other Participants			
A. Roy Purcell	75.00	75.00	150.00
B. Rita Deanin Abbey	75.00	75.00	150.00
C. Esther Weinstein	75.00	75.00	150.00
D. Gerontologist	0	500.00	500.00
4. Publicity Director	100.00	150.00	250.00
b. <u>Supplies</u>			
1. Office	0	25.00	25.00
c. <u>Communication</u>			
1. Telephone	0	15.00	15.00
d. <u>Duplicating</u>	0	25.00	25.00
e. <u>Promotion</u>			
1. Newspapers	0	650.00	650.00
2. Radio	0	100.00	100.00
3. Posters	0	150.00	150.00
f. <u>Travel - Auto</u>	10.00	0	10.00
g. <u>Other</u>			
1. Accounting	0	150.00	150.00
2. Space Rental	0	500.00	500.00
	<u>\$1,000.00</u>	<u>\$3,215.00</u>	<u>\$4,215.00</u>

Dr. William Fiero is well known to the senior community for his previous presentations at the Las Vegas Senior Centers under Nevada Humanities, Inc. His study of Taoism resulted from a trip he made to China.

Roy Purcell is a local artist best known for his murals and stained glass windows at First United Presbyterian Church. He has many murals locally, including Sam's Town, Fairway Chevrolet, First Interstate Bank (Eastern and Sunset), and Pacific Engineering. All his work has a very spiritual tone---depicting a journey seeking the light portrayed as the sun.

Arlen Collier, Ph.D., is an associate professor of English at University of Nevada, Las Vegas. His degrees are: B.A. and M.A. University of California, Santa Barbara and Ph.D. University of Washington. His chief interests are Classical Greece and Renaissance Drama.

RITA DEANIN ABBEY

STUDIED:

French Academy, New York City, 1945-48
 Goddard College, Plainfield, Vt., 1948-50
 Art Students League, Woodstock, NY, 1950
 New York University, New York City, 1951
 University of New Mexico, Albuquerque, NM, B.F.A., 1952, M.A., 1954
 Hans Hofmann School of Fine Arts, Provincetown, Mass., 1952, 1954
 San Francisco School of Fine Arts, San Francisco, CA 1958
 Studio of Toshi Yoshida, Tokyo, Japan, 1977

TEACHING:

Private classes, Hoboken, NJ, 1962-64
 Currently Professor of Art in Drawing, Painting, and Design,
 University of Nevada, Las Vegas (since 1965)

ONE-WOMAN
EXHIBITIONS:

Harwood Foundation, Taos, NM, 1953
 Albuquerque Modern Museum, Albuquerque, NM, 1954
 Jonson Art Gallery, Albuquerque, NM, 1955
 University of New Mexico Art Gallery, Albuquerque, NM, 1956
 James Gallery, New York City, 1957, 1958
 La Galeria Escondida, Taos, NM, 1960, 1961
 University of Judaism Art Gallery, Los Angeles, CA, 1966
 University of Arizona, Tucson, Ariz., 1972
 Nahamani's Art Gallery, Mt. Carmel, Haifa, Israel, 1972
 Ohio State University, Columbus, OH, 1972
 Brigham Young University, Harris Fine Arts Center,
 Provo, UT, 1973, 1977
 University of Nevada, Reno, Church Fine Arts Gallery, Reno, NV,
 1969, 1970, 1974, 1978
 Galerie Internationale, New York City, 1974
 University of Nevada, Las Vegas Art Gallery, 1966, 1967, 1969,
 1974, 1976, 1977, 1978

SELECTED
GROUP SHOWS:

City Center Gallery, New York City
 "149th Philadelphia Academy Annual," Philadelphia, PA
 "Art U.S.A. 1958," New York City
 Arizona Annual Exhibit, Tucson Art Center, Tucson, Ariz., 1959, 1968
 Santa Fe Art Museum, Santa Fe, NM, 1961
 "Elizabeth, New Jersey Invitational Annual Art Exhibition," 1963
 Las Vegas Art Museum National Exhibition, Las Vegas, NV, 1965,
 1966, 1968, 1978
 "The West 80 Contemporaries," University of Arizona Art Gallery,
 Tucson, AZ, 1967
 Ziv Gallery, Israel, 1967
 Ryder Gallery Group Show, Los Angeles, CA, 1967
 "Luminism," Esther Robles Gallery, Los Angeles, CA, 1968;
 traveled to California State College, Hayward, CA, Salt Lake
 Art Center, Salt Lake City, UT, and Brigham Young
 University, Provo, UT
 "Rocky Mountain Federation Art Exhibition," 1968, 1969, 1970;
 traveled to Utah, Nevada, Idaho, Montana, Colorado, New
 Mexico, Arizona, and Wyoming
 "Painting Invitational," University of Nevada, Reno, 1969, 1970, 1979

SELECTED
GROUP SHOWS
(continued)

"4th Biennial Exhibition of Inter-Mountain Painting & Sculpture,"
 Salt Lake Art Center, Salt Lake City, UT, 1969
 "Invitation Art Exhibition," School of Fine Arts, University of
 Judaism, Los Angeles, CA, Sinai Temple, 1967, 1969, 1970
 "Northern California Arts Inc. 17th Annual Open Exhibition,"
 Sacramento, CA, 1971
 "Drawing 1971," New Mexico State University, Las Cruces, NM, 1971
 "National Small Sculpture & Drawing Exhibit," San Diego State
 College, San Diego, CA, 1972
 "Las Vegas Printmakers," Las Vegas, NV 1978

COMMISSIONS:

Polyester Resin Mural, The Wall of Creation, 20'x40' for the
 Sanctuary at Temple Beth Shalom, Las Vegas, NV, 1970
 Portrait Bronze Memorial Head of Flora Dungan for the University
 of Nevada, Las Vegas, 1974
 Selected by the Nevada State Bicentennial Art Committee, Las
 Vegas. Executed a community work at Southern Nevada
 Memorial Hospital, 1976.

GRANTS:

Recipient of Desert Research Institute for the Humanities Grant, 1968
 Recipient of the University of Nevada, Las Vegas Research Grant,
 1969, 1975
 Recipient of University of Nevada, Las Vegas Sabbatical Leave,
 Spring, 1977

AWARDS:

Spring Exhibition of Prints and Drawings, Museum of New Mexico
 Art Gallery, Santa Fe, NM, 1961
 18th Annual Festival Exhibit, Tucson Art Center, Tucson, Ariz., 1968
 University of Judaism Annual Art Exhibition, Los Angeles, CA 1969
 All-Nevada Juried Exhibition (Prints, Drawings, Photographs),
 Nevada Art Gallery, Reno, NV, 1969
 Rivertrip — Bookbuilders West-Book-Show Certificate of Merit, 1977
 Group Exhibition, Las Vegas Art Museum, Las Vegas, NV.
 Oil Landscape Award, 1963; Contemporary Award and
 Graphics Award, 1978.

PUBLICATIONS:

Review Essay: *Color: Man and Nature*; Art Journal, College Art
 Association, Fall, 1971 (XXXI/1).
 Articles: *Leonardo*, The International Journal of the Contemporary
 Artist — Art, Science, and Technology, Boulogne sur Seine,
 France, Pergamon Press, Oxford, Great Britain. 1) *Physics for
 Artists*, Volume 8, 1975; 2) *Three Murals: Cast Polyester Resin
 Panels, Acrylic Painting and Plexiglas Relief*, Volume 10, 1977.
 Authored Section of the utilization of polyester resin as an art form
 in Thelma R. Newman's book, *Crafting With Plastics*, Chilton
 Book Company, Radnor, PA, 1975
 Interview: By Angela Berlinger for California College of Arts and
 Crafts, Oakland, CA, under the Alumni Research Project, 1977;
 tape and text on file at the Bancraft Library, University of
 California, Berkeley.
 Book: *Rivertrip*, narrative verse and 25 color reproductions of
 drawings and watercolors, Northland Press, Flagstaff, Ariz.,
 April, 1977.

JITA DEANIN ABBEY

0039

ONE-WOMAN EXHIBITIONS

Harwood Foundation, Taos, NM, 1953
Albuquerque Modern Museum, Albuquerque, NM, 1954
Jonson Art Gallery, Albuquerque, NM, 1955
University of New Mexico Art Gallery, Albuquerque, NM, 1956
James Gallery, New York City, NY, 1957, 1958
La Galeria Escondida, Taos, NM, 1960, 1961
University of Judaism Art Gallery, Los Angeles, CA, 1966
Nevada Southern University Art Gallery, Las Vegas, NV:
Art Gallery, 1966
"Restrospective Exhibition 1959-67," 1967
University of Arizona, Tucson, AZ, 1972
Nahamani's Art Gallery, Mt. Carmel, Haifa, Israel, 1972
Ohio State University, Columbus, Ohio, 1972
Galerie Internationale, New York City, NY, 1974
Brigham Young University, Harris Fine Arts Center, Provo, Utah, 1973, 1977
Meadows Playhouse Gallery, Las Vegas, NV, 1978
Clark County Library Gallery, Flamingo Branch, Las Vegas, NV, Rivertrip
Exhibition in conjunction with a multi-media theater performance of
Rivertrip by Joshua Abbey, 1978
University of Nevada, Reno, Church Fine Arts Gallery, Reno, NV, 1970, 1978
University of Nevada, Las Vegas, Las Vegas, NV:
Art Gallery, 1969, 1975, 1976, 1977, 1978, 1980, 1981
Judy Bayley Theater, 1974
Artemus Ham Hall, 1977, 1981
Palm Springs Desert Museum, Palm Spring, CA, December, 1979 - January, 1980
University of Hawaii Art Gallery, Honolulu, Hawaii, Exhibition of Rivertrip
series in conjunction with a performance of Rivertrip by Joshua Abbey,
1980
Clark University, Little Center Gallery, Worcester MA 1982
University of Massachusetts, Herter Gallery, Amherst, MA 1982

CATHIE COOK KELLY

Department of Art
University of Nevada, Las Vegas
4505 Maryland Parkway
Las Vegas, NV 89154

1805 S 7th Street
Las Vegas, NV 89104
(702) 732-9156

EDUCATION

A.B. Sweet Briar College, 1970 (Art History)
Ph.D. The Pennsylvania State University, 1980
Major areas: Italian Renaissance and Baroque Art
Minor areas: Medieval and Byzantine Art

PROFESSIONAL EXPERIENCE

1976-1979 Instructor of Art History and Administrative
Assistant, Department of Art History, The
Pennsylvania State University
1980 (Spring) Assistant Professor of Art History (part-time),
Department of Art History, The Pennsylvania
State University
1980- Assistant Professor of Art, Department of Art,
University of Nevada, Las Vegas

CURRICULUM VITAE--JOSEPH B. MCCULLOUGH, JR.

PERSONAL DATA:

Name: Joseph B. McCullough, Jr.

Address: 3868 Springhill
Las Vegas, NV 89121

Date of Birth: September 8, 1943

DEGREES:

Ph.D. (English) Ohio University, 1969

M.A. (English) Ohio University, 1967

B.Ed. (English) Gonzaga University, 1966

PROFESSIONAL EXPERIENCE:

1980-81: Fulbright-Hays Lecturer in American Literature,
University of Helsinki, Finland.

1979-Present: Professor of English, University of
Nevada, Las Vegas.

1972-79: Associate Professor of English, University
of Nevada, Las Vegas.

1969-72: Assistant Professor of English, University
of Nevada, Las Vegas.

1966-69: NDEA Fellow, Ohio University.

ADMINISTRATIVE EXPERIENCE:

1977-80: Acting Dean, Graduate College, University of
Nevada, Las Vegas.

1972-76: Director of Graduate Studies in English,
University of Nevada, Las Vegas.

PUBLICATIONS:

BOOKS:

Tarkanian: Countdown of a Rebel. West Point, N.Y.:
Leisure Press, 1984. (Co-author, Richard L. Harp)

VITA - JOSEPH B. MCCULLOUGH

Hamlin Garland. G.K. Hall: Twayne United States Author Series, 1978.

Voices From Wah 'Kon-Tah: Contemporary Poetry of Native Americans. New York: International Publishers, 1974. (Co-editor, Robert K. Dodge)

ARTICLES:

"Hamlin Garland," Fifty Western Writers, Fred Erisman and Richard Etulain, eds. Westport, Connecticut: Greenwood Press, 1982, pp. 131-41.

"Hamlin Garland's Romantic Fiction," Critical Essays on Hamlin Garland, James Nagel, ed. Boston: G.K. Hall, 1982, pp. 349-62.

"The Last Hero on the Block" (a short story), The Las Vegas, (March 1982), pp. 38-39.

"The Myth of the College Basketball Coach," Journal of American Culture, Vol. 4, No. 3 (Fall 1981), 49-57. (Co-author, Richard L. Harp)

"Uses of the Bible in Huckleberry Finn," Mark Twain Journal, (Winter 1978-79), pp. 10-12

"Pudd'nhead Wilson: A Search for Identity," Mark Twain Journal, (Summer 1977), pp. 1-6.

"Hamlin Garland's Letters to James Whitcomb Riley," American Literary Realism, (Summer 1976), pp. 249-60.

"Hamlin Garland's Quarrel with The Dial," American Literary Realism, (Winter 1976), pp. 77-80.

"The Puritan Myth and the Indian in the Early American Novel," Pembroke Magazine, (Summer 1976), pp. 237-44. (Co-author, Robert K. Dodge)

"Selection Trends in College Administrative Positions," Education, (Summer 1976), pp. 384-87. (Co-author, Robert Glennen.

"Madame Merle: Henry James' 'White Blackbird,'" Papers on Language and Literature, (Summer 1975), pp. 312-16.

"A Listing of Mark Twain's Contributions to the Buffalo Express, 1869-1871," American Literary Realism, (Winter 1972), pp. 61-70.

VITA-- JOSEPH B. MCCULLOUGH

"Mark Twain and the Hy Slocum-Carl Byng Controversy,"
American Literature, (March 1971), pp. 42-59.

"A Study of the Publication of Idylls of the King,"
Papers of the Bibliographical Society of America,
(Summer 1971), pp. 156-69. (Co-author, Claude Brew)

"Mark Twain and Journalistic Humor Today," English Journal, (May 1971), pp. 591-95.

ACCEPTED FOR PUBLICATION:

"Hamlin Garland." To be published in American Short Story Writers to World War II, Dictionary of Literary Biography.

"Humor by Women." To be published in German Yearbook of American Studies, the volume edited by Hamlin Hill.

REVIEWS:

Review of Walter Kaufmann's Tragedy and Philosophy,
Western Review, (Spring 1970), p. 75.

Review of Marnie Walsh's A Taste of the Knife, Western American Literature, (August 1977), pp. 153-55.

Review of Alice Marriott and Carol Rachlin's Plains Indian Mythology, Nevada Historical Society Quarterly, (Fall 1978), pp. 232-33.

Review of Tates Locke's Caught in the Net, Journal of Sport and Social Issues, (Winter 1982), pp. 49-50.

RESEARCH IN PROGRESS:

Nothing Gold Can Stay (a novel). Manuscript completed and currently circulating.

Contemporary American Humor.

PAPERS PRESENTED:

"The American Writer as Iconoclast," Nordic Association of American Studies, Jyvaskyla, Finland, Oct. 4-5, 1980.

"Contemporary American Humor: Shades of Red and Black," Nordic Association of American Studies, Jyvaskyla, Finland, Oct. 4-5, 1980.

0044

VITA - JOSEPH B. MCCULLOUGH

Presented seminar on American-Indian poetry at the annual Seminar in American Studies, Rome, Italy, April 13-17, 1981.

MEMBERSHIP ON UNIVERSITY COMMITTEES:UNIVERSITY:

Chairman, University Senate (1974); senator, 1971-74.
Chairman, Academic Standards Committee (1970-72).
Chairman, Presidential Search Committee (1973).
Chairman, University Research Council (1975).
Coordinator, National Student Exchange (1975-79).
Chairman, Intercollegiate Athletic Council (1978);
Member, 1976-1983.

COLLEGE OF ARTS AND LETTERS:

Member, Graduate Council.
Chairman, Graduate College Academic Standards Committee (1976-1977).
Member, American Studies Council (Director, 1974).
Member, Promotion and Tenure Committee (1976-77).

DEPARTMENT OF ENGLISH:

Director, Graduate Studies in English (1972-76).
Director, Undergraduate Studies in English (1969-72).

RELATED EXPERIENCE:

Member of editorial board, RMMLA Bulletin.

Participant in approximately fifteen grants funded by the Nevada Humanities Committee and the National Endowment for the Humanities.

Esther Weinstein has taught music in Las Vegas for the past 14 years.

Currently she is a member of the part-time faculty at UNLV where she teaches piano and music appreciation, and she teaches piano for the Nevada School of the Arts. In the past she has taught for the Summer Music Camp in Lee Canyon and hosted a radio series for KNPR-FM.

She holds a B.A. in music from Barnard College and an M.A. in music history from New York University.

Currently also she serves as music critic for the Las Vegas Sun, writes a regular column for Arts Alive Magazine, and free-lances about music.

AGENDA*City of Las Vegas*

0046

December 5, 1984

Page 12

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.

10:35

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

- Sanitary Sewer/Storm Drain Maintenance Vehicle
Department of Public Services

***B. PURCHASE ORDER APPROVAL**

- Replacement 4 Door Sedans
Department of General Services

Lurie -
APPROVED A-1 and
B-1
Unanimous

Staff to proceed

APPROVED
See Above

See Above

APPROVED

City of Las Vegas

AGENDA DOCUMENTATION

0047

Date: NOVEMBER 21, 1984

TO:
The City CouncilFROM:
RANDALL H. WALKER
DEPUTY CITY MANAGERSUBJECT: AGENDA - CITY COUNCIL MEETING - DECEMBER 5, 1984
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*A. AWARD OF BIDS

1. <u>BID TITLE:</u>	TRUCK MOUNTED, SANITARY SEWER CLEANER	<u>BID NUMBER:</u>	84.3460.4
<u>ITEM:</u>	CAPITAL EQUIPMENT	<u>ESTIMATE:</u>	\$112,000.00
<u>DEPARTMENT:</u>	PUBLIC SERVICES	<u>INVITATIONS MAILED:</u>	35
<u>FUNDING:</u>	SANITATION FUND	<u>RESPONSES RECEIVED:</u>	3

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO ACQUIRE THE LATEST STATE OF THE ART EQUIPMENT TO SUPPORT THE CONTINUOUS CLEANING OF CITY SEWER LINES AND MAINTENANCE OF CATCH BASIN INSTALLATIONS THROUGHOUT THE CITY'S STREET SYSTEM. ACQUIRING THIS PIECE OF EQUIPMENT WILL ENABLE THE CITY TO SCHEDULE WORK LOADS THAT ARE BENEFICIAL TO THE CITY.

BID ABSTRACT SUMMARY

GAUDIN FORD/SAAB	LAS VEGAS	NV	\$100,606.05
GCS	WEST SACRAMENTO	CA	\$101,372.05
MCCANDLESS INTERNATIONAL	LAS VEGAS	NV	\$105,982.00

STAFF RECOMMENDATION OF AWARDTHAT THE LOW BID BE AWARDED TO:

GAUDIN FORD/SAAB	LAS VEGAS	NV	\$100,606.05
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FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE IN THE SANITATION 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)

City of Las Vegas CITY COUNCIL MINUTES - DECEMBER 5, 1984

AGENDA DOCUMENTATION

Date: NOVEMBER 21, 1984 0048

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - DECEMBER 5, 1984
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*B. PURCHASE ORDER APPROVAL

1. <u>ITEM:</u>	4 DOOR SEDANS REPLACEMENT	<u>PURCHASE REQUEST:</u>	3462-6224
<u>DESCRIPTION:</u>	CAPITAL EQUIPMENT	<u>FUNDING:</u>	VEHICLE SERVICES
<u>DEPARTMENT:</u>	GENERAL SERVICES	<u>ESTIMATE:</u>	\$38,000.00

NEED FOR PURCHASE

THE NEED FOR THIS PURCHASE IS TO PROVIDE REPLACEMENT VEHICLES TO THE CITY FLEET. THE CITY HAS ADOPTED A PROGRAM OF CYCLING OLDER LESS EFFICIENT VEHICLES OUT OF THE FLEET AND REPLACING THEM WITH COST EFFICIENT VEHICLES. A COST BENEFIT ANALYSIS OF REPLACEMENT VS. REBUILDING INDICATES THE PURCHASE OF NEW VEHICLES IS MORE ECONOMICAL AND EFFICIENT.

STAFF RECOMMENDATION

FOR PURCHASE ORDER APPROVAL

STATE OF NEVADA PURCHASING DIVISION	CARSON CITY NV	\$34,881.08
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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 B PAGE 1
IV (f)

AGENDA*City of Las Vegas*

0049

December 5, 1984

Page 13

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM**Council Action****Department Action****IV (h). DEPARTMENT OF DESIGN AND DEVELOPMENT**THOMAS 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.

10:36

A. ACCEPTANCE OF RIGHT OF WAY ITEMS*1. Grant Deed**

From: Nevada Power Company, a Nevada Corporation
 To: City of Las Vegas
 For: Portion of SE-1/4, SW-1/4, Sec. 2, T21S, R61E, M.D.M., for radius corners at Sahara Ave. and 17th St., and Sahara Ave. and Spencer St. (11/8/84)

Lurie -
 APPROVED
 Unanimous

Staff to proceed

36

B. TRAFFIC AND PARKING ITEM

1. Request by Golden Goose Casino at 20 E. Fremont St. for a time extension to allow the temporary loading and unloading of tour buses.

Nolen -
 APPROVED for
 6 months.
 Unanimous

Staff to proceed

Steve Bernstein
 appeared to
 represent the
 Golden Goose Casino

40

C. REPORTS/ACTION

1. Resolution amending the Uniform Standard Specifications for Public Works Construction Off-Site Improvements, Clark County, Nevada, 1978.

Lurie -
 ADOPTED Resolution
 as recommended.
 Unanimous

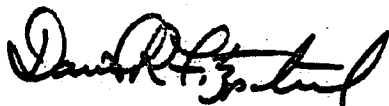
Rich Romer repre-
 sented the City.

Staff to proceed

Carl Malone, City
 Engineer, appeared

NOTE: Due to the length of this item, backup material is filed in the Office of the City Clerk.

APPROVED AGENDA ITEM



City of Las Vegas

AGENDA DOCUMENTATION

0050

Date: November 29, 1984TO:
The City CouncilFROM:
DANIEL R. FITZPATRICK
DEPUTY CITY MANAGERSUBJECT: REQUEST BY GOLDEN GOOSE CASINO AT 20 EAST FREMONT STREET FOR A TIME EXTENSION
TO ALLOW THE TEMPORARY LOADING AND UNLOADING OF TOUR BUSESPURPOSE/BACKGROUND

The Golden Goose Casino, 20 East Fremont Street, requests (see attached letter) approval of a time extension to continue to allow the loading and unloading of tour busses at the existing three minute passenger loading zone on Fremont Street in front of their casino.

The two parking lanes on Fremont Street are very narrow and are used mainly for taxi zones, passenger loading zones, and metered parking. There is an existing tour bus zone located on the west side of First Street just north of Fremont Street next to the Sassy Sally's Casino that could be used.

The applicant has indicated in the past that the casino owners are negotiating to acquire the businesses on the northwest corner of First Street and Fremont Street. When, and if, the negotiations are completed, the tour bus zone on First Street would serve their needs.

In previous actions the City Council at its meeting of October 19, 1983 referred the request to the Downtown Progress Association for its recommendation. At its meeting of February 15, 1984 the City Council approved the temporary loading and unloading of tour busses in front of Golden Goose Casino.

FISCAL IMPACT

None.

RECOMMENDATIONS

The Traffic and Parking Commission recommends approval of a time extension to when the connection is made between the Golden Goose and Sassy Sally's casinos up to a maximum time limit of six months.

Thomas B. Graham
THOMAS B. GRAHAM, AICP, PLA
DIRECTOR OF DESIGN AND DEVELOPMENT

Agenda Item 12/5/84

IV (h). B. 1.

CC:

0051

THOMAS G. BELL, CHARTERED

A PROFESSIONAL CORPORATION

ATTORNEY AT LAW

SUITE 300

630 SOUTH FOURTH STREET

LAS VEGAS, NEVADA 89101

(702) 382-3866

October 29, 1984

Mr. Ashley Hall
City Manager
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Golden Goose Casino (Herbert Pastor,
General Partner),
20 East Fremont Street, Las Vegas, Nevada
Temporary Tour Bus Zone

Dear Mr. Hall:

Earlier this year the Las Vegas City Commission granted to the Golden Goose Casino a temporary tour bus loading and unloading zone for a period of six months, which said six month period has expired.

Mr. Herbert Pastor, the General Partner of the Golden Goose Casino, desires to request from the Commission an additional time period for the temporary loading and unloading zone. I believe it is important for you to note that the Golden Goose Casino is the only casino on Fremont Street that does not have a side street for tour bus parking, and the casino's continuing viability is heavily dependent upon the tour bus business.

On behalf of the Golden Goose Casino, it is respectfully requested that this matter be placed on the next appropriate City Commission meeting. Mr. Pastor will personally address the Commission relative to the justification for the extension of the temporary tour bus loading and unloading zone. I am advised that Mr. Pastor will be out of the city the first two weeks of November and the last

TGP 11-29-84

CITY COUNCIL MINUTES - DECEMBER 5, 1984

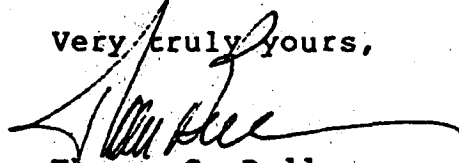
THOMAS G. BELL, CHARTERED

0052

Mr. Ashley Hall
October 29, 1984
Page 2

two weeks of December so any City Counsel meetings other than during those periods would suit Mr. Pastor.

Very truly yours,

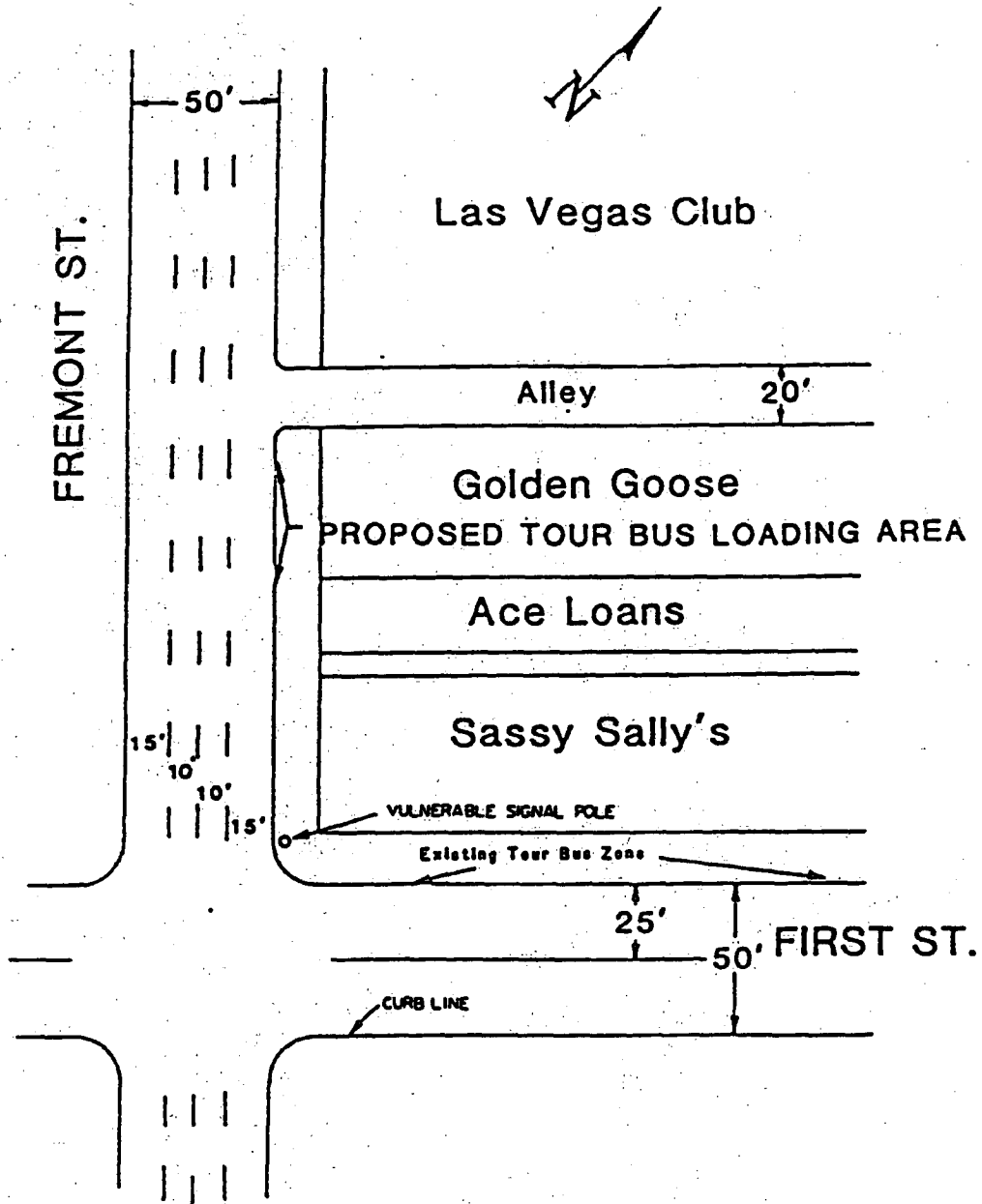


Thomas G. Bell
Attorney for the Golden
Goose Casino

TGB:mh

cc: Mr. Herbert Pastor

0053



PROPOSED TOUR BUS LOADING AREA
at 20 E. Fremont St.

Downtown Progress Association

OF LAS VEGAS

401 South Third Street • Las Vegas, Nevada 89101 • Telephone (702) 382-6397

0054

4 December 1984

Mayor Bill Briare and
City Council
City of Las Vegas
400 E. Stewart Avenue
Las Vegas NV 89101

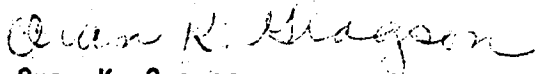
Honorable Mayor and Councilmen,

In February, 1984, the Downtown Progress Association approved Herb Pastor Casino Enterprises' request for a twelve-month tour bus-loading zone variance on Fremont Street for the Golden Goose Casino.

Mr. Pastor is now requesting a six-month extension on this variance. Please be advised that the Downtown Progress Association has no objections to extending the variance an additional six months.

Sincerely,

DOWNTOWN PROGRESS ASSOCIATION



Oran K. Gragson
Executive Director

dm

BOARD OF DIRECTORS

William S. Boyd
Chairman
Ward Wengert
Secretary/Treasurer
Mayor Bill Briare
Honorary Director

Harvey Diederich
Reno N. Frussa
Jeanne Hood
George Kemple
Bruce Layne
Ann S. Meyers

Joe Mikulich
Bruce Morris
Barry Perea
R. G. Taylor
Andy Tompkins

Oran K. Gragson
Executive Director
Ira David Sternberg
Director of Marketing
Deborah Millett
Administrative Assistant

AGENDA DOCUMENTATION

Date: November 20, 1984

TO: The City Council

FROM: DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

SUBJECT: RESOLUTION AMENDING THE UNIFORM STANDARD SPECIFICATIONS FOR PUBLIC WORKS
CONSTRUCTION OFF-SITE IMPROVEMENTS, CLARK COUNTY, NEVADA, 1978

PURPOSE/BACKGROUND

A Revisions Committee for the Standard Specifications was approved at the first County Commission meeting in May, 1981. The Committee worked closely with members of the industry, utilities, the Southern Nevada Homebuilders Association and the Associated General Contractors in order to develop proposed revisions that reflect the latest information and technology dealing with Public Works improvements. All of their comments and concerns were taken into account when the draft revisions were completed.

The revisions have been approved by the Regional Transportation Commission and the Clark County Board of Commissioners. They are as follows:

Section 109.03 Extra and Force Account Work

Establishing new equipment rental fees

Subsection 109.06 Partial Payment

Provisions for paying Contractor interest on retention

Deleting specific Partial Payment Items

Subsection 109.08 Control of Retent Funds

Deleting this Section in its entirety

Section 110 Wages, Hours and Conditions of Employment

Adds a provision that requires contractors to reimburse a contracting agency for an inspector's overtime pay

Duplication of some language contained in the Nevada

Revised Statutes deleted

Section 207 Structure Backfill

New Modified Structure Backfill Specifications with new gradation requirements, including new compaction required

New provisions for cutting and restoring street surfacing

Section 208 Trench Excavation and Backfill

New modified Trench Backfill Specifications with new gradation requirements, including new compaction required

New provision for cutting and restoring street surfacing

Section 209 Drain Backfill

Deletion of Trenches for Blind Drains

Clarification of Payment

Section 302 Aggregate Base Courses

Miscellaneous editorial revisions

Section 303 Plantmix Bituminous Base

Adjustments in methods of measurement for surface tolerances

(Continued)

FISCAL IMPACT

No direct fiscal impact.

RECOMMENDATIONS

The Director of Design and Development recommends that the Resolution to adopt the revisions to the Standard Specifications be approved and that the City Council authorize the Mayor to execute the Resolution.

Thomas B. Graham
THOMAS B. GRAHAM, AICP, PLA
DIRECTOR OF DESIGN AND DEVELOPMENT

Agenda Item 12/5/84

IV (h). C. 1.

AGENDA DOCUMENTATION

Date: November 20, 1984

TO:
The City Council

FROM:
DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

SUBJECT: RESOLUTION AMENDING THE UNIFORM STANDARD SPECIFICATIONS FOR PUBLIC WORKS
CONSTRUCTION OFF-SITE IMPROVEMENTS, CLARK COUNTY, NEVADA, 1978

PURPOSE/BACKGROUND

Section 304 Portland Cement Treated Base

Minor editorial revisions
Modifications to proportioning, mixing, and compaction requirements

Section 401 Plantmix Bituminous Pavements - General

Provisions for selection of job-mix formula
Identification of traffic categories
Changes in ASTM designations for testing
Modifications to Density Test Requirements
Modifications in allowing traffic on new pavement

Section 402 Plantmix Bituminous Surface

Adjustments in methods of measurements for surface tolerances

Section 403 Plantmix Bituminous Open-Graded Surface

Adjustments in methods of measurements for surface tolerances

Section 404 Hot Plantmix Bituminous Open-Grading Surface

Deletion of AR 4000 Grade Asphalt
Provisions for Traffic Category paving Asphalts

Section 408 Surface Treatment

New Section providing for the asphaltic treatment of gravel surfaces
Miscellaneous editorial revisions

Section 601 Pipe Culverts - General

Reference to Section 208

Section 603 Reinforced Concrete Pipe

Deletion of AASHTO Designations

Section 606 Structural Plate Pipe and Pipe Arch Culverts

Reference to Section 208
Deletion of Backfill requirements for hard material and compaction

Section 607 Underdrains

Provisions for Blind Drains

Section 623 Traffic Signals and Street Lighting

Adjustments to make traffic signal equipment compatible with the recently constructed Las Vegas Area Computerized Traffic Control System

Section 629 Water Distribution Facilities

Reference to Section 208
Deletion of excavations, trenches, trench over excavation, disposal of unsuitable materials, changes in alignment of grade, bedding, bedding materials, and trench backfill specifications including cutting and restoring
Street Surfacing
Reference to Section 207
Deletion of Backfill around Structures
Provisions for testing underground systems

Section 630 Sanitary Sewers

Reference to Section 208
Deletion of Pipe Bedding

Agenda Item

IV(h) C.1.
Page 2

(Continued)

CITY COUNCIL MINUTES - DECEMBER 5, 1984
City of Las Vegas
AGENDA DOCUMENTATION

Date: November 20, 1984

0057

TO:
The City Council

FROM:
DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

SUBJECT: RESOLUTION AMENDING THE UNIFORM STANDARD SPECIFICATIONS FOR PUBLIC WORKS
CONSTRUCTION OFF-SITE IMPROVEMENTS, CLARK COUNTY, NEVADA, 1978

PURPOSE/BACKGROUND

Section 701 Portland Cement

Deletion of 0.0 - 0.2 Soluble Sulfates
Reference to Section 729
Provision for increase in Fly Ash content

Section 704 Base Aggregates

Modifications to Gradation and Test Methods

Section 705 Aggregates for Bituminous Courses

Change in Test Methods and Requirements

Section 708 Concrete and Clay Pipe and Drains

Reference to Section 620
Deletion of Pipe Classes
Provision for Load Bearing Strengths
Provision for Cements
Provision for Concrete
Provision for Admixtures

Section 709 Metal Pipe and Drains

Provision for Banding, pipe thickness and coatings

Section 714 Paint

Specifications in the 1978 edition of the Uniform Standard
Specifications relied heavily on California specifications
Adjustments to make reference to updated California
specifications
New specification for traffic signal pole enamel and traffic
line paint
New specification for cold thermo plastic pavement marking
film

Section 729 Fly Ash

New Section for the use of Fly Ash

The revisions have been reviewed by the Office of the City Attorney, and a
Resolution to adopt said revisions has been prepared.

R E S O L U T I O N

WHEREAS, the City Council of the City of Las Vegas pursuant to a Resolution dated June 1, 1977 adopted that publication entitled, to-wit: "The Uniform Standard Specifications for Public Works' Construction Off-Site Improvements, Clark County Area, 1977" (hereinafter referred to as the "Uniform Standard Specifications") in order to assure the construction of standardized public work facilities throughout Clark County; and

WHEREAS, a Revision Committee composed of representatives from the various governmental entities within the County of Clark, State of Nevada periodically reviews the Uniform Standard Specifications in order to update and revise the provisions contained therein; and

WHEREAS, as a result of the most recent review, various additions and deletions have been proposed by the Revision Committee to the Uniform Standard Specifications which either have been or will be adopted by the other governmental entities of Clark County which originally adopted and followed the Uniform Standard Specifications.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council for the City of Las Vegas accepts and approves the additions and deletions contained in the document which is attached hereto as Exhibit "A" and by this reference incorporated herein as a part of this Resolution to the Uniform Standard Specifications;

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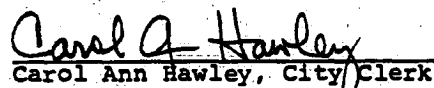
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1 IT IS HEREBY FURTHER RESOLVED that the staff of the
2 City of Las Vegas is authorized to take whatever steps are
3 necessary to effectuate this approval, including incorporating
4 these additions and deletions into a new hard-bound publication
5 of the Uniform Standard Specifications.

6 DATED this 5th day of December, 1984.

7 
8 WILLIAM H. BRIARE, MAYOR

9
10 ATTEST:

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12 Carol Ann Hawley, City Clerk
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AGENDA*City of Las Vegas*

0060

December 5, 1984

Page 14

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

ITEM Council Action Department Action

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

C. REPORTS/ACTION (Continued)

0:42

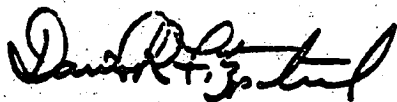
2. Approval of supplemental agreement
for construction phase of Angel Park
Phase IIB.Lurie -
APPROVED Agreement
as recommended.
UnanimousStaff to proceed
Carl Malone, City
Engineer, appeared

0:43

3. Roadway Projects Priority List.

Lurie -
APPROVED as amended
with Item 4 (Wash-
ington Avenue-Jones
Boulevard to Rainbow
Boulevard) moved to
bottom of priority
list and Item 6 (Lake
Mead Boulevard-Rancho
Drive to I-15) moved
to No. 4 on priority
list.
UnanimousStaff to proceed
Carl Malone, City
Engineer, appearedNOTE: A verbatim transcript made a
part of the final minutes.

