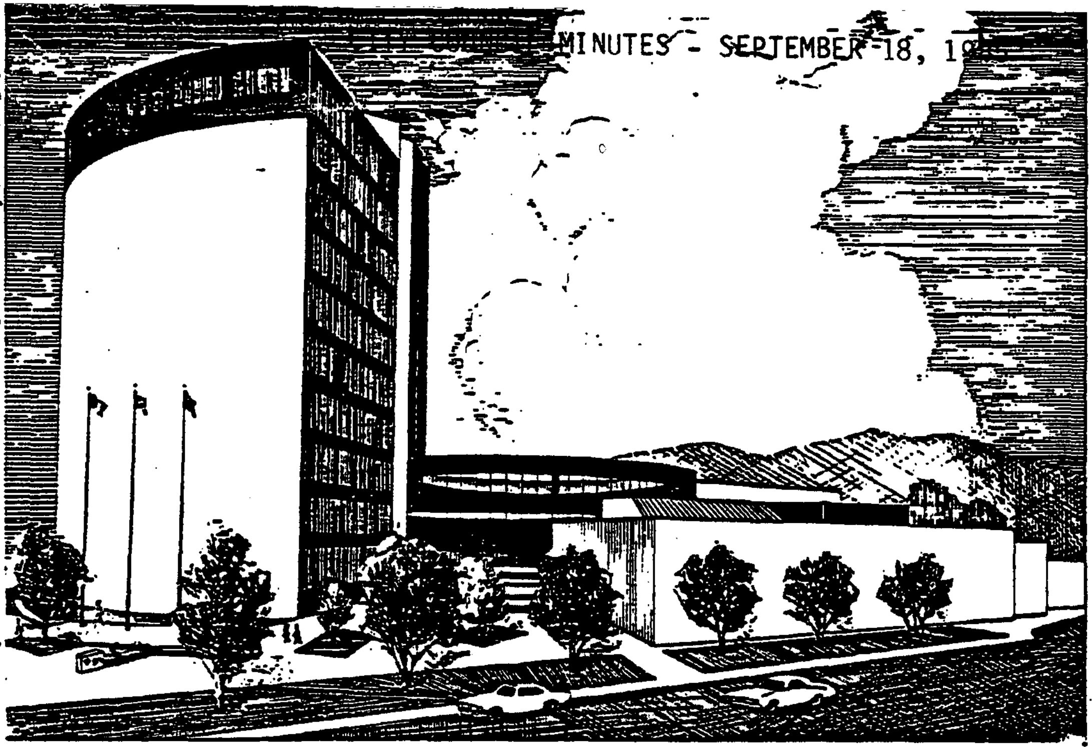

MINUTES

City of Las Vegas

CITY COUNCIL

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

DATE: Sept. 18, 1985

TIME: 9:45 AM

INVOCATION: The Reverend Ellie Shapton, Protestant Chaplain
University Center for Religion and Life

PLEDGE OF ALLEGIANCE: Mayor Led Audience in Pledge

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 December 18, 1985

ATTEST:

Carol A. Hawley
CITY CLERK

William H. Briare
MAYOR

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

AGENDA

City of Las Vegas

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

September 18, 1985

	ITEM	Council Action	Department Action
10:00	I. 9:45 A.M.	FULL BOARD PRESENT	
	A. COMMUNITY RELATIONS	NONE	
	B. SPECIAL EVENTS	NONE	
	II. 10:00 A.M.		
	A. ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW	ANNOUNCEMENT MADE	
	B. INVOCATION The Reverend Ellie Shapton, Protestant Chaplain, University Center for Religion and Life	Invocation given by Reverend Ellie Shapton, Protestant Chaplain, University Center for Religion and Life	
	C. PLEDGE OF ALLEGIANCE	MAYOR LED AUDIENCE IN PLEDGE	

APPROVED AGENDA ITEM

[signature]

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 13th day of Sept., 1985, a copy of the AGENDA (NOTICE), of Regular MEETING of the CITY COUNCIL of the CITY OF LAS VEGAS, NEVADA, to be held on the 18th day of Sept., 1985 was deposited in the United States Mail, Postage prepaid, First Class Mail, Postage prepaid, First Class Mail, to each 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
13th day of September, 1985

Sandra R. LeBoeuf
NOTARY PUBLIC in and for said County and State.

My Commission expires: 3-15-86

SANDRA R. LE BOEUF
Notary Public - State of Nevada
Appointment Recorded in Clark County
My Appointment Expires Mar. 15, 1986

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 13th day of Sept., 1985 at the hour of 830 am there were posted copies of the attached AGENDA (NOTICE), of a Regular Meeting of the CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 18th day of Sept., 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;
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 13th day of September, 1985

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

My Commission expires: 3-15-86

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AGENDA

City of Las Vegas

September 18, 1985

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

ITEM	Council Action	Department Action
III. DEPARTMENT OF BUSINESS ACTIVITY JERRY J. CAHILL, DIRECTOR		
*CONSENT AGENDA All matters listed under Item A are considered to be routine by the City Council and may be enacted by one motion. However, any item may be discussed if a Councilman or citizen so requests.		
10:01 *A. GAMING -- Additional 1. EXBER, INC. El Cortez Hotel & Casino 600 East Fremont 11 slots 2. HOTEL NEVADA CORPORATION Hotel Nevada & Casino 235 South Main Street 20 slots 3. BINGO PALACE CASINO, INC. Palace Station 2411 West Sahara 4 "21" Tables	Lurie - APPROVED Items 1 thru 9. Unanimous with the exception that Lurie abstained from voting on Item 8.	Staff to proceed

APPROVED AGENDA ITEM

[signature]

AGENDA

City of Las Vegas

September 18, 1985

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

ITEM	Council Action	Department Action
III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
*A. GAMING -- Additional (cont'd)	APPROVED See Page 2	See Page 2
4. BOB STUPAK Vegas World Hotel & Casino 2000 Las Vegas Boulevard South 12 Poker Tables		
5. SALUTE ENTERPRISES, INC. Duffy's Tavern 4420 East Charleston, #2 15 slots		
6. AMERICAN COIN MACHINE COMPANY Sundowner Tavern 1418 East Fremont 1 slot		
7. CASINO ELECTRONICS Loyal Order of Moose #1763 1600 Gragson 1 slot		
8. CASINO SERVICES Lady Luck Casino 206 North 3rd Street 22 slots Las Vegas Club 18 East Fremont 4 slots		

APPROVED AGENDA ITEM

[signature]

AGENDA

City of Las Vegas

September 18, 1985

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

	ITEM	Council Action	Department Action
	III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
	*A. GAMING -- Additional (cont'd) 9. UNITED COIN MACHINE COMPANY Hard Hat Cocktail Lounge 1675 Industrial Road 5 slots Stop 'N Go Market #1131 1215 Stewart 2 slots Toots Cocktail Lounge 417 Las Vegas Boulevard South 1 slot	APPROVED See Page 2	See Page 2
10:01	B. LIQUOR -- New 1. *MIGHTY MART, INC. dba MIGHTY MART 515 East Oakey Beer/Wine Off-Sale Michael Zarvian, Dir, Pres Lauretta Dawn Zarvian, Dir, Secy, Treas, 100% jointly as husband and wife *Subject to the provisions of the Planning, and Fire codes and Health Department regulations	Lurie - APPROVED, subject to provisions. Unanimous	Staff to proceed

APPROVED AGENDA ITEM

[signature]

AGENDA

City of Las Vegas

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

	ITEM	Council Action	Department Action
	III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
10:02	C. LIQUOR -- Change of Ownership 1. From: Pizza Time Theatre, Inc. Joseph Keenan, Pres et al TO: SHOWBIZ PIZZA TIME, INC. dba CHUCK E. CHEESE'S PIZZA TIME THEATRE 4750 Vegas Drive Beer/Wine On-Sale License Robert Lee Brock, Pres, Dir Alice Margaret Winters, Secy John Joseph Miller, Store Manager	Lurie - APPROVED Unanimous	Staff to proceed
10:02	D. LIQUOR - Change of Ownership/Change of Business Name 1. From: Friendly Liquors Claude C. Christy, 100% TO: *THROWER & THROWER dba THROWER'S MARKET 1602 North "H" Street General On-Off Sale License Herman Thrower, Co-Owner Charlene Thrower, Co-Owner *Subject to the provisions of the Fire codes and Health Department regulations	Lurie - APPROVED, subject to provisions Unanimous	Staff to proceed

APPROVED AGENDA ITEM

R. M. H. Walker

AGENDA

City of Las Vegas

September 18, 1985

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

ITEM		Council Action	Department Action
	III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
10:02	E. LIQUOR -- Change of Ownership/Change of Location/Change of Business Name 1. From: Char-Shal Corporation dba Shalimar Hotel, Restaurant & Lounge 1401 Las Vegas Boulevard South A. Charlotte Richards, Pres, Secy, Treas, 100% TO: *KELLER & FOX, LTD. dba KELLER & FOX, LTD. 850 South Rancho General On-Sale Restaurant Limited James Delano Keller, Pres, Dir, 66 2/3% Nina Schwartz, Secy, Dir, 33 1/3% *Subject to the provisions of the Fire codes and Health Department regulations	Lurie - APPROVED, subject to provisions. Unanimous	Staff to proceed James Keller present

APPROVED AGENDA ITEM

[signature]

AGENDA

City of Las Vegas

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

	ITEM	Council Action	Department Action
	III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
0:03	F. LIQUOR -- Approval of Managers 1. MCKESSON CORPORATION dba MCKESSON WINE & SPIRITS COMPANY 3855 Harmon Avenue West Wholesale General License Charles Edwin Andrews, Regional Vice President	Lurie - APPROVED Items 1 & 2 Unanimous	Staff to proceed
	2. LEASEHILLS CORPORATION dba SMART & FINAL IRIS COMPANY 1503 North Main Street General Off-Sale License William Ronald Wheeler, Store Manager	APPROVED See Above	See Above
0:03	G. LIQUOR & GAMING -- Approval of Successor in Interest 1. ATOL & STANFILL, INC. dba BONANZA LOUNGE 4300 East Bonanza General On-Off Sale Restricted Gaming: 15 slots Edna Estelle Stanfill, Successor in Interest	Lurie - APPROVED Unanimous	Staff to proceed

APPROVED AGENDA ITEM

AGENDA

City of Las Vegas

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

September 18, 1985

	ITEM	Council Action	Department Action
	III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
0:03	H. GAMING -- New 1. CHICAGO INN CORPORATION dba CHICAGO INN 1502-1504 North Jones Restricted Gaming: 10 slots Robert William McKeown, Pres, Secy, Treas, Dir, 100%	Lurie - APPROVED Unanimous	Staff to proceed
0:04	I. SECONDHAND DEALERS LICENSE -- Change of Business Name 1. From: Robinson's Used Furniture #2 TO: JAMES LANDON dba LANDON'S USED FURNITURE 1052 South Main Class II James Byron Landon, 100%	Lurie - APPROVED Unanimous	Staff to proceed

APPROVED AGENDA ITEM

AGENDA

City of Las Vegas

September 18, 1985

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

ITEM		Council Action	Department Action
	III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
10:04	J. SPECIAL EVENT LIQUOR LICENSES		
	1. CHRIST CHURCH EPISCOPAL Location: 2000 South Maryland Parkway Date: October 19, 1985 Responsible Licensee: Roy A. Galyean Union Plaza Hotel & Casino	Lurie - APPROVED Items J.1, J.2 and K.1, Unanimous	Staff to proceed
	2. ST. FRANCIS DE SALES SCHOOL Location: 1111 Michael Way Date: November 15, 1985 Responsible Licensee: Charlotte M. Kelly The Trap House	APPROVED See Above	See Above
	K. SPECIAL EVENT GAMING LICENSE 1. ST. FRANCIS DE SALES SCHOOL Location: 1111 Michael Way Date: November 15, 1985 Type: Bingo	APPROVED See Above	See Above

