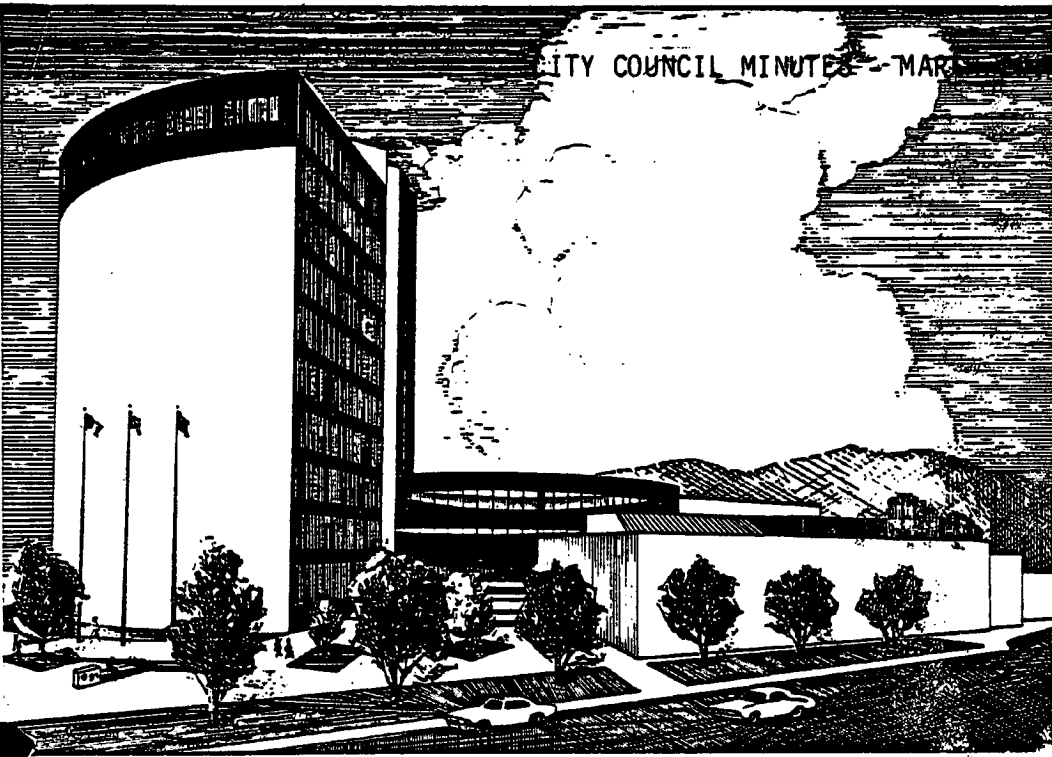


MINUTES



City of Las Vegas

CITY COUNCIL

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

DATE: March 20, 1985

TIME: 9:45 A.M.

INVOCATION: Reverend Joel Rivers
Southside Christian Church

PLEDGE OF ALLEGIANCE: Given

CITY COUNCIL

PRESENT

ABSENT

EXCUSED

MAYOR BILL BRIARE

☒☐☐COUNCILMAN RON LURIE
MAYOR PRO-TEM☒☐☐

COUNCILMAN AL LEVY

☒☐☐

COUNCILMAN BOB NOLEN

☒☐☐

COUNCILMAN W. WAYNE BUNKER

☒☐☐

CITY ATTORNEY

GEORGE F. OGILVIE

☒☐☐

APPROVED BY REFERENCE

August 7, 1985

ATTEST:

Carol A. Hawley
CITY CLERK

William H. Briare
MAYOR

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

0001

March 20, 1985

Page 1

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

AGENDA

City of Las Vegas

ITEM

Council Action

Department Action

I. 9:45 A.M.

FULL COUNCIL PRESENT AT MEETING.

A. COMMUNITY RELATIONS

NONE

B. SPECIAL EVENTS

Mayor Briare congratulated City Engineer Carl Malone and his division for winning First Place in the Boulevard Mall's Engineer's Week Exhibition.

II. 10:00 A.M.

A. ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

Announcement Made

B. INVOCATION

Reverend Joel Rivers
Southside Christian Church

Invocation given by
Rev. Joel Rivers

C. PLEDGE OF ALLEGIANCE

Mayor led audience
in Pledge.

D. APPROVAL OF CITY COUNCIL FINAL MINUTES

For the meeting of December 19, 1984.

Lurie -
APPROVED
Motion carried with
Bunker abstaining.

Clerk to proceed

TIME CERTAIN - 10:00 A.M.

Public Hearing re Urban Action Grant Application to assist Lady Luck Hotel expansion. (Economic & Urban Development Agenda Item.)

See Page 15

APPROVED AGENDA ITEM

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

0002

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 15th day of March, 1985, at the hour of 9:30 AM there were posted copies of a NOTICE, the attached of which is a true and correct copy, of a REGULAR MEETING of the CITY COUNCIL of the CITY OF LAS VEGAS, NEVADA, to be held on 20th day March, 1985, 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's Office
DEPARTMENT

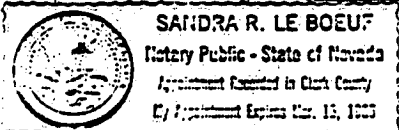
Subscribed and sworn to before me this

15th day of March, 1985

Sandra R. LeBoeuf

NOTARY PUBLIC in and for said County and State.

My Commission expires: 3-15-86



AFFIDAVIT OF MAILING
CITY COUNCIL MINUTES - MARCH 20, 1985

(Mailing required under the provisions of NRS CHAPTER 241)

0003

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Joanne Perry, an employee of the City of Las Vegas, being first duly sworn, deposes and says that on the 15th day of March, 1985 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 20th day of March, 1985, 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)

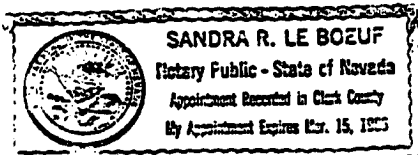
Subscribed and sworn to before me this

15th day of March, 1985

Sandra R. LeBoeuf

NOTARY PUBLIC in and for said County and State.

My Commission expires: 3-15-86



AGENDA*City of Las Vegas*

March 20, 1985

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

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

Family Child Care Homes

1. KATHY LUNDGREN
601 Mayfield

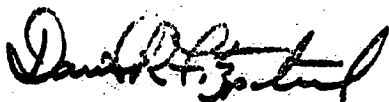
5 children days
2. FREDA ANASTASI
6516 Bourbon Way

4 children days
3. ANGELA KANE
2530 Sunrise Avenue

6 children days
4. LORRIANN PAZ
2013 Sweeney Avenue

4 children days/4 nights

APPROVED AGENDA ITEM



Lurie -
APPROVED
Items 1 thru 4.
Unanimous

Staff to proceed

1011

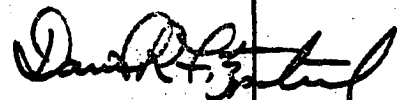
AGENDA*City of Las Vegas*

March 20, 1985

Page 3

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

ITEM	Council Action	Department Action
<u>III. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
*A. <u>CHILD CARE FACILITY APPLICATIONS</u> (cont'd)		
<u>Group Child Care Home</u>		
1. MARY RAMOS 4701 East Owens 12 children days	Lurie - APPROVED Unanimous	Staff to proceed
<u>Child Care Center</u>		
1. LITTLE ROUNDUP CHILD CARE CENTER 3700 Vegas Drive 68 children days/5 nights	Lurie - Referred back to Child Welfare Board. Unanimous	Staff to place on Child Welfare Board Agenda. Jerry Cahill and Marge Hether appeared.
*B. <u>GAMING -- Additional</u>		
1. RAINBOW VEGAS HOTEL, A PARTNERSHIP Rainbow Vegas Hotel 401 South Casino Center 3 slots	Lurie - APPROVED Items 1, 2 and 3. Motion carried with Lurie abstaining on Item No. 2.	Staff to proceed
2. CASINO SERVICES		
Hotel Nevada & Casino 235 South Main Street 2 slots		
3. J & H VENDING COMPANY		
Uncle Gil's Sandwich Shop 3335 Meade Avenue 1 slot	APPROVED AGENDA ITEM	



AGENDA*City of Las Vegas*

March 20, 1985

Page 4

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

ITEM

Council Action

Department Action

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

1. From: William Blust, 100%

TO: *CHICAGO INN CORPORATION
dba
CHICAGO INN
1502-1504 North Jones

General On-Sale License

Robert William McKeown,
Pres, Secy, Treas,
Dir, 100%Lurie -
APPROVED subject to
provisions.
Unanimous

Staff to proceed

*Subject to the provisions of the
Fire codes and Health Department
regulationsD. LIQUOR -- Approval of Stockholder

1. Y & H CORPORATION

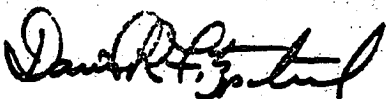
dba
COCKATOO CHINESE RESTAURANT
2310 Las Vegas Boulevard SouthGeneral On-Sale Restaurant
Limited

Agnes Meiling Kwong, 50%

Nolen -
Referred back to
Las Vegas Metropolitan
Police Department for
further investigation
of financial invest-
ment of Agnes Meiling
Kwong; and that the
other 50% owner be
brought forward also
Unanimous

Staff to proceed

APPROVED AGENDA ITEM



AGENDA*City of Las Vegas*

March 20, 1985

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

Page 5

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)E. LIQUOR -- Approval of Managers

1. LOYAL ORDER OF MOOSE, INC.
dba
RED ROCK MOOSE LODGE #252
5100 West Charleston

Non-Profit Club General

Manager:
Donald L. Johnson, Responsible
Licensee

2. PAUL, INC.
dba
TWO GUYS FROM ITALY
2301 South Eastern Avenue

General On-Sale Restaurant
LimitedManager:
Frank J. Sams

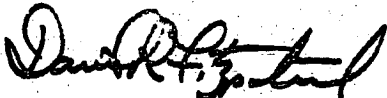
3. CANUL & ESCOTO
dba
LAS VEGAS TROUBADOUR
2112 Western Avenue

General On-Off Sale License

Manager:
James C. PratherLurie -
APPROVED
Items 1, 2 and 3.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM



AGENDA*City of Las Vegas*

March 20, 1985

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CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

18 F. LIQUOR -- Request for Waiver of
1500' Distance Requirement on
Change of Ownership/Change of
Location/Change of Business Name/
GAMING -- New

1. From: Exco, Inc.
dba
The Tiger Room
121 1/2 South Casino
Center

Leonard Shapiro, 100%,
Sole Officer/Stock-
holder

TO: *HARRY VONDERHEIDE
dba
3RD STREET BAR & GRILL
215 North 3rd Street

General On-Sale License
Restricted Gaming:
10 slots

Harry Jesse Vonderheide,
100%

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

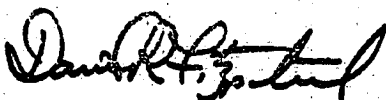
Levy -
APPROVED Request for
Waiver.
Unanimous

Levy -
APPROVED Application.
Unanimous with the
exception that
Lurie abstained.

Staff to proceed

Harry Vonderheide
appeared.

APPROVED AGENDA ITEM



AGENDA DOCUMENTATION

Date: March 8, 1985

TO:

The City Council

FROM:

DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- MARCH 20, 1985 CITY COUNCIL AGENDA
LIQUOR -- Request for Waiver of 1500' Distance Requirement on Change
of Ownership/Change of Location/Change of Business Name

PURPOSE/BACKGROUND

Item, "F", 1.

Appearing on the March 20th 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.

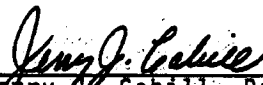
This request is made in conjunction with an application by Harry Vonderheide for change of ownership, change of location, and change of business name on the general on-sale liquor license currently held by Exco, Inc., dba The Tiger Room, 121 1/2 South Casino Center Boulevard. Mr. Vonderheide is seeking approval to transfer this license to 215 North Third Street, for operation of the 3rd Street Bar & Grill.

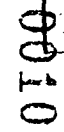
Measurements taken by the Department of Business Activity reveal that the following establishments (which hold general on-sale or general on-off sale licenses) are within 1500' of the proposed location:

<u>Name</u>	<u>Address</u>	<u>Distance</u>
Holiday Inn-Las Vegas Downtown	300 North Main Street	1,300'
Union Plaza Hotel/Casino	#1 Main Street	1,400'
Golden Gate	#1 East Fremont Street	1,200'
Golden Nugget	129 East Fremont Street	850'
Four Queens Hotel/Casino	202 East Fremont Street	800'
Las Vegas Club	18 East Fremont Street	1,125'
Golden Goose Casino	20 East Fremont Street	1,050'
Sassy Sally's Casino	32 East Fremont Street	1,000'
Mint Hotel/Casino	100 East Fremont Street	800'
Horseshoe Club	128 East Fremont Street	750'
Fremont Hotel/Casino	200 East Fremont Street	650'
El Cortez Hotel/Casino	600 East Fremont Street	1,300'
Lady Luck Casino	206 North Third Street	200'
Gold Spike	400 East Ogden	500'
Leroy's Horse/Sports Place	114 South First Street	1,125'
Coin Castle	15 East Fremont Street	1,150'
Pioneer Club	25 East Fremont Street	1,075'
California Hotel/Casino	12 East Ogden	800'
Sundance Hotel/Casino	301 East Fremont Street	750'
Silver Star Casino	207 North Third Street	25'

Attached is a copy of a letter from Harry Vonderheide outlining his request, and a map showing the proposed location and surrounding neighborhood.

This request was previously heard by the Council on February 6, 1985. At that meeting a motion to deny the waiver was carried by unanimous vote (with Mayor Briare excused). At the March 6, 1985 Council meeting, a request for reconsideration of this matter was approved to be placed back on the March 20th agenda.


Jerry J. Cahill, Director
Department of Business Activity
Agenda Item



December 24, 1984

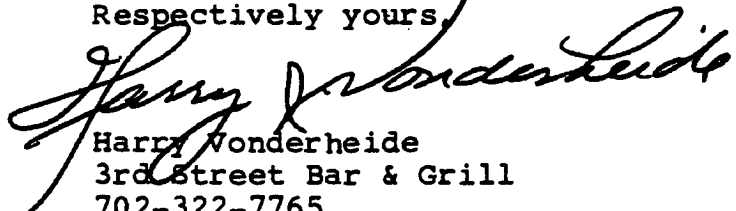
City of Las Vegas
Dept. of Business Activity
Liquor Control
P.O. Box 1900
400 E. Stewart Street
Las Vegas, Nevada 89125

Gentlemen:

In response to my application for a City of Las Vegas liquor license, and more specifically to section 6.50.310 (other licensee proximity), I hereby respectfully request that you waive this provision for the following reasons:

- 1) Building located at 215 N. 3rd Street is suitable for local recreational and neighborhood Bar and Grill.
- 2) Grill is conveniently located to public buildings for lunch and early evening trade.
- 3) Pool tables, shuffleboard and darts will provide the needed recreational activity for downtown employees.

Respectively yours,



Harry Vonderheide
3rd Street Bar & Grill
702-322-7765

MAYOR BILL BRIARE

COUNCILMEN

RON LURIE

AL LEVY

BOB NOLEN

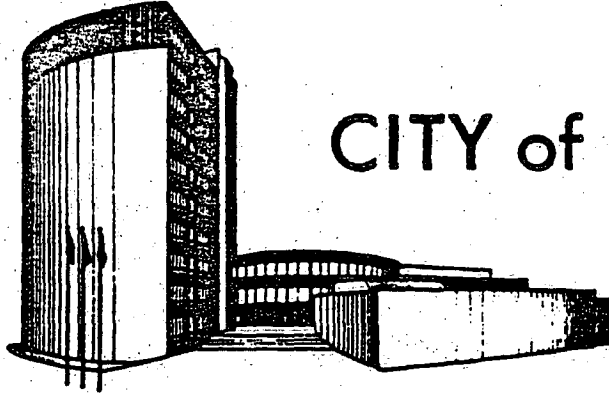
W. WAYNE BUNKER

CITY ATTORNEY

GEORGE F. OGILVIE

CITY MANAGER

ASHLEY HALL



CITY of LAS VEGAS

NOTICE

March 20, 1985

Notice is hereby given that on March 20, - 1985, 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 HARRY VONDERHEIDE, DBA 3RD STREET BAR & GRILL, 215 NORTH THIRD 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, 121½ SOUTH CASINO CENTER, 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.



AGENDA*City of Las Vegas*

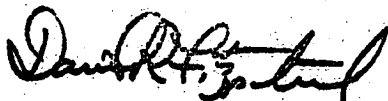
March 20, 1985

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

ITEM	Council Action	Department Action
III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
G. GAMING -- New		
1. BROWN & KELLOGG ENTERPRISES, A GENERAL PARTNERSHIP dba LEE MOTEL 200 South 8th Street Restricted Gaming: 10 slots James J. Brown, 50% Paul L. Kellogg, 50%	Lurie - APPROVED Unanimous	Staff to proceed
H. GAMING -- Change from Sole Proprietorship to Corporation		
1. From: Anthony J. Antonacci dba A.A. Coin Company Anthony J. Antonacci, 100% TO: A.A. COIN COMPANY, INC. dba A.A. COIN COMPANY 3111 Valley View, #E-119 Slot Operator License Samuel Schulman, Chmn of the Board, 75% Anthony J. Antonacci, Pres, Dir, 25%	Lurie - APPROVED Unanimous	Staff to proceed

APPROVED AGENDA ITEM

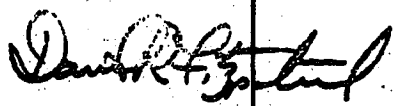


AGENDA*City of Las Vegas*

March 20, 1985

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

ITEM	Council Action	Department Action
III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
I. GAMING -- Change of Location		
1. From: 2020 Western TO: *AMERICAN COIN ENTERPRISES, A PARTNERSHIP dba AMERICAN COIN ENTERPRISES COMPANY 1919 Industrial Road Slot Operator License Rudolph La Vecchia, 33 1/3% Rudolph M. La Vecchia, 33 1/3% Frank A. Romano, 33 1/3%	Lurie - APPROVED Items 1 and 2 subject to the provisions. Unanimous	Staff to proceed
*Subject to the provisions of the Fire codes		
2. From: 2020 Western TO: *AMERICAN COIN MACHINE COMPANY, A GENERAL PARTNERSHIP dba AMERICAN COIN MACHINE COMPANY 1919 Industrial Road Slot Operator License Rudolph La Vecchia, General Partner, 95% Frank A. Romano, General Partner, 5%	APPROVED See Item 1 above	Staff to proceed
*Subject to the provisions of the Fire codes	APPROVED AGENDA ITEM 	

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AGENDA*City of Las Vegas*

March 20, 1985

CITY COUNCIL

Page 9

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)J. SPECIAL EVENT LIQUOR LICENSES

1. LAS VEGAS PIEPEN
KARNEVALGESELLSCHAFT,
CHAPTER NO. 1 OF NEVADA

Location: 1006 North Rancho

Date: March 22, 1985

Responsible Licensee:
Robert Gordon
Twin Lakes Liquor

2. PLANNED PARENTHOOD OF
SOUTHERN NEVADA, INC.

Location: #1 Main Street

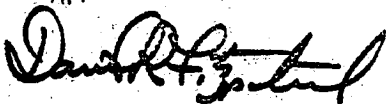
Date: May 26, 1985

Responsible Licensee:
Roy A. Galyean
Union Plaza Hotel & CasinoLurie -
APPROVED Items 1
and 2.
Unanimous

Staff to proceed

Herb Fasler
appeared.

APPROVED AGENDA ITEM



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AGENDA*City of Las Vegas*

March 20, 1985

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)K. LIQUOR -- Request for Approval of Nonoperational Status

1. BDS, INC.
dba
FRIENDLY LIQUORS
1602 North "H" Street

General On-Off Sale License

Walter D. Lewis, Pres, 33 1/3%
Steven Porter, V. P., 33 1/3%
Bobby J. Graham, Secy, Treas,
33 1/3%

(Request for approval of non-
operational status for three-
month period: 3/23/85 to
6/23/85.)

Levy -
APPROVED
Unanimous

Staff to proceed

L. LIQUOR -- Request for Extension of Preliminary Approval

1. WIBCO, INC.
dba
AM/PM MINI MARKET
1201 East Charleston

Beer/Wine Off-Sale License

Dan B. Burden, Jr., Pres,
Dir, 50%
Jack F. Collingsworth, V. P.,
Dir, 25%
Gail A. Collingsworth, Secy,
Treas, Dir, 25%

(Preliminary approval granted
3/21/84 for a one-year period.
Request for approval of extension
for additional one-year period:
3/21/85 to 3/1/86.)

WITHDRAWN FROM
AGENDA

APPROVED AGENDA ITEM

David R. [Signature]

City of Las Vegas

CITY COUNCIL MINUTES - MARCH 20, 1985

0017

AGENDA DOCUMENTATION

Date: March 8, 1985

TO:
The City Council

FROM: DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- MARCH 20, 1985 CITY COUNCIL AGENDA
LIQUOR -- Request for Approval of Nonoperational Status

PURPOSE/BACKGROUND

Item, "K", 1.

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

1. BDS, Inc., dba Friendly Liquors

Copy of letter requesting extension is attached.


Jerry J. Cahill, Director
Department of Business Activity

Agenda Item

III K 1

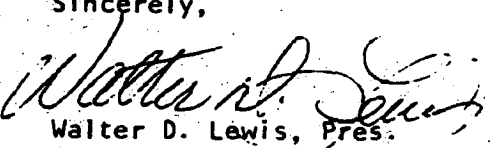
January 29, 1985

City of Las Vegas

Attn: Marge Hether, Supervisor

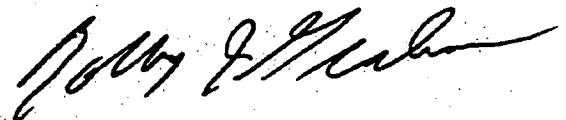
B.D.S. Inc. would like for you to accept this as notification to place the liquor license, slot license and business license in inactive status for 90 days as we are attempting to make a change in ownership.

Sincerely,


Walter D. Lewis, Pres.
B.D.S. Inc.

WDL:dg

FRIENDLY LIQUORS
WAS CLOSED AS OF
DEC. 23, 1984



AGENDA DOCUMENTATION

Date: March 8, 1985

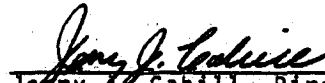
TO:
The City CouncilFROM:
DANIEL R. FITZPATRICK
DEPUTY CITY MANAGERSUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- MARCH 20, 1985 CITY COUNCIL AGENDA
LIQUOR -- Request for Extension of Preliminary ApprovalPURPOSE/BACKGROUND

Item, "L", 1.

Appearing on the Department of Business Activity portion of the agenda is a request for extension of preliminary approval submitted by Dan B. Burden, Jr., President of WIBCO, Inc.

On March 21, 1984, the City Council granted preliminary approval for a one-year period to WIBCO, Inc. dba AM/PM Mini Market for a new Beer/Wine Off-Sale license to be located at 1201 East Charleston. Mr. Burden has advised that due to problems of obtaining clear title to the property, they have not closed escrow nor begun construction. He has estimated this will take another eight months.

The licensee, therefore, is requesting extension of preliminary approval. While his letter dated March 4, 1985 (attached) asks for the extension until November 30, 1985, staff has placed this item on the agenda for a one-year extension (March 21, 1985 to March 21, 1986). It is felt that granting a full one-year extension may be advantageous from an administrative standpoint in case of future unforeseen delays.


Jerry J. Cahill, Director
Department of Business Activity

Agenda Item

III. L 1

INTER-OFFICE MEMORANDUM

March 19, 1985

TO: JERRY J. CAHILL, DIRECTOR DEPARTMENT OF BUSINESS ACTIVITY	FROM: <i>M.H.</i> MARJORIE HETHER, CHIEF PRIVILEGE LICENSE DIVISION
SUBJECT: COUNCIL AGENDA -- MARCH 20, 1985 ITEM III. "L" LIQUOR -- Request for Extension of Preliminary Approval	COPIES TO:

WIBCO, INC.
dba
AM/PM MINI MARKET
1201 East Charleston
Beer/Wine Off-Sale

Mr. Dan Burden, President of the above corporation, advised me by long distance phone call this date that they are unable to secure title to this property, and requested that their application be withdrawn without prejudice.

MH/s

The **PROPERTY**
Merchants

18245 HIGHWAY 18, SUITE 1
APPLE VALLEY, CA. 92307

(619) 242-8801

March 4, 1985

City of Las Vegas
Dept. of Business Activity
400 E. Stewart
Las Vegas, NV. 89101
Attn: Ken Kestersen

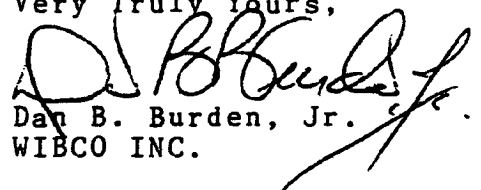
Dear Ken,

On March 21, 1984 WIBCO INC. was granted Preliminary approval for a new beer/wine off - sale liquor license for AM/PM Mini Market at 1201 East Charleston. This was a one year approval from March 21, 1984 to March 21, 1985.

Unfortunately, due to problems of obtaining clear title to the property, we have not closed escrow or started construction. We estimate that this will take another eight months. Request that our preliminary approval be extended until November 30, 1985 so that we may complete our project as originally planned.

Thank you for your kind cooperation in this matter.

Very Truly Yours,


Dan B. Burden, Jr.
WIBCO INC.

AGENDA*City of Las Vegas*

March 20, 1985

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

Page 11

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)M. APPEAL ON DENIAL OF CHILD CARE LICENSE1. BETTY L. HURLEY
321 Pinecliff

6 children days/2 nights

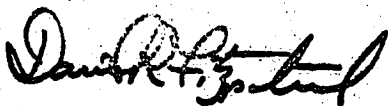
Nolen -
DENIED
Motion carried with
Bunker voting "No."NOTE: Agenda docu-
mentation made part
of record of these
proceedings.Appearances:
Betty L. Hurley
Atty. Robert W.
Leuck
Deputy City Atty.
Val Steed
Gary Vause, Child
Welfare Board
MemberABEYANCE ITEM -- RESCHEDULED FOR
MARCH 20, 1985 AGENDAN. APPEAL ON DENIAL OF BUSINESS LICENSE1. ACTIVATOR SUPPLY COMPANY, INC.
dba
ACTIVATOR SUPPLY COMPANY, INC.
601 South Rancho Drive, #B-17
(administrative office)3200 Polaris Avenue, #25 & 26
(warehouse)

Roland Nocera, President

SET DATE AND TIME FOR HEARING

Lurie -
Motion to set date
for hearing of
appeal on April 4,
1985, at 1 P.M. in
the Council Chambers
was approved by
unanimous vote.NOTE: Verbatim transcript made part of
Final Minutes.4/4/85 Meeting to
be posted by
Clerk.

APPROVED AGENDA ITEM



AGENDA DOCUMENTATION

Date: March 8, 1985

TO:

The City Council

FROM:

DANIEL R. FITZPATRICK
DEPUTY CITY MANAGERSUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- MARCH 20, 1985 CITY COUNCIL AGENDA
APPEAL ON DENIAL OF CHILD CARE LICENSEPURPOSE/BACKGROUND

Item, "M", 1.

Appearing on the Department of Business Activity portion of the agenda is a request for appeal on the denial of a child care license from Betty L. Hurley, 321 Pinecliff.

Mrs. Hurley's application for a family child care home (6 children days, 2 nights) was first presented to the Child Welfare Board on December 19, 1984. At that meeting it was brought to the Board's attention that Mrs. Hurley had been issued a citation by the Las Vegas Metropolitan Police Department on May 24, 1984, for providing child care without a license. Records revealed that Mrs. Hurley had plead guilty in Municipal Court and was fined \$50 (plus \$10 administrative assessment). Due to the fact that Mrs. Hurley had not had an opportunity to review the information presented to the Board, the application was tabled.

On January 30, 1985, the Child Welfare Board again considered Mrs. Hurley's application. A summation of this meeting and testimony given follows.

1. Las Vegas Metropolitan Police Department

Officers from the Abuse/Neglect Unit of the Las Vegas Metropolitan Police Department appeared and testified regarding their involvement with Mrs. Hurley.

Detective Frank Casey advised he met Mrs. Hurley in late November 1983. Through that meeting Detective Casey learned Mrs. Hurley was caring for a child in her home without a license. Detective Casey verbally advised Mrs. Hurley in early December 1983 that she needed to cease and desist child care, and informed her to contact the City License Department to see what she needed to do to obtain a license.

On May 24, 1984, Detectives Casey, Bagger and Durgin, responding to information regarding an unlicensed child care provider, went to the residence of Mrs. Hurley at 2813 Alcoa Avenue. Upon arrival, officers found Mrs. Hurley, Mrs. Hurley's married daughter, and ten (10) pre-school age children (one child was identified as the child of Mrs. Hurley's daughter). Metro spent approximately the next two hours notifying and waiting for the parents of the children to come pick them up. During this time, four (4) additional children (after-schoolers) arrived at Mrs. Hurley's home.

Metro stated that Mrs. Hurley was asked if she recalled being told of licensing requirements by Detective Casey several months previously. Mrs. Hurley responded, yes, but when she learned there would be an interim processing period of approximately eight weeks during which she could not care for children, she decided to just keep caring for children the way she had been doing.

On this date (May 24, 1984), Mrs. Hurley was issued a citation for doing business without a license.

continued . . .

Agenda Item

III M I

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- MARCH 20, 1985 CITY COUNCIL AGENDA
APPEAL ON DENIAL OF CHILD CARE LICENSE

Item, "M", 1.

2. Applicant: Betty L. Hurley

Mrs. Hurley's testimony acknowledged that she had been informed of licensing requirements in December 1983 by Detective Frank Casey. She phoned the Department of Business Activity, and learned that since she was living in an apartment at that time, she could not comply with the requirements for licensing. Mrs. Hurley stated she went out and rented a single family residence on December 20, 1983. She again phoned the Department of Business Activity for an appointment to come in and begin licensing procedures. During this telephone call, Mrs. Hurley stated she learned she could not care for any children during the two-month period that her application was being processed.

Mrs. Hurley further stated that waitressing was the only other way she knew of to make a living, but because of the approaching culinary strike, she knew there weren't any jobs available. Thus, she decided to continue babysitting until after the strike was over, and then planned to quit and obtain a license.

3. Applicant Witnesses

Mrs. Hurley submitted for the record twelve (12) letters of reference and support. In addition, four (4) individuals attended the January 30th Child Welfare Board meeting, testifying on Mrs. Hurley's behalf regarding the excellent care they felt Mrs. Hurley had provided in caring for their children.

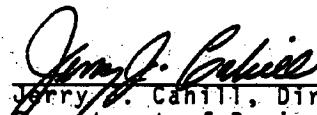
4. Child Welfare Board

The Board, in evaluating all of the testimony given, expressed concern over the fact that Mrs. Hurley, even after being advised of licensing requirements, knowingly continued to care for children without benefit of a license.

Based on this established fact, the Board denied Mrs. Hurley's application pursuant to provisions of the Las Vegas Municipal Code Section 6.24.062, and NRS 432A.190 (1) on the ground that the applicant violated the provisions of the child care regulations.

Attached and made part of this documentation are copies of the following:

- 1) Application for license;
- 2) New applicant fact sheet and transcript from meeting held 12/19/84;
- 3) Staff documentation, applicant's letters of reference, written statement from applicant, and transcript of meeting held 1/30/85;
- 4) Letter of denial dated January 31, 1985;
- 5) Letter from Robert W. Lueck, attorney for Betty L. Hurley, appealing denial of the license.


Jerry J. Cahill, Director
Department of Business Activity

CITY COUNCIL MINUTES, MARCH 20, 1985
CITY OF LAS VEGAS
DEPARTMENT OF BUSINESS ACTIVITY
LICENSE APPLICATION - FAMILY CHILD CARE HOME

0025

LICENSE # _____

Applicant's Name BETTY L. HUALEY
Address 321 PINECLIFF Zip code 89128
Telephone 363-7757

Number of children to be cared for: 6 Days: 289 Nights

DO NOT WRITE IN THIS BOX

APPROVED:

1. PLANNING R-1 DATE 12/10/84
2. FIRE James Phelan DATE 12/13/84
3. POLICE Glenn DATE 11-21-84
4. HEALTH Sam Dwyer DATE 12-18-84
CHILD WELFARE
5. BOARD _____ DATE _____
6. LICENSE _____ DATE _____

DATE APPLIED 11-8-84 GR # 62178 AMOUNT \$ 5.00
DATE LICENSE _____
FEE PAID _____ GR # _____ AMOUNT \$ _____

DATE APPROVED DENIED BY: CWS 1/30/85 CC _____

ISSUED FOR: _____ DAYS _____ NIGHTS

COMMENTS: _____

POLICE
CARD # _____

HEALTH CARD
EXPIRATION DATE _____

Applicant's Name BETTY L. HURLEY Soc. Sec. No. 535-34-7804
 Birth Date 8-13-38

Spouse's Name N/A Soc. Sec. No. _____
 Birth Date _____

Names of children: _____ Dates of birth: _____
LINDA PASTOR 4-15-72

Others in home: _____ Relationship: _____
THELMA NELSON FRIEND

2. Children not currently in the home:

3. Applicant's Current Address 321 PINECLIFF Length of Residence _____
 Applicant's Previous Address 4002 FERNLEAF Length of Residence 4 YR
2813 ALCO, LAS VEGAS

4. Applicant's employer SANDY'S SITTER SERVICE
 Spouse's employer _____

5. Number of children you wish to care for: Day care 6 Night care 2
 Before and after school _____, Age range BIRTH AND UP

6. Hours of operation 24 HRS

7. Prior experience in child care (include any training): 3 YEARS
2 YEARS HOME CHILD CARE 1 YEAR SITTER SERVICE

8. Have you ever been issued a child care license? N/A Where? _____

9. Was disciplinary action ever taken against your license? N/A
 (If yes, explain on back of last page)

10. Complete description of the premises: (type of building, number of rooms, and include all physical properties to be used in conducting this family care home -- for example, yards, fences, play equipment, etc.)
6 BEDROOM HOME - FENCED YARD - PLAY ROOM SWING SET

- CITY COUNCIL MINUTES, MARCH 20, 1985
11. Have you or any member of your family ever been convicted of a crime, misdemeanor, or violation of any municipal ordinance, excluding minor traffic violations (include any out-of-state arrests or convictions):
Yes X No _____. If yes, state nature of such offense or offenses.

0027

6-6-84 MISDEMEANOR BARRY SITTING WITHOUT A
LICENSE

12. Name of liability insurance carrier _____
Date liability insurance expires _____
Is current certificate of insurance on file
with the Department of Business Activity? _____

NEW APPLICANTS ONLY

13. Give three local references who know your family well, exclusive of relatives and business firms. *mailed 11-28-84*

Name	Address	Zip Code	Telephone
JUANITA BAKER	3757 SO. WALLIS ST	89121	458-5183
LESLIE BALL	6301 CAMARIA	89108	648-8986
JUDY GARMENDIA	4099 FEARLEAF	89115	649-5312

I, the undersigned, have answered all questions in the above application, and to the best of my belief, all answers are true and correct. I further understand that disclosure of any false or misleading answers in the above will result in automatic denial of the above mentioned license, or revocation of the license, if such has already been issued. I hereby authorize the City of Las Vegas to verify any pertinent information regarding my application.

Beth L. Shuler
Signature of Applicant

Subscribed and sworn to before me on January 8, 1984

Elizabeth J. Shuler
Care Facility Specialist

NEW APPLICANT FACT SHEET

FOR CHILD WELFARE BOARD MEETING December 19, 1984

NAME Betty Hurley APPLYING FOR 6 DAYS, 2 NIGHTS
ADDRESS 321 Pinecliff PROPOSED HOURS OF OPERATION:
TELEPHONE 363-7757 24 Hours
CROSS STREETS Alta/Antelope NEAREST SCHOOL Helen Marie Smith
APPLICANT'S
EMPLOYER Sandy's Sitter Service TERMINATE EMPLOYMENT ON Upon licensure
SPOUSE'S
NAME N/A SPOUSE'S
EMPLOYER N/A
SPOUSE'S
POSITION N/A SPOUSE'S DAYS AND
HOURS OF EMPLOYMENT N/A

HOUSEHOLD COMPOSITION House is shared by applicant (age 46) and her two
adult female friends. Applicant has one daughter (age 13) and one of
the friends also has a 14 year old daughter.
DESCRIPTION/CONDITION OF HOME:

BUYING _____; RENTING X; NO. BEDROOMS 6; NO. BATHS 2

PLAY AREA ENCLOSED? Yes SWIMMING POOL PROPERLY ENCLOSED? N/A

ORIENTATION ATTENDED Yes DEPARTMENTAL APPROVALS Yes

NUMBER AND QUALITY OF REFERENCES Two favorable references received to date.

COMMENTS/PROBLEM AREAS:

Applicant has written permission from landlord to conduct child
care. Investigation of applicant Betty Hurley reveals that in
May, 1984 a complaint of doing business without a license and
child abuse was reported to the Las Vegas Metropolitan Police
Department. While Metro's investigation did not result in any

3. d. Betty Hurley
321 Pinecliff
6 children days/2 nights

charges of child abuse, it did result in a citation for doing business without a license.

Metro's report states that on 5/24/84, Juvenile officers went to the Hurley residence, and at time of entry found Mrs. Hurley, her married daughter and daughter's natural son, and nine (9) children of preschool/toddler age. Mrs. Hurley was advised that the children must be removed from the premises; it took about two hours to telephone and locate all of the parents. During this time four (4) additional children (after-schoolers) arrived.

It is noted that one of the officer's recognized and remembered Mrs. Hurley through another case he had handled in December, 1983. Mrs. Hurley at that time was babysitting a child abuse victim. At the close of that prior investigation, the Metro officer had advised Mrs. Hurley verbally that she needed to procure a license for child care. When questioned on May 24th if she remembered the licensing requirements, Mrs. Hurley stated yes, but when she learned that there would be an interim period of approximately eight weeks during which she could not care for children while she was being considered for licensing, she decided she would just keep taking children the way she was.

The Las Vegas Metropolitan Police Department issued a citation to Mrs. Hurley on 5/24/84 for doing business without a license. Mrs. Hurley plead guilty in Municipal Court on June 7, 1984, and was fined \$50 (plus \$10 administrative assessment).

TRANSCRIPT OF DECEMBER 19, 1984

CHILD WELFARE BOARD MEETING

ITEM 3. d.

Pages 1 - 12

Betty Hurley
321 Pinecliff
6 children days/
2 nights

CITY COUNCIL MINUTES - MARCH 20, 1985

0031

HENZE: Betty Hurley, 6 children days/2 nights, 24 hours a day. Is that going to be seven days, Betty?

HURLEY: To start with.

HENZE: Do you have children now? in your home?

HURLEY: I have a 12 year old daughter that is in Jr. High.

HENZE: Do you have any children that you are caring for?

HURLEY: No, I work for a police officer and his wife in their home. I do child care for them.

HENZE: Oh, O.K.

DALLEY: Is that through the Sandy's Sitter Service.

HURLEY: Sandy's Sitters, yes.

HENZE: So you will be leaving there as soon as you get your license?

HURLEY: Right, what I want to do is about the second of January is when Liz said that if everything is approved I could start. Then I can give them two weeks notice and then start advertising.

VAUSE: Says here you were given a citation. Am I on the right one?

HURLEY: Yes.

VAUSE: You're Mrs. Hurley? A citation for doing business without a license.

HURLEY: No, could I explain what happened?

VAUSE: And that would be December, when was that? When were you . . .

HURLEY: I was cited May 24th of this year.

VAUSE: And how long had you been doing that?

HURLEY: About a year and a half.

VAUSE: So you plead guilty and got a \$50 fine.

HURLEY: \$60.00, yes, sir.

VAUSE: That seems to me like that's pretty good incentive not to be licensed, \$50 or \$60. That's pretty good incentive I would think not to be licensed. That doesn't seem like a very big sanction to me.

HENZE: Would you like to explain?

HURLEY: Well, what happened was, I had been working as a waitress at the Imperial Palace a few years ago and was laid off. I was living in an apartment complex and when I got laid off and started job hunting my manager said, would you like to watch this girls little girl nights, you know, while you are job hunting and I started babysitting. I did not know you had to be licensed, O.K. And last December one of the little boys I was watching was a victim of child abuse and when Detective Casey came to ask me for some background information on the mother and on the man who brought the child there, he said to me, you know, Betty, you are supposed to be licensed to do this. I said, and I didn't know, and I said O.K. cause you can tell I have never been in trouble before. And I called down here and she said, well you are in an apartment

CITY COUNCIL MINUTES - MARCH 20, 1985

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HURLEY: so we can't license you. Well, I took everything I had and January 1 I rented a four bedroom house with a fenced yard for \$675.00 a month, got all set, called down here to start the licensing and the lady said that of course you know that for the two to three months it takes to get licensed, you can't watch children. And I said, well how can I, can I get a small apartment while you license me and then get the house? And she said no. So I said what do I do and she said, well you can either do it, take a chance on getting caught or don't.

HENZE: That was your advice from City Hall?

HURLEY: When I called down here I said what happens and she said you can receive a large fine and that's the only thing we can say. So I continued doing it.

VAUSE: When was that?

HURLEY: That was May 24th and it has taken me this long to be able to accumulate the money to be able to get back into a house. And the judge fined me, it was June 6th, he fined me \$60.00.

DALLEY: How many kids were you taking care of at that time?

HURLEY: I had, well when they came in, see I knew about that, after you have six you have to have one other adult there. There were seven children there plus my three grandchildren.

DALLEY: It says nine, there were nine kids there.

HURLEY: Well, six of them, excuse me, three of them were my grandchildren. There was ten children there.

DALLEY: Then there were some more coming in after you . . .

HURLEY: Yea, my daughter and stuff. Yea.

DALLEY: ...four additional children you said after school. *

HURLEY: Right.

DALLEY: That's my concern, is that you could care for that many kids, of course, not having a license either.

HURLEY: Right. I had another lady, two different ladies who were helping me on this when that little bit after school thing.

DALLEY: That's a lot of kids.

HURLEY: I know.

VAUSE: Where was this, at your current residence?

HURLEY: No. It was at 2815 Alcoa.

HENZE: That was in an apartment?

HURLEY: No, it was a four bedroom house.

LEZCANO: And what do you have now?

HURLEY: Right now I have a six bedroom house. And I have two roommates at the time.

VAUSE: Do they work, the two

HURLEY: Yea, the one lady, Judy Garmendia, Judy's a hairdresser. She works full time. And the other lady, Thelma Nelson is her mother. And Thelma shares a third of the expenses, like now she's in Utah. She has property up there. She just comes down. But she does live

CITY COUNCIL MINUTES - MARCH 20, 1985

0033

HURLEY: there when she's not in Utah.

DALLEY: Then she would be around when the kids are there?

HURLEY: Sometimes, yes.

HENZE: Will they have Health cards and Sheriff's cards?

HURLEY: No, but they were, their birthday's and social security numbers were given to Liz and there was nothing said about them having to have ...

HETHER: They are not required to have them unless they are actually involved in child care. We scope the other adults in the home.

HENZE: I see.

HURLEY: And there is no way I would violate the number or anything.

SARB: In December of 83 you were advised that you needed to have a license?

HURLEY: Right, I was living in an apartment at the time.

SARB: And you were then still caring for children at a different address, 2813 Alcoa in May of 84 without a license.

HURLEY: Right. Right.

SARB: O.K. You were apparently caring for a number of children well in excess of what you could care for had you been licensed?

HURLEY: Well, see, what I knew at the time, cause I didn't know about the licensing. When I had called down here, they had said if you have six children or less it takes one adult. If you have six to twelve children there's two. And I had two different ladies, Jo Kezia and Pat Oliver that both had Sheriff's cards and Health cards. They used to come help me when I had over that cause the only time when I would have over that amount would be like the ones that day they came was the day a girl started a job and stuff.

VAUSE: On that occassion you were well over the limit for one person.

HURLEY: I was over by one because my three grandchildren, my daughter was there, my 23 year old she is the mother, the stepmother of the three grandchildren who were there.

SARB: And the reason that they responded at that time was because a child was injured at the facility.

HURLEY: No, sir.

SARB: What was the reason they resonded on May . . .

HURLEY: The only thing that I found out from licensed child care is they received an anonymous call that I was babysitting without a license. That's all they've ever told me.

VAUSE: Is that right?

HURLEY: And that's what the citation said I was taking child care without a license.

VAUSE: And there was not a child injured on that day?

HURLEY: No, sir. The only time, the only injury ever, and that wasn't in my house, was in December when that

CITY COUNCIL MINUTES - MARCH 20, 1985

0034

HURLEY: little boy was abused in his home. No, sir, there was no injury.

HETHER: According to Metro's report, Metro went out there on that date because they had received a call from a parent who had complained that his child had been slapped.

HURLEY: I know nothing about that.

HETHER: Just for clarification, I can only go on by what Metro's report is. Metro states that at the time that they went out there, that there were ten children, that one of them was your grandchild.

HURLEY: Three of them.

HETHER: And that time also that your daughter, married daughter was there taking of the children.

HURLEY: Right with me.

HENZE: It doesn't say that you were there when they came up.

HURLEY: Sir, I mean Ma'am, I don't know anything about a child being slapped or anything. I don't even know what child you're talking about.

HETHER: Metro did not pursue any type of complaint such as child abuse or alleged child abuse. I think the basis of the report on this has to do with you taking care of children without a license and in fact, according to Metro's report, she did know that a license was required.

KIRSHBAUM: So from December of 83 when you were told that you should have the license you decided not to go and start the procedure, is that right?

HURLEY: No, ma'am, what happened is when Detective Frank Casey told me I needed a license ...

HENZE: In 83

HURLEY: In 83, last December. I called down here and the lady said, cause I gave her my address and my name and she said, and I gave her the apartment number, and she said we can't do anything about licensing if you are in an apartment. I said what do I need? She said you need a house with a fenced yard. January 5, O.K., I went out and I rented a house on Alcoa. On January 5th I moved in there, O.K., and then called cause I was going to start the licensing cause see my girlfriend, I didn't know Henderson is different than Las Vegas. In Henderson you can watch four children while you are being licensed. So when I called down here after I'd moved in there she said and you can't watch children while you are applying for the license. And I truthfully am sole support for myself and my daughter. I didn't know what to do then. I said can I give up the house and apply for it while I'm in, you know, get me approved and find a house and she said you have to be in both at once. So I be honest. I just took a chance cause I didn't know what else to do.

HENZE: So you watched the kids from January until May when you were fined.

HURLEY: Right.

HENZE: And then after May, did you stop watching the kids?

HURLEY: I stopped on the 24th when I was issued the citation. Yes, ma'am.

CITY COUNCIL MINUTES - MARCH 20, 1985

0035

HENZE: So what if, you have not taken care of children since then.

HURLEY: In my home, no, ma'am. I had never been before a judge and I would never, no, definitely.

KIRSHBAUM: How do you plan to discipline children?

HURLEY: I believe in sitting the child in the corner and letting them think about it.

KIRSHBAUM: What did you think of the class that you attended.

HURLEY: The child care class?

HENZE: The orientation.

HURLEY: That was very informative.

DALLEY: Do you have a copy of this? Did you ever get a copy of this police report? I guess I'm asking Margie too.

HURLEY: I've never seen it.

HETHER: We obtained that from Metro. I think she has the right to see it if she goes to Metro.
We attempted to call her and we were unable to get her in yesterday or today to go over this.

HURLEY: The only thing I've ever seen, sir, is I received a pink ticket, you know, like a parking ticket that says doing business without a license, babysitting for ten children. And then when I went to court two weeks later I guess he's the court clerk, gave me this thing that says you are charged with operating a child care business without a license. And the judge asked me how many children, how long I had been doing it. I told him the truth and he fined me \$60 and said I could pay it \$15 per week starting the following Friday. Don't ever babysit in my home without license.

DALLEY: Where I'm reading, I really haven't had a good chance to read it, there's some discrepancies between what you are telling us and what the police report is. I guess, I'd advise you that you have the right to see that I would imagine.

HURLEY: .. Cause I didn't know there was anything ...

DALLEY: ...you could take a look at it because there are some discrepancies and they're pretty blatant. I would just advise you to

HURLEY: Yeah, cause I didn't know then ...

SARB: You were contacted on that date in May, did either you or your daughter deny to either City licensing people or the police department that you were caring for children?

HURLEY: No, sir.

SARB: In other words, the first time that anyone from the City showed up

HURLEY: Right, they came in and earlier in the day somebody had come to the house and asked for a Mrs. Henley and I said I didn't know any Mrs. Henley and she said is this 2813 Alcoa? and I said yes and she said I must have the wrong number.

SARB: Did she identify herself in any way as being from City child care licensing?

HURLEY: No.

CITY COUNCIL MINUTES - MARCH 20, 1985

0036

- HURLEY: And then when they came back to the door I was in ... this was a couple hours later, I'm not sure exactly how much, I was in the living room cause it was at nap time. And Susan, my 23 year old, answered the door and they asked for Mrs. Henley. Susan said there's nobody here by that name. He said she's been operating a child care license and the police came in and they said to me, are you Mrs. Henley and I said no, I'm Betty Hurley. And they asked for my identification and I gave it to him, my sheriff's card and everything and then the one police officer said, have you ever gone by the name of Henley and I said no.
- DALLEY: But you deny that they ever asked you if you were taking care of children there and you said no.
- HURLEY: No, I never said no. When they came in of course they saw the children. Yeah, I never denied that, same with Frank, cause Frank was with them when they came. Frank Casey. He's a detective working
- DALLEY: Were you lying on the couch, asleep in the back part
- HURLEY: No, I'm sitting on the couch with the soap operas on. It was about one, one-thirty in the afternoon. But no, I haven't done any, I was doing it, and I would have got licensed if I could have figured out how to support myself in that house and still, because I didn't know that, if I'd have known that I would have never moved out of the apartment. I would have gone back into waitressing, accumulated some money and then done it legally.
- DALLEY: Were there any accusations of you or someone else in the household slapping some other kid?
- HURLEY: No. Because I asked them if they had a warrant or whatever and all this, there was a blonde police woman, I don't know what her name was, and I said, cause they were going all over the house, O.K., I said, well I don't understand this. What do you got and she said, I said where's your warrant cause I wanted to know cause I've never, and she said we have probable cause and I did, I'll be honest, afterwards I went down and I saw Mr. Goldberg, he's an attorney here in town who happens to represent Metro. And I talked to him and I said all they said was probable cause and he said what have you got, what you've got out of it is a misdemeanor citation. And he said don't worry about it, that's all it is. And that's what I was served with in court, with another copy of the same misdemeanor I got. But nothing was ever said to me about anything
- VAUSE: You didn't go out there, Marge?
- HETHER: No, I did not.
- VAUSE: It was Sandy Durgin and JoAnn Bagger.
- HURLEY: Sandy Durgin was one of the officers.
- HETHER: Mrs. Newburn was supposed to have met them out there and there was a delay in the time and they missed connections. Also I do remember we did have the wrong name. The information had been given to us. Mrs. Newburn went out there, because of the problem with the correct name, she wasn't certain at that point if she was at the correct address.
- SARB: Did you at the time when the police officers arrived initially not want to show them the records that you have on the children who are in your care?

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SARB: Inaudible..... you tried to withhold that information from them. 0037

HURLEY: I didn't have, I mean I had phone numbers and emergency numbers, I didn't have the card records that we have to have now because I didn't know about those.

SARB: But did you, when they asked for the information that you did have, refuse

HURLEY: Yea, because I wanted to know why they were in there because they had all the kids upset. O.K. In fact the one gal had (inaudible) lost her job over, but she had just started a job that day and she said, see they won't tell me what happened. And I said, she said we want to contact all the parents and tell them to come and get their children and they did take phone numbers and stuff including my 12 year olds personal numbers. And I said well I will get them and then my 23 year old said she would do it so she stayed out in the kitchen and did.

SARB: Were those records in order at that time?

HURLEY: In order in what way, sir?

SARB: Is the information that is expected of a licensed child care operator complete?

HURLEY: Yea, the only that wouldn't have been on there cause I didn't know it was required is like I didn't know anything about immunizations and that type of thing. I had like their name, emergency number, place where they worked, you know, that kind of stuff. But I didn't know about immunization records.

HENZE: How did you secure all these children?

HURLEY: They came, see, when I lived in the apartment, OK over on Kings Way, like I said I got laid off and then I started watching them, and there was about five buildings, it's a pretty big complex. Then they'd just kind of evolved, would you like to babysit and I started babysitting. It gave me an opportunity to be home with my daughter, cause for nine years you know, we've had different types of sitters (inaudible). I was glad to provide the service for the kids like I wanted for them, it worked out good and I enjoyed it and

HENZE: So the person in charge of the apartment complex is the one that referred the people to you.

HURLEY: Yea, when I first started, then different people moved in and they'd say well Betty babysits. But I was only babysitting for children in that apartment complex.

HENZE: And then when you moved, those children followed you.

HURLEY: Most of them did, yea. There was probably, I was watching about six on a regular basis. Six or seven. Then when I moved I did put an ad in the paper twice.

HENZE: In the local papers.

HURLEY: In the Review Journal.

HENZE: And they took your ad without a license number?

HURLEY: Yeah, yeah.

VAUSE: That's nice to know, isn't it?

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HURLEY: They have two columns in there, they will take your ad all the time.

SARB: When, ah, what was the oldest, you had ten children there that day, some of them belonging to your daughter, what was the oldest?

HURLEY: Michelle, my little granddaughter is nine.

SARB: And how about the next?

HURLEY: Michelle is nine, Tiffany is eight, and I had one, two, they came right after Chris, both Crystals came from kindergarten. They are both five years. I'm trying to think of who else was there. I had one little baby there, he's a year and a half. And the other kids were three and four.

HENZE: Did they tell you when you called down to City Hall why they couldn't license apartments?

HURLEY: She said something about the exits, the fire, fire exits.

HENZE: And yet you still chose to go ahead and take care of children even though it wouldn't . . .

HURLEY: I gave notice at my apartment and I moved that following month. I gave notice at my apartment. In fact, I lost my deposit cause I didn't stay the ten months on the notice.

VAUSE: You're employed now?

HURLEY: I work for Sandy's Sitter, but through Sandy's Sitter I work full-time, five days a week for a police officer and his wife babysitting for their children in their home.

DALLEY: Is Susan Barnson, is that your daughter?

HURLEY: I have three daughters. I just have the twelve year old

DALLEY: That was the daughter that was living with you at that time.

HURLEY: Right.

DALLEY: And her husband Denny?

HURLEY: Yeah.

DALLEY: Was there a problem with any of the kids like a kid named Joey? Do you remember anything about that incident?

HURLEY: I watched Joey.

DALLEY: Was he a problem kid? Can you think of . . .

HURLEY: Only in this respect, that his dad worked, you know these phone rooms? O.K. and it was, I guess they were worried about being closed. I don't know what happened there, but they left him quite a lengthy time and he was supposed to read as a kindergartener.

DALLEY: I'm not sure. I just . . .

HURLEY: O.K., he's in kindergarten. And sometimes, like they wouldn't get there to pick him up. You know, so he'd miss kindergarten and he'd think it was cause I wasn't watching for his mom and stuff. And I had talked to her a couple of days before that and I told her that he

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HURLEY: was really upset, in fact, the day before that cause Susan was there, she and Denny had taken him to kindergarten for us. But they were going through a bad, you know, his mom was and then also we had a little bit of problem, I don't know why he (inaudible) cause with the phone room going to be, I guess it was closed down, I don't know. You know. But as far, Joey's a very, he's very passive, that's the best way I can put it. You know, he didn't play alot with the kids.

HENZE: Are there any other questions from the Board? What is your pleasure?

SARB: Madam chairman, I move we deny the application.

LEZCANO: I second.

HENZE: O.K., it has

HETHER: I think you need to state your reason for denial according to code.

VAUSE: May I ask a question while we're doing some research? The lady, John, if the lady were to withdraw her application and bring it back in about a year would you be more inclined to listen to her then?

SARB: That's difficult to answer, but I think certainly a year without a history of caring for children

VAUSE: She'll continue to babysit. She works for Sandy's Sitter Service. (inaudible) regards to do that.

SARB: Without caring for children in violation of the Code.

HURLEY: Sir, I have not cared for any child in my home, since May 24th.

VAUSE: Would that be something that you would consider; withdrawing your application for a year?

HURLEY: No, sir. If I'm not approved I'd like to know why.

VAUSE: O.K.

HURLEY: I was babysitting without a license and I was guilty of that and I paid the fine and I am not doing it since. If I'm guilty of anything else, then I should be charged with it.

HENZE: Excuse us just a moment.

(Brief discussion of page of code to turn to.)

SARB: For the record, I guess we state the motion. I move that we deny Miss Hurley's application for a child care license. I would cite City code 6.24.058 and 6.24.060 as reasons to do so and specifically my concern is that Miss Hurley has in the past cared for children without a license. That when informed the first time that she could not do that and being aware both of the licensing requirement and the need to be licensed and some of the requirements involved, persisted in doing that until an incident at her facility caused both City licensing staff and the police department to become involved. At that point in time it was ascertained that she was well above the limit the number of children that she could be caring for if she were licensed. In my mind that constitutes flagrant disregard for the regulations that we ask everyone who comes before this Board to comply with and I certainly recognize there are difficulties sometimes in meeting those regulations.

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- SARB: I also understand that a great many people find a way to meet them. For those reasons I would reaffirm my motion to deny the motion, to deny her application.
- DALLEY: May I suggest an amendment, an amendment. Maybe it's more of a suggestion or something. She has not had a chance to look at the allegations that have been made against her. If there is some way in which, after she has had a chance to look at that if that is feasible, if that is within the law for her to take a look at that, if she wishes to come back and discuss those items that she could.
- SARB: Well, certainly she has that option regardless of what action we take today. She does, in fact, have that option to
- VAUSE: Is there a time limit on when she can reapply if denied?
- HETHER: Not under the child care ordinance. The section in the code that governs privilege licenses, which a child care license is considered to be a privilege, anybody denied cannot reapply for a one year period.
- SARB: We have a motion on the table, but let me offer you this option. Mr. Dalley is suggesting that you may have more information should you see the copy of the police report. That you could participate and respond more to the point. The only way that I see that we could do that at this point is if you voluntarily stopped your application at this point or asked us to table it at this point until the January meeting or a later meeting. Would that, would she still then be able to do that?
- HETHER: Yes.
- HENZE: Perhaps withdraw her application at this time?
- VAUSE: We can hold it for what, two months at the max?
- HETHER: It could be held until the next meeting.
- HURLEY: Could I ask a question, please?
- HENZE: Yes, go right ahead.
- HURLEY: You want me to tell you the complete truth? When I asked the police officers when they were in there why they were in there, O.K., the only thing they told me was babysitting without a license, O.K. And I went down and I saw this, that was all I know. I don't know anything about hitting some little boy. I was trying to think of how many little boys were there when they came.
- HENZE: Can she get a copy of that from. . .
- HURLEY: I don't know anything about any of this. I wasn't watching. . . .
- HENZE: Ah, Betty, I think what has been suggested is, if I may condense all of this, we do have a motion on the floor. But it has been suggested that if the motion goes the way it is, you will be denied and you cannot come back for a year. OK. The suggestion is that if perhaps you, yourself asked for a postponement and at that time, that would give you a chance to go to the police department, request the report, read the report and perhaps come back next month or whenever you chose to come back and have more information because this is totally your disadvantage. From what we're hearing, you

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HENZE: don't know what we're reading.

HURLEY: I didn't know anything about any of this. No I don't.

HENZE: And I can appreciate your position and for, if we go ahead with the motion as on the floor at this time, then we if these allegations are wrong or there has been a mistake or something or perhaps they are true but you don't know about it, you need to know what's going on.

HURLEY: Right.

HENZE: Does she have a police card?

?: Who?

HENZE: Betty. And if she does, why didn't this come forth, or Sheriff's card. Because it just come out at that time.

HURLEY: That's on my Sheriff's card. I put it down.

LEZCANO: Do you have a Health card too?

HURLEY: Sure. Both for child care and foodhandler.

VAUSE: Well, so we could proceed. Would you rather we went ahead and voted on the motion or would you like us to hold it for one month or two months?

HURLEY: Yeah, because the truth is I don't know what you're talking, I mean. I know I was babysitting without a license. I'm guilty of that.

VAUSE: What is it you would like us to do, though? You want us to go ahead and vote on the motion?

HURLEY: No, I'd like to have you tell me where I get a copy of whatever it is I'm supposed to have done. And why nobody ever told me I was even accused of it.

VAUSE: Then, do you want, do you wish us to hold it for one month or two months?

HURLEY: Yeah, well, can you?

VAUSE: What's your, would that be acceptable to everybody? Would that be acceptable to hold it for

HENZE: Board, is that acceptable?

HETHER: When Mrs. Hurley came in, she was advised and talked to Mrs. Newburn about the citation (portion missing due to changing of cassette tape) possible involvement here reported child abuse is not followed up on and confidentiality under the Open Meeting Law.

VAUSE: She would, she would need to waive her rights to confidentiality if we were to hold this in Open Meeting, right. She would have to sign something that says we could be discussed in an open meeting.

HETHER: Well, again, there are no charges. . . of child abuse.

VAUSE: Well, I mean whatever is confidential she would have to read

HETHER: That is not the question. The question at this time that we are trying to present is the fact that she did conduct business without a license, when in fact she knew she should have one.

HENZE: Can we withdraw the motion? The maker of the motion?

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VAUSE: Really can't.

HENZE: Just vote on it.

VAUSE: You have to defeat the motion and

SARB: Well, we haven't got a second.

HENZE: Yes, it has, we did.

VAUSE: I'll tell you what, if you want, I'll offer a substitute motion.

SARB: I'll accept the . . .

VAUSE: O.K., one month or two months?

HURLEY: One month is fine.

VAUSE: I move that this be held, I move that we accept a substitute motion.

SARB: For the sake of clarity, can we do this? I will withdraw my motion if the second will withdraw the second.

LEZCANO: I will withdraw....

HENZE: I think that would be far easier. The motion has been withdrawn by the maker of the motion, John Sarb, and the person who seconded it, Hope.

VAUSE: Move to hold it to our January meeting, also request that Sandy Durgin and JoAnn Bagger be requested to come to the meeting.