APPROVED AGENDA ITEM



City of Las Vegas

AGENDA DOCUMENTATION

Date: November 21, 1984

0061

TO:
The City CouncilFROM:
DANIEL R. FITZPATRICK
DEPUTY CITY MANAGERSUBJECT: APPROVAL OF SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION PHASE
OF ANGEL PARK PHASE IIBPURPOSE/BACKGROUND

The City of Las Vegas and Clark County previously entered into an agreement dated July 20, 1982 for the design of Angel Park Detention Facility Phase IIB.

This supplemental agreement is for the construction of Angel Park Detention Facility, Phase IIB.

It is estimated that the total construction cost for Phase IIB will be \$2,481,300. This agreement will provide the necessary funds required for construction and construction supervision.

The total amount of funds made available from the Clark County Bond Issue for all phases of the Angel Park Detention Facility is \$5,394,007.

FISCAL IMPACT

Funds for this construction are available from Clark County Flood Control Bonds in the amount of \$2,481,300.

RECOMMENDATIONS

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


THOMAS B. GRAHAM, AICP, RLA
DIRECTOR OF DESIGN AND DEVELOPMENT

Agenda Item 12/5/84

IV (h). C. 2.

SUPPLEMENTAL COOPERATIVE AGREEMENT
TO FUND FLOOD CONTROL PROJECT NO. B610640
ANGEL PARK DETENTION FACILITY

THIS SUPPLEMENTAL AGREEMENT, made and entered into this 22nd day of January, 1985, by and between the County of Clark, a political subdivision of the State of Nevada hereinafter called "COUNTY" and the City of Las Vegas a municipal corporation of the State of Nevada hereinafter called "CITY."

WITNESSETH

WHEREAS, on July 20, 1982, the COUNTY and CITY entered into a Cooperative Agreement to fund the design of Phase IIA and Phase IIB of the Angel Park Detention Facility. The July 20, 1982 Cooperative Agreement also provided funding for construction and contract administration of Angel Park Phase I and Phase IIA from the proceeds of the sale of COUNTY bonds for flood control improvements; and

WHEREAS, the CITY has completed construction of Phase I and is nearing construction completion of Phase IIA and the design for Phase IIB; and

WHEREAS, the CITY and COUNTY now desire to supplement the aforementioned Cooperative Agreement to provide funds for the construction and contract administration of Phase IIB.

NOW, THEREFORE, in consideration of the premises and the covenants, terms and conditions hereinafter set forth, both parties mutually agree to supplement the Cooperative Agreement dated July 20, 1982, as follows:

Paragraph 1(b) of SECTION II - PROJECT COSTS shall be changed to read as follows:

- (b) The cost of construction for Phase I has been completed by the CITY and reimbursed by COUNTY at a total cost of \$319,677.00, which included change orders and supplemental agreements. The cost of construction for Phase IIA shall not exceed \$1,948,000.00, and the construction cost for Phase IIB shall not exceed \$2,319,000.00, including change orders and supplemental agreements, respectively.

Paragraph 1(c) of SECTION II - PROJECT COSTS shall be changed to read as follows:

- (c) Contract supervision, field staking, construction inspection and testing to assure compliance with the contract documents for

Phases I and IIA, at a cost not to exceed \$165,000.00. For Phase IIB the cost of contract supervision, field staking, construction inspection and testing to assure compliance with the contract documents shall not exceed \$162,330.00.

Paragraph 2 of SECTION II - PROJECT COSTS shall be changed to read as follows:

2. The maximum amount to be paid by the COUNTY pursuant to paragraph a, b and c of subsection 1 above shall not exceed the sum of \$5,394,007.00.

Paragraph 8 of SECTION IV - OTHER PROVISIONS shall be changed to read as follows:

8. In the event, the services which are provided for in Paragraphs a, b and c of subsection 1 of Section II above have not been completed to the satisfaction of the COUNTY by September 30, 1985, the COUNTY may at any time thereafter, terminate this Agreement and the CITY agrees to repay all funds advanced for such services.

Paragraph 9 of SECTION IV - OTHER PROVISIONS shall be changed to read as follows:

9. Prior to beginning of construction, two (2) informational signs will be furnished, installed and maintained by the Contractor. These signs will have dimensions of four (4) feet by eight (8) feet and will contain information provided by COUNTY and the signs will be placed at the easterly perimeter of the project, so that they are visible to the general public.

Paragraph 11 of SECTION IV - OTHER PROVISIONS shall be added as follows:

11. It is essential that a prompt final accounting be accomplished on this project, therefore, all invoices shall be submitted by the CITY for payment prior to November 1, 1985, and COUNTY will not pay any invoices received after that date.

The remainder of the Cooperative Agreement dated July 20, 1982, remains unchanged.

Date of Commission Action:

January 22, 1985

COUNTY OF CLARK

BY: Thalia M. Dondero
THALIA M. DONDERO, Chairman

ATTEST:

Loretta Bowman
LORETTA BOWMAN, County Clerk

CITY COUNCIL MINUTES - DECEMBER 5, 1984

0064

Date of Commission Action:

CITY OF LAS VEGAS

December 5, 1984

BY: William H. Briare
WILLIAM H. BRIARE, Mayor

*Approved
JHC
11-28-84*

ATTEST:

Carol Ann Hawley
CAROL ANN HAWLEY, City Clerk

Approved as to Legality and Form:

Melvin R. Whipple
MELVIN R. WHIPPLE
Deputy District Attorney

City of Las Vegas

AGENDA DOCUMENTATION

Date: November 29, 1984 0065

TO: The City Council

FROM: DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

SUBJECT: ROADWAY PROJECTS PRIORITY LIST

PURPOSE/BACKGROUND

It is anticipated that there will be another Clark County Road Improvement Bond Issue. Presently, Clark County and the other cities in the valley are preparing their roadway priority list for submittal to the Regional Transportation Commission. Utilizing the county's and cities' priority lists, the Regional Transportation Commission will develop an area-wide priority list, as they did for the 1981 Clark County Bond Issue.

The following roadway priority list has been prepared by staff and is now submitted to the City Council for discussion and possible action:

1. Lamb Boulevard - Charleston Boulevard to Owens Avenue
2. Charleston Boulevard - Antelope Way to Hualpai Way
3. Owens Avenue - Pecos Road to Nellis Boulevard
4. Washington Avenue - Jones Boulevard to Rainbow Boulevard
5. Craig Road - Rainbow Boulevard to Decatur Boulevard
6. Lake Mead Boulevard - Rancho Drive to I-15
7. Washington Avenue - Lamb Boulevard to Nellis Boulevard
8. Vegas Drive - Rainbow Boulevard to Decatur Boulevard
9. Oakey Boulevard - Decatur Boulevard to Rainbow Boulevard
10. Washington Avenue - "B" Street to Rancho Road

Please note that Sahara Avenue between Rainbow Boulevard and Durango Drive lies within the jurisdiction of Clark County, however it serves as a major thoroughfare for the western reaches of the city. Advanced information from the Regional Transportation Commission staff indicates that the county may not submit this project on their priority list. Therefore, it may be necessary for the city to submit this project on its priority list.

FISCAL IMPACT

None

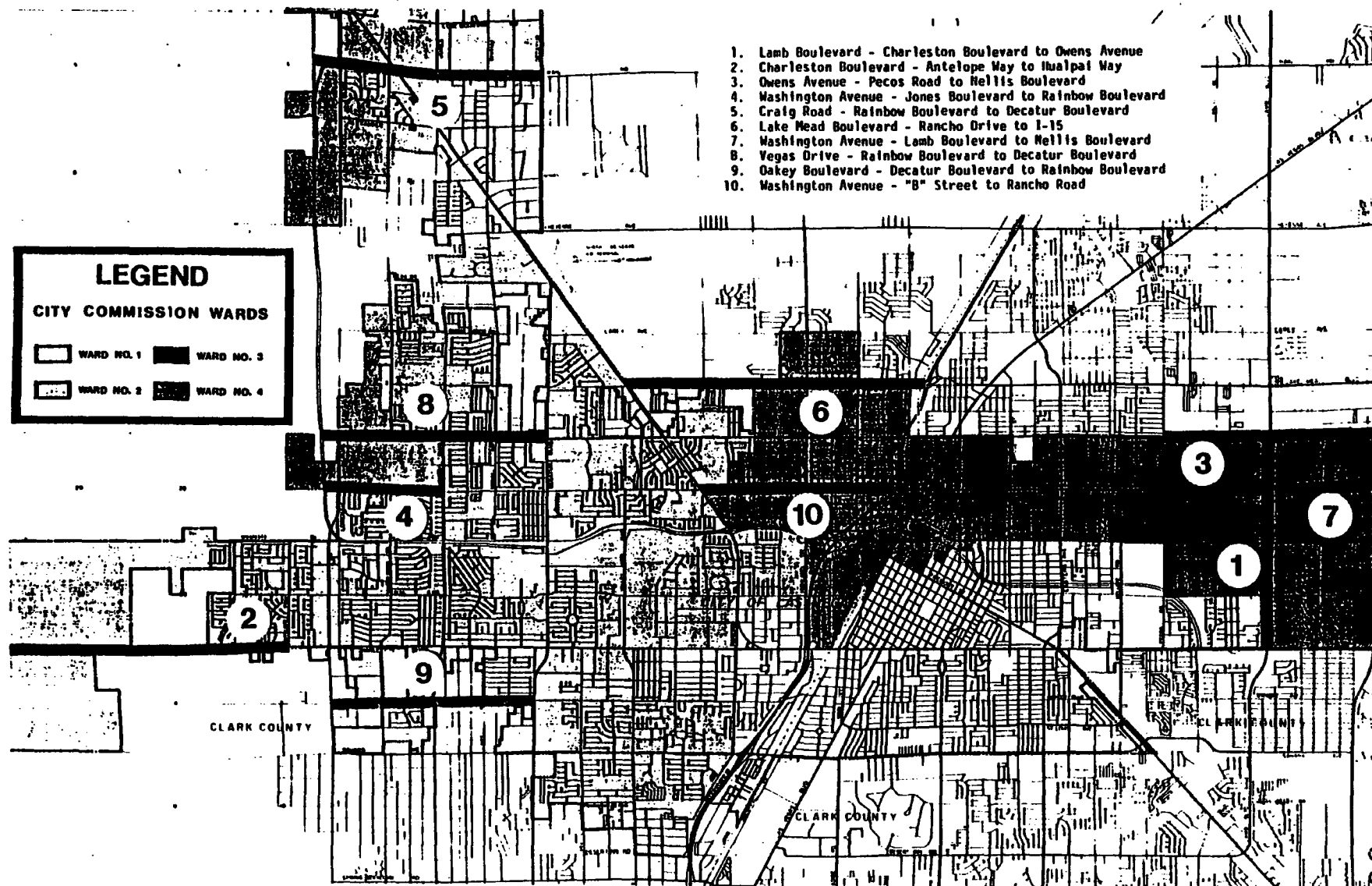
RECOMMENDATIONS

The Director of Design and Development recommends that the City Council approve the project list and authorize submittal of list to the Regional Transportation Commission.


THOMAS B. GRAHAM, AICP, RLA
DIRECTOR OF DESIGN AND DEVELOPMENT

Agenda Item 12/5/84

IV (h). C. 3.



EXCERPT - CITY COUNCIL MEETING - DECEMBER 5, 1984
IV(h) DEPARTMENT OF DESIGN AND DEVELOPMENT
C.3. ROADWAY PROJECTS PRIORITY LIST

PAGE 1

- MAYOR BRIARE: Roadway Projects Priority List. Comments or questions on the recommendations?
- COUNCILMAN LEVY: Yes. We didn't make those changes that I suggested?
- CARL MALONE: We have, Councilman, on the backup information that went to Managers staff. Mr. Lurie had asked us to put on an additional road and that was Smoke Ranch Road between Tuccumcari, I believe it's the name of the word, and Rainbow. Currently the portion that is between Tuccumcari and Rancho Road is a Regional Street and Highway project that is under design and will be developed shortly.
- COUNCILMAN CHRISTENSEN: Why are so many of these streets totally within the City limits?
- COUNCILMAN LURIE: Let me answer that question, okay. At the -- what was the question again? Why are they in the City? (Laughter)
- COUNCILMAN LEVY: I don't understand that.
- COUNCILMAN LURIE: You don't have your new hat on yet. (Laughter)
- COUNCILMAN CHRISTENSEN: I was just checking to see if you were awake.
- COUNCILMAN LURIE: I'm awake. All the entities are preparing their lists for submittal to the Regional Transportation Commission. Since at our last meeting, we requested staff to bring back to us the entities' priority list so that we can develop an additional information to go out to another bond issue to construct possibly 10 to 15 projects within the next 5 years. As you know in '81, we passed a bond issue for 88 million dollars and the last project is going to be started the first of the year, which is Highland, and all the projects will either be completed or under construction. So we're three years into that bond issue project and we feel the timing now is to go out and establish another priority list and go ask the voters to approve additional bond issue so we can construct additional streets that ties into the existing material that is presently under construction. So this list is the City's priority list. I understand there is one change that would like to be recommended this morning. I'll let Councilman Nolen speak to that one, but these are very important that we get these projects under design and engineered, right-of-way purchase, so that we can proceed within the next three or four years.

EXCERPT - CITY COUNCIL MEETING - DECEMBER 5, 1984
IV(h) DEPARTMENT OF DESIGN AND DEVELOPMENT
C.3. ROADWAY PROJECTS PRIORITY LIST

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PAGE 2

CARL MALONE:

I might add something here. The direction that we received from the Regional Transportation Commission was to develop a comprehensive list with all entities involved to a magnitude similar to the 1981 bond issue, which is approximately 50 million. What we're looking at here is our list, compiled list, within the City, but in fact maybe the first three to four would be eligible on that list.

COUNCILMAN LURIE:

That's correct and the important one -- I know Al has worked very hard on Lamb Boulevard. Lamb Boulevard is actually the street that goes from the County to the City to North Las Vegas. It would be all the entities would have to have that same project on their priority list. Charleston Boulevard -- the reason we have Charleston Boulevard from Antelope to Hualapai is the fact that the street actually narrows at Antelope and the State is completing through secondary the Red Rock loop that ties into Hualapai that would complete Charleston Boulevard. That section is about a two mile section that should be completed. That would complete that entire loop and Owens Avenue, as you know, was a street that we took off our priority list and used that money to start Stewart Avenue and Rancho Road and we'd like to put that back on. So, that's the top three priorities that we need to proceed with immediately.

COUNCILMAN LEVY:

Why isn't Buffalo one of them? We had such a mess on Buffalo. I'm surprised, Ron, that you haven't brought that up. Buffalo from Charleston to Westwind? No, it was --

COUNCILMAN LURIE:

No, yes, Westcliff.

COUNCILMAN LEVY:

Westcliff. I can't -- you know, that thing is a mess, terrible mess.

COUNCILMAN LURIE:

We've got some problems with that.

CARL MALONE:

Because we have not received the overall Master Plan of flood control as yet from Mr. Tettemer, you know, Buffalo is reserved at a one hundred foot right-of-way which did have the concept in mind to look like a Washington Avenue project and at this particular time because we don't have that backup that's necessary to even tell us that we still need Buffalo as a drainage course --

EXCERPT - CITY COUNCIL MEETING - DECEMBER 5, 1984
IV(h) DEPARTMENT OF DESIGN AND DEVELOPMENT
C.3. ROADWAY PROJECTS PRIORITY LIST

0039

PAGE 3

COUNCILMAN LEVY: With Angel Park just west of it going parallel with --

CARL MALONE: We don't have direction. We still have and we're still obtaining the 150 foot reservation on the right-of-way.

COUNCILMAN LEVY: I understand that and I can see it's full of weeds and water and bicycle paths and everything else and it's a mess and people are going to get killed there. How much have we totalled -- do we have here, would you tell us that?

CARL MALONE: Dollar amounts?

COUNCILMAN LEVY: Yes.

CARL MALONE: We have approximately 100 million dollars.

COUNCILMAN LEVY: And we're cutting up 50?

COUNCILMAN LURIE: No, well these are all the major projects that -- we're only going to probably take the top four and each entity will take their top four and put them together and hopefully they'll come out, after the estimates, around 50/60 million dollars.

CARL MALONE: Lamb Boulevard --

COUNCILMAN LEVY: Is 22.

CARL MALONE: Well, it's a little low. It's around 30 so --

COUNCILMAN LEVY: Okay. Are these ten items -- are these in numerical I mean are these the order we're going to submit them?

CARL MALONE: That's up to the Councilmen.

COUNCILMAN LEVY: I mean, in other words, that's what you're proposing. One through ten is actually -- number one is our number one and number ten is out tenth?

CARL MALONE: Yes and number 11 is your project on Smoke Ranch Road.

COUNCILMAN LEVY: It's not my project.

COUNCILMAN NOLEN: I have, Councilman Lurie --

EXCERPT - CITY COUNCIL MEETING - DECEMBER 5, 1984
IV(h) DEPARTMENT OF DESIGN AND DEVELOPMENT
C.3. ROADWAY PROJECTS PRIORITY LIST

0070

PAGE 4

COUNCILMAN LEVY:

As long as number 12 isn't Sahara Avenue in our recommendation.

COUNCILMAN NOLEN:

I had talked with staff about this and I -- basically in our conversations, they agree with me that Lake Mead Boulevard basically between "H" and Rancho Road, they've got it between I-15 and Rancho Drive or Rancho Road, whatever you want to call it, that is a ridiculous situation up there. The lanes change so many times you've got a six to eight inch drop from one lane to another just in the height of the lanes and I would like to switch that from priority number six to priority number 4, just take that priority number four and priority number six and switch them and staff had no problem with it when I discussed it with them.

COUNCILMAN LURIE:

I would think that, Mayor, that the item number four, Washington Avenue, Jones to Rainbow -- now one side of that street is already done. What about -- isn't it the developer's responsibility to do the other side of Washington and I would think that with the building that is going on up there now, that should be done by the developer?

CARL MALONE:

That's correct.

COUNCILMAN LEVY:

That's all by one guy and he's developing it now, Ron.

COUNCILMAN LURIE:

That's right. I would think that we could take six and make six four and move four down and if you want to go ahead, I'D LIKE TO MOVE THAT WE APPROVE THIS LIST WITH THE CHANGE AND MOVE THE LAKE MEAD BOULEVARD AND RANCHO DRIVE TO I-15 AS THE CITY'S NUMBER FOUR.

COUNCILMAN NOLEN:

Just switch four and six.

COUNCILMAN LURIE:

AND THAT THIS LIST BE --

COUNCILMAN LEVY:

No, I would rather have number six go all the way to the bottom -- I mean number four, excuse me.

COUNCILMAN NOLEN:

If we're going to have -- basically the developers are going to be doing that anyway as they develop that area and I see that area as being a high priority development. I have no problem with what you're suggesting.

EXCERPT - CITY COUNCIL MEETING - DECEMBER 5, 1984
IV(h) DEPARTMENT OF DESIGN AND DEVELOPMENT
C.3. ROADWAY PROJECTS PRIORITY LIST

PAGE 5

COUNCILMAN LURIE: It's going to be a long time before we get to the items --

COUNCILMAN NOLEN: However --

COUNCILMAN LURIE: That's fine.

COUNCILMAN NOLEN: We can move six to priority number four and what did you want to do with six?

COUNCILMAN CHRISTENSEN: No, don't move four out of there.

COUNCILMAN LEVY: You haven't got nothing they're going to approve.

COUNCILMAN CHRISTENSEN: Four to six?

COUNCILMAN LEVY: I'll tell you what you're doing though by doing things like that. You're not giving anybody in that district anything to vote for.

COUNCILMAN NOLEN: How do you mean? I don't understand that.

COUNCILMAN LEVY: You don't understand that. One of the things that -- this is going to be a bond issue, State and County wide.

COUNCILMAN NOLEN: I realize that.

COUNCILMAN LEVY: And I think what you have to do is have this thing spread around so that the people who are voting for it are going to see some results.

COUNCILMAN NOLEN: Well I think --

COUNCILMAN LEVY: What?

COUNCILMAN NOLEN: My opinion is that we should establish the priorities that would benefit the most -- the majority of the citizens of the community. You know, you look at it --

COUNCILMAN LEVY: That's the practicality of it. You're right in that respect and I think we've done that. Any of these streets we could not be criticized on.

COUNCILMAN NOLEN: I'm not criticizing any of them. I'm just merely stating that I believe that in terms of priorities, when we're listing one through ten as priorities, priority number six should take precedent over priority number four and that's why I suggested the change. In addition to that, there'll be no

EXCERPT - CITY COUNCIL MEETING - DECEMBER 5, 1984
IV(h) DEPARTMENT OF DESIGN AND DEVELOPMENT
C.3. ROADWAY PROJECTS PRIORITY LIST

PAGE 6

COUNCILMAN NOLEN:

major development in that particular area along Lake Mead Boulevard in the area that we're talking about until we do something like this. The area where priority number four is, the developers are going to be moving in that area, in that direction, and at that time we can have them improve the road as they go along; and, in fact, we've made some -- in the last two meetings that I've been to, we've had items on our agenda both times for that.

COUNCILMAN LEVY:

I understand what you're saying -- the practicality of it. You still have to have something for those people to vote on.

COUNCILMAN LURIE:

Al, I realize that, but you don't know what projects the County's going to come up with yet. You don't know what projects North Las Vegas or Henderson and those projects could all tie in with the -- I know the first three, because we've made some commitments on Lamb and we've made some commitments on Owens and Charleston is one that finishes that entire loop and I do agree that number four should be removed down the list due to the fact that the developer is in there working and he'll put in those improvements.

COUNCILMAN NOLEN:

You want to put number four to number ten and move everything up?

COUNCILMAN LURIE:

That's fine.

COUNCILMAN NOLEN:

Okay. Is that your motion?

COUNCILMAN LURIE:

That would be my motion, THAT FOUR BE REMOVED TO THE BOTTOM OF THE LIST AND THAT SIX BE NUMBER FOUR.

MAYOR BRIARE:

Are there any comments on that motion?

COUNCILMAN LEVY:

Yes, I'd like it known that I'm passing on number five.

MAYOR BRIARE:

Okay. Further comments? Everyone understands the motion and the priorities as they now stand in accordance with Councilman Lurie's motion? Cast your votes. Post. MOTION'S APPROVED. (Motion carried unanimously)

END OF EXCERPT

AGENDA*City of Las Vegas*

0073

December 5, 1984

Page 15

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

ITEM Council Action Department Action

V. GEORGE F. OGILVIE - CITY ATTORNEY

10:53 A. Appeal of Work Card Denial:

Gerald Lee Erwin
1200 South Torrey Pines

NOTE: Police report dated 11/28/84 made
part of record and on file at LVMPD.

Nolen -
Appeal GRANTED with
work card restricted
to employment as a
21 Dealer at the
Horseshoe Casino only
and any future
arrests subject to
immediate review by
the Council.
Unanimous

Clerk to notify
Gerald Lee Erwin,
Jack Binion, and
Lt. Hash Hanief
appeared.

11:05 B. Appeal of Work Card Denial:

Lee G. Pinkston, III
1924 North "H" Street

NOTE: Police report dated 11/27/84 made
part of record and on file at LVMPD.

Nolen -
DENIED Appeal
Unanimous
(Christensen
excused)

Clerk to notify
Appellant was
present.

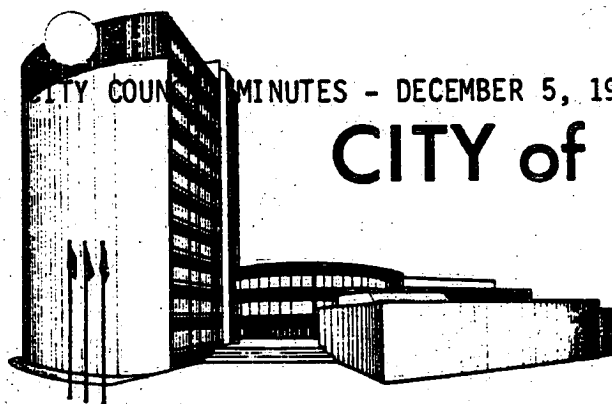
11:10 C. Approval of Complaint for Disciplinary
Action -- Family Child Care License of
Rosemary Rochester

Rosemary Rochester
surrendered Family
Child Care License
prior to meeting
which made this
item moot.

MAYOR BILL BRIARE
COUNCILMEN
RON LURIE
PAUL J. CHRISTENSEN
AL LEVY
BOB NOLEN

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL



MINUTES - DECEMBER 5, 1984

CITY of LAS VEGAS

0074

November 19, 1984

Mr. Gerald Lee Erwin
1200 South Torrey Pines
Las Vegas, Nevada 89122

Dear Mr. Erwin:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. Please be advised that this matter will be heard on Wednesday, December 5, 1984, at the regularly scheduled City Council meeting. This matter will be heard sometime between 10 A.M. and 12 Noon. I would advise you to be present at 10 A.M. and wait your turn. This meeting will be conducted in the Council Chambers at 400 East Stewart Avenue.

Occasionally, the City Council has been persuaded to grant a work card to an applicant through the intercession of the applicant's prospective employer. Therefore, if you think that your prospective employer would acknowledge, either in writing or personally before the City Council at your hearing, that he is aware of the reasons that your work card was originally denied and wishes to hire you anyway, I urge you to request him to do so. Also, you should bring to the hearing all other materials which you feel may assist you in your appeal.

Sincerely,

Carol A. Hawley

CAROL ANN HAWLEY
City Clerk

CAH/lmo

cc: City Attorney
Metropolitan Police Dept. SIB



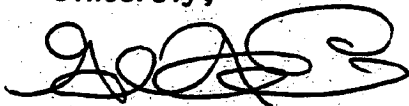
November 19, 1984

Mrs. Carol Ann Hawley
City Clerk
City of Las Vegas
400 East Stewart Avenue
Las Vegas, Nevada 89101

Dear Mrs. Hawley:

This letter constitutes my formal appeal of denial of a work card by the Metropolitan Police Department. I wish to appeal this denial before the City Council.

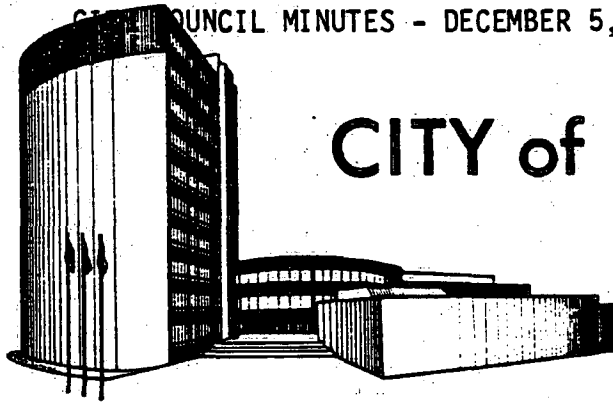
Sincerely,



GERALD LEE ERWIN
1200 South Torrey Pines
Las Vegas, Nevada 89122

TELEPHONE: 870-3922

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



CITY of LAS VEGAS

November 20, 1984

Mr. Lee G. Pinkston, III
1924 North "H" Street
Las Vegas, Nevada 89106

Dear Mr. Pinkston:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. Please be advised that this matter will be heard on Wednesday, December 5, 1984, at the regularly scheduled City Council meeting. This matter will be heard sometime between 10 A.M. and 12 Noon. I would advise you to be present at 10 A.M. and wait your turn. This meeting will be conducted in the Council Chambers at 400 East Stewart Avenue.

Occasionally, the City Council has been persuaded to grant a work card to an applicant through the intercession of the applicant's prospective employer. Therefore, if you think that your prospective employer would acknowledge, either in writing or personally before the City Council at your hearing, that he is aware of the reasons that your work card was originally denied and wishes to hire you anyway, I urge you to request him to do so. Also, you should bring to the hearing all other materials which you feel may assist you in your appeal.

Sincerely,

Carol Ann Hawley
CAROL ANN HAWLEY
City Clerk

CAH:jp

cc: City Attorney
Metropolitan Police Department - SIB



0077

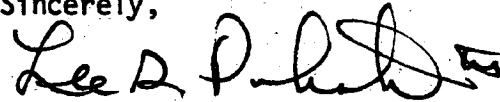
November 20, 1984

Mrs. Carol Ann Hawley
City Clerk
City of Las Vegas
400 East Stewart Avenue
Las Vegas, Nevada 89101

Dear Mrs. Hawley:

This letter constitutes my formal appeal of denial of a work card by the Metropolitan Police Department. I wish to appeal this denial before the City Council.

Sincerely,



Lee G. Pinkston, III
1924 North "H" Street
Las Vegas, Nevada 89106
Phone: 642-8331

Received
NOV 20 1984
CITY CLERK

City of Las Vegas

0078

AGENDA DOCUMENTATION

Date: November 28, 1984

TO:
The City CouncilFROM: Val Steed *Val Steed*
Deputy City AttorneySUBJECT:Approval of Complaint for Disciplinary Action - Family Child Care
License of Rosemary RochesterPURPOSE/BACKGROUND

Attached hereto is a proposed Complaint for Disciplinary Action against the family child care license of Rosemary Rochester. The licensee was the subject of an investigation by the Metropolitan Police Department into possible child abuse involving an infant who was injured while under the licensee's care. Based upon the results of a polygraph examination taken by the licensee, no child abuse charges were filed.

The investigation did reveal certain violations of the child care regulations with respect to sleeping arrangements for children, unsafe conditions and, in particular, with respect to the lack of supervision which contributed to the infant's injury. Pursuant to the City Code, the Child Welfare Board heard evidence concerning the alleged violations and voted to recommend to the City Council that the license of Rosemary Rochester be revoked.

Also attached hereto is an Order to Show Cause which directs the licensee to appear before the City Council for a hearing on this Complaint.

FISCAL IMPACT

NONE

RECOMMENDATIONS

It is recommended that the City Council approve the Complaint for Disciplinary Action and set a date for the hearing thereon.

DISPOSITIONApproved ☐
Disapproved ☐
Held ☐

Status Due: _____

Agenda Item

V-C

BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA

In the Matter of the Department)
of Business Activity, on behalf of)
the City of Las Vegas,)

Petitioner,)

v.)

ROSEMARY ROCHESTER,)

Respondent.)

COMPLAINT FOR
DISCIPLINARY ACTION

1. From September, 1980, through the present, Rosemary Rochester (hereinafter "Respondent"), has been the operator and licensee of a family child care home at 4312 Nolan Lane, Las Vegas, Nevada.

2. Respondent has been and is the holder of a license (NO2-883-9-13131) issued by the Department of Business Activity of the City of Las Vegas (hereinafter "Petitioner"), which license allows Respondent to care for up to 5 children at the above-referenced location.

3. As holder of said license, Respondent is subject to all licensing provisions applicable to her license as are found in the City's child care regulations (LVMC Chapter 6.24) and other licensing regulations (LVMC Chapters 6.02 and 6.06).

4. LVMC 6.24.062 provides that a child care license may be suspended or revoked upon any of the grounds set forth in NRS 432A.190, i.e.:

1. Violation by the applicant or the licensee of any of the provisions of this chapter or of any other law of this state or of the standards and other regulations adopted thereunder.
2. Aiding, abetting or permitting the commission of any illegal act.
3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of

1 Nevada in the maintenance and operation of the pre-
2 mises for which a license is issued.

3 4. Conduct or practice detrimental to the health
4 or safety of the occupants or employees of the
5 facility.

6 5. In addition, LVMC 6.02.330 provides that a business
7 license may be subject to disciplinary action for "good cause."
8 Included as examples of "good cause" are:

9 * * *

10 B. The licensee or any of its principals fails to
11 satisfy any qualification or requirement imposed by
12 this Code, or other local, State or Federal law or
13 regulation pertaining to the particular license or
14 approval for suitability sought or held;

15 * * *

16 H. The licensed premises do not satisfy local,
17 State or Federal laws or regulations pertaining to
18 the activity to be actually engaged in;

19 I. The actual business activity constitutes a
20 public or private nuisance, or will be or is con-
21 ducted in an unlawful, illegal or improper manner;

22 * * *

23 K. The licensee or any of its principals violates
24 any condition imposed upon the license.

25 * * *

26 6. On September 13, 1984, an infant of less than two
27 years of age who was under Respondent's care at the licensed
28 facility was allowed to sleep on the floor, rather than in a crib
29 or playpen. Respondent caused or permitted such occurrence in
30 violation of LVMC 6.24.160 and 6.24.174.

31 7. On September 13, 1984, said infant sustained
32 several injuries, including multiple bruises and abrasions to the

1 head, face and neck, while sleeping on the floor. Respondent
2 caused or permitted said injuries to occur by failing to provide
3 adequate supervision of the infant and other children under her
4 care, in violation of LVMC 6.24.188 and 6.24.370.

5 8. On September 14, 1984, representatives of the
6 Department of Business Activity and the Metropolitan Police
7 Department visited Respondent's home to investigate allegations
8 of child abuse relating to the injuries sustained by the above-
9 mentioned infant on September 13, 1984. Conditions which were
10 found to exist on September 14, 1984, included the following:

11 A. Two toddlers for whom Respondent was caring were found
12 sleeping on a single twin-size bed without a sheet. Respondent
13 caused or permitted such condition to exist in violation of LVMC
14 6.24.160, 6.24.162 and 6.24.184.

15 B. An empty bleach bottle, a spray paint can and Lysol
16 spray cans were found in the kitchen and dining areas so as to be
17 accessible to children. Respondent caused or permitted such con-
18 dition to exist in violation of LVMC 6.24.270.

19 9. On October 24, 1984, the Child Welfare Board con-
20 sidered evidence relating to the above-referenced matters pur-
21 suant to LVMC 6.24.116. The Board found that Respondent had
22 violated the provisions of LVMC Chapter 6.24 as set forth herein
23 and voted to recommend to the City Council that Respondent's
24 license be revoked.

25 10. The acts and omissions set forth herein constitute
26 good cause for disciplinary action against Respondent's license
27 under the provisions of LVMC 6.02.330.

28 11. The acts and omissions of Respondent as set forth
29 herein also constitute grounds for disciplinary action under NRS
30 432A.190 in that they constitute violations of regulations
31 adopted under NRS Chapter 432A, "[c]onduct inimical to the public
32 health, morals, welfare and safety" and "[c]onduct or practice

1 detrimental to the health or safety of the occupants or employees
2 of the facility."

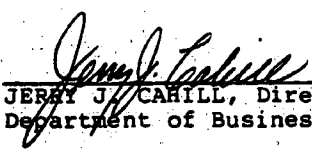
3 WHEREFORE, Petitioner respectfully requests the City
4 Council as follows:

5 1. To approve this Complaint and to order Respondent,
6 at a hearing before the Council or before a Hearing Examiner, to
7 show cause why disciplinary action should not be taken against
8 Respondent's license.

9 2. Following said hearing, to suspend, revoke or take
10 other appropriate disciplinary action against Respondent's
11 license.

12 3. To grant such other relief as the City Council
13 deems proper.

14 DATED this 28th day of November, 1984.

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17 JERRY J. CAHILL, Director
18 Department of Business Activity
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BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA

In the Matter of the Department)
of Business Activity, on behalf of)
the City of Las Vegas,)

Petitioner,)

v.)

ROSEMARY ROCHESTER,)

Respondent.)

ORDER TO SHOW CAUSE

TO: ROSEMARY ROCHESTER
4312 Nolan Lane
Las Vegas, Nevada 89107

Upon consideration of the Complaint for Disciplinary Action brought by the Department of Business Activity of the City of Las Vegas, Nevada, dated November 28, 1984, and attached hereto, the City Council of the City of Las Vegas, Nevada, at its regular meeting held on December 5, 1984, having found probable grounds for disciplinary action and having approved said Complaint, hereby orders you, namely ROSEMARY ROCHESTER, to appear before the City Council on the 2nd day of January, 1985, at the hour of 11:00 o'clock a.m., and show cause, if any you have, why your license to operate a family child care home at 4312 Nolan Lane, Las Vegas, Nevada, should not be subjected to disciplinary action. This order is made and entered pursuant to Title 6, Chapter 2, Sections 330 and 340; Title 6, Chapter 24, Sections 114 and 116; and Title 6, Chapter 88 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition.

Said City Council further orders that the City Attorney's Office of the City of Las Vegas, Nevada, give notice

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CITY COUNCIL MINUTES - DECEMBER 5, 1984

0084

1 of said hearing to ROSEMARY ROCHESTER in the form and manner
2 prescribed by Title 6, Chapter 88 of said Code.

3 DATED this ____ day of December, 1984.

4 CITY COUNCIL OF THE CITY OF
5 LAS VEGAS, NEVADA

6
7 By _____
8 WILLIAM H. BRIARE, Mayor

9 ATTEST:

10 _____
11 Carol Ann Hawley, City Clerk
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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 (cont.)

11:12 D. Lease Between the City of Las Vegas and Las
Vegas Indian Center Regarding the City's
Old Fire Station

Lurie -
APPROVED Lease
Unanimous

Staff to proceed

Richard Arnold,
P. O. Box 73,
Pahrump, Nevada
appeared to
represent the Las
Vegas Indian Center

11:16 to
2:05 E. Appeal by Joe Guski Tree Service of Litter
Abatement Notice and Order to Comply re:
2626 Russell Avenue

Levy -
Motion ordering
appellant Guski to
comply with Litter
Abatement Notice and
Order to Comply by
April 1, 1985 carried
unanimously with
Christensen excused.

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

Staff to proceed

Joe Guski; Atty.
Donald Haight;
Deputy City
Attorney Mark
Zalaoras; Lorne
Lompfrey, Fire
Investigator;
Larry Powell, Fire
Marshall; and Clay
Hymer, Dir., Bldg.
& Safety appeared.

3:05 to
3:52 F. Set date for Public Hearing on Establishment
of Zone for Economic Development

Lurie -
APPROVED Wednesday,
December 19, 1984,
2:00 P.M. as date
for Public Hearing.
Unanimous

12/19/84 Agenda
2:00 P.M.

Staff to proceed

NOTE: City Clerk to proceed
with Public Notice.

MORNING SESSION RECESSED AT 12:05 P.M.

City of Las Vegas

0086

AGENDA DOCUMENTATION

Date: November 28, 1984

TO:
The City CouncilFROM: *John Edward Roethel*
John Edward Roethel
Deputy City AttorneySUBJECT:Lease Between City of Las Vegas and Las Vegas Indian Center
Regarding Old Fire Station #3PURPOSE/BACKGROUND

At the City Council meeting on September 19, 1984, the Council approved the concept of leasing old Fire Station #3 on Bonanza Road near Rancho Road to the Las Vegas Indian Center and the Urban League. Subsequently, the Indian Center and the Urban League have met and the Urban League has concluded that there is not adequate space at old Fire Station #3 to accommodate the functions of both the Urban League and the Indian Center.

The attached Lease will effect the action of the City Council at its September 19, 1984, meeting to permit the Las Vegas Indian Center to utilize the improved portion of old Fire Station #3 in connection with the Indian Center's nonprofit activities.

FISCAL IMPACT

NONE

RECOMMENDATIONS

It is recommended that the City Council approve this Lease and authorize the Mayor to sign on behalf of the City of Las Vegas.

DISPOSITIONApproved ☐
Disapproved ☐
Held ☐

Status Due: _____

Agenda Item

V-D

LEASE

THIS LEASE is entered into this 5th day of December, 1984, between the City of Las Vegas, Nevada (hereinafter "City"), and the LAS VEGAS INDIAN CENTER, a nonprofit corporation (hereinafter "Center").

WHEREAS, City is the owner of certain real property commonly known as old Fire Station No. 3 and more specifically indicated on Exhibit "A" attached hereto and incorporated by reference herein; and

WHEREAS, Center desires to lease the improved portion of this property to assist the Center in furthering its nonprofit purpose; and

WHEREAS, City through its City Council deems it to be in the best interests of the City of Las Vegas and its citizens to support Center's plans and nonprofit purpose;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

I. DEMISE OF PREMISES

City leases to Center the improved portion of the property commonly known as old Fire Station No. 3 and more specifically that portion set out and outlined in dashed lines as shown on Exhibit "A" attached hereto and incorporated herein by reference thereto. Center shall only use the leased premises for activities related to its nonprofit purpose.