APPROVED AGENDA ITEM

[signature]

	ITEM	Council Action	Department Action
	III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)		
10:04	L. LIQUOR -- Request for Approval of Nonoperational Status 1. CALIFORNIA HOTEL & CASINO, A NEVADA CORPORATION dba SAM BOYD'S FREMONT STREET MARKET 411 Fremont Street General Off-Sale License Sam A. Boyd, Chairman of the Board William S. Boyd, Pres, Secy, Treas, Dir Warren L. Nelson, V. P., Dir Charles L. Ruthe, Senior V. P., Dir Perry B. Whitt, Exec V. P., Dir (Nonoperational status for period 7/1/85 to 10/1/85 approved 6/19/85. Request for approval of extension for additional three-month period: 10/1/85 to 1/1/86.)	Lurie - APPROVED Unanimous	Staff to proceed
10:04	ABEYANCE ITEM M. LIQUOR -- New 1. *BROGLIA, INC. dba PAPARAZZI RISTORANTE 3431 West Sahara, #B2-5 Beer/Wine On-Sale License Roberto Broglia, Pres, Dir, 50% Antonietta Broglia, Secy, Treas, Dir, 50% *Subject to the provisions of the Fire codes and Health Department regulations	ABEYANCE as per applicant's request.	10/2/85 Agenda Roberto Broglia was present Lt. Hash Hanief, LVMPD, present

APPROVED AGENDA ITEM

[signature]

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 6, 1985

TO:
The City Council

FROM:
GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- SEPTEMBER 18, 1985 CITY COUNCIL AGENDA
LIQUOR -- Request for Approval of Nonoperational Status

PURPOSE/BACKGROUND

Item, "L", 1.

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

1. California Hotel & Casino, a Nevada Corporation, dba Sam Boyd's Fremont Street Market.

Copy of letter requesting extension is attached.

Jerry J. Cahill

Jerry J. Cahill, Director
Department of Business Activity

FISCAL IMPACT

RECOMMENDATIONS

Agenda Item

III L 1

Sam Boyd's
CALIFORNIA
HOTEL & CASINO ● DOWNTOWN
FIRST & OGDEN ● P.O. BOX 630 ● LAS VEGAS, NV 89125-0630
(702) 385-1222

August 30, 1985

Honorable Mayor and City Councilmen
c/o Jerry Cahill
Director of Business Activity
400 E. Stewart
Las Vegas, Nevada 89101

RE: Sam Boyd's Fremont Street Market
411 Fremont Street
General Off - Sale License
Lo4-474-4-00240

Dear Mr. Cahill,

The above Liquor License is still inactive. We understand that a license will be revoked after a one-year period of extension.

Please accept this letter as our request for an additional three-month extension for: October 1, 1985 to December 31, 1985.

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

Sincerely,

David DiMascio

David DiMascio
Controller

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 6, 1985

TO:
The City Council

FROM:
GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

0015

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- SEPTEMBER 18, 1985 CITY COUNCIL AGENDA ABEYANCE ITEM -- LIQUOR - New

PURPOSE/BACKGROUND

Item, "M", 1.

Appearing on the Department of Business Activity portion of the agenda is a request for a new beer/wine on-sale liquor license from Broglia, Inc., dba Paparazzi Ristorante, 3431 West Sahara.

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

Jerry J. Cahill

Jerry J. Cahill, Director
Department of Business Activity

FISCAL IMPACT

RECOMMENDATIONS

Agenda Item

III M 1

	ITEM	Council Action	Department Action
	IV(a) ADMINISTRATIVE AGENDA ASHLEY HALL, CITY MANAGER		
10:06	A. DISCUSSION AND POSSIBLE ACTION APPROVING THE ACQUISITION AND DEVELOPMENT OF SECTION 15, IN NORTHWESTERN LAS VEGAS, INTO THE CITY'S HIGH TECHNOLOGY BUSINESS AND RESEARCH CENTER.	Levy - APPROVED as recommended by City Manager. Unanimous VERBATIM TRANSCRIPT FINAL MINUTES.	City Manager to proceed. MADE PART OF
10:17	B. DISCUSSION AND POSSIBLE ACTION TO CONSIDER ENTERING INTO SHORT TERM FINANCING TO ACQUIRE FROM THE U.S. BUREAU OF LAND MANAGEMENT SECTION 15.	Levy - APPROVED as recommended by City Manager. Unanimous VERBATIM TRANSCRIPT FINAL MINUTES.	City Manager to proceed and Clerk to publish notice. Marvin Leavitt appeared. MADE PART OF
10:19	C. DISCUSSION AND POSSIBLE ACTION REQUESTING APPROVAL TO SELL 248 ACRES OF CITY-OWNED LAND IN THE VICINITY OF NELLIS AIR FORCE BASE TO THE UNITED STATES AIR FORCE.	Lurie - APPROVED as recommended by City Manager. Unanimous VERBATIM TRANSCRIPT FINAL MINUTES.	City Manager to proceed. MADE PART OF

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: ASHLEY HALL
CITY MANAGER

SUBJECT: DISCUSSION AND POSSIBLE ACTION APPROVING THE ACQUISITION AND DEVELOPMENT OF SECTION 15, IN NORTHWESTERN LAS VEGAS, INTO THE CITY'S HIGH TECHNOLOGY BUSINESS AND RESEARCH CENTER.

PURPOSE/BACKGROUND

For the past 16 months, City staff has been exploring the feasibility of developing a high technology business and research center within the City of Las Vegas. All information pointed towards the fact that a sophisticated, technological oriented complex geared towards satisfying defense industry needs in Southern Nevada was desirable and needed.

It is important that the Council understand that the potential benefit to the City from this proposal extends well beyond recovering the original purchase price and development costs. The self-supporting aspects of this proposal offers the City long-term financial advantages as well as increasing skill levels and job opportunities to residents of the community.

We have worked out the technical and practical alternatives necessary to acquire Section 15 (450 acres) from the Bureau of Land Management (BLM). A $4.45 million appraisal of the property was submitted to and accepted by BLM. The City has been informed by BLM, that the City may purchase the land at the appraised cost. The City will have a maximum of 60 days in which to complete the actual purchase.

Two financial methods of acquiring the land are possible:

1. "Double escrow" financing - purchase Section 15 from BLM and at the same time sell approximately 90 acres of Section 15 located on the east side of the Expressway for private development. Also, the City is pursuing the sale of some 248 acres of City-owned land located near Nellis Air Force Base to the United States Air Force and Department of Energy.

2. Short-term financing - Enter into short-term financing to purchase Section 15 and repay the funds by selling the easterly portion of Section 15 and other surplus City owned land in the near future.

The "double escrow" financing would be more desirable in that the City would have no "up-front" costs nor interest rate payments. However, because of BLM's 60 day timeframe for purchase, it is the City Manager's position that short-term financing must be pursued immediately for the purchase of Section 15. This contingency is necessary in order to assure that we can acquire the property at the presently agreed-to appraised price, which is very beneficial to the City.

FISCAL IMPACT

$5,000,000.

RECOMMENDATIONS

It is the City Manager's recommendation that the City Council approve the purchase of Section 15 for the purpose of developing a high technology business and research center and that the City Manager pursue the "double escrow" financing plan as the first alternative. In addition, the Council approve the use of short-term financing as the second alternative.

Agenda Item

IV.(a) A.

TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 18, 1985 - 10:00 A.M.
IV(a). ADMINISTRATIVE AGENDA. ITEM A. DISCUSSION AND POSSIBLE ACTION APPROVING THE ACQUISITION AND DEVELOPMENT OF SECTION 15, IN NORTHWESTERN LAS VEGAS, INTO THE CITY'S HIGH TECHNOLOGY BUSINESS AND RESEARCH CENTER.

MAYOR BRIARE: On page 11 of the Council's agenda, the Administrative Agenda, Mr. Hall, first item on the City's high tech business and research center.

CITY MANAGER ASHLEY HALL: Item A is discussion and possible action --

MAYOR BRIARE: Excuse me. A, B and C are all related, are they not?

CITY MANAGER ASHLEY HALL: A, B and C are, yes, basically all related.

COUNCILMAN LURIE: Well, they --

MAYOR BRIARE: Do you want them different?

COUNCILMAN LURIE: Yes, we had better take them.

MAYOR BRIARE: Okay, go ahead.

CITY MANAGER ASHLEY HALL: Item A is discussion and possible action approving the acquisition and development of Section 15, which also would include the developmental portion of 15 and the sale of the easterly portion of 15 to recooperate our initial costs. The Section 15 is located in the northwest area of Las Vegas and this section of the property would be developed into a high technology business and research center. For the past several months the City has been deeply involved in conversations and negotiations with various high tech firms that have desired to locate in Las Vegas. The potential benefit to the City from this proposed extends well beyond recovering the original purchase price and developmental costs. The self-supporting aspects of this proposal offer the City long-term financial advantages, as well as an increase in skill level and job opportunities for residents within the city. For example, the suggested guidelines for negotiation of the property disposition inside the park for development would be $1.15 per square foot; if we were to sell it, 11.5 cents per square foot. If we were to lease it with a CCI increase annually and such leases would be on forty-nine year leases. The City would have the responsibility basically of installing the access roads to utilities and we feel over a period of time the City would have a considerable amount of revenue coming in annually. In terms of the side of the easterly portion of Section 15, the proposition is that we sell that easterly portion to recover as much of the original purchase price as we can and in other property sales that we have pending with

---

CITY MANAGER ASHLEY HALL: Nellis Air Force Base would offset the additional costs for both purchases and sale, or for both purchase. and development. There are two basic methods that we have indicated to you that we would like to pursue. One is double escrowing, which allows us to sell the property and at the same time transfer titles from BLM to us to the property owner on the east side. This would require no City funding up front. The second alternative is the alternative of short-term financing and that is, we would enter into short-term financing to purchase Section 15 and repay that money from funds that we would receive from the sale of the easterly portion of Section 15 of the property. We would simply like today to indicate to you that we will pursue, we would like to be able to pursue both of those. The amount of money that we would like to enter into from short-term financing is some five million dollars and it's the City Manager's recommendation that the City Council approve the purchase of Section 15 for the purpose of developing a high technology business and research center as indicated above and that the City Manager be authorized to pursue the double escrow financing plan as the first alternative; in addition,the City Council approve the use of short-term financing as a second or backup alternative. One other comment, I have received a letter yesterday from both BLM, indicating that effective yesterday that they would give us a ninety day period to purchase that land at the appraised price, that it's thirty days longer than they initially indicated to us verbally; and secondly, we received a letter from Mr. Don enoshio, the President of Fort Aero Space committing himself and their company as the anchor tenant in that high tech facility.

COUNCILMAN LEVY: Mr. Mayor.

MAYOR BRIARE: Councilman.