HETHER: Both or one, anybody from that. . . .

VAUSE: They both were there, I'd like to see them both here if they could.

HENZE: The motion has been made that Betty Hurley's application be held until the January Board meeting. This motion was made by Mr. Vause.

SARB: Second.

HENZE: Also that Sandy Durgin and who was the other one?

VAUSE: JoAnn Bagger.

HENZE: JoAnn Bagger be here also and it was seconded by John Sarb. All in favor. Any opposed.

(Motion carried by unanimous vote.)

City of Las Vegas CITY COUNCIL MINUTES - MARCH 20, 1985

AGENDA DOCUMENTATION

Date: January 30, 1985

TO:

CHILD WELFARE BOARD

FROM:

DEPARTMENT OF BUSINESS ACTIVITY

SUBJECT:

Application for Family Child Care Home -- Betty Hurley
Child Welfare Board meeting January 30, 1985

Appearing on the agenda as an abeyance item is a request for licensing from Betty Hurley, 321 Pinecliff, for six (6) children days, two (2) nights.

Mrs. Hurley's application was first presented to the Board on December 19, 1984. At that meeting it was brought to the Board's attention that Mrs. Hurley had been issued a citation by the Las Vegas Metropolitan Police Department on May 24, 1984, for providing child care without a license. Mrs. Hurley plead guilty in Municipal Court and was fined \$50 (plus \$10 administrative assessment).

Due to the fact that Mrs. Hurley had not had an opportunity to review the information presented to the Board, the application was tabled; the Board also requested that Sandy Durgin and Joanne Bagger of the Las Vegas Metropolitan Police Department attend this meeting. (Exhibit I: Transcript of 12/19/84 meeting)

Following the meeting, Mrs. Hurley contacted Metro and was advised that they could not release their report to her unless a Motion for Discovery was filed with them. However, upon advice from Deputy City Attorney Val Steed, I met with Mrs. Hurley on January 3, 1985, and reviewed both the fact sheet and Officers Report with her. The fact sheet summarizing that portion of the Officers Report which pertains to the citation and issue at hand is included herewith. (Exhibit II)

(NOTE: A portion of the Officers Report contained information regarding possible child abuse. Inasmuch as no charges were filed in this regard, the Board is advised that said information should not be considered in determining the suitability of applicant for licensing.)

Finally, a two-page statement dated 1/17/85 and twelve (12) letters of reference submitted by Betty Hurley are attached. (Exhibit III)

Marjorie Hether
Marjorie Hether, Chief
Privilege License Division

Agenda Item

3. C.

January 13, 1985

To Whom It May Concern:

Betty Hurley has been providing child-care for our daughters, ages 5 years and 7 months since October 1984. Betty has proven to be both reliable and competent in the child care profession. She is neat and clean and provides excellent care for our children. She has established a relationship of love and respect with our daughters and they look forward to seeing her. She is employed by us five days a week.

Betty has gone beyond her duties as a babysitter to teach our daughter Christina her alphabet, numbers and manners. Betty has a lot of patience and a great rapport with children. It is obvious that Betty enjoys her work. We would highly recommend Betty for any position in the child care profession.

Yours truly,

Susan Hood

Gary Hood

Gary and Susan Hood

January 10, 1984

To Whom It May Concern:

Betty Hurley has been a very good friend of mine for over 3 years and a no time have I ever heard or seen her in anyway mistreat a child. If anything it's just the opposite. The love she shows and the help she gives is more than the call of duty. From my own experience with Betty, my daughter loves and respects her. For 2 years Betty watched her after school until I got home from work. Betty respected my wishes, seeing that my daughter got her home work done and at all times she knew where she was.

If for any reason that means incompetent well we should have more like her in child care. The only thing I could ever say about Betty is that she is the most forgiving person I have ever known. Especially when it come to her Daughter Sue, who at no time should be allowed around loving people, because Sue uses and abuses them. Also I have been Betty and her daughter Linda's room mate since September, 1984 and at no time has she babysat in our home, but with the job she has done to make our place safe and secure she should most definitely be licensed. As for the Dec. 19, 1984 hearing, Ms. Liz Newburn sat in our livingroom at 10:30 that morning and at no time did she mention an child abuse charges or anything suggesting them. In fact the only thing mentioned was the misdemeanor citation and she implied that would be no problem. I was present during the entire time she was there that morning.

As for myself I am very happy working as a hairstylist here in Las Vegas. Liz Newburn requested my date of birth and Social Security which I provided for her.

I must add one more thing, if I was treated as a child abuser, I too would have reacted with shock and amazement, just as Betty did. But when I heard Sue Barnson's name mentioned nothing would have surprised me. I pray not one of you ever fall into the hands of someone like Sue, with the face of an angel and the mind of a very sick jealous person.

When I hear the word Justice I think, "is it blind?"

Judy Garmendia

321 Pinecliff Drive
Las Vegas, Nv 89126

14 January 1985

To Whom it may concern;

My husband and myself have known Betty Hurley for three years. Two years ago she began baby sitting our children in her home, prior to her difficulties with licencing and the subsequent fine. Never in that time have I or my husband known, seen, or heard from anyone else, nor seen her in a state of intoxication from alcohol or drugs, nor have I or my husband known, seen or heard her in other than acceptable temperment.

Since last summer Betty has watched after our children in our home, I have never seen abruise, or a mark of any kind on either of my children at any time while she has been caring for them; nor have I or my husband had any incling of mental abuse, or threat.

In the three years that my husband and myself have known Betty Hurley, she has never been anything but a fine friend and an excellent sitter for our children.

My husband and I are appalled, and outraged at this hideous attempt at liablous slander, that someone at this department, or it's attatchments, has instigated, and for what purpose is most certainly alien to anything human.

This fiasco is insanity, your insanity.

Leslie Ball

Leslie Ball

James M. Ball

James M. Ball

January 4, 1984

To Whom It May Concern:

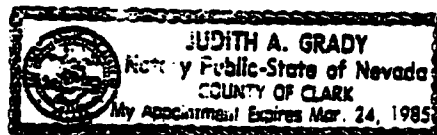
I am Linda, Betty Hurley's daughter, I have never seen my mother hit any child in any way. The only way my mother discipline's a child is by setting them in the corner, I've never seen her talk mean or rude to them eather.

The day you came to our house I was at school, that morning I hooked the hook and eye on my door, it was there because I didn't want the children in my personal belongings.

My mother has never hit me or my sister, and I most certainly am not and never will be afraid of my mother. I've written this letter because its the truth, nobody in my family even knew i wrote this until I handed it to my mother.

Linda Pastor

Linda Pastor, 321 Pinecliff Dr.
Las Vegas, Nevada 89102



Judith A. Grady
1-17-85

I have been taking my son over to Betty Hurley's house for 2 months now off & on when I needed her to baby-sit. My son enjoys it. He has never come home with any bruises or any marks on his body, no characteristic change & no discipline problems. When I first started taking him over to Betty's she told me right out front that she was not licensed. She is a very clean & proper lady & I was very pleased about how well she took care of my son.

Sincerely, Anita May 27, 1984
Dosen

Betty Hurley has been babysitting my two girls, Angela 9 years & Rebecca 7 years old, for 1 year.

Betty is a very honest, dependable, & kind person. My girls enjoy going to her house. Her house is always neat & clean.

As soon as she is able to Babysit I will bring my girls back to her. They miss her.

Kathleen Seyfried
367-0637



To Whom it may
concern:

Betty Hurley has
cared for my child Erika.
~~and~~ Erika and I have been very
happy with her services.

I wish to continue to bring
Erika to Betty as soon
as she is legally able.

Thank you

Chris Logan

2630 Wynolotte

Go down Betty Hurley in
place the letter out again
I will keep my own back
to her

Sincerely
Chris Logan
1705 Kildare Way
San Diego, CA
92102

June 4, 1984

To Whom It May Concern:

RE: Mrs. Betty Hurley

I have known the above named individual, Mrs. Hurley for approximately three years as a personal friend and as my son's Babysitter for the past year. I used Mrs. Hurley mainly on a drop-in basis because of the type of work I am engaged. My son dearly loves going to Mrs. Hurley's as she is good natured, loving and fun. He looks forward to going probably as a change of pace for him and because he feels secure with her and her family.

Over the past 8 years, I have used many, many babysitters on both a full-time and part-time basis, friends or licensed babysitters, some in home sitters or licensed child care centers such as Montessori and so forth. Quite frankly, he still prefers Mrs. Hurley, licensed or not. My son's happiness is my prime concern where babysitters are concerned as well as knowing in my mind that he is safe and that I do not have to worry when he is ill or well nor do I have to worry about where he is or what he is doing. I believe it can be called complete trust in an individual taking care of my only child to my satisfaction.

If I can be of any help in assisting Mrs. Hurley, in retaining her status as babysitter of my son, I am more than happy to offer whatever it takes. She is indeed much needed in our community as a babysitter. Our children and many of the parents really miss not having her available. She is by far the best of the best.

Sincerely yours,

Judy A. Shively
Judy A. Shively

June 1, 1984

Your Honor:

On December 20, 1983, Betty L. Hurlley rented a house from me located at 2813 Alcoa, Las Vegas, Nv. 89102, to be occupied by her and her daughter, Linda age 11.

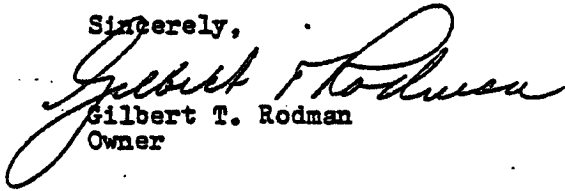
At that time she told me she was going to get licensed for child care. She asked me to install an extra smoke alarm, an air conditioner-heater unit, in the family room and also to remove a tree from the backyard, so the children would have a level, safe, fenced play area. In addition, I also furnished two twin beds and installed a washer and dryer to complete the facilities for her.

I have been in Betty's home on several different occasions and have found her home to be clean and the children being given excellent care. In fact, she babysat for my three year old grandson when he was visiting from California.

She has paid her rent of \$625.00 per month on time and I have never received a complaint about her, nor do I have any complaints. I find her to be a desirable tenant and hope she can continue doing child care and residing in my house.

To my knowledge, child care is the only source of income she has for her and her daughter.

Sincerely,


Gilbert T. Rodman
Owner

GTR:jp

June 5, 1984

TO WHOM IT MAY CONCERN:

Betty Hurley has babysat for my two daughters, Atlantis, age 9 and Crystal, age 5, since July of 1983. During this time not only have they received excellent care, but Betty has on numerous occasions gone far beyond the babysitter relationship. As I am a single-Father raising my daughters, Betty has been there for them as a friend and confidante. She's taken a special interest in my 9 year olds school work, dried tears, shared experiences and has gained the love and respect of both my girls.

I am employed at Caesar's Palace as a bellman and have been for the past 12 years. During the recent labor dispute Betty babysat for my girls at no charge, so that I could fulfill my required picket duties. I have made temporary arrangements for child care, at present, but as soon as Betty is allowed to babysit again, I will return my daughters to her excellent care.

If you have any further questions, please feel free to contact me.

Yours truly,

Robert Cesaratti
Robert Cesaratti

**THE FOLLOWING
PAGE(S) ARE
ILLEGIBLE/POOR
QUALITY**

To whom it may concern

The case given my daughter under Betty Shutey's supervision was very good. She was very content and well at this environment. She also learned very much there.

I hope in the near future I may return to Betty's. He is wonderful with all the children and she steps in your shoes when you can't be there. It's a big comfort to know your child has love and affection when you can't be there. Her love for children is genuine and definitely real.

Sincerely

Mar Jeffery Manders

324-4948

Name (Last, First, Middle) HURLEY, B.		Court Case No.		Code		Traffic Radar ☐		Parking ☐		Non-Traffic ☐		167102			
STATE OF NEVADA COUNTY OF CLARK CITY of Las Vegas		vs. Complaint / Affidavit ☐		Accident School Zone ☐											
☒ In the Municipal Court of ☐ In the Justice Court of Clark County		Issuing Officer's P. No.		Div.											
The undersigned being duly sworn upon his oath deposes and says:		NOTICE TO APPEAR													
Name (Last, First, Middle) HURLEY BETTY LOU		DOB 2-11-47		Age 33		Orig. Sec. C		Ht. 5'2"		Wt. 106		Hair Blk		Eyes Grn	
Res. Address 2813 ALCOA		City Las Vegas		State NV		Zip 89102		Home Phone 367-2000							
Bus. Address 1414 N. MISTY TRAIL		City Las Vegas		State NV		Zip 89102		Occupation Chiropractor		Restrictions N2					
SS. No. 5-54-XXXX		Exp. Lic. No. 04380813		Class 3		State NV		Exp. Date 8-4		Restrictions N2					
Veh. Lic. No.		Year		Month		State		Veh. Year		Make		Body Type		Color(s)	
Res. Owner Name		Address													
Did unlawfully of the following (location): Young Business W/O License		Name of Business (If Applicable) Address													
☐ Located in the City of Las Vegas		County of Clark, State of Nevada													
☐ Located in the unincorporated area, County of Clark, State of Nevada															
☒ 20 05 85		Date of Birth		Date of Arrest		Date of Release		Date of Conviction		Date of Pardon		Date of Parole		Date of Probation	
to which the child was taken as a licensed driver. Betty Hurley was advised to get child care license in December 1983.															
☒ Clark County Johnnie Clark 280 E. Carson Las Vegas, Nev. 392-4011 Ext. 4232	☐ Clark County County Clerk 3424 N. Durango Las Vegas, Nev. 392-3211	☐ North Las Vegas Nevada Justice Court 1970 North Dean Street Las Vegas, Nev. 392-4241	☐ Henderson Henderson Municipal Court 141 S. 243 Street St. Henderson, Nev. 392-5721 Ext. 42	☐ Boulder City Boulder City Municipal Court 920 Avenue B Boulder City, Nev. 392-4232	☒ Las Vegas Las Vegas Municipal Court 420 E. Stewart Las Vegas, Nev. 392-4231 Ext. 4232										
Your signature on this complaint to appear is NOT an admission of guilt. It is your written promise to appear in court. I hereby accept legal service of this complaint to appear at the said time and place and I hereby waive my right to be taken immediately before a magistrate.						Signature B. Hurley Justice Court									
You are hereby ordered to appear on the 7 day of June 198 4 at 9:45 a.m.															
Defendant's Signature ☒ Betty L. Hurley						Bond Amount									
Failure to comply with this complaint or failure to appear at the time and place specified in this complaint is a misdemeanor.															
The undersigned further states he has just and reasonable grounds to believe and does believe that the person named above committed the offense herein set forth, contrary to law, which occurred on the 13 day of May 198 4 at 2:55 a.m.															
Signature of Officer/Complainant J. S. Sager						P. No. 107									
Subscribed and sworn to before me this 6 day of June 19 84															

to find a suitable
 add a personal touch
 to child care such as
 teaching them manners
 and their ABC's
 I have observed
 numerous complaints on
 their manners and
 behavior since they have
 been in this day care.
 She loves and respects
 those children and they
 love and respect her
 all would be a great
 loss to me and my
 children if Mrs. Hurley is
 not allowed to get her
 child care license soon.

Sincerely,
 Joanne Plumb

60.

PLEASE READ THIS ORDER CAREFULLY

APPEARANCE ORDER

LAS VEGAS MUNICIPAL COURT
 Dept. 1
 400 East Stewart Avenue
 Las Vegas, Nevada 89101

Betty Hurley
 NAME

You are ORDERED TO RETURN to THIS Court on 7-5, 1984.

PROMPTLY at 9:30 a.m./p.m. and at each court proceeding thereafter until the case is concluded. It is your personal responsibility to keep advised of the dates of all your court proceedings.

For: PLEA PRE-TRIAL TRIAL SENTENCING REVIEW EXECUTION OF JUDGMENT

• PLEASE BRING THIS CARD WITH YOU WHEN YOU RETURN!

Your failure to return to this court as hereby ordered will be deemed a contempt of court and such failure to return will at a later proceeding subject you to a fine up to \$300.00 and/or imprisonment for up to 25 days.

Served by no

Dated: 6-7, 1984

JUDGE

DEPT. 1

CITY OF LAS VEGAS
 MUNICIPAL COURT

1671.02 DOC#
 10.00 AMFN
 50.00 FREN
 20.00 TL#2
 60.00 CS#1

2025 10 06/11/84
 101 1:41 PM

1-17-85

Before you consider my application for Child-care I wish to make this statement. I at no time have abused physically, sexually or mentally any child. I am a person of good moral character. Please see the character letters. I have been unable to secure a copy of the officers report in it's entirety. But of the little information I do have I will try and explain my side of what to my knowledge is in it. First I did not have locks per se on the bedroom doors. My 12 year old had a "hook and eye" on her door which she hooked each morning before she left for school so the children would not disturb her things - a statement of Linda Pastor. I never at any time slapped or hit Joey - the 1st time I saw him was Monday May 21st about 10:00 AM. He was fine and kissed me good-bye and went to the work with my 23 year old daughter Sue Barnson and her husband Dennis. Then they dropped him off at kindergarten. He was fine at the time he left my home.

Russan & Dennis Barnson and his three children by a previous marriage moved into my home on May 15, 1984 because they gave their mgr. at 2430 Wyndotte #11 a bad check and they had to move. I agreed because of the children to let them move in with me and Linda until they found a place. Because they moved in we had to put my bed in the living room temporarily, which is why in the officers report it says I was in bed, when in fact I was sitting on it in the living room.

I at no time denied to anyone that I was babysitting, but I did refuse to admit I was a Mrs. Hinlee which is what the officers wanted me to do. I don't know any person male or female by the name of Hinlee - we never used that name. My name is Betty Lou Hurley and this is what I kept telling the officers. They stated I was not co-operating which is true. They kept me in the living-room against my will for about 2 hours. I asked for a warrant and I asked more than once for an attorney and they refused and also refused to let me answer my phone or make a call. I to this day do not know what or why of any of the treatment I received on May 21, 1984. I also do not know why Officer Joann Baggert of the Metro Police Dept. called me at home Dec. 20, 1984 (saved me the 1st time) 18 hrs. after my testimony at the Dec. 19th meeting, when Officer Baggert called me she told me to "leave it alone" and withdrew my application for child-care. She also ordered me to give her the name of the Metro Police Officer I work for 5 days per week (caring for his two children) I refused but did call him at home and told him she had accused me of child abuse and said they had enough evidence to prosecute me. She told me some child had been picked up at my home by his father and had received multiple bruises caused by me. I told her that had never happened at any time with any child, she then hung up.

When I called Officer Gary Hood at home and told him what happened he then called her and she told him I had hit a child and that I shouldn't babysit for him because I wasn't mentally stable. If I hadn't been working for him several months his allegations could have cost me my job and means of earning a living for myself and my daughter. If she has evidence then I wish to be charged so I can prove my innocence in a court law. If not I want this lie stopped. Please see statement of Gary and Joann Baggert for character.

Page 2 of 2 pages

On May 24, 1984 I was issued a misdemeanor citation which I signed, charging me with babysitting without a license. I was guilty, went to court and pled guilty was fined \$60 which I paid please see inclosed copies of ticket and receipt of payment.

I was advised in Dec about the 10th by Dec. Frank Casey that I was supposed to be licensed. I hadn't known that before, so I called licensing and was told I couldn't pay my fee for license while I lived in an apt. so on Dec. 30, 1984 I rented a house at 2813 Aliso please see statement from Gil Rodera, fully intending to get a license. But when I called again they said I couldn't be paid for the two to three weeks until the license was approved. As it had taken all of my money to rent the house I couldn't figure out how to keep the house. So since I have a withdrawal card from local 120 Gil Rodera Union I decided to wait until after the strike and then I'd waitress again while waiting for the license so we know it didn't work out that way. I have never before knowingly broken the law and I have paid for doing it that time. I had lived in an apt. 2 years and there is no reason I could have moved (particularly thru the Christmas Holidays) except to do what I was doing legally. I was helping Dec. Frank Casey on a child-house case and I gave him my Aliso address so when I rented the house. There is no way I would avoid paying a \$20 license fee and take a chance on a large fine and sit the jail time. I was not doing anything which would make me ineligible for a license and I can only say so God is my witness I couldn't figure out how to keep the house and get licensed and support myself and my daughter at the same time. If I had it to do over I could have stayed in my apt. and gone back into waitressng and then rented the house, but I can't go back. The only thing I can say is I was wrong and I have not be paid for any children in my home since then. Please see letter from Judy Garandis, Leslie Hill and Thelma Wilson.

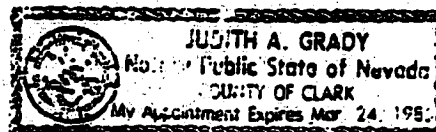
His Honor has told me the Of House doesn't will be paid for only parts will be paid to you until time as I do not know what parts I will pay to mother any associations at that time. Please see letter from Judy Garandis, Leslie Hill and Thelma Wilson.

I take care of children entrusted to me in the way I would want my daughter Linde cared for. I worked in restaurant for 9 years and was a single-parent good dependable child-care worker. I try to provide this service for other working parents. I prefer to do this in my home so I can be home with my daughter when she is not in school.

Thank you for your attention,

Betty Lou Finley

Betty Lou Finley



Thelma Wilson

CITY COUNCIL MINUTES - MARCH 20, 1985

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SARB: The meeting is back in session. We pick up Item 3.c., Betty Hurley, requesting licensing for 6 children days/ 2 nights. For the record, the Board's information, this item came up on the agenda last month. There was considerable discussion and it was tabled at that time because we had before us information supplied by the LVMPD. Miss Hurley's statements were in conflict with that and it was some of that information that was not available to Miss Hurley at that time so we tabled the item so it could be considered at this meeting and we simply requested that the representatives from the LVMPD be here. At this time, I think the way I would choose to proceed is ask the Metro PD if they would present what the results of their involvement in this situation and then Miss Hurley will be given the opportunity to respond to that. Would that be satisfactory?

HURLEY: Yea, do you want me to sit down until you're through?

SARB: Yes, please. Is there representatives from the MPD here?

BAGGER: I'm Joann Bagger from the Las Vegas Metropolitan Police Department. Would you like me to summarize how the Police Department became involved or do you want to ask me questions or how would you like to go about this?

SARB: Would you please summarize what your involvement was?

BAGGER: Certainly. In May of this year, May 24, 1984, I received information that Mrs. Betty Hurley was possibly babysitting at her residence which was then located at 2813 Aloca Avenue without a license. Based on this information I made arrangements with Mrs. Newburn of City licensing to meet at that address at approximately 2:00 p.m. that afternoon. Quite frankly, I was late and Mrs. Newburn had come and gone so I called Mrs. Newburn's office and spoke with Mrs. Hether. She verified that Mrs. Newburn had been there. Because Mrs. Newburn had a wrong name, Mrs. Henley rather than Mrs. Hurley, she left the residence without ever having gained entry. I went to the residence about 2:30 that afternoon with my partners Sandy Durgin and Frank Casey for the purpose of determining if there were any individual there who was providing child care without a license. One of the individuals I had been told was living there was the daughter of the woman who was later identified as Mrs. Hurley not Mrs. Henley at all and I know her first name was Sue. I knocked on the door. She opened it.

BAGGER:

CITY COUNCIL MINUTES - MARCH 20, 1985

I asked her if she were Sue. She said she was. I asked here if there were any children there, if anyone was providing any child care. She said there were not, however I heard a lot of kid noises in the background. Based on that I asked permission to enter the residence. Mrs. Barnson, Sue Barnson, the daughter of Mrs. Hurley then indicated that there were in fact a number of kids that were being provided child care by herself and her mother, Mrs. Hurley, and she initially lied because she was frightened. We were permitted to walk through the home. Now Sandy Durgin, Frank Casey and I were all inside the home at this point. Prior to our going to the Hurley residence, as I was running the situation down to my partners Mr. Casey remembered having been involved with Mrs. Hurley in December of 1983. She had been babysitting for a child who turned out to be a child abuse victim and was helpful to Mr. Casey in his investigation. At the close of that investigation, Mr. Casey informed Mrs. Hurley that she could not babysit without a license and told her who she needed to contact and what she needed to do in order to set the motions and wheel, set the wheels in motion to get a child care license. We did walk through the home, at which time we counted ten (10) children, all of whom were preschoolers or toddlers, very young children. One child was identified as the natural child of Mrs. Barnson. So there were nine (9) non-related children in the home at that time. Mrs. Hurley was sleeping on a bed in the living room and Mr. Casey, once he visibly saw her recognized her as the same woman he had spoken with in December of 1983. We asked Mrs. Hurley if she remembered the licensing requirements and she said she did. She did move from an apartment where she was in December of 1983 to a home in an effort to begin to comply with the licensing requirements. However, when she did speak with licensing she was told, this is, I am summarizing her conversation with us, she was told that it would be approximately an eight week delay in her getting a license and based on that she decided she would just keep taking the children the way she had been doing. We asked Mrs Hurley for her records. She initially was pretty defensive and hostile, didn't want to give them to us, but then she finally produced a green plastic 5 x 8 recipe type flip top box. But she didn't want us to go through them. She said there were personal numbers there as well as the numbers of the parents of her children. We informed her that the children would have to be removed from the premises immediately and if we were not able to communicate with the parents of these children, we would take all of the children to Child Haven

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BAGGER:

we had no other option. Mrs. Hurley then gave us the box. But I must tell you that it took approximately two (2) hours to communicate with all the parents of the children because her recordkeeping methods were so haphazard she had little bits of pieces of paper, some children she didn't know their last name, some parent's she didn't know their last name, there were comments like "just ask for Connie in the coffeeshop at the Bingo Palace". I'm using that as hypothetical. Connie is not a real person in my mind at this time. That was, I'm just demonstrating to you how difficult it was to make contact with parents of these children. Mrs. Hurley remained in the living room with Mr. Casey. Mrs. Durgin did most of the telephoning to raise the parents and get them to respond to the address to come and pick up their children. I interviewed Mrs. Barnson, the daughter of Mrs. Hurley, in the kitchen, at which time she told me that, among other things, that she just moved in a few weeks earlier to assist her mother, she and her husband had moved in a few weeks earlier to assist her mother because her mother had had to go to the hospital with I believe it was emphysema and pneumonia and she had recently, in my understanding recently, within a week or two had just been discharged recently. A week or two from the time we were there, she had been discharged. Mrs. Barnson and her husband were very cooperative throughout the time that we were in the residence. Mrs. Barnson acknowledged that she knew her mother was not in compliance with licensing procedures. During the course of our being there waiting for parents to come and get their children, four (4) other after-schoolers came in bringing the total of children to fifteen (15) including the one grandchild of Mrs. Hurley. Mrs. Hurley had lying in plain view some printed business cards, a copy of which I have with the copies of her record keeping. She had repeatedly told Mr. Casey that she didn't advertise, but there were at least one dozen of the business cards in her home, on her counter, in her kitchen. At that point in time I cited Mrs. Hurley for doing business without a license. We also requested that our police photographer come to the residence and take photographs of a couple of things. Particularly the hook and eye locks that were noted on all the bedroom doors, all three bedroom doors, and the presence of the ten (10) toddlers. The I.D. Officer had already departed the scene when the four

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BAGGER: after-schoolers came. Do you have any questions?
That was essentially it. We made sure the children were all picked up by parents and then we departed the scene.

MINNEAR: Could you also pass examples of the recordkeeping?

BAGGER: Sure, you bet.

VAUSE: There were fourteen (14) children plus one child that was what the granddaughter or her, a relative.

BAGGER: My understanding at the time.

VAUSE: Could you tell us the ages of those fourteen (14) children?

BAGGER: Well, they were all under school age, ten were under school age because we were there at the school hours and they were all there, so they were four and under.

VAUSE: So would there be any younger than two years old?

BAGGER: They appeared to be between the ages of two and four.

DURGIN: We can read them to you from our original notes.

BAGGER: There was one child who was 7 months old, there was one child that was 16 months, one 3½ year old, I don't know how old this child was here, a couple of them were approximately four to five year olds, one six year old, two more toddlers approximately five and three, another little toddler that appears at that time was almost two years old. And then the four school age children that came in.

VAUSE: So three under the age of two, is that, I'm trying to keep up with you.

BAGGER: Alright, one, two, then a 3½, there was a 16 month old and a 3½ in the same family, and a couple I didn't note their ages here but I do have photographs that looks, their probable ages are approximately five. . .

VAUSE: Another question, you said that she had business cards.

BAGGER: Yes, sir.

VAUSE: What did the business cards say?

BAGGER: I have a copy here. Oh, here it is. (handed to Vause)

SARB: I think you said that when you entered Mrs. Hurley was asleep.

BAGGER: Correct.

SARB: Then you said you spoke to her. Did you have to waken her or did she waken when. . . .

BAGGER: She was asleep. Her daughter had said she was asleep. And when Mr. Casey and I went into the living room she was in the process of waking up. She was lying down on the bed. She acknowledged that she had been ill and she was recently out of the hospital and she was sick and recovering.

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MINNEAR: What were the children doing?

BAGGER: There was one in a crib, I believe it was a 7 month old, and the married daughter, Mrs. Barnson was keeping her eye on the others. They were in a large family room off the kitchen, which was formerly a garage and had been converted into a family room. So they were with her in there playing & sleeping, some of them were sleeping on the floor.

DALLEY: Could you tell me the layout of the, it's a house right?

BAGGER: Correct.

DALLEY: So that I can get a visual image of where things are.

BAGGER: Sandy's real good at this.

DURGIN: If you enter the front door, you walk into a small foyer, to the left you have a hallway-type kitchen, to the left there is an entrance out of the kitchen which would be into formerly a garage with a large room, there is a TV, a couple of mattresses and a couch. Come back into the kitchen, you could if you wanted walk straight through into a living room area. I did not spend much time in that room, it was dark, there was a TV and living room furniture, plus, I believe a day bed of some kind which Mrs. Hurley was occupying. When you walk down the hallway, come back through the kitchen go down the hallway to the right I believe that there are four (4) bedrooms, a door at the end of the hallway, two bedrooms to the left and one to the right. Also a bathroom to the right.

DALLEY: And the youngsters were mostly in the converted garage?

DURGIN: There was only one infant asleep in one of those bedrooms in cribs. And you have a photograph of that.

MINNEAR: And was that door hooked?

DURGIN: When we went in there, no, no door hooks, no.

BAGGER: No, it wasn't.

SARB: Among these records, were there any shot records, emergency telephone numbers, medical information on any of the children?

BAGGER: No, sir. It's sort of a catch as catch can situation. There were little bits and pieces of papers, the copies that you are seeing there are just exactly the way that we impounded them into evidence. Some had emergency numbers, some had schedules something like every other Wednesday, some had nothing.

VAUSE: Could you describe, while we are going over this, could you describe the general condition of the children? Were they appropriately attired, were they

BAGGER: They appeared to be. The weather was warm. They were OK. They had bags. Most of the parents had brought them bags with their diapers and things in them.

WILHELM: Did it look like there was an adequate amount of toys?

BAGGER: You know, I don't recall. I know that there were not adequate sleeping arrangements. That there was a couch and a really big television but I don't recall the toy situation.

DURGIN: In the major room where the children spent their time there weren't any chairs, there were few toys and there was a large TV. If you were to lay all the children down there certainly were not any cots. There were not appropriate sleeping arrangements for all those children to take a nap at one time.

VAUSE: May I ask a question about this exhibit?

DURGIN: Uh hm.
Vause confers with Sandy & Joann.

BAGGER: I think I know what that is. What this was, I have it pretty accurately described in my report here, this was an advertisement, these were handprinted little signs and they had little pockets in them where you could either stick cards or have them stapled like this as if one were going to stick them in a supermarket or someplace like that.

VAUSE: This was in the house?

BAGGER: Yes, sir. In the kitchen.

SARB: It is apparent as the paperwork kind of moves its way across, that there are more than ten children, fourteen children referenced on that paper. Did you ever attempt to total how many children there were records kept on?

BAGGER: No, I did not.

DURGIN: Part of the difficulty that we had was that we had someone who was very uncooperative, who did not want us to have access to anything. So we attempted to maintain peace and get those children out of there as effectively and quietly as we could. So we took the records and we certainly felt like any further investigation at this time was unnecessary because she had fifteen (15) children by the time we left that day. It's very clear that she wasn't licensed. It's clear that she was providing inadequate supervision; it's clear that she was providing inadequate surroundings and environment; it's clear that she's been very nicely, succinctly warned before. We do not normally spend four hours closing somebody down when we could much rather warn them and say when these people come tonight, tell them that you are not licensed, and don't continue to do business until you are.

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DURGIN: This woman was not of the attitude that that would be appropriate and she had a previous opportunity.

BAGGER: We also had information at the time that she was telling at least some of the parents that she was licensed. Some of the parents were leaving their children there in good faith believing that she was licensed.

WILHELM: It looks like in some of these cases that the parents were the ones who were particularly careful about leaving information (fades out)

BAGGER: I remember a particular incident where a mother had a number of different places that she worked, different places on different days and I know that we had a heck of a time raising that mother because Mrs. Hurley was unable to remember which place the mother was on which day. Part of that I attributed to the fact that Mrs. Hurley was ill and we had just awakened her.

WILHELM: And also upset.

BAGGER: Yes. Yes.

DALLEY: Is it possible that many of these names here are not child care people, that trusted the care of their children to her, but just friends of hers and stuff like this. That was kind of a general notebook.

BAGGER: It is conceivable Mr. Dalley. I did take a list of the children that were entrusted to her on the day that we were there and what we had to go by was the fifteen (15) children. It is possible that those are other friends.

DALLEY: I see some are just a first name and a phone number.

BAGGER: You see, part of that is that's all we had, cause we had a first name and a phone number trying to raise some of those parents.

DALLEY: This was all in the same recipe top card file.

BAGGER: No, sir, it was that and a spiral type of red notebook.

DURGIN: In the spiral notebook she had her accounting, her financial arrangements and her collections and also some names and phone numbers and somewhat of a list of who was coming and going, that's all.

BAGGER: See, here are the, I'll tell you the items I took into evidence that day. One green plastic 5 x 8 box containing alphabetic dividers, notes and index cards; one blue plastic three ring binder containing notes, addresses, business cards in Betty Hurley's name advertising child care; one red spiral 4 x 6 index card book containing names, dates, and times; and one green spiral 3 x 5 index card book containing names, dates, and times.

0065

SARB: Are there any more questions for the representatives of the Metropolitan Police Department at this time? If not, I'm going to ask that you remain available. until Mrs. Hurley has an opportunity to comment.

BAGGER: Certainly. Be glad to.

SARB: Mrs. Hurley?

HURLEY: Do you want me to start?

SARB: I want to make sure first of all that you understand this proceeding. OK.

HURLEY: Right.

SARB: The City Child Welfare Board, alright you made an application to be licensed as a Family Care Home by the City Child Welfare Board. We are considering that at this time. Whatever action is taken here goes automatically to the City Council so that, who has the final say in whatever action this group takes.

HURLEY: Right.

SARB: You heard what the Metropolitan Police Dept. has said.

HURLEY: Right.

SARB: You've heard what. . . .

HURLEY: Before you consider my application I have a statement I would like to read which will help clarify last meeting cause I didn't know what was going on, if I may. I at no time have abused, cause last time it was on child abuse, I at no time have abused sexually, physically or mentally any child. I am a person of good moral character. I have been unable to secure a copy of the Officer's Report in it's entirety but of the little information I do have, I will try and explain my side of what to my knowledge is in it. First, I did not have locks per se on the bedroom doors. The only door that was locked, my twelve year old had a hook and eye on her door which she hooked each morning before she left for school and I turned in down there a notarized statement from her that it was hers and that's why it was locked and you have that in the records. I have never at any time slapped or hit any child, or like little Joey. The last time I saw him was Monday, May 21st, about 10:00 a.m. He was fine and kissed me goodbye and went to the park with my 23 year old daughter Sue Barnson and her husband Denny. Then they dropped him off at kindergarten. He was fine at the time I last saw him. Susan and Denny Barnson, a lot of what was said here that the officers were told isn't true, OK, so I'm going and corroborate some of it. Susan and Denny Barnson and his three children by his previous marriage, I have no natural grandson by her. That was a lie too.

CITY COUNCIL MINUTES - MARCH 20, 1985

HURLEY:

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That, I don't have a natural grandson. Those are step-children of hers. Anyway, they moved into my home on May 15th, nine days before this happened because they gave their manager, and you can verify this at 2630 Wyandotte, apartment number 14, a bad check and they had to move. I agreed to let them move in because of the children. They moved in with me and Linda and they were going to stay until they found a place. Because they moved in we had to put my bed in the living room temporarily which is why in the Officer's Report it says I was in bed when in fact I was sitting across it or laying across it. Ok, I at no time denied to anyone I was babysitting and I've never represented myself as licensed for child care but I did refuse to admit I was a Mrs. Henley which is what the officers wanted me to do. I don't know any person, male or female, by that name and I've never used that name. My name is Betty Lou Hurley and this is what I kept telling the officers. They stated I was not cooperative which is true. I was scared, the kids were crying, they kept me in the livingroom against my will for two hours. I asked them if they had a warrant. I asked more than once for an attorney, and they refused and they also refused to let me answer my phone or to make a call. I to this day do not know what or why any of the treatment I received on May 24th. I also do not know why Officer Joann Bagger of the Metropolitan Police Department called me at home December 20th, eighteen hours after I testified here and told me and I quote what she said, "leave it alone and withdraw my application for child care". She also ordered me at that time to give her the name of the Metro police officer I worked for. I did refuse and she told me that she had enough evidence to prosecute me for child abuse. That some child had been picked up at my home by his father and had multiple bruises. Apparently was rushed to a doctor and then to Metro. I told her I don't know anything about any, as God is my witness, nobody's ever been hurt in my care. She hung up on me. I then, the 20th, called Officer Gary Hood, the police officer I work for five days a week and told him I had been accused of child abuse. He contacted her and she told him I shouldn't babysit for him because I wasn't mentally stable and that I had abused a child. Ok, if I hadn't been working for him for several months, her allegations could have cost me my job and my means of earning a living for myself and my daughter. If she has evidence then I wish to be charged so I can prove my innocence in a court of law. If not, I want the libel stopped and there's a statement in your records from Officer Gary Hood and his wife Susan. On May 24th, 1984 I was issued a

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HURLEY:

misdemeanor citation which I, at no time have I ever denied babysitting or did I say I was licensed, charging me with babysitting without a license. I was guilty, went to court, plead guilty and they fined me \$60.00. I was advised in December of last year by Detective Casey, I was helping him, there was a child abuse and he was asking me some background information, and he told me in my kitchen, you know you're supposed to be licensed. Ok, and I didn't know it at that time and he told me where to call and I called downtown and gave them my address and step one I gave them the apartment number. They said sorry, we can't license you cause you're in an apartment. I said what do I need. They said a house with a fenced yard. I went out, which you have a statement in there from the owner. I went out on December 20th. I went and I rented a house. Ok, now this was through the Christmas holiday's and everything and I took all the money I had, but I paid first and last and the deposit cause I was going to get licensed. Then I went ahead, called back downtown for licensing to find out about setting it up to come down. Well, then she said you can't babysit for the two to three months while you are getting licensed. Ok, I have a withdrawal card from the Culinary Union. I knew the strike was coming up. There weren't any jobs as far as waitressing. That's about the only thing I can make enough money to pay, cause the rent on the house is twice what I was paying on the apartment, so I figured what I would do is just continue babysitting and then when the strike was over, quit babysitting and get licensed for several reasons. First of all, I wasn't doing anything. See I had called about a home use permit. I was going to get licensed for twelve children. Ok, so I wasn't doing anything that I couldn't have been licensed for. If you follow what I am talking about. So I went ahead and I took my chances on it, OK. If I had it to do over, I would have stayed in the apartment and then gone into waitressing, but I didn't. OK, I was wrong and I had not babysat for any children in my home since and I have people here today that will testify to that. I also have a gal here who was in my home on Alcoa that saw the toys, the sleeping, it's true, when the officers got there my bed was in the livingroom because it was supposed to be a temporary thing because my daughter and son-in-, and I can't, they don't know where she is so there's no way I can get her to admit that she was just making up whatever. But, anyway, so it was a little disheveled right then. The reason there were so

HURLEY:

many children there is this was during the strike, OK. There's statement in there from like Robert Ceffarotti, his two kids I was babysitting free cause they were on strike. A couple, the other, I had two little, normally I don't have more than two infants cause you can't run after toddlers and be with little kids, OK, because there was a couple people that had a chance to kind of scab on things because of the strike, OK. I haven't babysat in my home. I've been working for Sandy Sitter doing licensed child care. I work five (5) days a week for officer Gary Hood and what I guess I mostly want to say is, see, I take care of children the way I'd want my daughter taken care of and I worked in restaurants for nine (9) years as a single parent and trying to find a babysitter that took good care of her, that didn't use drugs, that didn't drink, that was there, that was flexible. I had at the time the officers came, Susan was there because they were living with me and since I was supporting them, OK. But prior to the fifteenth of May I had Jewell Kezia or Pat Oliver, they're both in their fifties, they both have Sheriff's cards and Health cards. When, cause I did drop-ins cause a lot of the people worked where you get a call or you have to see, or and you get more kids, OK. When I had called cause about the Home Use Permit if you have one to six children it took one adult, six to twelve, two. Well, I either had Pat or I would have Jewell, but when Susan and Denny moved in after they bounced that check I had them stay there with me. I understand, and this is, I'm only telling you from what I heard cause I haven't seen it, that my daughter Susan gave some kind of a statement to the Police, um, I don't know what's in it, OK. I know where my ex-son-in-law is. She apparently abandoned him, you know, and those three, but even 'til I knew that it was her natural, she has no natural children. And the only thing I can see is that when they came in and I, you can ask them or you could ask Frank Casey or whatever, my house was clean and I was clean. The kids were clean, they were fed and I wasn't doing anything taking care of them that I wouldn't have been doing otherwise and when they said there was no sleeping arrangements had a, when I moved there, up until nine (9) days before that when my daughter moved in, it was my twelve (12) year old and me that lived there. The other two (2) bedrooms, OK, there was twin beds, a corner group, two (2) cribs and a playpen, plus my daughter's bed and my queen-sized bed. I had all of the, you know, sleeping arrangements situat. . and I took good care of the kids

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HURLEY:

and I submitted as many references. I know that you said that there's a lot of phone numbers that you got, OK, well when they took that, some of those phone numbers are my twelve (12) year old daughter's friends phone numbers, some of those people are personal friends, some of the numbers I was emergency contact for Kathy Sigfried, a friend of mine who has a nine (9) and a seven (7) year old daughter. And I also had odd numbers where she was on different days because of, you know if they go to the school nurse, they will call me because some of her customers, she does housecleaning, don't want their phone numbers given out and I have people here that are willing to testi. . I, See, when I was here last time, cause I reread, I sent for a copy of the statement here, a lot of the allegations I didn't know what you were talking about and I wasn't trying to be evasive and I've tried to secure a copy. I have consulted, you know, an attorney as far as what I'm going to end up doing as far as legal inaudible word but I can't get a copy, I was shown, I was called down by Liz. On last month's statement, one of the things in there it said that Liz tried to contact me to show me this report. Liz was in my living room four (4) hours before the hearing. Never mentioned it, OK. And I have witness here that can testify to that so I didn't know what was going, as far as those kids that were in there that day, they were there. There was two (2) adults, myself and my twenty-three (23) year old. Normally, because four (4) of those kids that look tiny are kindergarteners and I get them after school at twelve o'clock and if I have that many, because not just cause it's the law, but if you have too many you just can't physically, you know, take care of them. I had either Jewell Kezia or Pat Oliver, and they're not here but they both have Sheriff's card and Health card. And the only reason Susan happened to be there is because since they were living with me instead of paying the other two (2) ladies. And anything I can answer for you or

MINNEAR:

Betty, a couple of the, the first letter here from the Hood's, you worked for them five (5) days a week in their home?

HURLEY:

Right, officer Gary Hood. That's one

MINNEAR:

What hours do you work for them?

HURLEY:

I work from nine (9) 'til five (5) unless he's late, and then it's 5:30 or 6:00 and I have Wednesday's and Thursday's off.

MINNEAR:

From Mr. and Mrs. Ball, it says that you're taking care of their children ever since last summer also.

HURLEY:

Right. She's here. I took care of her kids during the summer at her home and then on Wednesday's I take

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HURLEY: them to CCD classes from 3:00. I pick them up at school and I watch them until 6:00 on Wednesday's for them.

MINNEAR: So that you are watching the Ball children Wednesday afternoon, the same day that you are watching the Hood children?

HURLEY: No, I'm off Wednesday and Thursday. I don't work for officer Hood on those days.

MINNEAR: Oh, it says here five (5) days a week.

HURLEY: Right, I work Friday, Saturday, Sunday, Monday and Tuesday for officer Hood and Wednesday, which is today and Thursday I'm off.

MINNEAR: I'm a little concerned that you say you weren't doing anything that you wouldn't do if you were licensed.

HURLEY: Right.

MINNEAR: And yet you had fifteen (15) children there. That is not within any limit of licensing for a home. You did not, I only see one record of any allergies or any medication or anything on those records that you've kept, so are you saying that if we licensed you again, you would not keep the records that would be appropriate?

HURLEY: No, I'm not saying that at all and I have records. See, I'm not the one that gave those records to the Police.

MINNEAR: Why did you withhold the appropriate records from the Police?

HURLEY: I didn't. Susan said to the officer, "I'll show you", and she went out there and they started doing all this and then when they couldn't find a couple, OK, they brought them into me and Frank Casey was there and I started to go through the file box, OK, and it was, they took it away. I don't know what they thought I was going to take out of there.

MINNEAR: Do you have the records with you today so we could see the appropriate records that you kept?

HURLEY: No, no, because after they left all of my records were gone.

MINNEAR: So that these are all of the records you had?

HURLEY: I don't know what all they have, OK. See, I don't know what all they have. I couldn't get any and cause there's no record down that they even have them. I was never even given a thing that says they have them.

MINNEAR: How'd you keep track of immunizations that these children had? You did keep records of immunizations?

HURLEY: No, not immunizations, no I didn't.

MINNEAR: That is part of the law.

HURLEY: I know that now. I know that now.

MINNEAR: When did you find out what the law was? A year ago last December, is that correct?

HURLEY: No, ma'am.

MINNEAR: Well, that's when the officer told you you needed to be licensed, is that correct?

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HURLEY: Right.

MINNEAR: And you did not go to find out what the regulations were and you never have?

HURLEY: I called to start the licensing process.

MINNEAR: Um hum.

HURLEY: And she said we can't start the licensing process because you are in an apartment. And I said what do I need to start the licensing process. And she said a house. I went and rented a house. Then I called back down here. I think I talked with Sue, I'm not sure who and she said you, I set up an appointment to come down, OK. You know, you bring three (3) references and five dollars and you come down and you see Liz Newburn and then at the end of the conversation she said, "but you know during the eight (8) to twelve (12) weeks or eight (8) to ten (10) weeks you can't babysit for children", while I have a friend that, see I didn't know Henderson is different than Las Vegas. In Henderson you can watch four (4) children while you're applying for the license, right. I said, "you can't watch any" and she said, "no". Well, ...

MINNEAR: Have you read the regulations? Do you know what the rules are to run a child care facility?

HURLEY: I do now because I went down and I, in November, and applied and they gave me the rules. Yes, I do know now. I know about the immunization records and everything. I did have on every child full name, emergency phone number, home phone, work phone numbers. When the officer said about like "ask for Connie in the coffeeshop". What that was, like a mother that worked in the casino, some of them would say if you have to get ahold of me instead of going through the timekeeper, call and ask in the coffeeshop for Connie or call the bar and ask for the bartender. That's what that was. I've never had a child in my home that I don't have the information on and one of the ladies that's here, her little boy has asthma and that was noted. The minute, the whole works, yes.

MINNEAR: But that was not in the, either that box or in the file, but it was somewhere else?

HURLEY: It would have been in a green box, but see I don't know what all, I've never seen that green box since May. See I have no idea, I have no record of it and I don't know what all they took.

MINNEAR: There is a notation on one of the cards that I saw "not allergic to anything yet" and there was also on one card a recipe for some medication but there wasn't a child's name on it or a dosage or anything like that. Those were the only two (2) notations on all the papers I've seen that have anything to do with medical records.

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HURLEY: The recipe, if it was the same with like a quarter teaspoon plus a capsule, inaudible it would have been, she happens to be here, that would have been Mark Kalmbach, it would have been with his name, phone number, see I haven't seen this. I don't know what's been missing from it or what has been added or what's been taken out.

MINNEAR: I'm just wondering what would have happened if you'd have been taken ill, how would anybody have come in and known what to give these children?

HURLEY: Because it's right there.

MINNEAR: Where?

HURLEY: Pat and Jewel both knew.

MINNEAR: Who's Pat and Jewel?

HURLEY: Pat and Jewel, that was the

MINNEAR: Were they there the day that the . . .

HURLEY: No, because I was supporting Susan. Susan knew where that was. It was right there insight. There's no way I. . .

HETHER: I think at this time Detective Bagger wants to show Mrs. Hurley the copies of things that she did furnish to the Board so Mrs. Hurley again knows what you did look at.

BAGGER: For clarification for the Board, the Xerox copies that I showed to you earlier on when I was speaking to you are copies of every single piece of paper that was in the records that we took into evidence the day that we were at Mrs. Hurley's home. Now the confusion reigns because there are indeed personal phone numbers that don't seem related to child care at all mixed up with payment records and names and which days the children come and those kinds of things. My concern is that is was all clumped together either in the recipe box or in the spiral notebooks. The other thing that I'm talking about when I say that there was, you ask for Connie in the coffeeshop is that Mrs. Hurley did not seem to know the last name of the mother or the last name of the child and that was my concern, not what the quick way was to get through to the parent while we were trying to get them there. So that these pieces of paper reflect every single piece of paper that we placed in evidence and which still sits in evidence to this day.

HURLEY: Excuse me. As God is my witness, I knew the last name of every child, the last name of every parent and had full emergency numbers.

WILHELM: And was that in the recipe box or was that in a different box?

HURLEY: It would have been in the recipe box. Now, Susan, I understand, is the one that got them the information out of the recipe box. What she may have done or what

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HURLEY: may have been lost, I don't know. When you mention the medication thing, that would have been Mark Kalmbach. And if you look through here I'm sure you're going to find Mark or Mike Kalmbach cause that's the only one we had to. . . .

KALMBACK: Excuse me. I'm Mrs. Kalmbach and when I brought my children to Betty I was very well aware that she was not licensed. What I was impressed with was my children loved her right away and they're not, I was going through a divorce at the time and they were kind of iffy and antsy and scared and stuff as they would be. They took to her right away. As far as Mark's medicine, the first day I took them to them I had a little index card that she put in her record box. I filled it out with my name, where I worked, my ex-husbands name and where he worked, where she could get ahold of him. Also how to give his medicine. There is a recipe for it. It's two different things that are given at one time. I wrote out completely how it was to be administered to him and that if he had a problem with the asthma to call me if she was not comfortable with his results from taking the medicine. I never once had a problem. The first night they stayed there Mark had an asthma attack. Betty handled it beautifully. He has horrendous asthma attacks. They're scary. She did not lose control or anything. Mark was as happy as can be. Every time my children stayed with her first, cause I was working swing shift so they were there from 3:00 in the afternoon until 11:30/12:00 at night. When I would go to pick them up they were in bed, warm, in their pajamas, they had had baths, their stomachs were full. They were never ever hungry when they stayed. Then I switched to day shift. When I would take them in the morning she would give them breakfast if I didn't have time, if I was running late. They always had been fed. When I would pick them up in the afternoon they would have just finished having their snack. I wouldn't have to take them home and feed them. Now, my problem is, I'm not working now, but, the sitter I had to get after Betty was caught, was licensed. Every time I pick them up from the sitter they were hungry, I was having to feed them and she was charging me \$5 a meal for their lunches. But when I would pick them up at 3:00 they were hungry. There's something wrong when a child's hungry at 3:00 and says his, for lunch he got a bowl of soup and that was it.

MINNEAR: Have you filed a complaint about this current babysitter.

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KALMBACK:

Yes, I have.

MINNEAR:

Alright.

KALMBACK:

Yes, I have. But as far as her records, everyone, I was in her home alot of the time. I was very comfortable with Betty. I could come in and have a cup of coffee after work, talk to her about the kids and how the kids were doing. There were numerous amounts of toys in that playroom. There were chairs. There were places for those kids. Everyone of those children was always happy. There was, I never saw an unhappy child there. My children never came home and complained to me about anything Betty had done or said or anything. Her punishment, she would make them sit in the corner for a couple minutes. Then they would come out and she would talk to them. She would ask them, "do you know why you were punished" and they would talk about why they were punished. I would sit there at her kitchen table and watch her do this with these children. Never ever was there a problem with these children ever. And when her daughter moved in with her I was surprised. I knew Betty had been sick and had gone into the hospital so I went over there one day cause I had to have a sitter. I had to go to work that day and my ex-husband couldn't take care of them. Sue was babysitting. She said I'll take care of them. I said fine. I didn't like Sue. I didn't trust her so I only kept them there the one day cause I had no other choice. When I went, when Betty was out of the hospital I went over to pay her for the previous two weeks that she had babysat for me cause I didn't want to pay Sue. I just didn't trust her. I don't know why. Anyways, when I walked in Betty's bedroom was in the living room. I said "what's going on". She said, "when I came home from the hospital it was this way". They felt that they needed Betty's bedroom because they were a couple, which they do need a little bit of privacy. I said, "well, how long is this going to go on". She said "just for a little bit, they're going to go get their own apartment". They told her the reason they moved in with her was because she was sick and they wanted to help her. When the truth finally came out after the policemen had been to her house, it was that they had bounced a check and had no place to go. They were evicted. They made it sound like they were coming in to help Betty. My children did not like Sue. They did not want to go back and see Sue. So they wouldn't even go back to Betty's house until they were sure Betty was there. Now, when they have to go to a sitter they want to go back to Betty and they find it hard to understand why they can't go back to Betty cause she's not licensed.

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KALMBACK: They don't care. They want to go back and stay with Betty. They were always happy and healthy and clean and very well cared for. I never ever had a problem and never saw a parent upset or anything with her. And she never ever had that many kids. During the strike when the police were there and shut her down, yes, there were alot of children there because of the strike she took in extra kids because these people had the chance to work. Before the strike there weren't that many children there all the time. Maybe six, seven, eight at a change of shift when people were picking up their kids and dropping them off, yes, there were quite a few children there, but in the evening or in the morning after the change of shift was over there was only five, six, maybe seven kids there at the most and only ever two little toddlers.

SARB: Thank you. In the interest of sorting through what is potentially very conflicting and difficult information, I'm going to ask that one person speak at a time. And that right now I want to make sure that the Board has the opportunity to ask any questions of Mrs. Hurley that they have not yet had an opportunity to speak. Those of you who are here on her behalf will indeed have an opportunity to speak if you desire it. Mrs. Hurley, or if you desire it. But right now I want to make sure that the Board has the opportunity to question Mrs. Hurley on anything she has to say or any comments she has to say in relation to the statements made by the Metropolitan Police Dept. Could I have just one person at the podium at a time please. Thank you.

HURLEY: Could I say one thing and then I'll answer any questions? Part of the papers that you were shown like these here, now what these are too, they came out of my records. They belong to a lady that has a cleaning business and this is, these are her notes on where she is if there is an emergency and the school nurse contacted me. These here where it says advertising with this child care where it says call Betty or Sue or things, well I sure didn't do 'em and it looks like Susan. I don't, I haven't, the only, I didn't do any of that OK. And some of that that's through there, like there's notes in there "Linda, be back at 7:30" from me. These are notes that I wrote my daughter that were off scratch pads. Ok, and I'll answer anything you want.

KENNEY: I'd like to ask you about those, for instance, you mention a hook and a lock on your daughter's . . .

HURLEY: A hook and an eye.

KENNEY: A hook and an eye, Ok, I've seen pictures of three doors. I'm assuming they're bedroom doors.

HURLEY: Yeah.

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KENNEY: Three different doors with the same thing on there.
HURLEY: Yeah.
KENNEY: How do you account for that?
HURLEY: Ok, the only thing, like I said when you mentioned that there was three, there was only the one on Linda's that was hooked, Ok. Sue and Denny must have put those on that's all I can say because the only hook and eye we had, and the only reason I had it, the same reason I would do it again is so that the kids don't wander in my daughter's room cause there's stuff in there that can hurt a little kid.
KENNEY: But the fact is when the police arrived all the bedroom doors had those hooks and eyes and we have pictures of it.
HURLEY: They weren't hooked.
DURGIN: They were not hooked.
HURLEY: They were not hooked.
KENNEY: They were not hooked but they were on there. The locks are on the doors.
HURLEY: Ok, but I didn't know that. I did not put those on there. It had to have been from the Sunday when they moved in then.
KENNEY: Ok, now you said that they were with you like nine (9) days and that's when you had a shortage of beds. . .
HURLEY: From the fifteenth, from the fifteenth, yeah.
KENNEY: and that's when you had a shortage of beds.
In that nine (9) day period, where did those little kids sleep?
HURLEY: Who?
KENNEY: Well, the . . .
HURLEY: They're in the days....
KENNEY: The dozen or more children that you had.
HURLEY: During the day, see, it's a four (4) bedroom house.
KENNEY: Uh huh.
HURLEY: OK, I have a queen sized bed, there's, was twin bed in my daughter's room and there was two rooms with the corner groups.
KENNEY: So they were actually, these little kids were sleeping in
HURLEY: there's a crib.....
KENNEY: ... in your bed, they were sharing
HURLEY: When they were taking a nap, yeah. You know, like it says . . .
LEZCANO: How many do you put in a queen sized bed?
HURLEY: Huh?
LEZCANO: How many . . .
HURLEY: Usually just one, see I had more kids that day then I normally would have but I had the two cribs and the playpen. Ok, that takes care of three, the other six, I had two corner groups, a set of twin beds and the queen sized. I had an extra queen sized bed there

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HURLEY: because that was their's that they moved in so they moved my stuff into the living room.

KENNEY: I have a question for Marge. How long, if I were to apply for a license, how long would it take for me to be cleared?

HETHER: It takes approximately two months and depending upon the scheduling of the agendas it could go up to two and a half months and that's what everybody is advised when they make application.

SARB: Were you hospitalized prior to the 24th? There seems to be some confusion about that.

HURLEY: Yeah, I was in the hospital. I had pnemonia.

SARB: Was someone caring for children at that residence while you were in the hospital?

HURLEY: Jewell Kezia came and stayed with my twelve year old and on the weekends and stuff I rarely had, see cause the picket duty during the strike, most everybody went Monday through Friday during days and then for about four days there, they all made other arrangements. You know?

SARB: Now, I'm not sure, it sounded like you said that of the ten (10) children that were there when the officers originally arrived. . .

HURLEY: Yes.

SARB: Three of them were step-grandchildren of yours.

HURLEY: Step-grandchildren.

SARB: So they were not unrelated and if I may ask Mrs. Bagger, you said that one of them was

HURLEY: and he's not.

SARB: unrelated. Is that correct?

HURLEY: She has no children, no natural children.

BAGGER: One was identified to me as a natural grandchild of Mrs. Hurley. . .

HURLEY: No, ma'am.

SARB: You . . .

BAGGER: No other children were identified to me as being family members.

SARB: You made arrangements to have all the other children picked up, is that correct?

BAGGER: Correct. Correct.

SARB: So that, I understand this then, I heard somebody picked up two of your step-grandchildren or they were not. . .

HURLEY: Sir, I have no idea because I wasn't allowed out of the living room. I don't know who picked what up. I really don't.

SARB: Well, were your three step-grandchildren remaining there after the officers left?

HURLEY: No, because my daughter and my son-in-law and the three kids left cause they were mad. I haven't seen my daughter since the day I went to court.

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SARB: Let me ask again, the Metropolitan Police Dept., is that consistent with your recollection of what happened on that day?

BAGGER: What is consistent with my recollection that day?

SARB: That Sue Barnson, her husband and their children left.

HURLEY: They left after the officers did. When the officers left, Susan, excuse me, Christopher, who is not a natural grandson, it's a step-grandson, Christopher, Michelle, Tiffany and my daughter Linda were left at the house, right.

BAGGER: No, ma'am.

HURLEY: Ohhhh. I don't know what they did with Michelle and Tiffany then. They must, they were there.

SARB: So that when you left there, there were no children...

BAGGER: Except Mrs. Hurley's daughter.

SARB: In the residence. Just the one . . .

BAGGER: Just Mrs. Hurley's daughter. I cleared the scene prior to all of the children being picked up but Mrs. Durgin, the uniformed officer, Mr. Casey were there throughout the entire pickup procedure.

DURGIN: The specific reason for taking the photograph of the group of children is to show myself as a representative of the Police Dept., the woman who owned the home, and the children who were there that I waited for hours 'til people came and picked up every child in this photograph. The child who is not in this photograph was represented to us to be a relative of some kind and he is not in this photograph.

SARB: There was one, though?

DURGIN: One, one. . .

SARB: And that was the only child remaining in that residence when you departed?

DURGIN: Correct.

HURLEY: Could I see the photograph?

DURGIN: No, ma'am.

HURLEY: I can't see it, then I can't prove it.

MINNEAR: So some strange people came and picked up your grandchildren?

HURLEY: She just says they weren't left there so they must have given them to somebody cause Tiffany, Michelle, and Christopher and my daughter Linda were left there, which she said they weren't.

SARB: Mrs. Hurley, can you estimate how many children you cared for total, that is to say in the course of a week for example, how many different children might be cared for in your facility?

HURLEY: Ok, talking about normally, not the strike, that was different cause these people were all getting \$50 a week and they couldn't pay a sitter, so I was doing it for free.

SARB: I understand that, Ok. In an average week.

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HURLEY: There was about twelve (12) children through the seven (7) days if you count seven days in the twenty four hour thing.

SARB: Ok.

HURLEY: Ok, as far as the number of actual children, if I listed their names for you. That I watched, yes.

SARB: Are there any other questions for Mrs. Hurley?

??????: I'd like to hear what officer . . .

SARB: Well, first of all, any other questions that the Board has for Mrs. Hurley? Ok. Thank you. Do you have something you wanted to, wanted . . .

??????: Inaudible.

SARB: Is there something you'd like to ask?

DURGIN: I have one last item. The Police Dept. has a written voluntary statement from another parent who was involved in this situation which I do not, I don't want to to put the entire document in, but he does specifically state that he did business with Mrs. Hurley for three (3) months and that during that time, on an average, there were ten (10) to fifteen (15) children in her care when he would pick his kid up or drop his kid off.