II. PAYMENT

Center agrees to pay City as rental for the leased premises the sum of One Dollar (\$1.00) per year, due and payable upon the execution of this Lease, and thereafter on each anniversary date of this Lease for each succeeding year until this Lease is terminated.

III. DURATION

This Lease shall continue from year to year until ter-

1 minated by either party, without cause, upon sixty days' written
2 notice to the other party.

3 IV. ASSIGNMENT AND SUBLEASE

4 Center hereby agrees not to assign or sublease any of
5 its rights or duties under this Lease nor sublet the premises or
6 any portion thereof, nor allow any other person to occupy or use
7 the premises without prior written permission of City. Any
8 assignment or sublease contrary to the provisions of this section
9 shall be null and void.

10 V. MAINTENANCE AND REPAIRS

11 Center agrees to be responsible for maintaining the
12 leased property, and all improvements thereon, in a safe and
13 satisfactory condition so as not to endanger the health, safety
14 and welfare of the public, and to be responsible for any and all
15 repairs necessary to the leased property. Center shall also pay
16 all utilities and any other costs or expenses incurred due to
17 Center's use of the leased premises.

18 VI. INDEMNITY AND INSURANCE

19 Center agrees, at its own expense and throughout the
20 term of this Lease, to indemnify, defend and hold harmless City,
21 its officers, agents and employees from any and all claims,
22 demands, actions, suits, proceedings, damages, judgments,
23 decrees, attorney fees, costs and expenses which City, its offi-
24 cers, agents or employees may suffer, or incur, or which may be
25 sought against, recovered from or obtainable from City, its offi-
26 cers, agents or employees as a result of, or by reason of, or
27 arising out of Center's use, misuse, occupancy or possession of
28 the leased property.

29 It is further agreed that Center shall procure and main-
30 tain general liability insurance in an amount and form acceptable
31 to City, covering both personal injury and property damage. City
32 shall be named as an additional party insured to this insurance.

1 A certificate of insurance shall be furnished City prior to the
2 commencement of this Lease evidencing that City is an additional
3 party insured thereunder. Said certificate of insurance, or
4 other contract document, must contain a clause to the effect that
5 cancellations, reductions or restrictions shall not be made until
6 thirty (30) days' written notice has been given to City. In the
7 event that any of the insurance coverage required hereunder is
8 cancelled, reduced or restricted, City reserves the right to ter-
9minate this Lease or to require additional insurance coverage.

10 VII. TERMINATION

11 In the event of termination of the Lease, either due to
12 breach or voluntarily pursuant to Paragraph III, all right, title
13 and interest in the premises reverts to City and City shall
14 receive all improvements made to the premises without necessity
15 of compensating Center therefor.

16 VIII. NOTICES

17 Any notice required under this Lease shall be sent to
18 the following addresses:

19 CITY: CITY OF LAS VEGAS
20 City Manager's Office
21 400 East Stewart Avenue
22 Las Vegas, Nevada 89101

23 CENTER: LAS VEGAS INDIAN CENTER
24 418 Hoover Avenue, Suite #1
25 Las Vegas, Nevada 89101

26 IN WITNESS WHEREOF, this Lease is hereby executed as of
27
28
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32

0090

1 the date first above set forth.

2 CITY OF LAS VEGAS, NEVADA,
3 a Municipal Corporation

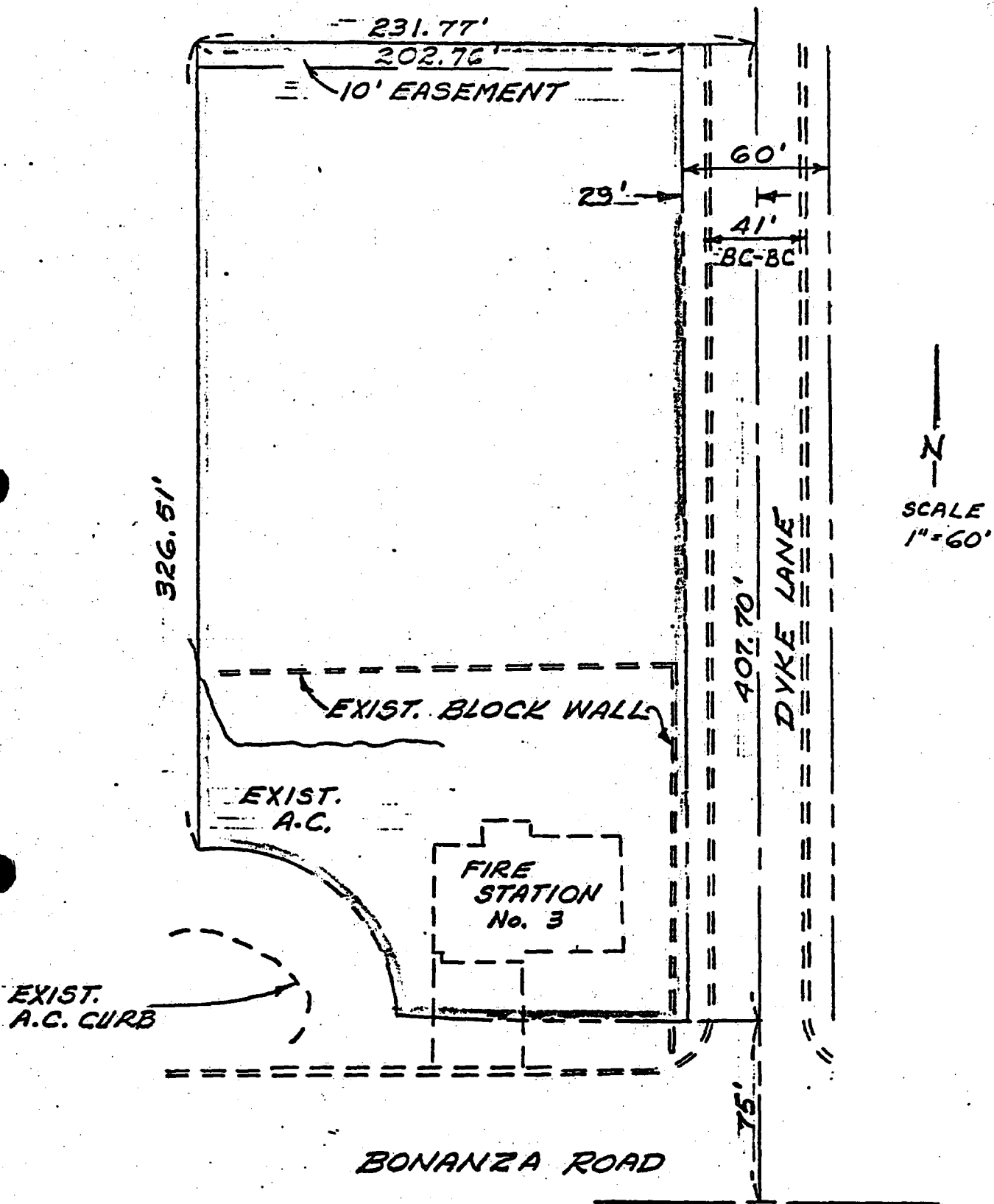
4
5 By: William H. Briare
6 WILLIAM H. BRIARE, Mayor

7 ATTEST:

8 Carol Ann Hawley
9 CAROL ANN HAWLEY, City Clerk

10 LAS VEGAS INDIAN CENTER

11 By: Richard W. Arnold
12 RICHARD ARNOLD, Director



V-D

AGENDA DOCUMENTATION

Date: Nov. 29, 1984

TO: The City Council	FROM: <i>[Signature]</i> CITY ATTORNEY
-------------------------	---

SUBJECT: Appeal by Joe Guski Tree Service of Litter Abatement Notice and Order to Comply re: 2626 Russell Avenue

PURPOSE/BACKGROUND

For the past several years, Joe Guski Tree Service has maintained on its property which is situate at 2626 Russell Avenue, without a permit, an accumulation of wood chips, shavings and trimmings which has now grown to approximately 120,000 cubic feet, in violation of Section 11.203(A) of the Uniform Fire Code which requires a permit to store in excess of 2,500 cubic feet of similarly combustible materials. Because of the fact that this accumulation of material is stored in an open enclosure makes it readily accessible to any of a number of sources of ignition and of its close proximity to adjacent apartment buildings and other structures, the Department of Fire Services has determined it to be a definite fire hazard, with a high probability of loss of life under certain atmospheric conditions.

Accordingly, the attached Litter Abatement Notice and Order To Comply was mailed to the Tree Service by the Department of Building and Safety on November 5, 1984, and the Tree Service has now appealed the Order and requested the City Council to rescind the same, pursuant to Section 9.12.090 of the City Code.

For your information, Mr. Guski was convicted in Department III of the Municipal Court on September 6, 1984, of the charge of storage of readily combustible materials without a valid permit and was fined \$350.00. This conviction is now under appeal to the District Court, and the trial on the appeal is set for December 21, 1984. Additionally, a trial on a similar charge is set in Department III of the Municipal Court for February 21, 1985.

FISCAL IMPACT

None

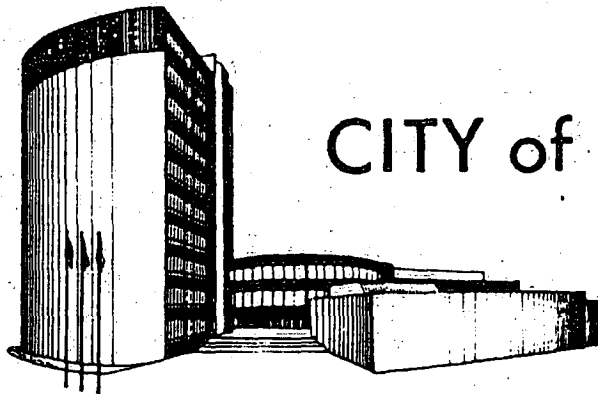
RECOMMENDATIONS

It is recommended that the City Council hold a hearing on the appeal of Joe Guski Tree Service to the Litter Abatement Notice and Order to Comply and take whatever action it deems to be appropriate as a result of that hearing.

Agenda Item

00093

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



CITY of LAS VEGAS

CERTIFIED MAIL
 RETURN RECEIPT REQUESTED

November 1, 1984

Joe Guski Tree Service
 2626 Russell Avenue
 Las Vegas, Nevada 89104

LITTER ABATEMENT NOTICE AND ORDER TO COMPLY

YOU ARE HEREBY NOTIFIED as owner of the property located at 2626 Russell Avenue, City of Las Vegas, that you are in violation of Las Vegas Municipal Code, Section 9.12.060 which requires that your premises be kept free of litter, (see Section 9.12.020, paragraph (F) defining nuisance litter), and Section 9.12.030, paragraph (A) Item No. 3 which requires that all compost piles, firewood, and stored materials shall not create a health or fire hazard. Further not only does the large deposit of wood shavings and chips constitute a violation of the City's Litter Abatement Code, but also it is deemed a threat to all adjoining properties and the occupants of those structures due to the nature and amount of combustible storage. It is conceivable that in the event of a fire burning brands would be transported by natural wind or fire storm conditions to adjoining structures and properties. You are hereby ordered to remove all of the combustible material from the aforementioned property not later than thirty (30) days from receipt of this letter.

Therefore, you are hereby ordered to correct this nuisance by removing the litter described as the large accumulation of wood shavings and chips at 2626 Russell Avenue within thirty (30) days from the date of this notice. If you do not remove the litter within that time, the City shall then direct a licensed contractor to remove the nuisance litter described above. As the property owner, you will be billed by the City for all costs incurred to correct this condition. Where the full amount due the City is not paid within sixty (60) days after the disposal of the litter, then a lien shall be recorded against the property. It shall remain in full force, plus any court costs for collection, until final payment has been made.

...continued...



CITY COUNCIL MINUTES - DECEMBER 5, 1984

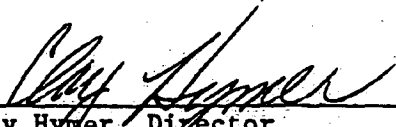
00094

Joe Guski Tree Service
November 1, 1984
Page 2

The provisions for the City's contractor are attached. Be advised, the contractor will collect all debris at this location and will not separate those items which you may consider useful or valuable. If you wish to salvage any items, remove and store them in an acceptable manner.

If you claim your property is not in the condition described, you have fifteen (15) days from the mailing of this Order to appeal in writing to the Board of City Commissioners for rescission or modification. Upon such a timely appeal the Order to Comply is stayed until hearing and decision by the Board. You will be given five (5) days notice of the date set for hearing.

Date and signed this 2nd day of November, 1984.


Clay Hymer, Director
Department of Building and Safety

Copies to: George Ogilvie
Dan Fitzpatrick
Bob Nolen
Larry Powell

CH:at

George Ogilvie 00095

LAW OFFICES

KEEFER, O'REILLY & HAIGHT

AN ASSOCIATION INCLUDING A PROFESSIONAL CORPORATION

SUITE ONE, NEVADA PROFESSIONAL CENTER

325 SOUTH MARYLAND PARKWAY

LAS VEGAS, NEVADA 89101

November 16, 1984

MILTON W. KEEFER
JOHN F. O'REILLY, P.C.
DONALD H. HAIGHT
MARK E. FERRARIO
WILLIAM A. ZEIGLER
VIRGINIA L. HUNT
DENNIS E. WAGNER
CHRISTOPHER W. VOISIN

TELEPHONE
AREA CODE 702
382-2660

HAND DELIVERED

Board of City Commissioners
City of Las Vegas
400 East Stewart Avenue
Las Vegas, Nevada 89101

Re: Joe Guski Tree Service/Litter Abatement
Notice

Dear Sir:

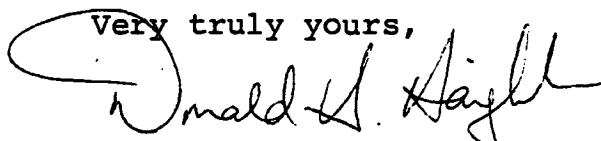
This office has been retained to represent Joe Guski Tree Service. Mr. Guski has forwarded to us your LITTER ABATEMENT NOTICE AND ORDER TO COMPLY, dated November 1, 1984, signed November 2, 1984 and mailed November 5, 1984.

Please hereby be advised that Joe Guski Tree Service appeals said Order of Abatement and requests rescission of the same.

Please notify this office of the date set for hearing.

Thank you for your anticipated courtesy and cooperation.

Very truly yours,

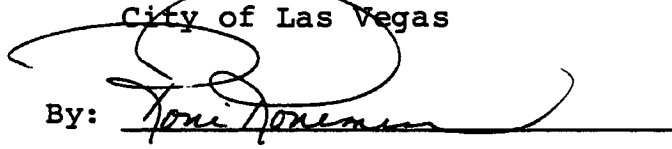


DONALD H. HAIGHT, ESQ.

DHH/pn

RECEIPT OF COPY of the foregoing letter is hereby acknowledged this 16 day of November, 1984.

BOARD OF CITY COMMISSIONERS
City of Las Vegas

By: 

cc: Joe Guski Tree Service

S 11/26/84

FORM 05071

LAS VEGAS FIRE DEPARTMENT
MISCELLANEOUS FIRE REPORTCHANGE ☐

FILL IN THIS REPORT IN YOUR OWN WORDS

PAGE 1 OF 1

INCIDENT NO.	EXP. NO.	MO	DAY	YEAR	1	2	3	4	5	6	7	TIME RECEIVED	TIME 10-97 FIRST UNIT	
00119115	+	01	17	812	(SUN)	MON	TUES	WED	THUR	FRI	SAT	018318	01843	
CORRECT ADDRESS												BATT	DISTRICT	PHAN.
2626 RUSSELL AVE.												01	215217	212

TYPE OF SITUATION FOUND (SEE REVERSE)

COMPOST FIRE

TYPE OF ACTION TAKEN

EXTINGUISHED SAME

☒ EXTINGUISH (1) ☐ INVESTIGATE (3) ☐ REMOVE HAZARD (4) ☐ STANDBY (5) ☐ SALVAGE (6) ☐ FILL IN, MOVE UP (8)

METHOD OF EXTINGUISHMENT

BOOSTER LINE

- | | |
|--|--|
| ☐ SELF-EXTINGUISHMENT (1) | ☒ PRECONNECTED LINE(S) SUPPLIED BY APPARATUS TANKS (5) |
| ☐ MAKE SHIFT AIDS (2) | ☐ PRECONNECTED LINE(S) SUPPLIED BY HYDRANT OR DRAFT (6) |
| ☐ PORTABLE EXTINGUISHER (3) | ☐ HAND-LAID LINES SUPPLIED BY HYDRANT OR DRAFT (7) |
| ☐ AUTOMATIC EXTINGUISHMENT SYSTEM (4) | ☐ MASTER STREAM APPLIANCES |

CHECK THE ONE (1) CATEGORY THAT WAS MOST SIGNIFICANT IN THE CONTROL OF THE FIRE (ENTER AT TOP)

ESTIMATED TOTAL DOLLAR LOSS	NO. INCIDENT RELATED:	INJURIES	FATALITIES
0000000000	FIRE SERVICE	000	000
	OTHERS	000	000

TIME FROM ALARM TO AGENT APPLICATION: (CHECK THE APPROPRIATE CATEGORY)

- | | |
|---|---|
| ☐ AGENT APPLIED BEFORE ALARM (1) | ☐ 20 TO 39 MINUTES (6) |
| ☐ LESS THAN 2 MINUTES (2) | ☐ 40 TO 60 MINUTES (7) |
| ☐ 2 TO 5 MINUTES (3) | ☐ OVER 1 HOUR (8) |
| ☒ 6 TO 9 MINUTES (4) | ☐ NO AGENT APPLICATION NECESSARY (9) |
| ☐ 10 TO 19 MINUTES (5) | ☐ UNDETERMINED |

IGNITION FACTOR (CHECK ONE CATEGORY)

INCENDIARY

SUSPICIOUS

- | | | |
|--|--|--|
| ☐ NOT DURING CIVIL DISTURBANCE (11) | ☐ NOT DURING CIVIL DISTURBANCE (21) | ☒ CHILDREN PLAYING WITH IGNITION SOURCE (36) |
| ☐ DURING CIVIL DISTURBANCE (12) | ☐ DURING CIVIL DISTURBANCE (22) | ☐ CHILDREN PLAYING WITH IGNITED MATERIAL (48) |
| ☐ OTHER KNOWN FACTOR (99) | | ☐ UNDETERMINED (00) |

VEHICLE	☐ AUTOMOBILE (11)	☐ TRAVEL TRAILER (15)	☐ PICK UP TRUCK (22)	☐ SEMI TRUCK (23)	☐ OTHER
	☐ MOTOR HOME (14)	☐ CAMP TRAILER (16)	☐ TRUCK (OVER 1 TON) (21)	☐ TRASH TRUCK (27)	(SEE MANUAL PG 48-49)

OWNER/DRIVER

ADDRESS

YEAR	MAKE	MODEL	SERIAL NO.	LICENSE NO.

AREA OF ORIGIN (CHECK ONE (1) APPROPRIATE CATEGORY)

- | | | |
|---|---|------------|
| ☐ PASSENGER AREA (81) | ☐ FUEL TANK, FUEL LINE (84) | OTHER AREA |
| ☐ TRUNK, LOAD CARRYING AREA (82) | ☐ OPERATING, CONTROL AREA (85) | (89) |
| ☐ ENGINE AREA, RUNNING GEAR, WHEEL AREA (83) | ☐ EXTERIOR SURFACE (86) | |

REPORTING CO	PLAT.	NO. OF LVFD PERSONNEL	NO. LVFD ENGINES	NO. LVFD AERIALS	NO. LVFD RESCUES	NO. OTHER LVFD EQUIPT.	MUTUAL AID
ENG 2	C	4	1	0	0	0	☐ REC'D ☐ GIVEN

REMARKS

THIS COMPOST PILE IS A POTENTIAL
HAZARD, AND A DRAWING CARD FOR
CHILDREN IN THE AREA.
(GUSKI TREE SERVICE)

MUTUAL AID EQUIP.

Exhibit B

0097

COUNCIL MINUTES - DECEMBER 5, 1984

10/31/83

C/O

C/O

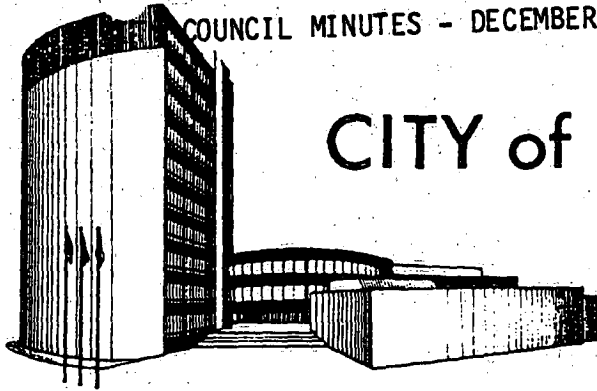
11/30/83

MAYOR BILL BRIARE

COMMISSIONERS
RON LURIE
PAUL J. CHRISTENSEN
ROY WOOFER
AL LEVY

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
RUSSELL DORN



CITY of LAS VEGAS

August 31, 1983

Joe Guski Tree Service
2626 Russell Avenue
Las Vegas, Nevada 89101

CERTIFIED MAIL - RRR

Attention: Joe Guski

Dear Sir:

Section 11.201(A) of the Uniform Fire Code makes it illegal to accumulate flammable waste material upon any vacant lot or open space when it endangers property or is liable to be fired.

Section 11.203(A) requires a Fire Department Permit to store in excess of 2,500 cubic feet gross volume of similarly combustible material.

With the increased buildup of adjacent apartments and other structures, I must ask you to reduce your accumulation of shavings or trimmings to below the 2,500 cubic foot level within 90 days from receipt of this letter.

Also, I must order you to not allow any more of your trucks (or anybody's trucks) to haul in this material for storage at your location.

Sincerely,

Ned W. Berker, Fire Marshal
Fire Prevention Bureau
DEPARTMENT OF FIRE SERVICES

NWB:pr

Enc.



Exhibit C

CITY COUNCIL MINUTES - DECEMBER 5, 1984
LAS VEGAS FIRE DEPARTMENT
MISCELLANEOUS FIRE REPORT

0098

FORM 05071

CHANGE ☒

FILL IN THIS REPORT IN YOUR OWN WORDS

PAGE 1 OF 1

INCIDENT NO. 1205198	EXP. NO. 1	MO. 12	DAY 17	YEAR 1984	(SUN) 1 st MON 2 nd TUES 3 rd WED 4 th THUR 5 th FRI 6 th SAT	TIME RECEIVED 6:32 PM	TIME 10-97 13:31	
CORRECT ADDRESS 2626 Russell						BATT 611	DISTRICT 252	PHAN. 712

TYPE OF SITUATION FOUND (SEE REVERSE)

TYPE OF ACTION TAKEN

☒ EXTINGUISH (1) ☐ INVESTIGATE (3) ☐ REMOVE HAZARD (4) ☐ STANDBY (5) ☐ SALVAGE (6) ☐ FILL IN, MOVE UP (8)

METHOD OF EXTINGUISHMENT

- ☐ SELF-EXTINGUISHMENT (1)
☐ MAKE SHIFT AIDS (2)
☐ PORTABLE EXTINGUISHER (3)
☐ AUTOMATIC EXTINGUISHMENT SYSTEM (4)

☒ PRECONNECTED LINE(S) SUPPLIED BY APPARATUS TANKS (5)
☐ PRECONNECTED LINE(S) SUPPLIED BY HYDRANT OR DRAFT (6)
☐ HAND-LAID LINES SUPPLIED BY HYDRANT OR DRAFT (7)
☐ MASTER STREAM APPLIANCES

CHECK THE ONE (1) CATEGORY THAT WAS MOST SIGNIFICANT IN THE CONTROL OF THE FIRE (ENTER AT TOP)

ESTIMATED TOTAL DOLLAR LOSS 	NO. INCIDENT RELATED: FIRE SERVICE OTHERS	INJURIES FIRE SERVICE OTHERS	FATALITIES OTHERS
---------------------------------	--	---	--------------------------------

TIME FROM ALARM TO AGENT APPLICATION: (CHECK THE APPROPRIATE CATEGORY)

- ☐ AGENT APPLIED BEFORE ALARM (1)
☐ LESS THAN 2 MINUTES (2)
☐ 2 TO 5 MINUTES (3)
☐ 6 TO 9 MINUTES (4)
☒ 10 TO 19 MINUTES (5)

☐ 20 TO 39 MINUTES (6)
☐ 40 TO 60 MINUTES (7)
☐ OVER 1 HOUR (8)
☐ NO AGENT APPLICATION NECESSARY (9)
☐ UNDETERMINED

IGNITION FACTOR (CHECK ONE CATEGORY)

- INCENDIARY

☐ NOT DURING CIVIL DISTURBANCE (11)
☐ DURING CIVIL DISTURBANCE (12)
☐ OTHER KNOWN FACTOR (99)

SUSPICIOUS

☒ NOT DURING CIVIL DISTURBANCE (21)
☐ DURING CIVIL DISTURBANCE (22)
☐ UNDERTERMINED (00)

☐ CHILDREN PLAYING WITH IGNITION SOURCE (36)
☐ CHILDREN PLAYING WITH IGNITED MATERIAL (48)

VEHICLE	☐ AUTOMOBILE (11) ☐ MOTOR HOME (14)	☐ TRAVEL TRAILER (15) ☐ CAMP TRAILER (16)	☐ PICK UP TRUCK (22) ☐ TRUCK (OVER 1 TON) (21)	☐ SEMI TRUCK (23) ☐ TRASH TRUCK (27)	☐ OTHER _____ (SEE MANUAL PG 48-49)
---------	--	--	---	---	---

OWNER/DRIVER	ADDRESS
--------------	---------

YEAR	MAKE	MODEL	SERIAL NO.	LICENSE NO.
------	------	-------	------------	-------------

AREA OF ORIGIN (CHECK ONE (1) APPROPRIATE CATEGORY)

- ☐ PASSENGER AREA (81)
☐ TRUNK, LOAD CARRYING AREA (82)
☐ ENGINE AREA, RUNNING GEAR, WHEEL AREA (83)

☐ FUEL TANK, FUEL LINE (84)
☐ OPERATING, CONTROL AREA (85)
☐ EXTERIOR SURFACE (86)

OTHER AREA _____ (89)

REPORTING CO. ENG 40	PLAT. A	NO. OF LVFD PERSONNEL 4	NO. LVFD ENGINES 1	NO. LVFD AERIALS	NO. LVFD RESCUES	NO. OTHER LVFD EQUIPT.	MUTUAL AID ☐ REC'D ☐ GIVEN
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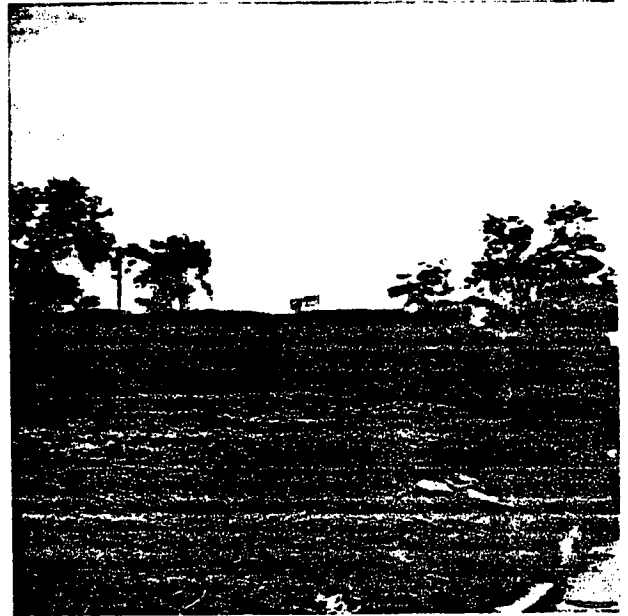
REMARKS

SMALL TRASH FIRE

MUTUAL AID EQUIP.



0930 - 8-16-84 D-1
2626 Russell Ave



D-2
0930 - 8-16-84
2626 Russell Ave



D-3
0930 - 8-16-84
2626 Russell Ave



D-4
0930 - 8-16-84

0100



0920 - 8-16-84 D-5
2626 Russell Ave



0930 - 8-16-84 D-6
2626 Russell Ave

CITY COUNCIL MINUTES - DECEMBER 5, 1984

Exhibit E-1

City of Las Vegas
vs.
JOE GUSKI
Defendant

IN THE MUNICIPAL COURT OF THE CITY OF LAS VEGAS, NEVADA
Plaintiff

CASE NO. **C 335541**

CHARGES: CITATION: 1.)
CRIMINAL: 2.) **STOR. OF COMBUS MAT W/O PERMIT**
CITY ORD. **UNIFORM FIRE CODE 1982 EDITION**
#3058 **SECTIONS 4.101 and 11.203 (a)**

BOND / BAIL: **DATE: 12-14-84**

0101

ATTORNEY **Don Haight** **PROCEEDINGS**

Now on the **1-12**, 19 **84**, the above defendant came before the Court for Arraignment:

The Defendant: () Present () Not Present () Presence Waived () Represented by Counsel () Waived Counsel

The Defendant then entered a plea of: CITATION: 1.) () Guilty () Not Guilty () Not Contendere () Complaint Dismissed

CRIMINAL: 2.) () Guilty () Not Guilty () Not Contendere () Complaint Dismissed

1-25, 19 **84**: () Pre-Trial () Change of Plea to () Maintained Not Guilty Plea () Submitted on Record

Further proceedings were thereafter set / the matter was continued:

From:	To:	Days:	Time:	Clk:	From:	To:	Days:	Time:	Clk:
1-25	1-25	1	10	1A					
1-25	1-25	1	10	1A					
1-25	1-25	1	10	1A					
1-25	1-25	1	10	1A					
1-25	1-25	1	10	1A					
1-25	1-25	1	10	1A					
1-25	1-25	1	10	1A					
1-25	1-25	1	10	1A					
1-25	1-25	1	10	1A					
1-25	1-25	1	10	1A					

() Found in Contempt of Court on _____, 19 _____, for _____ and sentenced to a fine of _____ or _____ by Judge _____

() Complaint was amended on _____, 19 _____, to: _____ Stat./Ord. _____

JUDGMENT

TRAFFIC CITATION: 1.) On _____, 19 _____, the Defendant, _____, being () Present () Not Present - Presence Waived () Represented by Counsel () Having waived Counsel, and having on _____, 19 _____, entered a plea of: () Guilty () Not Guilty () Not Contendere () To the Charge/Amended Charge of _____, the following findings, adjudications, and prior proceedings as shown, are hereby entered: () Guilty () Not Guilty/Complaint Dismissed () Other: _____

SENTENCED on _____, 19 _____, to a fine of: _____ and/or PLUS \$10 ADMINISTRATIVE ASSESSMENT () Credit for time served

CRIMINAL/PTA: 2.) On _____, 19 _____, the Defendant, _____, being () Present () Not Present - Presence Waived () Represented by Counsel () Having waived Counsel, and having on _____, 19 _____, entered a plea of: () Guilty () Not Guilty () Not Contendere () To the Charge/Amended Charge of _____, the following findings, adjudications, and prior proceedings as shown, are hereby entered: () Guilty () Not Guilty/Complaint Dismissed () Other: _____

SENTENCED on **4/16**, 19 **84**, to a fine of: **350** and/or PLUS \$10 ADMINISTRATIVE ASSESSMENT () Credit for time served

() Motion of Appeal filed **9-14**, 19 **84**, on **Appeal** Charge(s). Appeal Bond **500** cash

The undersigned does hereby certify that the foregoing is the true and correct docket and proceedings of the above captioned Court.

Disposition of Appeal: _____

Clerk: **Coch**

App. Dism. _____
Comp. Dism. _____
Fined _____
Sentenced _____
Fine Pld. _____
Ref. Ck. _____
Warrant Issued _____

Judge: _____ Dept. **100**

PAYMENT RECORD

I HEREBY CERTIFY that this is a full, true and correct copy of the Proceeding sheet on Complaint made and entered on the above entitled action.

Susan Jenkins
MUNICIPAL COURT CLERK

IN THE MUNICIPAL COURT OF THE CITY OF LAS VEGAS
IN THE COUNTY OF CLARK, STATE OF NEVADA

COMPLAINT-CRIMINAL

CITY OF LAS VEGAS, NEVADA

Plaintiff

vs.

JOE GUSKI

Defendant

CASE NO. _____

VIOLATION:

Las Vegas Municipal Code Ordinance No. 3058

Title _____ Chapter _____ Section _____

NEVADA REVISED STATUTES

Uniform Fire Code 1982 Edition,

Sections 4.101 and 11.203(a)

GEORGE P. OGLIVIE, JR.

City Attorney

Attorney for Defendant

COMPLAINT

Personally appeared before me this 21st day of December A.D., 19 83NED BARKER

who first being duly sworn, complains and says: That within his knowledge, information and belief, on the 19th day of December A.D., 19 83, or thereabouts and before the filing of this complaint, and within the City of Las Vegas, in the County of Clark, State of Nevada, a misdemeanor, to-wit:

STORAGE OF READILY COMBUSTIBLE MATERIALS WITHOUT VALID PERMIT

was committed by said defendant, who did wilfully and unlawfully

at 2626 Russel Avenue, store in excess of 2,500 cubic feet gross volume of combustible materials without first obtaining a permit from the Bureau of Fire Prevention of the City of Las Vegas,

all of which is contrary to the form, force and effect of Title _____, Chapter _____, Section _____ of the Las Vegas Municipal Code, Ordinance No. 3058, and against the peace and dignity of the City of Las Vegas.

Uniform Fire Code 1982 Edition, Sections 4.101 and 11.203(a)

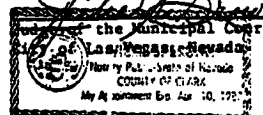
Said complainant therefore prays that a warrant may be issued for the arrest of said defendant, and that he may be dealt with according to law.

Ned W. Barker

COMPLAINANT

Subscribed and sworn to before me this 21st day of December A.D., 19 83

I HEREBY CERTIFY that this is a full,
true and correct copy of the
Complaint made and entered
on the above entitled action.

Susan Jackson
MUNICIPAL COURT CLERK

0103

9.12.020

9.08.250 Violation—Penalty. Any person, firm or corporation violating any of the provisions of Sections 9.08.050, 9.08.060, and 9.08.070, of this Chapter shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than one thousand dollars and/or imprisonment in the City Jail for not less than thirty days or more than six months. Every day of such violation shall constitute a separate offense.
(Ord. 1876 § 2, 1977; Ord. 1256 § 3, 1966; prior code § 8-3-20)

Chapter 9.12

LITTER

Sections:

- 9.12.010 Findings—Purpose.
- 9.12.020 Definitions.
- 9.12.030 Compost piles, firewood and stored materials.
- 9.12.040 Declaration of nuisance.
- 9.12.050 Litter on private property.
- 9.12.060 Owner to maintain premises free of litter.
- 9.12.070 Litter in public places.
- 9.12.080 Noncompliance with regulations—Order to comply.
- 9.12.090 Noncompliance with regulations—Right of appeal by owner.
- 9.12.100 Noncompliance with regulations—Failure to comply with notice.
- 9.12.110 Violation—Penalty.

9.12.010 Findings—Purpose. Whereas the daily volume of litter carelessly deposited in the City has reached alarming proportions; the heedless avalanche of paper, wrappings, bottles, cans and waste of every conceivable kind is a cause of civic disgrace; litter is unsightly, dirty and offensive; it is a fire, health and safety hazard; litter has a deleterious effect on property values; it destroys community pride and makes the City a less desirable place in which to live; combating litter is a costly waste of men, money and material, it is the purpose of this chapter to bring about a public awareness of the problem and to effect a litter control program.
(Ord. 1876 § 1 (part), 1977; prior code § 8-3A-1)

9.12.020 Definitions. In the construction of this Chapter, the following definitions shall be observed unless the context clearly requires otherwise:

9.12.030

0104

(A) "Garbage" means refuse, animal and vegetable matter from a kitchen, market, store, or any source, including every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits or vegetables, and all foul, noisome and filthy substances.

(B) "Litter" means garbage, refuse or rubbish as defined in this Section and all other waste material which, if thrown or deposited as herein prohibited, is unsightly, dirty or offensive or tends to create a fire hazard or danger to public health, safety or welfare.

(C) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

(D) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

(E) "Refuse" means all solid and liquid wastes including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, dismantled vehicles, parts of dismantled and abandoned vehicles, and commercial and industrial wastes.

(F) "Rubbish" means all old metal, wood, paper, glass or synthetic containers, old metal, wire, rope, cordage, rubber and nonserviceable tires, paper, wood shavings, and all unusable or nonserviceable materials, including, but not limited to, old plaster, brick, cement, glass, old building materials, leaves, yard trimmings, weeds and similar matter.

(Ord. 2113 § 1 (part), 1980: Ord. 1876 § 1 (part), 1977: prior code § 8-3A-2 (A-F))

9.12.030 Compost piles, firewood and stored materials.

(A) Nothing in this Chapter shall be so construed as to prevent persons from creating and maintaining a compost pile as permitted by Health Department regulations, to accumulate and store firewood if there is a fireplace on the premises, to store serviceable vehicular parts for owned vehicles and to store useable materials for use on the property, provided such parts and materials are not stored in quantities or locations prohibited by any other provision of this Code. All such compost, firewood and stored materials shall not:

- (1) Be visible from the street;
- (2) Constitute a public nuisance or nuisance to neighbors;
- (3) Create a health or fire hazard; or
- (4) Be stored in the front or side yards.

(B) Storage in the back yard shall be permitted if the yard is enclosed by a six-foot high opaque fence; however, if the abutting property is

9.12.090

undeveloped. the opaque fencing shall not be required until the adjacent property is developed.