COUNCILMAN LEVY: You know basically because of my background,I'm sure this Board is well aware of, I'm deeply involved in this project. The staff has been working very hard and I certainly tip my hat to Jack and the rest of his crew, the work that they have done. I think that this project can be one of the most plus projects that I have ever seen that the City will be involved with, including -- that will go along the lines of our

---

COUNCILMAN LEVY: Cashman Field Complex, as well as the Downtown Transportation Center that's being developed right now. I wholeheartedly support the recommendation and I look forward to being able to see us have a -- the City have an income situation that will help us keep our taxes down and being able to some day be able to see us in a very good financial position. Therefore, I'LL MOVE TO FOLLOW THE RECOMMENDATION OF OUR CITY MANAGER IN ALL RESPECTS ALONG THIS LINE.

MAYOR BRIARE: Councilman Lurie.

COUNCILMAN LURIE: The only question I have is, Al, are you following the motion that we do the first item as far as the double escrow or the short-term financing?

COUNCILMAN LEVY: I know that we have some leads there and I certainly hope that they'll materialize. That will be the recommendation. Also, the prices and guidelines along the -- to either just to lease or sell the property in the park itself.

CITY MANAGER ASHLEY HALL: Point of clarification. We're asking for the authority to pursue both simultaneously. If we sell we won't need the short-term financing, but at the same time, with the timeframe that we're tied under, it's my recommendation that we go ahead and process the short-term financing and if we don't need it we simply will not use it.

COUNCILMAN LURIE: I think an important item you touched on, Ashley, that I think is very important, that staff should feel good about and we all should feel real excited about is the fact that we received that letter from Fort Aero Space committing to be our anchor tenant in this high tech park to get us off the ground. To me that gives us the incentive to really move ahead on the project to see it completed.

COUNCILMAN LEVY: This Board will be real proud.

COUNCILMAN BUNKER: How far are we to committing funds to the Downtown Transportation Center?

CITY MANAGER ASHLEY HALL: I --

COUNCILMAN BUNKER: How close are we to actually committing funds to the

COUNCILMAN BUNKER: Downtown Transportation Center?

CITY MANAGER ASHLEY HALL: I would have to defer to Tom.

COUNCILMAN BUNKER: From our downtown development fund.

CITY MANAGER ASHLEY HALL: Number one, at the present time, I sent a memo to you a week or so ago indicating the status of that fund. As of this fiscal year we have 3.1 something million dollars. Our total commitment for the Downtown Transportation Center and all the amenities, that includes our portion of our match for the grants and for other amenities around the transportation center itself will come to a little over two million dollars, leaving us an ending fund balance this year of over $780,000.

COUNCILMAN BUNKER: Well, what I'm getting at is --

CITY MANAGER ASHLEY HALL: That money will --

COUNCILMAN BUNKER: Well, is there sufficient funds in the Downtown Development Fund to purchase this property and then we face the short-term financing when we're ready to commit downtown transportation?

CITY MANAGER ASHLEY HALL: I didn't hear your question.

COUNCILMAN BUNKER: Well, if we have funds on hand in Downtown Development funds to purchase this property and we're not ready to commit those funds to the downtown transportation, why should we borrow money now?

CITY MANAGER ASHLEY HALL: First of all, the total amount of funds we have for our Downtown Transportation -- our Downtown Development fund, includes the monies that we've also received from grants. The portion that we have to ourselves is not sufficient to buy that piece of property; that's correct.

COUNCILMAN BUNKER: Okay. That was my question. And we must borrow now.

CITY MANAGER ASHLEY HALL: Plus those funds, much of those funds, will be committed honestly by the City beginning construction time in either late December or the first of January of 1986 for the Downtown Transportation Center.

COUNCILMAN LURIE: How much is left of the short-term financing on the new fire station?

CITY MANAGER ASHLEY HALL: I think we have one payment left on that.

COUNCILMAN LURIE: One payment left, so that's good, so in case we need to borrow, the money we set aside for the fire station can be diverted over to --

CITY MANAGER ASHLEY HALL: And that's all the debt we personally have on it.

MAYOR BRIARE: I wish to make this comment, however, to Mr. Levy's statement where he indicated that it was a real plus for the future of Las Vegas and I think that the City Council has a track record of the philosophy, in following the philosophy of working with private enterprise to establish needs and to fulfill needs of our citizens and that way either contain, control, or even go so far as reduce tax requirements that are made by the City, so I think, Al, that you were a little bit conservative in your thinking on this as far as being a real plus. I think it's the thing of the future and I think if this Council foresees the day when city government, in cooperation with efforts of the private enterprise sector of our community, will lessen the burden of government, in fact, it could conceivably be if you want to extend it all the way and and say that city government of the future, and maybe Las Vegas might be one of the first to do it. City governments throughout the United States in the future might be operating on funds that are derived from ventures such as we -- it sounds like we're going to approve right now, so again, I commend the City Council on this type of thinking because it's this philosophy that's going to keep things under control and still provide the type of government that we feel, and as public officials, that our people want. Congratulations to Mr. Levy, Mr. Lurie, Mr. Bunker and Mr. Nolen, --

COUNCILMAN LEVY: And Mayor.

MAYOR BRIARE: -- and all the staff, and the Mayor, for a job well done. Cast your votes. Post. The motion is APPROVED. (Motion for APPROVAL carried unanimously)

END OF DISCUSSION

/lo

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

TO:
The City Council

FROM:
ASHLEY HALL
CITY MANAGER

SUBJECT: DISCUSSION AND POSSIBLE ACTION TO CONSIDER ENTERING INTO SHORT-TERM FINANCING TO ACQUIRE FROM THE U.S. BUREAU OF LAND MANAGEMENT SECTION 15.

PURPOSE/BACKGROUND

In order to establish short-term financing as a viable alternative for the purchase of Section 15 from BLM within their 60-day limit, the procedure for having short-term financing available must begin immediately. The development of the high tech park will result in a self-supporting project capable of providing the City and community residents with long-term financial benefits aside from recovering the purchase and development costs.

FISCAL IMPACT

The acquisition of Section 15 from BLM will require $5,000,000.

RECOMMENDATIONS

The City Manager recommends that the City Council take the required action to publish a Notice of Intention to consider short-term financing and conduct a public hearing to act upon a Resolution authorizing short-term financing on October 2, 1985.

Agenda Item

IV.(a) B.

CITY MANAGER ASHLEY HALL: Item No. B is discussion and possible action to consider entering into short-term financing to acquire from the U. S. Bureau of Land Management, Section 15. Marvin Leavitt will handle that.

FINANCE DIRECTOR MARVIN LEAVITT: The item before you today is the first step in the short-term financing process. This is actually approval of a notice-of-intention to act on short-term financing at the October 2 Council meeting. This must be approved by a majority vote of the Council. We will publish as soon as we can after this meeting noticing you will act on it on October 2. The vote on October 2 must be approved by a two-thirds majority of the Council or no less than four votes. Immediately thereafter we would submit the -- request the Department of Taxation to approve the short-term financing. We would expect that back in about two weeks. After that time we will submit proposals to the various banks asking for interest rates. I would provide in the proposal that we can prepay the loan at any time so as soon as the property can be sold and we have the money available we would immediately prepay the loan and be out of that transaction. Based on this we would anticipate receiving funds just about the first of November is as rapidly as we can do it. Of course, if we're not quite ready to do that at the first of November we can hold off for another month or so that we will actually be receiving the funds, so the item today is approval of a notice to publish, indicating your intent to act on a Short-Term Financing Resolution on October 2.

COUNCILMAN LEVY: I'LL MOVE TO FOLLOW THE RECOMMENDATION.

MAYOR BRIARE: Comments on the motion.

COUNCILMAN LURIE: This is the only time that we're going to ask for the banks to give us their best possible interest rate, but we're not going to take the money unless it's absolutely necessary. We're not going to end up with a situation like we did with the phones.

FINANCE DIRECTOR MARVIN LEAVITT: That's correct. The intent is, as it was possible, that we could enter into a seller arrangement. Prior

TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 18, 1985 - 10:00 A.M.
IV(a). ADMINISTRATIVE AGENDA. ITEM B. DISCUSSION AND POSSIBLE ACTION TO CONSIDER ENTERING INTO SHORT-TERM FINANCING TO ACQUIRE FROM THE U. S. BUREAU OF LAND MANAGEMENT SECTION 15. PAGE 2

FINANCE DIRECTOR MARVIN LEAVITT: to this we won't even enter into short-term financing. We will hold off until the last possible minute to actually enter into the transaction.

COUNCILMAN LURIE: Alright. I just wanted to make sure that's understood so we're not in the same position that we find ourselves in with the phone company.

MAYOR BRIARE: Further comments? Cast your votes. Post. Motion is APPROVED. (Motion carried Unanimously.)

END OF DISCUSSION

/lo

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: ASHLEY HALL, CITY MANAGER

SUBJECT: DISCUSSION AND POSSIBLE ACTION REQUESTING APPROVAL TO SELL 248 ACRES OF CITY-OWNED LAND IN THE VICINITY OF NELLIS AIR FORCE BASE TO THE UNITED STATES AIR FORCE.

PURPOSE/BACKGROUND

The United States Air Force has approached the City of Las Vegas recently to inquire about the possibility of the Air Force acquiring all or portions of approximately 248 acres of City owned land in the vicinity of Nellis Air Force Base. Although this land is of limited use to the City, joint use by the United States Air Force and the Department of Energy would be highly beneficial to both these federal agencies.

The value of the 248 acres is estimated at $1,360,000 or approximately $5,500 per acre. In order for the Air Force to be sure that the land is suitable for their purposes, Nellis personnel need access to a small portion of the City land for preliminary examination of the land commencing October 1, 1985.

FISCAL IMPACT

Potential revenue of $1,360,000.

RECOMMENDATIONS

it is the City Manager's recommendation that the City Council approve the sale of 248 acres in the vicinity of Nellis Air Force Base and instruct staff to work with the Air Force and Department of Energy officials to perform those tasks necessary for successful sale of the property.

Agenda Item

IV.(a) C.

TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 18, 1985 - 10:00 A.M.
IV(a). ADMINISTRATIVE AGENDA. ITEM C. DISCUSSION AND POSSIBLE ACTION REQUESTING APPROVAL TO SELL 248 ACRES OF CITY-OWNED LAND IN THE VICINITY OF NELLIS AIR FORCE BASE TO THE UNITED STATES AIR FORCE. PAGE 1

MAYOR BRIARE: Mr. Hall.

CITY MANAGER ASHLEY HALL: Item No. C. Discussion and possible action requesting approval to sell 248 acres of City-owned land in the vicinity of Nellis Air Force Base to the United States Air Force. The Air Force and the Department of Energy have both come to us indicating their desire to purchase that land. The estimated value of the land is about $500 an acre, bringing it to a total of $1,360,000. Nellis Air Force Base, General Fisher indicated that in their budget this present year they only had a limited amount of money, some $70,000 to proceed on that and then they would be willing to come back in the next year's time with the remaining portion. Now they need access. They have indicated to me they need access to that property as early as October the 1st. It's the City Manager's recommendation that the Council approve the sale of the 248 acres in the vicinity of Nellis Air Force Base and authorize the staff to work with the Air Force and the Department of Energy officials to perform those tasks necessary for the successful sale of that property as indicated above.

COUNCILMAN LURIE: Mayor, I WOULD MOVE THAT WE FOLLOW THE CITY MANAGER'S RECOMMENDATION ON ITEM C.

COUNCILMAN BUNKER: I would like to ask the City Manager if they intend to appropriate this money, at least temporarily, as a backup to Section 15 to meet the requirements?

CITY MANAGER ASHLEY HALL: Yes.

MAYOR BRIARE: Further comments? Cast your votes. Post. Motion is APPROVED. (Motion carried Unanimously.)