HURLEY: Another one with no name and I can go, see my problem has been, if you want me to I can, I gave you as many references as I could get right off. I can get everyone that was in my care and have every parent send one in and then you will know that there is no one.

MINNEAR: I think that the picture we have of the ten (10) children there . . .

HURLEY: Right, and with two people. . .

MINNEAR: Would tend to support the statement that you were seeing more than six or seven. I've seen too, the fact that you were aware that there were licenses, procedures, and regulations and you made no effort to apprise yourself of what the rules are and what the requirements are to be licensed and made no attempt to comply in that area does not speak well for you.

HURLEY: I was told when I called that they couldn't start the licensing

MINNEAR: That didn't mean that you couldn't have read the regulations and at least tried to meet the spirit of the law. You made no attempt to do that at all.

LEZCANO: Not only that, but you had other jobs, you didn't have to go to waitress like you say, you had other jobs you could be waiting for your own license.....

HURLEY: Excuse me, I didn't understand you. I had what?

LEZCANO: That two months that you had to wait for your license,

HURLEY: Right.

LEZCANO: You could have worked as a babysitter with the agency

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LEZCANO: that you working at or

HURLEY: At that time, ma'am, I didn't know about that agency.

LEZCANO: Some other jobs. You could.

HURLEY: There. . .

LEZCANO: ...if you really wanted to do it, I think you could have waited for your license.

HURLEY: Excuse me.

LEZCANO: You do the things, you wait, and we choose. . . .

HURLEY: Ok, the only thing I can say, waitressing is the only experience I have. And since I couldn't get a waitressing job because on minimum wage I can't pay \$675 a month rent and support myself and my daughter. I couldn't do it then and I wouldn't be able to do it now.

SARB: Are there any other questions for Mrs. Hurley at this time? Is there anyone else that you have that would like to speak in your behalf?

BALL: My name is Mrs. Lesley Ball.

SARB: I'm sorry, could you repeat that?

BALL: My name is Mrs. Lesley Ball. I believe you have a letter from my husband and myself. Betty Hurley has been a very close and very dear friend for the last three (3) years since we first met her. She's taken care of my children, given them magnificent care. She's been a third parent to my children. She's been able to help them when I couldn't. They've always been neat; they've always been clean; they've always been well fed. From what I hear in the newspaper about licensed child care and the problems that you people have administering it, I'm wondering if you're doing any kind of a job whatsoever. Unlicensed child care is very, very, very rarely ever reported. You hear no reports about child abuse, malnutrition, beating up of children, improper care from anywhere when it regards unlicensed child care. But every Sunday you pick up the newspaper you hear about this person was licensed and look what happened. This really pisses me off. It really makes me wonder what in the hell you people are trying to do. Here's a lady, she tried to do the best she could with the information that was available to her. They told her she needed a house, she says OK. She went out and got a house to start the proceedings. Then you tell her well she needs her drain, her drapes in her house flame-proofed, OK, I'll go flame-proof my drapes. I need a fire extinguisher. Wonderful. I go get a fire extinguisher. You give her these things in bits and pieces and then you come down on her because she's trying to support herself and her child... My God...My God. You sit here in judgement. I would never put my child in a licensed center.

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BALL:

They scare the hell out of me. Thank you.

SARB:

Thank you. Anyone else?

GARMENDIA:

Hi, I'm Mrs. Judy Garmendia. I was recently in Korea and this is when I called Betty and found out she was ill and when her daughter Sue, quote Sue, excuse me, answered the phone, my heart just stopped. Um, this daughter of hers, Sue, no one has brought up other than Sue was very helpful and Sue helped the police dept. and bless, you know, poor little Susan. Um, Susan, I have known her for the three years that I have also known Betty. She once told me that she would like to admit her mother into a state hospital, she once told me that her mother was crazy, that her daughter, Sue's sister, her daughter was really her daughter, you know what I mean? This girl, anyway, so when I was in Korea I called to see how Betty was doing and Sue said, "she's dying." I said, "oh, great, you know, what's happening". She says, "well, I moved in here to help take care of these kids because she's dying". So, anyway, needless to say, a couple minutes later I got my leave and I left and came back to find out that all this other stuff had happened with the child care and what not. Well, with the time that Betty got the house that's in question over there, I was with her and we went over and picked out the house. It was fenced. We talked to the landlord. He told her if she needed fire extinguishers in every room it would be done. He told her that if there was anything he could help her with he would do it. Ah, the room that they were talking about that one of the police officers said where the children were playing that was dark, that is wrong. That room was walled, the one whole wall was glass. Nice heavy, it was the heavy, heavy mirrored glass. He had had it put in there himself in case, strong enough so if anything was to hit it it would not break it or shatter it. It was very very heavy glass. There was a patio door there and just before you got to that there was an outside door into a complete closed brick slab and the lawn in the backyard. There were toys out there. I helped put them over there myself in the back when she was moving in. Ah, the sofa that she had which was a red velvet very plush nice one was in that room because it was mine. I had sold it to her. Very nice, for the children to play on. OK, she put her older one in the other room because the other one was better. In that room also there were little chairs that she had picked up from Deseret Industries. They have children's toys that you can buy at a discount price. They were in there also. In the living room or the room where they're

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GARMENDIA:

saying a garage turned into was paneled as nice as this room, carpet brand new one, see the windows - were probably three span to you people, the whole width was the window. Another window over on the other side, another door to go out right there, and opposite side of it was the utility room. And this room was 20 by 24, a big, big room, OK. That's where she had moved herself with this bed that they're all talking about that she was on. Her daughter Linda is 12 my daughter was 12 at the time. They were very good friends. My daughter used to go over to Betty all the time. I'm a hairdresser here in Las Vegas. I've been licensed for the three (3) years that I've lived here and I told her, I says Betty why don't we work a deal. I'll do your hair, you take care of my daughter. Well, at thirteen (13) your kid goes through quite a tramatic experience in school. My daughter was having problems because of little games and all this type of thing. Betty is the one who drew it to my attention. I did not know. My daughter didn't confide in me. I don't know what it was, cause I was to work or what but Betty is the one who said, "Judy, you've got to take time. Go have a coke with her. She's having problems in school. You've got to talk to her". She's also the one that taught my daughter discipline because when a thirteen (13) year, well twelve (12) beg your pardon, did something wrong like leave the yard without telling Betty where she was going, she also set in the corner for five (5) minutes and was also asked, "do you know what you did wrong?" All I'm saying is that the things that are being said here, it seems to me the whole thing has been over Liz Newburn. I'm sorry, but I really do. That lady the time that Betty had gone down to apply, another woman was with Betty asked her right out, "is there any problem with the misdemeanor ticket I had for not being licensed?" Oh no, shouldn't be no problem, no problem. So then and only then did Betty have all the information she needed and her guidelines in order to take care and run the establishment properly, the way it was supposed to be done. And also, according to the last meeting, which Betty had a copy sent to the house and I read. It said on there that on numerous occasions that Liz had told her about all this that was going to go on down here. Well, I was in the home the morning that Liz came. She was in our home over an hour. She sit down on the couch and talked to us. We talked about children and I asked her, I said, "Liz, if we suspect something wrong with one of these children, what recourse do we have?" You know, cause I share the home with Betty. I says, "what recourse do we have?"

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GARMENDIA: She says immediate contact. I says, "thank God". That was the only thing that was ever said about a child abuse of any kind or any question of character or any question of anything. Betty knew nothing prior to that. That was four (4) hours before she came down here. And she knew nothing until after she got here and then got all upset and went through everything. Um, another thing that I'm saying is that I can't understand why an officer of the law whom we're supposed to respect very, very highly, why would she call Betty at home and say "leave it alone"? Why was there and is there and there is not now any record of anything that was taken from her home? You mean to say they have the right to come into our home and take anything they want and never give you any record on it. That's what I don't understand. That's all I have to say. Thank you.

SARB: Thank you. Does anyone else care to comment?

KENNEY: Mrs. Hurley, how long have you lived at this Pinecliff address?

HURLEY: November 1st.

KENNEY: OK.

WILHELM: I have another question. When you first discovered that you needed to have a license to care for children....

HURLEY: Yeah.

WILHELM: You continued then to babysit because, and you didn't, you only made phone calls to Liz Newburn, you did not actually come down and get a copy of the regulations...

HURLEY: No, no. What I did, he told me like, I put down about the tenth but he would know the exact time whenever this happened. I called down to City Hall that afternoon cause he told me where to call. I called down here and I wanted to make an appointment to come down. The gal said you bring three references, drivers license, \$5 and we start the processing. She said let me have your address. I gave her the address and I gave her the apartment number. She said we can't license you while you're in an apartment. It was something to do with fire code or whatever.

WILHELM: You've told me all that. What I want clarification for is that you did not acutally go to the City licensing until just in November or so to find out what the regulations were. It was strictly phone calls prior to that?

HURLEY: Yeah, but I went out after I called her in December, I went out the next day, even though it was Christmas holiday, and I rented that house within ten (10) days because then I was going to come right down, you know, and start the processing.

WILHELM: But that was the second incident?

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HURLEY: No, no. That was ten (10) days after Frank told me. That was as fast as I could find a house. See, I called back down here, that, I gave Frank the address on Alcoa before I moved. As soon as I rented the house, cause then I called back down and was going to go down and start the licensing.

????: You don't understand the question.

HURLEY: Oh, I'm missing the question.

????: Yes, you're missing the question.

HURLEY: Oh, I'm sorry.

????: She's meaning November of, this last November. You're going back

HURLEY: Oh, I'm sorry, Ok. I'm sorry. In May I got the ticket. I didn't go back down until November of this year because it's taken me this long to be able to get back into a house and be able to support myself and my daughter while I'm being processed without babysitting in my home.

MINNEAR: But you were babysitting in your home up until six (6) months after the initial warning.

HURLEY: Yeah, from December until May 24. Yes.

MINNEAR: This address that you're applying for now is not the same house you were in in May.

HURLEY: No, I couldn't afford to keep it.

NELSON: My name is Thelma Nelson and I live with Betty. I'm the mother of Judy. We three share this lovely six bedroom home. Liz came out, I was there. Liz came out and talked to us. She says don't worry about this misdemeanor Betty. This house will pass beautifully. In fact, the Fire Dept.'s been out. Every regulation we have met beautifully. We've got everything range, drapes and everything. Then when we went down to get the license, I went with her to get the license. Betty said to Liz, or she, you told me, she says, "do you think Mrs. Nelson should apply?" She says, "oh, no, Betty, you apply because you know, you've tended children before". I haven't. I've tended children because I'm the fourteenth of fourteen children. So, I know what it is to tend children. So I didn't apply for it. Then when all of this happened, some of it is so many lies that it's just sickening. When we set and think of all the things her darling daughter did, sold her furniture from the big house, she's had to start all over again. She don't even know where her daughter is. In fact, I bought her daughter Christmas and I bought them food and I gave them a big bed everything out of the house that was mine to help them. Then they turned around and when she came back from the Police station, her daughter said, "are you going to go to jail". Her mother said, "no". She got down on her

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NELSON: hands and knees and came at her mother like a dog and was so angry she said she thought they'd put her away forever. And she says now, I want you to get me fourteen, was it thousand or fourteen hundred dollars. And poor Betty, in fact, I would love Sue would come to the house where we're living now. I'd love for it. And she doesn't have any children. She even told some people that her daughter was her daughter. Betty's Linda belonged to her but she's everything wrong. She's just a bad seed and she started all of this and there was nothing to it at all. In fact, when, during the holidays now, Sandy's Sitters called Betty and she tended children from, where were they from, from Puerto Rico, that they didn't even understand English, she tended their five (5) children and they treated her beautifully and the children responded to her beautifully. No one can take care of children like this lady. No one, and I've been around many, many, many.

MINNEAR: Didn't you raise this daughter Sue, also?

HURLEY: Yes.

SARB: Are there any other questions for Mrs. Hurley? Anyone else wishing to speak on this matter?

DALLEY: I have a question for Mrs. Hurley. If you were granted a license, how many kids do you plan on taking care of?

HURLEY: Six or less and then when Liz was out she said I could have two like over night cause we have an extra bedroom. But I would never go over six and if you said four I wouldn't go over four. There, sigh, that's the truth.

SARB: Anyone else wishing to address the . . .

CASEY: I would like to. My name is Frank Casey. I'm with the Metro Police Dept., Juvenile Section. I met Mrs. Hurley in, it was the end of November, 1983. I was investigating a child abuse case that the child was living in the same apartment complex Mrs. Hurley was living in. The child's mother identified Mrs. Hurley as the child's babysitter. I went to contact Mrs. Hurley and Mrs. Hurley was cooperative in my investigation. She gave me a statement, however, she had no knowledge about the licensing laws as well as how to report abuse and neglect. I gave her a 3 x 5 card indicating who to contact, whether it was the Police Dept., Nevada State Welfare or Juvenile Court and that she was basically violating the law by babysitting out of the apartment. I advised her she needed to cease and desist and contact the City licensing division to see what she needed to do about obtaining a license. Approximately about a month later she contacted me and said she had obtained a house

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CASEY:

I believe it was two or three blocks north of where she was living in the apartment. And said that if she needed to be subpoenaed to court that's where we could send the subpoena. After that my child abuse case had already been through court, there was no need for witnesses and I had pretty well forgotten the case until May of 1984 when I went with my partners to investigate a possible child abuse complaint and also a woman who was doing business without a license in her home. We went to that address and at that time I realized I had met Mrs. Hurley that previous five or six months prior in 1983. I again asked her, I said, "Mrs. Hurley, you understood the law when I explained it to you before, why are you violating it now?" She said one of the reasons was because of her financial situation, her just getting out of the hospital and she needed to make money basically. The other thing she did was she took full responsibility for the home, the children in the home, as well as her daughter babysitting these children along with her. In other words, the whole thing she basically wanted, she put on her shoulders and she was issued a citation alone. As far as any kind of conversations beyond that, for example, this December of 1984 conversation, she had contacted me I believe it was December 20 of 1984, left a message for me. I was out of the office at the time. I recognized her name, gave the message to my partner Joann Bagger because she was basically handling the case. Mrs. Bagger contacted her by phone while I was sitting there and what Mrs. Hurley wanted at that time was a copy of the officers report which was dictated about the possible child abuse as well as doing the unlicensed child care in the home. Mrs. Hurley was advised by Joann Bagger to contact an attorney because we could not just voluntarily hand her those reports due to confidentiality as well as local, State and Federal laws. And that's pretty well it.

SARB:

Are there any questions?

MINNEAR:

Yes, one more. Mrs. Hurley, alot of people have said some pretty tragic things about your daughter Sue. Did you leave her in charge of these children when you were ill and when you were sleeping?

HURLEY:

Oh, no. Like I said, she didn't start, they moved in there the fifteenth of May, OK. And when she was staying and I was there at the house, OK.

MINNEAR:

When you were in the hospital?

HURLEY:

I was in the hospital the twelfth through the sixteenth.

MINNEAR:

So then you didn't have any children coming to your home when you were in the hospital at all.

HURLEY:

No, no. And so, when I got out of the hospital, the Dr.

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HURLEY: now I get a pneumonia shot and a flu shot, but when you take care of children you should do that. Anyway, I didn't and I got sick. So he said wait 'til the following Monday 'til you start babysitting again which is what I did, but this happened on Thursday. See, the following Thursday. They were only living in my house from the fifteenth of May and this happened on the twenty-fourth.

MINNEAR: This, this, this person was there when you were resting and so forth she was taking, you didn't have the other two people with Health cards there when she was there?

HURLEY: No, I didn't. (Inaudible)

MINNEAR: She was the other person who was the child care provider?

HURLEY: Yeah. See, they didn't want to cause they didn't like her.

MINNEAR: Apparently not many people do.

HURLEY: I know. And I worked hard to support her and the son-in-law and his three kids and feed them. I figured if I don't pay Jewell and Pat to come and I have Susan help me they can save their money and go get an apartment.

MINNEAR: So...

HURLEY: That's what I was hoping for.

MINNEAR: So you enlisted the aid of Sue who is pretty much not admired by anybody to care for children in your home.

HURLEY: I know. I know it. I could tell you something else though, if I am granted a license or even without, Susan doesn't come around anymore. I had to learn the hard way on that.

MINNEAR: OK.

KALMBACK: I'd like to add something else. On the day Betty was shut down, that evening at approximately 5:30 or so, I called to see if she could babysit the kids. I was not aware she'd been shut down. Sue answered the phone. I said I wanted to know if Betty's there so I can bring the kids over. She goes yeah, no problem. Then I said well let me talk to Betty for a minute to make sure it was OK. Betty said Joann, I just got shut down, I don't know what's going on. So I immediately went over and we talked about it. We were talking about it for an hour and a half. Betty was telling me exactly what happened, what was insinuated, what was said. All of a sudden I asked Sue, I said, what were you doing during all of this. She said well I was just trying to help them with everything I could. I said what is it about the child abuse thing? She says, well that has to do with Joey. Betty and I both looked at each other and said Joey. And she says yeah, they say Joey was abused. I said, what happened to Joey?

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KALMBACK:

She goes, I don't know. So I asked Betty, I said when was the last time you had Joey, that had to have been the day this was supposedly supposed to happen. She told me when she had him. That morning Joey was there, had breakfast. Sue and Denny took a couple of the kids to the park before Joey had to go to kindergarten. He went to afternoon kindergarten. So they took Joey with them so he could play at Bob Baskin Park with the other kids. Sue was telling me that she had taken him to the park. He was fine. There was no problem. She said the only thing that happened was when Joey was getting out of the car he bumped his right elbow in the door jam getting out of the car. I said what side of the car did Joey get out of. She said the drivers side. How does a child bump his elbow, his right elbow, getting out of the drivers side of a car? To me, when children get out of a car they get out this way. It's the left elbow that's going to be injured. I said did you do anything about it. She goes no it wasn't that big a thing. I just sent him into school. I said did he cry. She goes no, just a little bit. Obviously, it was something else, if this child was injured. Betty was not aware of it until that time and this was three or four hours after she'd been shut down. She had no idea about it. Ever since then, all of us, I've tried to get in touch with Detective Casey. I've left message after message right after this happened initially. No return phone calls. Nobody can find out anything. You can't see the police reports. How can you prove yourself innocent if you can't see this? She's not allowed to see the pictures of the home, of the children. How can she prove what children were her grandchildren, were her step-grandchildren and the children she was babysitting. She was not allowed to see these things. How do you fight something you can't see?

MINNEAR:

Can I ask you a question?

KALMBACK:

Absolutely.

MINNEAR:

Would you leave your children with Sue? Never. I wouldn't . . .

MINNEAR:

Yet, Mrs. Hurley let the children go with Sue. She let the children

KALMBACK:

To the park.

MINNEAR:

...go to a . . .

KALMBACK:

They were taking her three children and they said they would drop Joey off at school so she did let them take Joey. At that time nobody was aware what Sue was doing, though. I just didn't trust her. That was just my feeling with her. I'm that way with people, if I don't trust them with my children,

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KALMBACK: I don't leave them with my children. It was one day that I had to leave them. I was nervous all day. I called my ex-husband and said please go pick the kids up and he did because I didn't want them there. I wouldn't even pay her and expect her to give it to Betty because she wouldn't give it to Betty. Linda her twelve year old daughter was nervous having to stay there with Sue while Betty was in the hospital. Something isn't right, but what I don't understand is she's trying to get licensed, she's trying to do it the right way. She's complied with all of the rules and regulations, yet she's having to fight something she only has bits and pieces on. How do you do it? How? It's like trying to study for a test when you don't know what the test is going to be about.

MINNEAR I think what the Board is considering today has nothing to do with whatever charges you're discussing. We're talking about the rules for somebody who knowingly ran an unlicensed child care home, who admits she was providing less than adequate care for children through an unstable adult, who did not keep medical records, who did not keep adequate immunization records . . .

KALMBACK: . . . She had no idea she was supposed to keep . . .

MINNEAR: . . . however, she was apprised of that last December that there were rules for licensure. She did not find out what they were. That's what we're considering today. Whether we should grant a license . . .

KALMBACK: But also what's being reported here is going to reflect on your decision. Everything that's being talked about here today will reflect on your decision on her too.

MINNEAR: Um hum. It sure will. It sounds as though a lot of people have a lot of faith in Betty.

KALMBACK: Yes. . . .

MINNEAR: inaudible it sounds like it's a real shame that things went so far . . .

KALMBACK: It is. She's like a second grandchildren, grandmother to my children.

MINNEAR: . . . that it becomes very difficult for this Board, for me anyway, I don't want to speak for the whole Board, for me to validate what has happened here, what we would be saying if we licensed her, I believe is that unless you get caught it's alright. Because we had to catch her twice before she's here to be licensed and that's a shame because I really think a lot of these people have alot of faith in Betty and feel she's a very good person and you know, I have nothing to dispute that either, but I have to look out also for all of these people that did follow the rules and

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MINNEAR: did come down and get licensed and are doing their best to follow the regulations that are set forth. Now, and I think that I would feel differently if Betty had come in after the first warning, but she had to be caught twice and I have a little problem with that.

KALMBACK: I can understand that, but the way I personally look at it, before she was advised she had to be licensed she went and rented a house. Then they told her for two (2) months she could not babysit.

SARB: Pardon me, I'm going to exercise the prerogative of cutting off discussion at this point unless somebody has new information, I think the matter of when someone was informed and so forth has been gone over. If there's new information somebody wants to bring before this Board, I would certainly entertain that.

GARMENDIA: Ok, the only thing new that I can add to it is that at the time that Mr. Casey had gone over to Betty's apartment, she is the one, because I saw the little boy also, we are the ones that called him and told him. She was putting herself on the line right then and there because she was not aware she had to be licensed in there. She's the one that called and got the whole child abuse thing going. She and I were there.

SARB: The original report on it?

GARMENDIA: I don't know if it was original, but she is the one who called them and had them check into it. She was one of them that started it so at that time when she called and had this checked into and I was there and there were what, three other women in the neighborhood there that had seen this little boy.

SARB: This is on the child abuse on May. . .

GARMENDIA: On the little boy, no this was when she was in her apartment before she moved into the home when they came and at that time she didn't know she was supposed to be, so I mean, they didn't catch her, she called and reported the abuse case.

MINNEAR: They caught her the second time in May.

GARMENDIA: Yeah, that I can agree with, but she's paid the price for it. She paid the fine that the judge saw, that should have been paid for it. She's doing everything she can to do it right now and to rectify her errors and I think she needs another chance.

CASEY: If I could, I'd like to just correct one thing. This lady is incorrect about Mrs. Hurley reporting this child abuse incident in November of 1983. After I went to Mrs. Hurley's apartment to get this statement, there were a number of things that indicated that the suspect in this child abuse had shown behaviors

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CASEY: towards Mrs. Hurley which should have been reported earlier. Again, to re-emphasize, I again told her how to report abuse and neglect by giving her the 3 x 5 card as to what she can do in the future. So I'd like to say again, Mrs. Hurley or this lady here that says they called and reported first, that is not true.

HURLEY: You see, I, the one thing, the only, when I called Detective Casey was after I moved to give him the current address in case they needed more help. I tried to help, you know, however I could.

HETHER: I want to add something on behalf of staff. At the last meeting and per the transcript on record, there is an indication that Mrs. Hurley stated that when she first inquired about getting licensed, she called down to the license department. She didn't know specifically who she talked to, after she was informed she needed licensing, questioned what would happen if she didn't get a license. It was indicated that she should go ahead and do it anyway and take a chance on getting caught. That advice did not come from City Hall. When Mrs. Hurley came in to review the file a couple weeks after the last meeting, I specifically asked her to clarify that for my own benefit and she told me at that time that that did not come from City Hall. That that had come from a number that she had called in the newspaper on somebody who was advertising that they were a licensed sitter and she was getting information from that person. At today's meeting and on the record there's also an indication that Mrs. Newburn advised Mrs. Hurley that the citation for doing business without a license was no problem. I talked to Mrs. Newburn. Mrs. Newburn told me emphatically that she had never stated that to her. That the information would be furnished to the Board and it was up to the Board to review that information. Staff does not make a decision on licensing. All we do is furnish the information to the Board. Thank you.

NELSON: I'm sorry to say this, Mrs. Newburn did tell us that in her home. It was two people besides Betty there and we'll all take lie detector tests, and I'd love for Liz to take one.

SARB: Again, if there is no new information to come before this Board, I want to remind the Board and the audience that the issue before us is whether or not to license Betty Hurley, to recommend the licensing of Betty Hurley for six (6) children days and two (2) nights at this 321 Pinecliff address. I want to remind you once again, Mrs. Hurley, whatever action this Board takes goes to the City Council at their next regularly scheduled meeting and if, for example,

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SARB: this group were not to recommend approval, you have the opportunity to appeal that to the City Council. I want to be clear about that. If this group were to recommend approval then the City Council still has to vote on that approval. Is that clear? OK. So with that in mind, advise the Board that we can have a motion to approve, we could have a motion to disapprove that requires some action. No motion would have the effect of denying the license. Is that correct?

MINNEAR: I move we disapprove the license.

LEZCANO: Second.

SARB: We have a motion to not approve Betty Hurley for six (6) children days and two (2) nights.

HETHER: We need the grounds stated.

SARB: Ok.

HETHER: Per the ordinance.

SARB: Would you state the. . .

HETHER: Do you have a copy of the ordinance that states the reasons that you can deny? I would like you to state those specifically.

MINNEAR: What page? I would move we deny the license based on the fact that the applicant has violated the law and provisions of this chapter.

SARB: Is that your motion? You want to cite the section?

LEZCANO: Second.

MINNEAR: The section, 6.24.066 (1), I believe.

SARB: Would someone care to, would staff, we're going to a reference.

HETHER: May I just, you're looking at 6.24.062?

MINNEAR: No.

HETHER: No, Ok. 6.24.060 states that in conformance with the policy of this chapter, the following persons shall not be eligible to hold a child care license, and then lists (a) a person who does not possess or who does not have a reputation for possessing a good moral character, (2) a person who is under the age of eighteen (18), (3) a person who has a history of criminal offenses, and then the fourth is a person, which in the judgement of the City Council is not suitable to hold a license. Also there are under 6.24.062 grounds which are quoted in NRS, which is the State regulations, which also provide reasons for denial of the license. Just for clarification now, if you'd like to restate your motion.

MINNEAR: Yes. I would like to base that denial on 6.24.062 stated in Nevada Revised Statutes, specifically, I guess, part one (1), violation of the applicant or the licensee of any provisions of this chapter or any other law of this state or any standards or any regulations adopted thereunder. The provisions that have been violated are continuing to practice or to engage in

CITY COUNCIL MINUTES - MARCH 20, 1985

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MINNEAR: child care without a license.

VAUSE: Also operating, caring for children far in excess of what would be the legal limits under this statute or under the ordinance.

SARB: Will you accept that as an amendment?

VAUSE: Failing to provide safe place for the care of children, no smoke detectors, fire

HURLEY: I have smoke detector, fire extinguishers, . . .

SARB: Excuse me, Mrs. Hurley. . .

VAUSE: ... at the point in time when the citation was issued. No fire extinguisher, doors with locks on them that were in violation of this, I know it's in violation of the City Code, but of the State regulations and the City Code, go on and on, I guess. It's just. . .

HURLEY: I wish you would, please sir, be as specific as possible.

MINNEAR: Failure to keep adequate records....

HURLEY: The records the police removed. They were adequate until the police removed them.

VAUSE: From what I've seen . . .

HURLEY: I had no proof that they removed them. I can only say that they were adequate.

STEED: Mr. Chairman, could I say something?

SARB: The chair will recognize Mr. Steed, City Attorney's office.

STEED: I think this would be very simple if you treat this as a case of failure to obtain a license. I'm not sure that there's any independent regulation that someone who chooses not to be licensed also has to obtain a copy of the ordinance and comply with everything in there even though they don't have a license. Certainly if that were the case a person could be cited for all 3700 sections of that code when in fact they were cited for failure to do business without a license. I don't think we've had any independent finding that there's, was a smoke alarm problem. I don't think we've established here any failure to provide records. We don't have that kind of evidence in the record so I'd like to recommend that we stick with what we've got on the record.

SARB: Mr. Steed, might I ask a question? Would 6.24.060 Section "D", a person who the Board of City Commissioners determines is not suitable to receive or hold a license after due consideration for the protection of the public health, safety, morals, good order and general welfare of the inhabitants of the City, be a provision that would encompass the information that is on the record today?

STEED: If you could relate some finding that you made on the record today to those words, yes.

CITY COUNCIL MINUTES - MARCH 20, 1985

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SARB: I have a motion that was begun. It was not seconded and it got rather convoluted. I would appreciate it if the maker of the motion would withdraw that one and someone would make a new motion. Will the maker withdraw the motion?

MINNEAR: I will withdraw.

SARB: Thank you. Someone care to make a new motion?

KENNEY: That motion was seconded by Hope.

SARB: I'm advised that the motion was seconded. I'm sorry the Chair did not hear that. Is it true Ms. Lezcano you seconded that motion?

LEZCANO: Yes, I did.

SARB: OK. So we have a motion made and seconded which is - could we get a reading of the motion?

SECRETARY: The first motion was to deny on the grounds that the applicant had violated the laws and provisions of Chapter 6.24.066. Ok, then it was changed to or added violation of the applicant or the licensee of any provisions of this chapter. The provisions violated were that she continued to practice or engage in child care without a license, failure to provide a safe place for the children and failure to keep adequate records.

SARB: That was a suggested amendment. I don't think it was, I'm not sure if it was accepted by the maker of the motion. If I'm not mistaken, the person who seconded the motion would also have to accept the amendment. Did you accept the amendment, Mr. Vause amendment to your motion?

MINNEAR: Some of them.

SARB: I'm afraid that's a yes or no question.

MINNEAR: I say no.

SARB: OK. So we do not . . .

VAUSE: If I was moving to amend then, it wasn't seconded so it's not part of it.

SARB: Ok.

VAUSE: And I'm a little confused right now what it is we're trying to do.

SARB: The Chair shares your confusion at this point. We have a motion then, minus Mr. Vause's comments that was seconded. Could we have a reading of that motion?

SECRETARY: Mrs. Minnear wanted to deny the license based on the fact that the applicant had violated the law and provisions of chapter 6.24.066 number one (1), section one (1).

MINNEAR: You know on this paper that I have here it looks like number one (1) of 6.24.066 and actually it is 6.24.062.

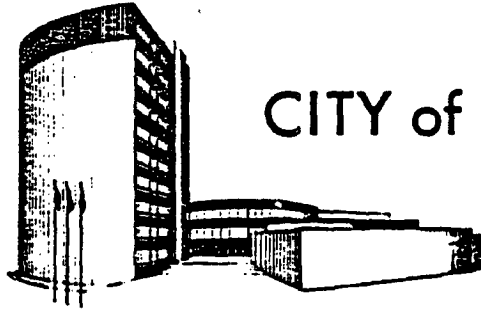
HETHER: That's correct.

CITY COUNCIL MINUTES - MARCH 20, 1985

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MINNEAR: Can we adjust that without redoing everything?
HETHER: It's, it will be corrected, yes.
MINNEAR: Ok.
SARB: The item you are citing as the basis for denying
your motion should now read 6.24.062.
MINNEAR: Number one (1), part one (1). They were added through
the Nevada Revised Statutes.
WILHELM: Ok. That's NRS. Not the local regulations. Ok.
VAUSE: Is that part A?
SARB: Ok. And is that what you understand you are seconding
Ms. Lezcano?
LEZCANO: Yes.
SARB: Ok. We had a motion made and seconded to deny the
license. All those in favor of, and a yes vote at
this time means you are voting to deny, to not
recommend that Betty Hurley be licensed. Is that
clear? All those in favor.
Vote is taken.
SARB: We have a five (5) to one (1) vote, Mr. Dalley voting
no.
VAUSE: Does the Chair vote?
SARB: No, only in the event of a tie. So the motion passes
and it will be the recommendation of this Board to the
City Council that you not be granted a license. Do
you understand that?
HURLEY: Ok. And I do wish to exercise my right of appeal.
HETHER: For clarification, once the Board denies the license
a letter will be forwarded to Mrs. Hurley advising
her per Code of her right to appeal. It will be
put in writing.
HURLEY: Great. Great. Thank you.
SARB: You would expect that letter at the 321 Pinecliff
address? Would that be the appropriate address for
staff to direct that letter? Thank you.
SARB: Ok. That concludes item nine (9).

MAYOR BILL BRIARE
COUNCILMEM
RON LURIE
AL LEVY
BOB NOLEN
W. WAYNE BUNKER
CITY ATTORNEY
GEORGE F. OGILVIE
CITY MANAGER
ASHLEY HALL



CITY of LAS VEGAS

January 31, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Betty Hurley
321 Pinecliff
Las Vegas, NV 89128

Dear Ms. Hurley:

Your application for a Family Child Care Home license was presented to the Child Welfare Board at their regular meeting held January 30, 1985. The Board voted to deny your application pursuant to the following provisions of the Las Vegas Municipal Code and Nevada Revised Statutes:

Las Vegas Municipal Code Section 6.24.062: "Application denial and license suspension or revocation-State Law. In conformance with State law, an application for a license may also be denied, or a license suspended or revoked, according to the provisions of this Chapter, upon any of the grounds set forth in NRS 432A.190."

Nevada Revised Statute 432A.190: "Denial, suspension, revocation of license: Grounds. The bureau may deny an application for a license or may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds:

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."

You are hereby advised of your right to appeal this decision as provided under Las Vegas Municipal Code Section 6.24.100, which states:

"If an application is disapproved by the Child Welfare Board the Director of the Department of Business Activity shall so certify thereon and shall notify the applicant in writing of such disapproval. The applicant may, not later than ten days after the date



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Betty Hurley

- 2 -

January 31, 1985

of such notice, appeal the decision of the Child Welfare Board to the Board of City Commissioners by a written request for review, whereupon the Commission shall either grant or deny the application."

Sincerely,

Jerry J. Cahill
 Jerry J. Cahill, Director
 Department of Business Activity

JJC:MH:sp

1. SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN-TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one). ☐ Show to whom and date delivered _____ ☐ Show to whom, date, and address of delivery. _____ ☒ RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$ _____	
2. ARTICLE ADDRESSED TO: Betty Hurley 321 Pinecliff Las Vegas, NV 89128	
3. TYPE OF SERVICE: ☒ REGISTERED ☐ CERTIFIED ☐ REGISTERED MAIL	4. ARTICLE NUMBER: 94232
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent <i>Betty Hurley</i>	
5. DATE OF DELIVERY: _____	
6. ADDRESSEE'S ADDRESS (2-4 of required) _____	
7. UNABLE TO DELIVER BECAUSE: _____	7a. REPLACEMENT: ☒ REFUSE

ROBERT W. LUECK, LTD.
A Professional Corporation

Robert W. Lueck
ATTORNEY AND COUNSELOR AT LAW

900 South Rancho Drive
Suite 104
Las Vegas, Nevada 89106

February 4, 1985

Telephone
(702) 877-9361

Jerry J. Cahill, Director
Department of Business Activity
City of Las Vegas
400 E. Stewart Ave.
Las Vegas, NV 89101

Re: Application of Betty Hurley for Child Care
License; Appeal from denial of license
application

Dear Mr. Cahill:

Please be advised that the undersigned represents
Betty Hurley with respect to her application for a
child care license.

Pursuant to City of Las Vegas Municipal Code
Section 6.24.100, you and the City of Las Vegas are
hereby placed on official notice that she wishes to
appeal the denial of her license application to the
Board of City Commissioners.

The grounds of the appeal include, but are not
limited to:

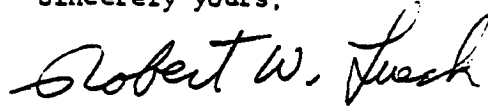
1. The refusal of the Child Welfare Board or
its agents or the City's agents to let
Mrs. Hurley see the full written reports
concerning the allegations supposedly
made against her relating to her licensing
fitness;
2. The possible use by the Board of any evidence
illegally seized by Metro police and/or
City investigators at her former residence
at 2813 Alcoa Avenue, Las Vegas, Nevada on
or about May 24, 1984;
3. The total absence of any official, factual
reason for the denial of her license in
your letter of January 31, 1985 to her;
4. The decision was arbitrary and capricious;
and

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Jerry J. Cahill, Director
Page Two
February 4, 1985

5. Relying upon confidential reports, memoranda, etc., not provided or furnished to the applicant.

Sincerely yours,



Robert W. Lueck

RWL:mfh
cc:Ashley Hall
City Manager
City of Las Vegas, Nevada

City of Las Vegas

CITY COUNCIL MINUTES - MARCH 20, 1985

AGENDA DOCUMENTATION

Date: March 14, 1985

TO: The City Council

FROM: DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

0100

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- MARCH 20, 1985 CITY COUNCIL AGENDA
APPEAL ON DENIAL OF BUSINESS LICENSE

PURPOSE/BACKGROUND

Item, "N", 1.

Pursuant to a discussion with Mr. George Ogilvie this date, I have been advised that Attorney Clifford Jones, representing Activator Supply Company, Inc., has informed Mr. Ogilvie that he anticipates at least a four-hour session on the appeal of the denial of business licenses.

Consequently, Mr. Ogilvie has suggested that the City Council establish a date and time to hear the matter.

Agenda documentation and other supporting documents relative to the denial of the licenses will be furnished to the Council prior to the date and time set for hearing.



Jerry P. Cahill, Director
Department of Business Activity

Agenda Item

III N 1

TRANSCRIPT - CITY COUNCIL MEETING - MARCH 20, 1985

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III.N - APPEAL OF DENIAL OF BUSINESS LICENSE - ACTIVATOR SUPPLY COMPANY, INC.,
dba ACTIVATOR SUPPLY COMPANY, INC. 601 SOUTH RANCHO DRIVE, #B-17

0101

MAYOR BRIARE:

The Board is now back in session for the purpose of setting the date and time for a hearing on the appeal of Activator Supply Company. Is Mr. Bell present? Mr. Jones is present. Mr. Jones, would you come forward. The only matter before us, Mr. Jones, is to get a date that's convenient for you and for Mr. Bell and your clients and so forth and at the same time, have a date that is convenient to the five members of this City Council, plus Mr. Ogilvie. Getting that many people together at one time and at one day is probably even more difficult for you to get a date in court that's convenient for all the lawyers and judge. So is there a time within the next 10 or 15 days or so that you would recommend?

CLIFFORD JONES, ATTY.:

We are willing if it please, Your Honor, to meet any time that is set and is convenient. The main problem that we have is what we're supposed to do in the meantime.

MAYOR BRIARE:

Well I don't know about that, but let's find out about the date and the time first.

COUNCILMAN LEVY:

Mayor, I'm going to be out of town. I'm leaving for Carson, as you know, then Washington, D. C., we all are. So it can't be for a little bit.

MAYOR BRIARE:

I think we're all aware of the commitments that have been made in Washington so if we look at the calendar there --

COUNCILMAN NOLEN:

Your Honor, I would suggest when we look at that calendar -- I'm setting here looking at my calendar and it says Friday, April 8th, 1985 -- I mean April 12th and that thing says Friday is April 8th. I would suggest before we set something on that calendar --

MAYOR BRIARE:

In other words, don't use that calendar.

COUNCILMAN NOLEN:

Don't look at that calendar. (laughter)

MAYOR BRIARE:

Mr. Ogilvie, do you have any problems with dates after say -- I think the first available date would be March the 29th. I know that's not available. Why don't we start the first -- let's start on the --

COUNCILMAN LURIE:

April 3rd --

MAYOR BRIARE:

Forgetting that date --

COUNCILMAN LEVY: That's our date.

COUNCILMAN LURIE: April 3rd is our meeting date. Why don't we do it the Thursday after our meeting?

MAYOR BRIARE: Our City Attorney, Mr. Jones, has indicated that he has an idea of how much time this is going to take, surely you have an idea too. What is your estimate of the number of hours that'll be required?

CLIFFORD JONES, ATTY.: I would say and I think it's probably in coincidence with his, it's probably eight to ten hours.

MAYOR BRIARE: Mr. Ogilvie didn't anticipate that long of time.

CLIFFORD JONES, ATTY.: How long did you anticipate?

MAYOR BRIARE: Oh, do I have you reversed?

CITY ATTY. OGILVIE: I started out saying perhaps two hours. I raised it to four and then after sitting in court for ten hours, I revised it upwards to just about --

MAYOR BRIARE: Mr. Jones, you're the last guy I'm going to discuss law with because you're a lawyer and I'm not, but it's inconceivable to me that with all the materials that we have -- first of all is the preliminary details we have. Then you've gone to court, you've sat before Judge Shearing and got a ruling and you've indicated, at least according the news reports, that within 30 days you have an opportunity to go to the Supreme Court, but you have to finish this Administrative Hearing first. Were you ten hours in front of Judge Shearing?

CLIFFORD JONES, ATTY.: I think approximately ten hours.

MAYOR BRIARE: Is it necessary -- would it be possible to cut that time down if we had the transcript of the proceedings before Judge Shearing to aid us in becoming familiar?

CLIFFORD JONES, ATTY.: I think we might cut it down to five or six hours, yes. If we had the transcripts and they were in your hands and you had an opportunity to review them, I think it certainly would.

MAYOR BRIARE: Because there's no use of going through the whole thing for a third time is there, Mr. Jones?

CLIFFORD JONES, ATTY.: No, but the only important hearing is the hearing before you because --

MAYOR BRIARE: Well then we could make -- if it's possible -- Mr. Ogilve, would you help me on this procedural matter? If we had the transcripts before Judge Shearing, which is -- ten hours is a lot of pages of transcripts --

COUNCILMAN LEVY: What are you looking for?

MAYOR BRIARE: What in heavens name more could possibly be offered to us here?

CITY ATTY. OGILVIE: This is really the applicant's appeal. Certainly the City or my office would be willing to submit it on transcripts and have just argument. I don't know how Mr. Jones would feel about that. It is his appeal and he really has control of that type of agreement.

MAYOR BRIARE: Well, what I'm trying to do without starting to hear the case now, I'm trying to determine what -- what and how many hours and what day.

CLIFFORD JONES, ATTY.: Any day and the sooner the better for us.

MAYOR BRIARE: We understand. Sure, we understand, Mr. Jones.

CLIFFORD JONES, ATTY.: But any day that would be set that was convenient.

MAYOR BRIARE: And how many hours?

CLIFFORD JONES, ATTY.: And I would say, five to six hours.

MAYOR BRIARE: Well, then the Council members know that any day would be convenient for Mr. Jones. I presume you're speaking on behalf of Mr. Bell?

CLIFFORD JONES, ATTY.: Yes. Well, I'm the lead counsel.

MAYOR BRIARE: Okay and now we have to decide amongst the Council members as what day from April 1st on --

COUNCILMAN LEVY: Can I throw something on the table and share it?

CLIFFORD JONES, ATTY.: If it please, Your Honor, we will provide the transcripts. I will have transcripts of the hearings in court made and we will furnish one for each member of the Council.

MAYOR BRIARE: The City Clerk would be happy to receive those. Thank you, Mrs. Hawley.

COUNCILMAN LEVY: I was going to suggest March 29th, but now I've got a problem because I'm going to have to do some reading. In other words, we're going --

COUNCILMAN LURIE: When will those transcripts be ready? They won't be ready until next week will they?

CLIFFORD JONES, ATTY.: Well, I think that -- this week, I doubt it.

MAYOR BRIARE: Cliff, whatever we do, let's set a date and don't change it.

CLIFFORD JONES, ATTY.: Okay.

MAYOR BRIARE: Because if we change it, then it's going to be another whole --

CLIFFORD JONES, ATTY.: I won't change it. I planned a trip also, but now I have postponed that trip.

COUNCILMAN NOLEN: How about the 4th or 5th?

COUNCILMAN LURIE: We could do it the 4th at --

COUNCILMAN LEVY: Eight o'clock.

MAYOR BRIARE: I can't use that calendar. I don't have another one.

COUNCILMAN LURIE: April 4th is a Thursday.

COUNCILMAN NOLEN: It's the day after Council meeting.

COUNCILMAN LURIE: Start at one o'clock in the afternoon.

COUNCILMAN LEVY: Eight a.m.

COUNCILMAN LURIE: I can't make it at eight. I can do it after lunch. One 'til five or six.

MAYOR BRIARE: April 4th is being discussed. Mr. Bunker, do you know, with checking your calendar, do you have any problem with April 4th?

COUNCILMAN BUNKER: It's okay.

MAYOR BRIARE: Councilman Levy is okay if it started in the morning. It's okay with Councilman Lurie if it started in the afternoon. Mr. Nolen, you're alright? Mr. Ogilvie?

COUNCILMAN NOLEN: Your Honor, I have no preference. Whenever --

MAYOR BRIARE: Well then shall it be in the morning or the afternoon?

COUNCILMAN NOLEN: It makes no difference to me. I might say that at 8:15 I have physical therapy.

MAYOR BRAIRE: Okay. Councilman Levy can make it in the afternoon. Councilman Lurie, what time would you like it set in the afternoon?

COUNCILMAN LURIE: One o'clock.

MAYOR BRIARE: One o'clock, April the 4th. Now is there anyone that -- have I got the right date? Look at your calendars, gentlemen.

COUNCILMAN LEVY: Are you going to have your cheering section with you?

CLIFFORD JONES, ATTY.: Beg your pardon.

COUNCILMAN LEVY: Are you going to have your cheering section with you, so we can meet upstairs unless you --

MAYOR BRIARE: No, we better meet here. I have a feeling that room is going to have more than the normal number of people.

CLIFFORD JONES, ATTY.: Yes. If it please, Your Honor, the important thing now is, we've been operating under the protection of the court all this time and the court made her decision on an unusual situation that we increased the number of employees.

MAYOR BRIARE: Mr. Jones, let me short stop you just a second because the only thing we're talking about now is the time and the date that we all can meet and I think we've gone through that. Now whatever other comments you have with respect -- you said, any day and we agreed and it's April the 4th at one o'clock. Are any of your comments in regard to April the 4th at one o'clock?

CLIFFORD JONES, ATTY.: No.

MAYOR BRIARE:

Then, we're through for this morning.

CLIFFORD JONES, ATTY.:

No. Well, if it please, Your Honor, the important thing is and the City Attorney's office didn't want to make this decision and we had an understanding as to what is to happen in the meantime. We have 127 employees that we are certainly concerned about and we're concerned about this business. We no longer have the protection of the court, so we have to you for protection of this business in the meantime. We feel that we're entitled to continue business until this decision's made. It's on an appeal and right at the present time, we don't want to prejudice ourselves in front of this Council so we have absolutely stopped operation.

COUNCILMAN NOLEN:

Your Honor, I hate to interrupt the gentleman I'd have to ask our legal counsel -- this not being on the agenda and in accordance with the Open Meeting Law, I'm not sure we should even be hearing these arguments.

COUNCILMAN LEVY:

Besides I've got 150,000 employers. You know where I stand.

MAYOR BRIARE:

Well, in any event --

CLIFFORD JONES, ATTY.:

Well, that's right. Some of your employers are some of our employees.

CITY ATTY. OGILVIE:

Cliff, perhaps Jerry Cahill and you and I can sit down this afternoon and work some sort of --

CLIFFORD JONES, ATTY.:

Well, that's satisfactory.

MAYOR BRIARE:

Well, wait a minute.

CLIFFORD JONES, ATTY.:

Alright, that's satisfactory. If we can work out something, then we don't have to bother the Council.

MAYOR BRAIRE:

Wait a minute now. Are you going to explain to him, Mr. Ogilvie, again, that we have set a time to hear this.

CITY ATTY. OGILVIE:

I don't think there's any question about that.

MAYOR BRIARE:

I don't think any Council member at this time is considering allowing a temporary license.

CITY ATTY. OGILVIE:

No. Let me explain a little bit of what the situation is. Last night Mr. Jones and I discussed this matter at quite length and I agreed, for the interim, that they would cease operations, cease processing orders, cease making deliveries out of their warehouses, that temporarily someone could be in the office answering the phones, more as an answering service and somebody could be there to deliver the mail that comes in to whatever location they're moving to. I think Mr. Jones has some problem with that, that's why I suggested that Mr. Cahill and he and I sit down this afternoon --

COUNCILMAN LEVY:

Are you going to monitor too?

CLIFFORD JONES, ATTY.:

I don't have any problem with that.

MAYOR BRIARE:

Gentlemen, I don't think -- unless anyone has a question of Mr. Ogilvie, I think that the matter before us and it's been agended as set a date and time for hearing. If we're going to negotiate something outside of setting the time and date, I would rather it not be brought up. If Mr. Ogilvie wants to talk to anybody he wants to talk to, then he could recommend, if he wants to, to call a special meeting to consider whatever it is they talked about, but save and except an action by this board, I don't think that this Council is ready to make any decisions other than to set the time and date for the hearing; and as far as I'm concerned, Mr. Jones, the Activator Supply Company is not in business because they don't have a business license. So whatever that means, I think that we stick by the fact that they're not in buisness today and we're going to act on the appeal on April 4th.

COUNCILMAN LURIE:

And, Mayor, I'D MOVE THAT APRIL 4TH, ONE P.M. IN THIS COUNCIL CHAMBERS THAT WE HEAR THE APPEAL ON ACTIVATOR SUPPLY.

MAYOR BRIARE:

Are there comments by Council?

COUNCILMAN LEVY:

Just a point of information.

MAYOR BRIARE:

Councilman Levy.

COUNCILMAN LEVY:

What was the decision of Judge Shearing, just for the record?

MAYOR BRIARE:

To dissolve their restraining order. Mr. Ogilvie.

CITY ATTY. OGILVIE:

Judge Shearing dissolved the temporary restraining order, which she entered on I think February 14th, denied the applicant's motion for a preliminary injunction. The basis for her denial and dissolution of the temporary restraining order was that when she issued the temporary restraining order, it was for the purpose of maintaining the status quo. The condition of the applicant's operations at that time. She found from the testimony that was presented during the hearing that the applicant had not maintained the status quo, had expanded both its work force considerably and so for its operations, and therefore, denied the --

COUNCILMAN LEVY:

Thank you.

MAYOR BRIARE:

Okay. The motion is to set the time and date for the hearing which is April the 4th at 1 P.M. Are there further comments? Cast your votes. Post. MOTION'S APPROVED. That's the time and date set.

END OF TRANSCRIPT

0109

RECEIPT OF COPY

RECEIPT of a letter addressed to Mr. Jerry J. Cahill,
Director, Department of Business Activity, Dated March 6, 1985;
Re: Business License Applications, Activator Supply Company,
Inc., 601 South Rancho Drive, Suite B-17, and 3200 Polaris
Avenue is hereby acknowledged on this _____ day of March, 1985.

Carol Ann Hawley
Las Vegas City Clerk

19850322

LAW OFFICES

JONES, JONES, CLOSE & BROWN
CHARTERED

A PROFESSIONAL CORPORATION

700 VALLEY BANK PLAZA

300 SOUTH FOURTH STREET

LAS VEGAS, NEVADA 89101-6026

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(702) 385-4202

TELECOPIER

(702) 384-2276

CLIFFORD A. JONES

HERBERT M. JONES

MELVIN D. CLOSE

JOSEPH W. BROWN

GARY R. GOODHEART

MICHAEL E. BUCKLEY

WILL KEMP

JAMES L. WADHAMS

KIRK R. HARRISON

J. RANDALL JONES

DOUGLAS G. CROSSBY

MARK M. JONES

SCOTT M. NIELSON

MICHAEL D. FARR

RICHARD F. JOST

STEPHEN J. COLEMAN

ROBERT D. MARTIN

DOUGLAS M. COHEN*

SUSAN E. FRANKIEWICH

GLORIA S. SANCHEZ

*ADMITTED IN OHIO ONLY

OF COUNSEL

LYLE RIVERA

March 6, 1985

Mr. Jerry J. Cahill, Director
Department of Business Activity
400 East Stewart Avenue
Las Vegas, Nevada 89101

Re: Business License Application
Activator Supply Company, Inc.
601 South Rancho Drive, Suite B-17
and 3200 Polaris Avenue

Dear Mr. Cahill:

This is in reference to our letter to you dated March 4, 1985 concerning the above matter.

In the first line of the second paragraph of our March 4 letter, as a result of a typographical error, it is indicated that Activator Supply Company "does not" pay commissions to agents. To the contrary, Activator does pay commissions to agents and the word "not" should be deleted from the first line of the second paragraph. With this change, the remainder of paragraph two makes sense.

Sincerely yours,

JONES, JONES, CLOSE
& BROWN, CHARTERED

Clifford A. Jones
Clifford A. Jones, Esq.

THOMAS G. BELL, CHARTERED

Thomas G. Bell
Thomas G. Bell, Esq.

Attorneys for and in
Behalf of Roland Nocera,
President, Activator
Supply Company, Inc.

TGB:lw

0111

RECEIPT OF COPY

RECEIPT of a letter addressed to Mr. Jerry J. Cahill, Director, Department of Business Activity, Re: Business License Applications, Activator Supply Company, Inc., 601 South Rancho Drive, Suite B-17, and 3200 Polaris Avenue is hereby acknowledged on this _____ day of March, 1985.

Carol Ann Hawley
Las Vegas City Clerk

RECEIVED

MAR 4 3 25 PM '85

CITY CLERK

JONES, JONES, CLOSE & BROWN

LAW OFFICES
CHARTERED

A PROFESSIONAL CORPORATION

700 VALLEY BANK PLAZA

300 SOUTH FOURTH STREET

LAS VEGAS, NEVADA 89101-6086

TELEPHONE
(702) 385-4202
TELECOMMER
(702) 384-2276CLIFFORD A. JONES
HERBERT M. JONES
MELVIN D. CLOSE
JOSEPH W. BROWN
GARY R. GOODHEART
MICHAEL E. BUCKLEY
WILL KEMP
JAMES L. WADSWORTH
KIRK S. HARRISON
J. RANDALL JONES
DOUGLAS G. CROSBYMARK M. JONES
SCOTT M. NELSON
MICHAEL D. FARR
RICHARD F. JOST
STEPHEN J. COLEMAN
ROBERT D. MARTIN
DOUGLAS M. COHEN*
SUZAN E. FRANKIEWICH
GLORIA S. SANCHEZ

*ADMITTED IN OHIO ONLY

OF COUNSEL
LYLE RIVERA

March 4, 1985

Mr. Jerry J. Cahill, Director
Department of Business Activity
400 East Stewart Avenue
Las Vegas, Nevada 89101

Re: Business License Application
Activator Supply Company, Inc.
601 South Rancho Drive, Suite B-17
and 3200 Polaris Avenue

Dear Mr. Cahill:

This is in response to your letter of March 1, 1985 directed to Roland Nocera, President, Activator Supply Company, Inc. entitled "Amended Letter of Denial" in which you notified him that you were denying Activator's license applications to conduct an office at 601 South Rancho Drive and denying a license for a warehouse on 3200 Polaris Avenue.

Your March 1, 1985 letter sets forth entirely new and different grounds for the denial of Activator Supply Company Inc.'s business license than those grounds set forth in your February 8, 1985 letter to be the date of denial. Since the March 1, 1985 letter functions as the date of denial, we now have thirty (30) days in which to appeal that decision. Las Vegas Municipal Code Sec. 6.02.110.

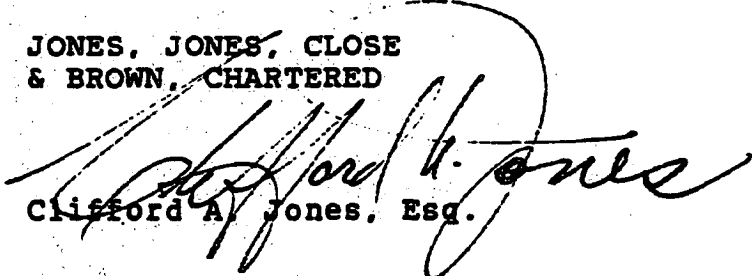
You are hereby formally notified that in accordance with Title 6, Las Vegas Municipal Code Sec. 6.02.110, Activator hereby appeals your decision. Please reschedule the Commission

Mr. Jerry J. Cahill, Director
March 4, 1985
Page -2-

meeting on this subject now scheduled for Wednesday, March 6, 1985. This is required because the same section of the municipal code grants a ten (10) day period to prepare for the appeal hearing after the notice of appeal has been filed.

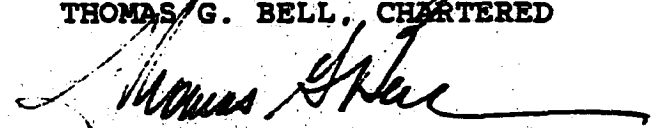
Sincerely yours,

JONES, JONES, CLOSE
& BROWN, CHARTERED



Clifford A. Jones, Esq.

THOMAS G. BELL, CHARTERED



Thomas G. Bell, Esq.

Attorneys for and in
Behalf of Roland Nocera,
President, Activator
Supply Company, Inc.

CAJ:lw
0182A

AGENDA*City of Las Vegas*

March 20, 1985

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

Page 12

ITEM

Council Action

Department Action

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

1113 A. DISCUSSION AND POSSIBLE ACTION
REGARDING A LEASE AGREEMENT BE-
TWEEN THE CITY OF LAS VEGAS AND
FRIENDS OF THE FORT FOR THE OPER-
ATION AND MANAGEMENT OF THE "OLD
FORT."

Lurie -
APPROVED Lease
Agreement.
Unanimous

Staff to proceed
Elizabeth Warren
appeared.

1117 B. DISCUSSION AND POSSIBLE ACTION ON A
RESOLUTION SUPPORTING THE CLARK
COUNTY SCHOOL DISTRICT "PAY-AS-YOU-
GO" SCHOOL BUILDING PROGRAM 1985-86
THROUGH 1989-90.

Lurie -
Resolution ADOPTED.
Unanimous

Staff to proceed

21 C. DISCUSSION AND POSSIBLE ACTION ON
OBTAINING THE SERVICES OF AN
APPRAISER TO APPRAISE THE SECTION
15 ACREAGE.

Lurie -
APPROVED as recom-
mended by staff.
Unanimous

Staff to proceed
Don Saylor
appeared.

AGENDA DOCUMENTATION

Date: March 13, 1985

0115

TO:
The City CouncilFROM:
ASHLEY HALL
CITY MANAGER

SUBJECT: DISCUSSION AND POSSIBLE ACTION REGARDING A LEASE AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND FRIENDS OF THE FORT FOR THE OPERATION AND MANAGEMENT OF THE "OLD FORT."

PURPOSE/BACKGROUND

In November, 1980, the City of Las Vegas executed a funding agreement with the Nevada State Division of Historic Preservation and Archaeology for the purpose of renovating the historic property commonly known as the Mormon Fort. As a condition of the grant, the City was later required (February 4, 1981) to record and adhere to covenants that run with the property through September 30, 1996.

In order to adhere to the aforementioned covenants, several conditions were to be met by the City or its designee. Primary among these conditions was the requirement that the Fort be opened to the public at least twelve (12) days per year on an equitably spaced basis. However, during the past three years, the Fort has been open on an intermittent basis due to the fact that the City was unable to identify an individual or organization that was willing to oversee activities at the Fort.

City staff was approached by an organization (Friends of the Fort) which is willing to serve as operator/manager of the Fort. If permission to execute a lease agreement is granted, the "Friends of the Fort" are willing to reopen the Fort. As a condition of the lease, the "Friends" will open the Fort to the public at least three (3) days a week for at least five (5) hours a day. In return, the City will be responsible for all maintenance and repair operations at the Fort, since it is a City-owned facility. Costs associated with facility maintenance include telephone, electricity, water, waste disposal and security, and will require an annual expenditure on the City's part of approximately \$3,500.

FISCAL IMPACT

\$3,500

RECOMMENDATIONS

In order to ensure that the City does not continue to be in violation of the covenants that run with the property, it is recommended that the Lease Agreement between the City of Las Vegas and Friends of the Fort be executed.

Agenda Item

IV.(a) A.

AGENDA DOCUMENTATION

Date: March 13, 1985

0116

TO:
The City CouncilFROM:
ASHLEY HALL
CITY MANAGERSUBJECT: DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION SUPPORTING THE CLARK COUNTY
SCHOOL DISTRICT "PAY-AS-YOU-GO" SCHOOL BUILDING PROGRAM 1985-86 THROUGH 1989-90.PURPOSE/BACKGROUND

The Southern Nevada area is one of the fastest growing areas in the County, according to the 1980 Census. As Southern Nevada grows, so does the expectation of its people in terms of their ideals as they relate to quality of life. One of the paramount factors in the minds of our citizens is the quality of the educational system. In order to ensure continued excellence in education, it is important to plan and be able to meet the demands of a rapidly growing community.

Towards this end, the Clark County School District has adopted a "Pay-As-You-Go" School Building Program 1985-86 through 1989-90 for the purpose of improving the District's schools' facilities by constructing or purchasing new school buildings; enlarging, remodeling, or repairing existing school buildings; acquiring school building sites or additional real property for necessary school purposes.

The benefits of such a program to our community are numerous.

FISCAL IMPACT

None

RECOMMENDATIONS

It is recommended that the Resolution in support of the "Pay-As-You-Go" Building Program for the Clark County School District be adopted.

Agenda Item

IV.(a) B.

A RESOLUTION SUPPORTING THE CLARK COUNTY SCHOOL DISTRICT
"PAY-AS-YOU-GO" SCHOOL BUILDING PROGRAM 1985-86 THROUGH
1989-90.

WHEREAS, Clark County's rapid growth has dramatically impacted the
District's school facilities; and

WHEREAS, the mission of the Clark County School District is to help
all students reach their individual potential for lifelong learning; and

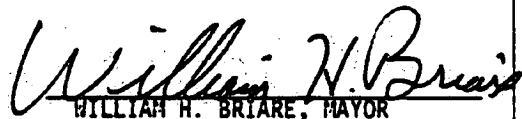
WHEREAS, one of the ways to achieve the mission of the Clark County
School District is to ensure effective use of time, tools, facilities and
people to provide students with productive educational opportunities; and

WHEREAS, in order to maintain the high standards of the Clark County
School District, it becomes necessary to support a "Pay-As-You-Go" school
building program; and

WHEREAS, the building program provides for three major needs: new
elementary schools, additions to existing schools, and the upgrading of older
schools.

NOW, THEREFORE, BE IT RESOLVED that the Las Vegas City Council does
hereby endorse the Clark County School District "Pay-As-You-Go" School Build-
ing Program 1985-86 through 1989-90.