(Ord. 2113 § 1 (part), 1980: Ord. 1876 § 1 (part), 1977: prior code § 8-3A-2 (G))

9.12.040 Declaration of nuisance. Litter, as defined in Section 9.12.020, and for the purpose of this Chapter, is a nuisance.
(Ord. 1876 § 1 (part), 1977: prior code § 8-3A-3)

9.12.050 Litter on private property. No person shall throw or deposit litter on any private property within the City, whether owned by such person or not, except in receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
(Ord. 1876 § 1 (part), 1977: prior code § 8-3A-4)

9.12.060 Owner to maintain premises free of litter. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this Section shall not prohibit the storage of litter in suitable receptacles for collection.
(Ord. 1876 § 1 (part), 1977: prior code § 8-3A-5)

9.12.070 Litter in public places. No person shall throw or deposit, or cause to be thrown or deposited, in or upon any street, sidewalk or other public place within the City any litter.
(Ord. 1876 § 1 (part), 1977: prior code § 8-3A-6)

9.12.080 Noncompliance with regulations—Order to comply. Upon determination by the Director of Public Services that private property is maintained or allowed to remain in violation of this Chapter, the Director may issue an order to correct the offending condition. Such order shall be served upon the owner of the property, as shown by the Clark County Assessor's records, by mailing a copy of the order by certified mail, return receipt requested, to the address of the owner as shown by the records of the Clark County Assessor. The order shall describe the offending condition and request correction or compliance within thirty days from the date of the mailing of the notice.
(Ord. 1876 § 1 (part), 1977: prior code § 8-3A-7(A))

9.12.090 Noncompliance with regulations—Right of appeal by owner. Any owner who may claim that his property is not in the condition described

9.12.100

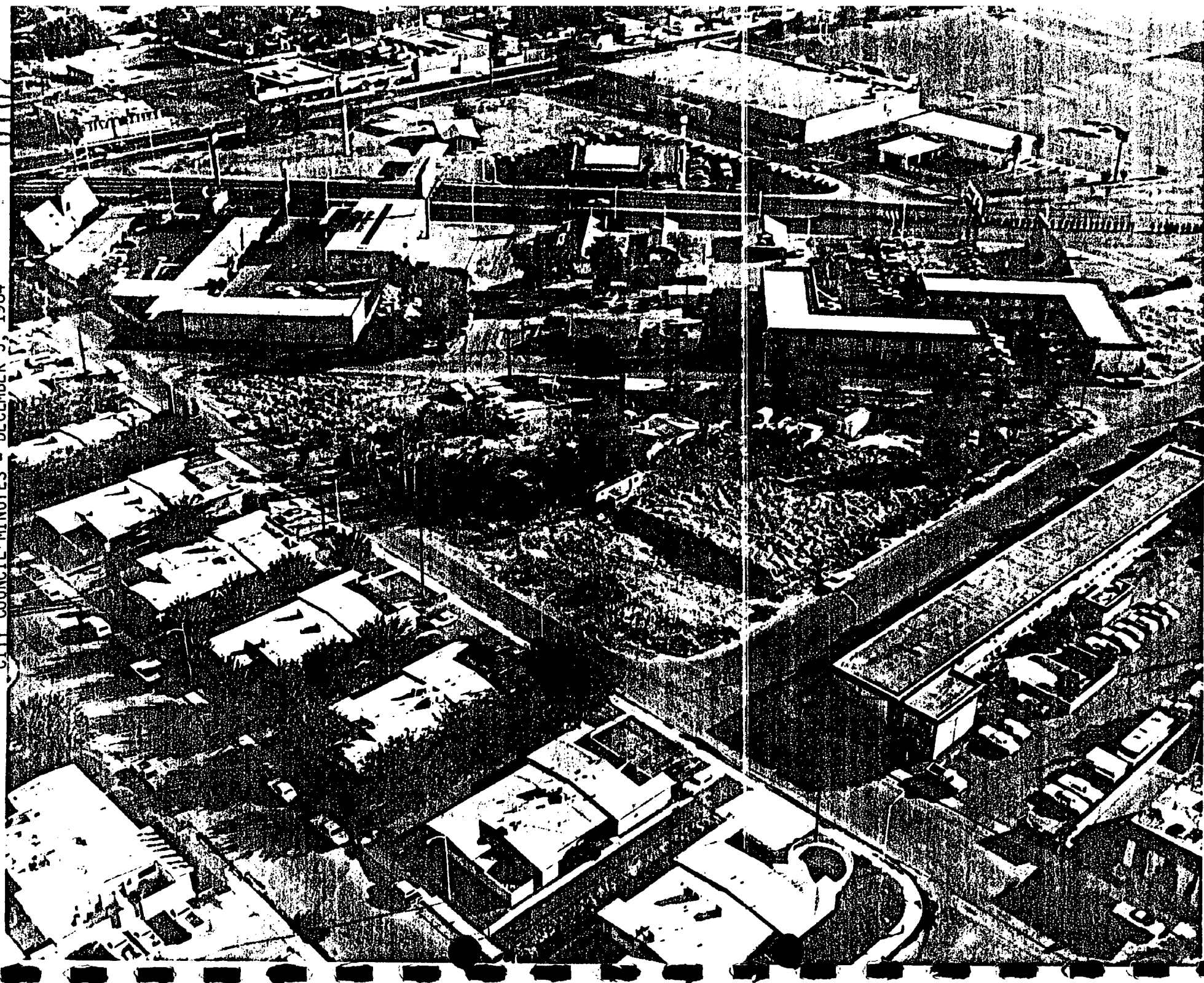
in Section 9.12.080 and that he is not subject to such order may, within fifteen days after the order has been mailed, apply in writing to the Board of Commissioners for an order rescinding such order. Upon application being made, the order to comply shall be stayed pending a decision by the Board. The Board shall forthwith order a hearing on the appeal, of which at least five days' notice shall be given to the owner and, after the hearing, shall either rescind, modify or affirm the order of compliance.
(Ord. 1876 § 1 (part), 1977: prior code § 8-3A-7(B))

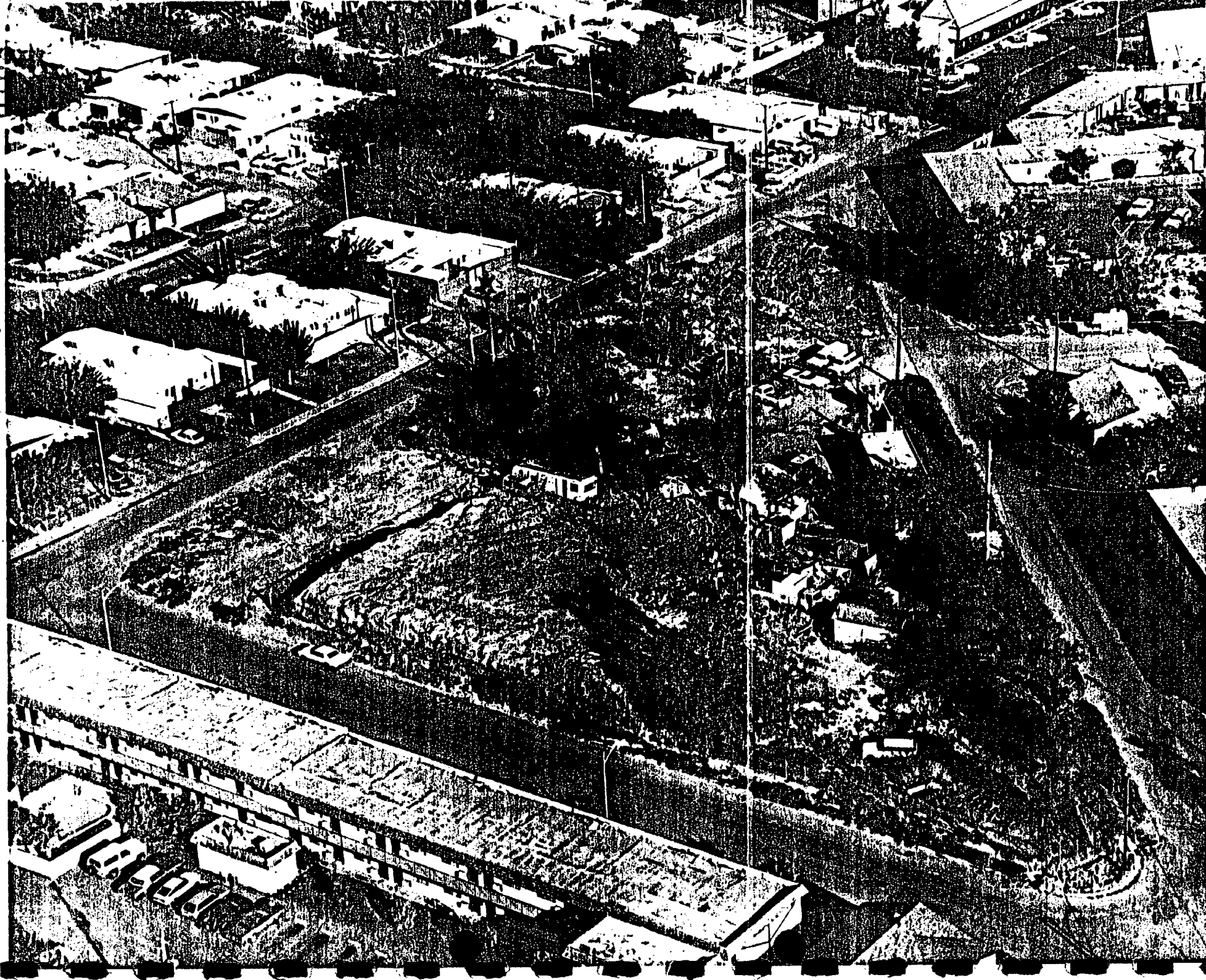
9.12.100 Noncompliance with regulations—Failure to comply with notice. In the event the owner fails to comply with the order and correct the conditions specified therein, the Director of Public Services is authorized and empowered to cause or employ City personnel and equipment or other persons and equipment to enter upon the premises and correct the offending condition. The actual costs thereof shall be charged against the owner. Where the full amount due the City is not paid by such owner within sixty days after the disposal of such litter, as provided for in Sections 9.12.080 and 9.12.090, then, and in that case, the Director of Public Services shall cause to be recorded in the office of the County Recorder a sworn statement by the Director of Public Services showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, accrued at the rate of six percent per year, plus costs of court, if any, for collection, until final payment has been made.

(Ord. 1876 § 1 (part), 1977: prior code § 8-3A-7(C))

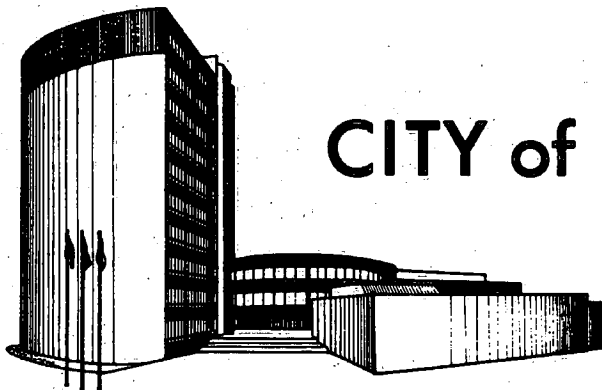
9.12.110 Violation—Penalty. Any person violating any of the provisions of Sections 9.12.050, 9.12.060 and 9.12.070 of this Chapter shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than five hundred dollars and/or imprisonment in the City Jail for not less than thirty days or more than six months. Every day of such violation constitutes a separate offense.

(Ord. 1876 § 1 (part), 1977: prior code § 8-3A-8)





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

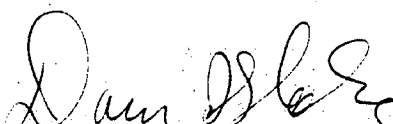


CITY of LAS VEGAS

December 4, 1984

TO WHOM IT MAY CONCERN:

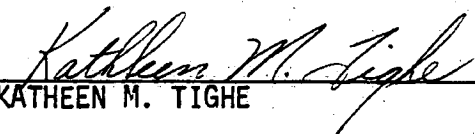
I hereby certify that I took the attached aerial photographs of the property located between Russell, Euclid, and Olive streets, formally known as 2626 Russell Avenue, on October 9, 1984, and that the attached have not been retouched.


DONN BLAKE, SPECIAL PROJECTS COORDINATOR
CITY OF LAS VEGAS

4 DECEMBER 1984
(Date)

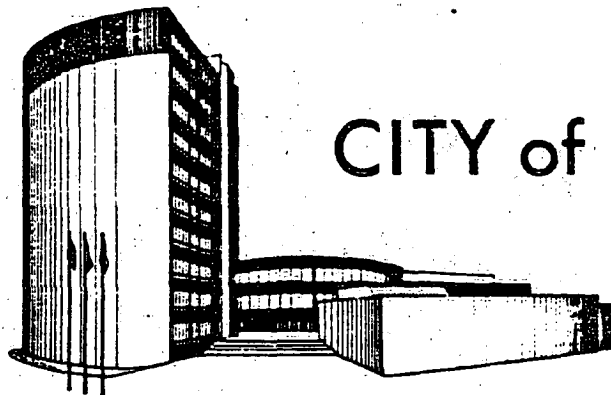
Subscribed and sworn before me this 4th day of December, 1984.




KATHLEEN M. TIGHE



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



CITY of LAS VEGAS

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 1, 1984

Joe Guski Tree Service
2626 Russell Avenue
Las Vegas, Nevada 89104

LITTER ABATEMENT NOTICE AND ORDER TO COMPLY

YOU ARE HEREBY NOTIFIED as owner of the property located at 2626 Russell Avenue, City of Las Vegas, that you are in violation of Las Vegas Municipal Code, Section 9.12.060 which requires that your premises be kept free of litter, (see Section 9.12.020, paragraph (F) defining nuisance litter), and Section 9.12.030, paragraph (A) Item No. 3 which requires that all compost piles, firewood, and stored materials shall not create a health or fire hazard. Further not only does the large deposit of wood shavings and chips constitute a violation of the City's Litter Abatement Code, but also it is deemed a threat to all adjoining properties and the occupants of those structures due to the nature and amount of combustible storage. It is conceivable that in the event of a fire burning brands would be transported by natural wind or fire storm conditions to adjoining structures and properties. You are hereby ordered to remove all of the combustible material from the aforementioned property not later than thirty (30) days from receipt of this letter.

Therefore, you are hereby ordered to correct this nuisance by removing the litter described as the large accumulation of wood shavings and chips at 2626 Russell Avenue within thirty (30) days from the date of this notice. If you do not remove the litter within that time, the City shall then direct a licensed contractor to remove the nuisance litter described above. As the property owner, you will be billed by the City for all costs incurred to correct this condition. Where the full amount due the City is not paid within sixty (60) days after the disposal of the litter, then a lien shall be recorded against the property. It shall remain in full force, plus any court costs for collection, until final payment has been made.

...continued...



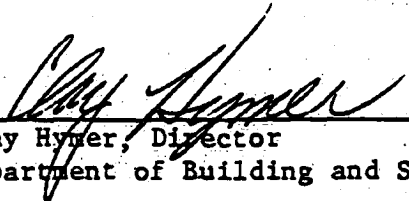
0111

Joe Guski Tree Service
November 1, 1984
Page 2

The provisions for the City's contractor are attached. Be advised, the contractor will collect all debris at this location and will not separate those items which you may consider useful or valuable. If you wish to salvage any items, remove and store them in an acceptable manner.

If you claim your property is not in the condition described, you have fifteen (15) days from the mailing of this Order to appeal in writing to the Board of City Commissioners for rescission or modification. Upon such a timely appeal the Order to Comply is stayed until hearing and decision by the Board. You will be given five (5) days notice of the date set for hearing.

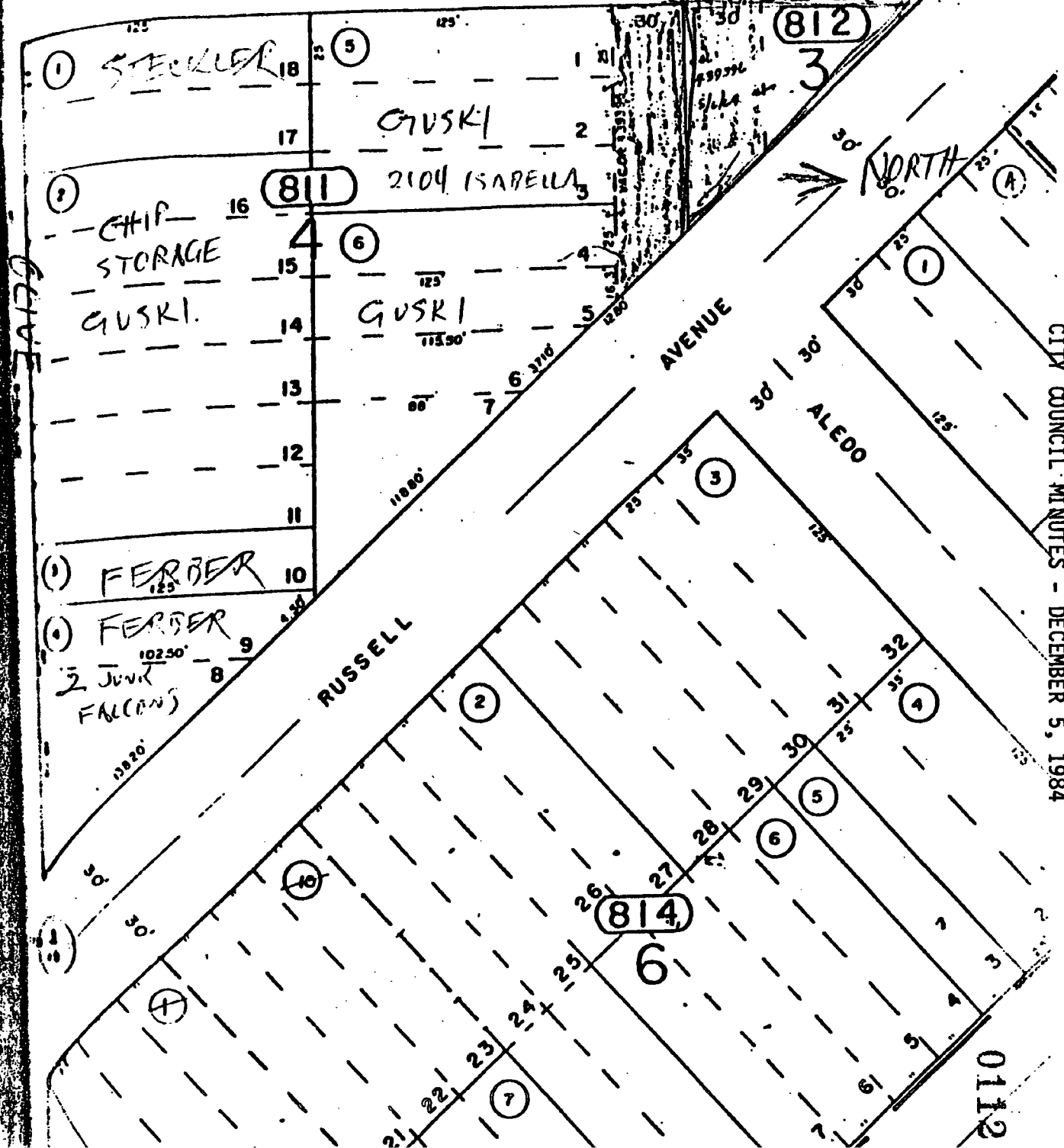
Date and signed this 2nd day of November, 1984.


Clay Hymer, Director
Department of Building and Safety

Copies to: George Ogilvie
Dan Fitzpatrick
Bob Nolen
Larry Powell

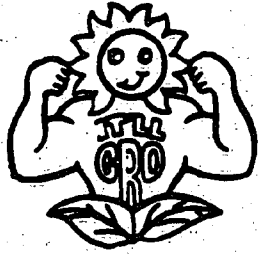
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EUCLID



CITY COUNCIL MINUTES - DECEMBER 5, 1984

0112



LANDSCAPE SUPPLY, INC.

512 N. Parkson Road
Henderson, NV 89015
(702) 564-7645



0113

November 19, 1984

Guski Tree Service
2626 Russell Avenue
Las Vegas, Nevada 89104

Dear Joe:

As we previously discussed about purchasing your entire chip pile, I would need approximately up to and not over six months to dispose of them into mulch. I have a large order for topsoil which I will incorporate this material into.

Please advise me if you can meet these terms.

Thank you for your cooperation.

Sincerely,

Bernard E. Schwab
President
Landscape Supply Inc.

endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property. When total removal of growth from a piece of property is impractical due to size or to environmental factors, approved fuel breaks may be established between the land and the endangered property. The width of the fuel break shall be determined by height, type and amount of growth, wind conditions, geographical conditions and type of exposures threatened.

(b) All combustible rubbish, oily rags or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight-fitting covers or in rooms or vaults constructed of noncombustible materials.

(c) It shall be unlawful to accumulate or store combustible waste matter beneath trailers or at any other place within an auto and trailer camp.

(d) Commercial dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of combustible walls, openings or combustible roof eave lines.

EXCEPTION: Areas containing dumpsters or containers protected by an approved automatic sprinkler system.

Handling of Readily Combustible Materials

Sec. 11.202. The person responsible for an occupancy that manufactures, uses, stores or handles any combustible waste matter such as shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other similar combustible materials which create a fire hazard shall cause all such material to be removed from the building at least once each working day.

EXCEPTIONS: 1. When such material is completely baled and stacked in an orderly manner in an approved location so as not to create a fire hazard.

2. When such material is stored in approved vaults or in metal or metal-lined, covered receptacles or bins.

3. The chief may require such material to be removed more than once each working day when a fire hazard is created.

The chief may require baling presses to be installed or other approved methods to ensure that such materials do not create a hazard or menace of fire.

Storage of Readily Combustible Materials

Sec. 11.203. (a) Permit Required. No person shall store in excess of 2500 cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, or rubber or cork, or other similarly combustible material without a permit.

(b) **Storage Requirements.** Storage in buildings shall be orderly, shall be more than 2 feet from the ceiling, and shall be so located as not to endanger exit from the building. Refer to Article 81 for high-piled stock.

Storage in the open shall not exceed 20 feet in height, shall be so located as not to constitute a hazard to adjacent buildings or property and shall be compact and orderly. Such storage is prohibited within 3 feet of any property line and shall not exceed 6 feet in height when within 10 feet of such property line, except where no hazard or menace of fire to adjoining property is created thereby.

(c) **Equipment Rooms.** Boiler rooms, mechanical rooms and electrical panel rooms shall not be used for the storage of combustible merchandise, material or equipment.

Flammable Decorative Materials

Sec. 11.204. Cotton batting, either natural, artificial or manufactured, straw, dry vines, leaves, trees or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of commercial, industrial or institutional occupancies unless made flame retardant, provided, however, that nothing in this section shall be held to prohibit the display of salable goods permitted and offered for sale. Electric light bulbs in such occupancies shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flame retardant.

Use of Open Flame or Light Restricted

Sec. 11.205. (a) A person shall not take an open flame or light into any building, barn, vessel, boat or any other place where highly flammable, combustible or explosive material is kept, unless such light or flame shall be well secured in a glass globe, wire mesh cage or similar approved device.

(b) Heating or lighting apparatus or equipment capable of igniting flammable materials of the types stored or handled shall not be used in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work areas of any establishment used for the upholstering of furniture.

Combustible Materials Beneath Structures

Sec. 11.206. Persons having charge or control over any structure, pier or wharf shall not allow the deposit of combustible materials beneath the structure, pier or wharf or permit any accumulation of combustible debris or rubbish to remain on land beneath such structure, pier or wharf.

Combustible Storage in Attic Spaces

Sec. 11.207. Combustible materials shall not be stored in attic areas or similar spaces.

EXCEPTION: When walls, floor and ceiling forming the storage area are protected on the attic room side as required for one-hour fire-resistive construction.

Parade Floats

Sec. 11.208. (a) For permits to operate a parade float, see Section 4.101.

(b) All decorative materials shall be fire resistive or flame retardant.

(c) All motorized apparatus shall be provided with an approved portable fire extinguisher of at least 2-A, 10-B:C rating readily accessible to the operator.

Atrium Furnishings

Sec. 11.209. (a) Areas in atriums that are more than 20 feet below ceiling-mounted sprinklers shall be limited as to the amount of combustible furnishings and decorative materials to not more than 1 pound per square foot. Such combus-

City of Las Vegas

AGENDA DOCUMENTATION

Date November 28, 1984 0115

TO: The City Council

FROM: *John Edward Roethel*
John Edward Roethel
Deputy City Attorney

SUBJECT:

Set Date for Public Hearing on Establishment of Zone for Economic Development

PURPOSE/BACKGROUND

In connection with the process necessary for adopting Bill No. 84-63 designating a zone for economic development, it is necessary for the City Council to hold a public hearing as required by NRS 274.160. This agenda item provides the vehicle for setting the date for the public hearing.

FISCAL IMPACT

NONE

RECOMMENDATIONS

It is recommended that the public hearing be held on December 19, 1984, at 2:00 p.m.

DISPOSITION

Approved ☐
Disapproved ☐
Held ☐

Status Due: _____

Agenda Item

V-F

TRANSCRIPT - CITY COUNCIL MEETING - DECEMBER 5, 1984 - 10:00 A.M. - PAGE 1
V. GEORGE F. OGILVIE - CITY ATTORNEY. ITEM E. APPEAL BY JOE GUSKI TREE SERVICE OF 0116
LITTER ABATEMENT NOTICE AND ORDER TO COMPLY RE: 2626 RUSSELL AVENUE.

CITY ATTORNEY OGILVIE:

Item E is an Appeal by Guski Tree Service from an order to remove approximately 120,000 cubic feet of wood shavings, chips and trimmings from a property located at 2626 Russell Avenue. Pursuant to the Code on Abatement of Litter, the people who are ordered to abate litter are entitled to appeal before the City Council of that Order and this is before you on the appeal today. Mr. Zalaoras of my office will be handling the City's case, but before he begins, I'd like to advise the Council of a development that I just became aware of a few moments ago. This is a letter from the Landscape Supply, Incorporated, in Henderson to Guski Tree Service dated November 19, 1984. "Dear Joe: As previously discussed about purchasing your entire chip pile, I need approximately up to and not over six months to dispose of them into mulch. I have a large order of topsoil which I will incorporate into this material. Please advise me if you can meet these terms. Thank you for your cooperation." I think the Board should be aware of that letter before we proceed with the hearing. If we could, I would like to have the City's case put on first, Mr. Zalaoras, and if, Miss Clerk, if we could have the witnesses sworn as they appear.

MAYOR BRIARE:

So, Mr. Ogilvie, now is the time we have set to hear this. Would you gentlemen be seated then.

CITY ATTORNEY OGILVIE:

As the witnesses come up, they can be sworn in. Mr. Zalaoras will be handling the case for the City.

DEP. CITY ATTORNEY
ZALAORAS:

Thank you, Mr. Ogilvie. My name is Mark Zalaoras. I'm a Deputy City Attorney for the City of Las Vegas. What I wish to do is call two witnesses, one being Larry Powell, Fire Marshall for the City of Las Vegas; the other Clay Hymer, who is the Director of Building and Safety for the City of Las Vegas, to establish the situation at 2626 Russell Avenue. I'd ask Mr. Powell if he'd come forward, please.

MAYOR BRIARE:

Mr. Ogilvie, are the questions that are going to be asked by your deputy, are they subject to immediate cross-examination, or does that come later in a hearing?

CITY ATTORNEY OGILVIE:

While Mr. Powell would be up here, Mr. Haight would be able to cross-examine Mr. Powell.

MAYOR BRIARE:

Fine. Let's have your name, Counselor.

ATTY. DONALD HAIGHT:

Your Honor, my name is Donald Haight. My office address is 325 South Maryland Parkway, Las Vegas, 89101. I'm employed by John F. O'Reilly, Esquire, professional corporation, and we are the attorneys for Mr. Guski.

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ATTY. DONALD HAIGHT:

I hate to interrupt at this point, but I may be able to save the Council some time. It is our position that we are willing to remove the pile. The order has given us a thirty day time limit to do that. What we are asking of the Council today is a modification of that order allowing Mr. Guski six months to remove the pile.

COUNCILMAN LEVY:

What's stopping him from putting another pile there as soon as he gets that one down? I think that is what I'm more worried about, sir. I'm worried of the fact the man has been illegal and I don't think he has accepted that.

COUNCILMAN NOLEN:

I would also like to say for the record, I am opposed to any extension or continuance. The ordinance says "thirty days." We have given him thirty days. He has been cited. He has been asked numerous times to take care of this problem and there has been no effort and the pile gets bigger, so I think we should proceed with the hearing and take whatever action is necessary.

MAYOR BRIARE:

What Mr. Haight, of course, is asking for is he's getting a shot in there to at least make a request to do so. If there's no motion to grant that request, then we will proceed. Is that a proper procedure, Mr. Ogilvie?

CITY ATTORNEY OGILVIE:

Yes, Mr. Mayor.

MAYOR BRIARE:

If there's any motions to acknowledge the request made by Counsel; there being none, please proceed. You can cross-examine -- that's what I was trying to determine, if you should stay here. Your client can go ahead and be seated there and we'd like you to be close to a microphone so that -- make yourself comfortable. Don't get too comfortable because we don't expect this to be too long. Now thank you for allowing this interruption, Counselor. Would you now proceed.

DEP. CITY ATTORNEY
ZALAORAS:

Certainly, Your Honor. Thank you. Would you please state your name and occupation. I'm sorry, he needs to be sworn first.

CITY CLERK CAROL HAWLEY:

Raise your right hand. Do you, Larry Powell, solemnly swear to tell the truth, the whole truth, and nothing but the truth on this matter, so help you God?

FIRE MARSHAL POWELL:

I do. My name is Larry P. Powell, Sr. I'm the Fire Marshal for the City of Las Vegas.

DEP. CITY ATTORNEY
ZALAORAS:

Mr. Powell, how long have you been Fire Marshal for the

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DEP. CITY ATTORNEY
ZALAORAS:

City?

FIRE MARSHAL POWELL:

Since April 30, 1984.

DEP. CITY ATTORNEY
ZALAORAS:

Previous to that, what was your occupation?

FIRE MARSHAL POWELL:

Previous to that, I was the Fire Liaison Officer for the City of Las Vegas.

DEP. CITY ATTORNEY
ZALAORAS:

How long have you worked for the City of Las Vegas in the Fire Department?

FIRE MARSHAL POWELL:

Twenty-one years.

DEP. CITY ATTORNEY
ZALAORAS:

Mr. Powell, have you become aware of a situation which, in your belief, is a fire hazard at 2626 Russell Avenue?

FIRE MARSHAL POWELL:

Yes, I have.

DEP. CITY ATTORNEY
ZALAORAS:

Is that location in the city limits for the City of Las Vegas?

FIRE MARSHAL POWELL:

Yes, it is.

DEP. CITY ATTORNEY
ZALAORAS:

Would you please describe for the Council where that is.

FIRE MARSHAL POWELL:

The address at 2626 Russell Avenue is just south of Fremont/Boulder Highway junction just east of the Showboat Hotel. It's in that short configuration there by the Old Green Shack restaurant.

DEP. CITY ATTORNEY
ZALAORAS:

Can you give a description of the general shape of the area of concern?

FIRE MARSHAL POWELL:

The area we're concerned with is roughly a triangular shaped piece of property that runs approximately -- the area of concern where the storage is is approximately 100 feet in length running north and south to about 150 to 175 feet running east and west.

DEP. CITY ATTORNEY
ZALAORAS:

Is that a triangularly-shaped parcel?

FIRE MARSHAL POWELL:

That's correct.

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DEP. CITY ATTORNEY
ZALAORAS:

Do you know when this matter first came to the attention of the Administrative Offices for the Fire Department of the City?

FIRE MARSHAL POWELL:

The first problems we had with it aroused in January 17, 1982.

DEP. CITY ATTORNEY
ZALAORAS:

What prompted the Fire Department to become aware of it at that time?

FIRE MARSHAL POWELL:

At that particular time we had a fire in the large compost pile at 2626 Russell Avenue.

DEP. CITY ATTORNEY
ZALAORAS:

Was any report made of that incident?

FIRE MARSHAL POWELL:

That's correct, there was.

DEP. CITY ATTORNEY
ZALAORAS:

I'm going to hand you a document and ask you if you know what this document is?

FIRE MARSHAL POWELL:

It's a copy of a Las Vegas Fire Department's Miscellaneous Fire Report at 2626 Russell Avenue on January 17, 1982.

DEP. CITY ATTORNEY
ZALAORAS:

Your Honor, I'd ask if that fire report could be admitted into the record at this time. Perhaps I'll show it to Counsel.

ATTY. DONALD HAIGHT:

I have no objections.

DEP. CITY ATTORNEY
ZALAORAS:

Previous to the date when Mr. Powell you became Fire Marshal, are you aware who was the Fire Marshal?

FIRE MARSHAL POWELL:

Yes, Ned Barker.

DEP. CITY ATTORNEY
ZALAORAS:

Do you know whether Mr. Barker, previous to the time you became Fire Marshal, in his capacity as Fire Marshal ever took any action with regard to the conditions at 2626 Russell Avenue?

FIRE MARSHAL POWELL:

Yes. On August 31, 1983 Mr. Barker submitted a letter to Mr. Guski indicating he was in violation of the Uniform Fire Code and asking him to remove the large

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FIRE MARSHAL POWELL: compost pile down to acceptable limits.

DEP. CITY ATTORNEY
ZALAORAS: I wish to hand you a document and ask you if you can identify this?

FIRE MARSHAL POWELL: Yes. It's a copy of a certified letter that went out on August 31, 1983 to Joe Guski Tree Services by the then Fire Marshal Ned Barker.

DEP. CITY ATTORNEY
ZALAORAS: I'd ask if that could be admitted into the record. I'll hand it to Counsel for Mr. Guski at this time.

ATTY. DONALD HAIGHT: I'm not sure what the rules of evidence are, Your Honor, in this type of proceeding, but technically it would appear to be a hearsay document.

DEP. CITY ATTORNEY
ZALAORAS: Your Honor, the purpose of the City offering this is to establish when the Fire Department first took formal action with regard to the property. It's not written by anyone that's here. Mr. Barker, of course, has retired after long years of service.

MAYOR BRIARE: If there's no objection by any Counsel member, it will be admitted.

DEP. CITY ATTORNEY
ZALAORAS: Mr. Powell, subsequent to the first fire report, which is now in evidence before the Council, are you aware of any other reports of fires at that particular location?

FIRE MARSHAL POWELL: Yes, on July 8, 1984 at approximately 03:27 hours there was also a fire at the same premise.

DEP. CITY ATTORNEY
ZALAORAS: I wish to hand you a document and ask if you can identify that.

FIRE MARSHAL POWELL: Yes, this again is a Las Vegas Fire Department Miscellaneous Fire Report dated July 8, 1984 at 2626 Russell Avenue.

DEP. CITY ATTORNEY
ZALAORAS: Thank you. I'll hand that to Counsel for Mr. Guski and would ask the Council to consider this document as well.

ATTY. DONALD HAIGHT: Your Honor, we would object to the admission of this fire report. It indicates a small trash fire. It doesn't indicate whether or not this is the compost pile in question. In fact, we do have a witness who would testify that this fire in fact took place in the alley. It was not

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ATTY. DONALD HAIGHT:

even on the premises at 2626 Russell.

MAYOR BRIARE:

Counselor, you're following the administrative process that has to be followed and unless Mr. Ogilvie, who is kind of the prosecutor and our attorney, unless he objects to it, we're going to go ahead and admit these things because in the event you have to carry it further, we almost have to allow them, but your objection is noted by virtue of your being a part of the record.

DEP. CITY ATTORNEY
ZALAORAS:

Mr. Powell, have you ever personally visited this particular location?

FIRE MARSHAL POWELL:

Yes, I have on a number of locations.

DEP. CITY ATTORNEY
ZALAORAS:

When did you first go to it to the best of your recollection?

FIRE MARSHAL POWELL:

The best of my recollection the first visitation falls on December 21, 1983.

DEP. CITY ATTORNEY
ZALAORAS:

You've already given a description of what you believe to be the size of the stored wood shavings there. With what timeframe were you referring to when you mentioned the size of it just a few minutes ago? In other words, when did you believe it to be the size that you indicated?

FIRE MARSHAL POWELL:

When I visited the site on December 21, 1983, the size was approximately storage of approximately 100 feet by 150 feet with something varying between 6 and perhaps 12½ to 14 feet in height.

DEP. CITY ATTORNEY
ZALAORAS:

When was the most recent time that you were there?

FIRE MARSHAL POWELL:

The most recent visitation to the site was yesterday.

DEP. CITY ATTORNEY
ZALAORAS:

Has the size of the stored material there changed any from what you described back last December?

FIRE MARSHAL POWELL:

The size is still the same approximation.

DEP. CITY ATTORNEY
ZALAORAS:

Mr. Powell, I have six photographs I wish to hand to you and ask you if you can identify those photographs.

FIRE MARSHAL POWELL:

Yes. The six photographs that you just handed to me were photographs that I took of the site on August 16, 1984.

DEP. CITY ATTORNEY
ZALAORAS:

You took those photographs yourself?

FIRE MARSHALL POWELL:

Yes.

DEP. CITY ATTORNEY
ZALAORAS:

Do they accurately depict the appearance of what it is they attempted to depict?

FIRE MARSHALL POWELL:

That's correct.

DEP. CITY ATTORNEY
ZALAORAS:

May I see those? I'll hand those to Mr. Haight at this time. Let me ask you another question. There appears to be some handwriting on the bottom white strip beneath the photograph itself. Do you know whose handwriting that is?

FIRE MARSHALL POWELL:

That's my handwriting indicating the date and time that the photographs were taken.

DEP. CITY ATTORNEY
ZALAORAS:

I'd ask that the Council consider those photographs as part of the record.

ATTY. DONALD HAIGHT:

Your Honor, we have no objections to the photographs.

MAYOR BRIARE:

Okay. If there's no objection by the Council members, they'll be entered, unless after seeing the photographs you want to not admit them. Take your time. Proceed, please.

DEP. CITY ATTORNEY
ZALAORAS:

Thank you, Your Honor. Mr. Powell, did you take any action yourself as Fire Marshall for the City of Las Vegas with regard to this property after your visits to it?

FIRE MARSHALL POWELL:

Yes, I did. I made attempts to contact Mr. Guski. I spoke to Mr. Guski and asked him to come into my office actually prior to the photographs that you see right there. Mr. Guski appeared in my office on August the 10th, at which time I issued a citation to Mr. Guski.

DEP. CITY ATTORNEY
ZALAORAS:

That was a citation that was citing him into Municipal Court?

FIRE MARSHALL POWELL:

Yes. Citing him into Municipal Court and a violation of the Uniform Fire Code.

DEP. CITY ATTORNEY
ZALAORAS:

As a result of that citation, did you appear in Municipal Court for the City of Las Vegas at a trial on that charge?

FIRE MARSHALL POWELL:

That's correct. I appeared in Municipal Court before Judge Horsey on August the 27th, 1984.

DEP. CITY ATTORNEY
ZALAORAS:

At that time what was the court's decision regarding the misdemeanor charge of storage of combustible material without a permit?

FIRE MARSHALL POWELL:

Mr. Guski was found guilty of the charge of illegal storage of combustible materials and fined \$350, plus \$10 court costs.

DEP. CITY ATTORNEY
ZALAORAS:

Your Honor, as I have a couple of documents which are certified by the Court Clerk from Municipal Court as accurate copies of the originals on file with Municipal Court. It's a copy of the proceedings and judgement and also the original complaint. I'd ask that they be accepted by the Council.

MAYOR BRIARE:

Counselor?

ATTY. DONALD HAIGHT:

Your Honor, for the record I would object to these documents. This matter is presently on appeal to the Clark County District Court and the trial is scheduled for December 21st, 1984. I would object to these matters and since they are not a final judgement and the matter is under appeal, that they're totally irrelevant to these proceedings.

MAYOR BRIARE:

However, they are public documents and they purport to be something that has to do with an action in Municipal Court so I'm sure on that basis the Council has no objections to their being admitted.

DEP. CITY ATTORNEY
ZALAORAS:

Mr. Powell, can you describe the makeup of this storage pile?

FIRE MARSHALL POWELL:

The makeup of the storage pile consists of a large deposit of wood chip shavings and tree limbs and cuttings from various trees and various types.

DEP. CITY ATTORNEY
ZALAORAS:

Can you describe what you believe to be a potential fire hazard, if that's what you believe it to be and why that is.

FIRE MARSHALL POWELL:

In my opinion, the large deposit of combustible materials that are there because of the size and because of the nature of the storage constitutes a particular fire hazard if we were to get the right atmospheric conditions in that parti-

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FIRE MARSHAL POWELL:

cular area. I personally believe that given the right wind conditions, plus the weather conditions that we have in Southern Nevada, it's very possible that a very small fire could result in technically a fire storm that would endanger the lives and property in the surrounding area.

DEP. CITY ATTORNEY
ZALAORAS:

What temperature would it take to ignite this kind of material?

FIRE MARSHAL POWELL:

Temperatures ranging between 356° to 492° fahrenheit would ignite any of the storage matter.

P. CITY ATTORNEY
ZALAORAS:

What sources of ignition are there that could cause a fire at this location?

FIRE MARSHAL POWELL:

It could be a number of sources. It could be anything from an open flame from a cigarette, from a fireworks type thing, child playing with a sparkler, someone dropping a match, lightning. Any source of open flame would ignite it.

DEP. CITY ATTORNEY
ZALAORAS:

Is this area open toward anyone on the sidewalk, if there's a sidewalk in that area or street, or is it closed off?

FIRE MARSHAL POWELL:

The area is surrounded by a chain-link fence. That chain-link fence is inset on the property approximately 5 to 7 feet on the south side and to a large degree on the west side it is open to the general public.