END OF DISCUSSION

/lo

AGENDA

City of Las Vegas

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

September 18, 1985

	ITEM		Council Action	Department Action
	IV(a) ADMINISTRATIVE AGENDA (Continued)			
0:20	D.	DISCUSSION AND POSSIBLE ACTION ON NOTICE OF INTENT TO TERMINATE J.C.S. BENCH AGREEMENT FOR BUS BENCH ADVERTISING.	Lurie - APPROVED Notice of Intent to Terminate as recommended by staff. Unanimous	Staff to proceed and Clerk to make sure proper notification is made. Chuck Robinson, J.C.S. Bench Co. appeared in opposition.
			VERBATIM TRANSCRIPT MADE PART OF FINAL MINUTES.	

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 12, 1985

TO: The City Council

FROM: ASHLEY HALL
CITY MANAGER

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON NOTICE OF INTENT TO TERMINATE J.C.S. BENCH AGREEMENT FOR BUS BENCH ADVERTISING

PURPOSE/BACKGROUND

The City Attorney's Office has reviewed the existing bus bench advertising contract with J.C.S. Bench Advertising Co. As it currently provides, the City may terminate this agreement by service of a written notice to terminate at least thirty days prior to the effective date of termination.

The City has entered into an agreement with Inter-City Shelters, Inc. for the installation of bus shelters. Inter-City Shelters, Inc.'s representatives have met with the City Engineer concerning locations and structures.

Inter-City has given every indication that they will be ready to proceed upon the expiration of the thirty-day notice to J.C.S. Bench Co.

FISCAL IMPACT

None

RECOMMENDATIONS

It is the recommendation of the City Manager that a written notice of termination be sent to J.C.S. Bench Advertising Co.

Agenda Item

IV. (a) D.

TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 18, 1985 - 10:00 A.M. - PAGE 1
IV(a). ADMINISTRATIVE AGENDA. ITEM D. DISCUSSION AND POSSIBLE ACTION ON NOTICE OF INTENT TO TERMINATE J.C.S. BENCH AGREEMENT FOR BUS BENCH ADVERTISING.

MAYOR BRIARE: Mr. Hall.

CITY MANAGER ASHLEY HALL: Item No. D is discussion and possible action on notice of intent to terminate J.C.S. Bench Agreement for bus bench advertising. Mr. Blue will take care of that.

RICHARD BLUE: Your Honor, the City has entered into an agreement with Inter-City Shelters, Incorporated, for the installation of bus shelters and bus benches. Inter-City Shelters has indicated they are ready to commence installation. Therefore, we recommend that we terminate our existing bus bench advertising contract with J.C.S. Bench Advertising Company. Our contract with J.C.S. Bench provides for termination provided that we serve a written notice thirty days, at least thirty days,prior to termination.

COUNCILMAN LURIE: Mayor, I'D MOVE THAT WE FOLLOW THE RECOMMENDATION.

MAYOR BRIARE: Are there any comments or questions on the motion?

COUNCILMAN LEVY: Yes. I was told that the way we notified J.C.S. Bench was probably not the best, but we couldn't find them. I feel badly about it, but I think that everybody from that group understood our situation and knew that we were going to be involved in this deal that has been going on and I don't have any other explanation. I just feel bad we didn't tell them in a proper manner.

MAYOR BRIARE: Good morning, sir.

CHUCK ROBINSON: Yes, My name is Chuck Robinson. I reside at 90 Radwick. I am the owner and operator of J.C.S. Bench Advertising. As far as notification, I was not notified of this meeting until 3 o'clock yesterday afternoon. I do have an answering service. I do have a mailing address. I have never received any formal written letter or anything of the intent of this Commission.

COUNCILMAN LEVY: I beg your pardon. Mr. Robinson, you knew we were putting -- I'm sure you must realize that we were going to these new shelters.

CHUCK ROBINSON: Well, Councilman Lurie, I'm talking about being notified of meetings and primarily what is going on. That's all I'm saying. I'm not casting any stones. I would like to point out two facts.

CHUCK ROBINSON: Number one, I would like to request this be held in abeyance and placed on month-to-month. My legal counsel, Bernie Asherman, has moved out of town and I need to seek new legal counsel for this matter. I would like a decision from the City Attorney's office. According to the agreement that I have, J.C.S. does retain first right of refusal on what bids have gone out and I have never been notified to that fact. Also, I would like to request that if there are any, well, impact statements. I would certainly like a copy of those as to the proposal of the shelter company coming into Las Vegas.

COUNCILMAN LURIE: I think that's over; that's behind us already. We've already negotiated a new contract. Your contract is up with the City. We have extended it on a thirty day basis and we're here today to give you thirty days notice that the new company is going to come in and start putting benches and shelters out. You had an opportunity -- you were right, you had first right of refusal and you declined to accept extending your contract and doing what the City wants to provide better shelters and bench service for the customers of the Las Vegas Transit.

CHUCK ROBINSON: Well, Commissioner Lurie, to my knowledge myself or my attorney; in other words, we never received any written notice, and it does state that in the franchise agreement.

CITY MANAGER ASHLEY HALL: Councilmen, Your Honor.

RICHARD BLUE: On January 17, J.C.S. Bench was mailed a copy of the City's R.F.P. for bus shelters and benches; and that's January 17 of 1984.

CHUCK ROBINSON: That is very true. I was mailed what everybody else was mailed as to bid. However, it does state in the agreement that I have first right-of-refusal to match that bid, which I never had the opportunity to do that, by written notice.

MAYOR BRIARE: I think that if I can interpret the tenure of the conversation going back, this is an argument that's not going to be resolved here at this Council meeting.

CHUCK ROBINSON: I can agree with that, sir.

MAYOR BRIARE: Pardon me?

CHUCK ROBINSON: I can agree with that, Mayor, and this is why I requested --

MAYOR BRIARE: I'm not inviting any legal action, but I think that the questions that you have and there seems to be a difference of opinion as to whether proper notifications went out and so on and so forth. I think you might have-- Mr. Ogilvie, please correct me if I'm wrong. He might have thirty days between now and any final action on this notice that's going to go out, should this motion that's before us now pass, and I would imagine, Mr. Ogilvie, that you would be interested in knowing if Mr. Robinson wishes to confer, that you would be interested in knowing what his arguments are and be prepared for whatever eventuality takes place.

CITY ATTORNEY GEORGE OGILVIE: The action that you have taken today will merely authorize giving the thirty-day notice. It does not terminate the agreement as of right now. It will terminate it thirty days hence, or thirty days after the notice goes out, so Mr. Robinson would have ample time to take whatever action he desires in that thirty days. Furthermore, with respect to his purported first right-of-refusal, as Mr. Blue has pointed out, Mr. Robinson was given, or at least mailed a request, offered a Request for Proposals. To the best of my knowledge, he made no response to that. Furthermore, he has a right of first refusal, if at all, only with respect to a new bus bench contract. The contract for which we sought proposals back almost two years ago was certainly not a bench advertising contract. It was for a bus shelter, which is significantly a greater magnitude than bus benches. In my opinion, the right of first refusal to which he refers, if it exists at all, applies only if we cancelled his contract and went out for a new bus bench type contract. This is significantly different than the bus bench contract. This is more for the construction of shelters and the advertising that's placed on them,as far as the City is concerned,is strictly incidental to the main purpose of providing shelters for the bus riders, so I don't think that anything in his existing contract would give him any right of first refusal with respect to the bus shelter contract.

MAYOR BRIARE: Within this period of time though, Mr. Ogilvie, what I was hopeful that we might clarify for Mr. Robinson that in the event this motion passes that the notice will be sent and he has certainly

IV(a). ADMINISTRATIVE AGENDA. ITEM D. DISCUSSION AND POSSIBLE ACTION ON NOTICE OF INTENT TO TERMINATE J.C.S. BENCH AGREEMENT FOR BUS BENCH ADVERTISING.

MAYOR BRIARE: within that period of time any opportunity he wishes to make himself or have made available to him information with respect to notices and anything else that's contained in the contract because as I say, I'm not inviting a lawsuit, but I would invite him publicly to make himself present at the City Clerk's office or your office, Mr. Ogilvie, or the City Manager's office, or whoever is available, so that whatever questions he has can be responded to in a proper way by the City within this thirty days. I want to -- if he's going to hire Mr. Asherman, or a successor to Mr. Asherman, I don't want them coming back in thirty days and say "Well, I was just notified on the twenty-ninth day and this information I want to look at it and check it out and so on and so forth" and then somehow or other through a court action, which is not going to be in Mr. Robinson's best interest, I don't think, never is, to begin a court action on this. I'm not putting words in your mouth. Only since you mentioned that your attorney is not here and you have to engage the services of another right away and it gives me a signal that you might have something in mind, and that's your right and certainly your privilege, but I want to cooperate with you in any way possible so that any allegations or any questions or problems you have with respect to procedures, this Council has been working on for a year or more.

COUNCILMAN LURIE: Since 1982. Nineteen eighty two is when you signed the agreement and that your other agreement ran out and we signed an agreement with you for thirty -- it gives us thirty days to give you notice and this is the thirty days that we're giving you, so I guess what the Mayor is saying that if you are not satisfied with that thirty days, then you have to take some legal action. We'll just have to wait and see what happens.

MAYOR BRIARE: Well, or let's cooperate with him during that period of time because maybe he'll see that it's useless to go out and hire an attorney to represent him and get information that he can get himself for free right here at City Hall. Did you have anything else, Mr. Robinson?

CHUCH ROBINSON: No.

MAYOR BRIARE: Thank you, sir. Any other comments by Council members? Are you ready to vote on the motion? Cast your votes. Post. Motion is APPROVED. Notice will go out. (Motion carried Unanimously)

END OF DISCUSSION

/lo

AGENDA

City of Las Vegas

September 18, 1985

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		
*CONSENT AGENDA All matters listed under Item A are considered to be routine by the City Council and may be enacted by one motion. However, any items may be discussed if a Council member or citizen so requests.		
10:33 A. SERVICE AND MATERIAL WARRANTS/PAYROLL WARRANTS/OTHER WARRANTS AND INVESTMENTS 1. Service and Material Warrants In the amount of $3,635,543.39 2. Payroll Warrants In the amount of $1,382,306.59 3. Other Warrants and Investments In the amount of $58,623.40	Lurie - APPROVED Items 1 thru 3. Unanimous	Staff to proceed

APPROVED AGENDA ITEM

[signature]

CITY OF LAS VEGAS
Warrant Register Summaries Recap

SERVICE & MATERIAL WARRANTS AND OTHER WARRANTS

No.	Thru	AMT. $	DESCRIPTION:
H214367	-0-	(33.95)	Void
H808691	-0-	(50.00)	Void
I214648	I214670	31,851.44	SNETP
I214671	I214685	26,134.46	SNETP
I320094	I320095	637.50	Bonds & Interest
I809151	I809158	632,521.64	Service & Materials
I809159	I809557	3,003,105.70	Service & Materials

Total Service & Material $ 3,635,543.39

Total Other $ 58,623.40

PAYROLL WARRANTS

No.	Thru	AMT. $	DESCRIPTION:
101152	102213	680,759.92	P/R 8/24/85
102214	102220	701,546.67	Miscellaneous P/R 6/15/8

Total Payroll $ 1,382,306.59

TOTAL NET AMOUNT $ 5,076,473.38

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.