PASSED, APPROVED AND ADOPTED this 20th day of March, 1985.


WILLIAM H. BRIARE, MAYOR

ATTEST:


Carol Ann Hawley, City Clerk

AGENDA DOCUMENTATIONTO:
The City CouncilFROM:
ASHLEY HALL
CITY MANAGER*Ashley Hall*

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON OBTAINING THE SERVICES OF AN APPRAISER TO APPRAISE THE SECTION 15 ACREAGE.

PURPOSE/BACKGROUND

Prior to acquisition of Section 15, an appraisal of the value will have to be made, regardless of what form of acquisition ensues. Generally speaking, BLM does their own appraising; however, they have no funds budgeted for the appraisal of Section 15 and therefore could not do it until sometime into the next budget year.

Anticipating that the City will desire to initiate acquisition procedures as soon as possible, after the method of acquisition is determined, an appraisal should be done within the very near future. The BLM will accept an appraisal done by an appraiser hired by the City if the appraiser is acceptable to BLM and is experienced in BLM appraisal requirements.

We have located such an appraiser who is acceptable to BLM and who has indicated that he will do the appraisal for \$3,200 and is available to do it immediately.

FISCAL IMPACT

Not to exceed \$3,200. Funding is available.

RECOMMENDATIONS

That the City Manager's Office be authorized to engage the services of an appraiser to appraise the Section 15 acreage as soon as the City is satisfied that acquisition of Section 15 will be available to the City.

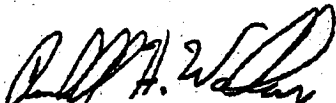
Agenda Item

IV.(a) C.

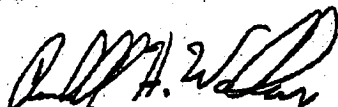
AGENDA*City of Las Vegas*March 20, 1985 ⁰¹¹⁹

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

ITEM	Council Action	Department Action
IV(b) DEPARTMENT OF FINANCE & COMPUTER SERVICES MARVIN A. LEAVITT, CPA, DIRECTOR		
<u>*CONSENT AGENDA</u>		
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. <u>SERVICE AND MATERIAL WARRANTS/PAYROLL WARRANTS/OTHER WARRANTS AND INVESTMENTS</u>		Staff to proceed
1. Service and Material Warrants In the amount of \$4,253,429.16	Lurie - APPROVED Items 1, 2 and 3 as recommended. Unanimous	
2. Payroll Warrants In the amount of \$767,862.92		
3. Other Warrants and Investments In the amount of \$143,628.27		
	NOTE: City Manager was directed to report to Council on City investments and to investigate the impact the County's loss of 14.3 Million in investments may have upon matters the City is involved in, i.e. budgets for RTC projects, LVMPD, etc.	
APPROVED AGENDA ITEM		
		

APPROVED AGENDA ITEM



Warrant Register Summaries Recap, 1985

0120

SERVICE & MATERIAL WARRANTIES AND OTHER WARRANTIES

[illegible]

Total Service & Material \$ 4,253,429.16

Total Other \$ 143,628.27

PAYROLL WARRANTS

No. <u>173890</u>	Thru <u>175063</u>	AMT. \$ <u>767,862.92</u>	DESCRIPTION: <u>P/R 3/9/85</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

Total Payroll \$ 767,862.92

TOTAL NET AMOUNT \$ 5,164,920.35

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

Stephen D. Riss
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

CITY MANAGER

On March 20, 1985 The Board of City Commissioners ordered the above warrants paid and the City Treasurer is hereby ordered to disperse the warrants as presented.

ATTEST:

AGENDA*City of Las Vegas*

March 20, 1985

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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)

1. REPLACEMENTS FOR EXISTING BUDGETED POSITIONS:

<u>POSITION(S)</u>	<u>DEPARTMENT</u>	<u>MONTHLY RANGE</u>	<u>FUNDING</u>
Deputy City Attorney	City Attorney	\$2,167- 3,534	General
Law Clerk	City Attorney	\$1,250- 2,181	General
Parking Enforcement Officer	Design & Development	\$1,372- 1,667-	Enterprise
Air Conditioning Mechanic	General Services	\$1,671- 2,031	General

Nolen -
APPROVED Items 1
and 2, with stipula-
tion regarding Item
No. 2 that when the
grant funding has
expired, position
will be eliminated.
Unanimous

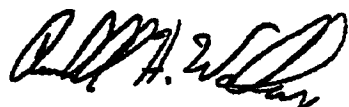
Staff to proceed

Jan Tait appeared

II. ESTABLISHMENT OF GRANT FUNDED POSITIONS:

<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>MONTHLY SALARY</u>	<u>FUNDING</u>
Community Alcohol Specialist	Municipal Court	\$1,800.	State

APPROVED AGENDA ITEM



AGENDA DOCUMENTATION

Date:

0122

TO:

The City Council

FROM:

SUBJECT:

DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS - AUTHORIZATION TO FILL POSITIONS

PURPOSE/BACKGROUND

Of the 1,635 positions in the City's 1984-85 Fiscal Budget, 17.0% (278 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	159	148	11	2	0	2
Classified	1157	1110	47	2	0	2
Contract	17	12	5	0	1	1
Elective	9	9	0	0	0	0
Hourly	<u>293</u>	<u>78</u>	<u>215</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	1635	1357	278	4	1	5

FISCAL IMPACT

The four vacant and budgeted positions shown above are included in the City's approved fiscal year '84-85 budget. The Community Alcohol Specialist in Municipal Court is funded under a grant through the Traffic Safety Division of the Department of Motor Vehicles. 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 \$805,243. 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 \$1,281,875.

RECOMMENDATION

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

RECOMMENDED

Jan Tait
 Jan Tait, Director
 Personnel & Employee Relations

Agenda Item

IV. (c)

AGENDA*City of Las Vegas*

March 20, 1985

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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

008

- A. Public Hearing relative to the City of Las Vegas' Urban Development Action Grant Application to assist the Lady Luck Hotel Expansion.

TIME CERTAIN 10:00 A.M.

Note: A Second Public Hearing will be conducted at 2:00 P.M.

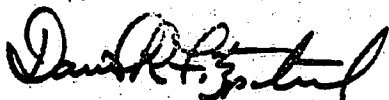
Public Hearing held.

Richard Blue explained that the request was for permission for the City to apply for UDAG funding in the amount of Three Million Dollars to assist the Lady Luck in their proposed expansion of 300 to 350 additional rooms and renovation of other hotel areas.

No one appeared in opposition or came forward to speak in favor at this public hearing.

VERBATIM TRANSCRIPT MADE PART OF FINAL MINUTES.

APPROVED AGENDA ITEM



TRANSCRIPT - CITY COUNCIL MEETING - MARCH 20, 1985

IV(d) DEPARTMENT OF ECONOMIC & URBAN DEVELOPMENT

ITEM A. PUBLIC HEARING RELATIVE TO THE CITY OF LAS VEGAS' URBAN DEVELOPMENT

ACTION GRANT APPLICATION TO ASSIST THE LADY LUCK HOTEL EXPANSION. 10:00 A.M.

MAYOR BRIARE:

This is a time set for a public hearing with respect to the Urban Action Grant application of the Lady Luck Hotel expansion. The order of business for this public hearing will be to first ask for comments by Mr. Richard Blue with respect to the matter that's before us and then if there's anyone in the audience that wishes to speak in opposition to this matter, we will be called upon and then if the organization wishes to make any comments, they may do so. Then we will close the public hearing for this day. There's two public hearings are required. We're only going to hear -- there's no action to be taken at this particular public hearing. Mr. Blue.

RICHARD BLUE:

Thank you, Your Honor. The proposed project will provide financing for the expansion of the Lady Luck Hotel located in downtown Las Vegas. The expansion is especially attractive to the City as it is compatible with our downtown development master plan. The financing would be used to construct an addition of 300 to 350 rooms, depending upon the availability of private sector financing. The Lady Luck currently has a 112 rooms. The expansion would facilitate an increase in room capacity and includes the renovation and expansion of restaurant, laundry facilities. The financing is expected to create 286 permanent jobs within two years after construction. The developer is seeking a bank commitment of approximately 27 million dollars, but requires an addition of 3 million dollars to complete the expansion. The City of Las Vegas would like to submit an application in the amount of 3 million dollars and consistent with our pocket of poverty designation, the City would be required to contribute 20% or \$600,000 of that amount. The debt service on the project would be on the \$3,600,000 at 8% of two points below prime, whichever is higher to a term of 20 years and that equals \$30,112 per month or we will be able to recapture \$361,342 in the first year.

MAYOR BRIARE:

Are there any comments by the Council members with respect to the comments -- opening comments of Mr. Blue? Is there anyone in the audience today, ladies and gentlemen, that's here to speak in opposition at this public hearing to the Urban Action Grant application of the Lady Luck Hotel? Is there anyone here that wishes to

TRANSCRIPT - CITY COUNCIL MEETING - MARCH 20, 1985

PAGE 2

IV(d) DEPARTMENT OF ECONOMIC & URBAN DEVELOPMENT

ITEM A. PUBLIC HEARING RELATIVE TO THE CITY OF LAS VEGAS' URBAN DEVELOPMENT

ACTION GRANT APPLICATION TO ASSIST THE LADY LUCK HOTEL EXPANSION. 10:00 A.M.

MAYOR BRIARE:

 speak in favor? Alright, seeing no one to speak in opposition or no one to speak in favor, we'll close the public hearing and it'll be brought up again at the next public hearing.

END OF TRANSCRIPT

/s/

NOTICE OF PUBLIC HEARING

MARCH 20, 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, March 20, 1985, at the hour of 10 A.M. and 2 P.M. in the Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, the City Council will conduct Public Hearings relative to the City of Las Vegas' Urban Development Action Grant Application to assist the Lady Luck Hotel Expansion.

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

CAROL ANN HAWLEY
CITY CLERK

AGENDA

CITY COUNCIL MINUTES - MARCH 20, 1985

City of Las Vegas

0127

March 20, 1985

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

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ITEM

Council Action

Department Action

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

B. AGREEMENT WITH STATE OF NEVADA FOR
STUDY RE: ESTABLISHMENT OF HIGH-LEVEL
NUCLEAR WASTE REPOSITORY IN NEVADA

Levy -
APPROVED as recom-
mended by staff.
Unanimous

Staff to proceed

Britt Ferguson
appeared.

Mayor Briare announced that by the
approval of this agreement that it
in no way changed the position of
the City Council in their
opposition to the storage of
nuclear waste at the proposed
Yucca Mountain site.

APPROVED AGENDA ITEM

David R. F. [Signature]

1130

AGENDA DOCUMENTATIONTO:
The City CouncilFROM:
DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

0128

SUBJECT: AGREEMENT WITH STATE OF NEVADA FOR STUDY RE: ESTABLISHMENT OF HIGH-LEVEL
NUCLEAR WASTE REPOSITORY IN NEVADAPURPOSE/BACKGROUND

Under the Federal Nuclear Waste Repository Act of 1982 the City of Las Vegas is entitled to federal monies for the purpose of monitoring, verifying and independently assessing the Department of Energy's site investigations, concerning a proposed High-level Nuclear Waste repository at Yucca Mountain. The work which has been and will continue to be performed by the City in this connection is eligible for funding out of such monies if the City will enter into an agreement to continue such studies.

Pursuant to the Agreement which is before you, the City agrees to perform certain work, according to a Scope of Work which has been developed by the Department of Economic Development, and will receive from the State, the sum of Sixty-five Thousand Five Hundred Dollars (\$65,500). Since the Scope of Work provides for activities which the City is presently involved with, it would appear to be in the City's interest to accept the State's offer.

FISCAL IMPACT

Sixty-five Thousand Five Hundred Dollars (\$65,500) in additional revenue.

RECOMMENDATIONS

It is recommended that the City Council approve the attached agreement and authorize the Mayor to execute the same on behalf of the City.

JACK THOMASON, DIRECTOR
DEPT. OF ECONOMIC & URBAN DEVELOPMENT
Agenda Item

IV. (d) B.

CITY COUNCIL MINUTES - MARCH 20, 1985

A G R E E M E N T

0129

THIS AGREEMENT, made and entered into this 21st day of March, 1985, by and between the State of Nevada, acting by and through the Nuclear Waste Project Office of the Governor, hereinafter referred to as "Office," and City of Las Vegas, hereinafter referred to as "Contractor."

W I T N E S S E T H :

WHEREAS, the State of Nevada has been notified by the U. S. Department of Energy, hereinafter referred to as "USDOE," that the State contains a potentially acceptable site for a high level radioactive waste repository;

WHEREAS, the USDOE plans to continue to evaluate the technical suitability of this site and to evaluate socio-economic impacts related to the development of a repository; and

WHEREAS, the Nuclear Waste Policy Act of 1982, hereinafter referred to as "Act," established certain responsibilities and duties in the Office of the Governor; and

WHEREAS, Section 116 of the Act provides for funds to be made available to the State to carry out these responsibilities and duties; and

WHEREAS, the Governor has created the Nuclear Waste Project Office within his office to carry out certain of the aforementioned responsibilities and duties and to receive and expend the aforementioned funds; and

WHEREAS, the Office is desirous of employing Contractor to render assistance in fulfilling aspects of the aforementioned responsibilities and duties and Contractor is desirous of rendering such assistance.

NOW THEREFORE, it is hereby agreed by and between the parties as follows:

1. The purpose of this Agreement is to provide for the undertaking of the activities described in Exhibit A, "Scope of Work," and to state the terms, conditions, and mutual understandings as to the manner in which these activities, hereinafter referred to as "Project," will be undertaken and completed.
2. The Contractor shall develop and complete the Project as described in Exhibit A entitled, "Scope of Work," which is attached hereto and by reference incorporated into and made a part of this Agreement.

CITY COUNCIL MINUTES - MARCH 20, 1985

3. The Contractor shall commence performance of this Agreement on May 7, 1985, and shall complete the Project in a timely manner to the satisfaction of the Office no later than March 31, 1986, unless a written extension is granted by the Office. Extension will only be granted in those instances in which the Contractor's inability to complete the Project is caused by circumstances beyond the Contractor's control. Requests for extensions must be received not later than fourteen (14) days prior to the termination date of the Agreement. 0130
4. As and for compensation for developing and completing the Project as described in Exhibit A, the Office shall pay Contractor a sum not to exceed Sixty-five Thousand Five Hundred and 00/100 Dollars (\$65,500.00), upon approval of this Agreement by the Board of Examiners. Payment is contingent upon receipt by the Office of funds for this Agreement from the USDOE. The Contractor shall be reimbursed quarterly, except for the first payment which will be a lump sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), based upon the submission of an invoice to the Office from the Contractor detailing actual or projected costs incurred in completing the project as described in Exhibit A. Except for the first quarter, the Office shall provide such reimbursement to the Contractor within 30 days of receipt of the aforementioned invoice. The Contractor shall provide the Office with a brief letter report on a quarterly basis that describes activities and actions undertaken during the previous quarter and those planned for the coming quarter, and a summary report at the conclusion of this Agreement.

CITY COUNCIL MINUTES - MARCH 20, 1985

5. The parties agree that, for the purposes of this Agreement, Contractor is an independent contractor and that this contract is entered into in accordance with NRS 284.173, which statute in pertinent part provides that the Contractor is not a State employee and the Office will not be charged separately for:

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- a. Withholding of income taxes by the State;
 - b. Industrial insurance coverage provided by the State;
 - c. Participation in group insurance plans which may be available to employees of the State;
 - d. Participation or contributions by either the independent contractor or the State to the public employee retirement system;
 - e. Accumulation of vacation leave or sick leave;
 - f. Unemployment compensation coverage provided by the State if the requirements of NRS 612.085 for independent contractors are met.
6. The Contractor shall use funds made available under this Agreement only for matters pertinent to the Act and issues arising from that Act. Contractor agrees to comply with the USDOE's Compliance Assurance, Attachment "B," to this Agreement, as evidenced by signature on said Assurance.
7. The Contractor agrees to fully exonerate, indemnify and save the Office harmless from and against all claims or actions, based upon or arising out of damage or injury (including death) to persons or property caused by an employee, agent, or subcontractor or Contractor in the performance of the Agreement, and among such other things, if requested by the Office, to assume without expense to the Office the defense of any such claims or actions.

8. Project Records:

- a. The Contractor shall maintain such records and accounts, including property, personnel, and financial records, as are deemed necessary by the Office of the Secretary of USDOE, to assure a proper accounting for all project funds. The recorded activities of the Contractor shall conform to the requirements of Office of Management and Budget Circular A-102. These records will be made available for audit purposes to the Office, the USDOE, or the Comptroller General of the United States, the Attorney General of Nevada, the State Legislative Auditor, or their authorized representative, and will be retained by the Contractor for at least three years after the expiration of this Agreement and all other pending matters surrounding this Agreement are closed.
- b. The Contractor shall permit and shall require its subcontractors to permit the Office, the Attorney General of Nevada, the State Legislative Auditor, the Comptroller General of the United States and the USDOE, or their authorized representative, to inspect all work, materials, payrolls, and other data and records with regard to the Project.
- c. The Contractor shall collect and submit to the Office, at such times as it may require, such financial statements, data, records, contracts, and any other documents related to the Project as may be deemed necessary by the Office.
- d. The Contractor shall advise the Office regarding the progress of the Project as outlined in Exhibit A and at such other time and in such other manner as the Office may require, including, but not limited to, meetings and interim reports.

9. The Contractor may publish results of its function and participation in the Project provided that such publications acknowledge that the program is supported by Federal funds granted pursuant to the provisions of Public Law 97-425 and that three copies of each publication are furnished to the USDOE, plus such copies as the Office may reasonably require.
10. If the Project results in a book or other copyrightable material, the author is free to copyright the work, but the Office and the USDOE reserve a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all technical information or data, all copyrighted material from the Project. This provision shall be presumed valid but remains subject to supercession by 41 CFR 9-9120-2(g)(2).
11. If any discovery or invention arises out of or is developed in the course of work aided by this Project, it shall be promptly and fully reported to the Office and to the Secretary of the USDOE, including full and complete technical information, for determination as to whether patent protection on such invention or discovery shall be sought and how the rights in the invention or discovery, including rights under any patent issued thereon, shall be disposed of and administered to protect the public interest. The USDOE and the Office reserve the entire right, title, interest and a royalty-free, non-exclusive and irrevocable license to utilize and to authorize others to utilize any discovery or invention which can be or is patented that results from the Project. This provision shall be presumed valid but remains subject to supercession by 41 CFR 9-9.107-6.
12. The Contractor warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this Project upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant, the Office shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the compensation, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

CITY COUNCIL MINUTES - MARCH 20, 1985

13. The Contractor in all construction or repair contracts shall comply with 18 U.S.C. 1874 as supplemented in the Department of Labor regulations (29 CFR Part 3). The Contractor shall be prohibited from inducing, by any means, any person employed in the construction completion or repair of the public work, to give up in part of the compensation to which that person is otherwise entitled.
14. The Contractor shall comply with Executive Order 11246, entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in Department of Labor Regulations (41 CFR Part 60). The Contractor will not discriminate against any employee employed in the performance of this Agreement, because of race, sex, creed, color, physical or mental handicap, or national origin. The Contractor will take affirmative action to ensure that applicants are not discriminated against on account of their race, sex, creed, color, physical or mental handicap, or national origin during the hiring process or their term of employment. This requirement shall apply to, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In the event that the Contractor signs any subcontracts in excess of \$10,000, the Contractor shall include a provision requiring compliance with the aforementioned Executive Order and Department of Labor regulations.

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15. If the Contractor intends to let and/or lets any subcontracts, the Contractor must take affirmative steps to:
 - a. include qualified small, minority, and women's businesses on solicitation lists;
 - b. assure that small, minority, and women's businesses are solicited whenever they are potential sources;
 - c. when economically feasible, divide requirements into smaller tasks or quantities so as to permit maximum small, minority, and women's business participation;
 - d. where the requirement permits, establish delivery schedules which will encourage participation of small, minority, and women's businesses;
 - e. use services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce, and the Community Service Administration as required.
16. The following is required of all Contractors in construction contracts in excess of \$2,000 and in all other contracts in excess of \$2,500. The Contractor, in the employment of mechanics or laborers, shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by the Department of Labor regulations (29 CFR Part 5). The Contractor shall compute the wages of every mechanic and laborer on the basis of a standard work day of eight (8) hours or ten (10) hours and a standard work week of forty (40) hours in the work week. No mechanic or laborer shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor.

17. The following is required of all Contractors in construction contracts in excess of \$2,000:

The Contractor shall comply with 40 U.S.C. 2767(a) to (1-7) as supplemented by the Department of Labor regulations 20 CFR Part 5. The Contractor shall be required to pay wages specified in a wage determination made by the Secretary of Labor. In addition, Contractor shall be required to pay wages not less than once a week.

18. The Contractor, in all contracts in excess of \$100,000, shall comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (33 U.S.C. 1856(h)), Section 108 of the Clean Air Act (33 U.S.C. 1368), Executive Order 11738 and Environmental Protection Agency regulations (40 CFR Part 15). If the Contractor lets any subcontracts in excess of \$100,000, the aforementioned pollution control provisions must be included in any such contracts.
19. The Contractor shall not seek funds from the Office or the USDOE to be used either directly or indirectly to pay for:
- a. Construction, such as construction of mass transit systems and exclusive bus lines;
 - b. Subsidizing fares for public transportation;
 - c. Bad debts;
 - d. Contingencies;
 - e. Contributions and donations;
 - f. Entertainment;
 - g. Fines and penalties;
 - h. Interest and other financial costs;
 - i. Unrecovered costs under grant agreements;
 - j. Prosecution of claims against the Federal Government;
 - k. Taxes which the grantee is not legally required to pay;
 - l. The purchase of equipment other than office equipment, such as weatherization materials and law enforcement equipment.

CITY COUNCIL MINUTES - MARCH 20, 1985

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20. Either party of the Agreement has the right to terminate this Agreement by giving not less than thirty (30) days written notice to the other party. In the event of termination by the Office, the Contractor shall be compensated for all expenses it incurs pursuant to the provisions of this Agreement prior to the termination date and the Contractor will submit all work papers and other materials prepared prior to that date to the Office. In the event of termination by the Contractor, the Office will be compensated either directly and/or in the form of a reduction in its outstanding obligation for all costs caused by the Contractor's cancellation.
21. In the event that the Contractor fails to complete the Project in a manner which the Office deems to be satisfactory, within the period of performance which is provided for in Paragraph 3, or any extension thereof, the Office may permit the Contractor to complete the performance of this Agreement or may treat this Agreement as being terminated as of such date, or any extension thereof, and require the Contractor to repay to the Office any portion of the Contractor's compensation which is attributable to the portion of the project which remains uncompleted on that date.
22. Neither the Office, the State of Nevada, nor the USDOE is bound by this Agreement or any provisions hereof until approved by and executed on behalf of the State of Nevada Board of Examiners.
23. This Agreement shall be construed and interpreted according to the laws of the State of Nevada.
24. This Agreement constitutes the final and entire agreement between the parties and may only be modified by a written amendment signed by the parties.

CITY COUNCIL MINUTES - MARCH 20, 1985

IN WITNESS WHEREOF, the parties do hereby execute this Agreement on the
date signed first appearing.

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OFFICE OF THE GOVERNOR
NUCLEAR WASTE PROJECT OFFICE

By: Robert R. Loux
Robert R. Loux, Director

DATE: 4-18-85

CONTRACTOR
CITY OF LAS VEGAS

By: William H. Brasing
Mayor
Carol A. Hawley
City Clerk

DATE: March 20, 1985

DATE: March 20, 1985

APPROVED AS TO FORM:
BRIAN MC KAY, ATTORNEY GENERAL

By: Louise Brinson
Deputy Attorney General

DATE: April 18, 1985

BOARD OF EXAMINERS
STATE OF NEVADA

By: William Bible

DATE: MAY 07 1985

EXHIBIT A
CITY COUNCIL MINUTES, MARCH 20, 1985
SCOPE OF WORK
TO SUPPORT AN AGREEMENT FOR A WORK PLAN BETWEEN
THE CITY OF LAS VEGAS AND
STATE OF NEVADA NUCLEAR WASTE PROJECT OFFICE

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I. BACKGROUND:

The U.S. Department of Energy (USDOE) is in the process of complying with federal laws requiring the selection of High-level Nuclear Waste Site sometime during the next 5-10 years.

The Yucca Mountain area, northwest of the City of Las Vegas, is one of the three (3) sites chosen for "site characterization" by USDOE.

If Yucca Mountain is selected, it will generate significant problems and issues that must be addressed by all segments of the Southern Nevada community.

Specifically, it is essential that the key problems and issues associated with locating a High-level Waste Site in Southern Nevada be identified as soon as possible to enable a rational review of the pros and cons associated with locating a High-level Nuclear Waste Site in the Yucca Mountain area of Southern Nevada.

II. REQUIREMENT FOR A WORK PLAN:

The City of Las Vegas was requested by the State of Nevada Nuclear Waste Project Office on February 24, 1984 to assist in their effort to develop a State position on location of the Nuclear Waste Site at Yucca Mountain. To enable a purposeful review and research that is required to better understand the problems associated with the establishment of Nuclear Waste Site in the Yucca Mountains, and to identify key issues related thereto, it is essential that the City of Las Vegas prepare a Work Plan to cover the timeframe of May 7, 1985 - March 31, 1986. This Work Plan will be a continuing effort by the City of Las Vegas in coming to grips with this potentially high priority Yucca Mountain High-level Nuclear Waste Site problem.

The following Work Plan is aimed primarily at understanding the problem through research and education of key staff elements in the City of Las Vegas and to establish preliminary baseline data. This Work Plan establishes the priorities, outlines the support program and the tentative budget required by the City of Las Vegas for the period May 7, 1985 through March 31, 1986.

III. WORK PLAN:

A. GENERAL:

The City of Las Vegas has agreed to accept responsibility for assisting the State of Nevada in researching and developing key issues and participating in discussion items relative to the possible location of a High-level Nuclear Waste Site at Yucca Mountain, Nevada. To further support these efforts, the City of Las Vegas is in the process of hiring a consultant. In return, the State of Nevada has agreed to provide necessary funding to support this work.

1. This City of Las Vegas' responsibility includes the requirement to continuously review USDOE's plans and programs relative to locating a Nuclear Waste Site at Yucca Mountain during the period May 7, 1985 through March 31, 1986.
 - a. Review existing information generated by USDOE, other states, the State of Nevada, and other governmental entities related to the High-level Nuclear Waste plans for Southern Nevada.
 - b. Research and review new information generated by the above-mentioned entities.

2. In view of the City of Las Vegas' close proximity to ground and air access routes to the Yucca Mountain area, the City of Las Vegas must continuously focus on transportation issues as they pertain to the USDOE'S programs and studies on High-level Nuclear Waste matters.
3. Since the City of Las Vegas is the largest city in the state and closest to the proposed site at Yucca Mountain, focus must also be directed to public communication issues regarding a potential repository at Yucca Mountain Site.
4. The City of Las Vegas will coordinate with citywide committees, local jurisdictions and specific interest groups in the community, such as, Chamber of Commerce, Downtown Progress Association, et al, to discuss and obtain views and documentation thereof.
5. Coordinate City of Las Vegas' actions with the USDOE and other states where appropriate.
6. Coordinate City of Las Vegas' actions with the State of Nevada Nuclear Waste Project Office, and where appropriate, establish dialogue with other Nevada cities, counties, and state government entities.

B. ADMINISTRATIVE TASKS:

To properly plan for the support of the State of Nevada Nuclear Waste Project Office, the City of Las Vegas will, as a minimum, address the following:

1. Attend USDOE's briefings and meetings, and related federal, state and local governments' activities in the United States as appropriate.
2. Establish a documentary library and data base on High-level Nuclear Waste that is compatible with the needs of this Scope of Work.
3. Select qualified staff personnel and dedicate an appropriate part of their work effort to accomplish City tasks and responsibilities.
4. Where required, the City Coordinator will be prepared to hire specialists to act as consultants when the problem/issue exceeds City staff capability to accomplish assigned responsibilities.
5. The City of Las Vegas' Director, Department of Economic Development, is designated as the Coordinator for the City on the High-level Nuclear Waste project and is responsible to the City Manager for this project. Also, the City Manager will establish a Task Force, if required.

C. SPECIFIC TASKS:

1. Hire Consultant

- a. Consultant must adhere to the rules and regulations set forth in this document.

2. Review and Analysis Tasks

- a. Review and prepare appropriate comments on any U. S. Environmental Assessments of the Yucca Mountain site.
- b. Review and prepare comments on the USDOE Mission Plan and Final Siting Guidelines.
- c. Review and prepare comments on any USDOE Socio-Economic Impact studies/analysis resulting from locating a High-level Nuclear Waste Site at Yucca Mountain.

- d. Evaluate alternative transportation routes and capabilities to minimize potential hazards to the populated Las Vegas Metropolitan area.
- e. Determine modifications to any City "emergency plan" that could be affected by the transportation of nuclear waste through the boundaries of the City of Las Vegas.

3. Travel

*Attendance may be required by Las Vegas City representative to pertinent USDOE, other states, and State of Nevada briefings/meetings on the High-level Nuclear Waste program proposed for Yucca Mountain as well as other U.S. sites include the following:

*NOTE: The following examples are not to be construed as a firm commitment by the City of Las Vegas. Travel requirements projected at this time are flexible and will vary as priorities change.

- a. University of Arizona's "Waste Management '85" Conference, Tucson, Arizona (5 days) March 24 - 28, 1985. The conference has numerous sessions concerned with evaluating potential impacts of a repository on local communities.
- b. Public hearing and presentations by DOE, state and local representatives. Also, other trips to Carson City in the next year to meet with state officials.
- c. Retain contingency funds for additional or variable travel requirements.

11:SCOPE, SCOPE1

BUDGET FOR

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SCOPE OF WORK
TO SUPPORT AN AGREEMENT FOR A WORK PLAN BETWEEN
THE CITY OF LAS VEGAS
AND
STATE OF NEVADA NUCLEAR WASTE PROJECT OFFICE

A. PROFESSIONAL SERVICES

1. Hire Consultant

a. Salary	\$35,000
b. Travel Expenses	4,000
c. Contingency Funds	1,000
Sub-Total	\$40,000

B. PERSONNEL EXPENSES

1. Coordinator (Dept. of Economic Development)	\$ 4,500*
2. Management Analyst II (Dept. of Economic Development)	3,000
3. Management Analyst I (Dept. of Economic Development)	3,000
4. Secretary (Dept. of Economic Development)	2,000
5. Additional Staff/City Task Force involvement	4,000
Sub-Total	\$16,500

C. OPERATING SUPPORT EXPENSES

1. Travel and related expenses	\$ 5,000
2. Communications (telephone telex, mailing charges, etc.)	1,000
3. Office Supplies	1,000
4. Printing and Processing	1,000
5. Contingency Fund	1,000
6. Data Analysis/Storage/Equipment Requirement (not totaled in 1985 budget)	15,000**
Sub-Total	\$ 9,000
TOTAL	\$65,500***

* The recommendation for travel to support the Scope of Work is the responsibility of the Director of the Department of Economic Development. The final approval for such travel is the responsibility of the City Manager or his designated representative.

** To be determined in coordination between the City of Las Vegas Department of Economic and Urban Development and the State of Nevada Nuclear Waste Project Office.

*** The City of Las Vegas reserves the right to transfer these funds from one account to the other at a later date, based on changing priorities and upon determination that such transfer will provide a balanced budget. The State will not be responsible for any amount over \$65,500 spent by the City of Las Vegas for the period May 7, 1985 - March 31, 1986 for this Scope of Work.

U.S. DEPARTMENT OF ENERGY

ASSURANCE OF COMPLIANCE

Nondiscrimination in Federally Assisted Programs

CITY OF LAS VEGAS (hereinafter called the "Applicant"), HEREBY AGREES to comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), Section 16 of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), Section 401 of the Energy Reorganization Act of 1974 (Pub. L. 93-438), Title IX of the Education Amendments of 1972, as amended, (Pub. L. 92-318, Pub. L. 93-568, and Pub. L. 94-482), Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), the Age Discrimination Act of 1965 (Pub. L. 94-135), Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), the Department of Energy Organization Act of 1977 (Pub. L. 95-91), and the Energy Conservation and Production Act of 1976, as amended, (Pub. L. 94-385). In accordance with the above laws and regulations issued pursuant thereto, the Applicant agrees to assure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in which the Applicant receives Federal assistance from the Department of Energy.

Applicability and
Period of Obligation

In the cases of any service, financial aid, covered employment, equipment, property, or structure provided, leased, or improved with Federal assistance extended to the Applicant by the Department of Energy, this assurance obligates the Applicant for the period during which Federal assistance is extended. In the case of any transfer of such service, financial aid, equipment, property, or structure, this assurance obligates the transferee for the period during which Federal assistance is extended. If any personal property is so provided, this assurance obligates the Applicant for the period during which it retains ownership of possession of the property. In all other cases, this assurance obligates the Applicant for the period during which the Federal assistance is extended to the Applicant by the Department of Energy.

Employment Practices

Where a primary objective of the Federal assistance is to provide employment or where the Applicant's employment practices affect the delivery of services in programs or activities resulting from Federal assistance extended by the Department, the Applicant agrees not to discriminate on the grounds of race, color, national origin, sex, age, or handicap, in its employment practices. Such employment practices may include, but are not

limited to, recruitment, recruitment advertising, hiring, layoff or termination, promotion, demotion, transfer, rates of pay, training and participation in upward mobility programs, or other forms of compensation and use of facilities.

Subrecipient Assurance

The Applicant shall require any individual, organization, or other entity with whom it subcontracts, subgrants, or subleases for the purpose of providing any service, financial aid, equipment, property, or structure to comply with laws cited above. To this end, the subrecipient shall be required to sign a written assurance form, however, the obligation of both recipient and subrecipient to ensure compliance is not relieved by the collection or submission of written assurance forms.

Data Collection and Access to Records

The Applicant agrees to compile and maintain information pertaining to program or activities developed as a result of the Applicant's receipt of Federal assistance from the Department of Energy. Such information shall include, but is not limited to, the following: (1) the manner in which services are or will be provided and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination; (2) the population eligible to be served by race, color, national origin, sex, age and handicap; (3) data regarding covered employment including use or planned use of bilingual public contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English; (4) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination; (5) the present or proposed membership by race, color, national origin, sex, age and handicap, in any planning or advisory body which is an integral part of the program; and (6) any additional written data determined by the Department of Energy to be relevant to its obligation to assure compliance by recipients with laws cited in the first paragraph of this assurance.

The Applicant agrees to submit requested data to the Department of Energy regarding programs and activities developed by the Applicant from the use of Federal assistance funds extended by the Department of Energy. Facilities of the Applicant (including the physical plants, buildings, or other structures) and all records, books, accounts, and other sources of information pertinent to the Applicant's compliance with the civil rights laws shall be made available for inspection during normal business hours on request of an officer or employee of the

CITY COUNCIL MINUTES - MARCH 20, 1985

Department of Energy specifically authorized to make such inspections. Instructions in this regard will be provided by the Director, Federally Assisted Programs Division, Office of Equal Opportunity, U. S. Department of Energy.

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This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts (excluding procurement contracts), property, discounts or other Federal assistance extended after the date hereto, to the Applicant by the Department of Energy, including installment payments on account after such date of application for Federal assistance which are approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance upon the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, as well as the person whose signature appears below and who is authorized to sign this assurance on behalf of the Applicant.

CITY OF LAS VEGAS

400 E. Stewart Ave., Las Vegas, NV 89101 - 386-6552
(Address & Telephone Number)

William H. Briare
(Authorized Official)

MAYOR

(Title)

William H. Briare
(Signature of Authorized Official-Date)

CITY COUNCIL MINUTES - MARCH 20, 1985

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Carol Ann Hawley
(Authorized Official)

CITY CLERK

(Title)

Carol A. Hawley
(Signature of Authorized Official)

CITY COUNCIL MINUTES - MARCH 20, 1985

RICHARD H. BRYAN
Governor

STATE OF NEVADA

ROBERT R. LOUX
Director



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NUCLEAR WASTE PROJECT OFFICE

OFFICE OF THE GOVERNOR

Capitol Complex

Carson City, Nevada 89710

(702) 885-3744

March 15, 1985

Mr. Jack Thomason, Director
City of Las Vegas
Economic Development Department
400 E. Stewart Ave.
Las Vegas, Nevada 89101

Dear Mr Thomason:

I am in receipt of your letter of March 7, 1985 requesting that the contract between the City of Las Vegas and the Nuclear Waste Project Office be extended through May 6, 1985.

Please be advised that, under the provisions of paragraph three (3) of that contract, this letter serves as formal authorization to continue the current agreement through 5/6/85.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. R. Loux", written over a horizontal line.

Robert R. Loux
Director

DEPARTMENT OF
ECONOMIC & URBAN
DEVELOPMENT
MAR 21 11 25 AM '85

RICHARD H. BRYAN
Governor

STATE OF NEVADA



DEPARTMENT OF
ECONOMIC DEVELOPMENT
URBAN
DEVELOPMENT

MAY 20 6 46 AM '85

ROBERT R. LOUX
Director

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NUCLEAR WASTE PROJECT OFFICE

OFFICE OF THE GOVERNOR

Capitol Complex

Carson City, Nevada 89710

(702) 885-3744

May 16, 1985

Mr. Jack Thomason, Director
Economic Development Department
City of Las Vegas
400 East Stewart
Las Vegas, Nevada 89101

Dear Mr. Thomason:

Enclosed is a fully executed copy of the Agreement between this Office and the City of Las Vegas.

If you have any questions, please do not hesitate to contact me.

Sincerely, *

A handwritten signature in dark ink, appearing to read "Robert R. Loux".

Robert R. Loux
Director

RRL/gjb

Enclosure

AGENDA*City of Las Vegas*

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March 20, 1985

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

ITEM

Council Action

Department Action

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

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

PURCHASING & CONTRACTS1133 *A. AWARD OF BIDS

1. One (1) Optical Character Reader
City Clerk's Office
2. Telecommunications System
Department of General Services

Levy -
APPROVED Item A-1
as recommended.
Unanimous

ABEYANCE

4/3/85 Agenda

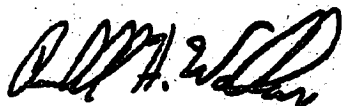
34 *B. PURCHASE ORDER APPROVAL

1. Telecommunications Consultant
Department of General Services

ABEYANCE

4/3/85 Agenda

Dan Pilkington
and Atty. John
O'Reilly
appeared in
regard to Items
A-2 and B-1.

APPROVED AGENDA ITEM


NOTE: A meeting will be held in relation to Items A-2 and B-1 on April 1 at 9 A.M. in the Council Chambers. City Clerk instructed to post the meeting so any and all members of the Council may attend.

VERBATIM TRANSCRIPT MADE PART OF
FINAL MINUTES.

AGENDA DOCUMENTATION

TO: The City Council

FROM: RANDALL H. WALKER,
DEPUTY CITY MANAGER

0150

SUBJECT: AGENDA - CITY COUNCIL MEETING - MARCH 20, 1985
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*A. AWARD OF BIDS

1. <u>BID TITLE:</u>	ONE (1) EACH OPTICAL CHARACTER READER (OCR)	<u>BID NUMBER:</u>	85.0500.2
<u>ITEM:</u>	CAPITAL	<u>ESTIMATE:</u>	\$10,500.00
<u>DEPARTMENT:</u>	CITY CLERK	<u>INVITATIONS MAILED:</u>	5
<u>FUNDING:</u>	GENERAL FUND	<u>RESPONSES RECEIVED:</u>	2

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO BETTER UTILIZE THE CPT WORD PROCESSING EQUIPMENT WITHIN THE CITY. THE OCR WILL ENABLE CLERICAL STAFF TO CONVERT ANY TYPEWRITTEN DOCUMENT TO DISK FOR USE ON THE WORD PROCESSING EQUIPMENT, THEREBY SAVING INPUT TIME AND ALLOWING REVISIONS TO BE MADE VIA THE WORD PROCESSOR, WITHOUT HAVING TO RETYPE THE ENTIRE DOCUMENT OR REPORT.

BID ABSTRACT SUMMARY

			<u>POINTS</u>	<u>PRICE</u>
Q.B.E., INC.	LAS VEGAS	NV	8,350	\$11,056.40
LOGISTIC SPECIALITIES	NORTH SALT LAKE	UT	5,800	\$11,990.00

STAFF RECOMMENDATION OF AWARDTHAT THE LOW BID BE AWARDED TO:

Q.B.E., INC.	LAS VEGAS	NV	8,350 POINTS	\$11,056.40

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE IN THE GENERAL FUND.

RECOMMENDATIONS

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

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


Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION A PAGE 1
IV (f)

TO:
The City CouncilFROM:
RANDALL H. WALKER,
DEPUTY CITY MANAGER

0151

SUBJECT: AGENDA - CITY COUNCIL MEETING - MARCH 20, 1985
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*A. AWARD OF BIDS

2. <u>BID TITLE:</u>	TELECOMMUNICATIONS SYSTEM	<u>BID NUMBER:</u>	85.1224.2
<u>ITEM:</u>	CAPITAL OUTLAY	<u>ESTIMATE:</u>	\$800,000.00
<u>DEPARTMENT:</u>	GENERAL SERVICES	<u>INVITATIONS MAILED:</u>	44
<u>FUNDING:</u>	SHORT TERM FINANCING	<u>RESPONSES RECEIVED:</u>	3

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO REPLACE THE ENTIRE TELEPHONE SYSTEM INSTALLED AT THE CITY HALL COMPLEX AND OFFSITE PREMISES DUE TO THE FACT THAT THE EXISTING TELEPHONE SYSTEM HAS BEEN DECLARED OBSOLETE AND REPAIR PARTS WILL NOT BE AVAILABLE PAST 1986.

BID ABSTRACT SUMMARY

			<u>WEIGHTED VALUES</u>	<u>COST</u>
COMPATH NATIONAL	LAS VEGAS	NV	58,350	\$447,988.00
FIRSTEL INFORMATION	LAS VEGAS	NV	52,650	\$531,433.39
CENTEL BUSINESS SYSTEMS	LAS VEGAS	NV	64,750	\$558,000.00

RECOMMENDATION

STAFF RECOMMENDS ACCEPTANCE OF COMPATH NATIONAL'S REQUEST FOR WITHDRAWAL OF THEIR BID DUE TO A \$85,536.00 ERROR IN THEIR BID COMPUTATIONS.

THE CONSULTANT HIRED BY THE CITY RECOMMENDS AND STAFF CONCURS THAT THE BID BE AWARDED TO CENTEL BUSINESS SYSTEMS, LAS VEGAS, NV, BASED ON BEING THE HIGH WEIGHTED VALUE BIDDER. FURTHER, THE FIRST TWELVE (12) MONTHS OF MAINTENANCE AFTER ACCEPTANCE IS AT NO ADDITIONAL COST.

SUBJECT TO THE NEGOTIATION OF AN ACCEPTABLE SUBSEQUENT FOUR (4) YEAR MAINTENANCE AGREEMENT.

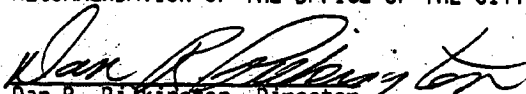
FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE FROM SHORT TERM FINANCING.

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

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PRICE CONSIDERATION - 60,000 WEIGHTED VALUES

CITY COUNCIL MINUTES ^{CENTEL} MARCH 20, 1985

0152

	<u>POSSIBLE POINTS</u>	<u>BUSINESS SYSTEMS</u>	<u>FIRSTEL</u>
1. OUTRIGHT PURCHASE	25,000 POINTS	\$460,572.00 12,500 POINTS	\$480,720.79 12,500 POINTS
2. INSTALLATION	12,000 POINTS	\$ 97,428.00 500 POINTS	\$ 50,724.60 12,000 POINTS
3. SYSTEM MAINTENANCE	5,000 POINTS	\$169,693.14 1,000 POINTS	\$113,616.00 1,000 POINTS
4. LABOR PER HOUR	2,000 POINTS	\$45.00 50 POINTS	\$42.30 50 POINTS
5. GUARANTEED BUYBACK	16,000 POINTS	\$ 69,085.90 16,000 POINTS	\$ 48,070.00 1,000 POINTS
TOTAL COST 1 & 2 ONLY		<u>\$558,000.00</u>	<u>\$531,433.39</u>
TOTAL	<u>60,000 POINTS</u>	<u>30,050 POINTS</u>	<u>26,550 POINTS</u>

ABILITY TO PERFORM - 40,000 WEIGHTED VALUES

1. AUTHORIZED SERVICE/ REPAIR	5,000 POINTS	YES 5,000 POINTS	YES 5,000 POINTS
2. LENGTH OF TIME IN BUSINESS	5,000 POINTS	5 YEARS PLUS 5,000 POINTS	1 YEAR PLUS 100 POINTS
3. INVENTORY ODECLAREO	10,000 POINTS	\$1,462,000.00 10,000 POINTS	\$150,000.00* 10,000 POINTS
4. HOURS OF RESPONSE	5,000 POINTS	LESS THAN 2 HRS. 3,000 POINTS	1 HOUR 5,000 POINTS
5. CERTIFIED PERSONNEL	5,000 POINTS	32** 5,000 POINTS	2* 400 POINTS*
6. PREVIOUS EXPERIENCE	5,000 POINTS	25 INSTALLATIONS 5,000 POINTS	1 INSTALLATION 200 POINTS
7. SYSTEM/TECH. RATIO	5,000 POINTS	56/32 3,000 POINTS	2/2 5,000 POINTS
TOTAL POINTS FOR ABILITY TO PERFORM	40,000 POINTS	36,000 POINTS**	25,700 POINTS*
TOTAL POINTS FOR PRICE CONSIDERATION	<u>60,000 POINTS</u>	<u>30,050 POINTS</u>	<u>26,550 POINTS</u>
GRAND TOTAL	100,000 POINTS	<u>66,050 POINTS</u>	<u>52,250 POINTS</u>

**POINT TOTALS
REVISED DUE TO
PROTEST AND
SUBSEQUENT
VALIDATION BY
CENTEL BUSINESS
SYSTEMS.

*ORIGINALLY
DECLARED AS
\$6,000,000.00.
REVISED WHEN CITY
INSPECTED
FIRSTEL'S WARE-
HOUSE. ALSO
CERTIFIED
PERSONNEL REVISED
DUE TO PROTEST
AND SUBSEQUENT
VALIDATION BY
FIRSTEL
INFORMATION.

PERFORMANCE GUARANTEES

CITY COUNCIL MINUTES - MARCH 20, 1985

0153

1. 5% Bid Bond - Which guarantees CENTEL Business Systems will enter into a contract with the City.

2. 100% PERFORMANCE/GUARANTEE BOND

- a. Guarantees the system will be installed on time and guaranteed for one (1) full year after acceptance against failure of performance.
- b. Bond must be renewed for each successive year for the remaining four (4) years under the same terms and conditions as a. above.
- c. Liquidated Damages for failure to install functioning systems on the following basis:
 - (1) CITY HALL COMPLEX - Complete by June 30, 1985 or \$1,000.00 a day for each day thereafter the system remains incomplete.
 - (2) OFFSITE PREMISES - Complete by August 31, 1985 or \$500.00 a day for each day thereafter the systems remain incomplete.

3. GUARANTEED RESPONSE TIME TO A CALL FOR SERVICE

CENTEL Business Systems must respond within two (2) hours for any call for service regardless of the nature. Failure to respond within the two (2) hours will result in an automatic ten percent (10%) reduction in that month's maintenance cost for each occurrence.

4. GUARANTEED BUY BACK AT END OF FIFTH (5TH) YEAR

If for whatever reason or reason the City determines at the end of the fifth (5th) year that the systems are no longer wanted, CENTEL Business Systems must buy back from the City, the systems at a cost of \$69,085.90, which is 15% of the original system cost excluding labor for installation. cost for removal shall be borne by CENTEL Business Systems.

AGENDA DOCUMENTATION

0154

TO:
The City CouncilFROM:
RANDALL H. WALKER,
DEPUTY CITY MANAGERSUBJECT: AGENDA - CITY COUNCIL MEETING - MARCH 20, 1985
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*B. PURCHASE ORDER APPROVAL

1. <u>ITEM:</u>	PROFESSIONAL SERVICES	<u>PURCHASE REQUEST:</u>	1223-0094
<u>DESCRIPTION:</u>	CONSULTANT SERVICES FOR PHASE II - INSTALLATION	<u>FUNDING:</u>	SHORT TERM FINANCING
<u>DEPARTMENT:</u>	GENERAL SERVICES	<u>ESTIMATE:</u>	\$16,000.00

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO PROVIDE THE PROFESSIONAL EXPERTISE TO OVERSEE THE INSTALLATION OF THE NEW TELEPHONE SYSTEM THAT IS TO BE INSTALLED IN ALL CITY FACILITIES.

STAFF RECOMMENDATIONFOR PURCHASE ORDER APPROVAL

COM CONSULTANTS	DIAMOND BAR	CA	\$16,000.00

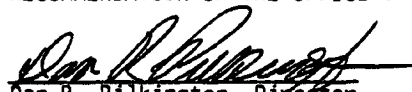
FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 84-85. FUNDS ARE AVAILABLE FROM SHORT TERM FINANCING.

RECOMMENDATIONS

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

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


Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION B PAGE 1
IV (f)

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ITEM A-2 - AWARD OF BIDS - TELECOMMUNICATIONS SYSTEM AND
ITEM B-1 - PURCHASE ORDER APPROVAL - TELECOMMUNICATIONS CONSULTANT

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Page 1

MAYOR BRIARE:

Now, we talk about the telephone system.

DAN PILKINGTON:

Your Honor, if I may, the intent of the staff was to develop a bid proposal procedure to attain the best possible telephone system for the City. We went through that procedure, developed a weighted value system, notified all the bidders, gave them opportunities to comment, went through the bidding procedures, and the recommendation is before you to award to Centel Business Systems with the stipulation, subject to the negotiation of an acceptable subsequent four-year maintenance agreement. I would be prepared to answer questions.

MAYOR BRIARE:

Mr. Pilkington, I'm sorry. What was that last part there about subject to?

DAN PILKINGTON:

Subject to the negotiation of an acceptable subsequent four-year maintenance agreement.

COUNCILMAN LEVY:

If you could get that out of the other bid which is lower, Mr. Pilkington, doesn't it make more sense to take that one, which is lower? If you could get the same thing from them -- a five-year maintenance contract?

DAN PILKINGTON:

They have offered a five-year contract and it is our best analysis that, no, sir, it would not be in the best --

COUNCILMAN LEVY:

Why?

DAN PILKINGTON:

It is our judgement that Centel Business Systems offers the best opportunity to get the best system and the best maintenance over a five-year period, based on our analysis.

COUNCILMAN LEVY:

I question that.

DAN PILKINGTON:

Pardon?

COUNCILMAN LEVY:

I question it in my dealings.

DAN PILKINGTON:

We -- the City has hired a consultant. He's available also for any questions you'd like to have answered and both vendors are here and would like to address the Board.

MAYOR BRIARE:

I wonder if for the sake of the procedure if any of the representatives of AT&T and/or Centel and/or Compath -- I guess I should say FirstTel as opposed to

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MAYOR BRIARE:

AT&T, but Compath would want to make any comments with respect to the recommendation that was just made to this Board.

ATTY. JOHN O'REILLY:

Mr. Briare, we have several comments we would like to make. Is now the appropriate time?

MAYOR BRIARE:

Well, come on forward, Mr. O'Reilly. We will find out from the Council members if now is the time. I was thinking it might be well, and perhaps this Council would appreciate comments with reference to the -- Mr. Pilkington's recommendation to the Board. Then having Mr. Pilkington's recommendation and having your comments, then this Council can ask questions and perhaps be guided by whatever you want to bring up. First of all, Mr. O'Reilly, tell us who you are and who you represent.

ATTY. JOHN O'REILLY:

For the record, Mr. Mayor, members of the Council, I'm John O'Reilly, attorney at law, office at 325 South Maryland Parkway, City of Las Vegas. I am here today representing FirstTel Information Systems, who is one of the bidders before you on the telecommunications system. Our position here today is that our clients, FirstTel, has the system that is the best system, the lowest price, and has the best documented ability to perform, both in terms of history and financial position. With me here today to briefly tell you why we believe this way, and to show you the figures that are part of the City records, I have several representatives of FirstTel. I would like to ask Mr. Ron Griffin, who is the Account Executive, to just briefly introduce them to you by name and then I will summarize our position for you.

RON GRIFFIN:

Mr. Mayor and Councilmen, I would like to introduce members of FirstTel Information Systems for our Las Vegas office and indeed for the state of Nevada. In the audience, Mr. Matt Larson, who is our Operations Manager. Mr. Howard Center, who is an Account Executive. Harry Wilson is our Sales Engineer in Las Vegas here. Barbara Winston is the Sales Manager for our office. Mr. Dick Oppset is the General Manager for FirstTel Information Systems, and we have also the President of FirstTel Information Systems, Incorporated, here today, Mr. Dick Perry.

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ATTY. JOHN O'REILLY: Addressing first the issue of ability to perform.

MAYOR BRIARE: John, just a minute. Are you going to -- I want to get a little idea of what you are going to do with this Board right now between now and noon.

ATTY. JOHN O'REILLY: For the next five to ten minutes I would like --

MAYOR BRIARE: Are you going to discuss the method by which the scores were allowed that caused Mr. Pilkington to make the recommendation that he did?

ATTY. JOHN O'REILLY: That's one of the discussions, Mr. Mayor. The other discussion is the price itself, the point system itself, the ability to perform, are the basic key issues that I would discuss.

MAYOR BRIARE: Well, what I am getting at, Council members, is that if you're going to challenge the system that was used to evaluate -- do we want to -- I don't know if now is the time -- this is the system that apparently has been advertised and it has been represented to the members of this Council that each and every prospective bidder, I guess, that you had that you could possibly invite were aware and having three that submitted bids that are being discussed today, they acknowledged that this was going to be a scoring system. Now if you are going to argue about the scoring system of which you knew in advance and attended pre-bid conferences, Mr. O'Reilly, I don't know if that's going to -- it's going to take a little time.

ATTY. JOHN O'REILLY: Let me address that if I may, Mr. Mayor. First of all, it was the understanding of FirstTel that the ultimate decision concerning the award of the contract was one that would be made by recommendation of staff, but ultimately made by the City Council. Secondly, it's our position in the next five or ten minutes that I think I can show you and the members of the Council that FirstTel is the appropriate vendor to be awarded the contract, even under the point system, if it is interpreted properly.

COUNCILMAN LEVY: Let me ask one quick question. How long has FirstTel been in business?

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ATTY. JOHN O'REILLY:

FirstTel has actually been in business since January 1 of 1984. FirstTel is a derivative of the AT&T system, Ma Bell system.

COUNCILMAN LEVY:

How long has AT&T been in business?

ATTY. JOHN O'REILLY:

Well, the best I could tell, AT&T has been here since --

COUNCILMAN LEVY:

Oh, 1700.

MAYOR BRIARE:

Yes, but don't, Mr. Levy, if I might -- FirstTel is a separate corporation that happens to be owned by AT&T. I have also been told that AT&T is not a party of this bidding procedure.

COUNCILMAN LEVY:

So is Centel.

ATTY. JOHN O'REILLY:

Let me correct something, if I may, Mr. Mayor, and this is part of the documentation I would present in the course of our presentation. What I really -- AT&T has been divested through the order of Judge Green. The company that is before you here today is a wholly-owned subsidiary of U. S. West, which is a seventeen billion dollar corporation that had income of almost nine hundred million in 1974, 1984, so it's not AT&T. AT&T has been broken up by a Federal Court order. This is a derivative from the old AT&T Ma Bell system that has been serving parts of the Las Vegas valley since --

MAYOR BRIARE:

So the answer to the question still stands, since January of 1984 FirstTel has been in business.

ATTY. JOHN O'REILLY:

FirstTel itself has been set up as a separate entity.

MAYOR BRIARE:

Proceed, Mr. O'Reilly.

ATTY. JOHN O'REILLY:

First of all, dealing with the issue of the ability to perform, the history that we have discussed just briefly of FirstTel dates back far beyond the inception of the corporation of January of 1984. It dates back even in terms of service to this valley to the AT&T days, which I believe date back to probably somewhere at or before or shortly after 1905, which, as I recall, is the beginning of the City of Las Vegas. In terms of finances, we have financial statements

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ATTY. JOHN O'REILLY:

to present to you. The corporation as it stands before you today of FirstTel is a multi-million dollar corporation. As I indicated, it is a wholly-owned subsidiary of U. S. West, which is not a seventeen million, but a seventeen billion dollar corporation, with over or approximately nine hundred million dollars in income last year. We have those statements to present to you in just a minute. I would like to have Barbara, if she would, hand out the booklets that we have put together that may assist us in going through the price comparisons and the point comparisons very quickly. I also have some charts that --

MAYOR BRIARE:

Give me all three of them, Barbara, or four of them, and I'll pass them out real quick.

ATTY. JOHN O'REILLY:

Much of the information toward the back is the financial data. Toward the front, in fact, the first tab, we have price comparisons, which I would like to address briefly at first. The first page we have the price comparisons between Centel Business Systems and FirstTel Information Systems. These prices are on the gross prices that were bid. On some of the summary sheets that you have been provided, staff has netted out the gross price by taking out of the gross price the repurchase option that's on some of the figures. We're comparing gross price to gross price. Equipment, and again what I have to my right here is the same thing you have on the first page under the tab: Price Comparisons. You see that FirstTel's price is slightly less on equipment. The second line, Installation, we see \$97,428.00 for Centel, FirstTel is \$50,724.60; considerably more than slightly less, substantially less. You see the maintenance over forty-eight months is \$169,693.00 bid by Centel Business Systems, FirstTel Information Systems is \$113,616.00; a \$56,077 difference. We add up the differences between the three items that come basically as a package: the equipment, the installation, and the maintenance; and we see that over the period of the contract we have no small difference. The difference is \$103,659.14, which is in the bottom line.

COUNCILMAN LURIE:

John, was this the same thing -- did you present this to our staff?

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ATTY. JOHN O'REILLY: Staff has all these figures, Mr. Lurie.

COUNCILMAN LURIE: They have them all.

ATTY. JOHN O'REILLY: Have them all. In fact, --

COUNCILMAN LURIE: They have the same book we have.

ATTY. JOHN O'REILLY: They do not have that book, but the book is derived from the information that they have and it's part of the bids. All we've done is reconfigure it. In terms of the first line, for example, on the summary sheet that I'll get to you in just a minute here to show you how they awarded points, they netted out in the repurchase against this first figure. When you take the figures that have been charged, or bid, Firstel is lower on equipment, lower on installation, and lower on maintenance, lower on total cost for the first year, lower on total cost for the five years.

COUNCILMAN BUNKER: And lower on total cost to buy back.

ATTY. JOHN O'REILLY: Twenty thousand dollar difference, Mr. Bunker, on the buy-back. Well, I'll get to that on the other charts. I'm not trying to do anything but --

COUNCILMAN BUNKER: In other words, you haven't deducted buy-back down there from the 103, right?

ATTY. JOHN O'REILLY: Well, but one of the reasons the buy-back -- and that's a separate issue that I will address, there's a \$20,000 difference roughly in buy-back. Centel in their bid said that the only way that they would give that buy-back price is if you went out five years from now and bought an entire new system from Centel. We had no such condition on our buy-back, no such condition, so the \$20,000 difference, I think, as I'm going to suggest later, is something that should be ignored and stricken and when we do that because it's non-responsive there's been no authorization to have that type of condition in the bid. The point system will change, and we'll get to that in a minute.

COUNCILMAN LEVY: Can I ask a question? Where are we planning on amortizing these telephones? How long have we had the last ones?

COUNCILMAN LURIE: The last one's been in twelve years.

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DAN PILKINGTON: They were installed in 1973.

COUNCILMAN LEVY: Eleven years.

DAN PILKINGTON: Yes.

COUNCILMAN LURIE: Twelve years.

COUNCILMAN LEVY: Twelve years. I don't understand why we are trying to figure a five year buy-back then.

DAN PILKINGTON: To give the City an option so that at the end of the five years if we, the City, was not satisfied with the system, we could change it out, rather than wait for eleven years or twelve years.

COUNCILMAN LEVY: You use quite a bit of weight on it to think maybe we would like -- maybe we would.

DAN PILKINGTON: We don't know what's going to happen technology-wise in five years. The entire industry may be changed.

ATTY. JOHN O'REILLY: May I continue, Mr. Mayor? Are there any questions on this pricing and charges that I've gone through on the total costs?

MAYOR BRIARE: Mr. O'Reilly, none of this disagrees with any of the figures that we have here. It does disagree?

ED PARK: No. We are not in disagreement with what they are presenting, just the method.

ATTY. JOHN O'REILLY: Okay. If I may, the second item of cost, I think that we're all aware in this part of the bid is if we want to change our phones from this Council Chambers to put the phones in the back end instead of the front end, or change offices or reconfigure or add instruments, how much is that going to cost us? Are those some hidden costs in there that we should be worried about? Let me go through our second exhibit, which is the second page of the first tab. It talks: Additional Equipment Prices, Post Cutover. Now cutover is after it is installed and is used and it's run by the City, basically. Pre-cutover prices end up with a similar analysis, but let's look, for example, at the post cutover prices. You will see as you go down on that there's a

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ATTY. JOHN O'REILLY:

significant difference. Now, in the upper portion of this exhibit where we talk about switching equipment, I have had to make some modifications to make it comparable, apples to apples. For example, on station lines for SLD, as I recall, Centel had eight station lines per card. To convert that to sixteen, I multiplied by two to come up with a comparable number of sixteen compared to sixteen. Likewise, for example, on EML I multiplied our clients by two, two times four, I come up with comparable numbers. You see that in the switching equipment if we were to have one of each, there would be a significant difference in pricing, if we added one of each. I don't have any way of telling you how many you are going to add, but it is a simple game of arithmetic that if you tell me how many you are going to add, we can figure how much more it's going to cost you. The bottom line is it is going to cost you a heck of a lot more with Centel's proposal than it is with our clients. Station equipment is even more obvious. As you can see from descriptions down the -- what's my lefthand side, it would be your lefthand side, these pieces of equipment are for the most part, not similar, but in many instances, identical pieces of equipment. Let's look at the pricing compared from Centel versus our client. Take the first line item. Single line, SLW. The same manufacturer. Centel's price: \$140. Our client's price: FirstTel, \$62.19. Single line desk phone you put on your desk, single line, the same manufacturer: \$126 from Centel. Our bid price is \$62.89.