DEP. CITY ATTORNEY
ZALAORAS:

What temperature does a burning match run at?

FIRE MARSHAL POWELL:

A burning match will initially give you a temperature of somewhere between 800° and 900°.

DEP. CITY ATTORNEY
ZALAORAS:

What is across the street from where the storage pile is located?

FIRE MARSHAL POWELL:

On the western side of the compost pile are multi-family dwellings of duplexes and triplexes. On the southern perimeter of the property are multi-family two-story dwellings that have wood shake shingle roofs.

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DEP. CITY ATTORNEY
ZALAORAS:

Do you know if those buildings are depicted at least to some extent in the photographs that the Council has before it?

FIRE MARSHAL POWELL:

Yes, I believe they are.

DEP. CITY ATTORNEY
ZALAORAS:

Are you aware whether a wood shake trim for apartments is more vulnerable to fire from some source than other types of construction are?

FIRE MARSHAL POWELL:

Wood shake shingle roofs are incredibly vulnerable to fire, not only vulnerable, but they have a tendency to create their own flying brands once they are ignited and then create a more serious hazard to the adjacent property to which they happen to be.

DEP. CITY ATTORNEY
ZALAORAS:

What is beyond the immediate perimeter of the buildings you've described?

FIRE MARSHAL POWELL:

Just south of the property are multi-story buildings that have a wood shake shingle facade of approximately 4½ to 6 feet. Approximately a block away from that are a series of multi-story buildings that have a wood shake shingle facade of 25 feet or greater.

DEP. CITY ATTORNEY
ZALAORAS:

Those that are a block away with a 25 foot facade of wood shake shingles, are they subject to endangerment as a result if the fire would begin at the compost pile area?

FIRE MARSHAL POWELL:

If we had the right atmospheric conditions in that compost pile and had a wind factor of 25 miles per hour or greater, we would have flying brands coming from the compost pile itself that would extend anywhere from 300 to 500 feet, which would make the adjacent property extremely vulnerable. If the wood shake shingles on the properties that we've described were to become ignited, we would be looking at something that could possibly travel as high as far as 3 miles to 5 miles, so in essence you have a situation that could affect an area of approximately 5 miles from the property in question.

DEP. CITY ATTORNEY
ZALAORAS:

In your experience as Fire Marshal, have you ever become aware of fires extending that far from similar sources of the fire?

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FIRE MARSHAL POWELL: Yes. There is a considerable amount of documentation. Probably one of those that the Mayor and Council may be familiar with is the Bel Aire fire in Southern California in 1961. A very similar situation could occur.

MAYOR BRIARE: Counselor, just for a second--Mr. Haight, do you stipulate that there is a fire hazard there?

ATTY. DONALD HAIGHT: No, Your Honor, we don't. We do not stipulate that it is a fire hazard.

MAYOR BRIARE: You believe it is not a fire hazard.

ATTY. DONALD HAIGHT: That's correct, Your Honor.

MAYOR BRIARE: You are looking me in the eye and telling me your disagreeing that that's a fire hazard? Or unless you disagree with the professional comments that are being made by the Fire Department. What I am driving at is all this necessitates creating an administrative file so when you go to court -- the thing that bothers me is, and I'm not even giving you a chance to cross-examine Mr. Powell, but I'm pretty sure you're not going to convince me that there's not a very serious fire hazard there and what I'm wondering, Mr. Ogilvie, because this could go on for the rest of the day and tomorrow and maybe the place will burn down tonight. I would very much like our ordinances and laws to be written in a way that if there is a fire hazard there, we don't have to -- it's going to be appealed. It's already under appeal. This truthfully could go on for years, couldn't it?

CITY ATTORNEY OGILVIE: The final appeal under our ordinance is to this Board. If the Board sustains the finding of the Director of Building and Safety, then -- I'm not sure the timeframe, but if the nuisance is not abated within that timeframe, the City has the authority to go in and abate it itself and charge the property owner for its costs in doing so and filing a lien against the property for those costs.

MAYOR BRIARE: In the meantime, this hazard continues to exist. There is no emergency that can be declared or something to have this material immediately removed? We had an incident not too long ago on the flophouse. We declared that was an emergency. We had to move real quick. Well, this one here is more serious than that, unless the

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MAYOR BRIARE:

defense -- are you considered defense? Well, anyway, whatever Mr. Haight's position is here -- I don't know how to argue this about a fire hazard.

DEP. CITY ATTORNEY
ZALAORAS:

Mr. Mayor, under the Litter Abatement Ordinance, which is the legal base upon which Council for Mr. Guski is here, they had fifteen days after they received an Order to Abate, which came from Mr. Clay Hymer, to appeal it to this Council, which they have done. Now, the ordinances do not contemplate what happens beyond a hearing on the appeal. If there wasn't such an appeal of the Order from Mr. Hymer, then under City Ordinance 9.12.100 for non-compliance of that Order, if the owner fails to comply and correct within, I believe, it's thirty days, then the Director of Engineering Services is authorized and empowered to cause City employees and equipment to remove the matter from the premises.

MAYOR BRIARE:

Do you know how much longer your examination is going to be?

DEP. CITY ATTORNEY
ZALAORAS:

I am finished with Mr. Powell now and I am going to call Mr. Hymer for a couple of questions and a couple of documents. It may take five minutes for Mr. Hymer and I to make a presentation, but I'm through with Mr. Powell now.

MAYOR BRIARE:

Do you want to go ahead and cross-examine now? Was there anything else you wanted to present on behalf of the City or examine Mr. Powell?

DEP. CITY ATTORNEY
ZALAORAS:

No, not through Mr. Powell.

ATTY. DONALD HAIGHT:

Your Honor, if I may make a comment in response to your questions, I think we're mixing apples and oranges. Today we're not here because the compost heap is a fire hazard, we're here on the litter abatement aspect that this is considered rubbish and it's considered litter, that the only thing that the City Ordinance regarding litter abatement where it addresses the issue of fire hazard, it just says that "it can be stored if it's determined not to be a fire hazard." We're not here today prepared to dispute whether or not it is a fire hazard. If I'd known we were going to get back into the other charges, -- what we are here is simply that we acknowledge that there is this ordinance. We're simply asking for more time. As far as we're concerned, whether or not this is a fire hazard at this point is irrelevant to the proceedings before the Council.

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MAYOR BRIARE:

It might be for you as a matter of law, but as a matter of that thing incinerating, it sure as heck is relevant.

COUNCILMAN LEVY:

Is your client ready to put up, say, a bond to take care of any building that burns down in the neighborhood because of this? Would you be willing to handle that, since there's no fire hazard?

ATTY. DONALD HAIGHT:

I haven't discussed this with my client.

COUNCILMAN LEVY:

You know, that would be fine for the buildings, but I'm afraid we're beyond that of -- I'm worried about somebody getting killed.

ATTY. DONALD HAIGHT:

Councilman Levy, I think that if there is a fire and there is injury or damage that is caused by my client's negligence, then he would be legally responsible. He would be civilly liable, no matter what. Again, I think this proceeding is not designed to determine whether or not it is a fire hazard. There really doesn't seem to be a City Ordinance that's aimed at this type of problem. The procedure that was before the Municipal Court was not for maintaining a fire hazard. What Mr. Guski was cited for was "failure to have a permit to store combustible materials." I have a copy of that statute and I have read it.

COUNCILMAN LEVY:

Sir. Go ahead.

COUNCILMAN CHRISTENSEN:

Well, if he was cited for failure to have a container for storage of combustible materials and you're telling me that it doesn't relate to a fire hazard.

ATTY. DONALD HAIGHT:

What I'm saying, Your Honor, is that there seems to have been a large amount of emphasis placed on the Fire Department's interests in this matter. Quite frankly, I was not even aware of the Litter Abatement Ordinance until Mr. Guski was served with a letter in November that I think that perhaps that would have been the way to handle this whole thing back then in November, but if you were to look at this statute, and which I would like to present to you. I as an attorney felt that it did not even apply to this particular situation and that's why we're contesting it.

COUNCILMAN CHRISTENSEN:

Your Honor, I have a kind of an unusual request, I think. I'd like to get into the time that they've requested to abate this litter just a little bit. I would like to, if it sounds likes it's agreeable, I'll make it in the form of a motion. I would like to recess this until at the end of our agenda this afternoon, and in the meantime, ask our City Clerk to research the minutes of the transcript of the meeting where we denied an applicant that owned The Green Shack, I believe, on a petition to vacate the street,

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COUNCILMAN CHRISTENSEN:

which Mr. Guski opposed because it was one of the entrances to his business where this stuff is stored and I believe that that transcript will show Mr. Guski was told at that time to clean up that litter. I'd like that as part of this proceeding so that we know just how long ago that was pointed out and that nothing has been done in that length of time.

MAYOR BRIARE:

Let's hear from Mr. Haight as far as cross-examining and if it meets with the approval of the Council, we'll recess this hearing until late this afternoon. I think we'd like to hear your cross-examination first. Does that sound reasonable, Counselor?

DEP. CITY ATTORNEY
ZALAORAS:

Yes, it does, Your Honor.

ATTY. DONALD HAIGHT:

Mr. Powell, let me show you what is a copy of the Uniform Fire Code of particularly Section 11.203(A). Is that the section that Mr. Guski has been cited for violating as far as the Uniform Fire Code?

FIRE MARSHAL POWELL:

That's correct. That's the section of the Code under which we took Mr. Guski on a citation.

ATTY. DONALD HAIGHT:

I would like to present this to the Council members. Showing you picture D-1, Mr. Powell, there seems to be a large area of litter in the foreground of that photograph, is that correct?

FIRE MARSHAL POWELL:

That's correct.

ATTY. DONALD HAIGHT:

Now is that area on Mr. Guski's property, or does that belong to someone else?

FIRE MARSHAL POWELL:

The area immediately in the foreground is not Mr. Guski's property. It's the latter part of this portion shows the northern part of Mr. Guski's property.

ATTY. DONALD HAIGHT:

Has the owner of this property received a Litter Abatement Notice for citation for storage of combustible materials?

FIRE MARSHAL POWELL:

Not from the Fire Services.

ATTY. DONALD HAIGHT:

Why is that?

FIRE MARSHAL POWELL:

Under that particular piece of property there, the last time we went out there we did not have that same situation.

ATTY. DONALD HAIGHT:

Has there been that situation back when we were at trial on this matter, which was back in October, is that correct?

FIRE MARSHAL POWELL:

That's correct.

- ATTY. DONALD HAIGHT: Has anything -- when you went out to that property yesterday, was that situation still evident?
- FIRE MARSHAL POWELL: The situation was evident to a degree. However, the section of the Code which you quoted indicates that a permit is required for excessive storage of 2,500 gross volume. It has not been determined, either by my department or my division, that that situation is inside this piece of property.
- ATTY. DONALD HAIGHT: Now if someone were to throw a match in one of those piles, would they also be combustible?
- FIRE MARSHAL POWELL: That is combustible material. However, that's not the issue. The question the citation was issued to Mr. Guski on the basis of not having a permit for storage of combustible materials in excess of what the Code allows.
- ATTY. DONALD HAIGHT: So then what you're saying is, whether or not it's a fire hazard is not the issue, it's whether or not he has a permit or not.
- FIRE MARSHAL POWELL: That is incorrect. What I'm saying is that Mr. Guski has a large amount of combustible materials that exceed what is allowable without having a permit to store such.
- ATTY. DONALD HAIGHT: Your Honor, so that we can know what we're talking about, I'd like to read this to the Council members. It says: "A permit required. No person shall store in excess of 2,500 cubic feet gross volume of combustible empty packing crates, boxes, barrels or similar containers, rubber or cork or other similarly combustible material without a permit." How long has the City had the Litter Abatement Ordinance on the books, are you aware of that date?
- FIRE MARSHAL POWELL: The date on the Litter Abatement Ordinance, I'm not familiar with the adoption of that.
- ATTY. DONALD HAIGHT: Was that in effect back at the time that the citation was issued by the Fire Department?
- FIRE MARSHAL POWELL: I would have to defer to Counsel on that? In our department that was not our purview to enforce.
- ATTY. DONALD HAIGHT: Do you know why the City chose to go with the citation for Mr. Guski to have a permit as opposed to doing the Litter Abatement Order back in August?

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FIRE MARSHAL POWELL: I can't answer that.

ATTY. DONALD HAIGHT: I have no further questions.

COUNCILMAN LEVY: Can I ask you a question? Are you saying that this other guy has got all this litter and all this fire hazard there, the person next door, is that what you're saying?

ATTY. DONALD HAIGHT: I'm saying that the same type of situation exists next door. I'm not trying to say there's an inequality of treatment.

COUNCILMAN LEVY: Well, he shook his head and said "yes"; I just wondered.

ATTY. DONALD HAIGHT: It is next door.

COUNCILMAN LEVY: It is next door and he's got this pile and it's bad, right?

COUNCILMAN CHRISTENSEN: How many cubic feet does he have next door approximately?

FIRE MARSHAL POWELL: Councilman, if I may, in my estimation, the last time I looked at it, it does not exceed the 2,500 cubic feet.

COUNCILMAN LEVY: I just want to get something across to you. You're saying that it's bad and it's chips and all this fire hazard there, right? Why is that a fire hazard and yours isn't?

JOE GUSKI: Because his pile is full of lumber and dirt that's up there. I told Mr. Powell that if we light a match to my pile and to his pile, you have ten times the fire.

COUNCILMAN LEVY: You won't have any fire?

JOE GUSKI: My pile had a fire. My little fire was 6 inches high; that's all there ever was. If he ever got a fire, it would be 60 feet high.

COUNCILMAN LEVY: If we have a little wind here, yours will be 60 feet high and the two buildings down the street will be gone.

COUNCILMAN NOLEN: I have a question, Mr. Powell.

ATTY. DONALD HAIGHT: The reason that I pointed that out was --

COUNCILMAN LEVY: Two wrongs don't make a right, I guess is what I'm saying to you, Counselor.

ATTY. DONALD HAIGHT: I understand that. That's why I was trying to point out to you that the dichotomy in this statutory scheme, the issue is not whether or not this stuff burns, whether or not it causes fires. The issue is whether you have 2,500

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ATTY. DONALD HAIGHT:

square feet, cubic feet, of it or not. That's why I said we weren't really litigating the issue of whether or not this was a fire hazard today. We're talking about litter and it was for that purpose. I think that Mr. Powell will agree that under the right circumstances that if that other litter were ignited and there were winds, that could also ignite the apartments in the area. What I'm saying is that we're not really discussing fire hazards at this point. In addition, when Mr. Guski testifies, he will testify as to the various steps he has taken to try to alleviate this.

COUNCILMAN CHRISTENSEN:

Why aren't we discussing fire hazards? Was this citation here -- was there a citation issued for having excess storage of combustible materials?

FIRE MARSHAL POWELL:

Yes.

COUNCILMAN CHRISTENSEN:

What is combustion?

ATTY. DONALD HAIGHT:

If you would look at that statute, what that statute says is that it's a violation to store more than 2,500 feet without a permit.

COUNCILMAN CHRISTENSEN:

I know that.

ATTY. DONALD HAIGHT:

Now that by definition seems to indicate that if you have a permit, it's alright to store it.

COUNCILMAN CHRISTENSEN:

No. It indicates that you have to get a permit and that the permitting body will determine whether it's safe to store it or not, that's the reason for the permit, so that you can't just go out and do it wholesale.

ATTY. DONALD HAIGHT:

Now the problem that I saw as a lawyer with that statute is that it lists packing crates, rubber, cork, boxes and then similarly combustible materials. The issue before the court is whether or not a pile of wood chips is one of the things --

COUNCILMAN LEVY:

You don't live close to this.

COUNCILMAN CHRISTENSEN:

Let me clarify one thing for you. You said the issue before the court -- this is the court.

ATTY. DONALD HAIGHT:

I was referring to the other proceeding, Councilman Christensen.

COUNCILMAN LEVY:

This is the wrong Christensen.

COUNCILMAN CHRISTENSEN:

Okay, alright, you're referring to the other proceedings. Let's get right down to the nitty gritty, What's you're

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COUNCILMAN CHRISTENSEN:

trying to tell us is because this isn't rubber or cork, with that technicality it lets you off the hook. I don't think that's the way the ordinance is written because you could list for page after page after page, combustible materials, if you had to list all of them, and you'd still miss a few. Now if you take two inch squares of cork and store them in a pile, I don't think you're that far different on the combustible affects of two inch squares of wood chips stored in a pile. Now you tell me they're not two inches, they're an inch and seven-eighths, so we've got to say "an inch and seven eighths wood chips" in the description. You're going a little far afield. The point is that this was determined to be in violation some time ago and nothing has been done. Now when we get down to the inth degree, the final appeal, now we want six months to sell them to somebody. We've had several years to sell them to somebody.

COUNCILMAN LEVY:

And he knew it.

COUNCILMAN CHRISTENSEN:

But nobody wanted to push the issue until we get down to the force and now you come in here and want to take it out on a technicality like you would do in court where the "i" is not dotted right in the ordinance and you failed to list this and so forth. Can't we look at it in realistic terms without all the dichotomy of the scheme of the ordinance and all of this gobblygook that you laid on us and get right down to the nitty gritty. Why is the pile still there?

ATTY. DONALD HAIGHT:

The pile is still there because we received a Litter Abatement Ordinance on November 2, and we've appealed it to this Commission asking for more time.

COUNCILMAN LEVY:

Technicalities.

ATTY. DONALD HAIGHT:

The pile is still there is because all the proceedings that were brought -- that I was involved in before this action was for a violation of this statute, a criminal violation that said, "We're going to give you a fine for not having a permit. We're not telling you to move the pile," which I as an attorney looked at that statute and said "You should not be criminally prosecuted for this because it doesn't tell you as a citizen what you're supposed to do." This is what I was trying to get out from Mr. Powell. Quite frankly, I was not even aware of the terminology of the Litter Abatement Notice until November.

COUNCILMAN CHRISTENSEN:

But you see, he's been told as a citizen to clear that mess up long before the citation was issued. A citation is issued as a last resort, but we're ignored until such time as it comes down to a court hearing,

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COUNCILMAN CHRISTENSEN: that's where the bother comes.

ATTY. DONALD HAIGHT: I don't think you've been ignored. Mr. Guski has done a lot of things out at that yard in an attempt to satisfy Mr. Powell as to whether or not this was a fire hazard. He has soaked those chips with water. He has taken a grader out there and he's put a layer of --

COUNCILMAN LEVY: They're not supposed to be there, isn't that correct?

ATTY. DONALD HAIGHT: I have to disagree with you on that, whether they are supposed to be there or not.

COUNCILMAN LEVY: On a technicality. This is not a court of law.

ATTY. DONALD HAIGHT: That's what law is about.

COUNCILMAN LEVY: Not when there's human lives involved and the facility of this nature and this Board here is not a court of law, sir. You get paid and you're going to save him a few days, but the bottom line is, if somebody gets hurt, it's going to be your fault.

MAYOR BRIARE: Councilman Nolen.

COUNCILMAN NOLEN: I've just got a question on this photograph, D-1. Do you know who put those wood chips there?

FIRE MARSHALL POWELL: Do I know who put them there, Councilman?

COUNCILMAN NOLEN: Yes.

FIRE MARSHALL POWELL: No, I do not. I did not see who actually placed them on there. I couldn't --

COUNCILMAN NOLEN: The owner of the property, does he acknowledge that he has put them there, or is this part of an extension of this gentleman's business?

FIRE MARSHALL POWELL: It is my belief that it is an extension of Mr. Guski's business, but I did not personally see him.

COUNCILMAN NOLEN: I have to say to you, Counselor, that some of the things that you're commenting on you weren't aware of this particular ordinance. I'd have to say that as a member of this City's Beautification Committee, this gentleman was aware. You've got a gentleman that is sitting here that is a member of our own Beautification Committee and he's got that unsightly mess on his property.

ATTY. DONALD HAIGHT: I think to address your first point, Councilman Nolen,

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ATTY. DONALD HAIGHT: I think Mr. Guski can testify that no one from his organization has dumped those wood chips on the lot next door.

COUNCILMAN NOLEN: Not one of his trucks has ever pulled up there and unloaded stuff off on that property?

ATTY. DONALD HAIGHT: Mr. Guski, can you answer that question?

JOE GUSKI: He's asking me why my trucks come up there and empty that, yes, they did.

ATTY. DONALD HAIGHT: Empty it where, Mr. Guski?

JOE GUSKI: What?

ATTY. DONALD HAIGHT: Did your truck ever --

JOE GUSKI: I'm very aware of my position on the Beautification Committee. I want this city just as beautiful as I can make it, as you people can make it. I tried hard. I've had requests from Fire, requests from the Building Department, to level off the chips, keep it down, which I did. I had another request from Mr. Powell to do something about the chips. I dumped in there a thousand dollars worth of topsoil so it wouldn't create a fire hazard to anybody. There's four inches of topsoil over there, which is Type 2 soil. I purchased forms over there to eliminate any fire hazards. I have done a lot of research on this chip pile. The only reason this chip pile, Mr. Levy and other members, is that in this area there is an economical source that we need these chips in our soil. We need these chips for mulch.

COUNCILMAN LEVY: I know. We aren't arguing that, sir. We're arguing where you're putting it. You don't put it right in a neighborhood and put danger to all the homes around it. I read in the paper just yesterday where they had some chips floating and two gentlemen are in the hospital right now. I just don't believe that you really care. You've fought us for over three years now. This gentleman, you've even turned him around. He's sitting there complaining about your next door neighbor and it's your pile.

COUNCILMAN NOLEN: That was what I was going to suggest, Counciler. I don't think he knew that.

ATTY. DONALD HAIGHT: I don't know if we've established that, Councilman. I'm trying to -- did you understand the question?

JOE GUSKI: No.

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ATTY. DONALD HAIGHT:

The piles of chips on the next door neighbor's property, did your company put those chips there?

JOE GUSKI:

I didn't. I retired a long time ago.

ATTY. DONALD HAIGHT:

Did your company -- did Joe Guski Tree Service dump those chips there or did they dump them on their own lot?

JOE GUSKI:

As far as I know, they dumped them on their own lot. There's a division over there. If that is the issue, if that is the issue, that little pile of chips you're talking about on Russell, that's what you're referring to?

COUNCILMAN NOLEN:

Your Counselor here has raised the issue that your next door neighbor's property has wood chips on it and we have not issued them the same citation or taken the same enforcement action insofar as the Litter Abatement Ordinance and everything. He has raised that as an issue and I submit to you that your neighbor's property has the wood chips on it because of Guski Tree Service. I have personally seen your vehicles there unloading stuff there prior to it being moved into the big pile. Now you're going to tell me they have never done that? Your vehicles have never unloaded wood chips on that particular piece of property that is depicted in D-1 photograph?

JOE GUSKI:

Mr. Nolen, I have retired. I have no knowledge of Guski Tree Service in there. I've retired six months ago. I do not know who put them on there? I have been inactive in my business for nine months or more.

MAYOR BRIARE:

In other words, Joe, what you're saying is, you didn't direct anybody to dump there?

JOE GUSKI:

No, I did not.

MAYOR BRIARE:

Since nobody has objected, Bob, I agree with your conclusion. Since nobody objected, the neighbors tried to be accommodating.

DEP. CITY ATTORNEY
ZALAORAS:

May I please. My next witness will establish the point that Councilman Nolen has made and I have photographs to show what corners we're talking about on this large parcel that may not belong to him, but 90% of it does.

MAYOR BRIARE:

You're through with Mr. Powell?

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ATTY. DONALD HAIGHT:

I'm through with Mr. Powell, Your Honor.

MAYOR BRIARE:

We'll be in recess -- let's see, we've got some more business to attend to this morning. Is there anyone in the audience today that's here for something that was going to be brought up this morning that you were here to listen to? Well, if that's not the case, then if the Council has no objections, we'll reconvene about a quarter to two. Is that alright, quarter til? Counselor, we should be able to get to you like around 3 o'clock.

MORNING SESSION RECESSED.

MAYOR BRIARE:

The Council is back in order as indicated this morning. Carol Ann, we don't have a transcript?

CITY CLERK CAROL ANN
HAWLEY:

We do not have a prepared transcript. What happened is I didn't have time to prepare one. We're having a little problem with some of our sound, but I listened to the tape, and I listened to what actually transpired from what the annotated minutes said. The attorney for Mrs. McCormick representing the vacation that day, stated on the record that Mr. Guski had protested to the applicant that he needed the fire protection and that was his reason for not wanting to close the street. I listened to Mr. Guski's testimony and he had said nothing in the record about objecting because of that reason. There are some pictures that show the mulch and the compost in the attachment I just presented to you.

COUNCILMAN LEVY:

What was the date on that?

CITY CLERK CAROL ANN
HAWLEY:

That was November 19, 1980.

COUNCILMAN LEVY:

We've been fighting with Mr. Guski since 1980.

MAYOR BRIARE:

Did I hand you the right one? Let me see what that looks like.

CITY CLERK CAROL ANN
HAWLEY:

The record reflected that Mr. Guski had submitted those photos.

MAYOR BRIARE:

Are you ready now to continue this hearing? Counselor, would you call your next witness.

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DEP. CITY ATTORNEY
ZALAORAS:

Thank you, Mr. Mayor. Before I do that, I'd like to enter some statements into the record to clarify some of the issues raised this morning. It'll take just a minute or two to do that, if I may, please. First off, I think the Council may be aware, the City has proceeded both criminally and civilly on Mr. Guski. The criminal matter was the matter that you have before you -- a record of -- that is, Municipal Court. However, the Municipal Courts do not have the authority to abate a nuisance. That is the reason why and because of other departments and the Fire Department, the City has now proceeded with a Litter Abatement Notice pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code. I have the pertinent sections which I would like to enter into the record of the Municipal Code. I'll show them to Mr. Haight first, Counselor for Mr. Guski. In those ordinances are contained definitions, definitions of the term "litter" and they apply in this section, definition of the term "rubbish." Within the "rubbish" definition is a reference to paper and wood shavings; those are the pertinent words. There are other words contained in that definition. In the word "litter" it includes "rubbish" as part of the definition of the term "litter." The rest of the statutes from NRS 9.12030 apply to the term "litter" as those matters that can be abated, so "litter" is the general term which the Code has adopted. "Rubbish" is included within that and within that of definitions of wood shavings. In addition, in Las Vegas Municipal Code 9.12030, Subsection A, is a reference to compost piles and firewood and that a compost pile can be created by a person in the city as long as, and I'll quote from this portion, "All such compost, firewood and stored material shall not: 1. Be visible from the street. 2. Constitute a public nuisance or nuisance to neighbors. 3. (And this is the area I'd emphasize.) Create a health or fire hazard. 4. Be stored in front or side yards." There is another subsection which defines the fact that there should be an opaque fence around them, which, in this case, we don't have. I think Counsel may be incorrect for Mr. Guski when he indicates that we're dealing with apples in Municipal Court and oranges here before the Council, we're not. The Litter Abatement Ordinance specifically refers to a compost pile being in violation if, in fact, it creates a fire hazard. So even though the prosecution in Municipal Court was over some other provision, which was part of the Uniform Fire Code, a fire hazard can also apply to a litter situation, which is what we have here, so the two are related, it's not different concepts. I'd like to enter the copy of the City Ordinances with what the Council is dealing with at this time into the record. This is the proceeding

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DEP. CITY ATTORNEY
ZALAORAS:

that the City felt it had to follow in order to abate the nuisance. Punishment in Municipal Court was one thing, to punish Mr. Guski for allowing us to continue, but to remove it is another matter. That's why the Litter Abatement Notice was sent out and that is the matter that was appealed to this Council. I'd now ask if Mr. Clay Hymer can come forward.

CITY CLERK CAROL ANN
HAWLEY:

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

CLAY HYMER:

I do.

DEP. CITY ATTORNEY
ZALAORAS:

Sir, would you please state your name.

CLAY HYMER:

My name is Clay Hymer.

DEP. CITY ATTORNEY
ZALAORAS:

What is your title?

CLAY HYMER:

I am the Director of the Department of Building and Safety for the City of Las Vegas.

DEP. CITY ATTORNEY
ZALAORAS:

How long have you been the Director of that department of the City?

CLAY HYMER:

Five years and eight months.

DEP. CITY ATTORNEY
ZALAORAS:

How long have you worked for the City altogether?

CLAY HYMER:

Other than a two year leave of absence, a total of twenty years.

DEP. CITY ATTORNEY
ZALAORAS:

Sir, as part of your duties as the Director for the Department of Building and Safety for the City, has the address of 2626 Russell Avenue come to your attention?

CLAY HYMER:

Yes, sir, it has.

DEP. CITY ATTORNEY
ZALAORAS:

When were you first made aware of the situation there?

CLAY HYMER:

I first became aware of the problem back in April or May.

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DEP. CITY ATTORNEY
ZALAORAS:

Of this year?

CLAY HYMER:

Of this year.

DEP. CITY ATTORNEY
ZALAORAS:

1984. Mr. Hymer, what action was taken by the Departments of the City between April and -- are you aware if any departments, let me reword the question, took action between April and the fall of this year?

CLAY HYMER:

Along in April or May when I became aware of it, we were advised that the Fire Marshall would take care of the problem. We did not become involved again until approximately two weeks prior to the Order that I mailed out to Mr. Guski.

DEP. CITY ATTORNEY
ZALAORAS:

What was the date of that Order, if you recall?

CLAY HYMER:

I drafted that Ordinance on November the 1st and I believe he stated he received it on the 2nd.

DEP. CITY ATTORNEY
ZALAORAS:

What prompted you to issue the Litter Abatement Notice and Order to comply?

CLAY HYMER:

I feel from viewing the situation that it is an extremely hazardous situation to all the adjoining properties. I felt that we would not be doing our job if we did not attempt to get the problem resolved allowing them protection to the adjacent property owners.

DEP. CITY ATTORNEY
ZALAORAS:

Have you personally inspected the property?

CLAY HYMER:

Yes, sir, I have.

DEP. CITY ATTORNEY
ZALAORAS:

When did that take place?

CLAY HYMER:

I last inspected it yesterday morning at approximately 8:30.

DEP. CITY ATTORNEY
ZALAORAS:

Were myself and Mr. Powell, the Fire Marshall, with you at that time?

CLAY HYMER:

That is correct.

DEP. CITY ATTORNEY
ZALAORAS:

Mr. Hymer, I wish to show you some photographs and ask

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DEP. CITY ATTORNEY
ZALAORAS:

you if you can identify them.

CLAY HYMER:

Yes, sir. These are photographs that I requested taken, aerial photographs, which we wanted to depict the area to determine the density of occupants that we had in that area.

DEP. CITY ATTORNEY
ZALAORAS:

Do you know who took those photographs?

CLAY HYMER:

Pardon?

DEP. CITY ATTORNEY
ZALAORAS:

Do you know who took the photographs?

CLAY HYMER:

Yes, sir. I requested Donn Blake from the 10th Floor to take the photographs.

DEP. CITY ATTORNEY
ZALAORAS:

I want to hand you -- let me have those photographs. I wish to show them to Mr. Haight at this time. I also want to hand you a statement and ask you if you can identify that and how it came about.

CLAY HYMER:

This document, of course, I requested from Donn Blake certifying that he was in fact that person that took those pictures. I do recognize it, yes, sir.

DEP. CITY ATTORNEY
ZALAORAS:

Alright. I'd ask if that could be admitted into the record along with the photographs, the two photographs that Mr. Haight has at this time. For the Council's edification, what these photographs show is an overall view. The small photographs that were admitted earlier this morning give specific spot indications of what the situation is. This gives an overall view of the property in question in relation to the neighborhood it rests in.

MAYOR BRIARE:

You have no objections, Mr. Haight?

ATTY. DONALD HAIGHT:

We have no objections.

DEP. CITY ATTORNEY
ZALAORAS:

I'd also ask Mr. Hymer if he has a copy of the Litter Abatement Notice and Order that he submitted to Mr. Guski earlier?

CLAY HYMER:

Yes, sir, I do.

DEP. CITY ATTORNEY
ZALAORAS:

I'd ask if that could be admitted into the record; if I

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DEP. CITY ATTORNEY
ZALAORAS:

could be handed that, please. I'll show it to Mr. Haight at this time.

ATTY. DONALD HAIGHT:

No objection.

DEP. CITY ATTORNEY
ZALAORAS:

This suit which is being admitted now is the formal Notice and Order, which is the subject of the appeal today. I'd ask to draw the Councilman's attention to it because it references the specific City Ordinances that we believe under the Litter Abatement Ordinance are being violated and are being called into question at this time for the purpose of abating it. I have no other questions of Mr. Hymer and this would conclude the City's presentation at this time. Thank you.

MAYOR BRIARE:

Thank you, Counselor. Mr. Haight.

ATTY. DONALD HAIGHT:

Mr. Hymer, we're talking about essentially a triangular shaped area of property that's bounded on one side by Olive Street, one side by Russell and one side by Euclid?

CLAY HYMER:

That's correct.

ATTY. DONALD HAIGHT:

Now in that triangular shaped area there are four different property owners, is that correct?

CLAY HYMER:

That's correct also.

ATTY. DONALD HAIGHT:

Have any of the other property owners in that section been given a Litter Abatement Notice?

CLAY HYMER:

No, we have them on schedule for that to happen, but at this date they have not.

ATTY. DONALD HAIGHT:

I have no further questions, Your Honor.

MAYOR BRIARE:

Thank you, Mr. Haight.

ATTY. DONALD HAIGHT:

Your Honor, before I begin, I would like to apologize to the Council for this morning. I made an error, which has caused some controversy and Councilman Nolen properly pointed it out to me. As I just indicated with my questions to Mr. Hymer, there are, in fact, four different property owners in that triangular shaped area. I was getting confused with a piece of property that was owned by Mr. Baldwin with a piece of property that is in fact owned by Mr. Ferber. What I would like to stipulate to the Council is that, in fact, the piece of property that is shown on Exhibit D-1, which was pointed out by Councilman Nolen, is in fact owned by Sam Baldwin,

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ATTY. DONALD HAIGHT:

that Guski Tree Service has been given permission by him to dump wood chips on that spot and those wood chips in fact were dumped by Guski Tree Service. I, unfortunately, was confused and was thinking that that portion of the property was, in fact, the property owned by Mr. Ferber, which we do have pictures of and we can show those. We would also like to represent to the City Council that we will have that area cleaned up within two weeks; we'll have that removed.

MAYOR BRIARE:

The neighbor's property.

ATTY. DONALD HAIGHT:

Mr. Baldwin's property, yes.

COUNCILMAN LEVY:

Can you show me on here which is which?

DEP. CITY ATTORNEY
ZALAORAS:

Council, perhaps I could ask that the diagram that Mr. Hymer has presented that shows the triangle and the ownership on it could also be introduced as part of the record and Mr. Haight has no objection. I'd just ask that they be made part of the record so the record is clear as to what you're seeing at this time.

MAYOR BRIARE:

I'm just trying to determine, if you're obliged by our own rules, if you have in excess of 2,500 cubic feet of some material, it must be contained within, what, a metal container or something, Larry?

FIRE MARSHALL POWELL:

This particular case, Your Honor, if they had in excess of 2,500 cubic feet, we would have it housed in a facility that would also contain an automatic sprinkler system, or something like that. In fact, they would have to have it in an enclosed building.

MAYOR BRIARE:

Let's see, are you through? Okay, you haven't asked--Go ahead.

ATTY. DONALD HAIGHT:

Your Honor, we would call Warren Lomprey as a witness.

CITY CLERK CAROL ANN
HAWLEY:

Do you solemnly swear this testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

WARREN LOMPNEY:

I do.

ATTY. DONALD HAIGHT:

Would you please state your name for the record, Mr. Lompney.

WARREN LOMPNEY:

Warren L. Lompney.

ATTY. DONALD HAIGHT:

What is your address?

WARREN LOMPNEY:

My business address or my residence? Business address

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WARREN LOMPNEY: is 1701 West Charleston, Suite 610.

ATTY. DONALD HAIGHT: What business are you in?

WARREN LOMPNEY: I'm a Fire Investigator.

ATTY. DONALD HAIGHT: And to hold yourself out to the public as a Fire Investigator, what experience have you had in that field?

WARREN LOMPNEY: I retired from the Clark County Fire Department as a Captain in the Fire Investigations Division for fourteen years. I have an Associate Degree in Fire Science, an Associate Degree in Fire Management, Bachelors Degree in Fire Technology. I can give an expert opinion as to the cause of a fire in the federal courts, all the state courts, district courts in the state, different counties in the state, numerous times. I teach fire investigation out at the Community College, have since 1976.

ATTY. DONALD HAIGHT: How long were you with the Clark County Fire Department?

WARREN LOMPNEY: Fourteen years.

ATTY. DONALD HAIGHT: Fourteen years and during that entire time were you with the Fire Investigative Unit?

WARREN LOMPNEY: No, eight years.

ATTY. DONALD HAIGHT: During that eight years with Fire Investigation, can you approximate how many fires you have investigated?

WARREN LOMPNEY: In excess of four thousand.

MAYOR BRIARE: Counselor, we agree that Mr. Lompney is highly qualified to answer your questions. Did you want to further his expertise? Does anyone disagree with his expertise? Listen, if you're a fireman in Clark County, you've got to be alright.

ATTY. DONALD HAIGHT: Mr. Lompney, did you have occasion to visit the property at 2626 Russell Avenue today?

WARREN LOMPNEY: Yes.

ATTY. DONALD HAIGHT: And when did you do that?

WARREN LOMPNEY: Inbetween the hours of roughly noon and one o'clock.

ATTY. DONALD HAIGHT: And at that time did you take a number of photographs

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ATTY. DONALD HAIGHT: of the area?

WARREN LOMPNEY: I did.

ATTY. DONALD HAIGHT: And these are the photographs?

WARREN LOMPNEY: Those are.

ATTY. DONALD HAIGHT: There has been testimony today from Mr. Powell of the City Fire Marshall's office that this pile of wood chips constitutes a fire hazard to the surrounding apartments. His basis for that testimony is that if this were to start on fire, that under the right atmospheric conditions, a fire storm could absue, that if there were high winds, fire brands would then be gathered by the winds to the neighboring apartments and could cause those to catch on fire. Do you have an opinion as to the probability of those events happening?

WARREN LOMPNEY: Unfortunately, I missed the beginning of your trial today. I don't know what Captain Powell said. From what I observed today, the primary fire hazard is not the property that belongs to this gentleman, it's the adjoining properties with all the giant brush, the loose grass, the dead grass, the accumulation of trash that's around that area. I guess the question is, is his property -- the majority of the wood chips, which is quite a stack of wood chips, and I'm not going to try to tell you it won't burn, but it will burn, obviously, but it's covered with dirt, it's compact, it's old, and if you understand the process of spontaneous ignition at all, I don't want to give you a lesson in biology, but that stuff, I can't see how it could ever be involved that way. The flying brands, if there's a fire, you have that if anything burns, your going to have flying brands if the atmospheric conditions are just correct; I'm presuming a wind condition or whatever. To have a fire storm develop in that mass of wood is very unlikely because of the nature of the wood, primarily because it is covered with dirt. I would not want to be the Fire Captain there trying to put that thing out if it was smouldering. Those guys will have to bring a big lunch. We're not talking about a blazing inferno; you're talking about a slow smouldering fire like an underground peat ball fire that may go for quite a while. There's no immediate danger; certainly it's going to burn some time and if somebody torched it, it would burn, you know, but we're not talking about a big blaze, a big

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WARREN LOMPNEY:

inferno; I just can't picture that at all -- the surrounding areas, definitely, there's grass there that's three and four feet high. I have taken some photographs of that. It's quite incredible, in fact, how dry it is. There are trees, there's shrubs, there's all kinds of things in the area that's vegetation that will certainly burn faster than that wood, the wood chips. He's got some cut logs there.

COUNCILMAN LEVY:

But let me ask you a question. The stuff that's right next door on somebody else's property, that's not illegal. Because of his material being there, it may make it illegal.