[signature]
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED: Ashley Hall
CITY MANAGER

On September 18, 19 85. The Board of City Commissioners ordered the above warrants paid and the City Treasurer is hereby ordered to disperse the warrants as presented.

William H. Briare
MAYOR

ATTEST: Carol A. Hawley

AGENDA

City of Las Vegas

September 18, 1985

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

ITEM	Council Action	Department Action
IV. (c) DEPARTMENT OF PERSONNEL & EMPLOYEE RELATIONS JAN TAIT, DIRECTOR		
10:33 A. **REPLACEMENTS FOR EXISTING BUDGETED POSITIONS (CRITICAL HIRES)**	Lurie - APPROVED Unanimous	Staff to proceed

POSITION(S)	DEPARTMENT	MONTHLY RANGE	FUNDING
Office Assistant	Detention & Correctional Services	$1,267-1,616	General
Maintenance Laborer I	Public Works	$1,267-1,616	General
Management Analyst I	Municipal Court	$1,765-2,647	Enterprise
Deputy City Attorney II	City Attorney	$2,500-3,750	General

POSITION(S)	DEPARTMENT	HOURLY SALARY	FUNDING
Jr. Clerk II	Community Planning & Development	$5.01	General

APPROVED AGENDA ITEM

AGENDA DOCUMENTATION

Date: September 10, 1985

TO: The City Council

FROM: JAN TAIT, DIRECTOR
PERSONNEL & EMPLOYEE RELATIONS

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

PURPOSE/BACKGROUND

Of the 1,691 positions in the City's 1985-86 Fiscal Budget, 11.4% (192 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		
	AUTHORIZED POSITIONS	NUMBER FILLED	NUMBER VACANT	FILL EXISTING VACANCIES	FILL NEW POSITIONS	TOTAL REQUESTED
Appointive	170	164	6	2	0	2
Classified	1204	1159	45	2	0	2
Contract	16	11	5	0	0	0
Elective	9	9	0	0	0	0
Hourly	292	156	136	1	0	1
Total	1691	1499	192	5	0	5

FISCAL IMPACT

The five vacant and budgeted positions shown above are included in the City's current budget. There are no additional non-budgeted expenses associated with these positions.

The total dollar savings realized through vacancies thus far in fiscal year 1985-'86 is $143,527. If the positions that are currently vacant were to remain vacant for the remainder of the fiscal year 1985-'86 the estimated total savings for the year would be $1,505,098.

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

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

	ITEM	Council Action	Department Action
	IV. (d) DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT JACK THOMASON, DIRECTOR		
10:33	A. CONSIDERATION OF A MOTION APPROVING A CONTRACT BETWEEN THE CITY AND PLANNING RESEARCH CORPORATION FOR PREPARATION OF A MASTER PLAN FOR THE LAS VEGAS TECHNOLOGY CENTER.	Item A Levy - APPROVED Contract as recommended with penalty provisions amended to reflect $500 per day or a maximum of $25,000. Unanimous NOTE: VERBATIM TRANSCRIPT MADE PART OF FINAL MINUTES.	Staff to proceed City Attorney to make amendments to contract prior to Mayor signing. Britt Ferguson appeared. Jerry Haigh, Planning Research Corporation appeared and agreed to penalty provision amendment.
10:39	B. DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT REQUESTS PUBLIC HEARING DATE BE SET TO TAKE ACTION ON AMENDING THE CITY'S FY 1983-84 COMMUNITY DEVELOPMENT BLOCK GRANT FINAL STATEMENT ACTIVITY, OPERATION LIFE PROFESSIONAL BUILDING	Item B Nolen - Motion to follow recommendations of staff, setting a public hearing date of 10/2/85 was unanimously approved.	Staff to proceed Clerk to check on publication of public hearing notice.

NOTE: VERBATIM TRANSCRIPT MADE PART OF FINAL MINUTES

APPROVED AGENDA ITEM

AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT: Consideration of a motion approving a Contract between the City and Planning Research Corporation for Preparation of a Master Plan for the Las Vegas Technology Center.

PURPOSE/BACKGROUND

On March 6, 1985, City Council authorized staff to negotiate a contract with a consulting firm to master plan the City's proposed high tech park.

In response to that authorization, staff developed a "Scope of Services" document, outlining the work the City expected a consultant to perform. Staff also developed a list of eight firms thought qualified to perform the work (list attached). These firms were chosen both because of their relevant experience and because of their reasonably close proximity to Las Vegas.

Two DEUD staff persons then traveled to Southern California, met with each of the eight firms and asked each of them to submit a statement of qualifications to perform the work outlined in the Scope of Services. Seven of the eight firms submitted such a statement. These statements were reviewed by Department of Economic and Urban Development staff, who selected three finalists for interview.

These three finalists were interviewed by an interdepartmental committee composed of representatives of DEUD, Planning, Design and Development, Purchasing, Special Projects, and Public Works. This committee ranked the firms as follows:

(1) PRC
(2) SWAGroup
(3) Gruen Associates

Based on this recommendation, the City Manager authorized DEUD staff to enter into negotiations with PRC.

Originally, PRC had estimated that the Scope of Services being requested by the City would cost $190,000 and take six months to complete. During negotiations, staff undertook a line-by-line analysis of PRC's Work Program, to determine where savings could be effected. Based on that, staff and PRC have agreed upon a contract and scope of work that calls for a cost of $157,230 and will take five months to complete. That contract and the Scope of Work incorporated in it are attached.

At the time staff was originally directed to negotiate a Contract, Council indicated that the Consultant selected should not actually be hired until the City was assured of control of Section 15. Although, at this point, the City has not yet obtained ownership of the land, negotiations with BLM are in the final stages and staff now feels relatively confident that the City will obtain ownership in the near future. Further, we believe it is important to begin the Planning Process now, in order to have the Plan completed in time to meet the needs of the first anticipated park tenants.

FISCAL IMPACT

This contract will cost the City $157,230 to be paid for initially out of the Downtown Development Fund, with the Downtown Development Fund being reimbursed out of revenue generated by future property sales.

RECOMMENDATIONS

It is the recommendation of the Office of the City Manager that the Mayor be authorized to sign the attached Contract between the City and Planning Research Corporation.

Jack Thomason, Director
Dept. of Economic and Urban Development

Agenda Item

IV. (d) A.

FIRMS INTERVIEWED CONCERNING HIGH TECH PARK MASTER PLAN

Planning Research Corporation
972 Town and Country Road
Orange, California 92667

EDAW, Inc.
18002 Cowan, Suite 100
Irvine, California 92714

The SWA Group
580 Broadway, Suite 200
Laguna Beach, California 92651

Gruen Associates
6330 San Vicente Boulevard
Los Angeles, California 90048

Leason Pomeroy Associates
44 Plaza Square
Orange, California 92666

Anthony and Langford
16152 Beach Boulevard, Suite 201
Huntington Beach, California 92647

Barasch Architects and Associates
25 North Mentor Street
Pasadena, California 91106

Richardson-Nagy-Martin
4611 Tiller Avenue, Suite 100
Newport Beach, California 92660

TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 18, 1985 0042
IV(d) DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT
ITEM A. CONSIDERATION OF A MOTION APPROVING A CONTRACT BETWEEN THE CITY AND PLANNING RESEARCH CORPORATION FOR PREPARATION OF A MASTER PLAN FOR THE LAS VEGAS TECHNOLOGY CENTER

MAYOR BRIARE: Now, on page 15 under Department of Economic and Urban Development, we have a considertion of a motion to approve a contract for the retention of a consultant for the master plan for the Las Vegas Technology Center.

COUNCILMAN LEVY: MOVE TO FOLLOW THE RECOMMENDATIONS.

MAYOR BRIARE: Anyone want to make any comments? Mr. Thomason, do you have anything you want to add? We have your recommendation.

JACK THOMASON: No, sir.

MAYOR BRIARE: Did you want to add anything?

JACK THOMASON: No, sir.

MAYOR BRIARE: Any comments by the Council members?

COUNCILMAN LURIE: I just have one comment. What is the timeframe they have to complete this master plan?

JACK THOMASON: Okay, let me make a couple of comments on that. Based -- based on guidance from the Council back on March 6th, we were requested to negotiate a contract with the consulting -- with a consulting firm to master plan the City's proposed High Tech park. Based on that authorization, staff selected the firm Planning Research Corporation of Orange County and completed negotiations of a contract. That contract requires PRC to prepare a master plan for the park which includes a land use plan, design standards, performance standards, and an anaylsis of market and financing options. The contract requires PRC to complete the master plan within five months at a cost to the City of $157,230. The contract cost will be paid for initially out of the Downtown Development Fund, with the Downtown Development Fund being reimbursed out of revenue generated by future property sales. In order to get the plan prepared in time to meet the needs for the first tenants, staff's requesting that the Council authroize the Mayor to sign the contract negotiated with PRC at this time. Are there any other questions?

COUNCILMAN LEVY: I tried to save that speech. (laughter)

COUNCILMAN LURIE: I know, but I wanted -- he prepared it. I wanted to hear it. What about the penalty on liquidated damages? That doesn't seem like enough. We're under kind of a time strain here to get this plan developed and I saw what happened when we had our new master plan developed for the City and how much time was spent, as far a delays. I think this penalty is too low and it should be increased on liquidated damages if they don't follow through on the contract.

JACK THOMASON: I'd like for Mr. Ferguson and Mr. Haigh from PRC is also here -- I'd like them to address that, sir.

BRITT FERGUSON: Councilman Lurie, are you saying, you would like the per day penalty to be increased or you -- the maximum amount, is that your concern?

COUNCILMAN LURIE: Well either way because you -- you have a maximum amount of 5,000 and it's $100 per day. So we're looking at probably 50 days that you're giving them so we're looking at 6½ months, maybe 7 months. I think that that penalty should be higher to give them incentive to get this contract completed in the timeframe set forth in the resolution.

BRITT FERGUSON: We feel pretty confident after our discussions with them that they will be able to meet the five month period, but I'd like to ask Jerry Haigh, from Planning Research Corporation, to comment on the amount at this point and see if they're aimiable to changing it right now.

COUNCILMAN LURIE: Well, it's how this Board feels about it. Whether or not Jerry agrees or not, it's up to this Board, but go ahead, Jerry, you might have a comment on it.

JERRY HAIGH: Good morning, Mr. Mayor and Councilmen. We are highly motivated to complete the project within five months. However, we would be glad to listen to any amendments to the contract you have in mind this morning.

MAYOR BRIARE: We might take 20 days to discuss it.

COUNCILMAN NOLEN: We might want a little bit more. I think it should be increased by about ten times what it is for a little bit more motivation. You're talking 157,000 almost $160,000 contract with you and if you don't perform, the most we can get out of it for a lack of performance is $100 a day and I don't think that's sufficient. I think it ought to be closer to $1,000 a day because we want it finished.

JERRY HAIGH: We want to finish it also. I don't know --

COUNCILMAN LURIE: I'LL MOVE, MAYOR, TO APPROVE THE CONTRACT WITH THE CHANGE THAT THE $100 PER DAY LIQUIDATED DAMAGE BE CHANGED TO $500 PER DAY WITH THE MAXIMUM AT $25,000.

MAYOR BRIARE: Did you do any arithmetic on this, Councilman Lurie?

COUNCILMAN LURIE: Oh, I'm sorry, that it'd be an amendment.

COUNCILMAN LEVY: That's fine. I'll accept that amendment because I know these guys are going to get the job done.

MAYOR BRIARE: This is something that I feel either way -- $500 a day isn't bad, but ten times would have been a little --

COUNCILMAN LURIE: Well- that's a little steep.