MAYOR BRIARE:

John, just a minutes. Governor, are you representing Centel?

ATTY. GRANT SAWYER:

Yes.

MAYOR BRIARE:

Do you have this information? Do you make a -- I don't know whether you knew Lionel, Sawyer and Collins were going to be here, but do they have this, John?

ATTY. JOHN O'REILLY:

The sure do. I think they've got everything from the City. This is all copied off the information we got from the City. They were part of the bids. As a matter of fact, this is straight from his client's bid, so I'm sure he has it

ATTY. GRANT SAWYER:

Mr. Mayor and members of the Council, we have all of the figures that have been submitted to the City. I personally do not know whether or

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ATTY. GRANT SAWYER:

not the figures that John is using right now are those figures. I am advised by our staff that some of them are not, so I should say that we do not have all of the figures that Mr. O'Reilly is addressing himself to right now.

MAYOR BRIARE:

Have you gone through this book yet?

ED PARK:

Yes, we have, Your Honor. Yes, we have. We would like for our consultant to address some of these issues.

MAYOR BRIARE:

Well, John, there are some appointments that have been made, you know, previous to our knowledge that this could come up so late in the morning. I just wonder, John, if it might be well for us to stop you right there just for a few minutes and see if there's something that might be accomplished during whatever time you have between now and when we reconvene this afternoon. This is very educational. I think that if there's some addressing to the remarks that have been made by our staff people here to offset their recommendation, it might be better, unless I have been informed wrong, there were how many pre-bid conferences?

DAN PILKINGTON:

There was one that lasted two and a half hours.

MAYOR BRIARE:

And were representatives of these three companies -- incidentally, is there anyone here from the -- was that withdrawn, that first one was withdrawn?

ED PARK:

Compath National has withdrawn.

MAYOR BRIARE:

Was all this gone through at your staff meetings?

DAN PILKINGTON:

We had a pre-bid conference where the entire bid document was discussed and there was a post-bid conference at which it was also discussed, not in this format, however.

MAYOR BRIARE:

Mr. O'Reilly, you are going to eventually challenge -- I shouldn't use that word -- you are going to talk about the point systems that have been assigned and you knew what the point systems were going in and then were the point systems challenged?

DAN PILKINGTON:

No, sir. There was no discussion brought forward

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DAN PILKINGTON: by any vendor expressing displeasure with the point system prior to the opening of the bids.

MAYOR BRIARE: I think it has already been indicated by our staff that indeed FirstTel was lower in price than Centel.

COUNCILMAN NOLEN: Your Honor, I would like to state at this time I have some challenges to the point system.

MAYOR BRIARE: Okay, fine.

COUNCILMAN NOLEN: I have some definite disagreements with some of the things in the point system.

MAYOR BRIARE: I don't want to get in so far that we can't hear from both sides on generally --

ATTY. JOHN O'REILLY: To repeat our position, Mr. Mayor, I think that the point system is not an accurate way to determine the awarding of a bid, particularly the way these points have been figured, but even given the configuration of the point system, if it is interpreted properly, we believe that the low bidder who has the highest ability to perform, which is our client, will be the one to whom you should award the bid.

MAYOR BRIARE: I would think that maybe without points or whatever is the ability to perform and apparently the impressions that we have from staff, there is not the same capability as staff because there's not so many of the numbers or not even close to what Centel is. Would there be anything to accomplish with respect to our staff to discuss this with the people. I want to get some kind of semblance of order to the thing so we know where we are.

COUNCILMAN NOLEN: I might throw out this as a suggestion, Your Honor, too, perhaps a special meeting to hear this thing because there is certainly no way we're going to hear looking at this book here what this company has to present and I'm sure Centel has an equally comprehensive presentation. We might consider at this point a special meeting to hear this thing.

COUNCILMAN LURIE: I would agree with that because there's a lot of information that -- well, staff could sit down and meet with all these individuals, but I think it's going to have to come to us and, you know, now that I have got this other document, I want a chance to review it. I don't have time to review it now and then make a decision today. I

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COUNCILMAN LURIE:

think a special meeting to discuss just this because it looks like you're going to take an hour. I know the other side might take an hour to rebut what you say. We're going to need some more time to look at all those figures.

ATTY. JOHN O'REILLY:

I think given the importance of the telephone system for all of us inside City Hall and outside City Hall, I think it would probably be a worthwhile suggestion.

MAYOR BRIARE:

John, you said a mouthful there. I think the greatest emphasis and the greatest desire was to improve the system within this building and our consultant, do you have any -- just at the moment, do you have any recommendations for us? What kind of time -- are we under a time constraint? I mean, actually, I wish this was done two years ago. What kind of time constraints, if any, do we have on this?

DONALD BUSHOR:

What we're talking about as far as complete implementation of the telephone system from the day that the Council approves until it's checked out, completely installed, we're talking about a six-month period. We are working on a timetable right now towards that six-month period, but that just gives you a little perspective.

MAYOR BRIARE:

Would the Council agree to hold this over until our next meeting, but in the meantime, set up a meeting. John, we want -- first of all, we want to do what's best. If there's a difference of opinion as to what is best, then we want to get that resolved and this is not a hearing. We are not in court. This is something that should be done around a table. Governor, I don't mean to deprive you of the opportunity to make some comments, or something, but in my thinking if this were to be held off by this Board for two weeks, but in the meantime, have a meeting with our consultant, with our staff, face to face with the competitors, which is very good for the citizens, isn't it? I like to see the competitors get together and scramble a little bit so that we would end up with what is best for all concerned.

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DONALD BUSHOR: Mr. Mayor, we will do whatever you and the Council decide you want to do.

MAYOR BRIARE: Well, if there's no objection by the Council members, we'll hold this over for two weeks, and in the meantime --

COUNCILMAN LEVY: I have an objection, Mayor. I --

MAYOR BRIARE: Do you want to sit through this and make a decision?

COUNCILMAN LEVY: You bet I do. I want -- well, not today, but I want to hear what they have to say and what they have to say.

MAYOR BRIARE: You can attend that meeting, Councilman.

COUNCILMAN LEVY: I don't think it's our staff. Our staff has already done everything. They're not interested in hearing anything. I am.

MAYOR BRIARE: Then you wouldn't object to going to a meeting that would be conducted by our consultant so that we can get the best recommendation.

COUNCILMAN LEVY: It'd be my pleasure.

MAYOR BRIARE: If there's an argument as to what is the best recommendation, let's have some more discussion on it, but have it with our consultant who is paid good money to do this.

COUNCILMAN LEVY: Then I'll tell our consultant to --

MAYOR BRIARE: Then you go to the meeting.

COUNCILMAN LEVY: Please post it, Mr. Consultant, so that three or more of us can come.

MAYOR BRIARE: Mr. Hall, you're going to be the supervisor of this whole thing.

CITY MANAGER HALL: What's the date that is desired?

COUNCILMAN LURIE: Whenever you set it up. Just make sure it's posted three days in advance so we can attend.

MAYOR BRIARE: And let any Council member, of course, or anybody else that wants to attend.

CITY MANAGER HALL: Could we set the date on the 29th?

MAYOR BRIARE: Well, you had better get together with -- Mr. Sawyer, are you the counsel-of-record here for this meeting?

ATTY. GRANT SAWYER: Yes. For the record, I am Grant Sawyer, Lionel, Sawyer and Collins, representing Centel.

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COUNCILMAN LEVY: Friday morning at 8:30, the 29th.

MAYOR BRIARE: You're not going to be here?

COUNCILMAN LEVY: I'll be back.

MAYOR BRIARE: Well, would you coordinate it with the Council members who wish to attend and be sure that Mr. Sawyer and Mr. O'Reilly are aware of the dates that you are going to set up.

CITY MANAGER HALL: Fine.

ATTY. JOHN O'REILLY: I would like to have one other --

MAYOR BRIARE: Have everything available for everybody that wants it.

COUNCILMAN LEVY: Is that alright, the 29th?

ATTY. JOHN O'REILLY: The 29th, I believe, is fine on my calendar. If not, I'll make it fine. One request I would have, I noticed that Centel has been furnished with a copy of everything we furnished to the Council today. I would request that within one week of today that we be furnished with a copy of everything they intend to present within reasonable limits at the time of the meeting so we are on equal footing. Either that or give us our copy back and they can start from scratch, too.

MAYOR BRIARE: Well, you know, I think that request should come from our own staff, John, and would you make that request?

COUNCILMAN NOLEN: We furnished Centel with a copy right here and I think they have the same.

MAYOR BRIARE: Well, of course. Whatever is going to be presented should be presented for everybody.

DAN PILKINGTON: Your Honor, if I may, they -- Centel did not get a copy. I have it right here. But I would echo the same comments, that you provide us with some copies that we can give to Centel and we will ask Centel to provide us copies that we can give to you.

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COUNCILMAN LURIE: We can't accept these either until after this hearing is over.

ATTY. JOHN O'REILLY: Well, they were part of the copies.

MAYOR BRIARE: Mr. O'Reilly, thank you very much. I hope that you will understand that we thought this thing had gone through sufficient detail of pre-conference meetings. This is too important to hold you on any kind of restrictions or details or shortcomings or whatever it might be.

ATTY. JOHN O'REILLY: Mr. Mayor, not only do I understand, but I agree wholeheartedly. As a citizen, a user of the system from all sides, I think it's the only reasonable course of action.

MAYOR BRIARE: Mr. Hall, you will be the supervisor. You will be the manager of this meeting.

CITY MANAGER HALL: Yes, we will, Your Honor. The tentative date we would like to set would be Monday, April 1, 8:30 A.M.

MAYOR BRIARE: You can't change anything that is already a matter of record and the bids are in, the point systems are in, and everything is in, so we're not going to change the rules after we made them.

ATTY. GRANT SAWYER: Friday, March 29th.

CITY MANAGER HALL: We have a big presentation to the Chamber of Commerce that day, luncheon. Monday morning at 8:30, April 1st.

MAYOR BRIARE: Check with the Council members to make sure it's alright.

CITY MANAGER HALL: Is that okay with everyone?

ATTY. GRANT SAWYER: Excuse me, that will be the date for the hearing?

CITY MANAGER HALL: Yes.

MAYOR BRIARE: Whoever is going to go to the meeting, Governor. The matter will be awarded, or not awarded, at our

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MAYOR BRIARE: next regular meeting. Our April calendar is not correct.

CITY MANAGER HALL: Here in this room.

MAYOR BRIARE: What is the date of our first meeting in April?

CITY MANAGER HALL: April 3rd.

MAYOR BRIARE: April 3rd will be when it's back before us just like it is today.

ATTY. JOHN O'REILLY: So in essence you're going to have a --

MAYOR BRIARE: Sometime between now and then comes further work with both sides and, of course, under the direction of our staff.

ATTY. GRANT SAWYER: April 1 at 9:30.

COUNCILMAN LEVY: 8:30.

ATTY. GRANT SAWYER: 8:30 in the morning.

CITY MANAGER HALL: Yes. The date is April the first, which will be Monday at 8:30 A.M. here in this chambers.

MAYOR BRIARE: In your conference room. Oh, excuse me.

CITY MANAGER HALL: There will not be enough room in any other room in the building for us, I don't believe, to get in.

COUNCILMAN LURIE: Well, wait a minute. We have April first at 8 o'clock, Fiscal Affairs at the County. We might be a little late in getting over here. Why don't you make it 9 o'clock.

CITY MANAGER HALL: Nine o'clock.

MAYOR BRIARE: Mr. O'Reilly, Mr. Hall can get in touch with you, get in touch with Mr. Sawyer, and then get in touch with the Council members, Ashley, that want to attend. Mr. Hall, why don't you set the time. Let everyone know. Post it and we're set. Let's don't cancel. Once you get it, let's don't cancel it.

ATTY. GRANT SAWYER: Mr. Mayor, could I ask you a question?

MAYOR BRIARE: Yes, Governor.

ATTY. GRANT SAWYER: Will that meeting on the first be considered a public meeting?

CITY MANAGER HALL: Yes, it will be publicly noted, Your Honor.

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MAYOR BRIARE:

Because there might be more than one Council member that wants to attend.

COUNCILMAN LEVY:

More than two.

ATTY. GRANT SAWYER:

Could I make one more comment for the record? I indicated that we would do whatever you suggested that we do. However, I would want to reserve any right that we have with respect to the bidding process, the hearing today, and the notice of the hearing today with respect to letting us bid. I would want to reserve any legal rights that we might have with respect to continuing the bidding process beyond today and any other possible legal positions that we would have in that respect; that's for the record.

MAYOR BRIARE:

I think the meeting on the first is not going to be a mandate of this Council. It's going to be for the purpose of the staff being able to either amend or stand with their recommendation, whatever staff wants to recommend to this Council. As far as everything else, Governor, I am sure it would remain the same. John, is that understandable? In other words, if they don't want to give you some information, our staff will be aware of the fact that you've asked them for information and they're not willing to give it to you, so you shrug your shoulders and say "Well, we'll go on from there."

ATTY. JOHN O'REILLY:

As long as it is made part of the record.

MAYOR BRIARE:

Yes, right, right. That's the exact reason for posting the meeting so that everything will be a matter of record.

ED PARK:

Your Honor, may I address one issue? This information that FirstTel was presenting to us at the meeting today is exactly what we have been asking them for for over two weeks.

MAYOR BRIARE:

But they never gave it to you. Well, that has to be noted.

ATTY. JOHN O'REILLY:

I think there is some difference of opinion there.

MAYOR BRIARE:

Well, John, that has to be noted.

ATTY. JOHN O'REILLY:

Well, we'll deal with that later.

DAN PILKINGTON:

Your Honor, if I may, Item 1, or excuse me, the

DAN PILKINGTON:

second and third item on this award agenda go
together so they should also be held together.

END OF TRANSCRIPT

AGENDA

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

ITEM

Council Action

Department Action

IV. (g). DEPARTMENT OF PUBLIC SERVICES

THOMAS J. McCaffrey, Acting Director

A. REPORTS/ACTION

1. Approval of Sewer Oversize and
Extension Refunding Agreement -
Rainbow Meadows.

Lurie -
Motion to APPROVE
as recommended
carried by unanimous
vote.

Staff to proceed

APPROVED AGENDA ITEM

David R. ...

AGENDA DOCUMENTATION

Date: March 4, 1985

TO: The City Council

FROM: DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

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SUBJECT: APPROVAL OF SEWER OVERSIZE AND EXTENSION REFUNDING AGREEMENT - RAINBOW MEADOWS

PURPOSE/BACKGROUND

The Steven S. Miller Construction Co. is currently developing Rainbow Meadows Subdivision. In order to serve this subdivision and anticipated development to the West, it is necessary that the developer oversize the sewers involved as required by the City as specified in the subject refunding agreement. The sewer would be oversized in Vegas Drive from Wintergreen Drive to 170 feet west of Tenaya Way.

City policy provides for reimbursement to the developer of 100% of the additional cost of sewer oversizing (\$35,619), 95% of the cost of the extension, (minus 200 ft.) (\$5,951.74).

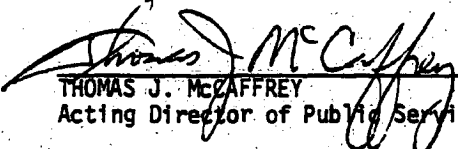
FISCAL IMPACT

\$35,619 oversize costs to the developer after completion of construction.
\$5,951.74 extension costs to the developer as others connect over the next ten years.

Funds are available to cover these costs in the Sanitation Fund.

RECOMMENDATIONS

It is recommended that the City Council approve the expenditure of funds and authorize the Mayor to execute the agreement.



THOMAS J. McCAFFREY
Acting Director of Public Services

Agenda Item 3/20/85

IV. (g). A.1.

REFUNDING AGREEMENT
(Sewer Trunk Extension and Oversizing)

THIS AGREEMENT, made and entered into the 20th day of March 1985, by and between the CITY OF LAS VEGAS, NEVADA, a municipal corporation of the State of Nevada (hereinafter referred to as the "CITY OF LAS VEGAS"), and STEVEN S. MILLER CONSTRUCTION CO. a Nevada corporation (hereinafter referred to as the "DEVELOPER")

W I T N E S S E T H:

WHEREAS, the CITY OF LAS VEGAS is the governmental entity entrusted with the responsibility of providing sewer service to the residents within its corporate limits; and

WHEREAS, the DEVELOPER is engaged in the development of property, entitled, to-wit: RAINBOW MEADOWS, which has been approved by the CITY OF LAS VEGAS; and

WHEREAS, the limited financial resources of the CITY OF LAS VEGAS prevents immediate extension of the municipal sewer system into the area proposed to be developed by the DEVELOPER; and

WHEREAS, Section 14 of the Supplement to the Uniform Plumbing Code of the City of Las Vegas, 1983 Edition, allows, at the discretion of the CITY OF LAS VEGAS, for the expansion of the municipal sewer system through the use of private funds; and

WHEREAS, said Section 14 further provides for partial reimbursement to the DEVELOPER of the costs of installing the sewer trunk extension; and

WHEREAS, it is the intent of the parties hereto to provide for reimbursement of those costs incurred by the DEVELOPER in (1) extending the existing municipal sewer system to, but not beyond, the boundary of the area of development, exclusive of the first two hundred feet (200'), and (2) installing a sewer line greater in size than normally needed to serve the DEVELOPER'S area of development;

...
...

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

3 SECTION I: DEFINITIONS

4 CONNECTION FEE - shall mean the fee or charge imposed by the
5 City of LAS VEGAS upon a property owner for the privilege of
6 connecting into the municipal sewer system.

7 OVERSIZING - shall mean the installation by the DEVELOPER, at the
8 request of the CITY OF LAS VEGAS, of a sewer line greater in size
9 than normally needed to service the proposed area of development.

10 PLANS AND SPECIFICATIONS - shall mean the engineering designs and
11 drawings showing the complete construction and installation of the
12 sewer trunk extension which have been submitted to, and approved by,
13 the CITY OF LAS VEGAS. Copies of the plans and specifications shall
14 be on file with the CITY OF LAS VEGAS.

15 SEWER TRUNK EXTENSION - shall mean all materials and equipment,
16 such as sewer lines, lateral connections, manholes and other rela-
17 ted appurtenances, exclusive of any oversizing, which are construc-
18 ted and installed between the terminus point of the existing muni-
19 cipal sewer system and the nearest tract boundary to be developed
20 by the DEVELOPER. The distance of the sewer trunk extension is
21 designated by the CITY OF LAS VEGAS on Exhibit "A" attached hereto
22 and incorporated herein as part of this Agreement.

23 UNIFORM STANDARD SPECIFICATIONS - shall mean that publication en-
24 titled the "Uniform Standard Specifications for Public Works' Con-
25 struction Off-site Improvements, Clark County Area, Nevada, 1978,"
26 and any amendments thereto.

27 SECTION II: OBLIGATIONS OF DEVELOPERS

28 A. Covenant of Installation

- 29 1. The DEVELOPER hereby agrees to construct and install the
30 entire sewer trunk extension as shown on the approved
31 Plans and Specifications. The CITY OF LAS VEGAS shall
32 have the right to designate, as part of the Plans and

1 type of appurtenances, and any other relevant
2 information considered necessary for the construc-
3 tion of the municipal sewer system.

4 The cost and expense of this installation shall be
5 the responsibility of the DEVELOPER, who shall have
6 the right to reimbursement as provided for under
7 this Agreement.

- 8 2. The DEVELOPER, at his own cost and expense, agrees
9 to perform all survey work necessary for the construc-
10 tion and installation of sewer trunk extension as pro-
11 vided for in the Plans and Specifications, without any
12 right of reimbursement from the CITY OF LAS VEGAS.

13 B. Procurement of Bid Estimates

14 As a basis for the figures contained in Section IV, the
15 DEVELOPER agrees to procure three (3) written bids from contractors
16 duly licensed within the State of Nevada and acceptable to the CITY
17 OF LAS VEGAS as to the cost of installation of the sewer trunk ex-
18 tension in the manner provided by the approved Plans and Specifica-
19 tions to the nearest boundary of the subject development. Excluded
20 from these bid estimates shall be the cost of installing the first
21 two hundred feet (200') of the sewer trunk extension. The CITY OF
22 LAS VEGAS, if good cause exists, reserves the right to waive the re-
23 quirements of obtaining these bid estimates.

24 C. Installation Standards

25 The DEVELOPER agrees that the sewer trunk extension shall be
26 installed in a workmanlike manner and according to (1) the uniform
27 Standard Specifications in effect at that time, and (2) the Plans
28 and Specifications approved by the CITY OF LAS VEGAS.

29 SECTION III: RIGHT OF REIMBURSEMENT

30 It is understood and agreed by the parties hereto that the
31 DEVELOPER shall have the following rights of reimbursement:
32

- 1 A. Oversizing: The DEVELOPER shall be reimbursed for the
2 cost and expense of oversizing the sewer trunk extension,
3 subject to the limitations contained under Section VII of
4 this Agreement.
- 5 B. Sewer Trunk Extension: The DEVELOPER shall be reimbursed
6 for the cost and expense of extending the existing municipal
7 sewer system to the area of proposed development, subject to
8 the limitations contained under Section VII of this Agree-
9 ment. The maximum amount of such reimbursement is deter-
10 mined and designated under Section IV of this Agreement. The
11 right of reimbursement applies only to the fees received by
12 the CITY OF LAS VEGAS as connection charges from the property
13 owners (not including the DEVELOPER) connecting onto the
14 sewer trunk extension, exclusive of the first two hundred
15 feet (200').

16 SECTION IV: COST OF INSTALLATION AND
17 AMOUNT REFUNDABLE

- 18 A. It is agreed by the parties hereto that the oversizing costs
19 and the sewer trunk extension costs, subject to reimbursement
20 under the terms of this Agreement, are as follows:
- 21 1. Oversizing Costs: \$35,619.00
22 2. Sewer Trunk Extension Costs: \$5,951.74
- 23 Calculation of these costs is contained on Exhibit "B," which
24 is attached hereto and incorporated herein by this reference
25 as part of this Agreement. Said costs have been submitted
26 to, and approved by, the CITY OF LAS VEGAS.
- 27 B. It is agreed and understood that the figures contained on
28 Exhibit "B" are based on estimates obtained by DEVELOPER and
29 approved by the CITY OF LAS VEGAS, and represents the maximum
30 amount which the DEVELOPER can expend for the construction
31 and installation of the extended sewer system. All costs and
32 expenses over and above the figures contained herein
33 are the sole responsibility of the DEVELOPER.

1 If the actual costs of construction and installation are
2 below the figures contained in Exhibit "B," then the DEVELOPER
3 shall have the right of reimbursement only for the actual costs,
4 subject to the limitations contained under Section VII.

5 SECTION V: OBLIGATIONS OF THE
6 CITY OF LAS VEGAS

- 7 A. Oversizing: Within thirty (30) calendar days after the
8 acceptance of sewer trunk extension, the CITY OF LAS VEGAS shall
9 refund the differential costs resulting from the oversized sewer
10 line as shown as item 1 in subsection "A" under Section IV of
11 this Agreement, provided, however, that said differential costs
12 have actually been incurred and paid by the DEVELOPER. Evidence
13 of payment of such costs shall be furnished to the CITY OF
14 LAS VEGAS as a precondition to any refund.
- 15 B. Sewer Trunk Extension: On the first day of November of each
16 year, subsequent to the execution of this Agreement, the CITY
17 OF LAS VEGAS agrees, subject to the limitation of Section VII,
18 to disburse to the DEVELOPER all of the funds received by the
19 CITY OF LAS VEGAS during the preceding year as connection fees
20 which were paid to the CITY OF LAS VEGAS for the privilege of
21 connecting onto the sewer trunk extension.
- 22 C. With acceptance of the sewer trunk extension, the CITY OF
23 LAS VEGAS agrees to be responsible for its operation and main-
24 tenance except as provided for under Section X pertaining to
25 repairs necessitated by defective material, negligent design,
26 or faulty workmanship.

27 SECTION VI: TIME OF PERFORMANCE

28 This Agreement shall commence with the execution date hereinbefore
29 provided and shall be performed within the following time periods;

- 30 A. Oversizing: Reimbursement by the CITY OF LAS VEGAS shall be
31 within thirty (30) days from the date the sewer trunk ex-
32 tension is accepted by the CITY OF LAS VEGAS.

- 1 B. Sewer Trunk Extension: The right of reimbursement shall cease
2 and terminate ten (10) years from the date of the execution
3 hereof, regardless of whether the DEVELOPER has been fully
4 reimbursed under the terms of this Agreement.

5 SECTION VII: LIMITATIONS ON THE
6 RIGHT OF REFUND

- 7 A. Oversizing and Sewer Trunk Extensions: The right of reimbursement
8 applies only to the costs of extending the sewer system from
9 present termination point to the boundary of the area to be
10 developed by the DEVELOPER. All costs and expense of installing
11 the sewer system within the area of development shall be the sole
12 expense of the DEVELOPER and shall not be subject to reimburse-
13 ment as provided under this Agreement.
- 14 B. Oversizing: The right of reimbursement shall be limited to the
15 direct cost attributable to the requirement of oversizing by
16 the CITY OF LAS VEGAS.
- 17 C. Sewer Trunk Extension: The right to reimbursement as provided
18 under Section III herein shall be limited by, and subject to
19 (i) the exclusion of the costs of constructing the first two
20 hundred feet (200') of the sewer trunk extension, (ii) the right
21 of the CITY OF LAS VEGAS to deduct from the connection fees that
22 amount which it is then retaining for purposes of sewer bond
23 debt repayment, and (iii) the requirements that in no event shall
24 the aggregate amount of reimbursement exceed ninety-five percent
25 (95%) of the construction costs of the sewer trunk extension.
26 For the purposes of this Agreement it is understood and agreed
27 that the construction costs for construction and installation of
28 the sewer trunk extension shall equal ninety-five percent (95%)
29 of (i) the lowest bid estimate obtained by the DEVELOPER which
30 is acceptable to the CITY OF LAS VEGAS, or (ii) the actual con-
31 struction costs whichever is the smaller of the two. In the
32 event that the CITY OF LAS VEGAS waives the requirement of

1 obtaining three (3) bid estimates for constructing and install-
2 ing the sewer trunk extension, then the DEVELOPER'S reimburse-
3 ment shall be limited to ninety-five percent (95%) of the
4 estimated costs or the actual construction costs, whichever is
5 lower.

6 SECTION VIII: GUARANTEE OF THE RIGHT OF ACCESS

- 7 A. To guarantee that the CITY OF LAS VEGAS shall have the right of
8 access to any and all portions of the sewer trunk extension for
9 purposes of maintenance and repair, DEVELOPER agrees to dedicate
10 an easement or fee title, whichever is requested, to the CITY OF
11 LAS VEGAS of a twenty foot (20') portion of land which contains
12 the sewer trunk extension.
- 13 B. Where the sewer trunk extension is part of a street to be dedi-
14 cated to the public, then the right of access shall be obtained
15 by the CITY OF LAS VEGAS as part of the dedication of the street.
16 If the street which contains the sewer trunk extension is not to
17 be dedicated for public uses, or if the proposed location of the
18 sewer trunk extension is upon privately owned lands, then the
19 DEVELOPER agrees to obtain a 20' wide easement or fee title,
20 whichever is requested, and to convey said interest to the CITY
21 OF LAS VEGAS.
- 22 C. Any easement conveyed to the CITY OF LAS VEGAS shall provide
23 therein (i) the right to operate, maintain, repair, replace or
24 relocate the sewer trunk extension, or to alter the size, number
25 of pipelines or other appurtenances located within the easement,
26 and (ii) that no buildings, structures, trees, shrubs or other
27 improvements or obstacles shall be placed in or near the area
28 of the easement in such a manner as to interfere with the use
29 of the property as provided for herein.

30 SECTION IX: RIGHT OF INSPECTION

31 The CITY OF LAS VEGAS reserves, without any obligation being
32 imposed hereunder, the right to inspect any part or portion of the

1 construction and installation of the sewer trunk extension. The DEVELOPER
2 agrees that any inspection conducted hereunder of the installation of sewer
3 trunk extension, or the subsequent acceptance thereof, by the CITY OF
4 LAS VEGAS does not relieve or release the DEVELOPER from responsibility or
5 liability to the CITY OF LAS VEGAS for defective materials, faulty workman-
6 ship or negligent design.

7 SECTION X: DEFECTIVE MATERIAL, NEGLIGENT DESIGN
8 OR FAULTY WORKMANSHIP

9 The DEVELOPER agrees to accept any and all responsibility for
10 defective materials, negligent design or faulty workmanship in the con-
11 struction and installation of the sewer trunk extension.

12 Upon written notification by the CITY OF LAS VEGAS, the DEVELOPER
13 covenants and agrees for a period of one year after the acceptance of the
14 sewer trunk extension by the CITY OF LAS VEGAS, to correct the material
15 defects, negligent design or faulty workmanship in sewer trunk extension.
16 In the event that the DEVELOPER fails to make such corrections or refuses
17 to agree to reimburse the CITY OF LAS VEGAS for the cost of making such
18 corrections, then the CITY OF LAS VEGAS reserves the right to repair the
19 sewer trunk extension and DEVELOPER hereby agrees to reimburse the CITY OF
20 LAS VEGAS for the repair costs.

21 SECTION XI: OWNERSHIP

- 22 A. Upon completion of construction, and as a precondition to
23 acceptance by the CITY OF LAS VEGAS, the DEVELOPER agrees to
24 furnish a Bill of Sale for all sewer lines or other appurten-
25 ances constituting the sewer trunk extension conveying to the
26 CITY OF LAS VEGAS all right, title and interest in said improve-
27 ments and attesting to the fact that the improvements constitut-
28 ing the sewer trunk extension are free of all liens or other
29 encumbrances.
- 30 B. It is agreed that the sewer trunk extension shall become and re-
31 main the exclusive property of the CITY OF LAS VEGAS after com-
32 pletion and its acceptance by the CITY OF LAS VEGAS.

SECTION XII: RIGHT OF TERMINATION

- 1
- 2 A. The CITY OF LAS VEGAS reserves the right to terminate this
- 3 Agreement for whatever reason upon the written notification -
- 4 to the DEVELOPER. Notification is effective thirty (30)
- 5 days from the date that the written notification is delivered
- 6 in person to the DEVELOPER or deposit with the United States
- 7 Postal Service, postage prepaid, and properly addressed to the
- 8 DEVELOPER.
- 9 B. Any funds expended on the part of the DEVELOPER for the con-
- 10 struction and installation of the sewer system as of the
- 11 effective date of termination of this Agreement shall be
- 12 subject to refunding as provided herein.

SECTION XIII: ASSIGNMENT

13

14 This Agreement shall inure to the benefit of, and be binding

15 upon, the successors, heirs or assigns of the parties hereto.

16 IN WITNESS WHEREOF, the parties hereto have caused this

17 Agreement to be executed by their duly authorized representatives the

18 day and year first above written.

19

20 CITY OF LAS VEGAS, NEVADA

21 a Municipal Corporation

22

23 By William H. Briare

24 WILLIAM H. BRIARE, MAYOR

25

26 Approved
3-15-85

27 ATTEST:

28 Carol Ann Hawley

29 CAROL ANN HAWLEY, CITY CLERK

30 STEVEN S. MILLER CONSTRUCTION CO.

31 By Steven S. Miller

32

SEWER MAIN EXTENSION ON VEGAS DRIVE

1) COST OF OVERSIZING \$35,619.00

2) AMOUNT OF LINE EXTENSION REFUNDABLE
UNDER THIS AGREEMENT \$ 5951.74



PROPOSED 12" PVC

PROPOSED 21" RCP

VEGAS DRIVE

LIMITS OF EXTENSION
APPROXIMATE DISTANCE = 461 L F

RAINBOW MEADOWS
SUBD.

TENAYA WAY

LIMITS OF DEVELOPMENT

WINTERGREEN DR.

EXISTING SEWER

CITY COUNCIL MINUTES - MARCH 20, 1985
EXHIBIT "A"

0183

EXHIBIT "B"

0184

SEWER OVERSIZING

666± L.F. 21" R.C.P. @ \$65.00/L.F. (includes manholes)	=	\$ 43,290.00
170 L.F. 12" P.V.C. @ \$21.71/L.F. (includes manholes)	=	<u>3,691.00</u>
TOTAL		\$ 46,981.00
Less 836 L.F. 8" P.V.C. @ 13.59/L.F.	=	<u>- 11,362.00</u>
TOTAL OVERSIZING COST		\$ 35,619.00

SEWER EXTENSION

461 L.F. 8" P.V.C. @ 13.59 (includes manholes)	=	\$ 6,264.99
		<u>X .95</u>
MAXIMUM REFUND FOR EXTENSION (95% of Total Extension Cost)	=	\$ 5,951.74



nevada

2300 PASEO DEL PRADO, BUILDING
LAS VEGAS, NEVADA 89102 PH

January 17, 1985
W.O. #3141

0185
*Have Gil
review - Does
he handle an
Design + Dev?*

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

Attention: Harold P. Foster
Director Community Development

Subject: Oversizing and refunding agreement for sewer main
line extension for Rainbow Meadows Subdivision
at Vegas Drive and Tenaya Way

Dear Mr. Foster:

On behalf of our client, Steve Miller Construction Company,
we are requesting that you place on the City Council Agenda
our request for the sewer oversizing and refunding agreement
for the sewer line main extension in Vegas Drive.

We are enclosing two letters from contractors with bids for
both the 8" sewer line and the oversized line, that the
contractor has obtained.

We would appreciate your prompt consideration of this matter
and if you have any questions or need any additional information,
please contact this office.

Very truly yours,

VTN NEVADA

Charley R. Johnson
CHARLEY R. JOHNSON, P.E.
Vice President

/sp

JAN 17 1985
PLANNING AND
DEVELOPMENT

WESTERN STATES CONTRACTING, INC.
 CONTRACTING, INC.

2810 NORTH NELLS BLVD.
 LAS VEGAS, NEVADA 89115

702-644-1117

STEVEN S. MILLER CONST. CO.
 3305 W. SPRING MTN. # 52 & 53
 LAS VEGAS, NEV. 89102

LIC #019550
 UNLIMITED
 12/11/84

REF: RAINBOW MEADOWS

Sirs:

As per requested, listed below are quantity and price differences required in upgrading proposed sewer main per City of Las Vegas specifications.

ALTERNATE #1: As per VTN Engineering preliminary prints dated 4/30/84.
 838' 8" PVC Sewer main
 2 ea. Standard 48" manholes

ALTERNATE #2: As per VTN Engineering preliminary prints dated 4/30/84 sheet 11 of 17.
 1 ea. drop manhole
 2 ea. 60" manholes
 170' 12" PVC Sewer main
 666' 21" RCP Sewer main

\$3691.00 (INC. M.H.)
 \$43,290.00 (INC. M.H.)

In addition to price increases due to larger sewer main please be advised that the increase in depth of main will constitute additional expense due to caliche.

At a cost:

ALTERNATE #1: \$ 11,362.00
 ALTERNATE #2: 46,981.00

This quotation excludes all engineering costs, utility connection fees, and changes made to plans at a later date.

Thankyou
 WESTERN STATES CONTRACTING, INC.

WES ADAMS
 Pres.

WDA/wa

JAN 17 1985
 PLANNING AND
 DEVELOPMENT

11/6)A.1

0187

HARBER COMPANY, INC.

Underground Utilities

Phone 648-8711
Beeper 381-5064

License #17984

P. O. Box 4147
Las Vegas, Nevada 89106

STEVEN S. MEILLER CONST. CO
3305 W. SPRING MOUNTAIN RD.
LAS VEGAS, NEV. 89102

We are pleased to quote you on Rainbow Meadows subdivision.
Per Steven S. Miller const. company's request, price
differences in changing sewer main on Vegas Drive are as
follows.

1. 2 ea. standard 48" manholes
834' 8" PVC Sewer main @ 15.50 per foot \$12,927.00
2. 1 ea. drop manhole
2 ea. 60" manholes
170' 12" PVC Sewer main @ 26.00 per foot \$4,420.00
666' 21" RCP Sewer main @ 70.00 per foot 46,670.00

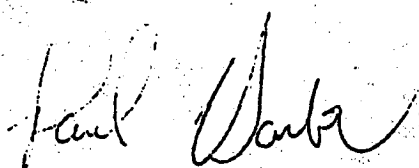
Total price	#1 \$ 12,927.00
	#2 \$ 51,090.00

Items not included in price,

1. Connection fee to public utility companys.
2. Engineering costs.

Thankyou for the opportunity to offer this proposal.

Sincerely,
Harber Company, Inc.



Paul Harber
President

M(a)Al

0188



Longley Construction Co., Inc.

P.O. BOX 1960 421 W. BONANZA RD. LAS VEGAS, NEVADA 89101 (702) 384-1691

January 9, 1985

Steven S. Miller Construction Company
3305 Spring Mountain Rd., Suite 52 & 53
Las Vegas, Nevada 89102

Re: Rainbow Meadows Unit 1
Offsite Sewer System

Gentlemen:

Our estimate for furnishing all labor and material to construct an Offsite Sewer System for the above referenced project, based on preliminary plans and specifications, is as follows:

ALTERNATE NO. 1 - 8" PIPE

1. 835 L.F. 8" P.V.C. Pipe @ \$15.15/L.F. (Includes 2-4 Ft. Dia. Manholes)	\$12,650.25

Total Cost Alternate No. 1

\$12,650.25

ALTERNATE NO. 2 - OVERSIZING 8" PIPE

1. 666 L.F. 21" Cl. III R.C. Pipe @ \$63.00/L.F. (Includes 2-5 Ft. Dia. Manholes & 1-18" Stub)	\$41,958.00
2. 173 L.F. 12" P.V.C. Pipe @ \$40.25/L.F. (Includes 1-4 Ft. Dia. Drop Manhole)	6,963.25

Total Cost Alternate No. 2

\$48,921.25

NOTE:

1. Engineering field stake-out by others.
2. All fees by others.

Very truly yours,

LONGLEY CONSTRUCTION CO., INC.

T.C. Longley, President

11/12/85 A.1

AGENDA*City of Las Vegas*

March 20, 1985

Page 19

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

ITEM

Council Action

Department Action

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

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

*A. ACCEPTANCE OF RIGHT OF WAY ITEMS

1. Quitclaim Deed

From: City of Las Vegas, a
Municipal Corporation
To: County of Clark, a
political subdivision
For: A portion of SE-1/4,
Sec. 13, T20S, R60E,
M.D.M. for a half street
for Tappai between
Madre Mesa and Peak
Drive with radii at the
two intersections.
(The half street was
deeded to the City,
but is physically lo-
cated in the County.)

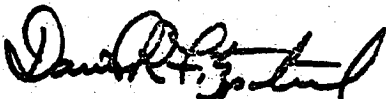
2. Grant Deed

From: The Estate of Ann Greta
Jones
To: City of Las Vegas
For: A portion of SW-1/4,
Sec. 1, T20S, R60E,
M.D.M.
(The south half of Doc
Holliday Ave. for full
street dedication)
(2/19/85)

Lurie -
APPROVED Items 1
thru 5.
Motion carried with
Levy abstaining on
Item No. 2.

Staff to proceed

APPROVED AGENDA ITEM



1402

AGENDA*City of Las Vegas*

March 20, 1985

Page 20

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

ITEM	Council Action	Department Action
IV (h). DEPARTMENT OF DESIGN AND DEVELOPMENT (Continued)		
*A. ACCEPTANCE OF RIGHT OF WAY ITEMS (Continued)		
3. Grant Deed From: Frontier Savings Association To: City of Las Vegas For: A portion of SE-1/4, Sec. 26, T20S, R60E, for part of cul-de-sac for Rainbow Meadows Apts. Previously recorded as Document No. 2030684 in Book 2071 in the office of the County Recorder March 4, 1985 (3/4/85)	Lurie - APPROVED Items 1 thru 5. Motion carried with Levy abstaining on Item No. 2.	Staff to proceed
4. Right of Way Grant for Drainage Purposes From: West Sahara Investment Company To: City of Las Vegas For: A portion of SE-1/4, Sec. 8, T21S, R60E, M.D.M. for temporary Right of Way for a sewerage lift station on the northwest corner of Desert Inn Rd. and Durango (3/7/85)		
5. Right of Way Grant for Drainage Purposes From: West Sahara Investment Company To: City of Las Vegas For: A portion of SE-1/4, Sec. 8, T21S, R60E, M.D.M. for a permanent 20' easement on Durango Dr. between Starboard Dr. and Desert Inn Rd. (3/7/85)		

APPROVED AGENDA ITEM

AGENDA*City of Las Vegas*March 20, 1985
Page 21CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

ITEM

Council Action

Department Action

**IV(h). DEPARTMENT OF DESIGN AND DEVELOPMENT
(Continued)****B. APPROVAL OF TRAFFIC AND PARKING ITEMS**

Traffic and Parking Commission recommends approval of the following items:

1. Appeal of the Traffic and Parking Commission denial of a median island modification on Charleston Boulevard at Rockaway Street.

Resolution(s) to amend Title XI (Traffic) of the City of Las Vegas Municipal Code as follows:

2. Removal of first metered parking space on the west side of Main Street south of Charleston Boulevard and make it no parking.

3. Removal of on-street parking at 920 South Commerce Street.

4. Removal of parking meters and parking on the north side of Lewis Avenue between Third Street and the alley west of Third Street.

5. Request by the Golden Nugget to change the existing parking zones on the north side of Carson Avenue between Casino Center Boulevard and First Street.

Item B-1

Referred back to Traffic & Parking Commission.

Lurie -
APPROVED Items 2, 3, 4 and 5 as recommended, subject to conditions as outlined in backup documentation.
Unanimous3/28/85 Agenda of Traffic & Parking Commission.
Don Benedict appeared on behalf of ALCA.

Staff to proceed

APPROVED AGENDA ITEM



AGENDA DOCUMENTATION

TO: The City Council

FROM: DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

SUBJECT: APPEAL OF THE TRAFFIC AND PARKING COMMISSION DENIAL OF A MEDIAN ISLAND
MODIFICATION ON CHARLESTON BOULEVARD AT ROCKAWAY STREET

PURPOSE/BACKGROUND

Alca Engineering and Surveying has requested appeal of the Traffic and Parking Commission's denial of this item at their February 28, 1985 meeting. Alca Engineering is requesting a median island modification on Charleston Boulevard at Rockaway Street. This modification would move the existing median island nose on the east side of the intersection approximately 100 feet further east to service a proposed shopping center to be located on the southwest corner of Charleston Boulevard and Rainbow Boulevard.

This area of Charleston Boulevard has continuous median islands with openings at major and some minor intersections. Rockaway Street is located approximately 800 feet west of Rainbow Boulevard and is the first median island opening west of Rainbow Boulevard. This proposed modification would leave a gap of 160 feet between islands and allow conflicting left turns from Rockaway Street and the proposed shopping center. These conflicting left turns would increase the accident rate especially when traffic on Charleston Boulevard increases and adequate gaps in traffic become scarce. Protected left turns are provided at the intersection of Rainbow Boulevard and Charleston Boulevard with u-turns permitted.

FISCAL IMPACT

No impact, with or without modification.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the median island modification be denied.


THOMAS B. GRAHAM, A.I.P., R.I.A.
DIRECTOR OF DESIGN AND DEVELOPMENT

Agenda Item 3/20/85

IV (h). B. 1.

0193



ALCA
ENGINEERING & SURVEYING, INC.

March 1, 1985

John Bartels, P.E.
Traffic Engineer
City of Las Vegas
400 East Stewart Avenue
Las Vegas, NV 89101

Re: Charleston & Rainbow Legal
Alca Job #7806-3-4A

Dear Sir:

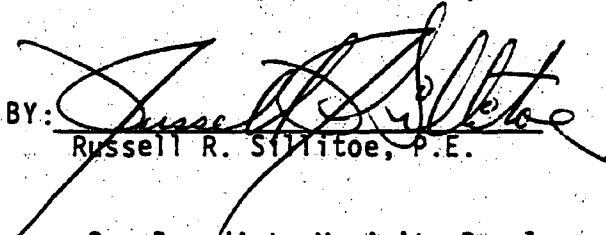
It is the desire of our client, Marinita Development Co., to appeal the denial by the Traffic and Parking Commission of the request for a median island modification on Charleston Boulevard at Rockway Street. Our understanding is that this item will be heard by the City Council at their regular meeting on March 20, 1985.

If there are any questions, please feel free to contact us. Your time and effort in this regard is appreciated.

Sincerely,

ALCA ENGINEERING & SURVEYING, INC.

BY:


Russell R. Sillitoe, P.E.

cc: Don Benedict, Marinita Development

RRS:tlr



Alca Engineering & Surveying, Inc.

2765 SO. HIGHLAND DRIVE • SUITE 103
LAS VEGAS, NEVADA 89109
PHONE: (702) 732-2105

KIRK S. ANDERSON P.E. 3214
JERRY SLIGAR R.L.S. 6030

February 20, 1985

Traffic Division
City of Las Vegas
400 E. Stewart Ave.
Las Vegas, NV. 89101

Attn: John Bartel

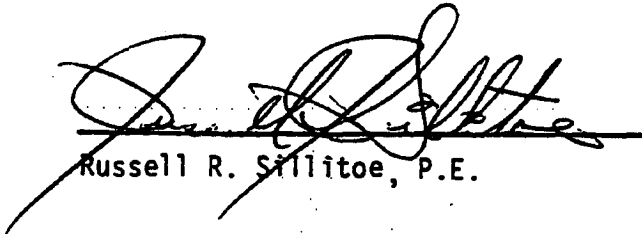
Dear Sir:

It is requested that permission be granted to modify an existing median island on Charleston Blvd. west of Rainbow Blvd. This change is necessary to provide adequate access to and from the shopping center which is to be constructed on the southwest corner of the intersection of Rainbow and Charleston Blvds.

Access to the center from westbound Charleston Blvd. is proposed via a driveway at the westerly property line of the proposed center. The centerline of the driveway is approximately 670 feet west of the centerline of Rainbow Blvd. The requested modification to the existing median would include revisions to the existing taper and stacking lane to facilitate the requested turning movement.

The attached drawing shows the proposed access locations as well as the proposed modification of the median. If there are any questions please feel free to contact me. Your time and consideration of this request is appreciated.

Sincerely,



Russell R. Sillitoe, P.E.

encl: 2 prints

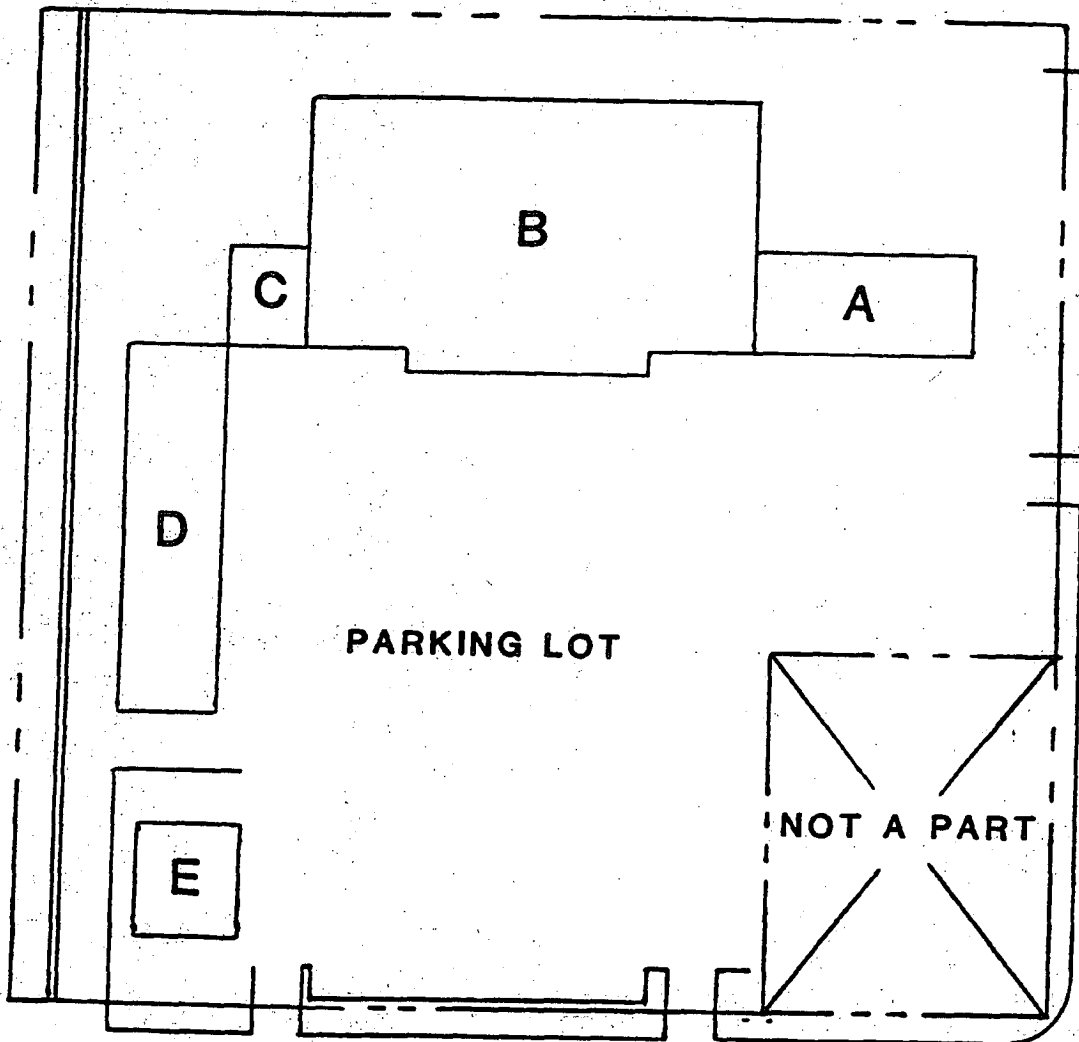
12/2/85

ITE 6. CITY COUNCIL MINUTES - MARCH 20, 1985
Request by Alca Engineering and Surveying for a median
island modification on Charleston Boulevard at Rockaway
Street.

0195



ROCKAWAY ST.



PARKING LOT

NOT A PART

W. CHARLESTON BLVD

REQUESTED MEDIAN ISLAND MODIFICATION

RAINBOW BLVD.

14/6

AGENDA DOCUMENTATION

Date: March 5, 1985

0196

TO: The City Council

FROM: DANIEL R. FITZPATRICK
DEPUTY CITY MANAGERSUBJECT: REMOVAL OF FIRST METERED PARKING SPACE ON THE WEST SIDE OF MAIN STREET SOUTH OF
CHARLESTON BOULEVARD AND MAKE IT NO PARKINGPURPOSE/BACKGROUND

Las Vegas Transit requested the removal of the first metered parking space on the west side of Main Street south of Charleston Boulevard and make it no parking. This parking space is very narrow being at a maximum only 6 feet wide. This means that vehicles parking in this space infringe on the travel lane causing buses and large vehicles to change lanes in order to pass a parked vehicle. Removal of this parking space would eliminate this potentially dangerous condition.

FISCAL IMPACT

City of Las Vegas personnel will install the no parking sign and paint the curb red. Funds are available in the F.Y. 1984-1985 budget.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the first metered parking space on the west side of Main Street south of Charleston Boulevard be removed and changed to a no parking zone and that the City Council authorize the Mayor to sign the Resolution. Staff concurs.


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

Agenda Item 3/20/85

IV (h). B. 2.

~~RESOLUTION~~
CITY COUNCIL MINUTES MARCH 20, 1985

WHEREAS, Ordinance 1589 allows for the additions and corrections of schedules pertaining to TITLE XI of the City Code to be done by Resolution; and

0197

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the Traffic Engineer that the following additions and corrections be made in said schedules; and

NOW, THEREFORE, be it resolved by the City Council of the City of Las Vegas, Nevada that the following schedule pertaining to TITLE XI of the City Code be amended as follows:

SCHEDULE 3-I be amended to include the following as meter zone deleted:

Lewis Avenue - north side - from the alley east of Casino Center Boulevard to 3rd Street

SCHEDULE 17-III be amended to include parking prohibited at all times:

Main Street - west side - from Charleston Boulevard extending south one hundred feet (100')

Commerce Street - west side - in front of 920 South Commerce

SCHEDULE 18-VI be amended to include the following as a Tour Bus Zone deleted:

Carson Avenue beginning 70 feet east of the alley in between Casino Center Boulevard and First Street

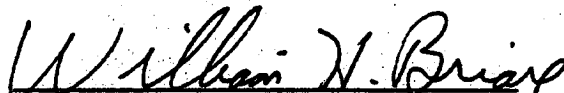
SCHEDULE 18-VI be amended to include the following as a Tour Bus Zone:

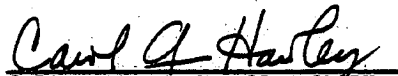
Carson Avenue beginning 30 feet west of First Street west to the alley

SCHEDULE 18-V be amended to include the following as a Commercial Loading Zone

Carson Avenue - north side - beginning 70 feet east of the alley in between Casino Center Boulevard and First Street

PASSED, ADOPTED AND APPROVED THIS 20th day of March, 1985


WILLIAM H. BRIARE, MAYOR


CAROL ANN HAWLEY, CITY CLERK



Las Vegas Transit System, Inc.

1550 SOUTH INDUSTRIAL ROAD

LAS VEGAS, NEVADA 89102

702-384-1234

February 8, 1985

John Bartell
Traffic Engineer
City of Las Vegas
400 E. Stewart Ave
Las Vegas, Nevada 89101

Dear Mr. Bartell,

Several of our bus drivers have expressed concern over an unsafe condition on Main Street just south of Charleston Blvd. I am enclosing photographs to illustrate the problem.

As you drive southbound on Main Street and cross Charleston Blvd., the road narrows. On several occasions our drivers, who drive almost always in the right hand lane, have nearly collided with vehicles on their left due to the narrowing roadway, especially if someone is parked at the first meter just south of Charleston Blvd.

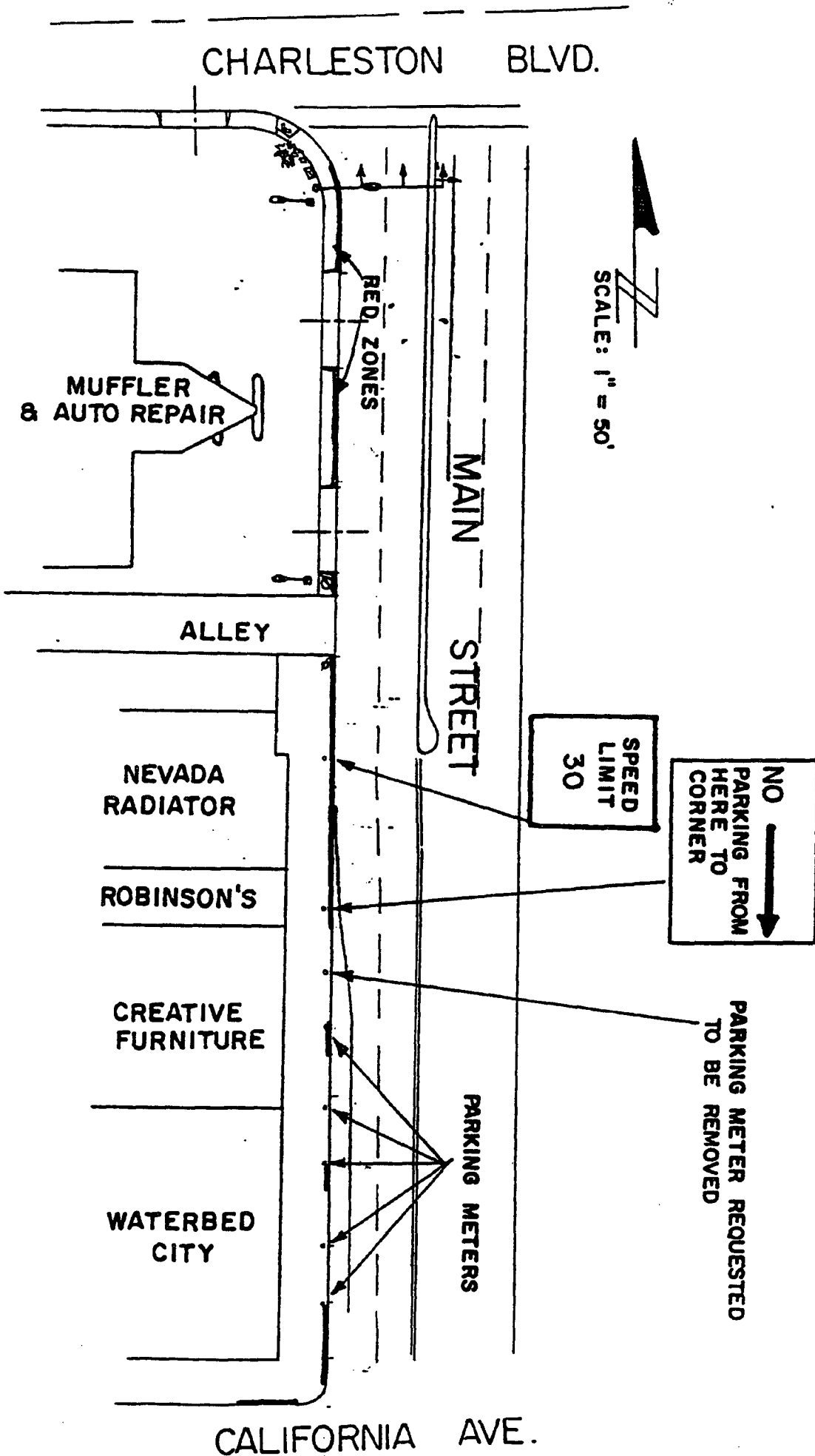
After going out and looking at the situation, it is my opinion that removal of the first meter southbound on Main just past Charleston would give drivers of larger vehicles more room in this critical area thereby greatly lessening the potential for accidents.

I would be interested to hear your opinion on this matter. If you have any questions or need any other information, please don't hesitate to contact me.

Very Truly Yours,

William B. Bartlett
Director of Safety and Claims

0199



10/6/85

AGENDA DOCUMENTATION

Date: March 5, 1985

0200

TO:

The City Council

FROM:

DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

SUBJECT: REMOVAL OF ON-STREET PARKING AT 920 SOUTH COMMERCE STREET

PURPOSE/BACKGROUND

A request was received from Rick Scott for Dres Media, Inc. to remove the on-street parking in front of the business at 920 South Commerce Street.

Commerce Street in this area is not constructed to a standard street section and does not have curb and gutter or sidewalk. Vehicles park on both sides of the street immediately adjacent to the property lines. On some areas of Commerce Street vehicles are allowed to back out onto Commerce Street from existing parking lots. During most of the day traffic volumes are very light.

At 920 South Commerce Street vehicles are parked adjacent to the fence separating the street from a private parking lot. These vehicles do restrict sight distance even when parked the required 5 feet from driveways. The concern of Mr. Scott is providing adequate sight distance for vehicles using his facility. Posting the area "No Parking" would increase sight distance.

FISCAL IMPACT

City of Las Vegas personnel will install the No Parking signs. Funds are available in the F.Y. 1984-1985 budget.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the west side of South Commerce Street in front of 920 South Commerce Street be posted "No Parking" and that the City Council authorize the Mayor to sign the Resolution. Staff concurs.


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

Agenda Item 3/20/85

IV (h). B. 3.

~~RESOLUTION~~
CITY COUNCIL MINUTES - MARCH 20, 1985

WHEREAS, Ordinance 1589 allows for the additions and corrections of schedules pertaining to TITLE XI of the City Code to be done by Resolution; and

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the Traffic Engineer that the following additions and corrections be made in said schedules; and

NOW, THEREFORE, be it resolved by the City Council of the City of Las Vegas, Nevada that the following schedule pertaining to TITLE XI of the City Code be amended as follows:

SCHEDULE 3-I be amended to include the following as meter zone deleted:

Lewis Avenue - north side - from the alley east of Casino Center Boulevard to 3rd Street

SCHEDULE 17-III be amended to include parking prohibited at all times:

Main Street - west side - from Charleston Boulevard extending south one hundred feet (100')

Commerce Street - west side - in front of 920 South Commerce

SCHEDULE 18-VI be amended to include the following as a Tour Bus Zone deleted:

Carson Avenue beginning 70 feet east of the alley in between Casino Center Boulevard and First Street

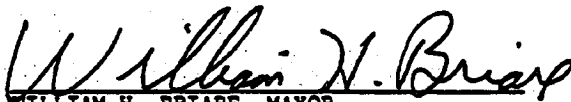
SCHEDULE 18-VI be amended to include the following as a Tour Bus Zone:

Carson Avenue beginning 30 feet west of First Street west to the alley

SCHEDULE 18-V be amended to include the following as a Commercial Loading Zone

Carson Avenue - north side - beginning 70 feet east of the alley in between Casino Center Boulevard and First Street

PASSED, ADOPTED AND APPROVED THIS 20th day of March, 1985


WILLIAM H. BRIARE, MAYOR


CAROL ANN HAWLEY, CITY CLERK

0201



DRES MEDIA, INC.

February 4, 1985

John E. Bartels
Traffic Engineers Department of Design and Developments
City of Las Vegas
City Hall
400 East Stewart
Las Vegas, Nevada
89101

Dear Mr. Bartels,

I thank you for coming by our offices recently at 920 South Commerce to take a look at the traffic and parking situation on our street. I am requesting that parking be prohibited from the front of our property on 920 South Commerce. There are three main reasons for my requesting this no parking zone:

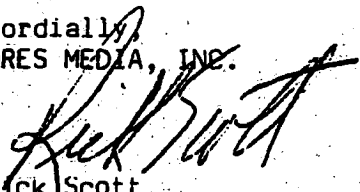
1. as Commerce is an industrial area, often there are trucks of all sizes that are parked in front of our building preventing the sight of our business from our clients and customers when looking to find us.
2. as South Commerce is not a wide road and generally there are cars and trucks parked on both sides, it causes a very hazardous situation for our staff and clients when pulling in and out of our driveway; in that they are unable to see oncoming traffic clearly from either direction.
3. as we are directly behind General Tire and Dutch Boy Paint Store, often those places of business have delivery trucks unloading at their back doors, and these trucks take up a large portion of South Commerce while unloading. With these additional cars and trucks parked on both sides of the road, it virtually blocks any passage of South Commerce at the point of our business.