WARREN LOMPNEY:

I'm not going to argue the issues on that; I don't know that.

COUNCILMAN LEVY:

Do you know our Fire Ordinance, this Code that we've been talking about?

WARREN LOMPNEY:

I'm wearing a hearing aid and I can't hear you, I'm sorry.

COUNCILMAN LEVY:

Do you know the City's Fire Abatement Ordinance?

WARREN LOMPNEY:

No.

COUNCILMAN LEVY:

Do you think it's pretty much like the County's?

WARREN LOMPNEY:

Possibly.

COUNCILMAN LEVY:

Do you have anything to do with the County ordinance?

WARREN LOMPNEY:

No.

COUNCILMAN LEVY:

You didn't suggest changes or revisions from time to time in your position?

WARREN LOMPNEY:

No, not for that. We never had a chance.

COUNCILMAN LEVY:

Pardon?

WARREN LOMPNEY:

We never had a chance to have input into that; I wish we would have. I was not a Fire Prevention Officer. I was a Fire Investigator. Captain Powell is a Fire Prevention Officer; there's a little different there.

COUNCILMAN NOLEN:

Mr. Lompney, I have a question I need to ask you. Do you -- you're testifying that in your professional opinion there's no fire hazard with that pile?

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WARREN LOMPNEY:

I hope I didn't sound -- there's no immediate fire hazard such as an emergency thing or something where there's going to be a gigantic flash or something. It's certainly going to burn. I can't tell you wood won't burn. That would be insulting your intelligence. I'm just saying that because the way it is stacked, the way it's packed, and it has dirt over it, it has quite a few inches of dirt and rocks and things, I guess it's like a Type 2 packing, and it is covered, but because of that it would be a slow smouldering fire, if it did occur. He does have some split logs out there that obviously he sells for cut wood. If those things were ignited, you'd have a pretty good size little fire, but there's not that much of that.

COUNCILMAN NOLEN:

So in your professional opinion, does this, or does it not, create a fire hazard?

WARREN LOMPNEY:

That's difficult for me to answer.

COUNCILMAN NOLEN:

I'm not talking about spontaneous combustion. I'm talking about if some kids get over there playing with matches or deliberately set fire. Is this or is it not a fire hazard in your professional opinion?

WARREN LOMPNEY:

The way you just asked me that question, I would say "yes."

COUNCILMAN NOLEN:

Thank you.

ATTY. DONALD HAIGHT:

If some kids came over to that area and started that compost heap or wood chip pile on fire, does it constitute an immediate hazard to the neighboring property?

WARREN LOMPNEY:

I doubt that.

COUNCILMAN LEVY:

You don't think there would be stuff flying across the street?

WARREN LOMPNEY:

That's a 75 foot span between that fence and the next building, the nearest building; that's quite a distance.

COUNCILMAN LEVY:

You don't think it would float over?

WARREN LOMPNEY:

I don't see -- the residential houses in the area have composite roofs of gravel.

COUNCILMAN LEVY:

I'm talking about the motel across the street.

WARREN LOMPNEY:

The motel across the street has got a tile roof.

COUNCILMAN NOLEN:

There's a row of apartments there. They've got a wood facade on the outside, wood shingle facade.

WARREN LOMPNEY:

Yes, it does, it's shake shingle.

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COUNCILMAN NOLEN: Wood shingle facade.

WARREN LOMPNEY: Right, it's about three or four rows of shake shingles.

COUNCILMAN LEVY: It doesn't have a tile roof.

WARREN LOMPNEY: I'm sorry. There's one of the buildings that has a tile roof; I have photographs of it. There's another building that has shake shingles.

COUNCILMAN NOLEN: He thought you were talking about the motel.

ATTY. DONALD HAIGHT: I have photographs of the various roofs that we can perhaps talk -- there's different types of roofs on the different things.

COUNCILMAN LEVY: You wouldn't be scared to live across the street from this?

WARREN LOMPNEY: I'm sorry, sir.

COUNCILMAN LEVY: You wouldn't be upset living across the street from this?

ATTY. DONALD HAIGHT: Perhaps.

COUNCILMAN LEVY: Wait a minute. I asked the gentleman a question.

WARREN LOMPNEY: Would I be upset?

COUNCILMAN LEVY: Yes.

WARREN LOMPNEY: The neighborhood I live in now is obviously much different than that neighborhood and I don't know how I should answer that question because I wouldn't live there.

COUNCILMAN LEVY: I mean, would that bother you living across the street from that? Would you be calling me and raising cane as your Councilman in that district?

WARREN LOMPNEY: I wouldn't want to live there, no.

COUNCILMAN NOLEN: Would you in the profession that you've been in for some years, if in fact your neighborhood were there, would you be concerned about a fire hazard?

WARREN LOMPNEY: That's another difficult question because I understand fire and I understand that pile, what's on it and in it. I know it's difficult for you guys to believe this, excuse me, gentlemen to believe this, but the surrounding area of that yard is more of an immediate threat and a fire

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WARREN LOMPNEY: hazard than his wood chip pile.

COUNCILMAN NOLEN: I'm not arguing that with you at all and I --

WARREN LOMPNEY: I mean, that's part of the problem because that's the way it is, makes the whole thing cruddy. Do you know what I'm trying to say? It's just the whole thing, it's, you just can't say a part of it and I think that's an issue and I think it should be an issue. Unfortunately, the wood chips are there and they will burn. I've told you that before and they will, but they're not going to be a blazing roaring infernal because they are covered with dirt and they are all old and they are packed down and I just don't think you'll have the oxygen supply to it that you'll need.

COUNCILMAN NOLEN: That's in your opinion.

WARREN LOMPNEY: Yes.

MAYOR BRIARE: Are you through questioning Mr. Lompney?

ATTY. DONALD HAIGHT: No. I do have a number of questions to ask about specific photographs. I think perhaps if I made a statement, it might clarify what we're trying to get at. Our position is that, yes, the wood chips would burn if lit, but they do not constitute an emergency situation that requires the haste to remove these wood chips that seems to have been indicated by the Council. What we're saying is that the wood chip pile has been there for twenty years. There has not been the conflagration that Mr. Powell describes. There has not been the gigantic fires.

COUNCILMAN LEVY: Thank God.

ATTY. DONALD HAIGHT: We submit that there would not be over the next six months, which is the time that we're asking for to remove this property, this wood chip property.

COUNCILMAN LEVY: We've been asking him for four years that I know of.

ATTY. DONALD HAIGHT: I'm not aware of that, Councilman.

COUNCILMAN NOLEN: You don't see where there's any haste there. I first saw this quite by accident. I turned down the wrong street over a year ago and I went to a Deputy City Manager and complained to him about it. I said, "That's a fire hazard. It looks terrible." He told me at that time that he'd take care of it. Then a few months later

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COUNCILMAN NOLEN;

I went by to see what had been done and nothing had been done. The pile was bigger. And this pile out here on the corner, the Baldwin property, was bigger at that time, and that's when I observed some vehicles there taking some of the wood chips out of it and putting them there. I didn't know if they were using it as a drying process, drying area or something, or what they were doing. I don't know. I asked again for something to be done at that time. Then in April I personally, I believe it was, took Mr. Hymer around and showed it to him and asked for something to be done. Quite candidly, I've asked the City Attorney's office to cite him every day because every day is a continuing violation, so I don't see that there's haste here, that we're panicing. I've been trying to get something done for over a year and nothing has been done, except that pile has gotten bigger. This Council, according to the record that we have before us, has been trying to get something done for four years, and maybe longer, so don't say we're acting hastily or we're in a big panic to get it done. That should be out of there. That is a hazard. It looks terrible and nothing has been done, except the pile is getting bigger.

ATTY. DONALD HAIGHT:

Again, I would beg to differ with you there. There are steps, there are different steps that can be taken along this line. If something was done last April, if a Litter Abatement Notice had been served last April, this problem would be solved right now.

COUNCILMAN LEVY:

We keep getting stories how the cooperation is going to be done because Mr. Guski and the City.

COUNCILMAN NOLEN:

They've talked to him and he assures cooperation and nothing happens and I'm not sure that you are aware of that.

ATTY. DONALD HAIGHT:

There has been a number of things that have happened. Of course, Mr. Guski doesn't want to have to move his pile. This is a valuable piece of property. This wood chip pile could be worth as much as \$60,000 if sold.

COUNCILMAN NOLEN:

I wouldn't object to that wood chip pile being anywhere except in a residential area.

ATTY. DONALD HAIGHT:

He has taken a number of steps, and unfortunately, each of the steps he has taken has been deemed insufficient and so now we're at this stage, but when the City has come to him, he's graded it, graded it flat, put dirt on top of it. He's had discussions with every City official that has ever talked to him about it. He came in to Mr. Powell's office to receive this citation. It's not so much as uncooperativeness, it's been a difference

ATTY. DONALD HAIGHT:

of opinion as to whether or not this in fact constituted the grave fire hazard that Mr. Powell and the Fire Department officials have thought. We have been trying to do everything that we can do to comply with the City officials short of having to move the pile, that's been our goal all along. Unfortunately, that does not seem to be -- we have not been able to satisfy the City officials that that can be done. We have agreed after all these months after the thousands of dollars that Mr. Guski has already spent trying to bring this property in compliance, that he's never going to be able to do that. He's seen the light. It can't be done.

MAYOR BRIARE:

I don't think Joe has been trying to bring it into compliance. He's been trying to do something that would substitute for compliance.

JOE GUSKI:

Can I have the floor? I was asked before we adjourned what I've been doing. Well, years ago this pile was smaller. I was approached by your City officials to: "Hey, Joe, your pile is getting too big. Can you do something about it? Yes." I got a bulldozer and leveled it all out and that was okay. The reason that pile is there today really is that in this city -- I don't know -- I've never seen anywhere around here where we use chips for conservative reasons or you say it is a fire hazard, a fire nuisance, it's not a very good site to look at, but I just come out of Chicago two days ago going to the airport and I ran across several --

MAYOR BRIARE:

Joe, this is your case. You've got a very confident attorney. This sounds like it's going to be a long story, Joe. I don't think we have -- this is not something discretionary. We have to make a judgement here, don't we, Mr. Ogilvie. It's not like we can say in a zoning matter, it might be wrong, go ahead and build your two-story apartments and then we'll hope that it's right. George, we have to make an interpretation, either our Building and Safety Director in concert with the Fire Marshall is right with respect to the fire hazard or Mr. Haight and his witness are right with respect to the fire hazard.

COUNCILMAN LEVY:

No, not his witness.

MAYOR BRIARE:

His is witness is Mr. Lomprey.

COUNCILMAN LEVY:

No. He said it's dangerous.

MAYOR BRIARE:

This is not something -- I have compassion for Joe because he worked on a City committee all these years and he's a good citizen. I hate to sit up here and --

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MAYOR BRIARE:

we all know there's places that are a heck of a lot worse than this, but when you start talking about a fire hazard, then you're dealing with a political beast and I don't think any of us are dumb enough up here to sit back thinking there might be a fire hazard and let it go.

ATTY. DONALD HAIGHT:

May I respond, Your Honor?

MAYOR BRIARE:

I'm trying to see if we have discretion in this matter in some way or must we take -- in other words, trying to establish your record. You've already appealed.

CITY ATTORNEY OGILVIE:

I'm trying not to be adversarial because my position here is to advise the Board. My Deputy's position is to prosecute. Based upon what I have seen presented, I don't think that there is any question, but what 120,000 cubic feet of wood chips and shavings and trimmings is in violation of the Uniform Fire Code. I think that probably in that sense you don't have an awful lot of discretion as to whether or not you should tell him to remove it. I think you do have discretion, however, on when you order him to remove it. You have conflicting opinions by experts as to the immediacy of the danger that's caused by that pile of wood chips being there. Mr. Lompfrey, who is certainly-- has testified as to his expertise in the area, has said that he does not view it as a particular danger to the surrounding area because, although it will burn, it would not be a conflagration. It would be more of a smouldering peat moss type of fire. My God, there's been a fire going in Centralia, Pennsylvania for over a hundred years, or something, smouldering. On the other hand, you have Mr. Powell's testimony that I consider to be equally as expertise as Mr. Lompfrey that this is subject to any number of sources of ignition and under the right atmospheric conditions can spread fire brands as far as five miles away. I think you do have discretion then in what expert you want to believe and whether or not, if you believe Mr. Lompfrey, if you wish to give Mr. Guski more time. I don't think you have much discretion on seeing ultimately that the Fire Code violation is corrected and Judge Horsey has said there is a Fire Code violation, although it's under appeal. You have a certified copy of that conviction. I think that aspect of the case is really not subject to discretion at this time. That's my opinion.

MAYOR BRIARE:

We have a long time before now, no matter what we -- if we were to take some action that would be contrary to Mr. Guski's case here, I think we've got a long time between now and the time when this is

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MAYOR BRIARE:

actually going to be cleared up. Unless there's some emergency powers that we have that says to get in there and get it cleaned up, I'd hate to send equipment out there and do it and -- you own the property, you are the owner of the property. So if the City had to go out there and clean it up, in the absence of your willingness to do so, then you know that the City would file a lien on your property. While we're in court fooling around with the civil matter, we could find ourselves on the short end of it and we'd end up having to pay for it ourselves. That's why this thing has been blown a little bit further than what I --

COUNCILMAN NOLEN:

Your Honor, perhaps we could ask the -- I'm not willing to go six months, but perhaps we could reach a compromise and cut it in half to ninety days and see, you know, if we can reach some kind of an agreement out of him to give him ninety days to have it done or we'll send a crew in there and do it for him and assess the property.

MAYOR BRIARE:

We'd get further along, Councilman, in my opinion, doing what you suggest than to go ahead and say "You must do this," and then tomorrow --

COUNCILMAN NOLEN:

That's why I'm trying to reach some kind of a compromise because I feel very confident that if we issue the order today to back up Mr. Hymer's letter here that they're going to go into the District Court's and we're going to be fighting it longer --

MAYOR BRIARE:

Years.

COUNCILMAN NOLEN:

-- so if there's some way we can reach a compromise, you know, quite candidly I'm not willing to give any more time, but he's asking for six months.

JOE GUSKI:

I'll cover it up, I'll cover it up.

COUNCILMAN NOLEN:

No, I want it out of there.

JOE GUSKI:

I can landscape that partial.

COUNCILMAN LEVY:

No. We want it out of there. We want you moved.

JOE GUSKI:

Alright.

ATTY. DONALD HAIGHT:

The time factor for moving it is not a problem. We could move it within thirty days. The problem is trying to sell it within thirty days. Our buyer --

MAYOR BRIARE:

That is not for us to be concerned about.

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ATTY. DONALD HAIGHT:

That's the reason why we've asked for the six months because the market that we have taken cannot take all of this in such a short time.

MAYOR BRIARE:

Why don't you recommend to your client that -- we understand his concern, it's economic. Our concern is safety, so when you get the two of them together, we like ours to prevail so we'd like to have --

COUNCILMAN NOLEN:

That's why I'm suggesting the compromise of the ninety days. In fact, I'm even willing to put a pinpoint on it by the first meeting of March.

COUNCILMAN LURIE:

January, February, March.

COUNCILMAN NOLEN:

I think if we give him until the first meeting of April, you're talking about getting into the springtime. I'm trying to reach some compromise that they'll be happy with and something that we can live with. The first meeting in April would even give him -- that's more than ninety days. You're talking almost four full months there. I think that's being more than reasonable. If you'll agree to that, I'll make --

COUNCILMAN LEVY:

Get with the City Attorney.

COUNCILMAN NOLEN:

Well, I'm looking at the springtime when he feels the market is there.

COUNCILMAN LEVY:

And the wind starts blowing.

COUNCILMAN NOLEN:

You're right. It's fight it now or compromise now.

ATTY. DONALD HAIGHT:

We would be willing to go along with having it removed by the first meeting in April.

COUNCILMAN NOLEN:

Larry, do you guys have any problem with that in particular?

MAYOR BRIARE:

What does it cost to be granted a permit for storing combustible materials? Is there a license fee?

FIRE MARSHALL POWELL:

The permit, Your Honor, would come from the Fire Department. There is no fee for that permit.

MAYOR BRIARE:

There is no fee.

FIRE MARSHALL POWELL:

There is no fee. However, if I may, the circumstances under which that storage is contained right now would not allow us to issue a permit.

TRANSCRIPT - CITY COUNCIL MEETING - DECEMBER 5, 1984 - 10:00 A.M. - PAGE 40
V. GEORGE F. OGILVIE - CITY ATTORNEY. ITEM E. APPEAL BY JOE GUSKI TREE SERVICE OF
LITTER ABATEMENT NOTICE AND ORDER TO COMPLY RE: 2626 RUSSELL AVENUE.

0153

MAYOR BRIARE:

No, I understand that, but I think that he should have applied for a permit and it would be considered for approval on the condition that he get all the rest of the stuff out of there.

FIRE MARSHALL POWELL:

We could consider it on a condition that he bring it within the confines of the applicable sections of the Code.

MAYOR BRIARE:

And if he does not come within the Code by the time that Councilman Nolen has indicated here, that he, then what? Then what kind of an assurance could you get? Not that your word's not good, Joe. It's just that that's not the way to do it. There's got to be some assurances that if this Council should -- you know, just break -- do a little negotiating, or something.

COUNCILMAN LEVY:

April 2 we start moving it and anything left over. How's that, Joe? Will you agree to that?

JOE GUSKI:

There won't be anything there.

COUNCILMAN LEVY:

Will you agree to that?

JOE GUSKI:

Yes.

COUNCILMAN LEVY:

You agree to that that on April 2, whatever is left, we'll move and bill him and he'll pay.

ATTY. DONALD HAIGHT:

Could I add one proviso to that? I agree with the basic sentiment, Councilman Levy, but just if there happened to be less than 2,500 cubic feet?

COUNCILMAN LEVY:

No.

ATTY. DONALD HAIGHT:

None at all?

COUNCILMAN LEVY:

None at all.

JOE GUSKI:

This property is worth more to me than storage for chips and I intend to build on it or sell it so I'm with you people. It has been there, it has been a headache to me, it has been a headache to you. I did a lot of research on this. I think that you will see that these chips are going to be put to valuable use, not dumped to the dump. Like other towns, they are put to compost and wood erosion control, all kinds of uses, which I've studied and looked into very seriously and I think in four months, or by the first of April, they'll be removed and put to valuable use,

TRANSCRIPT - CITY COUNCIL MEETING - DECEMBER 5, 1984 - 10:00 A.M. - PAGE 41
V. GEORGE F. OGILVIE - CITY ATTORNEY. ITEM E. APPEAL BY JOE GUSKI TREE SERVICE OF
LITTER ABATEMENT NOTICE AND ORDER TO COMPLY RE: 2626 RUSSELL AVENUE.

0154

JOE GUSKI:

rather than towed out to the dump.

DEP. CITY ATTORNEY
ZALAORAS:

I have a concern that half the city would want to express, to make the Council aware from a legal standpoint. I wouldn't want Mr. Powell or any other body of this City to issue a permit for the storage of that which is there now because I think that would be negligent.

MAYOR BRIARE:

I didn't suggest that. I said "He applies for a permit."

DEP. CITY ATTORNEY
ZALAORAS:

I would encourage Mr. Powell, from a legal standpoint, not to ever issue a permit for the amount that's there now, simply because it is too dangerous and the City could be opening itself up to liability if a fire does happen between now and April 1st or April 2nd by issuing a permit, so that would be a concern of mine.

COUNCILMAN LEVY:

I'd like to make a comment for Al Levy. I appreciate your thoughts here, but I'll listen to Captain Powell.

MAYOR BRIARE:

There's no question, Counselor, that you presented a case which presents this Board with, in my opinion, you won the case, but now the question comes up, is how do we execute judgement. What we are trying to do is execute the judgement by having Mr. Guski willingly begin tomorrow morning to remove those materials and if he doesn't complete the removal of them by April 2nd --

COUNCILMAN LURIE:

Then we go in and finish it.

MAYOR BRIARE:

Well, no, there's got to be an agreement. There's got to be an agreement.

JOE GUSKI:

I agree to that.

MAYOR BRIARE:

Your attorney is going to have to sit down with the --

CITY ATTORNEY OGILVIE:

I think we can work this out fairly simply right now, Mr. Haight, if you would take a copy of the Litter Abatement Notice and Order to comply and --

COUNCILMAN LEVY:

We want it legally and kind of decide it morally how to do it.

DEP. CITY ATTORNEY
ZALAORAS:

I understand and appreciate that, but I'm just concerned if something happens between now and April,

TRANSCRIPT - CITY COUNCIL MEETING - DECEMBER 5, 1984 - 10:00 A.M. - PAGE 42
V. GEORGE F. OGILVIE - CITY ATTORNEY. ITEM E. APPEAL BY JOE GUSKI TREE SERVICE OF
LITTER ABATEMENT NOTICE AND ORDER TO COMPLY RE: 2626 RUSSELL AVENUE.

0155

DEP. CITY ATTORNEY
ZALAQRAS;

what position the Council might be in. We have to do something.

MAYOR BRIARE:

There's nothing verbally we can do today that's going to prevent anything happening because it's there and it's going to stay there. It's not like we can go and blow it off the map.

COUNCILMAN LEVY:

April 2nd.

MAYOR BRIARE:

It's there.

COUNCILMAN LEVY:

Do you understand? And Joe understands on April 2nd, sir, that if any of it is still there, we'll go move it and he'll pay for the moving and we'll take it to the dump.

COUNCILMAN NOLEN:

This letter should serve as --

MAYOR BRIARE:

In the event that Mr. Guski has agreed in substance to what we're talking about, Counselor, we could hold this hearing in abeyance until the 19th of December so that a proper agreement can be drawn that's approved by our City Attorney and whatever other odds and ends that have to go into that.

CITY ATTORNEY OGILVIE:

What I was going to suggest if Mr. Guski, through his attorney, would stipulate that the Litter Abatement Notice and Order to Comply dated November 1, 1984 continue in force and effect with the following changes: that in the second to the last line of the first paragraph and continuing on to the last line, the words "thirty days from receipt of this letter," those words be deleted and inserted in lieu thereof: "April 2, 1985." And then in the third line of the second paragraph the words "within thirty days from the date of this notice" be deleted and inserted in lieu thereof: "by April 2, 1985." With those corrections and with the understanding that if the material is not removed by April 2, 1985, that the City may go onto the property, remove the litter, lien the property without any contest from the property owner. I think that will take care of the matter.

ATTY. DONALD HAIGHT:

I agree with that, Mr. Ogilvie. Even to show our good faith I would offer one additional correction or change to the letter, and that would be that the last paragraph of the letter regarding appeal be deleted from the letter,

TRANSCRIPT - CITY COUNCIL MEETING - DECEMBER 5, 1984 - 10:00 A.M. - PAGE 43
V. GEORGE F. OGILVIE - CITY ATTORNEY. ITEM E. APPEAL BY JOE GUSKI TREE SERVICE OF
LITTER ABATEMENT NOTICE AND ORDER TO COMPLY RE: 2626 RUSSELL AVENUE.

0156

ATTY. DONALD HAIGHT: just so that there would be no --

CITY ATTORNEY OGILVIE: That's correct. The last paragraph also be deleted.
Thank you for calling that to my attention.

COUNCILMAN NOLEN: Okay, that'll be my motion. I'd also like to instruct
staff to proceed with the adjoining property owners that
have a problem, proceed on those too.

CLAY HYMER: We have that in order.

ATTY. DONALD HAIGHT: Councilman Nolen, we would point out that Mr. Baldwin,
that is not his problem, that's our problem and we would
like to take care of that.

COUNCILMAN NOLEN: That would be included in what we're talking about here.
I'm talking more about where that old car is parked and
I think --

COUNCILMAN LURIE: Why didn't we do this in the beginning? We had to go
through this over here. Why didn't we just agree on
the intent? We could have gotten done and saved you a
little money today.

JOE GUSKI: I know it. I entered it in the back of my mind anyway.
That's why I said six months. I've got it sold. It
will be sold, cleaned up. Get off my back and it'll
be done, let's put it that way.

COUNCILMAN LEVY: Get off our back.

JOE GUSKI: No, you're on mine, I'll get off yours.

COUNCILMAN LEVY: You did Counselor for your first time before us. We're
not a court of law.

MAYOR BRIARE: Are you satisfied with the motion that Councilman Levy
has made? Is that the proper motion, George?

CITY ATTORNEY OGILVIE: Yes, that's right.

COUNCILMAN NOLEN: Councilman Nolen's motion.

MAYOR BRIARE: Cast your votes. Post. Motion is approved. Counselor,
thank you for your patience. Mr. Guski, you've demon-
strated you've had patience for a long time.

END OF TRANSCRIPT.

Motion carried unanimously with Christensen excused.

AGENDA*City of Las Vegas*

0157

December 5, 1984

Page 17

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

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES

- 13:53 A. BILL NO. 84-57 - AUTHORIZES LAS VEGAS METROPOLITAN POLICE DEPARTMENT TO APPOINT AND TRAIN TRAFFIC CONTROLLERS.
Committee: Councilmen Levy and Lurie

First Publication: SUN - 11/21/84

Committee Recommendation:

Adoption at the 12/5/84 City Council meeting.

Levy -
Second Reading and
Bill ADOPTED
Unanimous

Clerk to proceed
with second
publication.

- 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. (FIRST AMENDMENT)
Committee: Councilmen Levy and Lurie

First Publication: SUN - 11/21/84

Committee Recommendation:

Adoption at the 12/5/84 City Council meeting
as per the First Amendment.

Levy -
Second Reading and
Bill ADOPTED as
per First Amendment
Unanimous

Clerk to proceed
with second
publication.

APPROVED

AGENDA DOCUMENTATION

Date: October 29, 1984

TO: The City Council

FROM: *Robert Yeargin*
Robert Yeargin
Deputy City Attorney

0158

SUBJECT: Bill No. 84-57 Authorizes Las Vegas Metropolitan Police Department to appoint and train traffic controllers.

PURPOSE/BACKGROUND

At the present time, the Las Vegas Metropolitan Police Department relies upon volunteers, such as REACT, to provide traffic controllers to work with its traffic officers in handling traffic during special events and periods of abnormal traffic within its service area. This arrangement has not proved to be satisfactory, from Metro's standpoint, since Metro has little or no control over which volunteers will be working with its traffic detail, what training, if any, those volunteers have had in traffic control or their actions in attempting to control traffic. In addition to these administrative problems, the situation also exposes Metro to liability in the event that the volunteers' actions cause an accident or injury.

Since the number of special events within its service area increases each year, Metro has requested that it be authorized by ordinance to appoint and train traffic controllers on a part time basis, similar to the present situation with respect to school crossing guards.

FISCAL IMPACT

None, since persons receiving permits for special events are already required by the Las Vegas Municipal Code to pay the costs associated with preparing for, supervising and cleaning up after the event.

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

AGENDA DOCUMENTATION

Date: October 12, 1984

TO: The City Council

FROM: *Robert Yeargin*
Robert Yeargin
Deputy City Attorney

0159

SUBJECT: 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.

PURPOSE/BACKGROUND

The purpose of this bill is to amend chapters in the Municipal Code dealing with privileged licenses (Chapter 6.06) and work cards (Chapter 6.86) to require applicants for privileged licenses, approvals of suitability and work cards to pay the fees necessary for investigation of their applications. With the amendments, applicants will be required to make an investigation fee deposit and then pay any excess if investigation costs exceed the deposit. Deposits are already established by ordinance at \$150 for approval of suitability and \$200 for licensing; the Metropolitan Police Department would be authorized under the amendments to determine the amount of the deposit for work card investigations. The additional fee there will make it possible to compare fingerprints to national records and obtain more complete criminal records. The amendments also require investigators to document their investigative efforts.

FISCAL IMPACT

None

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 -B

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

0160

STATE OF NEVADA)
COUNTY OF CLARK)

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 13th day of November, 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, November 19, 1984 in the Eighth Floor - Conference Room, City Hall, 400 East Stewart Avenue, 8th 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).


SIGNATURE (an employee in the Office
of the City Clerk)

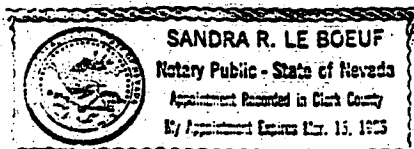
Subscribed and sworn to before me this

13th day of November, 1964

James R. LeBrun

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)

0161

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 13th day of November, 1984, at the hour of 8:30 Am there were posted copies of a NOTICE, the attached of which is a true and correct copy, of an INFORMATION MEETING before various RECOMMENDING COMMITTEES relative to proposed ordinances, to be held at the hour of 4 Pm on Monday, November 19, 1984, in the Eighth Floor - Conference Room, City Hall, 400 East Stewart Avenue, 8th 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

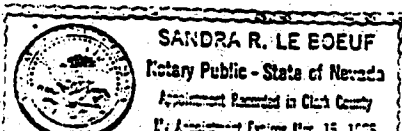
city clerk
DEPARTMENT

Subscribed and sworn to before me this

13th day of November, 1984

Sandra R. LeBeau

NOTARY PUBLIC in and for said County and State.

My Commission expires: 3-15-86

November 7, 1984

0162

N O T I C E

The following Bills proposed for adoption by the City Council and other matter as set forth below will be the subject of PUBLIC COMMENT before the respective committees at the hour of 4:00 P.M., Monday, November 19, 1984, in the 8th Floor Conference Room, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

- A. BILL NO. 84-57 - AUTHORIZES LAS VEGAS METROPOLITAN POLICE DEPARTMENT TO APPOINT AND TRAIN TRAFFIC CONTROLLERS.
Committee: Councilmen Levy and Lurie

- 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.
Committee: Councilmen Levy and Lurie

- 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.
Committee: Councilmen Lurie and Levy

- 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).
Committee: Councilmen Levy and Lurie

- 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).
Committee: Councilmen Levy and Lurie

- F. DISCUSSION AND POSSIBLE ACCEPTANCE OF PROPOSAL AND APPROVAL OF CHANGES TO THE CITY EMPLOYEES GROUP HEALTH INSURANCE PROGRAM.
Committee: Councilmen Lurie and Levy

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 Bills may be obtained through the office of the City Clerk, Monday through Friday, 8 A.M. to 5 P.M.

INTER-OFFICE MEMORANDUM

November 29, 1984

TO:

FILE

FROM:

CH
CAROL ANN HAWLEY
CITY CLERK

0163

SUBJECT:

RECOMMENDING COMMITTEE MEETING
NOVEMBER 19, 1984

COPIES TO:

12/5/84 City Council Meeting
City Attorney
Business Activity Director
Community Planning & Development Director
Public Services Director
Building & Safety DirectorMetro
Fire Services Chief

MEETING HELD:

Monday, November 19, 1984, at 4:00 P.M. in the 8th Floor
Conference Room, City Hall, 400 East Stewart Avenue,
Las Vegas, Nevada. Meeting adjourned at 5:20 P.M.

IN ATTENDANCE:

Mayor William H. Briare
Councilman Ron Lurie
Councilman Al Levy
Deputy City Manager Daniel R. Fitzpatrick
Deputy City Manager Randall Walker
Richard Blue, Exec. Assistant to the City Manager
John Roethel, Deputy City Attorney
Jan Tait, Director, Personnel Department
Marge Hether, Chief, Privilege License Division
Bob Yeargin, Deputy City Attorney
Marvin Leavitt, Director, Finance & Computer Services
Michael Hayes, Analyst
Don Saylor, Special Projects Manager
Don Brown, Principal Planner
Dwight Mahan, LVMPD
Hash Hanief, LVMPD
Carol Ann Hawley, City Clerk
Doug Dickerson
Bob Orgill
Lee Robinson
Joseph Lawrence
Jack Cohen
Ernie Lipman

- A. BILL NO. 84-57 - AUTHORIZES LAS VEGAS METROPOLITAN POLICE DEPARTMENT TO APPOINT
-
- AND TRAIN TRAFFIC CONTROLLERS.

Committee: Councilmen Levy and Lurie

The Committee recommended adoption at the 12/5/84 City Council meeting.

RECOMMENDING COMMITTEE MEETING
NOVEMBER 19, 1984
PAGE 2

0164

- 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.

Committee: Councilmen Levy and Lurie

The Committee recommended adoption as per First Amendment at the 12/5/84 City Council meeting.

- 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.

Committee: Councilmen Lurie and Levy

The Committee recommended adoption at the 11/21/84 City Council meeting.

- 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).

Committee: Councilmen Levy and Lurie

No one appeared on behalf of this bill. The Committee recommended adoption at the 12/5/84 City Council meeting.

- 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).

Committee: Councilmen Levy and Lurie

No one appeared in opposition to this bill. The Committee recommended adoption at the 12/5/84 City Council meeting.

- F. DISCUSSION AND POSSIBLE ACCEPTANCE OF PROPOSAL AND APPROVAL OF CHANGES TO THE CITY EMPLOYEES GROUP HEALTH INSURANCE PROGRAM.

Committee: Councilmen Lurie and Levy

The Committee recommended renewal of the existing insurance program on a temporary basis of up to six months while other alternatives are studied. (Verbatim tape is on file in the Office of the City Clerk)

AGENDA*City of Las Vegas*

December 5, 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 (Cont'd)

- C. 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).

Committee: Councilmen Levy and Lurie

First Publication: SUN - 11/21/84

Committee Recommendation:

Adoption at the 12/5/84 City Council meeting.

Levy -
Second Reading and
Bill ADOPTED
Unanimous

Clerk to proceed
with second
publication

- D. BILL NO. 84-61 - ANNEXATION NO. A-18-84(A),
PROPERTY LOCATED ON THE NORTHEAST CORNER OF
LORENZI BOULEVARD AND SMOKE RANCH ROAD; PETI-
TIONED BY: METROPOLITAN DEVELOPMENT CORPOR-
ATION; ACREAGE: APPROXIMATELY 121 ACRES;
ZONED: R-E (COUNTY CLASSIFICATION) N-U (CITY
EQUIVALENT).

Committee: Councilmen Levy and Lurie

First Publication: SUN - 11/21/84

Committee Recommendation:

Adoption at the 12/5/84 City Council meeting.

Levy -
Second Reading and
Bill ADOPTED
Unanimous

Clerk to proceed
with second
publication

APPROVED

City of Las Vegas

CITY COUNCIL MINUTES - DECEMBER 5, 1984

0166

AGENDA DOCUMENTATION

Date: October 17, 1984

TO:

The City Council

FROM:

Val Steed *Val Steed*
Deputy City Attorney

SUBJECT: Bill No. 84-60
Annexation No. A-17-84(A)

PURPOSE/BACKGROUND

The proposed ordinance annexes certain real property located on the northwest corner of Roberta Lane and Decatur Boulevard. The annexation process has now been completed in accordance with the NRS and the final date of annexation (December 14, 1984) is set by this ordinance.

The following is pertinent information:

Annexation No.:	A-17-84(A)
Property Located:	On the northwest corner of Roberta Lane and Decatur Boulevard
Petitioned By:	Greg Munsell 1001 South Third Street Las Vegas, Nevada 89101
Acreage:	Approximately one acre
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 - C

City of Las Vegas

CITY COUNCIL MINUTES - DECEMBER 5, 1984

AGENDA DOCUMENTATION

Date: October 18, 1984

0167

TO: The City Council

FROM: Val Steed *Val Steed*
Deputy City Attorney

SUBJECT: Bill No. 84-61
Annexation No. A-18-84(A)

PURPOSE/BACKGROUND

The proposed ordinance annexes certain real property located on the northeast corner of Lorenzi Boulevard and Smoke Ranch Road. The annexation process has now been completed in accordance with the NRS and the final date of annexation (December 12, 1984) is set by this ordinance.

The following is pertinent information:

Annexation No.:	A-18-84(A)
Property Located:	On the northeast corner of Lorenzi Boulevard and Smoke Ranch Road
Petitioned By:	Metropolitan Development Corporation 2501 North Green Valley Parkway Suite 108 Henderson, Nevada 89015
Acreage:	Approximately 121 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 - D

AGENDA*City of Las Vegas*

December 5, 1984

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

ITEM

Council Action

Department Action

VII. BOARDS AND COMMISSIONSA. BOARD OF ZONING ADJUSTMENT
5-Year Term

1. Jessie Emmett - Term Expires 12/06/84

Lurie -
Motion to concur
in Mayor's appoint-
ment of Dr. Carole
Sorensen, 3409
El Cortez, Las
Vegas, NV 89102
to a 5-year term
carried by a
unanimous vote.

Clerk to notify

APPROVED

City of Las Vegas

0169

AGENDA DOCUMENTATION

Date: November 30, 1984

TO:
The City CouncilFROM: *Carol Ann Hawley*
Carol Ann Hawley
City Clerk

SUBJECT: Board of Zoning Adjustment

PURPOSE/BACKGROUND

Dr. Carole Sorensen, 3409 El Cortez, Las Vegas, Nevada 89102 has expressed a desire to be considered for appointment as a member of the Board of Zoning Adjustment.

This seat, expiring 12/6/84, is the one formerly held by Mrs. Jesse Emmett since her appointment in 1975 on the recommendation of Mayor Briare.

FISCAL IMPACTRECOMMENDATIONS

Agenda Item

VII. A.

R E S U M E

0170

CAROLE GATES SORENSEN

Objective: To utilize my training and experience in a position of responsibility which permits greater opportunity in decision-making and personal development.

Educational Background

Ed.D. Educational Administration with emphasis in Leadership and Management. Brigham Young University, 1984.

M.Ed. Psychology with emphasis in Counseling and Guidance. Utah State University, 1969.

B.S. Secondary Education with teaching majors in English and Business Education. Utah State University, 1953.

Background of Educational Experience

1976 to Present PERSONNEL SPECIALIST, Clark County School District.
Duties: Employment Planning; Recruitment, Selection, and Assignment of Secondary Personnel; Recruitment Planning (nationwide); Orientation of Personnel; In-Service for Teachers and Administrators; Employee Counseling.

Additional responsibilities:

Contract Negotiations 1979 to Present; Chairman of various committees: Curriculum (English); Teacher Transfer; Administrative Selection; Extra Pay for Extra Duty; MASTER PLAN: Committee for Compensation Study to include classified, certificated, and unified employees; Coordinator, CCSD/UNLV Master Teacher Plan; Coordinator, Person to Person Teacher Assistance Committee; Coordinator and developer of recruitment brochures; Administrator, Extra Pay for Extra Duty Compensation (a \$1,600,000 Budget); and Budget and Staff Control responsibilities.

1976 ASSOCIATE SUPERINTENDENT, ADMINISTRATIVE/SPECIAL STUDENT SERVICES, CCSD. Duties involved: Supervision and direction of various departments: Research and Development, Federal Programs, Pupil Personnel Services, Special Education Services, Channel 10 Television. Also served as District Compliance Officer. This position was voluntarily resigned.

1972-76 PRINCIPAL, Las Vegas High School
PRINCIPAL, Robert O. Gibson Junior High School
Duties involved: Curriculum, Instruction, Supervision of staff and students, Evaluation of staff; Community Relations, Facilities; Maintenance; Budget Control; Policies and decisions affecting staff and students; and Supervision, Extra Curricular Activities.

1955-71 Assistant Principal; Dean of Students; Counselor; secondary teacher of English, journalism, social studies, and mathematics at the junior high school level; teacher of grades 4 and 6 at the elementary level. Served at: Robert O. Gibson Junior High, Hyde Park Junior High, Fremont Junior High, Red Rock Elementary and West Charleston Elementary.

Community Service

Chairman, Municipal Court Judge Selection Committee, 1978. (Appointment)
Member, Senate Advisory Committee for Senator Paul Laxalt, 1982 to Present. (Appointment)
Member, Community Planning Council, United Way of Southern Nevada, 1982.
Member, Las Vegas Youth-Affairs Council, 1976.
Instructor, various church related activities.