MAYOR BRIARE: A little steep, but, Mr. Ogilvie, we're not having much luck historically on collecting penalties on contracts that we have problems with? I -- if the representative of the company's as motivated as he is, with a penalty or no penalty, if $500 a day doesn't bother him one bit, by all means let's don't talk too much longer about it. Let's do it. But are we -- are we getting ourselves in any kind of a pitfall here?

COUNCILMAN LEVY: No.

CITY ATTY. OGILVIE: I'm sorry.

TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IV(d) DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT
ITEM A. CONSIDERATION OF A MOTION APPROVING A CONTRACT BETWEEN THE CITY AND PLANNING RESEARCH CORPORATION FOR PREPARATION OF A MASTER PLAN FOR THE LAS VEGAS TECHNOLOGY CENTER

MAYOR BRIARE: I'm just wondering if -- before, George, what do you think? Does $500 a day bother you? If it makes us feel better, you ought to say sure go ahead we'll take care of it.

CITY ATTY. OGILVIE: Are you asking me?

MAYOR BRIARE: No, I'm asking the representative of the company.

JERRY HAIGH: I'm sorry, could you repeat the question please. (laughter)

MAYOR BRIARE: I think I'll forget the whole thing and vote yes on the motion. Is $500 a day going to cause you any problem right now while these contracts are being signed?

JERRY HAIGH: We are highly motivated to complete the contract within the five months and we do not see -- we do not see any problem with that amendment.

MAYOR BRIARE: Any further comments? Cast your votes. Post. Motion is APPROVED. (Motion carried unanimously.)

END OF DISCUSSION

/sl

PROFESSIONAL SERVICES AGREEMENT: MASTER PLAN FOR CITY OF LAS VEGAS HIGH TECH PARK

THIS AGREEMENT is made this 3rd day of October, 1985, between the CITY OF LAS VEGAS, NEVADA, a municipal corporation (hereinafter "City"), and PRC ENGINEERING, INC., a California corporation (hereinafter "PRC").

WHEREAS, City desires to have a master plan prepared for the development of a Las Vegas High Tech Park, and

WHEREAS, PRC has represented to the City that PRC has the knowledge, skills, resources and experience that qualify PRC to develop a master plan for a Las Vegas High Tech Park.

NOW, THEREFORE, CITY AND PRC MUTUALLY AGREE THAT:

1. PRC will perform certain services as set out herein to develop a master plan for a Las Vegas High Tech Park. The proposed location for the Las Vegas High Tech Park is within the area bounded by Cheyenne Avenue on the north, the Oran K. Gragson Highway on the east, Smoke Ranch Road on the south and Buffalo Drive on the west. (The area generally covers Section 15 of Township 20 South, Range 60 East, M.D.B. & M.).

2. PRC will perform the work as set out in the following Scope of Services:

SCOPE OF SERVICES

Phase One: Project Organization

Task 1A. Initial Reconnaissance

This task involves an initial project "kick off" meeting of key players from both the City and PRC. Other elements to be accomplished include preparing various reproducible base maps of the site, and gathering and cataloging existing project information from the City. It is understood that the City staff will compile a listing of all local, State, and Federal agencies and other organizations which could conceivably be involved with the project.

Estimated budgets:

Meetings:	$5,000
Base Mapping:	$2,200
Document Search/Contact List:	$ 600
Subtotal:	$7,800

Task 1B. Work Program Refinements and Organizational Recommendations

This task consists of two major elements. The first includes on-going refinement of the preliminary work schedule. The second part of this task involves preparing alternative scenarios for organizing and financing the proposed development. Issues to be examined include municipal bonding, and legal form of the entity ultimately responsible for the project.

Estimated budgets:

Scheduling:	$3,255
Organizational Recommendation:	$2,120
Subtotal:	$5,375

Subtotal, Phase One = $13,175

Phase Two: Preliminary Project Feasibility

Task 2A. Physical Inventory, Local Market Analysis and Economic Model Design

This task also includes completion of a number of elements within the same time frame, including:

a. understanding the natural features of the site which will influence ultimate site developability and use, which will include but will not be limited to topography, surface hydrology, general surface soil conditions, and surrounding land use patterns;

Subtotal: $5,700

b. examining the general levels of market support in the greater Las Vegas area for industrial and research-oriented uses;

Subtotal: $5,000

c. reviewing funding sources available to the City as well as other nontraditional resources which may be drawn on;

Subtotal: $1,835 0048

d. preparing the initial conceptual design of the economic model which will be used to assess broad strategies of land purchase, sale or lease, alternative financing strategies, cash flow, etc. This model will continue to be refined as the project progresses.

Subtotal: $7,400

Estimated budget: $19,935

Task 2B. Department of Defense/Department of Energy Research

PRC will undertake an in-depth analysis of the research, development, testing and evaluation elements of Department of Defense and Department of Energy programs, which could conceivably be located within the project. This will include familiarization with current and proposed programs for both Nellis AFB and the Nevada Test Site.

Estimated budget: $9,200

Task 2C. Traffic and Utility Investigation

PRC will analyze existing and proposed utility systems in and around the development site, including water, sewer, natural gas, electrical power and telecommunications. PRC transportation engineers will review local and regional traffic considerations, local and regional traffic projections; local, County and State highway improvement plans and other issues relevant to the safe and efficient movement of traffic. The City staff will collect and compile information concerning existing traffic conditions and utility systems at the direction of the consultant team.

Estimated budget: $4,200

Task 2D. Site Opportunities and Constraints

Based upon PRC's initial physical inventory of the site, a development opportunity and constraints map will be prepared. This exhibit will show the areas of the property prime for development, areas in which development should be avoided and areas which require special care if developed. This analysis will form the basis of the master plan for the project.

Estimated budget: $2,500

Task 2E. User Sizing and Land Requirements

Land requirements and related use parameters will be researched and compiled for input into the planning process. This task includes pad sizes, estimated number of employees, parking requirements, supportable costs and/or rents.

Estimated budget: $4,650

Task 2F. Absorption and Pricing

Absorption and pricing scenarios represent estimates of the supportable land and/or building prices and the rate at which the project will be absorbed under various development conditions. These estimates will be based on a blending of quantative analysis and empirical analysis since this is a pioneering project in the Las Vegas area.

Estimated budget: $7,500

Subtotal, Phase Two = $47,985

Phase Three: Alternative Development Scenarios

Task 3A. Alternative Land Use Concepts

PRC will prepare three alternative land use concept drawings, each portraying a differing land use scenario. Anticipated land uses to be portrayed include various R&D types, support commercial uses, community facilities and open space. The alternatives will also include circulation networks and conceptual grading and drainage solutions.

Estimated budget: $10,000

Task 3B. Plan Evaluation

PRC will evaluate each of the three alternative scenarios in terms of major off-site development costs, market feasibility, developer cash flow, traffic generation, utility system capability and relationship with surrounding residential uses. At the conclusion of the evaluation process, a summary memorandum will be prepared.

Estimated budget: $14,750

<u>Task 3C.</u> Client/Consultant Workshop

A client/consultant workshop will be held with all key players to discuss the alternative concept scenarios and the results of the evaluation process. Assuming an acceptable finding at this stage, one of the alternative scenarios will be refined as part of the master planning process.

Estimated budget: $3,500

Subtotal, Phase Three = $28,250

<u>Phase Four: Master Plan Preparation</u>

<u>Task 4A.</u> Master Land Use Plan

A master land use plan will be prepared, to include land use and circulation elements, infrastructure and utilities, a general phasing schedule, a conceptual landscape/open space program and a grading and drainage program. The focus of the master plan will be on providing a basic structure for the Technology Center in terms of major roads, utilities and "streetscape elements," leaving on-site improvements to the discretion of future tenants. The final product will be a series of large scale and small scale exhibits depicting the above elements. Included in this task will be a preliminary analysis of zoning requirements to allow implementations of the Master Plan.

<u>Estimated budgets</u>:	
Land Use/Circulation	$10,000
Landscape/Open Space	$ 4,000
Phasing	$ 4,000
Grading/Drainage	$ 6,000
Subtotal	$24,000

<u>Task 4B.</u> Illustrative Site Plan

PRC will prepare an illustrative site plan depicting what the High Tech Park will look like at complete development. PRC has learned that illustrative drawings can be very helpful to our clients in marketing their real estate projects with potential buyers and investors.

Estimated budget: $7,000

Task 4C. Marketing and Financing Scenarios

PRC will evaluate specific marketing and financing scenarios for the High Tech Park. One specific marketing strategy attractive to DOD contractor/future park tenants is to have the City finance development of the property and structures and provide short term leases (3 to 5 years) to DOD clients. Alternatively, ground lease arrangements may be made or sales agreements allowing City participation in subsequent property sales. The marketing and financing scenarios will be tested on the proposed master plan through the financial model to recommend an appropriate marketing and financing strategy.

Estimated budget: $8,820

Task 4D. Design Guidelines

Design guidelines will be prepared, to ensure that future on-site construction complies with the Master Plan.

Estimated budget: $8,000

Task 4E. Final Reports and Presentation

A final report and presentation will be made to the City staff and City Council listing PRC's recommendations as to the Las Vegas High Tech Park. Complete documentation will be provided of the financial model to allow City personnel to operate the model as the Park develops. Final products will include twenty-five complete copies of all documentation relating to the project, fifty copies of an executive summary booklet and camera ready art work of the project summary so the City may produce additional copies.

Estimated budget: $20,000

Subtotal, Phase Four = $67,820

3. PRC is specifically authorized and required by City to subcontract with the firm of Kotin, Regan & Mouchly (hereinafter "KRM") to have the following services performed for PRC:

A. KRM will undertake an in-depth analysis of the research, development, testing and evaluation elements of Department of Defense and Department of Energy programs, which could conceivably be located within the project. This will include familiarization with current and proposed programs for both Nellis AFB and the Nevada Test Site.

B. KRM will evaluate each of the three alternative scenarios, prepared by PRC under Task 3A of Scope of Services hereinabove set out, in terms of major off-site development costs, market feasibility, developer cash flow, traffic generation, utility system capability and relationship with surrounding residential uses. At the conclusion of the evaluation process, a summary memorandum will be prepared.

C. KRM will evaluate specific marketing and financing scenarios for the High Tech Park. One specific marketing strategy attractive to DOD contractor/future park tenants is to have the City finance development of the property and structures and provide short term leases (3 to 5 years) to DOD clients. Alternatively, ground lease arrangements may be made or sales agreements allowing City participation in subsequent property sales. The marketing and financing scenarios will be tested on the proposed master plan through the financial model to recommend an appropriate marketing and financing stragety.

D. KRM will prepare a final report suitable for presentation to the City. This report will be included in the final report and presentation made by PRC under Task 4E of Scope of Services hereinabove set out.

If PRC is unable to contract with KRM to perform all of the above services, then this Agreement shall become null and void.

4. In addition to the provisions of Paragraph 3, PRC may use subcontractors to assist PRC in performing the services required under this Agreement but PRC must obtain prior written approval from the City.

5. All fees, charges, costs or expenses for any and all subcontracting work done by KRM or other subcontractors under

the provisions of this Agreement shall be the sole responsibility of PRC and the City shall in no manner be liable for any fees, charges, costs or expenses due to or claimed by KRM or other subcontractors for work done under the provisions of this Agreement.