It is for these three reasons that I can consider it a hazard for my staff coming to and from work, as well as our clients coming to do business with us. Perhaps some five years ago this portion of South Commerce was not a well traveled business street, but with the addition of Channel 21 television, Dimension Cable, and all of the employees that we staff at our places of business and not to mention the amount of clients that come to see us, it has greatly changed the amount of traffic on this street. It is clearly a different situation than it was some five years ago.

I understand that eliminating parking from the side of the street for the entire length of the street is a matter which would need to come before the City Council. We have provided adequate parking for our staff members and our clients, visibility of my business should be allowed by preventing parking in front of 920 South Commerce, my studio location.

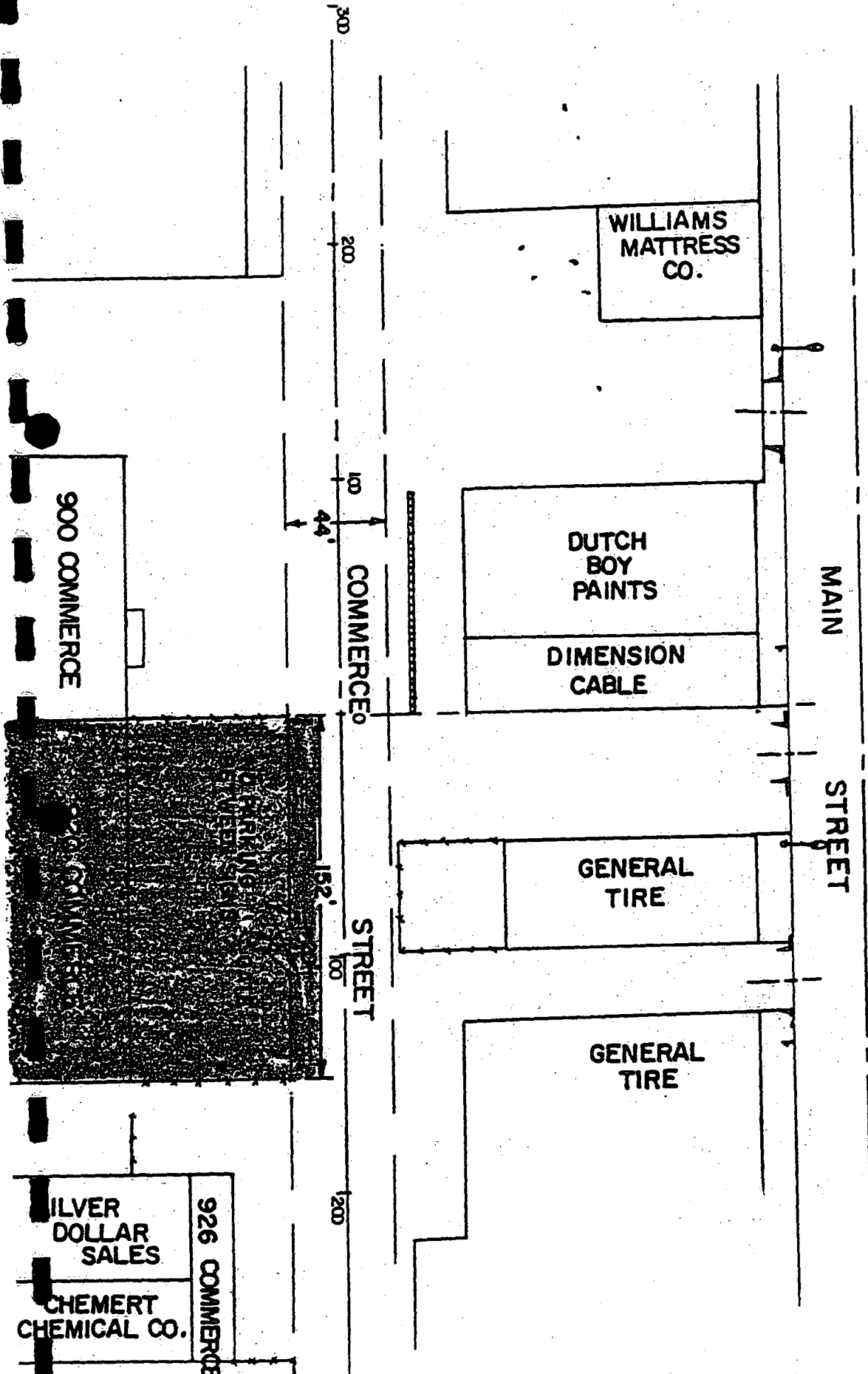
I look forward to your soonest reply to my letter, and again, my thanks for coming over to my office and looking at the situation.

Cordially,
DRES MEDIA, INC.


Rick Scott
Executive Vice President

cc: Mayor William Braire

RS:jac



SCALE: 1" = 60'

AGENDA DOCUMENTATION

Date: March 5, 1985

0205

TO:
The City CouncilFROM: DANIEL R. FITZPATRICK
DEPUTY CITY MANAGERSUBJECT: REMOVAL OF PARKING METERS AND PARKING ON THE NORTH SIDE OF LEWIS AVENUE BETWEEN
THIRD STREET AND THE ALLEY WEST OF THIRD STREETPURPOSE/BACKGROUND

A request was received from Douglas Vineyard for Buffalo Nickel to indent the curb on the north side of Lewis Avenue west of Third Street and make that area a valet parking service.

This curb indentation is necessary to allow a valet parking service to be used for the new building being built on the northeast corner of Third Street and Lewis Avenue. In addition to the valet parking facilities at the proposed building, they will also be utilizing existing parking facilities on the south side of Lewis Avenue. Valet parking will help in the orderly use of these parking lots.

FISCAL IMPACT

No impact to the City of Las Vegas. The developer will install all required improvements.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that permission be granted to construct the curb indentation for valet parking on the north side of Lewis Avenue west of Third Street and removal of the existing parking in this area and that the City Council authorize the Mayor to sign the Resolution. Staff concurs.


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

Agenda Item 3/20/85

IV (h). B. 4.

~~RESOLUTION~~
CITY COUNCIL MINUTES - MARCH 20, 1985

WHEREAS, Ordinance 1589 allows for the additions and corrections of schedules pertaining to TITLE XI of the City Code to be done by Resolution; and

0206

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the Traffic Engineer that the following additions and corrections be made in said schedules; and

NOW, THEREFORE, be it resolved by the City Council of the City of Las Vegas, Nevada that the following schedule pertaining to TITLE XI of the City Code be amended as follows:

SCHEDULE 3-I be amended to include the following as meter zone deleted:

Lewis Avenue - north side - from the alley east of Casino Center Boulevard to 3rd Street

SCHEDULE 17-III be amended to include parking prohibited at all times:

Main Street - west side - from Charleston Boulevard extending south one hundred feet (100')

Commerce Street - west side - in front of 920 South Commerce

SCHEDULE 18-VI be amended to include the following as a Tour Bus Zone deleted:

Carson Avenue beginning 70 feet east of the alley in between Casino Center Boulevard and First Street

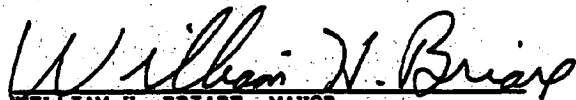
SCHEDULE 18-VI be amended to include the following as a Tour Bus Zone:

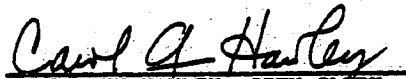
Carson Avenue beginning 30 feet west of First Street west to the alley

SCHEDULE 18-V be amended to include the following as a Commercial Loading Zone

Carson Avenue - north side - beginning 70 feet east of the alley in between Casino Center Boulevard and First Street

PASSED, ADOPTED AND APPROVED THIS 20th day of March, 1985


WILLIAM H. BRIARE, MAYOR


CAROL ANN HAWLEY, CITY CLERK

**THE FOLLOWING
PAGE(S) ARE
ILLEGIBLE/POOR
QUALITY**

0207

THE PHOENIX BUILDING

January 17th, 1985

Richard L. Romer
Assistant Chief of Traffic Engineering
Traffic Engineering Division
Department of Engineering Services
440 West Stewart
Las Vegas, Nevada 89101

Re: Curb Indentation on Lewis Street
Phoenix Building
330 South Third Street

Dear Mr. Romer:

Buffalo Nickel, a Nevada Limited Partnership, requests a curb indentation on the north side of Lewis Street to facilitate a valet parking operation.

Buffalo Nickel has conducted extensive research into the parking situation for the Phoenix Building complex. When all eleven floors are fully occupied, the building requires approximately 115 cars. The implementation of a valet parking operation is expected to result in an orderly and systematic handling of parking and traffic.

The parking arrangement possible with valet attendants will increase the in-house capacity of the Phoenix parking garage from 65 cars to over 115 cars. Additionally, traffic flow at evening rush hours will be reduced through the orderly allocation of car availability by the valet attendants. During normal work hours, attendants will reduce congestion by providing accessible parking for visitors to the building.

Due to the busy rush and the corresponding car traffic in the area, control of traffic in and out of the Phoenix Building Garage will be greatly enhanced. There will be no self parking at the Phoenix Building. Valet attendants will park cars for the tenants and visitors in the complex. Elimination of parking meters on the Lewis Street valet curb will assist in reducing confusion and congestion. Buffalo Nickel, Inc., will be willing to compensate the city of Las Vegas for the lost revenue of those meters that are eliminated.

THE PHOENIX BUILDING

Parking and ease of traffic flow have always held a high priority for both the traffic engineering division and the building owners in the downtown area. We frankly see no other alternative to accommodate these priorities than to implement a valet parking service for the Phoenix Building.

The curb indentation is essential to this service. Please help us by granting this curb indentation on Davis Street, as you have in various other locations in the city. Our goal is to provide the best possible parking and traffic flow in the downtown area that any building has ever experienced.

If this request is lacking in any detail or if there is an absence of any vital information, please contact me as soon as possible so that I may respond prior to the next parking commission meeting.

Sincerely,



Douglas Vineyard
Director of Leasing



0203

AGENDA DOCUMENTATION

TO:
The City Council

FROM: DANIEL R. FITZPATRICK
DEPUTY CITY MANAGER

SUBJECT: REQUEST BY THE GOLDEN NUGGET TO CHANGE THE EXISTING PARKING ZONES ON THE NORTH
SIDE OF CARSON AVENUE BETWEEN CASINO CENTER BOULEVARD AND FIRST STREET

PURPOSE/BACKGROUND

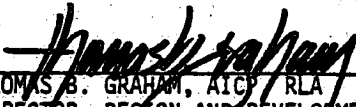
The Golden Nugget has requested that the existing parking on the north side of Carson Avenue from Casino Center Boulevard to First Street be changed. They requested that the existing tour bus zone between Casino Center Boulevard and the alley west of Casino Center Boulevard be changed to a commercial loading zone, and the existing no parking zone between First Street and the alley east of First Street be changed to a tour bus zone. Many deliveries to the hotel are required to be made in this area, and under the present zoning commercial vehicles cannot park in this area creating a hardship for these vehicles. Under the proposed zoning this problem will be corrected.

FISCAL IMPACT

City of Las Vegas personnel will install the necessary signs. Funds are available in the F. Y. 1984-1985 budget.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the existing tour bus zone on the north side of Carson Avenue between Casino Center Boulevard and the alley west of Casino Center Boulevard be changed to a commercial loading zone, and that the no parking zone on the north side of Carson Avenue between First Street and the alley west of Casino Center Boulevard should be changed to a tour bus zone except the Thirty (30) feet east of the First Street intersection and the City Council authorize the Mayor to sign the Resolution. Staff concurs.


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

Agenda Item 3/20/85

IV (h). B. 5.

~~RESOLUTION~~
CITY COUNCIL MINUTES - MARCH 20, 1985

WHEREAS, Ordinance 1589 allows for the additions and corrections of schedules pertaining to TITLE XI of the City Code to be done by Resolution; and

0211

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the Traffic Engineer that the following additions and corrections be made in said schedules; and

NOW, THEREFORE, be it resolved by the City Council of the City of Las Vegas, Nevada that the following schedule pertaining to TITLE XI of the City Code be amended as follows:

SCHEDULE 3-I be amended to include the following as meter zone deleted:

Lewis Avenue - north side - from the alley east of Casino Center Boulevard to 3rd Street

SCHEDULE 17-III be amended to include parking prohibited at all times:

Main Street - west side - from Charleston Boulevard extending south one hundred feet (100')

Commerce Street - west side - in front of 920 South Commerce

SCHEDULE 18-VI be amended to include the following as a Tour Bus Zone deleted:

Carson Avenue beginning 70 feet east of the alley in between Casino Center Boulevard and First Street

SCHEDULE 18-VI be amended to include the following as a Tour Bus Zone:

Carson Avenue beginning 30 feet west of First Street west to the alley

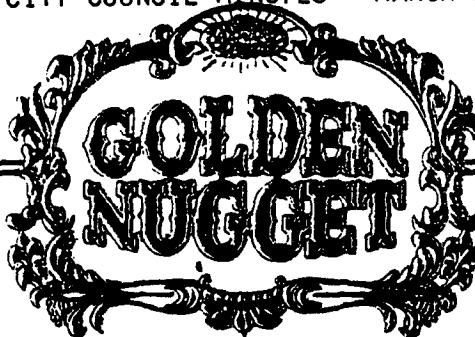
SCHEDULE 18-V be amended to include the following as a Commercial Loading Zone

Carson Avenue - north side - beginning 70 feet east of the alley in between Casino Center Boulevard and First Street

PASSED, ADOPTED AND APPROVED THIS 20th day of March, 1985


WILLIAM H. BRIARE, MAYOR


CAROL ANN HAWLEY, CITY CLERK



BARRY A. SHIER
Executive Vice President -
Hotel Operations

February 8, 1985

Mr. John Bartels, Traffic Engineer
Las Vegas City Hall
Traffic Engineering Department
400 E. Stewart
Las Vegas, NV 89101

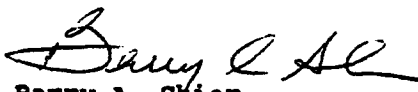
Dear Mr. Bartels:

First, let me take this opportunity to congratulate you on your recent appointment as Traffic Engineer and invite you to visit the Golden Nugget at your earliest convenience, so we may familiarize you with our facilities.

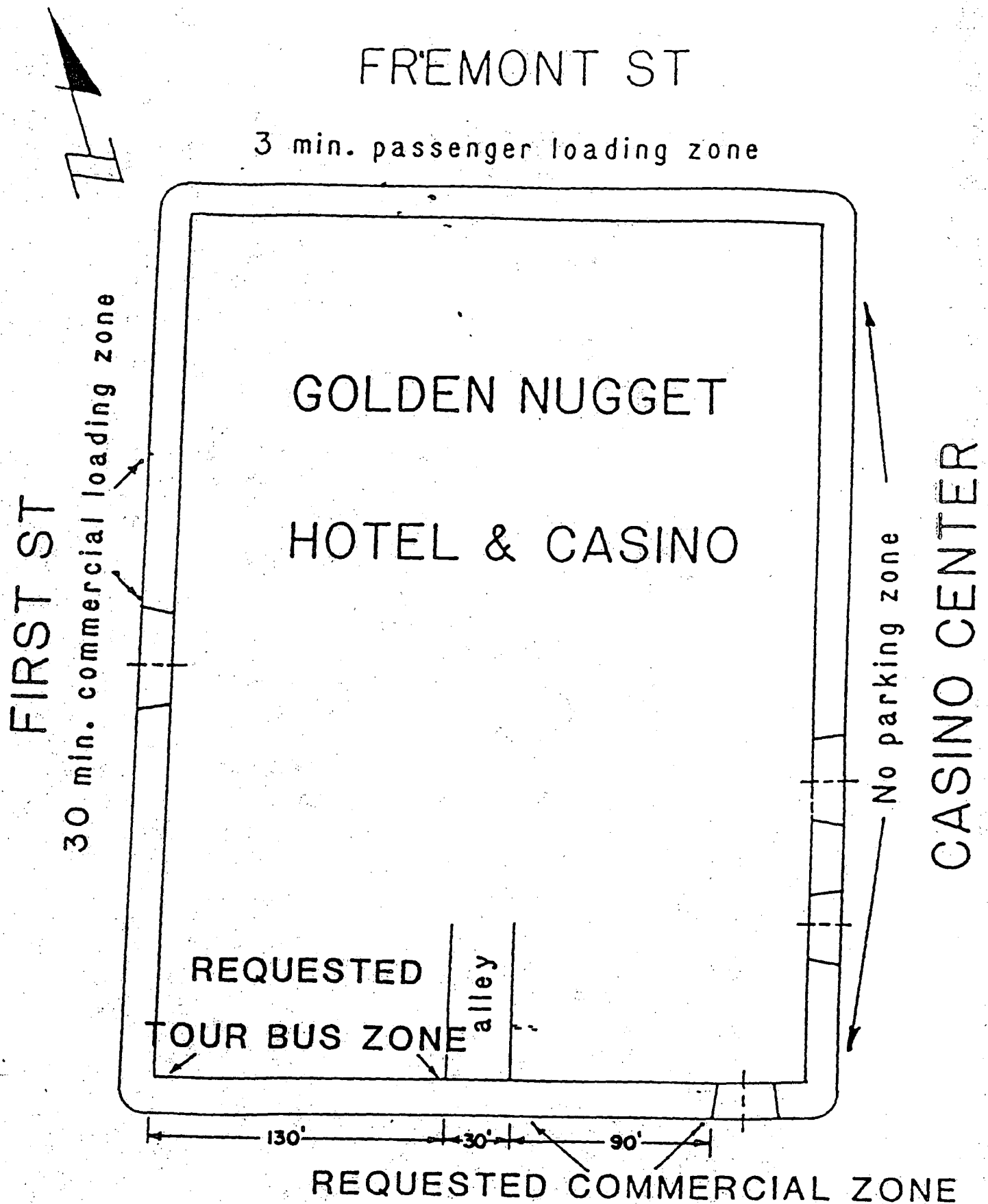
In late November, Mr. Al Bosey and I toured the exterior of the Golden Nugget and reviewed the traffic demands of each area. Carson Avenue, between Casino Center and First Street, was designated as an area that would serve for hotel use only, for tour bus parking and deliveries to the hotel (i.e. Western Linen Rental Company). Apparently this area was inadvertently designated by the city solely for tour buses and has been the stimulus of numerous parking summonses issued to companies serving the Golden Nugget.

We would greatly appreciate your assistance in resolving this problem as soon as possible. Thanking you in advance for your assistance and looking forward to having the opportunity to personally take you on a tour of the Golden Nugget.

Sincerely,


Barry A. Shier
Executive Vice President-
Hotel Operations

BAS:clw



AGENDA*City of Las Vegas*March 20, 1985 ⁰²¹⁴

Page 22

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

ITEM

Council Action

Department Action

V. GEORGE F. OGILVIE - CITY ATTORNEY

A. Solicitation Agreement between the City of
Las Vegas and the Unification ChurchLevy -
APPROVED
Unanimous

Staff to proceed

B. Show Cause Hearing re Hotel Nevada
11:00 A.M. Time CertainLevy -
Hearing be continued
indefinitely.
Unanimous

Staff to proceed

C. Agreement with the Las Vegas Youth Swimming
Association for the joint use of the Dula
Center Pool and the old YMCA pool and for the
renovation of the Dula Pool by the AssociationNolen -
APPROVED as recom-
mended and including
amendment to reflect
the expiration date
of agreement to be
September 30, 1986.
Unanimous

Staff to proceed

AGREEMENT

THIS AGREEMENT made and entered into this 20th day of March, 1985, by and between the CITY OF LAS VEGAS, NEVADA, a municipal corporation (hereinafter referred to as ("CITY")) and the UNIFICATION CHURCH (hereinafter referred to as ("CHURCH")). The term "CHURCH" shall include any and all members, representatives, or agents acting on behalf of or in furtherance of church activities.

W I T N E S S E T H:

WHEREAS, CHURCH is seeking approval from CITY for its representatives to solicit donations within the City of Las Vegas, Nevada during the period of March 20, 1985, to March 19, 1986; and

WHEREAS, CITY recognizes the constitutional right of CHURCH representatives to engage in such solicitation subject to reasonable restrictions; and

WHEREAS, CHURCH acknowledges CITY'S legitimate interest in protecting its citizens from fraudulent solicitations and from unwarranted interference with their movement on public streets and sidewalks; and

WHEREAS, CHURCH acknowledges that reasonable restrictions may be placed upon the time, place and manner of solicitations made upon its behalf.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties hereto as follows:

1. The CITY shall issue a solicitation permit to CHURCH from the time period mentioned herein.
2. While engaging in solicitations, CHURCH representatives will limit their conduct to the distribution of literature, solicitation of

1 donations and the distribution of flowers,
2 literature and/or small gift items. No
3 chanting, dancing or similar conduct will
4 be included.

5 3. CHURCH representatives will not proselytize
6 within nine feet (9') of any doorway or street
7 corner unless they receive permission to do so
8 from the owner or operator of the premises.

9 4. CHURCH representatives will limit the total
10 number of their members per city block to a maxi-
11 mum of two (2).

12 5. No more than one (1) CHURCH representative
13 will solicit donations from any member of the
14 public at any one time unless the member of the
15 public agrees to a greater number.

16 6. CHURCH representatives shall not unduly
17 interfere with the pedestrian and vehicular flow
18 of traffic.

19 7. CHURCH representatives will advise the Las
20 Vegas Metropolitan Police Department and the
21 Department of Business Activity when they intend
22 to carry on their activities in the City and
23 will designate a local representative as their
24 liaison with both Departments.

25 8. Each CHURCH representative must clearly
26 display an identification badge on his/her outer
27 clothing, which badge shall state the representa-
28 tive's name and the full name of the church.
29 Such badge shall be in a form approved by the
30 Department of Business Activity.

31 9. CHURCH representatives shall fully inform
32 each person being solicited that donations are

1 being sought for the Unification Church.

2 10. CHURCH representatives will furnish to
3 the CITY filed copies of the Certificate of
4 Incorporation or other documents evidencing
5 the status of the organization as a religious
6 organization.

7 11. The total number of CHURCH representatives
8 soliciting within the City at any given time
9 shall not exceed twelve (12) individuals.

10 12. CHURCH shall provide CITY with a detailed
11 report of the total amount of money raised in
12 the City during the period of this Agreement,
13 together with a statement of the disbursement
14 of funds so raised.

15 13. CHURCH agrees to abide by the terms and
16 conditions of CITY'S solicitation ordinances
17 set forth in Title 6, Chapter 22 of the Munic-
18 ipal Code of the City of Las Vegas, Nevada, 1983
19 Edition.

20 14. CHURCH representatives who fail to abide
21 by these terms and conditions shall be subject
22 to legal sanctions, including criminal prosecu-
23 tion, if appropriate.

24 15. Repeated violations of the terms and condi-
25 tions set forth in this Agreement shall be

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1 grounds for revocation of the permit issued
2 pursuant to this Agreement.

3 DATED and SIGNED the day and year first hereinabove
4 written.

5 CITY OF LAS VEGAS, NEVADA

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

9 ATTEST:

10
11 Carol A. Hawley
12 CAROL ANN HAWLEY, City Clerk

13 UNIFICATION CHURCH

14
15 By Jay M. Newcomb
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City of Las Vegas

CITY COUNCIL MINUTES - MARCH 20, 1985

Date: March 1, 1985

AGENDA DOCUMENTATION

0219

TO:

The City Council

FROM:

Robert Yeargin
Deputy City Attorney

SUBJECT: Solicitation Agreement Between The City of Las Vegas and The
Unification Church

PURPOSE/BACKGROUND

Under the proposed agreement between the City of Las Vegas and the Unification Church, the City has agreed to renew a solicitation permit to the church for the year ending March 19, 1986, and the church has agreed to conduct its solicitations in accordance with certain restrictions set forth in the agreement. The terms of the agreement are identical to other agreements between the City and the church that have been approved by the City Council over the past several years.

As stated to you previously, it is the opinion of this office that the City has greater control over the solicitation activities of the Unification Church by requiring them to sign a separate agreement concerning such activities in addition to requiring them to follow the normal procedures for the issuance of a solicitation permit.

FISCAL IMPACT

N/A

RECOMMENDATIONS

It is the recommendation of the City Attorney's Office that the City Council approve the proposed agreement.

Agenda Item

V-A

SETTLEMENT AGREEMENT

(u) This SETTLEMENT AGREEMENT, made and entered into this day of March, 1985, by and between HOTEL NEVADA CORPORATION (hereinafter referred to as "Hotel Nevada") and the CITY OF LAS VEGAS (hereinafter referred to as "City"),

W I T N E S S E T H:

WHEREAS, Hotel Nevada is in arrears on room taxes owed to City in the amount of \$71,934.76 for the months of January 1983 through January 1985, and

WHEREAS, Hotel Nevada is in arrears on sewer service fees owed to City in the amount of \$17,862.40 for the years of 1983 and 1984, which figure includes a penalty of \$811.92 for unpaid sewer service in 1984, and

WHEREAS, the total amount of Hotel Nevada's arrearage for room taxes and sewer service fees is \$89,797.16,

WHEREAS, the parties hereto have reached an agreement on a payment schedule by which Hotel Nevada may liquidate said arrearages and desire, by this Settlement Agreement, to document their said agreement,

NOW, THEREFORE, for and in consideration of City's agreement to forbear from collecting the amounts set forth above by other means legally available to it, Hotel Nevada agrees to perform the following terms and conditions:

- A. Hotel Nevada shall pay to City the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) for room taxes for the months of November 1984 and December 1984. This payment shall be made to City upon the execution of this Settlement Agreement by Hotel Nevada.
- B. Thereafter, Hotel Nevada shall pay to the City the sum of Five Thousand Dollars (\$5,000.00), due and payable on the fifteenth (15th) day of each calendar month commencing on the 15th

day of April, 1985, for delinquent room taxes and sewer service fees. Each and every Five Thousand Dollar (\$5,000.00) payment will include interest and penalties owed to City by Hotel Nevada on the outstanding balance of said delinquent room taxes and sewer service fees. The payment schedule will be structured as follows:

<u>DATE</u>	<u>PAYMENT AMOUNT</u>	<u>BALANCE</u>
Initial Payment	\$9,500.00	\$80,297.16
4/15/85	5,000.00	75,297.16
5/15/85	5,000.00	70,297.16
6/15/85	5,000.00	65,297.16
7/15/85	5,000.00	60,297.16
8/15/85	5,000.00	55,297.16
9/15/85	5,000.00	50,297.16
10/15/85	5,000.00	45,297.16
11/15/85	5,000.00	40,297.16
12/15/85	5,000.00	35,297.16
1/15/86	5,000.00	30,297.16
2/15/86	5,000.00	25,297.16
3/15/86	5,000.00	20,297.16
4/15/86	5,000.00	15,297.16
5/15/86	5,000.00	10,297.16
6/15/86	5,000.00	5,297.16
7/15/86	5,297.16	-0-

- C. City agrees to release, as and when it receives payments in satisfaction thereof as hereinafter provided, room tax and sewer service fee liens recorded against Hotel Nevada whose property description is as follows:

Clarks LVT
 Lots 1-16
 BLK 4 less road
 Located in the City of Las Vegas,
 Nevada, commonly known as
 235 South Main Street

0222

All amounts received by City pursuant to this agreement shall be applied to room tax liens until said liens are satisfied. Individual liens shall be released when Hotel Nevada tenders an amount equal to the amount of said liens.

After all room tax liens are released, amounts tendered by Hotel Nevada shall be applied to sewer service fee liens until said liens are satisfied.

- D. Hotel Nevada agrees to remain current on each and every future monthly room tax assessment and annual sewer service fee assessment.
- E. Hotel Nevada agrees that any default in its part hereunder shall authorize City, without further notice to Hotel Nevada, immediately to institute or pursue or institute and pursue any administrative or legal remedy which City may have in order to enforce the collection of the arrearages which form the subject matter of this Settlement Agreement.

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

HOTEL NEVADA CORPORATION

By E. E. Eick. Pres.

CITY OF LAS VEGAS, a Municipal Corporation

William H. Briare
WILLIAM H. BRIARE, Mayor

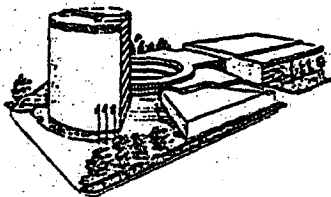
ATTEST:

Carol Ann Hawley
CAROL ANN HAWLEY, City Clerk

3-16-85

City
of
Las Vegas

GEORGE F. OGILVIE
CITY ATTORNEY



March 12, 1985

Mr. Gary Pulliam, Comptroller
Nevada Hotel and Casino
235 South Main Street
Las Vegas, Nevada 89101

Dear Gary,

Enclosed please find a copy of the executed agreement between the City of Las Vegas and the Hotel Nevada Corporation which sets forth the payment schedule for the liquidation of the \$89,797.16 which the the Hotel Nevada Corporation owes to the City in delinquent room taxes and sewer service fees by July 15, 1986. I appreciate your cooperation in getting this agreement signed on behalf of the Hotel Nevada Corporation and in procuring the initial payment which is provided for in the agreement.

As you know, the Show Cause Hearing in this matter was continued by the City Council from its last meeting until March 20, 1985, at 11:00 a.m.. However, since the agreement has been signed and the initial payment has been made, I will merely request the Council to continue the Show Cause Hearing indefinitely, and it will not be necessary for you to be present.

Very truly yours,


George F. Ogilvie,
City Attorney

GFO/ph
Enclosure

cc: Jerry J. Cahill, Director
Dept. of Business Activity

AGENDA DOCUMENTATION

TO:
The City CouncilFROM: *George F. Colvins /s/*
CITY ATTORNEY

0224

SUBJECT: Agreement with the Las Vegas Youth Swimming Association for the joint use of the Dula Center Pool and the old YMCA Pool and for the renovation of the Dula Pool by the Association

PURPOSE/BACKGROUND

The purpose of this agreement is to provide for the joint use of the Dula Center Pool and the indoor swimming pool facility located in the old YMCA building at Bonanza Road and North Casino Center which is leased by the Las Vegas Youth Swimming Association. The agreement provides the duties and responsibilities of each party when using the swimming pool facility of the other. The dates, days, and times for use by each party have also been provided.

In consideration for the use of the Dula Center Pool, the Las Vegas Youth Swimming Association agrees to renovate and make necessary improvements to the swimming pool facility at no cost and expense to the City. This renovation will upgrade the pool to accommodate competitive swim meets and training and include converting the existing length of 150 feet to 167 feet, or 50 meters, raising the bottom of the pool to provide a uniform swimming depth of five feet, refinishing the interior of the entire pool, repairing and replacing the surrounding area of the pool, providing necessary equipment for competitive swimming and installing materials and equipment for protection.

FISCAL IMPACT

None

RECOMMENDATIONS

It is recommended that the City Council approve this Agreement and that the Mayor be authorized to execute the same on behalf of the City of Las Vegas.

Agenda Item

V-C

AGREEMENT

THIS AGREEMENT, made and entered into this 20th day of March, 1985, by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada (hereinafter referred to as the "City") and the LAS VEGAS YOUTH SWIMMING ASSOCIATION, a Nevada non-profit organization (hereinafter referred to as the "Association").

W I T N E S S E T H:

WHEREAS, the City is the owner of the Dula Center Pool (hereinafter referred to as the "Municipal Pool") located at 430 East Bonanza Road, Las Vegas, Nevada; and

WHEREAS, the City desires to maximize the use of its swimming pool facilities by the general public and to provide additional swimming pool facilities for the use of the general public; and

WHEREAS, the Association is the lessee of an indoor swimming pool facility (hereinafter referred to as the "Association Pool") located at Bonanza Road and North Casino Center Boulevard in Las Vegas, Nevada; and

WHEREAS, the Association likewise desires to provide swimming pool facilities in connection with its purpose to promote the recreational sport of swimming; and

WHEREAS, it is deemed mutually beneficial to the parties to enter into a joint-use agreement for the preparation, maintenance, and use of such facilities for recreational purposes;

NOW, THEREFORE, for and in consideration of the premises and of the mutual promises and agreements hereinafter contained, it is mutually agreed as follows:

1. The City shall permit the Association to use the Municipal Pool, its restrooms and telephone accessibility from

1 the date of this Agreement through May 31, 1987, on Monday
2 through Sunday during the months and at the times set forth on
3 Exhibit "A" attached hereto and by this reference made a part
4 hereof; provided, however, that the principal representatives of
5 the Association and the City may from time to time mutually agree
6 in writing, to be attached hereto as subsequent Exhibits "A", to
7 alter these days and times.

8 2. The Association shall permit the City to use the
9 Association Pool from the date of this Agreement until September
10 30, 1986, on Mondays, Wednesdays and Fridays between the hours of
11 8:30 A.M. and 2:30 P.M; provided, however, that the principal
12 representatives of the City and the Association may from time to
13 time mutually agree in writing, to be attached hereto as Exhibits
14 "B", to alter these days and time.

15 3. Each party shall keep and verify with the other
16 records with respect to the number of hours which the respective
17 parties use the other's pool.

18 4. Each party shall report to the other any damage
19 to property of the other or any incident of concern which occurs
20 on the property of the other within twenty-four (24) hours
21 following such occurrence.

22 5. Each party shall reimburse the other, within a
23 reasonable time after its receipt of appropriate invoices, for
24 the costs of repairing any damage, other than normal wear and
25 tear, which are determined to have been caused directly by its
26 use of the property of the other.

27 6. Each party shall notify the other of any time when
28 its facility will not be available for use by the other on the
29 days or during the times which are provided in this Agreement for
30 the use of the other party, at least seven (7) days in advance for
31 normal programmed events or, in case of equipment failure,
32 immediately.

1 7. Each party shall provide for a means of opening
2 and securing the facilities of the other before and after its
3 use thereof.

4 8. Each party shall provide the necessary policing,
5 officiating, supervision and care of the facilities of the other
6 during its use thereof and shall leave the same in a clean and
7 orderly condition at the completion of such use.

8 9. In consideration of the use of the Municipal Pool,
9 the Association will, at its sole cost and expense, before
10 commencing its use of the Municipal Pool:

11 (a) Convert and/or modify the existing Municipal
12 Pool to increase its length from the existing 150
13 feet to 167 feet, or 50 meters, and elevate the bottom
14 of the pool to provide a uniform swimming depth of
15 five (5) feet, all in accordance with the approved
16 plans of Nevada Pools, Inc., which are attached as
17 Exhibit "C" hereto and by this reference made a part
18 hereof.

19 (b) Insure that the deck area around the Municipal
20 Pool is repaired and/or replaced upon completion of the
21 above modification.

22 (c) Insure that all plumbing and other equipment at
23 the Municipal Pool is in good working order upon com-
24 pletion of the above modification.

25 (d) Refinish the interior of the entire Municipal
26 Pool, and upon completion of the above modification,
27 in accordance with the plans which have been prepared
28 by a licensed pool contractor and approved by the City.

29 (e) Refinish the Municipal Pool, install lane line
30 hooks, paint lane lines, and fill the pool for operation
31 upon completion of the above modification.

32 (f) Install sixteen starting blocks, eight at each

1 end, at the Municipal Pool. The blocks shall remain
2 the property of the Association and the attaching
3 fixtures shall be considered installed equipment and
4 shall belong to the City.

5 (g) Install competitive racing lines to the
6 installed hooks. The lines shall remain the property
7 of the Association.

8 10. Any and all Association competitive swim team
9 equipment, other than the equipment referred to in Paragraph 9
10 above, which is not permanently installed or affixed to the
11 Municipal Pool shall remain the property of the Association.

12 11. In addition to the times which are set forth in
13 Exhibit "A", as from time to time amended, the Association shall
14 be permitted to conduct ten (10) swim meets at the Municipal
15 Pool, said meets to be scheduled on weekends only, during each
16 calendar year through the term of this Agreement and shall give a
17 minimum of one (1) month's notice to the City prior to the
18 scheduling of any such meet.

19 12. The City shall provide for the maintenance of
20 the Municipal Pool, but the Association, prior to securing the
21 pool following its activities thereat, shall be responsible for
22 collecting and removing from the premises all loose swimmer
23 equipment.

24 13. The Association shall be responsible for any and
25 all demands on account of any injury or death or damage to the
26 property of the City (including but not limited to the Municipal
27 Pool) or of others which injury, death or damage occurs in or
28 upon any portion of the property of the City which is used or
29 occupied by the Association by virtue of this Agreement and
30 results from the use or occupancy of such property by the Associa-
31 tion or its sublessees or the invitees, licensees, patrons,
32 guests, employees, representatives, servants, agents or contractors

1 of the Association or its sublessees hereunder. In this connec-
2 tion, the Association shall defend, indemnify and hold the City,
3 its officers, employees and agents harmless from and against any
4 and all claims, demands, actions, causes of action, penalties,
5 judgments and liabilities of every kind and description (including
6 court costs and reasonable attorney's fees) for injuries to and
7 death of persons and damage to and loss of property which are
8 caused by, arise from or grow out of the Association's use or
9 occupancy of the premises hereunder, save and except any claim
10 which is based upon a negligent or wilful act or omission of the
11 City, its officers, employees or agents, or from the breach by
12 the Association of any term or condition of this Agreement or
13 from any act or omission of the Association or its sublessees
14 or the invitees, licensees, patrons, guests, employees, represen-
15 tatives, servants, agents, or contractors of the Association or
16 its sublessees. The City shall not be liable for injuries to or
17 death of any person or for damages to property owned or controlled
18 by Association or any other person if the claims for such injuries,
19 death or damages arise from or are in any way connected with the
20 Association's use or occupancy of the premises or any portion of
21 the Municipal Pool, or for any act or omission of the Associa-
22 tion or its sublessees or the invitees, licensees, patrons,
23 guests, employees, representatives, servants, agents or contrac-
24 tors of the Association or its sublessees. However, this
25 Agreement shall not provide a cause of action to any person, firm,
26 corporation or association which is not a party hereto, under
27 any third party beneficiary theory or otherwise.

28 14. The Association shall, at its own cost and expense,
29 maintain, in effect throughout the term of this Agreement,
30 personal injury liability insurance covering the premises which
31 form the subject matter of this Agreement in the amount of One
32 Hundred Thousand and No/100ths Dollars (\$100,000.00), for injury

1 to or death of any one person, and Five Hundred Thousand and
2 No/100ths Dollars (\$500,000.00), for injury to or death of any
3 number of persons in one occurrence, and property damage liability
4 insurance in the amount of Fifty Thousand and No/100ths Dollars
5 (\$50,000.00). Such insurance shall specifically insure the
6 Association against all liability assumed by it hereunder, as
7 well as liability imposed by law, and shall insure both the City
8 and the Association, but shall be so endorsed as to create the
9 same liability on the part of the insurer as though separate
10 policies had been written for the City and the Association.
11 The insurer under said policy shall agree, by endorsement thereto
12 or by independent instrument furnished to the City, that it will
13 give the City thirty (30) days' written notice by certified mail
14 before the policy or policies in question may be altered or
15 cancelled.

16 15. The parties hereto acknowledge that the City main-
17 tains a program of liability self insurance and that the City's
18 Self Insurance Trust in respect thereof has a present balance in
19 excess of One Million Five Hundred Thousand Dollars (\$1,500,000.00),
20 and the City agrees that the balance in said Trust shall, through-
21 out the term of this Agreement, be maintained in an amount at least
22 equal to One Million Five Hundred Thousand Dollars (\$1,500,000.00).

23 16. The City shall be responsible for any and all
24 demands on account of any injury or death or damage to the
25 property of the Association (including but not limited to the
26 Association Pool) or of others, which injury, death or damage
27 occurs in or upon any portion of the Association Pool which is
28 used or occupied by the City by virtue of this Agreement and
29 results from the use or occupancy of such property by the City or
30 its sublessees or the invitees, licensees, patrons, guests,
31 employees, representatives, servants, agents or contractors of the
32 City or its sublessees hereunder. In this connection, the City

1 shall defend, indemnify and hold the Association its officers,
 2 employees and agents harmless from and against any and all claims,
 3 demands, actions, causes of action, penalties, judgments and
 4 liabilities of every kind and description (including court costs
 5 and reasonable attorney's fees) for injuries to and death of
 6 persons and damage to and loss of property which are caused by,
 7 arise from or grow out of the City's use or occupancy of the
 8 premises hereunder, save and except any claim which is based upon
 9 a negligent or wilful act or omission of the Association, its
 10 officers, employees or agents, or from the breach by the City of
 11 any term or condition of this Agreement or from any act or omission
 12 of the City or its sublessees or the invitees, licensees, patrons,
 13 guests, employees, representatives, servants, agents or con-
 14 tractors of the City or its sublessees. The Association shall
 15 not be liable for injuries to or the death of any person or for
 16 damages to property owned or controlled by City or any other
 17 person if the claims for such injuries, death or damages arise
 18 from or are in any way connected with the City's use or occupancy
 19 of the premises or any portion of the Association Pool, or for
 20 any act or omission of the City or its sublessees or the invitees,
 21 licensees, patrons, guests, employees, representatives, servants,
 22 agents or contractors of the City or its sublessees. However,
 23 this Agreement shall not provide a cause of action to any person,
 24 firm, corporation or association which is not a party hereto,
 25 under any third party beneficiary theory or otherwise.

26 17. The term of this Agreement is from the date of
 27 execution hereof to September 30, 1986. The principal representatives
 28 of the City and the Association shall meet approximately 30-45 days
 29
 30
 31
 32

1 before the end of this Agreement to discuss any extension hereof.

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

5 CITY OF LAS VEGAS

6
7 By William H. Briare
8 WILLIAM H. BRIARE, MAYOR

9 ATTEST:

10 Carol Ann Hawley
11 Carol Ann Hawley, City Clerk

12
13 LAS VEGAS YOUTH SWIMMING ASSOCIATION

14
15 By Eric H. Canon
16 President

17 ATTEST:

18 al
19

SCHEDULE OF ASSOCIATION USE OF
THE MUNICIPAL POOL BY
LAS VEGAS YOUTH SWIMMING ASSOCIATION

- I. From completion of modifications and renovations
provided for in paragraph 9 of attached Agreement
to June 1, 1985:

Monday - Friday

5:00 a.m. to 7:00 a.m. (Association)
3:00 p.m. to 4:00 p.m. (Joint Use)
4:00 p.m. to 7:00 p.m. (Association)
7:00 p.m. to 8:00 p.m. (Joint Use)
after 8:00 p.m. (City Use)

- II. June 2, 1985 through September 30, 1985:

Monday - Friday

5:00 a.m. to 9:00 a.m. (Association)
3:00 p.m. to 7:00 p.m. (Association)

- III. June 2, 1986 through September 30, 1986:

Monday - Friday

5:00 a.m. to 9:00 a.m. (Association)
3:00 p.m. to 7:00 p.m. (Association)

AGENDA*City of Las Vegas*

0234

March 20, 1985

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

ITEM

Council Action

Department Action

V. GEORGE F. OGILVIE - CITY ATTORNEY (cont.)

10 D. Approval of Settlement re: Julia Thomas v.
City of Las Vegas, et al.Lurie -
APPROVED as recom-
mended
Unanimous

Staff to proceed

1410 E. Resolution Accepting Bids -- Special
Improvement District No. 456Improvements: Include the installation of a
pavement section, standard "L"
type curb and gutters, street
lighting, sewer laterals from
the existing sewer mains and
standard residential driveway
approachesLocation: On the east side of Rancho
Drive between Oakley Boulevard
and Charleston BoulevardLurie -
ADOPTED Resolution
Unanimous

Staff to proceed

AGENDA DOCUMENTATION

Date: March 12, 1985

TO:
The City CouncilFROM: *George F. Ogilvie*
George F. Ogilvie
City Attorney

0235

SUBJECT:

Approval of Settlement re: Julia Thomas v. City of Las Vegas, et al.

PURPOSE/BACKGROUND

The City is named as a defendant, along with Las Vegas Transit System and J.C.S. Bench Advertising Company, in a personal injury suit brought by Julia Thomas. The plaintiff has made an offer to settle the litigation for \$35,000, and in view of the seriousness of the plaintiff's injuries, it is the opinion of counsel for the three defendants that this is a reasonable offer. Therefore, the insurance carrier for Las Vegas Transit System has offered to contribute \$15,000 and J.C.S. Bench will contribute \$5,000, leaving the City with the obligation to pay the remaining \$15,000.

The facts which are involved in this case and our analysis thereof are as follows:

On March 23, 1980, the plaintiff was on the northwest corner of 3rd and Carson Streets in the area which is used as a bus stop by Las Vegas Transit System. Ms. Thomas approached a bus parked on 3rd Street and asked the driver if he were going to the Broadway. He stated no, and Ms. Thomas turned, walked back through the crowd which was boarding the bus and looked for her friend who was accompanying her. She stepped off the back of the sidewalk and onto the dirt area. She apparently did not see that there was a drop from the sidewalk to the dirt which resulted from the fact that the prolonged use of this area by the bus passengers has destroyed the lawn and worn away the soil which previously existed. She therefore lost her balance, fell and broke her right hip. She had surgery at Sunrise Hospital and was hospitalized in Las Vegas and in Canada, where she lives, for a total of 61 days. Her medical bills came to \$14,625 and she was, according to her Canadian doctor, totally disabled for 6 months. She still limps, has a limited degree of flexion in her injured hip and her right leg is almost 2" shorter than the left and presumably this condition is permanent. Additionally, since Canada has socialized medicine, her medical bills were considerably lower than they would have been had she received all of her treatment in the United States.

Page 1 of 2

FISCAL IMPACT

The \$15,000 will be provided by the Self Insurance Retention Trust.

RECOMMENDATIONS

It is recommended that the City Council approve the proposed settlement as aforesaid and authorize the City Attorney's Office to proceed.

DISPOSITION

Approved ☐
Disapproved ☐
Held ☐

Status Due: _____

Agenda Item

AGENDA DOCUMENTATION

Date:

March 12, 1985

Page 2 of 2

Because it feels that the bus company is responsible for Ms. Thomas' injuries, this office has filed a cross-claim on behalf of the City against Las Vegas Transit System which will be unaffected by the proposed settlement and will be the subject matter of a separate trial. As mentioned above, the area in which the plaintiff fell is the dirt strip which exists between the Carson Street parking garage and the sidewalk. That area has been used by the bus company for its ticket trailer. The placement of the trailer at that location has made it impossible for the City to continue to water the lawn and shrubs, and the foot traffic from the bus company's customers has caused the grass to die and the soil to turn to dust and blow away. It is the City's position, therefore, that, since it was the bus company's passengers which caused the condition in question, Ms. Thomas' injuries resulted from the bus company's, rather than the City's, fault.

Additionally, in its franchise, Las Vegas Transit System has agreed to indemnify the City against any claim which arises out of its operations. The City therefore maintains that the bus company should indemnify the City under the terms of its franchise because the accident in question did, in fact, arise out of its operations.

The plaintiff's offer to settle appears to be reasonable, and it is the opinion of this office, concurred in by the City's Risk Management Officer, Ted Willstead, and the City's insurance adjuster, Bob Swafford, that the City should contribute the \$15,000 towards settlement with the plaintiff as long as it preserves its right to pursue its cross-claim against Las Vegas Transit System.

City of Las Vegas

CITY COUNCIL MINUTES - MARCH 20, 1985

Date: March 14, 1985

AGENDA DOCUMENTATION

TO:
The City Council

FROM:
George F. Ogilvie
City Attorney

0237

SUBJECT: RESOLUTION ACCEPTING BIDS S.I.D. NO. 456

PURPOSE/BACKGROUND

S.I.D. NO.: 456

STEP NO.: 12B - Resolution Accepting Bids

IMPROVEMENTS: Include the installation of a pavement section, standard "L" type curb and gutters, street lighting, sewer laterals from the existing sewer mains and standard residential driveway approaches.

LOCATION: On the east side of Rancho Drive between Oakey Boulevard and Charleston Boulevard.

FISCAL IMPACT

None

RECOMMENDATIONS

It is recommended that the City Council take the appropriate steps to adopt this Resolution.

Agenda Item

V-E

RESOLUTION ACCEPTING BIDS

WHEREAS, the City Council of the City of Las Vegas, in the County of Clark and State of Nevada, has taken steps to create certain public improvements within said City, all as designated as Las Vegas Special Improvement District No. 456; and

WHEREAS, by resolution passed, adopted and approved on the 2nd day of May, 1984, the City Clerk was directed to publish notice of the receipt of bids for the furnishing of labor, materials, transportation and services for the improvements to be installed in each assessment unit of said Special Improvement District No. 456; and

WHEREAS, proper notices were given by publication of the receipt of bids for the furnishing of such labor, materials, transportation and services; and

WHEREAS, bids were received and opened on the 12th day of February, and confirmation thereof was continued for the purpose of tabulating and reporting the same to said City Council; and

WHEREAS, the time has now arrived to award the construction contracts, in each of the individual assessment units of said District, all in accordance with Chapter 271 of the Nevada Revised Statutes;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas, at a regular meeting thereof held on the 20th day of March, 1985, that the bid of WELLS CARGO, INC., in the amount of \$3,728.00 for the improvements to be installed in Assessment Unit No. II, in the amount of \$18,656.10 for the improvements to be installed in Assessment Unit No. III, in the amount of \$16,456.00 for the improvements to be installed in Assessment Unit No. IV and in the amount of \$2,619.00 for the

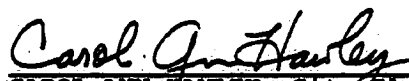
1 improvements to be installed in Assessment Unit No. V of said
2 District be, and the same hereby is, accepted.

3 BE IT FURTHER RESOLVED that the Mayor and City Clerk
4 of said City be, and they hereby are, authorized, empowered and
5 directed to execute any and all documents which may be necessary
6 to carry this Resolution into effect.

7 PASSED, ADOPTED and APPROVED this 20th day of March,
8 1985.

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11 WILLIAM H. BRIARE, Mayor

12 ATTEST:

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15 CAROL ANN HAWLEY, City Clerk
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March 20, 1985

Page 24

AGENDA*City of Las Vegas*

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

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES

- A. BILL NO. 85-9 - PROVIDES FOR PENALTY AND INTEREST ON DELINQUENT PAYMENTS OF SUPPLEMENTAL ROOM TAXES.

Committee: Councilmen Lurie and Levy

First Publication: Review-Journal, 3/21/85

Committee Recommendation:

Adoption at the 4/3/85 City Council meeting.

Recommendation
Noted

4/3/85 Agenda

- B. BILL NO. 85-10 - ANNEXATION A-2-85(A), PROPERTY LOCATED ON THE WEST SIDE OF RAINBOW BOULEVARD, SOUTH OF CHARLESTON BOULEVARD; PETITIONED BY: RAINBOW PLAZA PARTNERS; ACREAGE: APPROXIMATELY .38 ACRES; ZONED: R-E (COUNTY CLASSIFICATION) N-U (CITY EQUIVALENT).

Committee: Councilmen Lurie and Levy

First Publication: Review-Journal, 3/21/85

Committee Recommendation:

Adoption at the 4/3/85 City Council meeting.

Recommendation
Noted

4/3/85 Agenda

APR

MEM

March 19, 1985

TO:	FROM: <i>Carol Ann Hawley</i> CAROL ANN HAWLEY CITY CLERK
FILE	
SUBJECT:	COPIES TO:
Recommending Committee Meeting March 18, 1985	3/20/85 and 4/3/85 City Council Books City Attorney Director, Business Activity Director, Community Planning & Development Special Improvements Officer, Civil Eng.

MEETING HELD:

Monday, March 18, 1985, 10th Floor, City Manager's Conference Room, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada. Meeting began at 4:00 P.M. and adjourned at 4:02 P.M.

ATTENDANCE:

Councilman Ron Lurie
Councilman Al Levy
City Manager Ashley Hall
Business Activity Director Jerry Cahill
Robert Sylvain, Deputy City Attorney
Frank Pearce, Business Activity
Carol Ann Hawley, City Clerk
Linda M. Owens, Deputy City Clerk

A. BILL NO. 85-9 - PROVIDES FOR PENALTY AND INTEREST ON DELINQUENT PAYMENT OF SUPPLEMENTAL ROOM TAXES.

Committee: Councilmen Lurie and Levy

No one appeared in opposition. Committee recommended adoption of this bill at the 4/3/85 City Council meeting.

B. BILL NO. 85-10 - ANNEXATION A-2-85(A), PROPERTY LOCATED ON THE WEST SIDE OF RAINBOW BOULEVARD, SOUTH OF CHARLESTON BOULEVARD; PETITIONED BY: RAINBOW PLAZA PARTNERS; ACREAGE: APPROXIMATELY .38 ACRES; ZONED: R-E (COUNTY CLASSIFICATION) N-U (CITY EQUIVALENT).

Committee: Councilmen Lurie and Levy

No one appeared in opposition. Committee recommended adoption of this bill at the 4/3/85 City Council meeting.

RECOMMENDING COMMITTEE MEETING
MARCH 18, 1985
PAGE 2

0242

- C. BILL NO. 85-11 - ORDINANCE CREATING SPECIAL IMPROVEMENT DISTRICT NO. 452. IMPROVEMENTS: INCLUDE THE INSTALLATION OF AN EIGHT FOOT PAVEMENT SECTION, STANDARD CONCRETE SIDEWALKS, STANDARD "L" TYPE CURB AND GUTTER, STREET LIGHTING, STANDARD COMMERCIAL DRIVEWAY APPROACHES, STANDARD RESIDENTIAL DRIVEWAY APPROACHES AND SEWER LATERALS; LOCATION: ON BOTH SIDES OF SMOKE RANCH ROAD FROM TUCUMCARI DRIVE TO RANCHO DRIVE, AND ON THE EAST SIDE OF JONES TO A POINT APPROXIMATELY 410 FEET NORTH OF SMOKE RANCH ROAD.
-
- Committee: Councilmen Lurie and Levy

No one appeared in opposition. Committee recommended adoption of this Bill at the 4/3/85 City Council meeting.

CAH/lmo

INTER-OFFICE MEMORANDUM

March 5, 1985

TO: FILE	FROM: CA CAROL ANN HAWLEY CITY CLERK 0243
SUBJECT: Recommending Committee Meeting March 4, 1985	COPIES TO: 3/6/85, 3/20/85 and 4/3/85 City Council Books City Attorney Director, Business Activity Supervisor, Animal Control

MEETING HELD:

Monday, March 4, 1985, 10th Floor, City Manager's Conference Room, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada. Meeting began at 4:00 PM and adjourned at 4:15 P.M.

ATTENDANCE:

Councilman Al Levy
Councilman W. Wayne Bunker
Jerry Cahill, Director, Business Activity
Richard McGough, Deputy Director, Business Activity
Dr. Leslie Williams, Supervisor, Animal Control
Robert Sylvain, Deputy City Attorney
Robert Yeargin, Deputy City Attorney
Lt. Ormond Steele, LVMPD
Randall Walker, Deputy City Manager
Linda Owens, Deputy City Clerk
Carol Ann Hawley, City Clerk
Jean Pemberton, Nevada Dog Fanciers
Daryl Zipp, Yellow Rose Carriage Co.

- A. BILL NO. 85-6 - REQUIRES ANIMAL-DRAWN VEHICLE BUSINESSES TO MEET CERTAIN REQUIREMENTS IN ORDER TO BE LICENSED AND IMPOSES VARIOUS HUMANE REQUIREMENTS IN THE USE OF SUCH ANIMALS IN THE CONDUCT OF SUCH A BUSINESS.
- Committee: Councilman Levy and Bunker

Dr. Leslie Williams stated the cost that the City would incur will be \$30 initially and \$30 every three months thereafter for the care of each horse. Business license fees could be charged by gross revenues, per axle, per carriage, etc. The City Attorney's office will research the possibility of prohibiting animal-drawn vehicle businesses within the city limits. The City will hold this bill in abeyance until the Public Service Commission has made a decision as to whether they will regulate animal-drawn vehicle businesses.

AGENDA*City of Las Vegas*

March 20, 1985

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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. 85-11 - ORDINANCE CREATING SPECIAL IMPROVEMENT DISTRICT NO. 452, IMPROVEMENTS: INCLUDE THE INSTALLATION OF AN EIGHT FOOT PAVEMENT SECTION, STANDARD CONCRETE SIDE-WALKS, STANDARD "L" TYPE CURB AND GUTTER, STREET LIGHTING, STANDARD COMMERCIAL DRIVE-WAY APPROACHES, STANDARD RESIDENTIAL DRIVE-WAY APPROACHES AND SEWER LATERALS; LOCATION: ON BOTH SIDES OF SMOKE RANCH ROAD FROM TUCUMCARI DRIVE TO RANCHO DRIVE, AND ON THE EAST SIDE OF JONES TO A POINT APPROXIMATELY 410 FEET NORTH OF SMOKE RANCH ROAD.

Committee: Councilmen Lurie and Levy

First Publication: Review-Journal, 3/21/85

Committee Recommendation:

Adoption at the 4/3/85 City Council meeting.

Recommendation
noted

4/3/85 Agenda

- D. BILL NO. 85-6 - REQUIRES ANIMAL-DRAWN VEHICLE BUSINESSES TO MEET CERTAIN REQUIREMENTS IN ORDER TO BE LICENSED AND IMPOSES VARIOUS HUMANE REQUIREMENTS IN THE USE OF SUCH ANIMALS IN THE CONDUCT OF SUCH A BUSINESS.

Committee: Councilmen Levy and Bunker

Committee Recommendation:

Since the Public Service Commission has taken action on this matter, the Clerk is awaiting direction to place this Bill back on the Recommending Committee meeting agenda.

Recommendation
noted

AGENDA ITEM



AGENDA*City of Las Vegas*

March 20, 1985

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

ITEM

Council Action

Department Action

VII. BOARDS AND COMMISSIONS

1411

A. GOLF BOARD
5-Year Term

1. Alfred Brown - Term Expires 6/21/87

Lurie -
Motion to concur
with Mayor's appoint-
ment of Faye Crunk,
5007 Elmhurst Lane,
Las Vegas, 89108,
to fill the unexpired
term on the Golf
Board carried
unanimously.

Clerk to notify-

APPROVED AGENDA ITEM

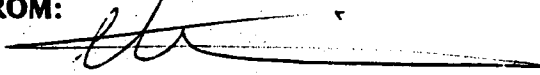
INTER-OFFICE MEMORANDUM

March 8, 1985

TO:

CAROL HAWLEY, CITY CLERK
OFFICE OF THE CITY CLERK

FROM:


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

SUBJECT:

APPOINTMENT TO GOLF BOARD

COPIES TO:

ASHLEY HALL, CITY MANAGER
DANIEL FITZPATRICK, DEPUTY CITY
MANAGER
CITY COUNCIL

It is respectfully requested that you place an item on the agenda to allow for the appointment of Ms. Fay Crunk to the vacancy left by Alfred Brown on the Golf Board.

Attached is a data sheet relating to Ms. Crunk's qualifications for said appointment and her address is as follows:

Ms. Fay Crunk
5007 Elmhurst Lane
Las Vegas, Nevada 89108

Your assistance is very much appreciated.

CJS:clj

FAY CRUNK

Ms. Crunk is currently a bookkeeper with the Fashion Show Mall, Inspirations Shop.

She received her high school diploma from Basic High School and has served in the following capacities:

- Past president of the Southern Nevada Ladies' Golf Association
- Tournament Director
- Member of the Black Mountain Women's Golf Association

Ms. Crunk is active in the following areas at this time:

- Treasurer of the Western High Rooter's Club
- Member of the Las Vegas Golf Course Women's Golf Association

AGENDA*City of Las Vegas*

March 20, 1985

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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

N
O
N
E

NONE

March 20, 1985

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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

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

1412

- A. Second Public Hearing relative to the City of Las Vegas' Urban Development Action Grant Application to assist the Lady Luck Hotel Expansion.

Public hearing held

Staff to proceed

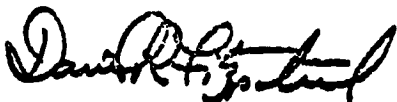
Lurie -
Motion APPROVED to
follow recommenda-
tions and apply for
UDAG Grant on behalf
of the Lady Luck
Hotel carried
unanimously.

Richard Blue
appeared

No one appeared
in opposition or
in favor.

NOTE: Verbatim Transcript made part of
Final Minutes

APPROVED AGENDA ITEM



TRANSCRIPT - CITY COUNCIL MEETING - MARCH 20, 1985

PAGE 1 0250

IX - PUBLIC HEARING -

ITEM A - SECOND PUBLIC HEARING RELATIVE TO THE CITY OF LAS VEGAS' URBAN DEVELOPMENT ACTION GRANT APPLICATION TO ASSIST THE LADY LUCK HOTEL EXPANSION

MAYOR BRIARE:

The first public hearing this afternoon is a second public hearing to the City of Las Vegas' Urban Development Action Grant application to assist the development of the Lady Luck Hotel expansion. Mr. Blue.

RICHARD BLUE:

Thank you, Your Honor. The proposed project would provide financing for the expansion of the Lady Luck Hotel located in downtown Las Vegas. The expansion would provide an addition of 300 to 350 rooms, depending upon the availability of private sector funding. The Lady Luck currently has a 112 rooms. The expansion would facilitate an increase in the room capacity and include the renovation and expansion of the restaurant and laundry facilities. The financing is expected to create 286 permanent jobs within two years after construction. The developer is seeking a bank commitment of approximately 27 million dollars, but requires an addition of 3 million dollars to complete the expansion. The City of Las Vegas would like to submit a UDAG application for the required 3 million dollars and consistent with the pocket of poverty eligibility, the City is required to contribute 20% or 600,000 of that amount. On terms of the repayment, the debt service on the \$3,600,000 at 8% or two points below prime, whichever is higher, for a term of 20 years would equal \$30,112 per month or \$361,342 per year.

MAYOR BRIARE:

Any questions or comments of Mr. Blue? Ladies and gentlemen, this is a public hearing. Is there anyone present, first, to speak in opposition to this matter -- proposal before us? Is there anyone here that wishes to speak in favor? Mrs. Hawley, have the record reflect there was no one for or in opposition. Public hearing is closed. What is the pleasure of the Council?

COUNCILMAN LURIE:

Mayor I'D MOVE THAT WE FOLLOW THE RECOMMENDATION OF MR. BLUE AND APPLY FOR THE UDAG MONEY. I would like to say that this is probably the last we'll see of UDAG money because it's one of the programs that the President is cutting out of his budget and hopefully, we can take advantage of this last money that's available and get a new hotel built downtown.

MAYOR BRIARE:

Any other comments? Cast your votes. Post. MOTION IS APPROVED.