Professional Organizations

President and Charter Member, Eta Chapter, Delta Kappa Gamma Society, 1961-Present. (A society recognizing outstanding women educators).
Chairman, Professional Affairs Committee, Alpha Chi State (Nevada), Delta Kappa Gamma Society.
Vice-President, Utah State University Alumni Association, Las Vegas Chapter.
Member, National Association of Secondary School Principals Association, 1971-76.
Member, Nevada Association of School Administrators, 1971 to Present.
Member, American Association for Curriculum and Development, 1983
Charter Member, Southern Nevada Council, Administrative Women in Education, 1984.
Chairman, various committees at national conventions of these organizations,

Publications

Corporate Perceptions and Assessments of Training Programs and Educational Administrators in Business/Industry: A Study of Attitudes, Programs, Competencies, and Migration Patterns. A Dissertation, Copyright, 1984.
Henry Gates Family of Upper Canada 1791-1981: A Biographical Study with Genealogies of Allied Families. Copyright, 1981.

0172

December 5, 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		
13:47 A. Bill No. 84-62 -- Requires that all construc- to tion sites within the City be cleared of all 13:49 construction debris daily and that all such debris be securely deposited in appropriate receptacles. Sponsored by: Councilman Al Levy	First Reading and referred - Levy and Lurie	12/17/84 Agenda Recommending Committee meeting
B. Bill No. 84-63 -- Designates a "ZONE FOR ECONOMIC DEVELOPMENT" (NRS Chapter 274) within the City of Las Vegas Sponsored by: Councilman Ron Lurie	First Reading and referred - Lurie and Levy	12/17/84 Agenda Recommending Committee meeting

AGENDA*City of Las Vegas*

December 5, 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

- 13:58 A. V-114-84 - APPEAL filed by SCOTTY GLADSTONE to the action of the Board of Zoning Adjustment in APPROVING the application of ANNA FOORMAN for a Variance to allow the renting of rooms to five (elderly) persons where only three are permitted on property located at 2012 Burnham Avenue in Zoning District R-1 (Single-Family Residence).

The Board of Zoning Adjustment recommends APPROVAL (4 to 1 vote), subject to the following conditions:

1. Provide interior access from the new addition to the main part of the house.

Staff Recommendation: DENIAL

PROTESTS: 2

Levy -
GRANTED Appeal
(Renting of rooms
to 5 elderly
persons denied.)
Unanimous
(Lurie excused)

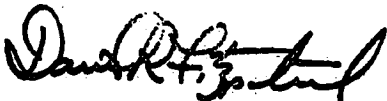
Clerk to notify

Scotty Gladstone,
2109 Moore Street,
appeared.

Carol Colson,
2012 Mariposa,
appeared in
protest of
allowing the
renting of
rooms.

Anna Foorman was
not present.

APPROVED AGENDA ITEM



TO: The City Council
 RE: Public Hearing Agenda Item
 December 5, 1984 City Council Agenda

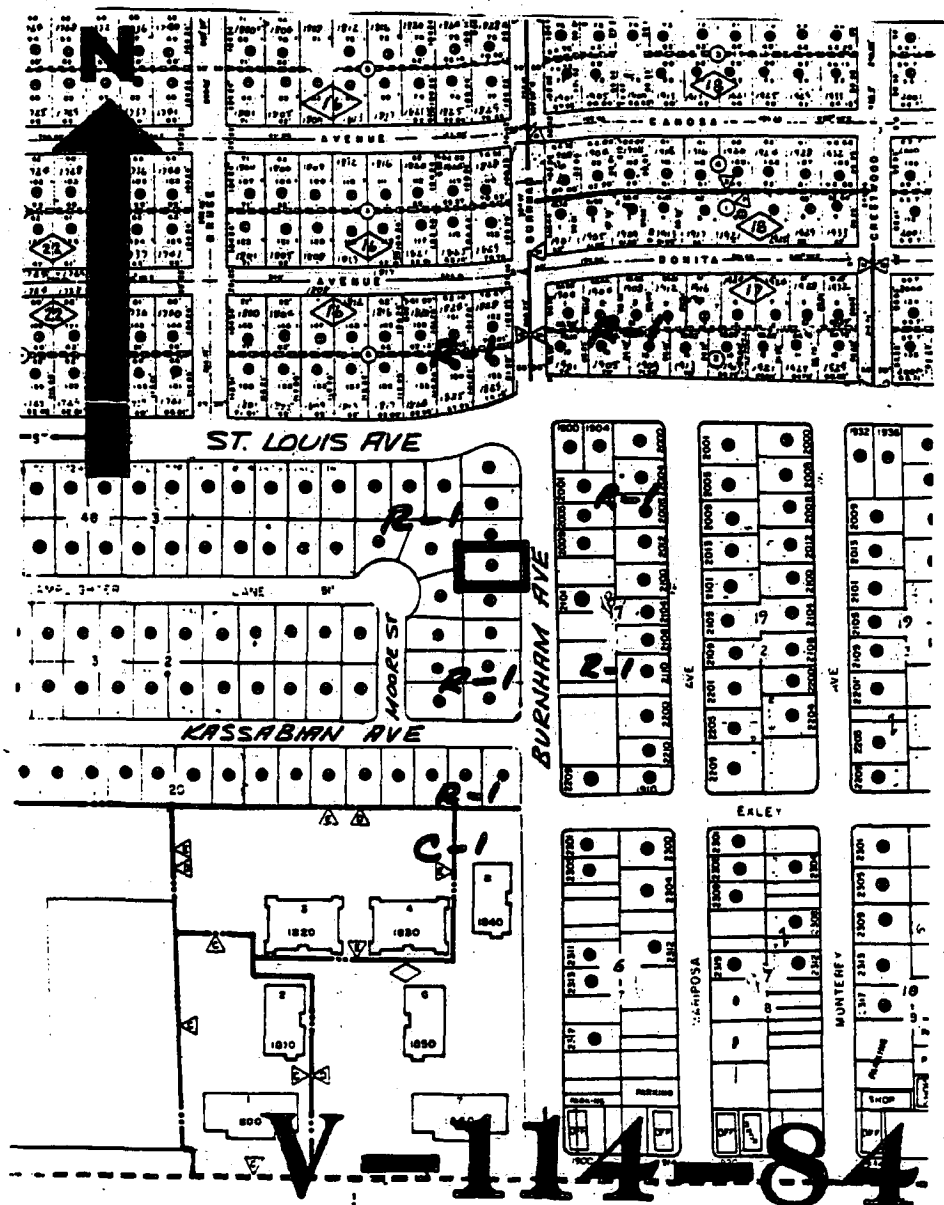
A. V-114-84 - APPEAL FILED BY SCOTTY GLADSTONE

The request is to allow the renting of rooms to five elderly persons (where only three are permitted) at 2012 Burnham Avenue in an R-1 zone. The applicant indicated all of the persons are elderly and it is a means of supporting herself because her husband passed away recently. She would be providing room and board and has a four bedroom house. At the BZA meeting, staff indicated interior access should be provided to all of the rooms and additional off-street parking should be provided. The applicant pointed out that none of the elderly persons owned cars and for this reason additional parking would not be used. The BZA approved the request without the additional parking.

Board of Zoning Adjustment Recommendation: APPROVAL

Staff Recommendation: DENIAL

PROTESTS: 2



RECEIVED
RECEIVED

0175

Nov 9 12 43 PM '84
Nov 9 12 43 PM '84

CITY CLERK
CITY CLERK

November 9, 1984

City Clerk
City of Las Vegas
City Hall, 10th Floor
400 E. Stewart
Las Vegas, Nevada 89101

Gentlemen:

I hereby appeal from the decision of the Board of Zoning Adjustment on October 25, 1984, granting to Anna Foorman permission to rent rooms to 5 persons at 2012 Burnham Avenue, identified as V-114-84.

I am a property owner and resident within 300 feet of the subject property.

Sincerely yours,



Scotty Gladstone
2109 Moore St.
Las Vegas, Nevada 89104

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - OCTOBER 25, 1984
ITEM 9 - V-114-84 - ANNA FOORMAN

0176
PAGE 1

CHAIRMAN BUGBEE:

Item 9, V-114-84 - Anna Foorman for a variance to allow renting of rooms for five elderly persons where only three are permitted on property located at 2012 Burnham Avenue in Zoning District R-1.

ROBERT CLEMMER:

In this case, they're proposing a rooming house for five persons. This type of use is first permitted in a R-5 District by means of a use permit and even in that case, they're limited to four persons. Note on the map on the far wall that this is in the midst of an R-1 area. The property as shown here, staff does not feel that this an appropriate use and would recommend DENIAL. We see that there is no hardship. We have one protest of record.

CHAIRMAN BUGBEE:

Is the applicant present?

ANNA FOORMAN:

My name is Anna Foorman, 2012 Burham.

CHAIRMAN BUGBEE:

Yes, ma'am, staff has asked for denial of this application. Is there any special reasons that you feel that you should have this particular usage?

ANNA FOORMAN:

Well, I have presently three people that are for years with me. My husband was in this town this community very active for 30 years, done a lot of charity work in this town. He became very ill and I was forced to stay home and I took three elderly people in to help us out and to help them. Now my husband passed away three months ago and I want to keep it up and I have so much room that I want to take two more people in and I have the people that are friends of ours -- they're old people. They don't drive and they're not strangers to us.

COMMISSIONER JUNIEL:

How many bedrooms in the house?

ANNA FOORMAN:

I have four bedrooms. I have a new addition which has 360 square foot room alone that the two people are going to live. They have their own private baths and it's very modern and very beautiful and the people are waiting for this opportunity since July but my husband was so ill, I couldn't go through with all this.

COMMISSIONER JUNIEL:

So that makes five with you -- six persons in the home?

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - OCTOBER 25, 1984
ITEM 9 - V-114-84 - ANNA FOORMAN

PAGE 0177

ANNA FOORMAN: Yes, there will be six because my husband passed away.

CHAIRMAN BUGBEE: Mr. Clemmer, did you say there was any protests of record?

ROBERT CLEMMER: Yes, we have one protest of record.

ANNA FOORMAN: Can I find out who the protestor was?

ROBERT CLEMMER: Pardon, I didn't hear that?

ANNA FOORMAN: One of my neighbors, right?

ROBERT CLEMMER: Somebody that we notified within 300 feet of your property, yes.

ANNA FOORMAN: Yes, well he is a very vicious man. He would protest anything to anybody.

CHAIRMAN BUGBEE: Yes, sir.

JIM STEWART: I'm Jim Stewart, 2004 Burham, and I know Anna and she's real good working with the elderly people. She's 59½ years old. She's not eligible for any kind of Social Security and she needs the additional income. She's expended extreme amount of money converting her garage making it all suitable. The City Inspectors have been there. It's ample. It's -- sizewise, Burnham is a big street that's near hospitals. It's centrally located and I think she'd be excellent working with the elderly people and, in fact, she has for a number of years.

CHAIRMAN BUGBEE: Thank you.

COMMISSIONER JUNIEL: In the three bedrooms that you have left, you're going to put the five persons that are going to reside in the three bedrooms?

ANNA FOORMAN: No, I just have one bedroom and the other three bedrooms are going to be four people.

COMMISSIONER JUNIEL: Three bedrooms for five persons?

ANNA FOORMAN: Yes.

COMMISSIONER JUNIEL: Because one bedroom's for herself.

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - OCTOBER 25, 1984
ITEM 9 - V-114-84 - ANNA FOORMAN

PAGE 3

ANNA FOORMAN:

But don't forget, I have a 360 square foot room built on. So that's two people going to live there and two people live in the main house.

CHAIRMAN BUGBEE:

This is a public hearing. Anyone here who wishes to speak in opposition of this --

ANNA FOORMAN:

Four bedrooms.

CHAIRMAN BUGBEE:

-- application? Yes, sir, come forward please and give us your name and address.

SCOTTY GLADSTONE:

I'm Scotty Gladstone and I'm a back fence neighbor three houses down and my address is 2109 Moore Street. I oppose this because first, I bought in there and so did I think everybody else because it was a residential area. All of those homes when first built and offered, were offered as FHA homes, FHA approved, FHA finance with FHA CC&R'S which specifically say, never any business in the area. We have appeared before planning boards since I've been there in '61 resisting successfully every business application that has ever come to my attention. Being in the CC&R'S, I realize the policy of the Boards and Council and Commissions here in the County and City are to pay no attention to CC&R'S. I ask you to do so. Our Supreme Court has held that they are a property right and each and every member of that, each and every owner in this development, whether within 300 feet or not, is entitled to go to court and enforce each and every one of those CC&R'S. I did. I was in the Supreme Court twice on these very CC&R'S. They sustain that they are a property right and are entitled to enforcement and I ask you to ignore this old long standing policy and join the court. Be in favor of supporting them, the CC&R'S. Now let me go the practical side of this. I have also a house that was bought as a four bedroom house. I also converted my garage. I think our square footage is probably identical. I, with my family of then of five, fortunately they grow and go away and let my wife and I live in peace now, but we eliminated one of the bedrooms to enlarge the living area. I enlarged my three-quarter size bath so that I now have two full baths. If I had tried to put eight people in my house, it would be crazy -- or six, plus the parking. These are 65 foot frontage lots. As built, the driveways -- I've expanded mine. I park more than two cars. As built they called for about two cars with then curb parking. If these people are going to eat out and I assume from the application only that this is to rent rooms, it's not to provide board, they're going to be with vehicles.

ANNA FOORMAN: You're wrong. You're very wrong. I'm getting very annoyed. I not even know you.

CHAIRMAN BUGBEE: Will give you a chance for summation.

ANNA FOORMAN: I don't even know this gentleman.

CHAIRMAN BUGBEE: Will give you a chance for summation.

SCOTTY GLADSTONE: I'm not the vicious kind.

ANNA FOORMAN: You would never do this type of work 24 hours a day.

CHAIRMAN BUGBEE: Please, ma'am, let him finish, then you'll have a chance for summation. Yes, sir.

SCOTTY GLADSTONE: I don't think I'm the vicious type that the other protestor may be categorized, although she is entitled to call me as she wishes. If the ultimate occurred here, five elderly persons plus the landlady with cars, that lot would not accommodate them.

ANNA FOORMAN: There is no cars.

SCOTTY GLADSTONE: With curb parking and driveway. Now the bath area I would question too for trying to handle six adults.

CHAIRMAN BUGBEE: Please, please, some of these areas would have to be cleared by the health Department, don't they on this type of --

ANNA FOORMAN: I'm cleared for everything.

ROBERT CLEMMER: The Building Code

CHAIRMAN BUGBEE: The Building Code. So you're really being redundant and we have a lot of people out here waiting to be heard too.

SCOTTY GLADSTONE: Well, I thank you and as I say, to go along with the Supreme Court and do recognize the CC&R'S against any business in the Moore Addition.

CHAIRMAN BUGBEE: Thank you.

SCOTTY GLADSTONE: Thank you.

CHAIRMAN BUGBEE: Anyone else to speak in opposition or in favor of this action?

JIM STEWART:

In favor. I would like to say, he indicated eight people. I would agree with him, eight people would be too much. Anna's only asking for five people to be there since her husband died. There was four people in there and she's only asking for one more. She does prepare the meals for these people. There isn't a question of them eating out. In terms of cars, she does not have a car. She takes a taxi. All the people that are living there at the present time, plus all the -- the two additional people that would be there would be non-car. They would not have a car. These are elderly people who do not have a car. I would also like to indicate, even though he's interested in the CC&R'S and its protection under the law, there's been a change in that area on Burnham. Burnham at 8 o'clock in the morning and at 5 o'clock is almost a freeway. On Eastern, we have major development of commercial and also on Burnham itself we have Metropolitan Life that's moved in, Frontier Savings, the whole area has changed to more of a centrally located commercial type area, but I would like to add that Anna is not planning to put in a commercial type rest home.

CHAIRMAN BUGBEE:

Anything else from you?

ANNA FOORMAN:

I have a license from the State of Nevada presently for three and all I ask is that they would give me the license for five if you approve of this.

CHAIRMAN BUGBEE:

Thank you. I'm going to close the hearing. Any questions of the applicant?

ANNA FOORMAN:

There's no cars involved. Those people are in the 80's all of them. I can choose them. Sorry.

COMMISSIONER EMMETT:

I MOVE FOR APPROVAL.

ROBERT CLEMMER:

If approved, staff would like to have conditions imposed that would be Conformance to the plot plan and according to the code they need to provide three paved, 9 x 16 off-street parking spaces for a rooming house and standard conditions 2 through 8 and provide interior access to the new addition from the main part of the house. Currently they have this new addition separated from the main body of the house. They do need to provide an interior doorway.

ANNA FOORMAN:

We do have.

COMMISSIONER EMMETT: Do you understand the conditions that staff recommended?

ANNA FOORMAN: I do have a door to the interior of the house.

COMMISSIONER EMMETT: Do you understand?

JIM STEWART: Yes.

COMMISSIONER GILES: How about the parking spaces?

COMMISSIONER JUNIEL: Well, you could waive the parking spaces.

COMMISSIONER EMMETT: Waive the parking, okay, that's it.

ANNA FOORMAN: Thank you very much.

CHAIRMAN BUGBEE: Cast your votes please. That has been APPROVED unless appealed. (Motion carried with Bugbee voting "no.")

END OF EXCERPT

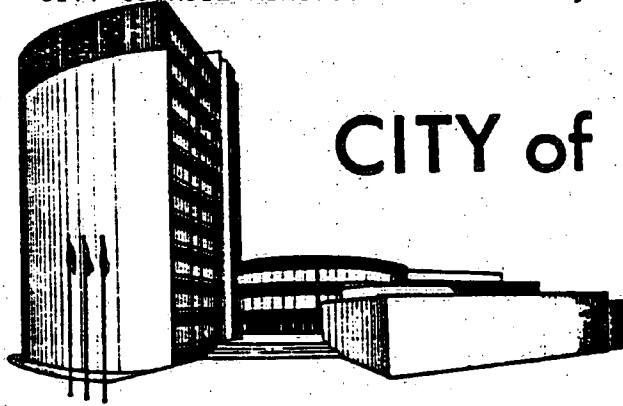
/s/

MAYOR BILL BRIARE

COUNCILMEN
RON LURIE
PAUL J. CHRISTENSEN
AL LEVY
BOB NOLEN

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

DECEMBER 5, 1984

NOTICE IS HEREBY GIVEN THAT on Wednesday, December 5, 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 the following:

V-114-84 APPEAL filed by SCOTTY GLADSTONE to the action of the Board of Zoning Adjustment in APPROVING the application of ANNA FOORMAN for a Variance to allow the renting of rooms to five (elderly) persons where only three are permitted on property located at 2012 Burnham Avenue in Zoning District R-1 (Single-Family Residence).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS LOT 5,
BLOCK 3, AMENDED PLAT OF MOORE ADDITION #1.

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

CAROL ANN HAWLEY
CITY CLERK



December 5, 1984

AGENDA*City of Las Vegas*

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

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ITEM

Council Action

Department Action

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

- 14:08 B. V-122-84 - Application of JERROLD C. JORY for a Variance to allow a pawn shop and second-hand store on property located at 206 North First Street in Zoning District C-2 (General Commercial).

The Board of Zoning Adjustment recommends APPROVAL (2 to 1 vote).

Staff Recommendation: APPROVAL

PROTESTS: 2

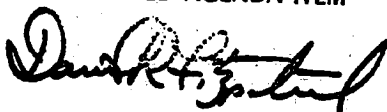
Nolen -
APPROVED
Motion carried
with Briare
voting "No."

Clerk to notify
and Planning to
proceed.

Jerrold C. Jory,
4055 East Balardi
Court, appeared.

William Papagna
1932 East Oakey,
appeared in
protest.

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - DECEMBER 5, 1984

0184

TO: The City Council
RE: Public Hearing Agenda Item
December 5, 1984 City Council Agenda

IX.

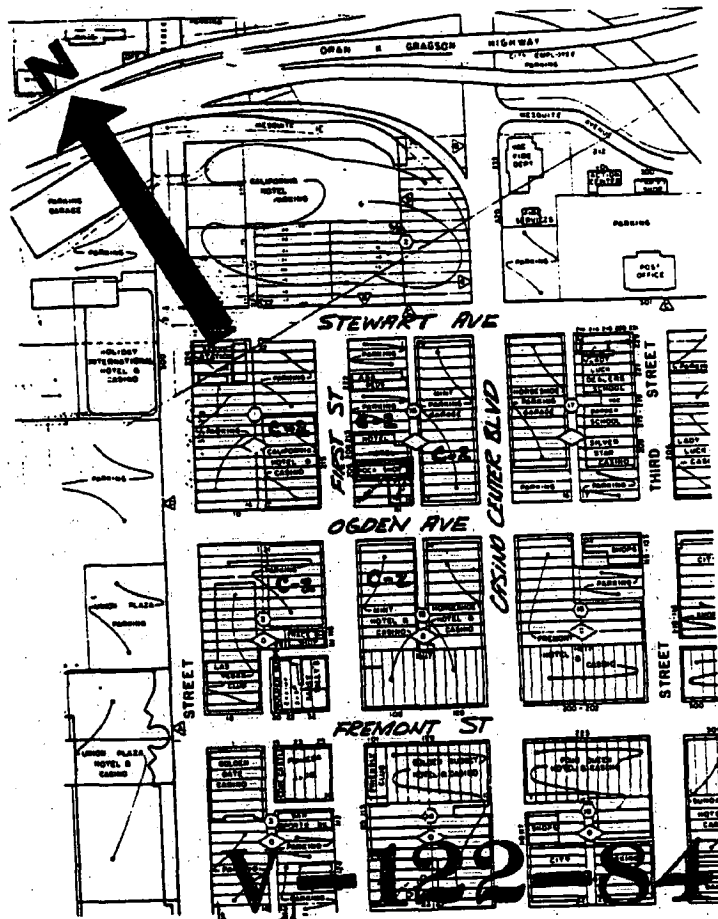
B. V-122-84 - JERROLD C. JORY

The application involves a Variance to allow a pawn shop and a second hand store at 206 North First Street in a C-2 zone. There have been two previous Variances approved in the past, one in 1981 with a one year time limit and the other in 1982 with a three year time limit that will expire in February, 1985. The reason for the time limits was that the owners of the property to the north and south in the block indicated they were proposing a hotel and casino on the site and would be receptive to relocating this use so the property could be acquired and assembled into one parcel for development. At the BZA meeting, Chuck Ruthe appeared and represented the California Club and indicated a hotel and casino is not proposed on this site and that the property has been leased for parking lot use and the old structures would be demolished in the immediate future. He indicated he had been discussing with the applicant the possible relocation of this pawn shop and second hand operation, however he felt it may not be economically feasible to acquire a new site and construct a new building because he was only gaining a twenty five foot wide lot. Further, he indicated he has a twenty-five year lease on the adjoining property to the north and south and this duration does not justify the large relocation expenditure for this business. The members of the BZA concurred with the applicant that there should be no time limit placed on this application and that the applicant and Mr. Ruthe should privately work out any feasible relocation of this business.

Board of Zoning Adjustment Recommendation: APPROVAL, with no termination date.

Staff Recommendation: APPROVAL, subject to a five year termination date.

PROTESTS: 2



November 28, 1984

0185

City Council

City of Las Vegas

Las Vegas, Nevada

Gentlemen:

Reference is made to V-122-84, Application of Jerrold C. Jory for a variance to allow a pawn shop and second-hand store on property located at 206 North First Street in Zoning District C-2.

We, the owners and/or trustee of the adjacent property, object to a variance on the grounds that this property is not conducive to this type of business. Particular objection is made to the second-hand store.

During the Las Vegas Zoning meeting on November 8, 1984, Mr. Jory stated that he would be willing and happy to move his business to another location. This is difficult to believe as Mr. Howard Cannon, Mr. William Peccole and Mr. William Papagna called on Mr. Jory numerous times in an attempt to persuade Mr. Jory to either join in a joint venture to build a hotel or move his pawn shop to another location. We offered to move Mr. Jory's business to 111 Ogden Ave. or Stewart Street but he refused.

If Mr. Jory had cooperated there would have been a large hotel and a much more desirable location for his business years ago.

Sincerely yours,

Howard Cannon
Howard Cannon
Owner Lots 6 & 12

William Papagna
William Papagna
Owner Lots 14 thru 16

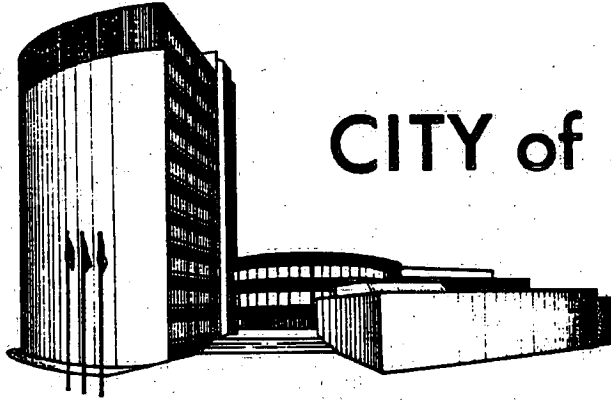
William Peccole
William Peccole
Trustee Lots 1
thru 5

MAYOR BILL BRIARE

COUNCILMEN
RON LURIE
PAUL J. CHRISTENSEN
AL LEVY
BOB NOLEN

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

DECEMBER 5, 1984

NOTICE IS HEREBY GIVEN THAT on Wednesday, December 5, 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 the following:

V-122-84 Application of JERROLD C. JORY for a Variance to allow a pawn shop and second-hand store on property located at 206 North First Street in Zoning District C-2 (General Commercial).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS LOT THIRTEEN (13), BLOCK SIXTEEN (16), CLARK'S LAS VEGAS TOWNSITE.

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

Carol Ann Hawley

CAROL ANN HAWLEY
CITY CLERK



AGENDA*City of Las Vegas*

December 5, 1984

0187

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

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PHONE 386-6011

ITEM

Commission Action

Department Action

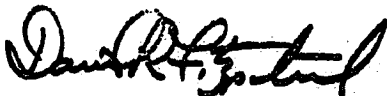
X. COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
HAROLD P. FOSTER, DIRECTOR

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



AGENDA*City of Las Vegas*

December 5, 1984

CITY COUNCIL

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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.



AGENDA

CITY COUNCIL MINUTES - DECEMBER 5, 1984

0189

City of Las Vegas

December 5, 1984

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

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ITEM

Commission Action

Department Action

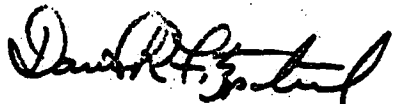
X. COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
HAROLD P. FOSTER, DIRECTOR (CONTINUED)

2. Conformance to code requirements and design standards of all City departments.
3. Vacation shall not be recorded until all of the above conditions have been met.

All Variances and/or Use Permits shall conform to the following general conditions:

1. Conformance to the plot plan and elevations;
2. Satisfaction of City Code requirements and design standards of all City departments.

APPROVED AGENDA ITEM



AGENDA*City of Las Vegas*

December 5, 1984

0190

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 A. REQUEST TO INITIATE VACATION OF PUBLIC
RIGHT-OF-WAY - CITY OF LAS VEGAS

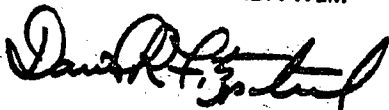
Request to initiate Vacation of Public Right-
of-Way south of Clarice Avenue on Ames Way
and Crestline Drive.

Staff Recommendation: APPROVAL

Lurie -
APPROVED
Unanimous

Planning to
proceed

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - DECEMBER 5, 1984

To: The City Council
Re: Community Planning and Development Agenda Item
December 5, 1984 City Council Agenda

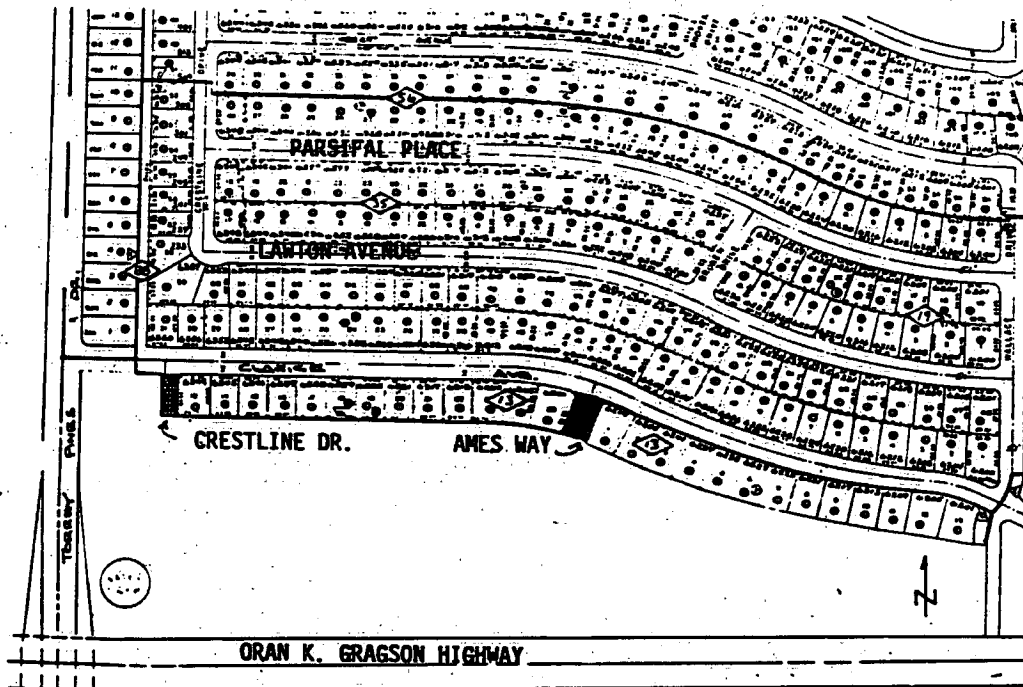
X.

0191

A. REQUEST TO INITIATE VACATION OF PUBLIC RIGHT-OF-WAY - CITY OF LAS VEGAS

The request is for permission to initiate vacation proceedings on Ames Way and Crestline Drive, south of Clarice Avenue. These streets are improved, however, they dead end into an R-3 project and a 6 foot block wall will be constructed at the south end of these streets. There is no need for these streets to continue to the south nor do they serve any purpose at the present time. It is recommended that the Council initiate vacation proceedings on these two streets.

Staff Recommendation: Approval to initiate Vacation proceedings.



AGENDA*City of Las Vegas*

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

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ITEM	Council Action	Department Action
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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
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14:14 B. <u>REQUEST OF SEWER CONNECTION</u>		
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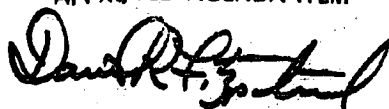
- | | | |
|---|--|--|
| 1. Request of Milton I. Schwartz to connect to City sewer on property outside City limits generally located on the northeast corner of Rainbow Boulevard and Oakey Boulevard. | | |
|---|--|--|

Staff Recommendation: APPROVAL

Lurie - APPROVED as recommended by Staff. Unanimous		
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Planning to proceed		
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APPROVED AGENDA ITEM



0193

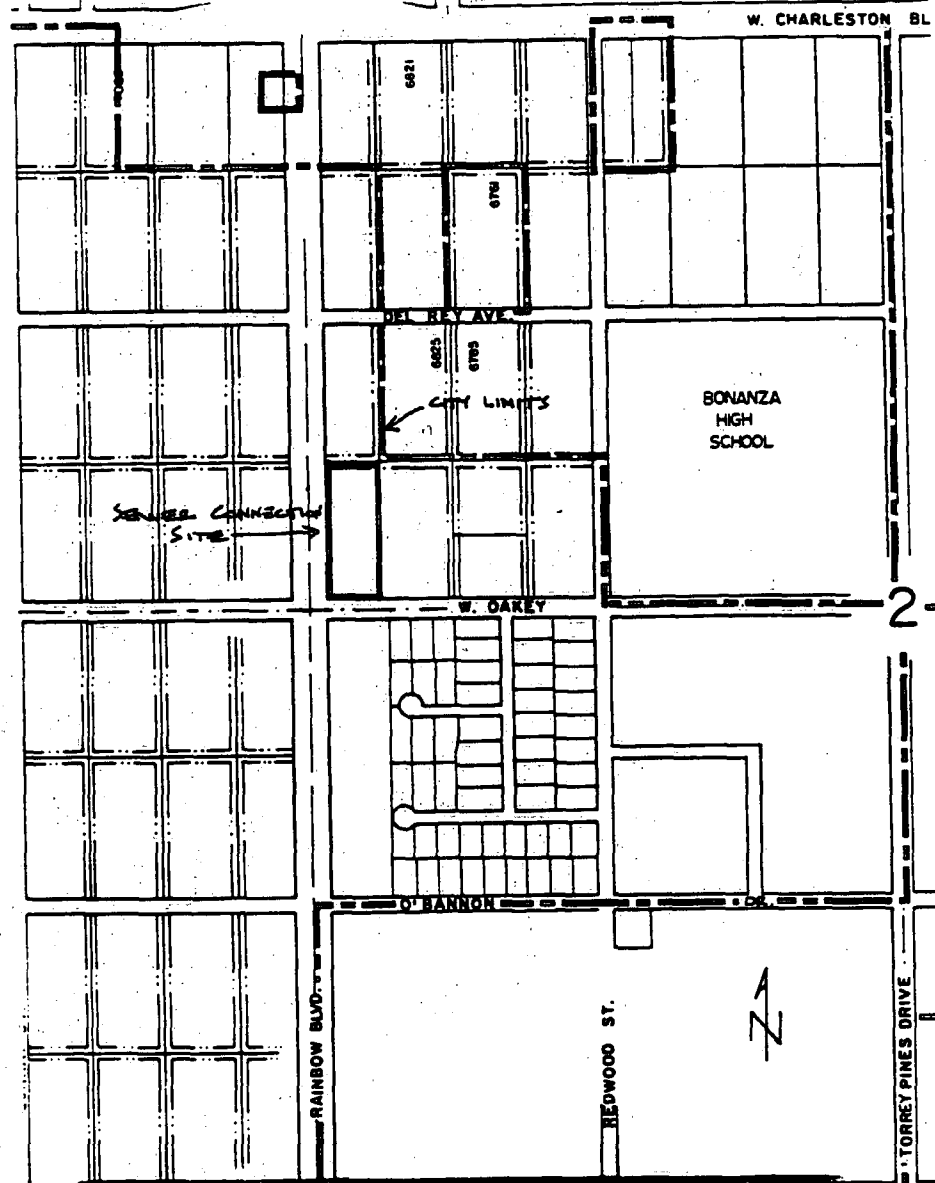
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To: The City Council
Re: Community Planning and Development Agenda Item
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B. REQUEST FOR SEWER CONNECTION

1. The request is by Milton I. Schwartz to connect to City sewer on the northeast corner of Oakley and Rainbow Boulevard. Presently, the property is vacant but the applicant is applying for commercial zoning in the County. The property cannot be annexed to the City at the present time. It is conceivable that the property will be able to be annexed in the foreseeable future. The applicant has signed the sewer connection agreement and a petition for annexation.

Staff Recommendation: APPROVAL



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ITEM

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:14 C. ENCROACHMENT REQUESTS

1. Request of the Oxford Group for an Encroachment Agreement on property located at 415 S. Sixth Street.

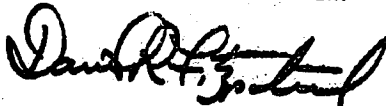
Staff Recommendation: Approval

Lurie -
APPROVED as recom-
mended by Staff.
Unanimous

Planning to
proceed

Michael Ford,
5061 Rancho Circle,
appeared and
represented the
application.

APPROVED AGENDA ITEM



0195

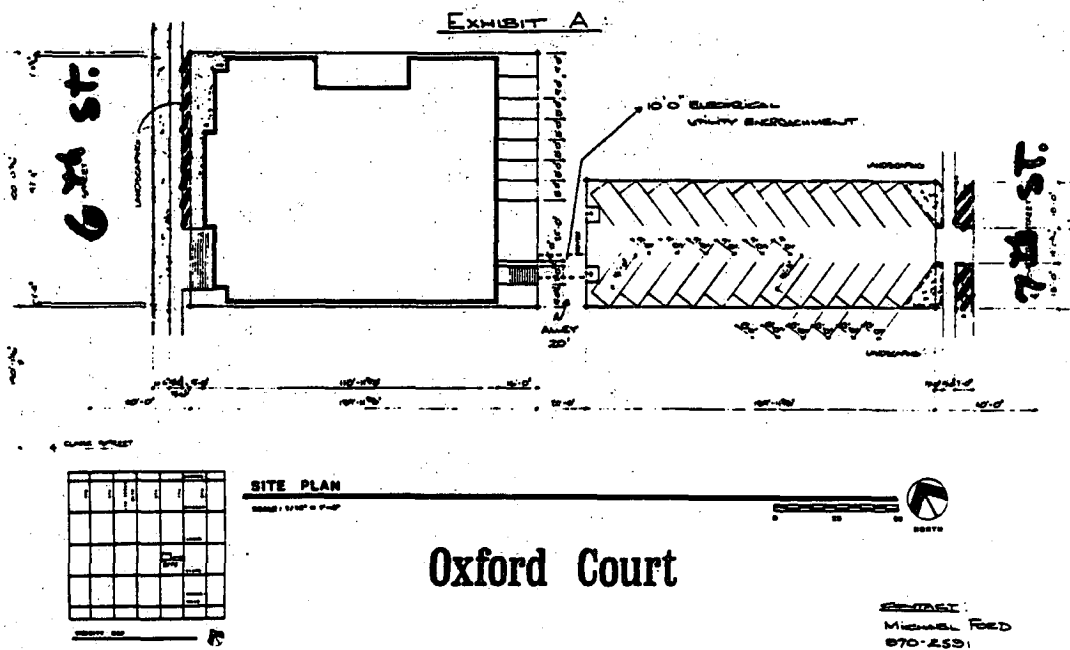
TO: The City Council
RE: Community Planning and Development Agenda Item
December 5, 1984 City Council Agenda

X.

C. ENCROACHMENT REQUESTS

1. The request is to allow landscaping and a 10' easement for an electrical line across the alley for the proposed office complex at 415 South Sixth Street. The property extends from Sixth Street through to Seventh Street. There is an alley separating the two properties and the applicant is requesting that the electrical line for the parking lot on Seventh Street extend across the alley to connect with the meter on the office building. The landscaping will be in public right-of-way between the curb and the sidewalk on Sixth Street and Seventh Street. The applicant has signed the Encroachment Agreement and is aware of the conditions of removal, liability, and maintenance.

Staff Recommendation: APPROVAL



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Department Action

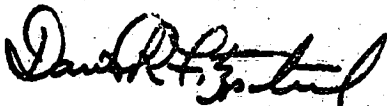
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:15 C. ENCROACHMENT REQUESTS

2. Request of C.K.C. Corporation for an Encroachment Request at 113, 117 and 121 Logansberry Lane.

Staff Recommendation: Approval

Lurie -
APPROVED as recommended by Staff.
UnanimousPlanning to
proceed

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - DECEMBER 5, 1984

0197

To: The City Council
Re: Community Planning and Development Agenda Item
December 5, 1984 City Council Agenda

X.