6. Upon completion of each phase, PRC shall submit to the City a status report on the services performed thus far. PRC will also provide any "deliverables" completed during that phase. If the City is in any manner unsatisfied with the performance of services, PRC is required to complete the performance of services to the satisfaction of the City at no additional charge to the City, and the City is in no way obligated to pay any invoice until the City is satisfied with the performance of services.

7. Upon receipt by the City of the status report by PRC at the completion of each Phase of the Scope of Services, City shall have ten days within which to determine whether City desires to have PRC continue with the next Phase of the Scope of Services. City, at its sole discretion, may make this determination and should City decide to not have PRC continue with the next Phase of the Scope of Services, then City may terminate this Agreement and have no further liability to PRC. Should the City elect to terminate this Agreement pursuant to this paragraph, City shall be liable for all fees, charges, costs or expenses incurred by PRC for services performed under the next Phase or Phases of the Scope of Services, up to and including the date when notice of termination was delivered to PRC. If the contract is terminated PRC shall issue a final invoice to City for services rendered through the date that the notice of termination was delivered to PRC and the City shall pay this invoice within 45 days of receipt. However, the maximum amount payable under this contract if it is terminated shall be as follows:

Terminated after the completion of Phase I: $25,171.

Terminated after the completion of Phase II: $68,223.

Terminated after the completion of Phase III: $106,365.

If the contract is not terminated early, the maximum amount payable under this contract shall be $157,230.

8. PRC may submit invoices to the City on a monthly basis. Each invoice will be itemized and show the charges categorized according to the rate schedule attached hereto and incorporated herein as Exhibit A or, in the case of subcontractors, according to a rate schedule approved in advance by the City. Invoices shall be paid within 45 days of receipt. However, if the City is in any manner unsatisfied with the performance of services, PRC is required to complete the performance of services to the satisfaction of the City, and the City is not required to pay the invoice until the City is satisfied with the performance of service. At the time City pays the invoice, City shall have the right to retain 10% of each invoice as a contract retention. Upon termination of this contract, if the City, in its sole opinion, is satisfied with the performance of services, the City shall release the contract retention.

9. City may request PRC to perform additional services not contemplated by the Scope of Services. City and PRC will agree in writing, prior to the commencement of such additional services, the exact nature of such additional services and the cost to the City thereof.

10. PRC shall complete the Scope of Services within five months of the date of this Agreement. PRC acknowledges that time is of the essence in the performance of these services. City acknowledges that it must provide certain information, listed in Exhibit B, and attached hereto as part of this Agreement, to PRC on a timely basis in order for PRC to complete this contract on a timely basis. At the beginning of this project, the City and PRC will mutually agree on a schedule indicating due dates for submittal of this information to PRC. For each day that the City is late in supplying the information to PRC, PRC shall be granted two additional days to complete the scope of services. PRC acknowledges that any delay in providing these services will be injurious to the City but that the City's injuries are incapable of being ascertained exactly; therefore,

PRC will pay to City, or permit City to recover by way of offset, the amount of $500.00 per day as liquidated damages for each day that PRC is late in meeting the time schedule as may be adjusted for any delay on the part of the City as set out in this paragraph. However, such liquidated damages shall be limited to a maximum amount of $25,000.

11. Both PRC and City acknowledge that it may be necessary to adjust the estimated budget for each Phase of the Scope of Services. However, no estimated budget may be changed until City has authorized such change in writing following whatever City approval process is necessary.

12. At the completion or termination of this Agreement, all data, studies, computer models, statistics, photographs, charts, tape recordings (audio or visual), and any other information, work products, memoranda, documents or writings used, created or generated in connection with the performance of this Agreement shall be delivered to the City and are to become exclusively owned by the City. PRC may retain copies of these materials but PRC is not authorized to make any commercial use of these materials without the express written prior authorization of the City.

13. PRC will perform the services set out in this Agreement in accordance with the generally accepted standards for performing similar services. City has relied on PRC's representations for quality and professional work as an inducement to enter into this Agreement.

14. In the event either party defaults in the performance of any of the terms or conditions of this agreement, and said default is not cured within thirty days after notice thereof to the other party, then the other party, at its option, shall have the right to terminate this agreement. In the event said default is of a nature which may not be cured within said thirty-day period, then the defaulting party shall have thirty days after notice within which to commence to cure and remedy said

default, and shall thereafter faithfully and diligently continue to proceed to the completion thereof.

15. The failure of either party to insist upon the strict performance of any of the provisions of this agreement, or the failure of either party to exercise any right, option or remedy hereby reserved, shall not be construed as a waiver for the future of any such provision, right, option, or remedy, or as a waiver of any subsequent breach thereof.

16. PRC is an independent contractor and not an employee of City for any purpose.

17. All notices, requests, demands or other communications hereunder shall be in writing, and shall be deemed to have been duly given if delivered in person, or when received if mailed by certified mail with return receipt requested, or otherwise actually delivered. Notice to City shall be sent to:

CITY MANAGER
City of Las Vegas
400 East Stewart Avenue
Las Vegas, Nevada 89101

Notice to PRC shall be sent to:

PRC ENGINEERING, INC.
972 Town & Country Road
Orange, California 92667

Either party hereto may change the address at which it receives written notice by so notifying the other party hereto in writing.

18. Should any section or any part of any section of this agreement be rendered void, invalid or unenforceable by any court of law, for any reason, such a determination shall not render void, invalid or unenforceable any other section or any other part of any section in this agreement.

19. This agreement has been made and entered into in the State of Nevada, and the laws of the State of Nevada shall govern the validity and interpretation of this agreement and the performance due hereunder.

20. The drafting, execution and delivery of this agreement by the parties have been induced by no representations,

statements, warranties or agreements other than those expressed herein. This agreement embodies the entire understanding of the parties, and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof unless expressly referred to herein or expressly incorporated herein by reference thereto.

21. Should either party bring suit to enforce any of the terms of this agreement, the prevailing party shall be entitled to recover court costs and reasonable attorney's fees.

22. This agreement may not be modified unless such modification is in writing and signed by both parties to this agreement.

IN WITNESS WHEREOF, the parties have executed this agreement at Las Vegas, Nevada the day and year first written above.

CITY OF LAS VEGAS, NEVADA

William H. Briare

WILLIAM H. BRIARE, MAYOR

ATTEST:

Carol A. Hawley

CAROL ANN HAWLEY, CITY CLERK

Approved

10-1-85

PRC ENGINEERING, INC.

By J. M. Spencer

JAMES M. SPENCER

Title DIVISION SR VP-FINANCE

RATE SCHEDULE

	Range of Hourly Billing Rates
PROFESSIONALS VII (Associate Principals)	$ 68.69 - 86.41
PROFESSIONALS VI (Dept. Heads/Project Managers)	57.22 - 80.10
PROFESSIONALS V (Senior Engineers/Architects/Planners)	53.42 - 68.48
PROFESSIONALS IV (Planners/Engineers/Senior Designers)	43.96 - 58.92
PROFESSIONALS III (Designers/Senior Drafters)	36.94 - 48.63
TECHNICAL ASSOCIATES II (Designers/Drafters)	31.31 - 42.14
TECHNICAL ASSOCIATES I (Drafters/Technicians)	17.07 - 29.49

REIMBURSABLE ITEMS:

Prints, reproductions, colored renderings	Cost + 15%
Services of others (tests, borings, soils & surveys, special consultants)	Cost + 15%
Automobile Transportation	$0.25/mile
Authorized commercial travel & subsistence	Cost + 15%
Fees required by governing bodies (i.e., plan check, permit, inspection, etc.)	Cost + 15%
Computer Services	Cost + 15%

EXHIBIT "A"

EXHIBIT "B"

INFORMATION TO BE PROVIDED TO PRC ENGINEERING BY THE CITY:

1. Boundary Map of site at scale of 1" to 200'.
2. List of officials to contact at DOD/DOE or any other state and local agency which may influence development of site;
3. Latest traffic count available for all streets, highways around site. Future traffic projections if available to City;
4. Location and size of all utility lines in and around the site, including water, sewer, storm drains, electrical, natural gas and telephone;
5. Information on location and treatment capacity of local sewerage treatment facilities, if available to the City;
6. Information, if known, on future street, highway and freeway improvement, including proposed extent of improvements, estimated timing and funding source;
7. Information, if available to City, on proposed on-site drainage/ detention basin, including engineering design and calculated cost information and related hydrological information;
8. Aerial topographic map of site if currently in possession of City;
9. Any soil studies of site if available to the City.

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT REQUESTS PUBLIC HEARING DATE BE SET TO TAKE ACTION ON AMENDING THE CITY'S FY 1983-84 COMMUNITY DEVELOPMENT BLOCK GRANT FINAL STATEMENT ACTIVITY, OPERATION LIFE PROFESSIONAL BUILDING

PURPOSE/BACKGROUND

In 1983-84, Operation Life, CDC, a non-profit organization, had applied to the Central Dffice of the Office of Community Services (OCS) in Washington, D. C., for a discretionary grant to construct a neighborhood medical facility/ professional building that could be leased to medical businesses that wanted to expand services to West Las Vegas as well as provide administrative offices for Operation Life.

During the FY 1983-84 Community Development Block Grant program, the City awarded Operation Life $66,500 as a local match towards the construction of the facility. Operation Life, CDC was not awarded any discretionary funds; but sought other funding avenues that also were not successful.

In the fall of 1984, Operation Life, CDC applied and was awarded by the U. S. Department of Housing and Urban Development (HUD) a Section 202 loan in the amount of $1,148,400 and has been set-aside thirty (30) reservations of Section 8 Certificates. Section 202 is a HUD program that provides direct loans to provide new housing and related facilities for the elderly and handicapped. The project to be constructed is to be called Ruby Duncan Manor.

The Las Vegas Housing Authority was selected by Operation Life as their consultant for the overall development of the project.

The 202 program requirements state that the local recipient have firm commitments of their funds as a local match to the direct HUD loan at the time of closing. For this project, Operation Life will be able to certify that it has $258,750. Presently, the closing date is scheduled for November, 1985.

Operation Life has requested that the City amend its FY 1983-84 Community Development Block Grant Final Statement activity, Professional Building and reprogram the balance of the activity's funds (approximately $63,750) to the Operation Life 202 project to be known as Ruby Duncan Manor (NV39-T841-001/121-EH215).

The Department in accordance to HUD regulations (September 23, 1983) Section 570.301(4)(b) requests that Council set October 2, 1985, at 2 p.m. as the public hearing date and take possible action amending the City's FY 1983-84 COBG Final Statement activity, Operation Life Professional Building.

FISCAL IMPACT

$63,750 in FY 1983-84 Community Development Block Grant funds.

RECOMMENDATIONS

It is the recommendation of the Office of the City Manager that Council approve this action.

JACK THOMASON, DIRECTOR
DEPT. OF ECONOMIC & URBAN DEVELOPMENT

Agenda Item
IV. (d) B.

TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IV(d) DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT
ITEM B. DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT REQUESTS PUBLIC HEARING DATE BE SET TO TAKE ACTION ON AMENDING THE CITY'S FY 1983-84 COMMUNITY DEVELOPMENT BLOCK GRANT FINAL STATEMENT ACTIVITY, OPERATION LIFE PROFESSIONAL BUILDING.

MAYOR BRIARE: Next item.

JACK THOMASON: Yes, sir. On the next item, the Economic -- the Department of Economic and Urban Development requests a public hearing date be set to take action on amending the City's FY '83-'84 Community Development Block Grant final statement activity for the Operation Life Professional Building and furthermore, in complaince with Hud regulations, the Economic and Urban Development Department requests the Council schedule the hearing on 2, October '85 to take possible action on our final statement. We request your approval.