END OF TRANSCRIPT

/s1

NOTICE OF PUBLIC HEARING

MARCH 20, 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, March 20, 1985, at the hour of 10 A.M. and 2 P.M. in the Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, the City Council will conduct Public Hearings relative to the City of Las Vegas' Urban Development Action Grant Application to assist the Lady Luck Hotel Expansion.

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

CAROL ANN HAWLEY
CITY CLERK

AGENDA*City of Las Vegas*

March 20, 1985

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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

1414

B. V-140-84 - ABEYANCE from 3/6/85 - REVIEW requested by the City Council to the action of the Board of Zoning Adjustment in APPROVING the application of FOREST LANE ASSOCIATES, A NEVADA LIMITED PARTNERSHIP for a Variance to allow a 301 unit apartment project (redevelopment of the existing complex) and to provide 113 parking spaces where 301 parking spaces are required on property located at 1600 South Main Street in Zoning District C-2.

The Board of Zoning Adjustment unanimously APPROVED, subject to the standard conditions.

Staff Recommendation: APPROVAL of the 301 apartments, but DENIAL of the variance on the parking deficiency.

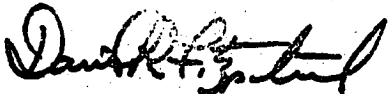
PROTESTS: 3

Levy - APPROVED as recommended by staff allowing 301 apartments, but DENYING the Variance on the parking deficiency. Motion carried with Nolen and Lurie voting "No."

Clerk to notify & Planning to proceed
Leonard Gang, Atty. represented applicant.

No one appeared in opposition.

APPROVED AGENDA ITEM



MAYOR BRIARE:

The next public hearing is shown on the agenda as Item B on Council's page 29. This was held in abeyance for the Forest Lane Associates, a Nevada Limited Partnership. Now if I recall, Mr. Hall, did we conclude the public hearing last year -- I mean last time?

COUNCILMAN LEVY:

No.

COUNCILMAN BUNKER:

No.

COUNCILMAN LEVY:

He asked for a postponement and we gave it to him.

MAYOR BRIARE:

Right.

ATTY. LEONARD GANG:

I was not present and my client asked for it to postponed.

MAYOR BRIARE:

Right, right. So we held it over. This is for a variance to allow a 301 unit apartment project development and to provide 113 parking spaces where 301 are required on property located at 1600 South Main in Zoning District C-2. The Board of Zoning Adjustment recommended APPROVAL. The staff recommendation was for APPROVAL, but DENIAL of the variance for the parking deficiency. There were three protests. You go first.

ATTY. LEONARD GANG:

My name is Leonard Gang and I represent the applicant. The application is a little bit misleading and perhaps a little background will assist the Council. There presently exists on the premises a 301 unit apartment complex that was built in 1976, I believe. At that time, it conformed to all of the requirements that were necessary in order to build that with 113 parking spaces. Since that time, in August of '82, the City condemned the top two stories because of construction difficulties -- construction problems in the building and we are presently in litigation with the developer of that building. I represent the people who purchased it. We have had studies done which indicate that it might be less expensive to remove the premises and rebuild it exactly as it is from scratch rather than to repair it. We don't need any approval to repair it. We have to conform to the current codes -- building codes as they presently exist, but if we were to tear it down, we would need the approval of this Council

ATTY. LEONARD GANG: to rebuild the same structure on the premises and that's what we seek to do. It would merely save some dollars and at this point, the indication is approximately \$500,000.

COUNCILMAN LEVY: To rebuild it?

ATTY. LEONARD GANG: To tear it down and rebuild it, the indication is that it would be about \$500,000 cheaper than to repair it.

COUNCILMAN LEVY: You know, I just can't go on record approving the rebuilding of what there is there today. I don't care what it means. I'd rather just show my defiance to your -- your client in telling them I don't care to have them operating in the facility that they had there before we shut them down.

ATTY. LEONARD GANG: My client purchased it from the people that built it with his own savings so I don't --

COUNCILMAN LEVY: I know and your client operated it with the dogs and the 20 people in the studio apartment. I saw how they operated it and blamed everybody else. That's how your client operated it. I just can't go along with it and I'm going to follow recommendations of staff even though it may be a wasted -- I just can't be on record to approve this, Mr. Gang.

ATTY. LEONARD GANG: Well, it was unanimously approved by the Planning Department, Councilman, and what it does is -- the result of it is that it would just -- result of your feelings -- if your motion is followed or your viewpoint's followed is that you will have the same structure, it'll just cost more dollars.

COUNCILMAN LEVY: But it'll be -- it'll be safe.

ATTY. LEONARD GANG: It'll be safe -- it'll be safe in either regard. One, it cost more dollars to repair it than it will to tear it down and build it anew from the ground up.

COUNCILMAN LEVY: I'll be shocked if they ever repair it or build something new there.

MAYOR BRIARE: Well in any event, we have building codes which I'm sure are being enforced right now and the fact that the portions that were closed down is an indication that we have enforced our building codes. The matter before us today, Mr. Foster, in addition to the request

MAYOR BRIARE: that the original amount of parking spaces, namely 113 I suppose that were originally approved, would be your recommendation that it be approved, subject to insisting on the -- what the ordinance calls for, namely 301 parking places. Is there anything else at issue?

HAROLD FOSTER: No, it's essentially those two things. The use, which is the apartments, and the parking situation.

MAYOR BRIARE: Well, is the use an issue?

HAROLD FOSTER: Yes.

MAYOR BRIARE: In what -- why?

HAROLD FOSTER: It requires a use permit. Anything outside of the downtown area -- apartments --

MAYOR BRIARE: Oh, I see. So once he tears -- once -- once Mr. Gang tears this thing down, then it would be just like coming -- it'd be like starting the whole thing again.

COUNCILMAN LEVY: And that's what he's asking for.

MAYOR BRIARE: I see.

ATTY. LEONARD GANG: We simply won't tear it down if the Council doesn't approve it the way it presently is. We'll just repair it and we'll have the same structure with the same parking facilities.

MAYOR BRIARE: I think Mr. Gang indicated earlier, Mr. Foster, and would you clarify it for the Council that at the time, of course, when it was built, was that many -- was that high density -- that high a density allowed?

HAROLD FOSTER: Yes.

MAYOR BRIARE: Sure. So they built it according to the way the rules and regulations were at that time. Since then, we've changed, right?

HAROLD FOSTER: Yes.

MAYOR BRIARE: I just wanted to have that for the record, Mr. Gang, because I understand what you're saying. You're just -- you just want the -- I think we've all kind of learned that that's too great a density and if it's too great a density, then the possibility of changing the parking

MAYOR BRIARE:

to something different than the way it stands right now, would sure be counter productive to our whole plan for those kinds of apartments. I was ready to -- in my own mind having done some homework on this, I was ready to want to follow the staff's recommendation, but I think we've already heard that at least one Councilman doesn't want to even allow it to be used for apartments.

COUNCILMAN LEVY:

Well I want to follow -- I'm going to follow the staff's recommendation. That's going to be my motion.

MAYOR BRIARE:

Oh, I'm sorry.

COUNCILMAN LEVY:

And staff's recommendation is to, either they put up the 300 units with 300 parking spaces or they just remodel what they have into a safe condition and that's --

COUNCILMAN LURIE:

And that's your recommendation?

COUNCILMAN LEVY:

Well that's basically the only recommendations they can make.

COUNCILMAN LURIE:

And your recommendation approves the apartments without the variance of the parking?

HAROLD FOSTER:

Yes. We're saying the apartment use at that density is appropriate, but we feel that they should have the one-to-one parking and it could be on-site or a combination of on-site and satellite parking in close proximity to it.

COUNCILMAN BUNKER:

Is it still possible to rebuild it with 300 -- 300 and some units and 301 parking places?

HAROLD FOSTER:

Not on-site.

COUNCILMAN BUNKER:

So it's impossible for them to --

HAROLD FOSTER:

Unless they go underground parking or something like that.

COUNCILMAN NOLEN:

So what you're saying is, if we follow your recommendation, the structure will stay exactly as it is right now? If we go with the BZA recommendation, their intention is to demolish what's there and rebuild.

ATTY. LEONARD GANG: Rebuild the same struture.

COUNCILMAN NOLEN: But it will be up to current code.

ATTY. LEONARD GANG: It'll be up to current code in either regard, Mr. Councilman.

COUNCILMAN NOLEN: Yes, I understand that.

MAYOR BRIARE: Well, building code.

ATTY. LEONARD GANG: Building codes, yes.

MAYOR BRIARE: But not with respect to density.

COUNCILMAN BUNKER: But it'll only have 113 spaces. So the neighborhood is going to be impacted. If you rebuild it, it will have only 113 spaces just like it has now.

ATTY. LEONARD GANG: That's correct.

COUNCILMAN BUNKER: And all those extra cars are going to impact that neighborhood as -- like they did before and so --

MAYOR BRIARE: As they do right now, Councilman Bunker, except they only had one-third of the maximum --

ATTY. LEONARD GANG: The -- so that it's clear, the staff was opposed to it and the Board of Zoning approved it.

COUNCILMAN LEVY: And the Commission approved it.

ATTY. LEONARD GANG: Yes, but what the issue -- just so the issue is clear, we're faced with a situation of either repairing it or we -- repairing the existing structure, which has 113 parking spaces and 301 units which is more expensive than if we tore it down and built the structure over again from the ground up, which would end up with the same 301 units and 113 parking spaces. In either event, it has to conform to the code. The only difference is, it's more expensive to repair it because of the increased labor costs than it would to --

MAYOR BRIARE: The code also calls for another 100 --

COUNCILMAN LEVY: 200.

MAYOR BRIARE: 200 -- almost 200 parking places. So if we're going to conform to the code on the one hand, we should conform to the balance of the code on the other.

ATTY. LEONARD GANG: It doesn't affect it as far as repair it concerned, Mr. Mayor.

COUNCILMAN LEVY: No, but you have one other choice -- that's to leave it as it is.

ATTY. LEONARD GANG: You mean not being used?

COUNCILMAN LEVY: Well that's basically the way you've had it for the last two years, isn't it?

ATTY. LEONARD GANG: Well that's because we're in litigation. I'm sure that's a viable choice, Mr. Commissioner. We're using 69 units out of 301. We bought 301.

COUNCILMAN BUNKER: But he has indicated that there is a way to increase parking though. Parking can be increased with the same configuration of buildings that are there now. I have difficulty with the disparity between 301 and 113. That's -- you know, it isn't even close to what the requirements are today and I can realize that -- I realize that you can remodel it and still leave it at 113, but if it's cheaper to rebuild it that much, 500,000, why couldn't you put some of that 500,000 in additional parking and bring it at least up to where, you know, the neighborhood can stand that. I think that's staff's problem is the 301 versus 113 -- 113, that isn't even close and I accept the fact you can remodel it and you're going to have 113 spaces, but it still won't be a good project for you either, I don't think, economically. I don't think it'll be a viable project.

MAYOR BRIARE: Is there anyone else that wishes to comment on this at this public hearing? Is there anyone here to speak in protest? Then the public hearing is closed. Did you want to make a closing remark of any kind, Mr. Gang?

ATTY. LEONARD GANG: No, thank you, Mr. Mayor.

MAYOR BRIARE: What is the pleasure of the Council?

COUNCILMAN LEVY: I'LL MOVE WE FOLLOW THE RECOMMENDATION OF STAFF.

MAYOR BRIARE: That'll be for approval of the project, but denial of the variance on the parking deficiency?

COUNCILMAN LEVY: Yes, sir.

MAYOR BRIARE:

Comments by the Council members? Cast your
votes. Post. Motion's APPROVED. (Motion
carried with Nolen and Lurie voting "no.")

END OF DISCUSSION

TO: The City Council
RE: Public Hearing Agenda Item
March 20, 1985 City Council Agenda

IX.

0253

B. V-140-84 - FOREST LANE ASSOCIATION

The application was held in abeyance from your last meeting at the request of the applicant because the applicant's attorney was required to be in court. The variance application is to allow the Forest Lane Apartments at 1600 South Main to be rebuilt and provide the same number of parking spaces (113) which presently exists where the City Code now requires 301 spaces in this C-2 zone. As you know, there are structural problems on the existing buildings and some of the apartments are not allowed to be occupied. The applicant has determined that it would be less expensive for him to demolish the existing structures and rebuild this project. At the time the existing structures were built there were no parking requirements for apartments in a C-2 zone but now the Code requires one space per unit. At the BZA meeting, the applicant pointed out the City Code will allow the buildings to be remodeled with the same amount of parking that exists on the site. The applicant indicated the Variance will essentially result in a better finished product and will be less expensive. The buildings will be three story and 299 studio and two one-bedroom units would be rebuilt.

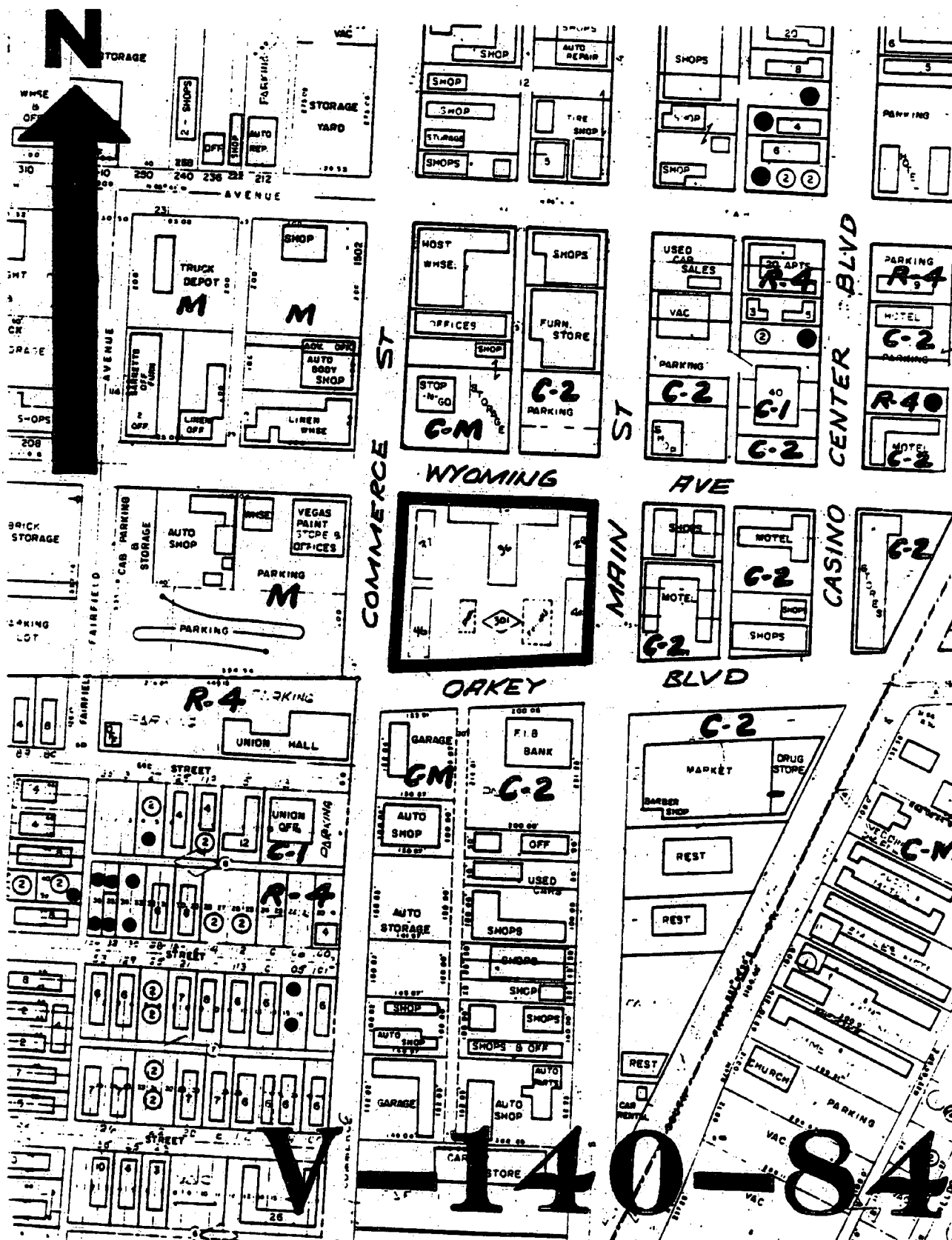
BOARD OF ZONING ADJUSTMENT DECISION: APPROVAL - based on the apartment use being compatible and the buildings could be remodeled with the same amount of existing parking space.

STAFF RECOMMENDATION: APPROVAL of the apartments and DENIAL of the Variance on the parking

PROTESTS: 3

SEE ATTACHED LOCATION MAP

ITEM IX. B. V-140-84 - FOREST LANE ASSOCIATION



AGENDA*City of Las Vegas*

March 20, 1985

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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

- C. V-5-85 - Application of GEORGE STURMAN for a Variance to allow a secondhand dealer use in conjunction with an approved pawn shop operation on property located at 119 North 3rd Street in Zoning District C-2.

The Board of Zoning Adjustment unanimously recommends APPROVAL, subject to:

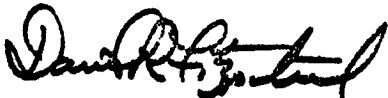
1. The use shall be limited to relatively high-value, non-bulky merchandise, such as hand tools, musical instruments and precious metals.
2. This use shall only be permitted in conjunction with the pawn shop approved by U-85-83 and shall cease when the pawn shop use ceases.
3. All storage and display of merchandise or equipment shall be within a completely enclosed, permanent building.

Staff Recommendation: APPROVAL

PROTESTS: 0

WITHDRAWN FROM AGENDA

APPROVED AGENDA ITEM



TO: The City Council
RE: Public Hearing Agenda Item
March 20, 1985 City Council Agenda

CITY COUNCIL MINUTES - MARCH 20, 1985

IX.

0256

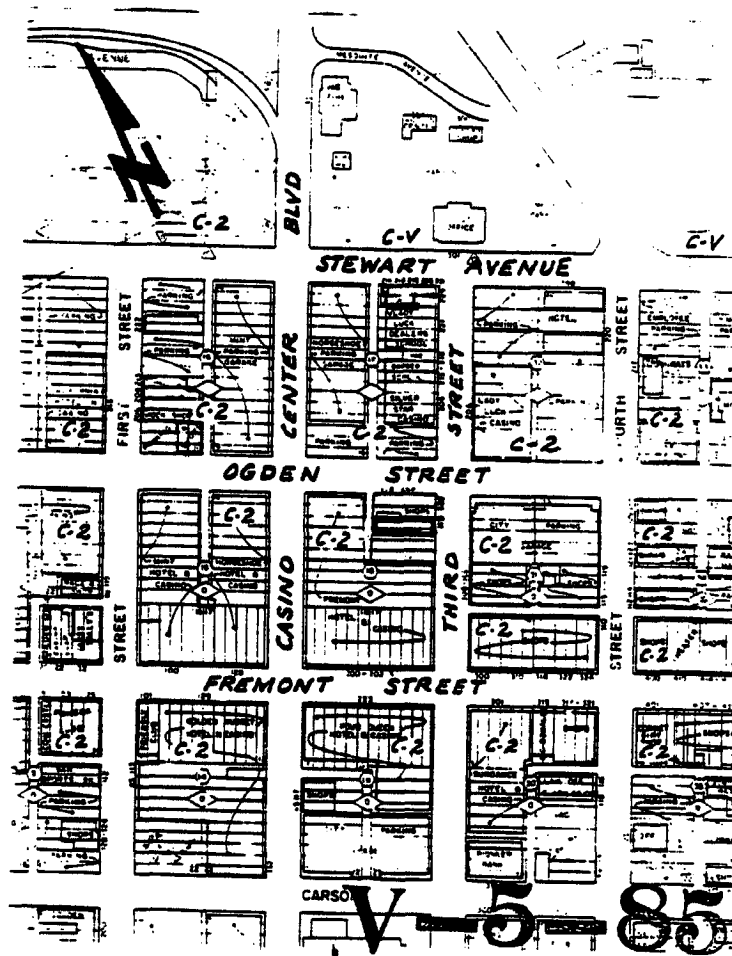
C. V-5-85 - GEORGE STURMAN

This Variance is to allow a second hand dealer use in conjunction with an approved pawn shop operation at 119 South Third Street in a C-2 zone. The applicant was occupying the adjoining store space to the north at 129 North Third Street and that property has an existing non-conforming second hand operation which has existed for many years. The applicant would like to continue handling second hand items in connection with his pawn shop. Also a Class III operation for the buying and selling of gold, silver and other precious metals was approved at this location in 1980. There have been variances approved at other locations in the downtown area in conjunction with pawn shop operations. The Board of Zoning Adjustment felt the use was compatible as long as it only involved the handling of small second hand items and that it cease when the pawn shop use ceases.

BOARD OF ZONING ADJUSTMENT RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APROVAL

PROTESTS: 0



TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 4 - V-5-85 - GEORGE STURMAN

PAGE 1

CHAIRMAN JUNIEL:

Next public hearing item number 4, V-5-85, George Sturman. Application of George Sturman for a variance to allow a secondhand dealer use in conjunction with an approved pawn shop operation on property located at 119 North 3rd Street in Zoning District C-2. Staff.

HAROLD FOSTER:

This involves a request for a secondhand operation in connection with a pawn shop and a Class III operation that's presently on the property. The applicant was in larger quarters that extended to the corner to Ogden and on that parcel or part of the building to the north that he's formerly in, it also had the pawn shop operation and had a non-conforming secondhand operation in it. While he was there, he was able to conduct this type of use that he's requesting tonight and because he has reduced the size of his facility -- he's now on the premises which does not have the secondhand use and based on that, staff feels that there is possibly some justification for allowing it. We think that it has been approved in several other locations in the downtown area. We think there's really no visual use or visual change that would occur by allowing this. It would essentially look the same on the outside of the building and it's primarily because they handle just the smaller type items. They don't get into appliances and furniture and those types of things. So based on that justification, staff would recommend APPROVAL, subject to: Conformance to the plot plan. 2. The use be limited to relatively high-value non-bulky merchandise, such as hand tools, musical instruments and precious metals. 3. The use shall only be permitted in conjunction with the pawn shop approved under U-85-83 and shall cease when the pawn shop use ceases. 4. All storage and display of merchandise or equipment shall be within a completely enclosed permanent building. We have no protests.

CHAIRMAN JUNIEL:

Please state your name and address.

HARRY MARQUIS, ATTY.:

Harry Marquis, 520 South 4th Street, on behalf of the applicant.

CHAIRMAN JUNIEL:

Did you sign in?

HARRY MARQUIS:

Yes, I did.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 4 - V-5-85 - GEORGE STURMAN

PAGE 2

CHAIRMAN JUNIEL: Would you address the Board, please.

HARRY MARQUIS, ATTY.: Certainly. As --

COMMISSIONER BUGBEE: Staff's recommending approval, any problem?

HARRY MARQUIS, ATTY.: I have no problem with that recommendation,

CHAIRMAN JUNIEL: Staff's recommendation?

HARRY MARQUIS, ATTY.: Certainly. I'd like to answer any questions you might have.

CHAIRMAN JUNIEL: This is a public hearing. Is there anyone here in opposition of this applicant? (No response)
Public hearing closed. May I have a motion?

COMMISSIONER GILES: I'LL MOVE TO APPROVE WITH STAFF'S RECOMMENDATIONS.

CHAIRMAN JUNIEL: That's been APPROVED. (Motion carried unanimously)

HAROLD FOSTER: Madam Chairman, before we proceed, it looks like we're going to -- oh, yes, on that last application that will have to go to City Council, next meeting, to set date for public hearing and they'll be notified when it's going to come up before the Council.

END OF TRANSCRIPT



LAS VEGAS LOAN & JEWELRY

114 NORTH 3RD STREET - LAS VEGAS, NEVADA 89101 - (702) 385-5317

Carol Ann Hawley
City Clerk
400 East Stewart Ave
Las Vegas, Nevada 89101

March 19, 1985

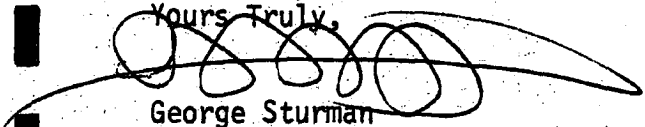
V-5-85

Dear Carol Hawley,

This is to advise that we wish to withdraw the application of George Sturman for a Variance to allow a secondhand dealer in conjunction with an approved pawn shop operation on property located at 119 North 3rd Street in Zoning District C-2, on March 20, 1985 at the hour of 2:00 P.M. in the Council of City Hall, 400 East Stewart Ave.

We would appreciate that we set this at some later date.

Yours Truly,



George Sturman
President

cc: Board of Zoning Adjustment
Neil Beller-Attorney at Law
Steve Stein-Attorney at Law

NOTE: A followup telephone call to Mr. Sturman from Harold Foster has clarified that the applicant is requesting ABEYANCE action on this item.

MAYOR BILL BRIARE

COUNCILMEN

RON LURIE

AL LEVY

BOB NOLEN

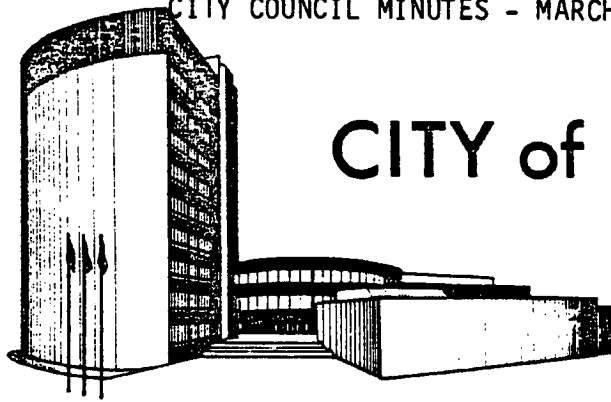
W. WAYNE BUNKER

CITY ATTORNEY

GEORGE F. OGILVIE

CITY MANAGER

ASHLEY HALL



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

MARCH 20, 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, March 20, 1985, 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-5-85 Application of GEORGE STURMAN for a Variance to allow a secondhand dealer use in conjunction with an approved pawn shop operation on property located at 119 North 3rd Street in Zoning District C-2.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS LOT THIRTY (30) AND THE NORTH THREE (3) FEET OF LOT TWENTY-NINE (29) IN BLOCK EIGHTEEN (18) OF CLARKS 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



March 20, 1985

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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

IX. 2:00 P.M. PUBLIC HEARINGS

- 1427 D. U-6-85 - Application of MINI-STORAGE, DBA A-1 PERSONAL STORAGE, for a Special Use Permit to allow an expansion of existing commercial storage unit facility on property located at 1911 West Bonanza Road in Zoning District C-2.

The Board of Zoning Adjustment unanimously recommends APPROVAL, subject to:

1. Installation of a 6' high decorative wall along Bonanza Road set back five feet for landscaping.

Staff Recommendation: APPROVAL

PROTESTS: 0

Levy -
APPROVED as recom-
mended.
Unanimous

Clerk to notify &
Planning to proceed

John Hathaway
appeared

No one appeared in
opposition

APPROVED AGENDA ITEM



0262

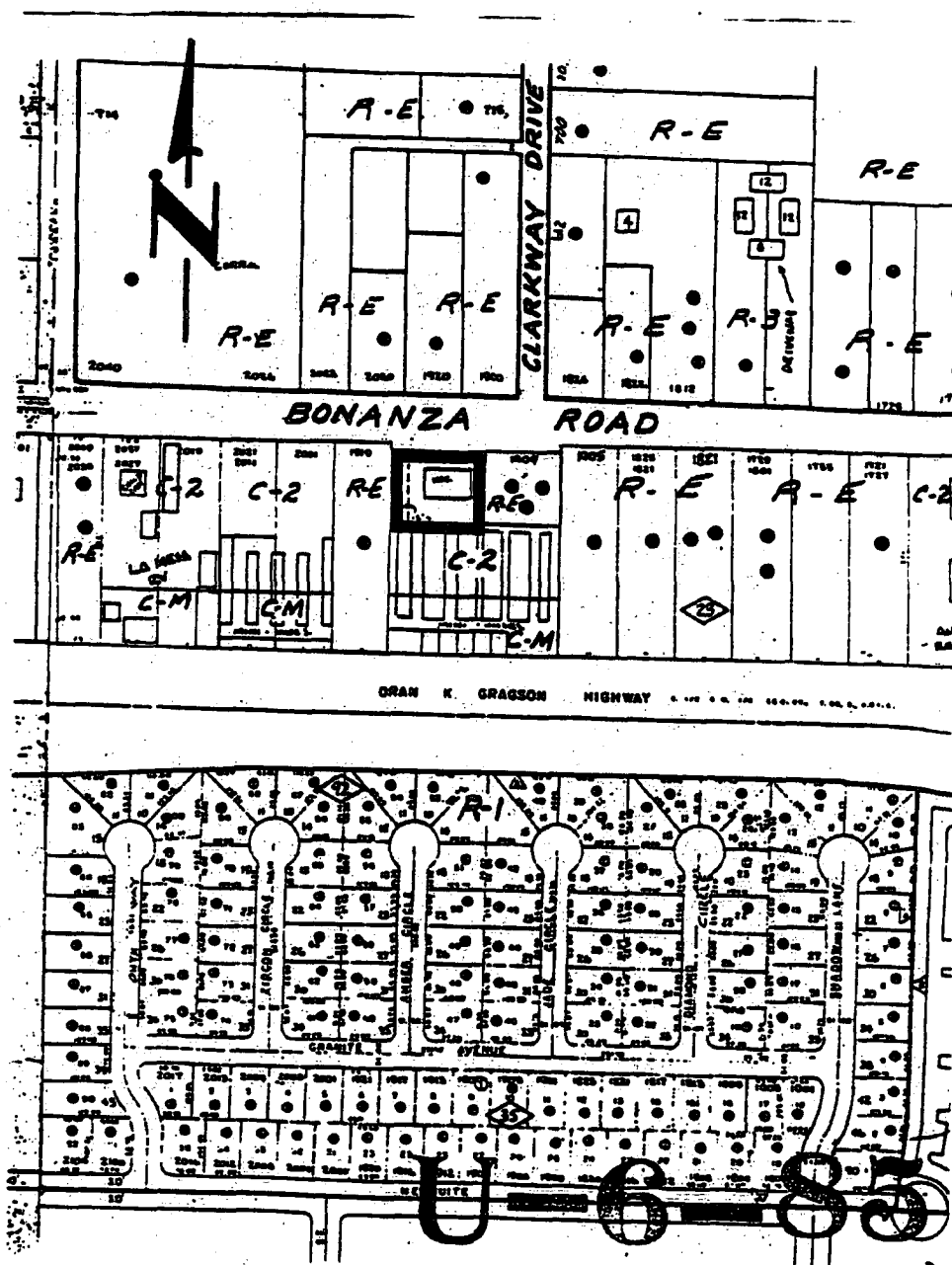
D. U-6-85 - MINI-STORAGE DBA A-1 PERSONAL STORAGE

The request is for a special use permit to allow an expansion of an existing commercial storage unit facility at 911 West Bonanza Road in a C-2 zone. Due to a recent ordinance amendment, all commercial storage unit facilities must be acted upon by the City Council. The properties on the south side of West Bonanza Road are transitioning to commercial. This request to expand the use is compatible.

BOARD OF ZONING ADJUSTMENT RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0



TRANSCRIPT - CITY COUNCIL MEETING - MARCH 20, 1985 - 2:00 P.M. - PAGE 1
IX. PUBLIC HEARINGS. D. U-6-85 - MINI-STORAGE, DBA A-1 PERSONAL STORAGE.

MAYOR BRIARE:

Item D is an application for Mini-Storage doing business as A-1 Personal Storage for a Use Permit on property located at 1911 West Bonanza. The Board of Zoning Adjustment's recommendation was for APPROVAL, subject to a requirement of a decorative wall and staff's recommendation was for APPROVAL. There are no protests. Is there anyone in the audience today to speak in opposition to this request at this public hearing? You wish to speak in favor of your application?

JOHN HATHAWAY:

Yes. My name is John Hathaway with A-1 Personal Storage. We are the applicant and I'm just available for any questions you may have.

MAYOR BRIARE:

Comments by the Council members?

COUNCILMAN LEVY:

What is the reason behind installing a 6 foot high decorative wall along Bonanza? Is that his idea or yours?

HAROLD FOSTER:

Staffs because there's long rows of buildings. You can see all the doors from the street. We just think screening that will aesthetically finish it off. He's agreed to the modification.

COUNCILMAN LEVY:

I personally don't think that big high wall would be a pretty thing to look at driving down the street.

HAROLD FOSTER:

No. It's going to be the existing decorative wall. It will just be screened in.

COUNCILMAN LEVY:

Fine. Move to follow the recommendations.

MAYOR BRIARE:

Any comments or questions on the motion? Cast your vote. Post. Motion is APPROVED.

END OF TRANSCRIPT

MAYOR BILL BRIARE

COUNCILMEN

RON LURIE

AL LEVY

BOB NOLEN

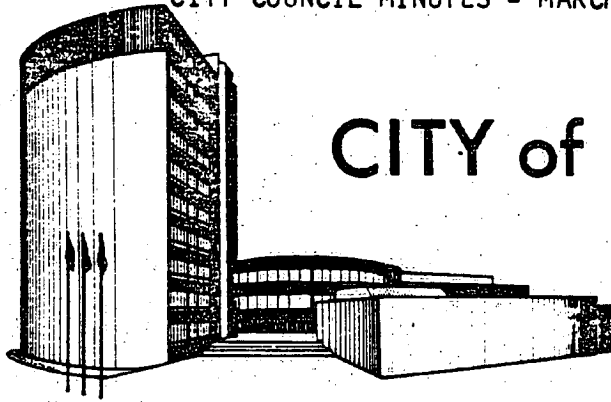
W. WAYNE BUNKER

CITY ATTORNEY

GEORGE F. OGILVIE

CITY MANAGER

ASHLEY HALL



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

MARCH 20, 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, March 20, 1985, 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:

U-6-85 Application of MINI-STORAGE, DBA A-1 PERSONAL STORAGE, for a Special Use Permit to allow an expansion of existing commercial storage unit facility on property located at 1911 West Bonanza Road in Zoning District C-2.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M.

ANY AND ALL INTERESTED PERSONS may appear and be heard at said meeting or, prior thereto, may file 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*

March 20, 1985

Page 32

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

ITEM

Council Action

Department Action

IX. 2:00 P.M. PUBLIC HEARINGS

1428

E. V-36-80 - APPEAL filed by GARLIN G. HAHN to the action of the Board of Zoning Adjustment in DENYING his application for a five-year Extension of Time on an approved Variance which allowed three mobile homes to be used for caretakers' residences on property located at 5500 Grand Teton in Zoning District R-E.

Board of Zoning Adjustment unanimously recommends DENIAL

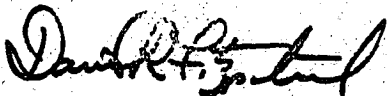
Staff Recommendation: DENIAL

Levy -
APPROVED one-year
Extension-of-Time
Unanimous

Clerk to notify &
Planning to proceed

Garlin Hahn
appeared

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - MARCH 20, 1985

TO: The City Council
RE: Public Hearing Agenda Item
March 20, 1985 City Council Agenda

IX.

0266

E. V-36-80 - GARLIN G. HAHN

This is an appeal by the applicant to the action of the Board of Zoning Adjustment in denying his application for a five year extension of time on an approved variance which allowed three mobile homes to be used for caretaker's residences at 5500 Grand Teton Drive in an R-E Zone. The mobile homes were approved originally on the basis of providing temporary quarters for a large private estate residence, on this forty acre parcel. According to our records, no residence has ever been constructed on this property, only several accessory buildings. Staff pointed out it felt five years was sufficient time to allow this temporary use. You will remember the applicant allowed an illegal ultra-light aircraft operation to be conducted from the premises that caused considerable nuisance to the area residents and forced the City into a show-cause hearing to revoke the operator's business license on East Sahara, however the sale, assembly, repair and flying lessons were all conducted from the Grand Teton location. After the business license was revoked, the operator still continued to conduct the ultra-light operation on this property and legal action by the City was necessary to terminate this use. The applicant, nor his representative, were present at the BZA hearing when this extension was considered. The five year time period will expire May 22, 1985.

BOARD OF ZONING ADJUSTMENT DECISION: DENIAL - the original five year time period was sufficient for this temporary use.

STAFF RECOMMENDATION: DENIAL

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 21 - V-36-80 - GARLIN G. HAHN

PAGE 1

CHAIRMAN JUNIEL:

Item 21 - V-36-80, a request of Galin Hahn for a five-year Extension of Time on an approved Variance which allowed three mobile homes to be used for caretakers' residences on property located at 5500 Grand Teton in Zoning District R-E.

HAROLD FOSTER:

This is located out in the very northwest part of the City. It's east of Floyd Lamb State Park about mile off of Jones Boulevard. It's a 40 acre parcel. When the variance was approved on this, it was for a five-year time limit. He indicated he needed the three mobile homes to be used as temporary caretakers' residences. He would be then constructing permanent residences on the property. Over the years, we've had an awful lot of problem in connection with an illegal ultra-lite aircraft operation being conducted out of there. The City had to take action to have that use cease at that location. It caused an awful lot of nuisance to the premises. It doesn't appear that he was very serious in terms of pursuing the permanent structures for this type of use. Staff feels that the five years was more than adequate time. We would strongly recommend DENIAL.

COMMISSIONER BUGBEE:

MOVE FOR DENIAL. He's not here.

CHAIRMAN JUNIEL:

Please cast your vote. It's been DENIED. (Motion carried unanimously)

END OF EXCERPT

Sahara Case CITY COUNCIL MINUTES OFFICE 20, 1985

872 East Sahara Avenue
Las Vegas, Nevada 89104
Telephone 734-8996

RECEIVED

MAR 4 11 10 AM '85

0268

March 1, 1985

CITY CLERK

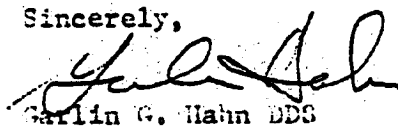
City of Las Vegas
City Clerk
10th Floor
Las Vegas, Nev. 89106

V-36-80

Dear Sirs;

I applied to extend the time limit of three mobile homes located on my Forty acre ranch which was on the February 28th agenda. However, I was unavoidably detained and missed the commission meeting. My request was denied of which I wish to now apply for an appeal. My request was the last entry on the 28th agenda.

Sincerely,


Garlin G. Hahn DDS

March 12, 1985

RE - V-56-80

Dear Sirs:

We would like to submit
that we fully approve of Garlen
Hahn having a caretaker permit.

We feel that anyone living
out in this area who so desires
should be allowed a permit.

We believe this is the best
alternative for care, protection and
safety of ones property.

Sincerely
Elmer & Marilyn Laub
8250 THOM BLVD.

CITY CLERK

MAR 14 10 48 AM '85

RECEIVED

0270

4712 Garden Place
Las Vegas, Nevada 89107
March 16, 1985

City Clerk, 10th Floor
City of Las Vegas
400 East Stewart Avenue
Las Vegas, NV 89101

Gentlemen:

Re: Carlin G. Hahn
V-36-80

We oppose the continuance of the Variance for three mobile homes to be used for caretakers' residences on property located at 5500 Grand Teton in Zoning District R.E., which will be considered at a hearing March 20, 1985.

Sincerely,

Hugh L. Richens

Hugh L. Richens

Carma G. Richens

Carma G. Richens

RECEIVED
MARCH 21 1985
CITY OF LAS VEGAS

MAYOR BILL BRIARE

COUNCILMEN

RON LURIE

AL LEVY

BOB NOLEN

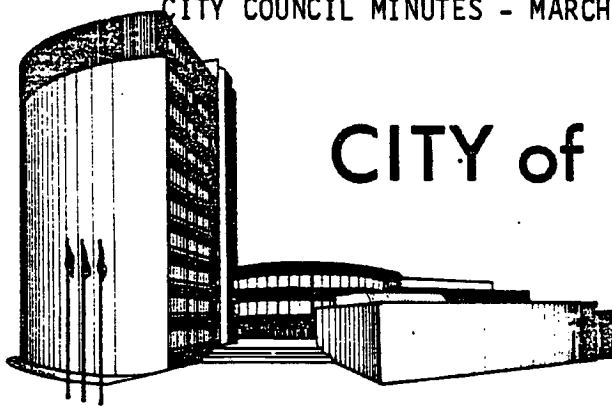
W. WAYNE BUNKER

CITY ATTORNEY

GEORGE F. OGILVIE

CITY MANAGER

ASHLEY HALL



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

MARCH 20, 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, March 20, 1985, 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-36-80 APPEAL filed by GARLIN G. HAHN to the action of the Board of Zoning Adjustment in DENYING his application for a five-year Extension of Time on an approved Variance which allowed three mobile homes to be used for caretakers' residences on property located at 5500 Grand Teton in Zoning District R-E.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS THE
SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER
(SW $\frac{1}{4}$) OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 60
EAST, M.D.B.&M., CONTAINING APPROXIMATELY FORTY
(40) ACRES.

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



March 20, 1985

Page 33

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

City of Las Vegas

ITEM

Council Action

Department Action

IX. 2:00 P.M. PUBLIC HEARINGS

1437

F. V-11-85 - APPEAL filed by ALBERT L. & JANET BRADY to the action of the Board of Zoning Adjustment in DENYING their application for a Variance to allow the permanent occupancy of a double-wide mobile home in an R-E Zone where mobile homes are not permitted on property located at 4329 North Torrey Pines Drive in Zoning District R-E.

Board of Zoning Adjustment decision:
DENIAL (vote 3 to 2).

Staff Recommendation: DENIAL

PROTESTS: 6

Bunker -
DENIED appeal
thereby denying
Variance
Unanimous

Clerk to notify
Janet Brady appeared
Al Bowers,
4333 N. Torrey Pines
appeared in
opposition

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - MARCH 20, 1985

TO: The City Council
RE: Public Hearing Agenda Item
March 20, 1985 City Council Agenda

IX.

0273

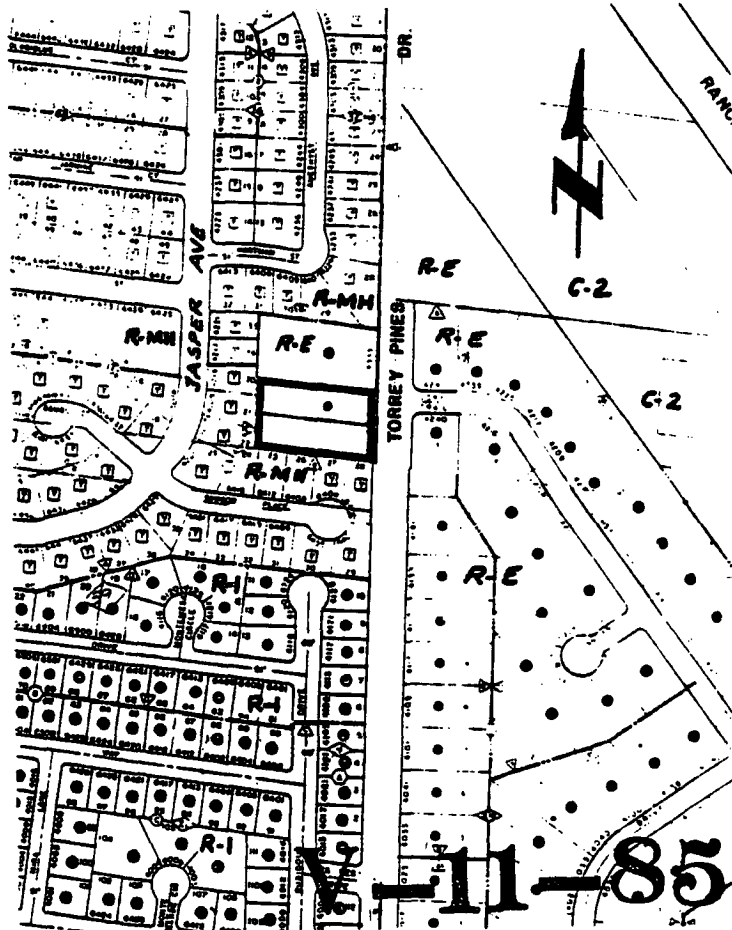
F. V-11-85 - ALBERT L. & JANET BRADY

This item is an appeal by the applicants to the action of the Board of Zoning Adjustment in denying their application for a variance to allow the permanent occupancy of a double wide mobile home in an R-E Zone at 4329 North Torrey Pines Drive. The property is across from a developed R-E subdivision on the east side of Torrey Pines. The property involved in this application is part of a small R-E parcel on the west side of Torrey Pines which abuts the Jade Park Mobile Home Estate development to the south, west and north. All of the mobile homes in Jade Park are required to back up to exterior boundary streets and be screened by a 6 foot block wall. Recently, the applicant divided this property into two lots. One lot has a residence on it and the proposed mobile home on the vacant lot. The applicants indicate their daughter would be occupying the mobile home and it would be a convenience to them to look after her because she has an asthmatic condition. Also, the applicants indicate they have heart problems and the daughter could help look after them. There were protestants at the meeting indicating this would have an adverse affect on the value of the R-E homes in the immediate area. The owner of the R-E zoned property immediately to the north was adamantly opposed to this application.

BOARD OF ZONING ADJUSTMENT DECISION: DENIAL, insufficient justification for this Variance.

STAFF RECOMMENDATION: DENIAL, insufficient justification

PROTESTS: 6



TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 10 - V-11-85 - ALBERT L. & JANET BRADY

PAGE 1

CHAIRMAN JUNIEL: Public hearing Item 10, V-11-85, Albert & Janet Brady for a variance to allow the permanent occupancy of a double wide mobile home in an R-E Zone where mobile homes are not permitted on property located at 4329 North Torrey Pines Drive in Zoning District R-E. Staff.

HAROLD FOSTER: You can see the subject property is bordered by the Jade Park Mobile Home Estates subdivision on the south and to the west, there is an existing single-family residence, actually there's two of them to the north of the -- the parcel that -- where this mobile home is being requested has been divided by the current owner. On the south lot, they would like to have the mobile home. This would be the layout. When the lot split was allowed on this parcel because it fronted on Torrey Pines Drive, it required a circular driveway. This is the proposed mobile home. It's a double wide one. You can see the substantial depth. The Jade Park Mobile Home development would be around on this side. The property fronts out on Torrey Pines across from a developed R-E subdivision. To the east, those lots front out on Torrey Pines. Staff, in reviewing this, we feel that if the particular property were incorporated into the Mobile Home Estates development, we don't see any problem with it. We do think that it would have an adverse effect on the R-E development across the street as well as we don't think it would be compatible with the two residences that exist on the small R-E parcel on the west side. For those reasons, would recommend DENIAL. We have five protests on record.

CHAIRMAN JUNIEL: This is a public hearing. Are you the applicants?

ALBERT BRADY: Yes.

CHAIRMAN JUNIEL: Would you please state your name and address.

ALBERT L. BRADY: I'm Albert L. Brady. I live at 4329 North Torrey Pines.

CHAIRMAN JUNIEL: Would you sign in please?

ALBERT L. BRADY: Yes, ma'am. We're completely --

JANET BRADY: Surrounded.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 10 - V-11-85 - ALBERT L. & JANET BRADY

PAGE 2

ALBERT L. BRADY: Surrounded by trailers you might say on three sides. We're in a square and we're surrounded on three -- back, south and north side with trailers.

JANET BRADY: No, just south and west.

COMMISSIONER BUGBEE: It's on the east. She's right, don't argue with her. (Laughter)

JANET BRADY: We've tried to sell this lot for two years. We've had it for sale and nobody wants to buy it because the trailers are there. So what else can you do with it?

CHAIRMAN JUNIEL: Nobody else wants to buy what?

JANET BRADY: The lot.

CHAIRMAN JUNIEL: Because of what?

JANET BRADY: Because of the trailer park. The south side is all trailers 300 foot almost.

CHAIRMAN JUNIEL: Oh, Jade Park, yes.

ALBERT L. BRADY: Jade Park.

JANET BRADY: Behind us is trailers. There's nothing else you can do with the lot. It's a half acre vacant lot which has people running down through there all the time. It causes theft too because they go over the wall into the trailers and I think it would make it a lot nicer. The double wide mobile home that would be there would make it look better.

CHAIRMAN JUNIEL: Now, there's no house there now?

JANET BRADY: There's nothing it's a vacant lot.

CHAIRMAN JUNIEL: Oh, you want to live --

ALBERT L. BRADY: There are two houses.

HAROLD FOSTER: There are two houses. There's a house here on about the same size lot as this and then there's another house on this property.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 10 - V-11-85 - ALBERT L. & JANET BRADY

PAGE 3

CHAIRMAN JUNIEL: No, I mean on the subject property, there is no house?

HAROLD FOSTER: Vacant lot.

CHAIRMAN JUNIEL: You want this for your own personal residence?

JANET BRADY: For our daughter.

ALBERT L. BRADY: For our daughter and son-in-law.

CHAIRMAN JUNIEL: This is a public hearing. Is there any opposition to this applicant? Would you please come forward. Sign in, state your name and address.

ALVIN R. BOWERS: My name is Alvin R. Bowers. I live next door to the people that's requesting this and some of the people that I talked to, which is right across the street, they are against it. They've got the letters in already. The mobile home is already there on the lot which I don't think no one has gotten permission on to do.

JANET BRADY: Yes, they knowed it because the State man was there.

COMMISSIONER BUGBEE: Just try and let him speak.

ALVIN R. BOWERS: And at the same time, I think it's going to knock down our property if we want to go to sell it and all. Yes, there is a trailer court all the way around us. Those trailers have been there before my home was. My home's been there approximately since 1962. I have not lived there that long, but I have found out from the Health Department and through the City people, it's been there approximately that long. The trailer court was there before me. I can't argue about that whatsoever. I am surrounded, like these people here have said, by three walls of trailer court, but I don't think that trailer court and that trailer they want to put on should not be there. It's going to lower down our property. The people across the street -- I've talked to. Both the people are very upset about it. They could not come. It's in the letter as the man has stated and all and like I said, we are just against it.

CHAIRMAN JUNIEL: What's the difference from the ones that are all the way around?

ALVIN R. BOWERS: There's a brick wall that stands six foot around it completely which separates from us all the way around. This wall -- if they're going to put a wall up or if they're going to put that trailer there for approximately a year and build a home, my wife and myself would agree to it for the year. Right now, no, we do not agree to it

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 10 - V-11-85 - ALBERT L. & JANET BRADY

PAGE 4

ALVIN R. BOWERS: at all and the people across the street do not.

COMMISSIONER SORENSEN: What if they put the block wall up as Jade Park has done?

ALVIN R. BOWERS: I still think in the long run it would still knock down the value of our property, that trailer being that close to our property, including their property.

CHAIRMAN JUNIEL: Well, I don't understand what they said.

COMMISSIONER BUGBEE: You have trailers on both side of your property right up against you.

ALVIN R. BOWERS: Yes, but we're approximately -- on one side of me is like 60 feet. The other part is approximately 150 feet away from me. I'm on an acre lot. They -- I'm on an acre lot, right.

COMMISSIONER BUGBEE: Is this you right here?

ALVIN R. BOWERS: Yes, sir, sure is. I've got 272 feet from the front to the back. What I mean by the back is from the front of the street clear to the back. The closest trailer to me right now is approximately 60 feet and that would be on the north side of me and that's got a 6 foot wall that really on my side is an 8 foot wall. On their side, it is 6 and I cannot basically see them unless I really, you know, what to stretch up and look at it on my side of the property, north side. And that's the reason why I'm against it. I wish other people could have came here too, but they did write their letters and protested it.

CHAIRMAN JUNIEL: Thank you, sir. Is there anyone else here that wishes to speak in opposition of this? Please come forward.

ARDIS GOODRICH: I'm Ardis Goodrich, 4041 North Torrey Pines, and I have lived there since '75 and I was here when we were against the Jade Park addition; and at that time it was approved, but we were also told that was going to be the end of mobile homes in our area. This is outside of the park and he is right, it is already set up.

CHAIRMAN JUNIEL: Would you sign in please. Is there anyone that has anything different to add to this?

COMMISSIONER BUGBEE: You're at 4041 Torrey Pines?

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 10 - V-11-85 - ALBERT L. & JANET BRADY

PAGE 5

ARDIS GOODRICH: Yes and also one more thing. A lot of my neighbors didn't come because they said, they just don't feel it does any good to speak up.

CHAIRMAN JUNIEL: Well, that's not the right attitude, however --

COMMISSIONER MYERS: Unfortunately, it's just the opposite. When they don't speak up, we've got no reason not to.

CHAIRMAN JUNIEL: Is there anyone else in opposition that wishes to speak? Is there anyone that favors the applicant? Commissioners? Public hearing is closed. May I have a motion please.

COMMISSIONER MYERS: I'M GOING TO MOVE TO DENY. I think its establishing the precedence of permanent occupancy where mobile homes are not good in. Also, it's not proper in this neighborhood. I'LL MOVE TO DENY.

COMMISSIONER BUGBEE: Her motion carried.

COMMISSIONER MYERS: It's been DENIED.

CHAIRMAN JUNIEL: They have the right of appeal, do they? Is this final action?

HAROLD FOSTER: It's final action unless appealed.

CHAIRMAN JUNIEL: Your application was DENIED, but you do have the right to appeal within 11 days from Tuesday to the City Commission. (Motion carried with Juniel and Bugbee voting "no")

END OF TRANSCRIPT

Appeal RE: V-11-85

Albert L. + J. Brady

March 4, 1985.

0279

RECEIVED

To whom it may concern:

MAR 4 2 5 PM '85

On Thur Feb. 28, 1985 in a session of the City Clerk of the a variance city commissions, we appealed to allow on my lot located 4329 N. Turrey Pine for the permanent occupancy of a double wide mobil home. This lot is 84 X 300 and is sided on 2 sides by Gode Park Mobil Home Park. Due to the existency Mobil Home Park all efforts to sell this property have failed. our home, valued at \$115,000.00 will be the lot adjacent to the lot we request variance for. At the hearing we were not given opportunity for Rebuttle after opposition, consisting of two parties, neither of whom own property, next to or directly accross the street from the property in question we now submit a request to the city, and, we pray

The city will reconsider the decision and allow the use of this lot for mobile home use. We wish to recover a portion of our initial investment, improve this property, and upgrade the neighborhood. How can the presence of one double wide mobile home injure the neighborhood when there are already — in existence. 2 of the board were for this, 3 were against it.

Certainly if the city can allow — mobile homes to surround the area, they can allow one more.

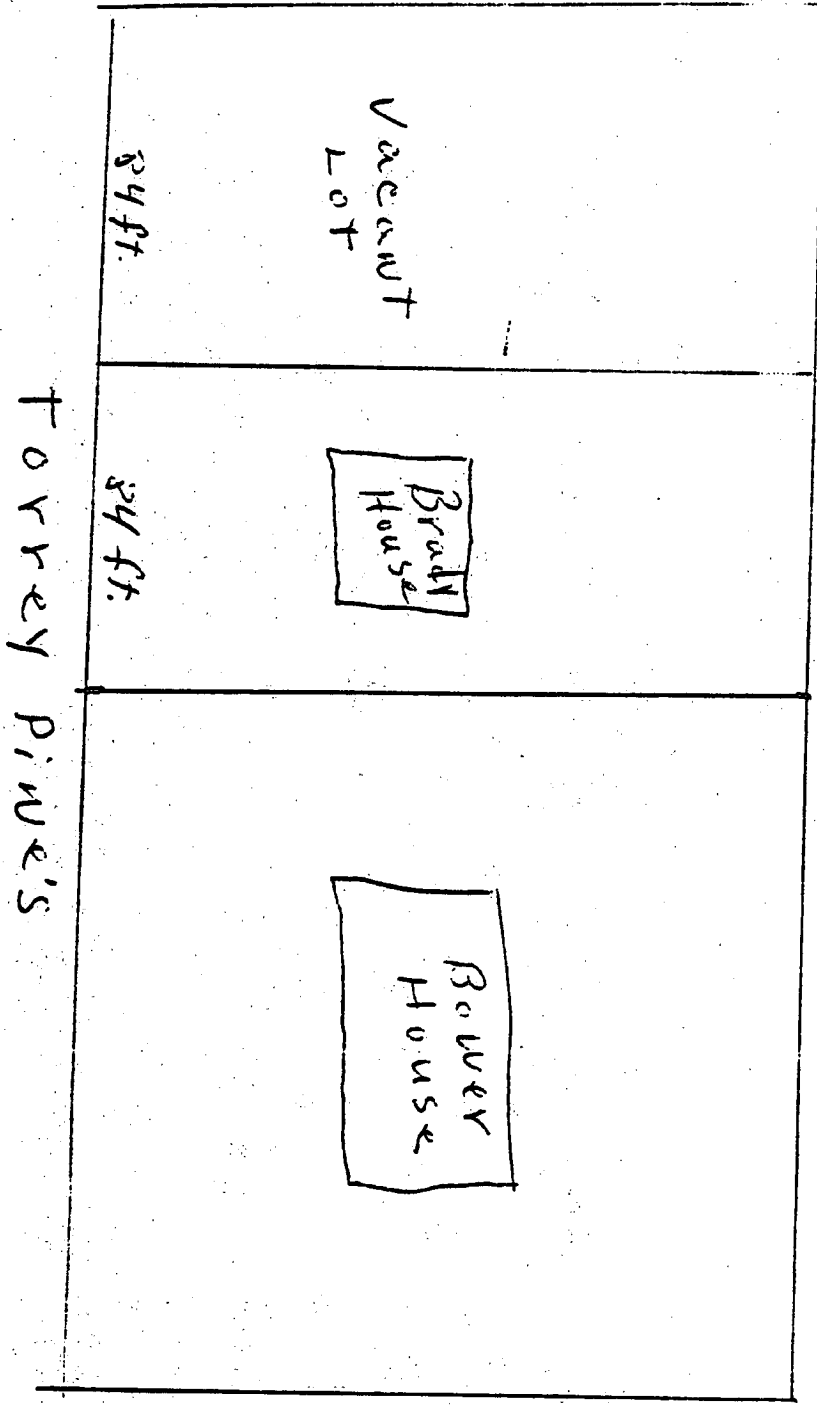
Your consideration in this regard is deeply appreciated. We thank you in advance for some

signed

Albert L. Brady & Janet Brady

JADE SOUTH
Trailer Park

0281



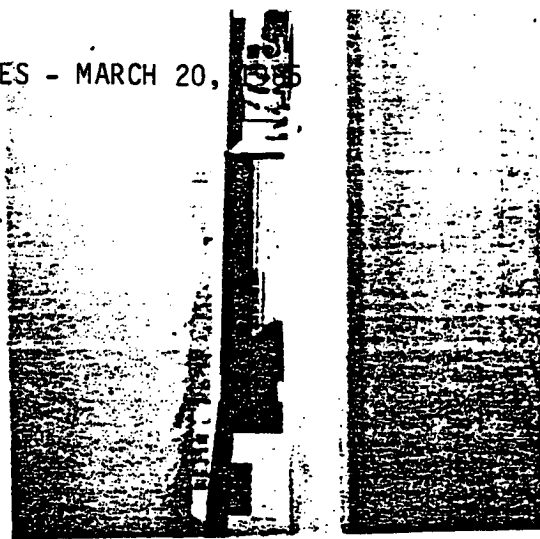
Jade West
Trailer Park

Jade North
Trailer Park

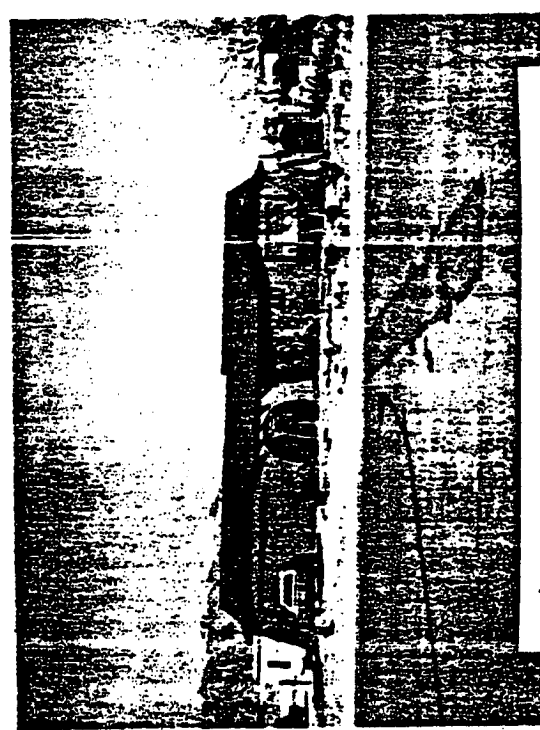
Torrey Pines

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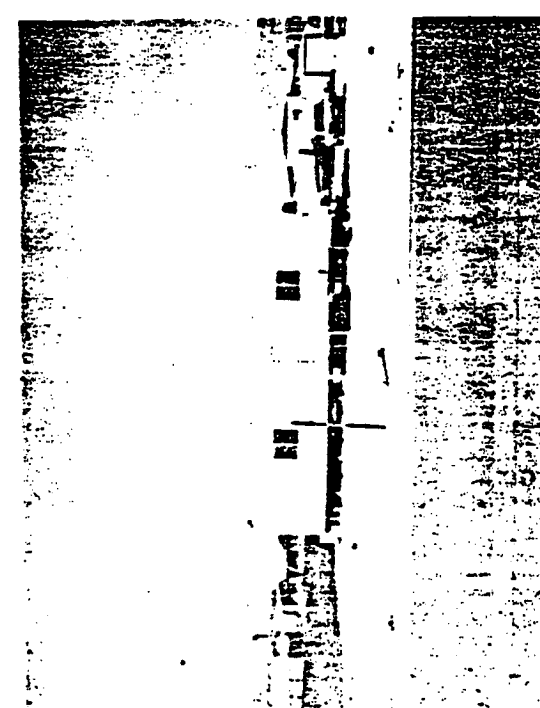
#2
north



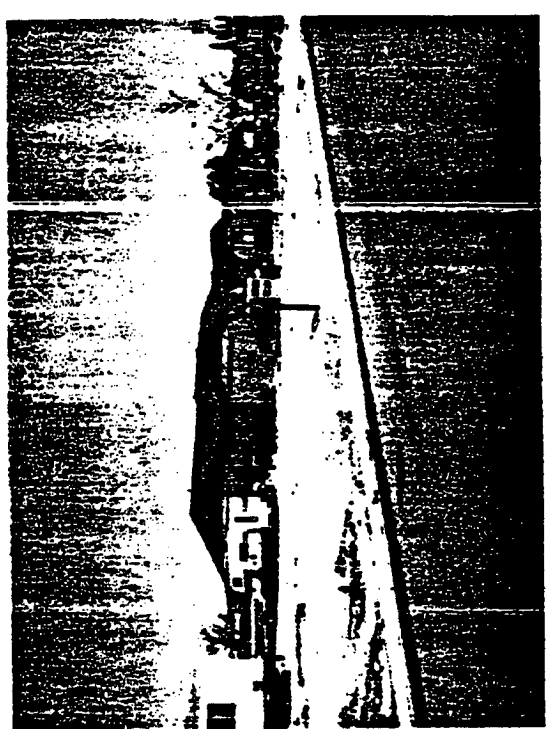
#2
middle



#2
south



Looking from S. to N.