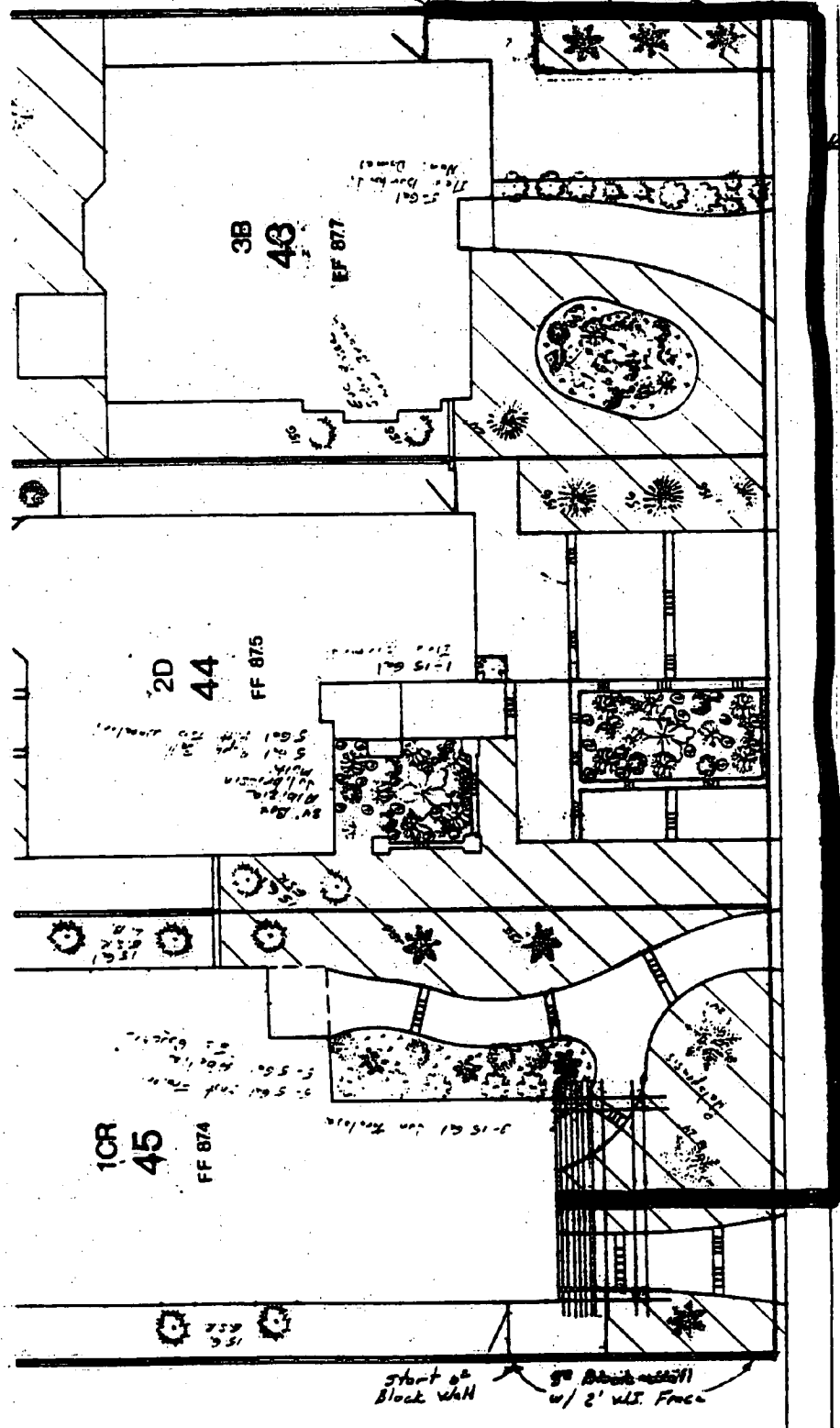
C. ENCROACHMENT REQUESTS

2. The request is to construct a four foot high wrought iron fence at the back of curb in front of the model homes for the Willowcrest subdivision at 113, 117 and 121 Logansberry Lane. The fence is being requested for security and to direct the flow of pedestrians that will be visiting the models. The applicant has signed the Encroachment Agreement.

Staff Recommendation: Approval, subject to removing the fence as soon as the homes cease to be used as models.

ITEM X. C. 2. ENCROACHMENT REQUESTS
COMMUNITY PLANNING AND DEVELOPMENT AGENDA ITEM

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ITEM

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:16 D. SATELLITE PARKING14:47 1. SP-4-84 - WEST LAS VEGAS MEMORIAL CHAPEL
to
14:53

Request for satellite parking on property generally located at 615 West Van Buren Avenue, C-2 Zone.

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

1. Conformance to the plot plan.
2. Pave and landscape the parking lot as required by the Department of Community Planning and Development.

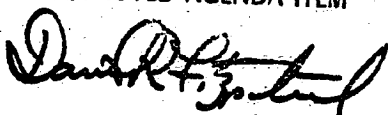
Staff Recommendation: APPROVAL

Briere -
APPROVED, subject to the conditions of Planning Commission and Staff and also subject to Applicant, O.L. Jefferson's payment of monies owed to Bus. Activity for previous business license fees.
Motion carried with Lurie voting "No."

Clerk to notify and Planning to proceed.

O. L. Jefferson appeared.

APPROVED AGENDA ITEM



TO: The City Council
RE: Community Planning and Development Agenda Item
December 5, 1984 City Council Agenda

X.

D. SATELLITE PARKING

1. SP-4-84 - WEST LAS VEGAS MEMORIAL CHAPEL

The request is for satellite parking at 1615 West Van Buren Avenue for the West Las Vegas Memorial Chapel to be able to lease its 48 parking spaces to the New Town Tavern. The use on the Memorial Chapel property would require 29 spaces, however, its hours of operation are from 8 a.m. to 5 p.m. The New Town Tavern would be using these parking spaces later in the evening from 8 p.m. to 3 a.m. It appears to be a workable arrangement for the New Town Tavern to utilize these spaces during the after hours of the Memorial Chapel.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

AGENDA*City of Las Vegas*

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CITY COUNCIL
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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

14:17

E. EXTENSION OF TIME

1. Z-24-83 - HOUSING AUTHORITY OF THE CITY
OF LAS VEGAS

Request for an Extension of Time on property generally located on the north side of Stewart Avenue, between Rue Thirteen North and 14th Street, Parcel #1, R-2 Zone (under Resolution of Intent to P-R); and Parcel #2, R-2 Zone (under Resolution of Intent to R-3).

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

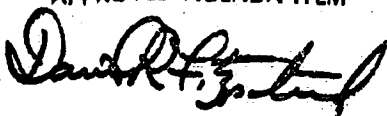
1. Resolution of Intent shall expire on December 5, 1985.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

Staff Recommendation: APPROVAL

Levy -
APPROVED as recommended by Planning Commission and Staff.
Unanimous

Clerk to notify and Planning to proceed.

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - DECEMBER 5, 1984

0202

To: The City Council
Re: Community Planning and Development Agenda Item
December 5, 1984 City Council Agenda

X.

E. EXTENSION OF TIME

1. Z-24-83 - HOUSING AUTHORITY OF THE CITY OF LAS VEGAS

This is the first request for an Extension of Time for the Housing Authority for R-3 and P-R zoning on this property northeast of 13th Street and Stewart Avenue. The Housing Authority needs additional time to commence development on this property.

Planning Commission Recommendation: Approval, subject to a one year time limit.

Staff Recommendation: Approval, subject to a one year time limit.

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0203

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ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:18 E. EXTENSION OF TIME2. ZC-203-78 - MARINITA DEVELOPMENT COMPANY

Request for an Extension of Time on property generally located on the southwest corner of Charleston Boulevard and Rainbow Boulevard, N-U Zone (under Resolution of Intent to C-1).

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

1. Resolution of Intent to expire on December 5, 1985.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

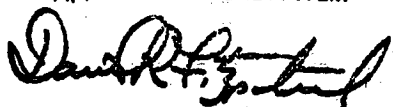
Staff Recommendation: APPROVAL

Levy -
APPROVED for a one-
year extension.
Unanimous

Clerk to notify
and Planning to
proceed.

Betty Chappell
880 E. Sahara Ave.
appeared and
represented the
applicant.

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - DECEMBER 5, 1984

0204

To: The City Council
Re: Community Planning and Development Agenda Item
December 5, 1984 City Council Agenda

X.

E. EXTENSION OF TIME

2. ZC-203-78 - MARINITA DEVELOPMENT COMPANY

This is the fifth request for an Extension of Time on this property for C-1 zoning at the southwest corner of Charleston and Rainbow Boulevards. A shopping center is proposed on this site and additional time is needed to commence construction.

Planning Commission Recommendation: Approval, subject to a one year time limit.

Staff Recommendation: Approval, subject to a one year time limit.

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ITEM Council Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:19 F. PLOT PLAN REVIEW1. Z-8-84 - PARK W. HAWS, INC.

Request for a Plot Plan Review of property generally located on the north side of Vegas Drive, 200 feet east of Torrey Pines Drive, N-U Zone (Under Resolution of Intent to R-CL Zone).

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

1. Conformance to the revised plot plan and elevations.
2. Approval of the Variance for the recreation sites.
3. Conformance to the remaining original conditions of approval.
4. Dedicate 40 feet of right-of-way for Vegas Drive as required by the Department of Design and Development.

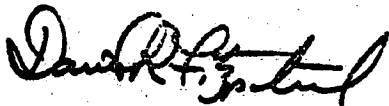
Staff Recommendation: APPROVAL

Lurie -
APPROVED, subject to
the conditions.
Unanimous
(Christensen
excused)

Clerk to notify
and Planning to
proceed.

Park W. Haws, 3790
Paradise Road,
appeared

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - DECEMBER 5, 1984

0206

To: The City Council
Re: Community Planning and Development Agenda Item
December 5, 1984 City Council Agenda

X.

F. PLOT PLAN REVIEW

1. Z-8-84 - PARK W. HAWS, INC.

This involves a relatively minor change for an improved layout in an R-CL development on the north side of Vegas Drive, approximately 200 feet east of Torrey Pines Drive. The applicant is reducing the number of lots to 46 and two of the lots will be used for a common recreation area. A variance has been filed to allow the common recreation area in the R-CL zone.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

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ITEM

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Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)G. VARIANCE

14:20

1. V-124-84 - C & H INVESTMENTS

Application for a Variance to allow 3-story apartment buildings where only 2-stories are allowed on property located on the southeast corner of Cedar Avenue and 28th Street in Zoning District R-E (under Resolution of Intent to R-4).

Board of Zoning Adjustment unanimously recommends APPROVAL, subject to the following conditions:

1. Approval of Zoning Application Z-77-84.
2. Conformance to the conditions of Z-77-84.

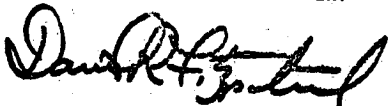
Staff Recommendation: Approval

Protests: 0

Lurie -
DENIED
Motion carried
with Briare voting
"No" and Christensen
excused.

Clerk to notify.

APPROVED AGENDA ITEM



TO: The City Council
 RE: Community Planning and Development Agenda Item
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X.

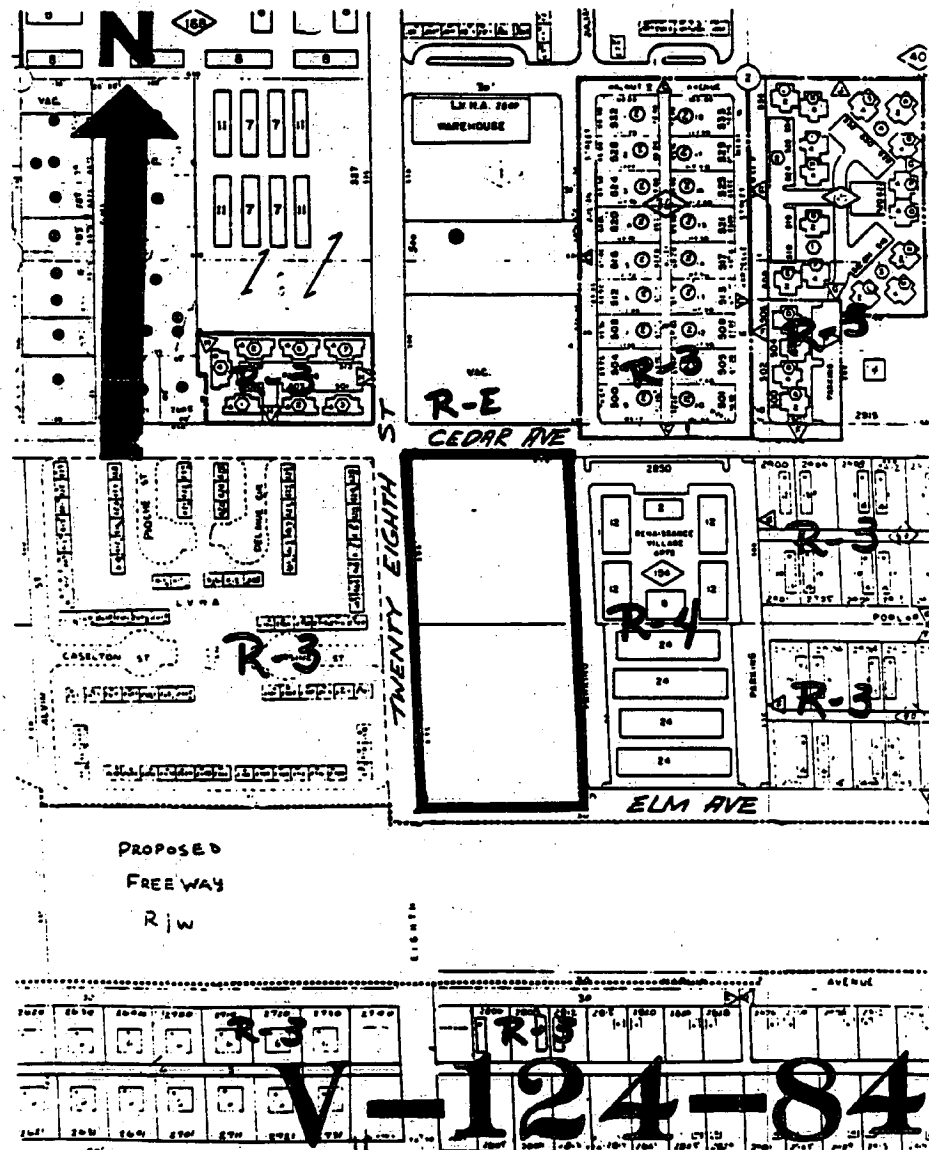
G. VARIANCE - V-124-84 - C & H INVESTMENTS

1. This Variance is before you for final decision because you previously acted on an identical application approximately one year ago. The previous Variance and the Zoning application expired on this project. At your last Council meeting, you approved the R-4 zoning on this site to allow this 156 unit apartment project with a condition that the Variance be approved for the proposed 3-story buildings. This property backs up to the east leg of the freeway and the height of the building will essentially be the same height as the freeway.

Board of Zoning Adjustment Recommendation: APPROVAL

Staff Recommendation: APPROVAL

PROTESTS: 0



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ITEM

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)H. ZONE CHANGE1. Z-78-84 - JAMES R. RICE

Request for reclassification of property generally located at 705 and 709 North Eastern Avenue.

From: R-1 (Single Family Residence)

To: P-R (Professional Offices & Parking)

Proposed Use: Offices

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

1. Resolution of Intent shall be restricted to a twelve month time limit.
2. Both lots shall be retained under single ownership unless a joint parking agreement shall be approved by the City Council.

Staff Recommendation: APPROVAL

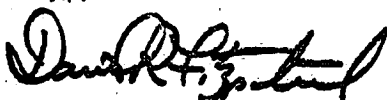
PROTESTS: 0

Levy -
APPROVED as recommended by Planning Commission and Staff.
Unanimous

Clerk to notify and Planning to proceed.

James R. Rice was present.

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - DECEMBER 5, 1984

To: The City Council
Re: Community Planning and Development Agenda Item
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X.

0210

H. ZONE CHANGE

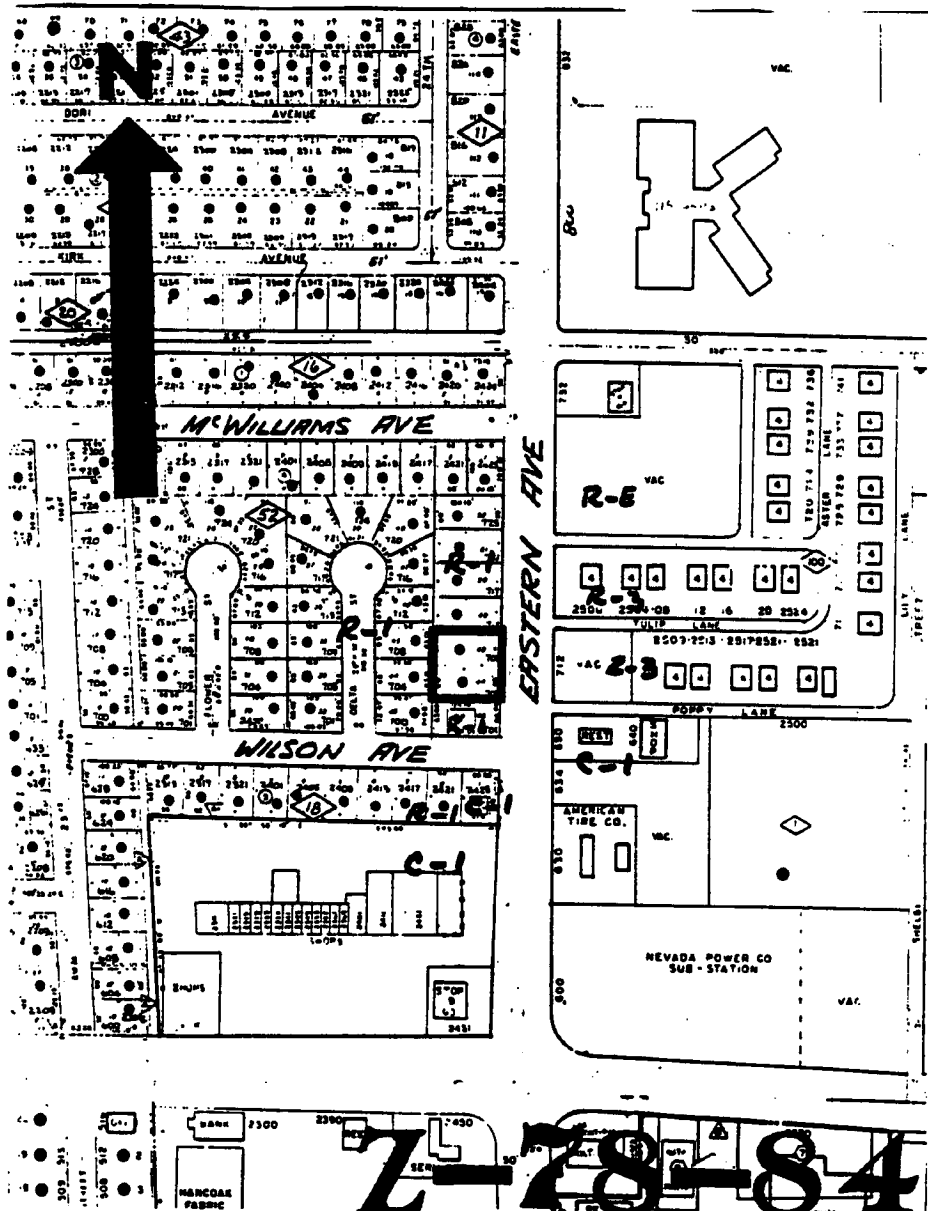
1. Z-78-84 - JAMES R. RICE

The request is to rezone two R-1 properties to P-R at 705 and 709 North Eastern Avenue. The properties have been homes and it is proposed to convert them to offices. A central driveway and a joint parking arrangement are proposed for these two lots. The property to the south has been approved for C-D but that zoning expired and further south is a lot that is zoned C-1. This segment of Eastern Avenue is transitioning to P-R and C-1.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

PROTESTS: 0



0211

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ITEM

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)14:26 H. ZONE CHANGE2. Z-79-84 - TONOPAH, LTD.

Request for reclassification of property generally located at the southwest corner of Rancho Drive and Duncan Drive.

From: C-2 (General Commercial)

To: R-PD18 (Residential Planned Development)

Proposed Use: Medium High Density Residential

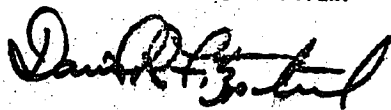
The Planning Commission unanimously recommends APPROVAL, subject to the following conditions:

1. Resolution of Intent shall be restricted to a twelve month time limit.
2. Conformance to the plot plan amended to improve the layout as required by the Department of Community Planning and Development.
3. Construct a four foot (4') block wall on the west side of the five foot (5') landscaped planter or a three foot (3') high landscaped berm along Rancho Road as required by the Department of Community Planning and Development.
4. Install half street off-street improvements on Rancho Drive and Duncan Drive as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.

Staff Recommendation: APPROVAL

PROTESTS: 0

APPROVED AGENDA ITEM



Lurie -
APPROVED, subject
to the conditions.
Motion carried
with Levy voting
"No."

Clerk to notify
and Planning to
proceed.

Steve Stuhmer,
111 Casino Center
Drive, appeared
and represented
the applicant.

0212

To: The City Council
Re: Community Planning and Development Agenda Item
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X.

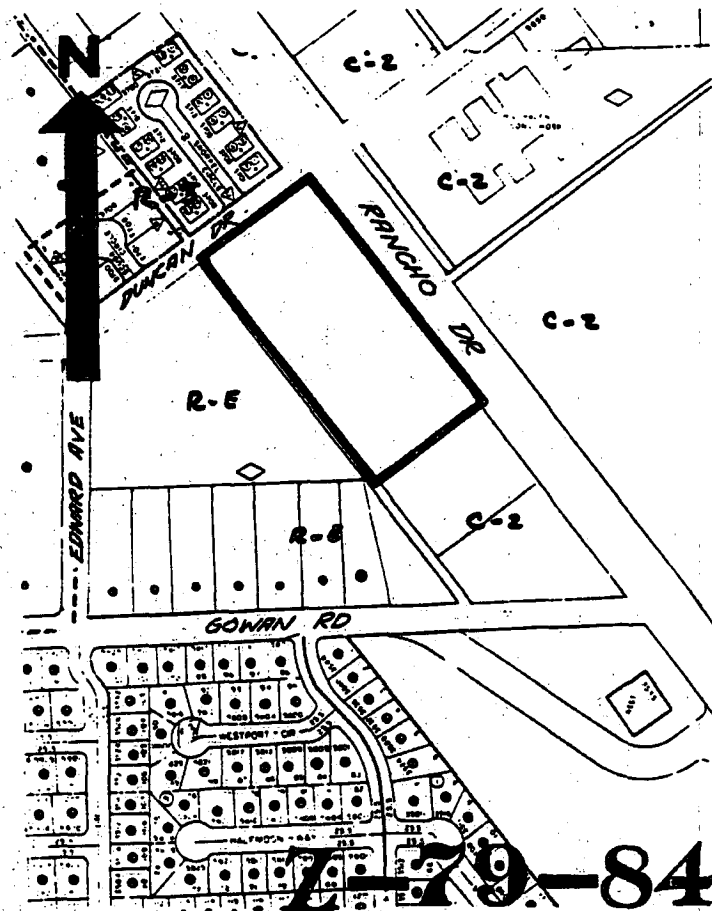
H. ZONE CHANGE2. Z-79-84 - TONOPAH, LTD.

The request is to rezone this property from C-2 to R-PD18 for a 112 unit apartment project at the southwest corner of Rancho Drive and Duncan Drive. There is developed R-3 to the north of Duncan and a commercial zoning pattern along Rancho. To the west is R-E zoning. The project will be two-stories in height with only a 5 foot setback between the buildings. The buildings are attractive in appearance, however, the arrangement will look like one long building along Rancho Drive. Staff indicated the building locations should be revised and the applicant was in agreement. There are 184 parking spaces proposed where 168 spaces are required.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

PROTESTS: 0



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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)2:29 H. ZONE CHANGE3. Z-83-84 - JACOB & BETTY COHEN

Request for reclassification of property generally located on the northwest corner of Sirius Avenue and Valley View Boulevard.

From: C-1 (Limited Commercial) and
M (Industrial)

To: M (Industrial)

Proposed Use: Showroom and Warehouse

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

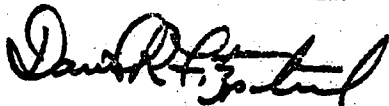
1. Resolution of Intent shall be restricted to a twelve month time limit.
2. Install street improvements on Sirius Avenue and sidewalk on Valley View Boulevard as required by the Land Development and Flood Control Division of the Department of Community Planning and Development.

Staff Recommendation: APPROVAL

PROTESTS: 0

Lurie -
APPROVED, subject
to the conditions.
UnanimousClerk to notify
and Planning to
proceed.William F. Curran
and Ron Mendicino
appeared and
represented the
applicants.

APPROVED AGENDA ITEM



X. 0214

H. ZONE CHANGE

The request is to rezone this property from C-1 and M to M zone at the northwest corner of Sirius Avenue and Valley View Boulevard. The proposed use is for a showroom and warehouse complex that will contain 73,000 square feet. A total of 112 parking spaces are proposed where 68 are required. There will be ample landscaping on the site. The general area is zoned and developed on an industrial basis. There is an R-PD11 townhouse project abutting the property to the west.

Staff Recommendation: APPROVAL

A detailed street map of an industrial area in Los Angeles, California. The map shows various streets including Avenue, Blackford Pl., Hartford Pl., Milpitas Place, and Sirius Ave. It also features labels for businesses such as "STOP & GO MARKET", "BURE CORP", "AUTO SHOP", "BLDG MATERIAL", "BAR", "MEAT CO.", "S.V. AIR COND", "SPARKLERS GYMNASIUM CLUB", "OFFICE", "AIR FILTER SERVICE", "STORAGE", "SHOP", "RTS INC SHOP", and "RTA INC OFFICE & SHOP". A large arrow points North, and a dashed line indicates the "CITY LIMITS". A curved arrow points towards "(COUNTY)". The map is labeled with "7-83-84" at the bottom.

AGENDA

0215

City of Las Vegas

December 5, 1984

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ITEM

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)H. ZONE CHANGE

4. Z-82-84 - FARLEY M. ANDERSON, JR., TRUSTEE

Request for reclassification of property
generally located on the northwest corner of
Lake Mead Boulevard and Torrey Pines Drive.

From: N-U (Non-Urban)

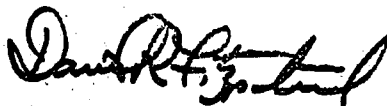
To: R-3 (Limited Multiple Residence)
C-1 (Limited Commercial)Proposed Use: Medium High Density Residential
and Shopping CenterPlanning Commission unanimously recommends
APPROVAL, subject to the following conditions:

1. Resolution of Intent shall be restricted
to a twelve month time limit.
2. Provide forty feet (40') half-street
dedication on Torrey Pines Drive to the
north to existing right-of-way as required
by the Department of Design and Develop-
ment.
3. Construct temporary paved access on
Torrey Pines Drive to an existing paved
street as required by the Department of
Community Planning and Development.
4. Install half-street improvements on Lake
Mead Boulevard and Torrey Pines Drive as
required by the Land Development and
Flood Control of the Department of
Community Planning and Development.

Staff Recommendation: Approval of the R-3
and Denial of the C-1

PROTESTS: 1

APPROVED AGENDA ITEM

Lurie -
APPROVED as recom-
mended by Planning
Commission, subject
to the conditions
and subject to
renderings brought
in at 12/19/84 meeting
for approval.
UnanimousClerk to notify
and Planning to
proceed.Farley M. Anderson
Jr. and Jay Downey
appeared and
represented the
application.No one appeared
in protest.

To: The City Council
 Re: Community Planning and Development Agenda Item
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X.

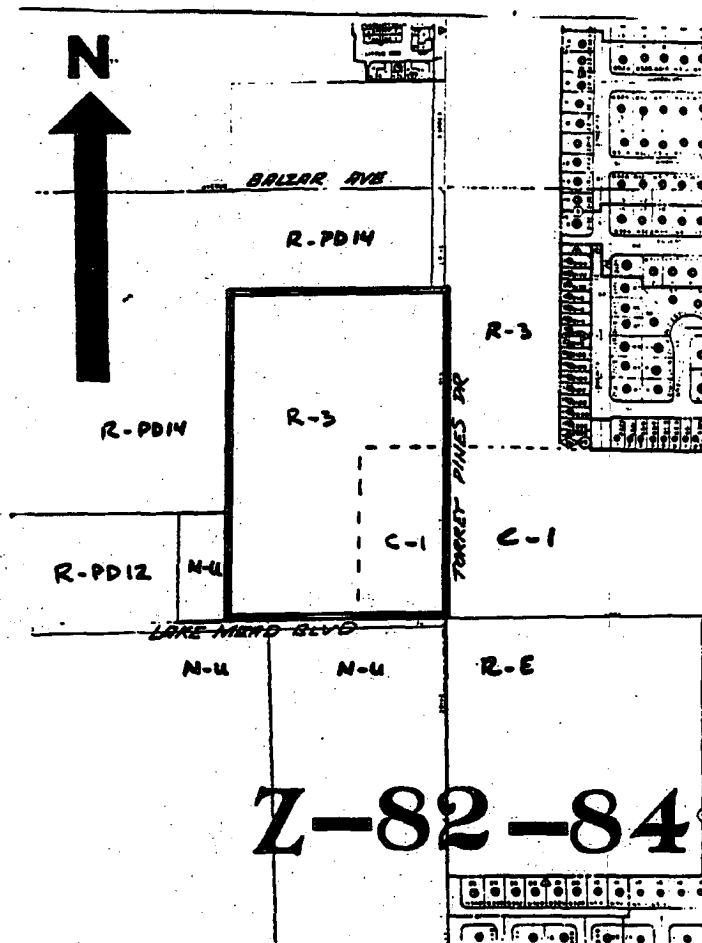
H. ZONE CHANGE4. Z-82-84 - FARLEY M. ANDERSON, JR., TRUSTEE

The request is to rezone this property from N-U to R-3 and C-1 at the northwest corner of Lake Mead and Torrey Pines Drive. The C-1 is being requested on a 5 acre site on the immediate corner of these two major streets and on R-3 on the remaining 9 acres to the north and west for a 144 unit apartment project. The C-1 will be for a shopping center that will contain approximately 65,000 square feet. The apartments will consist of eighteen 8-unit buildings that will be two-stories in height and at a density of sixteen units per net acre. There will be 223 parking spaces provided where 162 are required. There is vacant R-PD12 and R-PD14 to the west. To the north is vacant R-PD14 and to the east is R-3 and C-1. To the south is N-U.

Planning Commission Recommendation: APPROVAL, compatible zoning for this area.

Staff Recommendation: APPROVAL of the R-3 and DENIAL of the C-1.

PROTESTS: 1



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ITEM

Council Action

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

2:42

H. ZONE CHANGE5. Z-73-84 - CHARLESTON HEIGHTS DEVELOPMENT CORP.

Request for reclassification of property as follows:

PARCEL I: generally located on the east side of Tenaya Way between Gowan Road and Cheyenne Avenue.

From: N-U (Non-Urban) (Under Resolution of Intent to R-1)

To: R-CL (Single Family Compact Lot)

Proposed Use: Medium Low Density Single Family Residence

PARCEL II: generally located on the east side of Dalecrest Drive, north of Gowan Road.

From: N-U (Non-Urban) (Under Resolution of Intent to R-1)

To: R-PD18 (Residential Planned Development)

Proposed Use: Medium High Density Residential

Planning Commission unanimously recommended APPROVAL of Parcel No. 2 (**applicant withdrew Parcel No. 1 from consideration**), subject to the following conditions:

1. Resolution of Intent shall be restricted to a twelve month time limit.
2. The elevations of the multi-family units are to be reviewed by the Planning Commission prior to development.

APPROVED AGENDA ITEM

(continued)

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

Clerk to notify and Planning to proceed.

Barry Becker, 50 South Jones Blvd., appeared and represented the application.

No one appeared in protest.

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**X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)****H. ZONE CHANGE****5. Z-73-84 - CHARLESTON HEIGHTS DEVELOPMENT
COMPANY (Continued)**

3. Dedicate 40 feet of right-of-way for
Gowan Road as required by the Department
of Design and Development.

4. Install street improvements on Gowan Road
and Dalecrest Drive as required by the
Division of Land Development and Flood
Control of the Department of Community
Planning and Development.

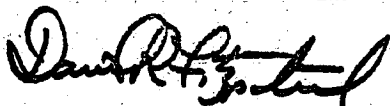
Staff Recommendation: Approval

PROTESTS: 44

APPROVED
See Page 39

See Page 39

APPROVED AGENDA ITEM



To: The City Council
 Re: Community Planning and Development Agenda Item
 December 5, 1984 City Council Agenda

X.

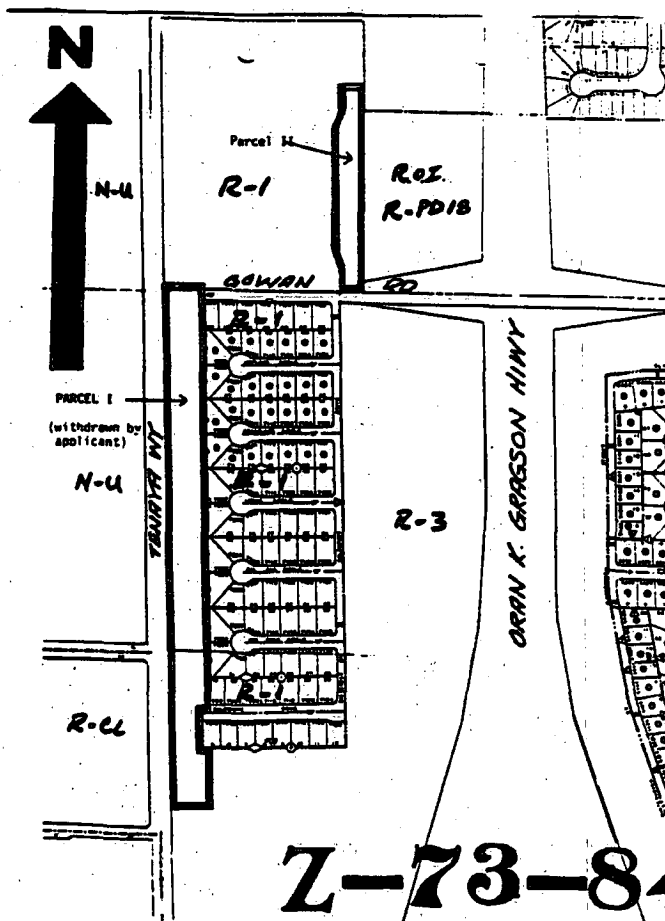
H. ZONE CHANGE5. Z-73-84 - CHARLESTON HEIGHTS DEVELOPMENT COMPANY

The application consists of two parcels on property generally located on the east side of Tenaya Way between Gowan Road and Cheyenne Avenue. Parcel I, from N-U to R-CL, has been withdrawn by the applicant. Parcel II is from N-U to R-PD18. The request for R-PD18 is on a strip of land varying in width from 70 feet to 100 feet. This strip was approved for R-PD18 in the past, however, there was a discrepancy in the legal description when the R-1 was approved on the applicant's adjoining property to the west and it overlapped the R-PD18 zoning. The applicant is now wishing to correct this discrepancy so that the zoning will follow the proposed street pattern. At the Planning Commission meeting, there was a protest factor primarily to the R-CL (Parcel I) and less of a protest factor after they learned the R-PD18 was to only correct a discrepancy. The applicant indicated he was withdrawing Parcel I so he could meet with property owners and would reapply after the four month waiting period.

Planning Commission Recommendation: APPROVAL OF PARCEL II (PARCEL I WAS WITHDRAWN BY THE APPLICANT.)

Staff Recommendation: APPROVAL

PROTESTS: 34 signatures
 10 at the Planning Commission Meeting



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ITEM Council Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

2:47

H. ZONE CHANGE6. Z-81-84 - MICHAEL & SHEILA DWYERRequest for reclassification of property
generally located on the south side of Harmony
Street, 111' east of Colleen Drive.

From: R-1 (Single Family Residence)

To: R-3 (Limited Multiple Residence)

Proposed Use: Medium High Density Residential
(50 Apartment Units)Planning Commission unanimously voted to
DENY this request.If approved, subject to the following
conditions:

1. Resolution of Intent shall be restricted
to a twelve month time limit.
2. Approval of the plot plan constitutes
approval of an Administrative Variance
for one additional unit. (Total Units: 50)

Staff Recommendation: Denial

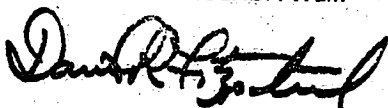
PROTESTS: 207

Lurie -
DENIED
Unanimous

Clerk to notify

Applicants were
not present.

APPROVED AGENDA ITEM



To: The City Council
Re: Community Planning and Development Agenda Item
December 5, 1984 City Council Agenda

X.

H. ZONE CHANGE

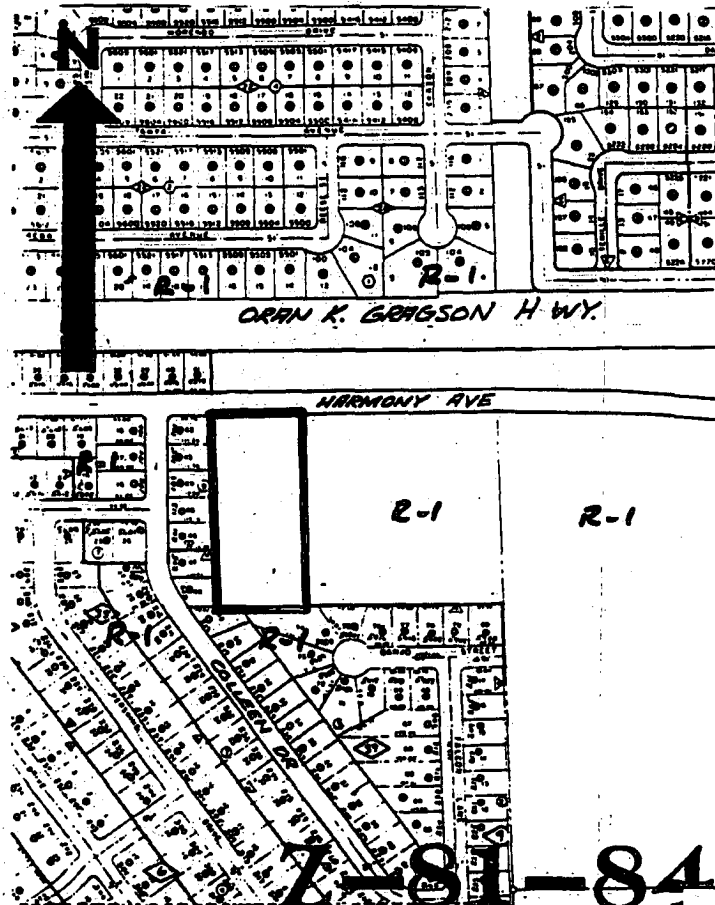
6. Z-81-84 - MICHAEL & SHEILA DWYER

The request is to rezone this two acre parcel from R-1 to R-3 on the south side of Harmony Street approximately 111 feet east of Colleen Drive. The applicant is proposing 50 apartment units that will be in three two-story buildings. There are fifty apartment units proposed and 75 parking spaces will be provided where 63 are required. The applicant needs an Administrative Variance for the 50th unit. The surrounding area is all R-1 and all access to this project is only through this R-1 area. The proposed zoning is not compatible and is considered spot zoning.

Planning Commission Recommendation: DENIAL, the zoning is not compatible.

Staff Recommendation: DENIAL

PROTESTS: 207



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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)I. SET DATE FOR PUBLIC HEARING ON ANY ITEM
REQUIRING A PUBLIC HEARING THAT WAS ACTED
UPON BY THE CITY PLANNING COMMISSION AT ITS
NOVEMBER 27, 1984 MEETING.

VAC-22-84

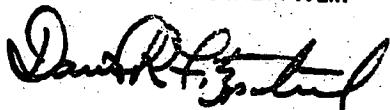
12/19/84 Agenda

J. SET DATE ON ANY APPEALS FILED OR REQUIRED
PUBLIC HEARINGS FROM THE BOARD OF ZONING
ADJUSTMENT MEETING HELD NOVEMBER 15, 1984.

NONE

None

APPROVED AGENDA ITEM



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AGENDA

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XI. ADDENDUM ITEMS

NONE

NONE

APPROVED
APPROVED

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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 3:55 P.M.

APPROVED