Thomas A. Cook
4125- Rubidoux Drive
Las Vegas, NEVADA 89108

V-11-85

In regards to the VARIANCE Letter I
received on Albert L. & Janet Brady keeping
A double wide trailer as permanent
housing on said property of 4329-No.

Torrey Pines,

I Feel this appeal should be denied
again, For the fact if they are able to
leave this trailer there, what's to stop
other people from buying land & doing
the same thing.

The trailer also looks terrible in among
all the nice houses around it.

Please deny this appeal.

Thank You,

Thomas A. Cook

3/12/85

RECEIVED

We the undersigned home owners of the affected area, wish to inform the Las Vegas City Council of our objection to an appeal filed by ALBERT L. and Janet Brady (VII-85) and our request for the denial of the Request For a Variance By the Board of Zoning Adjustments at their last session.

Name	Address
Carol L. Nelson	4241 Jay Trail
Mildred Bragg	4246 Jay Trail
James A. Bragg	4141 N. Tanager Lane
Theresa W. Bragg	4109 N. Tanager Lane
Thomas F. Allen	4101 N. Tanager Lane
Paul G. Schubert	4041 N. Tanager Lane
Paul G. Schubert	4041 N. Tanager Lane
W. J. Baker	4025 N. Tanager Lane
Paul Bierbaum	4025 N. Tanager Lane
William Bernard	4246 Jay Trail
Norma Flores	4239 Jay Trail
Norma Wilson	4201 Jay Trail
Daniel R. Childers	4201 Jay Trail
John W. Childers	4209 Jay Trail
Kathleen J. Petric	4217 Jay Trail
John C. Decker	4241 Jay Trail
Richard J. Jackson	4333 N. Tanager Lane
Alvin R. Hauer	

March 16, 1985

We, the owners of the property next to 4329 N. Torrey Pines are trying to get a Variance passed to allow a permanent double wide mobile home allowed on the lot. We would surely appreciate your signature below if you have no opposition to this matter. Thank-you.

Albert L. and Janet Bradley

- ① Marianna Matteo - 4124 RUBIDoux DR.
- ② NICHELIE J. JURKAN - 4124 Rubidoux Dr.
- ③ Lucille B. Tattiri 4121 Montemesa Ln
- ④ Michael J. Matteo - 4124 RUBIDoux DR. L.V.
- ⑤ Mr + Mrs Hubert Morrison 4328 N Torrey Pines Dr LU
- ⑥
- ⑦
- ⑧
- ⑨
- ⑩

MAYOR BILL BRIARE

COUNCILMEN

RON LURIE

AL LEVY

BOB NOLEN

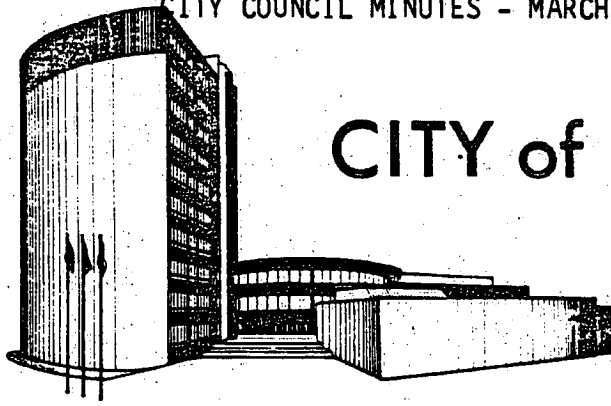
W. WAYNE BUNKER

CITY ATTORNEY

GEORGE F. OGILVIE

CITY MANAGER

ASHLEY HALL



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

MARCH 20, 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, March 20, 1985, 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-11-85 APPEAL filed by ALBERT L. & JANET BRADY to the action of the Board of Zoning Adjustment in DENYING their application for a Variance to allow the permanent occupancy of a double wide mobile home in an R-E Zone where mobile homes are not permitted on property located at 4329 North Torrey Pines Drive in Zoning District R-E.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 2, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.B. & M.

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 A. Hawley
CAROL ANN HAWLEY
CITY CLERK



AGENDA*City of Las Vegas*

March 20, 1985

Page 34

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

ITEM

Council Action

Department Action

IX. 2:00 P.M. PUBLIC HEARINGS

1445

- G. U-8-85 - APPEAL filed by PST HOLDING, INC. to the action of the Board of Zoning Adjustment in DENYING their application for a Special Use Permit to allow the retail sale of gasoline in conjunction with a convenience store on property generally located on the northeast corner of Washington Avenue and Highland Drive in Zoning District R-E (under Resolution of Intent to C-1).

Board of Zoning Adjustment decision: DENIAL (vote 4 to 1). If approved, subject to the following condition:

1. Conformance to the conditions of Z-18-84.

Staff Recommendation: APPROVAL

PROTESTS: 18

Nolen -
DENIED Appeal,
thereby denying
application.
Motion carried with
Briare voting "no"

Clerk to notify
Herb Jones, Atty. &
Richard Herman
appeared on behalf
of the applicant

Protestants

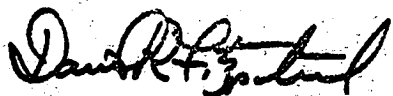
Robert Baxter, Pres
Bonanza Homeowners
Assoc.

Roland Chapman

Howard Simon

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

APPROVED AGENDA ITEM



TO: The City Council
 RE: Public Hearing Agenda Item
 March 20, 1985 City Council Agenda

IX.

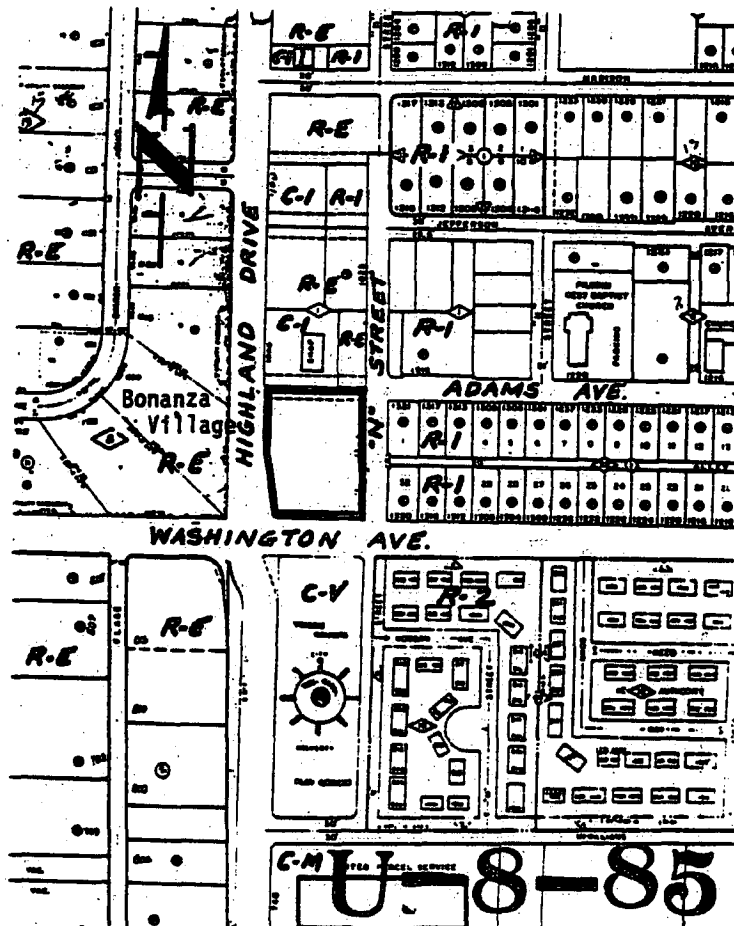
G. U-8-85 - PST HOLDING, INC.

This is an appeal by the applicant to the action of the Board of Zoning Adjustment in denying its application for a use permit to allow gasoline sales in conjunction with a convenience store at the northeast corner of Washington and Highland Drive in a C-1 zone. There is a small shopping center under construction that includes a convenience store on the site. The R-E zoned Bonanza Village subdivision exists to the west, R-E to the southwest and there is C-V and R-2 to the south. To the east is R-1. At the BZA meeting, there were several protests from area residents who indicated gasoline sales would not be appropriate at this location due to the low density residential zoning pattern in the area.

Board of Zoning Adjustment Decision: DENIAL, inappropriate location due to adjacent residential uses.

Staff Recommendation: APPROVAL, the gasoline sales would be a relatively insignificant use in this shopping center.

PROTESTS: 18



TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 18 - U-8-85 - PST HOLDING, INC.

PAGE 1

CHAIRMAN JUNIEL: Public Hearing Item 18, U-8-85, application of PST Holding, Inc. for a Special Use Permit to allow the retail sale of gasoline in conjunction with a convenience store on property generally located on the northeast corner of Washington Avenue and Highland Drive in Zoning District R-E (Under Resolution of Intent to C-1). Mr. Foster.

HAROLD FOSTER: Okay. On Item 18 -- okay, this is a request just to have gasoline sales in connection with a convenience store on the property. The commercial buildings are in the process of being constructed. It's on the the northeast corner of two major streets. This is where the convenience store will be. I'm sorry, here, the gasoline sales will be out at this portion on the corner. You can see it's an integral part of the shopping center. Staff feels it is compatible -- would recommend APPROVAL, subject to the Conformance to the conditions of the zoning application Z-18-84 and Conformance to the plot plan. There are no protests.

CHAIRMAN JUNIEL: There are no protests of record?

HAROLD FOSTER: On record.

CHAIRMAN JUNIEL: This is public hearing. You heard staff's recommendation. Do you have a problem with the recommendation?

RICHARD HERMAN: No problem with the recommendation. My name is Richard Herman. I'm with Wilson Architects representing the client. The pumps will be at one single island. It's not a multiple type thing. It's very similar to the Stop 'n' Go.

COMMISSIONER BUGBEE: Where's the school over there, Harold? Isn't there a school right across the street?

CHAIRMAN JUNIEL: No, it's not across the street, it's down the street.

HAROLD FOSTER: It's that larger green parcel.

COMMISSIONER BUGBEE: Yes.

HAROLD FOSTER: I think to the south the Housing Authority, a little recreation facility.

CHAIRMAN JUNIEL: This is a public hearing. Is there anyone here in opposition to this applicant's request? Would you please come forward. I would like for one of you to read this letter that's been asked to be read into the record from Bonanza Village Homeowners. If someone would read that. Your name please.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
ITEM 18 - U-8-85 - PST HOLDING, INC.

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ROBERT BAXTER:

Yes, the name is Robert Baxter. I'm president of the Bonanza Village Association and this letter was formulated by the meeting which the Bonanza Village Association Board of Directors met and we had this meeting formulated with the opinion of members of Bonanza Village and it states: "I'm writing in regards to U-8-85 which will be considered at the meeting February 28, 1985 at 7:30 P.M. The request is for PST Holding, Inc. to be allowed to zone change from R-E to C-1 at the corner of Washington Avenue and Highland Avenue for the purpose of establishing a convenience store and a gas station. This is unacceptable for the following reasons. It will create a high amount of traffic in an area of families whose children are within walking distance of Guy Community Center which could endanger their safety. This area already is adequately served by gasoline on the corners of Bonanza and Highland, Owens and Highland, which is a new development, and two at Bonanza Road and Rancho, 820 North Ranch Road and two at Washington Avenue and Rancho Road. As for convenience stores, we have a combination at Bonanza Road and Rancho Road and another combination of gas and convenience stores at 2301 West Washington Avenue and Rancho Road; and there's also going to be a restaurant at the corner of Owens and Pike. Convenience stores allow the sale of beer which customers drink in the parking lots, discarding the remains randomly causing unsightly situations in high density populations. Such practices also cause undesirable noise in a residential area. I strongly urge you to vote against such a proposal for the reasons cited in this letter. Sincerely yours, A Homeowner, Bonanza Village Homeowners Association." And I have also here to be stated in the record quite a few more of those letters with signatures from homeowners of Bonanza Village. I also went to the area which is east of that and that's homes just behind what will possibly be a wall facing that shopping center. Those homeowners are not aware, some of them are not aware of this going on. They were shocked and some of them were saying they were going to try and get down here -- in other words argue against this and we tried to get some of our members here tonight. We've had considerable amount of activity at Guy Center. Kids go there to do their parade dances and marches and etc. A lot of kids go there and use Guy Center for parties and regular civics activities. We have a high traffic load there on Washington and it will be even larger as soon as the

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
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ROBERT BAXTER:

Highland area is completed and I'm talking about the work that's being done on the roads there in that area. We don't need a gas station on that corner to add to that. We've already got them one block away. The convenience store at Bonanza and Highland is being renovated. It's going to be more modernized and you're going to have more traffic there. Why have another eyesore there which may close up in three months for one year as far as that's concerned. Then we have to worry about that sitting across the street. Now, I don't think it's fair. We're homeowners. We care about our properties. We're trying to care of those properties, but if you're going to put this on us, they we have no other resort but to come here and tell you we don't like it.

CHAIRMAN JUNIEL:

Thank you. Is there anyone else here in opposition to this applicant's request? Please come forward.

HAROLD FOSTER:

I just want to clarify one thing. The convenience store use is a permitted use in the C-1 Zone. The only issue you have before you to tonight is whether you're going to allow the gasoline sales.

COMMISSIONER GILES:

Mr. Foster, while you have the floor, does the City Council also not rule illegal to consume alcoholic beverages in the parking lot of convenience stores or is that still in question?

CHAIRMAN JUNIEL:

That's County.

COMMISSIONER GILES:

That's County. Thank you. I knew I heard something about it.

JAMES SHIPP:

My name is James Shipp, 1723 Ophir Drive. I live just across the street from the proposed gas station. I think Mr. Foster's probably in error when he says that is compatible with the businesses in that area. I think consideration should be given to the youngsters living in that area. It's a city housing project and I think so often we don't pay any attention to that and, sir, you're right, there is a school that is near that area. Having once been the principal there, I know what the students will do. They will go to that store. I have experienced, sir, having students to go --

COMMISSIONER GILES:

Sir. Pardon me, sir.

JAMES SHIPP:

I have experience of having students going across the street to candy store. I currently have the experience of students going from the school where I am serving now going to 7-11.

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COMMISSIONER GILES: You understand the issue is gasoline, not the store. The store, we're not talking about the store. It's the gasoline at the store. You have students going over there buying gasoline?

JAMES SHIPP: Yes.

COMMISSIONER GILES: It's gasoline that's the issue. The store does not need our decision.

JAMES SHIPP: Right, okay. I'm opposed to that too because it's still across the street from my house and as already been said, there's a gasoline station on one end to the other on Highland, Bonanza and Owens.

CHAIRMAN JUNIEL: Is there anyone else that wishes to speak? I'm wondering if all those who are opposed to this were aware that the convenience store is allowed in the C-1 area, so we will keep it to the gasoline issue.

HOWARD SIMON: Howard Simon, 1110 Ralston. I live right behind Mr. Baxter and around the corner from Mr. Shipp. We have formed a neighborhood watch which is probably one of the best in the country according to Undersheriff Cooper and we feel that a gas station at that location is going to have people stopping there. They've got nothing to do but fill the tank up and look around and see all these nice big homes and that's what you have to have on three-quarters of an acre is a big home and they feel that's a neat place to go. Now we've reduced our crime rate from 500 burglaries a year down to six the following year after we got your approval to put gates up on four of the five entrances into Bonanza Village. Now we have an empty lot between where that gas station will be and our homes and it will give them very good ideas and very good eyesight on where to go for their christmas shopping, easter shopping and all of the rest of the things. Thank you very much.

RICHARD HERMAN: I don't -- perhaps this gentleman and these people do not understand, this will not be a gas station. It will be one single-line pump.

ROBERT BAXTER: Are you going to sell gas there?

RICHARD HERMAN: That's all.

HOWARD SIMON: It's a gas station with one pump or a dozen.

RICHARD HERMAN: Let me rephrase it. It's a service station as we know a service station. It's just a drive-thru.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - FEBRUARY 28, 1985
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HOWARD SIMON: We understand what it is.

CHAIRMAN JUNIEL: The public hearing is closed.

COMMISSIONER BUGBEE: I MOVE FOR DENIAL OF THE GAS STATION. I just don't this it's right for that area. There's too much housing. (Motion carried with Giles voting "no")

END OF TRANSCRIPT

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- 2 Richard P. Demaree (1416 Virginia City Ave
- 3 Lawrence Daniels (1330 Ralston Dr.
- 4 Claudia Daniels (1330 Ralston Dr.
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- 8 J R CREAK, M.D. 1931 M.I. Cinc
- 9 Garara Creak - 1931 M.I. Cinc
- 10 Alan Creak 1940 Ephraim St.
- 11 Brenda Creak 1940 Ephraim St.
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- 16 Thane Hanchelt 1077 Comstock Dr.
- 17 Stephen Hanchelt 1077 Comstock Dr.
- 18 Eleanor Zagadori 1077 Comstock Dr.
- 19 Galena Davis 1111 RALSTON DR
- 20 Martha Davis 1111 RALSTON DR
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0295

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2	Chita Phillips	4106 Corveta Dr	NV NV 89121
3	Ellen A. Gutowski	312 Anchor St	L.O. NV. 89110
4	Rafael Chiles	2300 E. Perliter Ave	N. Las Vegas NV 89102
5	Sharon Leonard	911 Desert Lane #B	Las Vegas NV 89106
6	Nancy Stockman	3204 WILMINGTON W7	Lv NV 89102
7	Evelyn Jamison	5801 Idle av	Las Vegas NV 89117
8	Brevell Barton	1111 Sharon Rd Las Vegas	NV 89106
9	Janet S. Daville	2627 S. Lant Blvd	Lv NV 89121
10	Ardena Lane	2423 Ellis St	NV NV 89130
11	Verona Hummel	504 Drexler St	NV NV 89130
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2	<i>Elmer Lucas</i>	<i>1310 Sharon</i>	<i>648-0501</i>
3	<i>Silva Steyer</i>	<i>1801 Ophir Dr.</i>	<i>648-7246</i>
4	<i>Robert Horton</i>	<i>2011 Goldhill Ave.</i>	<i>648-4010</i>
5	<i>Robt. Horton</i>	<i>1321 Virginia</i>	
6	<i>Man. 11/2/85</i>	<i>1400 Laurel Rd</i>	
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CITY COUNCIL MINUTES - MARCH 20, 1985

PPT Development, Inc.

0297

101 Convention Center Drive
Suite 1000
Las Vegas, Nevada 89109
(702) 796-6221

CITY CLERK

MAR 6 1 39 PM '85

RECEIVED

March 6, 1985

City of Las Vegas
Board of Zoning Adjustment
400 E. Stewart Avenue
Las Vegas, Nevada 89101
Attn: Carol Ann Hawley

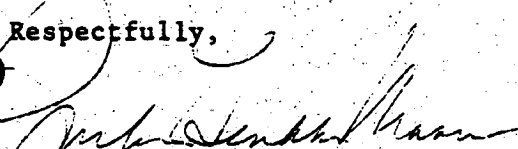
Re: U-8-85

Dear Ms. Hawley:

The owners of Highland Village Shopping Center located on the Northeast corner of Washington and Highland, request an appeal to the ruling reached on the above referenced matter on February 28, 1985.

Please contact the undersigned at your earliest convenience, if you have any questions.

Respectfully,


Barbara Henkhaus Moore

BHM:bjr

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 20, 1985

IX-G - U-8-85 - APPEAL FILED BY PST HOLDING, INC.

Page 1

MAYOR BRIARE:

The next on Page 34. This is an appeal filed by PST Holding, Inc. where the Board of Zoning Adjustment denied their application for a use permit to allow the retail sale of gasoline in conjunction with a convenience store on property located on the northeast corner of Washington Avenue and Highland Drive. The Board of Zoning Adjustment's decision was for denial and the staff's recommendation was for approval. However, there were 18 protests. Mr. Jones.

ATTY. HERB JONES:

Yes, for the record, my name is Herb Jones and I'm representing Southland Corporation who wishes to build or establish the service station and convenience store at that location. I'd like to point out that initially, in 1984, this property was zoned for this particular purpose and the property has been constructed -- not completely because there's -- well, when I went out there the other day and counted, I think there's four or five stores which appear to be with all the walls up and roofs up and so the original application and the use was granted for the convenience store. The application then came up before the lower group for the service station and with the recommendation of staff, and I can understand why staff gave you the recommendation that this application should be granted. I was out there and when I went down Washington Street, that's being -- is a corner. It's a major corner there. Highland, of course, at the present time is very badly torn up, but it's being extended to a 100 ft. road and all up and down Highland is the property that are used for commercial and warehousing and all types of business there. So being a major corner, being on a major street, this would be a fit and proper use for this particular corner. Now, I do understand, and I did not appear before the Board of Adjustment, but I have been told that there were protests who came in there and the protests indicated that they did not want the gas -- in fact, from what I understand, they didn't want the convenience store, although it had already been granted, and that appeared to be what they were saying in their protests. But when you take a major corner of this nature, this is a normal use for this particular piece of property. I know most of you, and I'm pretty sure most all of you probably go out and look at property. Across the street is vacant property. Direct across the street and catercornered across the street, would be the southwest corner, is vacant property. There is a small -- what looks like a small park directly across the street and across Washington to the south. But this is a major corner undeveloped

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 20, 1985
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ATTY. HERB JONES: with any other particular type of business other than this little shopping center that's going in there. So I feel that it is a proper -- obviously, staff feels it was or they would not have recommended it to the Board of Zoning Adjustment. And so normally, I do at this time ask for time to rebut because --

MAYOR BRIARE: Mr. Jones, at the present time, percentagewise, how far along is construction with what we have in our backup referred to as a small shopping center?

ATTY. HERB JONES: From the examination I made, there appears to be either four or five units. I didn't go into the deal. I drove by about four times, about three different ways, but they appeared to have all the walls up on those four or five units, the roofs were there, and --

MAYOR BRIARE: Has your store been started?

ATTY. HERB JONES: Pardon me?

MAYOR BRIARE: Has your store been started? I assume it's a 7-11 store.

ATTY. HERB JONES: It's going to be a 7-11.

MAYOR BRIARE: Yes, but has it been started? Has construction begun?

ATTY. HERB JONES: Yes. The unit --

MAYOR BRIARE: So what you're asking for -- in order to sell gas, he's got to have a use permit, but otherwise, they're not asking for anything other than to put a couple of pumps in.

ATTY. HERB JONES: That's correct.

COUNCILMAN LURIE: The store is already approved. The only thing that's before us today is the gasoline.

MAYOR BRIARE: Yes, we're talking about gasoline.

ATTY. HERB JONES: Yes. The store was approved and the unit that we're going to use is up.

MAYOR BRIARE: Right, right.

ATTY. HERB JONES: And then we had to come back in. We came back in for the use for the gasoline, because you have to have that as a separate use. So that's why we're before you at this time.

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MAYOR BRIARE: There were a number of protests, Mr. Jones, but you know the procedure. We can hear from the protestants and then you can rebut if you wish following their remarks.

ATTY. HERB JONES: Thank you.

COUNCILMAN BUNKER: One question. Mr. Jones, are we talking about one pumps or two pumps, the typical convenience store facility?

RICHARD HERMAN, ARCHITECT: One pump.

COUNCILMAN BUNKER: Only one pump.

COUNCILMAN LEVY: One canopy.

COUNCILMAN BUNKER: Oh, one canopy, but several pumps.

RICHARD HERMAN, ARCHITECT: One pump on the island, use on both sides.

COUNCILMAN LEVY: You only have one flavor.

RICHARD HERMAN, ARCHITECT: It's a single pump and I think it's three pump -- this side three pump, that side type thing.

COUNCILMAN LURIE: Got one pump with three hoses coming out of it.

MAYOR BRIARE: Did you wish to comment?

RICHARD HERMAN, ARCHITECT: My name is Wilson Herman. I'm with Wilson Architectural Firm. We represent PST, the owners of the property. If you look over here on your map, that portion is shown in red-orange. That convenience store is 2521 sq. ft. and to the north of it, there are eight more bays with an additional 6,881 sq. ft. of space. These sections are currently under construction. The walls are up; the ceilings are up and so on. The portion going across the top, east-west, will be under construction shortly which will give us an additional 6,022 sq. ft. So it seems very possible -- this is not a service station. It's not a gas station per se. All we're talking about is an island pump.

MAYOR BRIARE: Did you have anyone else with you that was going to speak in favor of this appeal. Oh, apparently not. We have some folks that are here today, I presume, to speak in opposition to this. Would you like to come forward now sir, or sirs. Mr. Simon is present. You're speaking in opposition now to allowing the appeal.

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ROBERT BAXTER:

The name is Robert Baxter. I'm President -- acting President to the Bonanza Village Home Owners Association, and we were confronted with the problem of having gas on Highland. After we found out that it was a possibility, we came in and we discussed it with the Board and they voted it down the first issue. Now, we're back before you again, Councilman, to say that we don't want gas, period, that close to our homes no more than we want the gas that close to an activity center, which is Guy Center. He said it was just some kind of a park, but we know what it is -- the Guy Center. We have students that go there and participate in marches; they go up and down on Fremont every year on all of the activities that Las Vegas has. If you're going to take that from us, then where are you going to send them? Now, Guy Center has support for years. The kids have used that park for years. Now, Bonanza Village is the homeowners that don't want that there because we've got enough traffic on Highland. We also have enough traffic on Washington. That's going to be a high impact traffic on those two areas. If you're going to put larger streets there, you're going to have more people coming for gas. It's a convenience store. Yes, we voted that in at one time with a recommendation that, "Yes, you can go ahead and have a convenience store. People can come there and get their things and go home." But if they are going to come in and get gas, we've got another problem. We don't want to deal with that problem. We came to you to say let it be a convenience store. We're asking you to stop the gas.

COUNCILMAN LEVY:

Did we ever discuss the gas when it came in? I mean, that was never yea or nays or any discussion regarding it?

ROBERT BAXTER:

Very true, sir.

COUNCILMAN LEVY:

Well, I just want to make sure that's --

ROBERT BAXTER:

I understand.

COUNCILMAN LEVY:

I wanted it for my own benefit. Thank you.

MAYOR BRIARE:

Did you wish to make a comment, sir?

ROLAND CHAPMAN:

Roland Chapman, 1130 Ralston Drive. One of my concerns is the fact that the 7-11 pumping gas on the corner of Bonanza and Highland, there is a Jet Gas Station/Convenience Store that is going up now that is being enlarged. That's one. On the corner of Highland and Owens or Vegas Drive, there's another

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 20, 1985
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ROLAND CHAPMAN:

gas station going in. So we're talking about we want to put another gas station midway between. Then if you're going down Bonanza, there is a Stop 'N Go where they have gas there. If you continue down to Rancho, there's gas stations on that corner. There's gas stations on Rancho and Bonanza. There's gas stations on Vegas Drive and Rancho. So what I'm saying is we are becoming a high density area for gasoline stations and we don't need the gas there. And lastly, if you're going down Washington Avenue, there are no sidewalks, and true enough, there is a vacant lot across the street that is adjacent to Bonanza Village and if that is ever housed as far as homes put in there, there will not be an access for kids who want to go to that convenience store. They have to walk down the narrow street and no sidewalks, and it's a drainage ditch. It's like with the traffic going to and from --

MAYOR BRIARE:

Probably, if the fact that a business has a sideline of pumping gas, and I think gasoline is a sideline to 7-11. I don't know. Maybe that's where they get most of their sales. But pedestrian traffic is not going to be affected one way or the other, is it?

ROLAND CHAPMAN:

No. I'm saying at this point it's not, because anyone going to that convenience store can cut across the vacant field, but if that wall -- if that vacant lot is ever walled off, that means that you will have to get to it by walking out on Washington Avenue. And I'm saying that we don't need -- if somebody say I can go right here on this corner and get gas, then we are -- the automobile rate is going to be picked up just because there's the convenience of going to get gas on this corner, and we already have one now another half a block or so.

MAYOR BRIARE:

Thank you very much, sir. Mr. Simon, we have a mobile mike here. Howard, just sit down and relax. Here we brag about all the efforts we've made to take care of the handicapped and bring it about in City Hall except it's difficult for you to get up here.

HOWARD SIMON:

No, I'm up and fighting now.

MAYOR BRIARE:

Howard, I'm assuming since you've been here many times that you know how we do these things and you're not going to repeat what's already been said?

HOWARD SIMON:

No, I'm just going to mention that at the corner of Bonanza and Highland are two non-existent former gas stations that have already gone out of business and those are biggies down there. I'm up here to talk about the Neighborhood Watch. With the help of you

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HOWARD SIMON: gentlemen, we have four streets undedicated that can't be used anymore and our burglary rate went from 500 one year to 6 the following year. We have the best record going according to Undersheriff Cooper.

MAYOR BRIARE: And is that going to get ruined if there's a gas station there?

HOWARD SIMON: That's exactly what we don't want to get ruined. You know that we've been fighting getting a security wall up. That hasn't died. We're still working on it in spite of all the things that have gone on, even the changes in the Legislature. It's more financing than anything else. But you have people standing at the gas pump looking around. They've got nothing else to do and they see these nice big fine homes across the street in Bonanza Village. In spite of the vacant lot across the street, which is residential, and we'll fight until our death to keep it from changing so that 7-11's attorney will understand that, we --

MAYOR BRIARE: I think you're stretching, Howard. (Laughter)

HOWARD SIMON: Well, I don't have that much longer to live.

MAYOR BRIARE: In other words, you're saying if they were to fill up with gasoline that this 7-11, that attitude is different if they fill up with a 7-11 gas station across town.

HOWARD SIMON: I'm just thinking of Bonanza Village. They're standing over there looking and that one person out of I don't know how many is going to be looking and figuring their early Christmas shopping and we don't want that. I mean, that is the comments by all the people in our Association.

MAYOR BRIARE: And knowing your respect for the law and bumper stickers on our cars that you handed out, we can understand that.

HOWARD SIMON: Yes. I mean, I'll invite all of you to the Respect For Law Luncheon May 7 at the Hacienda.

MAYOR BRIARE: Thanks, Howard. We're going to lose our quorum here in the not too distance future.

HOWARD SIMON: Yes. Okay, that's all I've got.

MAYOR BRIARE: Thank you, gentlemen. Was there anyone else that wished to comment in opposition to this request. Mr. Jones, as always, you get an opportunity to rebut the comments that were made by the folks from Bonanza Village.

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ATTY. HERB JONES:

I'm not very enthusiastic when I heard Mr. Lurie's comment. I was afraid he was going to shut me off. But I would like to answer this. I think, and I would like to ask these people because I'm really not sure where Bonanza Village area, as that area is different since I used to be out there quite a bit, but I believe it is directly to the west, is it not? Is it directly to the west of the --

MAYOR BRIARE:

That's right. Move the pencil over to Bonanza Village.

COUNCILMAN NOLEN:

It's the northwest. That whole -- see those streets in that green area where the pencil cuts across.

ATTY. HERB JONES:

Yes, that's exactly where I thought it was. And why I'm confused about where it is, because these people talk about having to look from Bonanza Village over to this particular gas station, and they call it a gas station. This is not a gas station. This is a convenience store. It's a strip --

FROM THE AUDIENCE:

You're selling gas.

MAYOR BRIARE:

Sir --

FROM THE AUDIENCE:

I apologize, sir.

MAYOR BRIARE:

Thank you. Your apology is accepted. Go ahead.

ATTY. HERB JONES:

This is a convenience store which has already been zoned for a convenience store and we're only asking that we have this gas facility at that particular situation. Now, there is a vacant property along Highland and I don't know whether they think that they are going to keep that from now on as vacant, but when somebody comes in and builds on that, and that is going to be built up because Highland is becoming a thorough, major fareway. No question about it. It's going to be a major one. That's the only reason you people are spending the money to put a 100 ft. road on that, and people will develop it. They're not going to be able to look across there unless they can keep it or buy it themselves. That's Number One. Number Two, we have about 3500, or Southland has about 3500 of these convenience stores that have gasoline. We have a fine record of having no accidents in this situation at all. So -- and as far as security is concerned, we have security around there, so we do not have any danger to the children. We have security checks all the time on our stores, so that is an element. When you say that you're going to be afraid the people, the children, will walk across the street, they're going

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 20, 1985
IX-G - U-8-85 - APPEAL FILED BY PST HOLDING, INC.

Page 8

ATTY. HERB JONES:

to be walking across the street to the park they say. That's going to be a major street and it's not going to increase the danger to the children if they're going to go over to the park because we're going to be on the northeast corner. And as far as increasing the traffic, in our own experience with the gasoline stations where we have the gasoline with the convenience store, very, very little traffic is increased. So I don't believe that that is a valid point. So you have -- and as far as competition. If we're willing to spend the money, and it costs a lot of money to put this -- one of these gas facilities in to our convenience stores -- if we're willing to do and take the risk that somebody is down the street three blocks or six blocks, that's the American way and that's competition. We're willing to make that risk and we want to get over into business on that site.

MAYOR BRIARE:

Thank you, Mr. Jones. Do any of the Councilmen have any questions at this time? Mr. Foster, generally speaking, which comes first, high traffic or a service station?

HAROLD FOSTER:

Well --

COUNCILMAN LEVY:

The answer is high traffic. If there's no action, they are not going to go.

MAYOR BRIARE:

Mr. Jones, I think you're through, are you not? I'm sorry. I thought you were through.

ATTY. HERB JONES:

I am.

MAYOR BRIARE:

Oh. Then you can be seated. Thank you. Are you thinking, Al, or --

COUNCILMAN LEVY:

I gave it to him. I gave it to him. I knew it. I knew it.

MAYOR BRIARE:

Well, I'm -- so we stopped the situation of putting pumps in that causes traffic. The traffic is there, so if somebody wants to put pumps in, especially, as the gentleman noted. If somebody wants to build one down on Owens and they're going to reconvert the Jet Station, I guess, to a convenience store and gasoline. But I don't think anything -- I think the traffic is already there and the road being -- I'm just asking this. I'm making an inquiry, because we have finished the public hearing. It's closed and comments have been requested from the Council members. Councilman Nolen?

COUNCILMAN NOLEN:

You know there's no question in my mind, and I think most people agree that the 7-11 or Southland Corporation has an excellent record of safety and all the other things about that Mr. Jones addressed. I don't think that's the question here. I think we have to take into consideration the concerns of the citizens that live in that area and that have lived in that area for a long time, and based on that, I'D MAKE A MOTION THAT WE FOLLOW THE RECOMMENDATION OF THE BZA.

MAYOR BRIARE:

Of which is DENIAL. Are there comments by the Council members on this motion to deny the appeal?

COUNCILMAN LEVY:

Are you representing PST Holding? Would you take them -- I hate to change the subject -- but take a message, we're not going to be looking very favorable for a liquor store either at that location.

MAYOR BRIARE:

Does that have anything to do with the gasoline?

COUNCILMAN LEVY:

No, not a thing.

MAYOR BRIARE:

In other words, you don't want them to fill up on gas; you don't want them to fill up on liquor either.

COUNCILMAN LURIE:

That's right.

MAYOR BRIARE:

Alright, this is a vote on the motion to deny the appeal. Cast your votes. Post. The motion's approved. THE APPEAL IS DENIED.

(VOTE: Nolen, Lurie, Levy and Bunker voted "Yes" on the motion. Mayor Briare voted "No.")

(END OF DISCUSSION ON THIS ITEM.)

/ch

MAYOR BILL BRIARE

COUNCILMEN

RON LURIE

AL LEVY

BOB NOLEN

W. WAYNE BUNKER

CITY ATTORNEY

GEORGE F. OGILVIE

CITY MANAGER

ASHLEY HALL



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

MARCH 20, 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, March 20, 1985, 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:

U-8-85 APPEAL filed by PST HOLDING, INC. to the action of the Board of Zoning Adjustment in DENYING their application for a Special Use Permit to allow the retail sale of gasoline in conjunction with a convenience store on property generally located on the northeast corner of Washington Avenue and Highland Drive in Zoning District R-E (under resolution of intent to C-1).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.B. & M.

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



MAYOR BILL BRIARE

COUNCILMEN

RON LURIE

AL LEVY

BOB NOLEN

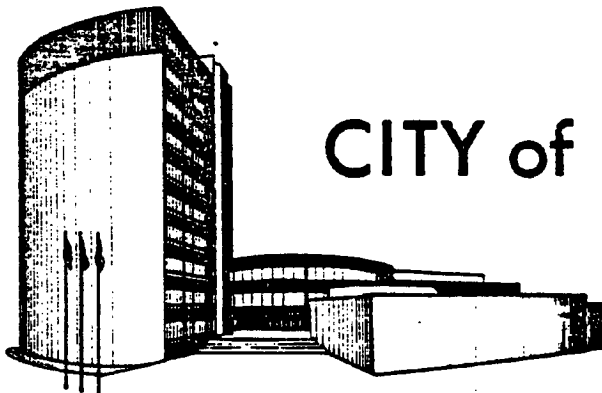
W. WAYNE BUNKER

CITY ATTORNEY

GEORGE F. OGILVIE

CITY MANAGER

ASHLEY HALL



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

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U-8-85

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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.

A handwritten signature in cursive script that reads "Carol Ann Hawley".

CAROL ANN HAWLEY
CITY CLERK



AGENDA*City of Las Vegas*0309
March 20, 1985CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
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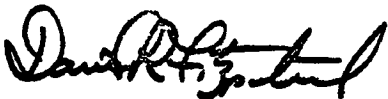
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
HAROLD P. FOSTER, DIRECTOR

The items listed below, where appropriate, have been reviewed by the various City departments including sanitary sewer, storm drainage, 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, whichever occurs first;
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



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X. COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
HAROLD P. FOSTER, DIRECTOR (CONTINUED)

7. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
8. Provision of fire hydrants and water flow as required by the Department of Fire Services.

All subdivision items shall conform to the following general conditions:

Tentative Maps:

1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve (12) months of the approval of the tentative map, or an extension of time up to one year, is not granted for the tentative map, a new tentative map must be filed.
2. Street names to be provided in accord with the City's Street Name Policy.
3. Subject to all conditions of City departments and State Subdivision Statutes.

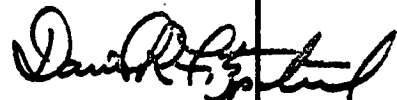
Final Maps:

1. Conformance with the tentative map.

All Vacations shall conform to the following general conditions:

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

APPROVED AGENDA ITEM



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0311

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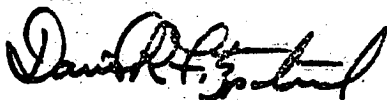
X. COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
HAROLD P. FOSTER, DIRECTOR (CONTINUED)

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.
4. If the Order of Vacation is not recorded within one (1) year after approval by the City Council or an extension is not granted by the Planning Commission, then approval will terminate and a new petition must be submitted.

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



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**X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)**

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

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

1506 *A. TENTATIVE MAP1. Tenaya III

Property generally located on the northwest corner of Tenaya Way and Westcliff Drive, N-U Zone (under Resolution of Intent to R-CL).

Owner: Thomas T. Beam et al

Subdivider: Plaster Development Company

No. of Acres: 19.06 No. of Lots: 124

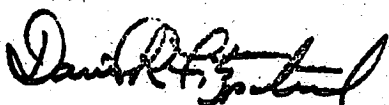
Subject to:

1. Conformance to the conditions of approval for Z-57-84 and the Plot Plan Review.
2. No vehicular access to Westcliff Drive and Tenaya Way from the abutting lots.
3. If a wall is constructed on an exterior boundary street, the CC&Rs shall contain wording to the effect that each property owner of a lot backing up to said wall shall be responsible for the continued maintenance of the exterior side of the wall and the ground area at the exterior base of the wall.

Levy -
APPROVED as recommended Items A, B.1, B.2, C, D, E.1, E.2, & F, subject to conditions.
Unanimous

Clerk to notify & Planning to proceed.

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - MARCH 20, 1985

TO: The City Council
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X.

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A. TENTATIVE MAP

1. TENAYA III

The tentative map substantially conforms to the subdivision regulations and to the approved zoning plan for this proposed R-CL development.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

*B. FINAL MAP

1. Cimarron Heights Unit #3Property generally located on the west side
of Cimarron Road, north of Alta Drive, N-U
Zone (under Resolution of Intent to R-CL).

Owner/Subdivider: American Asphalt

No. of Acres: 3.2 No. of Lots: 32

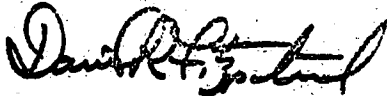
Subject to the following condition:

1. Conformance to the conditions of approval
for the tentative map.

Levy -
APPROVED as recom-
mended Items A, B.1,
B.2, C, D, E.1, E.2,
& F, subject to
conditions.
Unanimous

Clerk to notify &
Planning to proceed

APPROVED AGENDA ITEM



TO: The City Council
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X.

B. FINAL MAP

1. Cimarron Heights Unit #3

The final map conforms to the approved tentative map and to the subdivision regulations.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

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**X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)*****B. FINAL MAP****2. Desert Park Homes, Unit No. 2**Property generally located on the north side
of Vegas Drive, east of Torrey Pines Drive,
N-U Zone (under Resolution of Intent to R-CL).

Owner: Michael J. & Patrick John Gaffey

Subdivider: Park K. Haws, Inc.

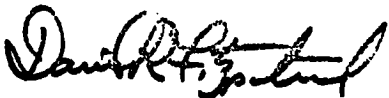
No. of Acres: 3.04 No. of Lots: 22

Subject to the following condition:

1. Conformance to the conditions of approval
for the tentative map.

Levy -
APPROVED as recom-
mended Items A, B.1,
B.2, C, D, E.1, E.2,
& F, subject to
conditions
UnanimousClerk to notify &
Planning to proceed

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - MARCH 20, 1985

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x.

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B. FINAL MAP

2. OESERT PARK HOMES, UNIT No. 2

The final map conforms to the approved tentative map and to the subdivision regulations.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

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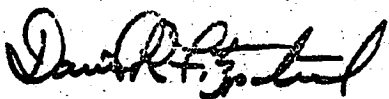
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)* C. RELEASE OF BOND

1. Location: 1200 E. Ogden
 Use: Offsites
 Builder: Steve Allen, et al
 Surety Co.: First Federal
 Savings & Loan Assn
 of Nevada
 Amount: \$2,688 Remaining
 from original
 \$6,720 Bond
 Bond No.: CLV #26-84

Levy -
 APPROVED as recom-
 mended Items A, B.1,
 B.2, C, D, E.1, E.2,
 & F, subject to
 conditions
 Unanimous

Clerk to notify &
 Planning to proceed

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - MARCH 20, 1985

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*C. RELEASE OF BOND

1. Steve Allen et al - 1200 E. Ogden

The off-site improvements at the above location have been completed, inspected and accepted. Therefore, it is in order to release the bond for this work.

Staff Recommendation: APPROVAL

AGENDA*City of Las Vegas* March 20, 1985CITY COUNCIL
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ITEM Council Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)*D. ACCEPTANCE OF SUBDIVISION IMPROVEMENTS1. TENAYA I (Plaster Development)Property generally located north of Westcliff
Drive, east of Tenaya Way, 14 lots, 2.5 acres,
R-CL zone.Levy -
APPROVED as recom-
mended Items A, B.1,
B.2, C, D, E.1, E.2,
& F, subject to
conditions
Unanimous

Staff to proceed

APPROVED AGENDA ITEM



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x.

0321

*D. ACCEPTANCE OF SUBDIVISION IMPROVEMENTS

1. Tenaya I - Plaster Development

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

Staff Recommendation: APPROVAL - subject to completion of the improvements correction list.

INTER-OFFICE MEMORANDUM

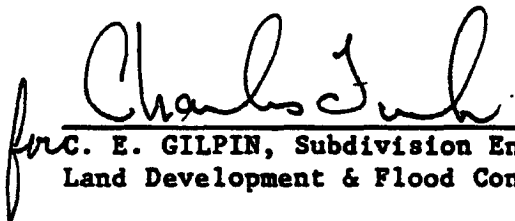
0322

April 12, 1985

TO:	FROM:
CITY CLERK	LAND DEVELOPMENT & FLOOD CONTROL DIVISION COMMUNITY PLANNING & DEVELOPMENT
SUBJECT:	COPIES TO:
RELEASE OF SUBDIVISION BOND	

On March 20, 1985 the City Council accepted the improvements for TENAYA I subject to the completion of the improvement correction list items for this subdivision. Please be notified that these items have now been completed to the satisfaction of the Department of Community Planning & Development.

It is recommended that the Cash Deposit Agreement with Nevada National Bank be released to the subdivider.


for C. E. GILPIN, Subdivision Engineer
Land Development & Flood Control Division

CEG:CT:bc

AGENDA

0323

City of Las Vegas

March 20, 1985

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)E. EXTENSION OF TIME1. Z-8-84 - PARK K. HAWS, INC.

Request for an Extension of Time on property generally located on the north side of Vegas Drive, 220 feet east of Torrey Pines Drive, N-U Zone (under Resolution of Intent to R-CL).

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

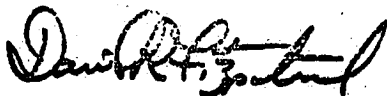
1. This Extension of Time will expire on March 21, 1986.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

Staff Recommendation: APPROVAL

Levy -
APPROVED as recommended Items A, B.1, B.2, C, D, E.1, E.2, & F, subject to conditions
Unanimous

Clerk to notify & Planning to proceed

APPROVED AGENDA ITEM



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x.

0324

E. EXTENSION OF TIME

1. Z-8-84 - PARK K. HAWS, INC.

This is the first request for an Extension of Time on this proposed R-CL project. A tentative map was approved recently for this development.

PLANNING COMMISSION RECOMMENDATION: APPROVAL, subject to a one year time limit

STAFF RECOMMENDATION: APPROVAL, subject to a one year time limit

AGENDA*City of Las Vegas*

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ITEM

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)E. EXTENSION OF TIME2. Z-4-84 - DONALD A. YAHRAUS

Request for an Extension of Time on property generally located on the northwest corner of Jones Boulevard and Rosalita Avenue, R-E Zone (under Resolution of Intent to R-3).

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

1. This Extension of Time will expire on February 15, 1986.
2. Conformance to all ordinance amendments enacted subsequent to this original approval.

Staff Recommendation: APPROVAL

Levy -
APPROVED as recommended Items A, B.1, B.2, C, D, E.1, E.2, & F, subject to conditions
Unanimous

Clerk to notify & Planning to proceed

APPROVED AGENDA ITEM

TO: The City Council
RE: Community Planning and Development Agenda Item
March 20, 1985 City Council Agenda

X.

E. EXTENSION OF TIME

2. Z-4-84 - DONALD A. YAHRAUS

This is the first request for an Extension of Time. The applicant's indicate they need additional time to commence construction on this apartment and single family project.

PLANNING COMMISSION RECOMMENDATION: APPROVAL, subject to a one year time extension.

STAFF RECOMMENDATION: APPROVAL, subject to a one year time extension.

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)F. PLOT PLAN REVIEW1. Z-30-74 - THE MEADOWS SCHOOL

Request for a Plot Plan Review on property generally located on Meadows Lane, 600 feet west of Decatur Boulevard, C-2 Zone.

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

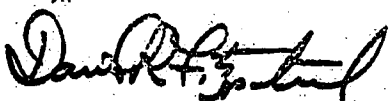
1. Conformance to the plot plan.
2. Conformance to the conditions of the original approval of the Meadows School project.

Staff Recommendation: APPROVAL

Levy -
APPROVED as recommended Items A, B.1, B.2, C, D, E.1, E.2, & F, subject to conditions
Unanimous

Clerk to notify & Planning to proceed

APPROVED AGENDA ITEM



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x.

0328

F. PLOT PLAN REVIEW

1. Z-30-74 - THE MEADOWS SCHOOL

The request is for a Plot Plan Review to allow a major addition to the Meadows School on Meadows Lane approximately 600 feet west of Decatur Boulevard in a C-2 zone. The school was approved in 1984 on a temporary basis and with a two year time limit. The applicants indicate there is a need for additional classroom and multi-purpose space which will be constructed on a temporary basis. The existing parking spaces are sufficient to accommodate the proposed expansion.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

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ITEM Council Action Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)G. USE PERMIT (ABEYANCE FROM 3/6/85)1. U-7-85 - CHRYSLER REALTY CORPORATION

Request for a Special Use Permit to allow the construction and operation of an automobile body repair and paint shop in conjunction with a dealership for new automobiles on property generally located on the northeast corner of O'Bannon Drive and Decatur Boulevard in Zoning District R-1 and R-3 (under Resolution of Intent to C-2).

Board of Zoning Adjustment recommends APPROVAL, subject to the following conditions:

1. Conformance to the conditions of Z-87-84.
2. All work be in an enclosed building and sound proofed as required by the Department of Community Planning and Development.

Staff Recommendation: APPROVAL

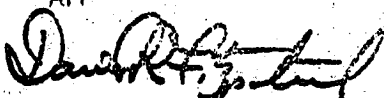
PROTESTS: 0

Lurie -
APPROVED, subject to
conditions.
Unanimous

Clerk to notify &
Planning to proceed

Gary Hayes, Atty,
Walt Ephrecht,
Al Janis and
Bob Organ appeared

APPROVED AGENDA ITEM



TO: The City Council CITY COUNCIL MINUTES - MARCH 20, 1985
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March 20, 1985 City Council Agenda

x.

0330

G. USE PERMIT

1. U-7-85 - CHRYSLER REALTY CORPORATION

The request is for a special use permit to allow an automobile body repair and paint shop in connection with a new Dodge dealership on the northeast corner of Decatur Boulevard and O'Bannon Drive in a C-2 zone. At the time the zoning was approved for this dealership, it was indicated by the applicants that body work was not being requested at that time. The Council indicated that when this type of use was requested that it be reviewed by the City Council. The body repair and paint shop use will be incidental to the automobile dealership and has been allowed at various other dealerships in the City. All of the work will be in an enclosed building.

BOARD OF ZONING ADJUSTMENT DECISION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)H. ZONE CHANGE1. Z-8-85 - THOMAS T. BEAM ET AL

Request for reclassification of property generally located on the north side of Westcliff Drive, between Tenaya Way and Buffalo Drive.

FROM: N-U (NON-URBAN)(a portion under Resolution of Intent to R-CL)

TO: R-2 (TWO FAMILY RESIDENCE)

PROPOSED USE: THREE STORY REST HOME FOR SENIOR CITIZENS

Planning Commission voted (5-1) to recommend APPROVAL, subject to the following conditions:

1. Resolution of Intent with a twelve month time limit.
2. Conformance to the plot plan for the first phase only.
3. The use shall be limited to a rest home for the elderly only.
4. Conformance to the elevations, amended to continue the front architectural design theme around to the north and south side elevations as required by the Department of Community Planning and Development.
5. There shall be no windows allowed on the south side of the building.
6. All future phases of development must be submitted to the Planning Commission.
7. Dedicate 60 feet of right-of-way for Westcliff Drive, 30 feet of right-of-way for Luna Way and 30 feet of right-of-way for the proposed street on the north

Nolen -
APPROVED as recommended by Planning Commission, subject to conditions with a minimum age of 50 and a landscaping plan to screen the Westcliff side of the property to be brought back to staff
Unanimous

Clerk to notify & Planning to proceed

James Peterson & Charles Atkinson appeared

No one appeared in opposition

APPROVED AGENDA ITEM



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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)H. ZONE CHANGE1. Z-8-85 - THOMAS T. BEAM ET AL (continued)

SEE PAGE 47

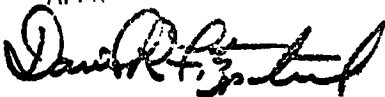
7. side of the property, and a 25 foot radius corner at the intersection of Westcliff Drive and Luna Way and a 15 foot radius corner at the intersection of Luna Way and the proposed street to the north as required by the Department of Design and Development.

8. Installation of street improvements on Westcliff Drive, Luna Way and the proposed street on the north side of the property as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.

Staff Recommendation: APPROVAL, subject to a two story height limitation.

PROTESTS: 3

APPROVED AGENDA ITEM



H. ZONE CHANGE

1. Z-8-85 - THOMAS T. BEAM

The application is to rezone the property from N-U and R-CL to R-2 for a three story rest home for the elderly on property located on the north side of Westcliff Drive between Tenaya Way and Buffalo Drive. The site consists of 8.5 acres and living units for 202 persons are proposed in the first phase. There would be 116 single units and 43 double units. The facility is for ambulatory persons who would have their meals in a central kitchen area. There will be a swimming pool, patio area for outside activities and a multi-purpose room on each floor for recreation. A few of the tenants will have an automobile and 86 parking spaces will be provided where 80 are required. The plot plan indicates the three story building which is on the easterly central part of the property will front on Luna Way to the east. The building will have a 150 foot setback from Luna Way and a 180 foot setback from Westcliff Drive. Two other future buildings are proposed to the west on the remainder of the property but they are schematic at this point. Ultimately, 432 beds could be allowed on the 8.5 acres. There will be access to Westcliff Drive and Luna Way and the proposed street to the north. An R-1 developed subdivision exists to the south of Westcliff and there is approved R-CL to the east. To the north is approved R-PD20 and to the northeast is R-PD22. To the west is vacant N-U. At the Planning Commission meeting there were two protestants who were concerned about the three-story building height and the possible loss of privacy in their rear yards. They were informed the building will be over 200 feet from their properties and will side on Westcliff. The Planning Commission imposed a condition that there be no windows on the south side of the building and that any further phases of development be subject to Planning Commission review.

PLANNING COMMISSION RECOMMENDATION: APPROVAL, compatible zoning for this area.

STAFF RECOMMENDATION: APPROVAL, subject to the building being limited to two-stories in height.

PROTESTS: 3

SEE ATTACHED LOCATION MAP

ITEM X. H. 1. Z-8-85 - THOMAS T. BEAM

The map shows a grid of lots with various street names and easements. Key features include:

- Streets:** Westlife Dr. (top), Raincloud Dr. (middle), Windrose St. (right), Blizzards Court, Tempest Court, and a large easement area.
- Lots:** Numerous lots are numbered, including 1-28 in the top left, 1-10 in the top right, 1-10 in the middle left, 1-10 in the middle right, and 1-10 in the bottom left.
- Other Features:** A large 'Z-8-85' stamp is visible in the lower right, and a 'WINDROSE ST' label is on the right side.

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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)H. ZONE CHANGE2. Z-9-85 - J. L. WATSON COMPANY

Request for reclassification of property generally located on the south side of Silverstream Avenue, east of Lorenzi Boulevard.

FROM: C-1 (Limited Commercial)

TO: R-3 (Limited Multiple Residence)

Proposed Use: Apartments

Planning Commission voted (5-1) to recommend APPROVAL, subject to the following conditions:

1. Resolution of Intent with a twelve month time limit.
2. Conformance to the plot plan and elevations amended to provide a landscape and wall buffer along Silverstream Avenue to create a sound and visual buffer between the apartment project and the single family dwellings as required by the Department of Community Planning and Development.
3. The developer to work in cooperation with the traffic engineer and City staff to resolve any traffic problem on Silver Stream in the installation of a traffic control light or any other suitable traffic control device that might be recommended by the Department of Design and Development.
4. Installation of street improvements on Lorenzi Boulevard and sidewalk on Lorenzi Boulevard and sidewalk on Silverstream Avenue as required by the Department of Community Planning and Development.

Staff Recommendation: APPROVAL

PROTESTS: 4

Levy -
APPROVED as recom-
mended
Unanimous

Clerk to notify &
Planning to proceed

Doug Fyfe appeared

No one appeared in
opposition

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - MARCH 20, 1985

TO: The City Council
RE: Community Planning and Development Agenda Item
March 20, 1985 City Council Agenda

X.

0336

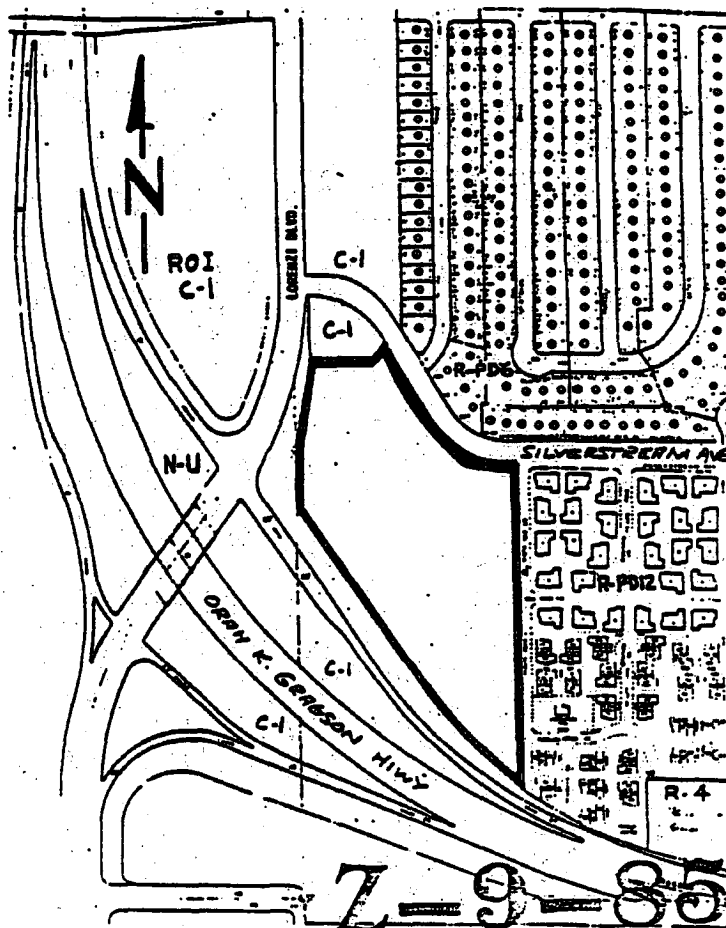
H. ZONE CHANGE2. Z-9-85 - J. L. WATSON COMPANY

The application is to rezone this property from C-1 to R-3 for a proposed apartment project on the south side of Silverstream Avenue immediately east of Lorenzi Boulevard. At the time the use permit was approved for apartments on this site, the protestants in the area requested that the applicant rezone this property so that no portion of this property could be used for commercial in the future. The applicant was in agreement and the City Council required this as a condition of approval. There is no change from the development proposal that was approved under the use permit. That development consisted of a 336 unit apartment project to be constructed in two phases. All of the buildings would be two-story and there are central recreation facilities. The development conforms to the conditions of approval of the use permit. There were several protestants at the meeting on this rezoning who indicated they were still opposed to apartments on this property.

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 4



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X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)I. ANNEXATION REPORT1. A-19-84 - CITY OF LAS VEGAS

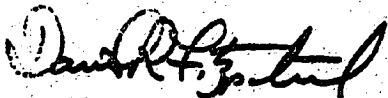
Report for annexation of property generally located south of Smoke Ranch Road and east of Lorenzi Boulevard, containing approximately 45 acres of land.

Staff Recommendation: Adoption of Report

Nolen -
Motion APPROVED to
adopt the report as
recommended by staff
carried unanimously.

Staff to proceed

APPROVED AGENDA ITEM



CITY COUNCIL MINUTES - MARCH 20, 1985

TO: The City Council
RE: Community Planning and Development Agenda Item
March 20, 1985 City Council Agenda

X.

0338

I. ANNEXATION REPORT

This is the required annexation report to be adopted by the City Council and be on file a minimum of twenty days prior to the public hearing for this annexation. The report indicates all extensions of utilities and street improvements to the annexation area will be at the expense of the property owners within the annexation area.

STAFF RECOMMENDATION: Adoption of the report.

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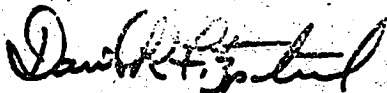
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)J. SET DATE FOR PUBLIC HEARING ON ANY ITEM
REQUIRING A PUBLIC HEARING THAT WAS ACTED
UPON BY THE CITY PLANNING COMMISSION AT ITS
MARCH 11, 1985 MEETING.

NONE

NONE

K. SET DATE ON ANY APPEALS FILED OR REQUIRED
PUBLIC HEARINGS FROM THE BOARD OF ZONING
ADJUSTMENT MEETING HELD FEBRUARY 28, 1985.U-69-84
V-7-85
V-15-854/3/85 Agenda
4/3/85 Agenda
4/3/85 Agenda

APPROVED AGENDA ITEM



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XI. ADDENDUM ITEMS

NONE

NONE

APPROVED AGENDA ITEM

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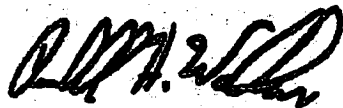
Department Action

XII. CITIZENS PARTICIPATION

Items raised under this portion of the Agenda cannot be acted upon by the City Council until the notice provisions of the Open Meeting Law have been complied with. Therefore, action on such items will have to be considered at a later meeting.

NONE

NONE

APPROVED AGENDA ITEM

MEETING ADJOURNED AT 3:30 P.M.

AGENDA*City of Las Vegas*Special Meeting
April 4, 1985
1:00 P.M.

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III. DEPARTMENT OF BUSINESS ACTIVITYJERRY J. CAHILL, DIRECTORA. APPEAL ON DENIAL OF BUSINESS LICENSE

1. ACTIVATOR SUPPLY COMPANY, INC.
dba
ACTIVATOR SUPPLY COMPANY, INC.
601 South Rancho Drive, #B-17
(administrative office)

3200 Polaris Avenue, #25 & 26
(warehouse)

Roland Nocera, President

MEETING NOT HELD
AT REQUEST OF
APPELLANT.CITY COUNCIL TO
SET DATE FOR
HEARING ON
4/17/85.

APPROVED AGENDA ITEM