COUNCILMAN NOLEN: YOUR HONOR, I MOVE WE FOLLOW THE RECOMMENDATION OF CITY MANAGER.

MAYOR BRIARE: Comments on the motion? Cast your votes. Post. The motion's APPROVED. (Motion carried unanimously.)

END OF DISCUSSION

/sl

ITEM	Council Action	Department Action
IV (f) DEPARTMENT OF GENERAL SERVICES DAN R. PILKINGTON, DIRECTOR *CONSENT AGENDA All items listed under Items *A, *B and *C are considered to be routine by the City Council and may be enacted by one motion. However, any item may be discussed if a Council member or citizen so requests.		
PURCHASING & CONTRACTS DIVISION		
10:40 *A. AWARD OF BIDS 1. Northwest Sewer Interceptor (Abeyance Item) Department of Design & Development 2. Utility Vehicle Department of Fire Services 3. Sludge Removal and Disposal Department of Public Works	Lurie - APPROVED as recommended Items A-1 thru A-3; Item B-1 thru B-3; and Item C-1. Unanimous with the exceptions that Nolen abstained from voting on Bid Schedule No.2 under Item A-1, and Levy abstained from voting on Item A-1 (all bid schedules.).	Staff to proceed Less Iddings and Gene Forbush, Burdick Contractor appeared
*B. AWARD OF ANNUAL CONTRACTS & AGREEMENTS 1. Expendable Automotive Filters Department of General Services 2. Automotive Radiator Repairs Department of General Services 3. Expendable Street Sweeper Brooms Department of General Services	VERBATIM TRANSCRIPT MADE PART OF FINAL MINUTES	
*C. PURCHASE ORDER APPROVAL 1. Software Programs Lease Department of Finance & Computer Services		

APPROVED AGENDA ITEM

[signature]

City of Las Vegas

AGENDA DOCUMENTATION

Date: SEPTEMBER 6, 1985

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. **AWARD OF BIDS**

1. BID TITLE: NORTHWEST SEWER INTERCEPTOR — BID NUMBER: 85.0832.19

ITEM: CAPITAL — ESTIMATE: $2,275,822.00

DEPARTMENT: DESIGN AND DEVELOPMENT — INVITATIONS MAILED: 51

FUNDING: SEWER BOND ISSUE — RESPONSES RECEIVED: 7

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO PROVIDE SEWER INTERCEPTOR SERVICES.

BID ABSTRACT SUMMARY

			BID SCHEDULE NO. 1	BID SCHEDULE NO.2
BURDICK CONTRACTORS	LAS VEGAS	NV	$1,468,654.50	$384,308.00
TAB CONTRACTORS	LAS VEGAS	NV	$1,519,000.00	$355,000.00
PIPELINE CONTRACTORS	LAS VEGAS	NV	$1,551,349.00	$357,410.00
DORFMAN CONSTRUCTION	WOODLAND	CA	$1,926,520.00	$546,533.00
LAS VEGAS PAVING	LAS VEGAS	NV	NO BID	$264,250.40
WESTERN STATES	LAS VEGAS	NV	NO BID	$275,508.00
LONGLEY CONSTRUCTION	LAS VEGAS	NV	NO BID	$352,305.00

STAFF RECOMMENDATION OF AWARD

THAT THE LOW BID BE AWARDED TO:

BURDICK CONTRACTORS	LAS VEGAS	NV	$1,468,654.00
LAS VEGAS PAVING	LAS VEGAS	NV	$ 264,250.40

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 85-86. FUNDS ARE AVAILABLE FROM A SEWER BOND ISSUE.

RECOMMENDATIONS

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

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

Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION A PAGE 1
IV (f)

City of Las Vegas

AGENDA DOCUMENTATION

Date: SEPTEMBER 6, 1985

TO:
The City Council

FROM:
RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. AWARD OF BIDS

2. BID TITLE:	ONE (1) EMERGENCY RESPONSE COMMAND VEHICLE	BID NUMBER:	86.2100.2
ITEM:	CAPITAL EQUIPMENT	ESTIMATE:	$55,000.00
DEPARTMENT:	FIRE SERVICES	INVITATIONS MAILED:	16
FUNDING:	FIRE MECHANICAL VEHICLE ACQUISITION	RESPONSES RECEIVED:	3

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO PROVIDE AN EMERGENCY RESPONSE COMMAND VEHICLE AND BACKUP DISPATCH CENTER FOR USE AT DISASTER, MAJOR INCIDENTS, AND SPECIAL EVENTS.

BID ABSTRACT SUMMARY

SUNLAND R.V. CENTER	LAS VEGAS	NV	$44,000.00
BRADSHAW R.V.	ST. GEORGE	UT	$46,695.00
LA MESA R.V. CENTER	LAS VEGAS	NV	$52,070.00

STAFF RECOMMENDATION OF AWARD

THAT THE LOW BID BE AWARDED TO:

SUNLAND R.V. CENTER	LAS VEGAS	NV	$44,000.00

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 85-86. FUNDS ARE AVAILABLE IN THE FIRE MECHANICAL FUND.

RECOMMENDATIONS

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

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

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

Agenda Item
SECTION A PAGE 2
IV (f)

City of Las Vegas

AGENDA DOCUMENTATION

Date: SEPTEMBER 6, 1985

TO:
The City Council

FROM:
RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. AWARD OF BIDS

3. BID TITLE: REMOVAL AND DISPOSAL OF SLUDGE — BID NUMBER: 86.JUL.15

ITEM: SERVICE — ESTIMATE: $5.00 TON

DEPARTMENT: PUBLIC WORKS — INVITATIONS MAILED: 11

FUNDING: NOT APPLICABLE — RESPONSES RECEIVED: 2

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO PROVIDE FOR THE REMOVAL AND DISPOSAL OF SLUDGE AT THE CITY'S WASTEWATER TREATMENT PLANT ON A PERPETUAL BASIS.

BID ABSTRACT SUMMARY

DAVIS NURSERY	LAS VEGAS	NV	$2.67 TON
WHITING BROTHERS	LAS VEGAS	NV	NO BID

STAFF RECOMMENDATION THAT:

DAVIS NURSERY, LAS VEGAS, NEVADA BE ALLOWED TO WITHDRAW THEIR BID DUE TO EXTREME PROBLEMS ENCOUNTERED AFTER BID OPENING WHICH GREATLY AFFECTED DAVIS NURSERY'S POSSIBILITY TO PERFORM THE CONTRACT. REQUEST PERMISSION TO READVERTISE.

FISCAL IMPACT

NO FISCAL IMPACT AT THIS TIME.

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 THE COUNCIL APPROVE THE BIDDER'S REQUEST TO WITHDRAW THEIR BID.

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

Agenda Item
SECTION A PAGE 3
IV (f)

MAYOR BRIARE: Under General Services, we have recommendations of the Department for --

DEPUTY CITY MGR. WALKER: Your Honor, on Item A. 1, on the Northwest Sewer Interceptor, we need to hold Bid Schedule No. 1 We are currently negotiating with North Las Vegas on an encroachment permit for the sewer line in North Las Vegas.

MAYOR BRIARE: Are there any -- you're asking this be held?

DEPUTY CITY MGR. WALKER: Just on the A. 1 to hold Bid Schedule No. 1. Bid Schedule No. 2 can be awarded at this time and all other items are in order.

MAYOR BRIARE: Some of the bidders are here. Do they have any problems with this?

COUNCILMAN LEVY: You had to ask.

LESS IDDINGS: Mayor, Councilmen, my name is Less Iddings. I'm the estimator with Burdick Contractors, Inc. We are the low bidder on Schedule 1. We would prefer to see this project awarded to us in the fact that it's already gone about five weeks now and it looks like it may go a couple more or perhaps longer, with an ultimate possibility that the job might have to be rebid. This is a million and a half dollar project, which is a sizeable project for us, and what we have done now for the past five weeks is, we have passed up other bids on other projects knowing that we have a project that pretty well takes up most of our construction capability. So we would really like to know that we have this job in the sack, you know, that we have it. If not, then we'd have to go out and start bidding other jobs. I would really wish that you would award the job. If --

MAYOR BRIARE: Are these gentlemen associated with you?

LESS IDDINGS: Yes, Gene Forbush is the Manager. Of course, you know Ed Parks.

MAYOR BRIARE: I was going in the other direction. Anyone else want to comment?

COUNCILMAN LURIE: Well, I'd just like to -- Randy, maybe give us a question. What are we negotiating with North Las Vegas for?

DEPUTY CITY MGR. WALKER: Encroachment permit. There's two small portions of the line that need to go over the right-of-way of North Las Vegas and we're needing an encroachment permit for North Las Vegas to allow us to put our line into land that resides in North Las Vegas. Now Bow Bowman knows a lot more about this than I can and he can address this.

COUNCILMAN NOLEN: Your Honor, first off, I'll have to abstain on this item here on Bid Schedule No. 2, but as far as Bid Schedule No. 1, if we could award, subject to us obtaining the proper encroachment permits perhaps that would take care of the concerns that this gentleman has expressed.

DEPUTY CITY MGR. BOWMAN: Mayor, Councilmen, I would concur with that. We could award this on the basis that the proper encroachment permits and right-of-way are acquired and so we could -- you could award it and hold it in abeyance for staff to acquire the necessary right-of-way.

MAYOR BRIARE: Well obviously, obviously, we have to have a right-of-way before we have the contractor go and start building, but what's -- how did we get this far without having the necessary right-of-ways and encroachment agreements? Are we going to get them? Are they --

DEPUTY CITY MGR. BOWMAN: We have two alternatives and we are seeking one of them which is the least expensive at this juncture and we may, in fact, have at this moment. Our Director of Public Works is pursuing that matter right now at this moment. However, we do have a plan bravo and if that -- if that plan alpha fails, we have plan bravo, but we could not send our contractor in on that property until we've tied it up. So we would have to then seek that property in the necessary course of things and allow you to award the contract pending that acquisition.

MAYOR BRIARE: Does that sound a reasonable way?

LESS IDDINGS: We would not be able to start any part of the project until the say, a condemnation procedure was complete or would we be able to start the 95% of the job that is in the City? We could skip over the 5% that is not and hold that to, you know, some later date until that's cleared.

DEPUTY CITY MGR. BOWMAN: If the contractor would agree with that, we would have no problem with that. I mean, we'd like to give them a clean job and let them pursue it owever, if they're willing to work with us on that, we have no problem with that.

MAYOR BRIARE: Well, yes, but if this -- you know, bureaucracy bring as it is, Bow, this thing could go on for months and months and months and I appreciate it, sir, and I want you to know this -- as to your attitude with jobs that come up that you might pass by, so you can get in and get out of this job. I wish they're were more like you.

LESS IDDINGS: Yes. I should check with the Manager to see if I could get a nod of approval here.

MAYOR BRIARE: He nodded. I saw him nod. This then would be to award this contract, subject to the agreement between the owner and the contractor to hold off on 95% or whatever that conversation is.

COUNCILMAN LEVY: It's more like 5%.

LESS IDDINGS: There's a lot of the job we could do. In fact there's a lift station now and there's quite a wait on it and we'd like to get the award on it and go ahead to order this.

MAYOR BRIARE: Materials?

LESS IDDINGS: Materials. The materials for the lift station may take two or three months to get.

DEPUTY CITY MGR. BOWMAN: Mayor, Councilmen, I agree with that. This would allow them to proceed with their material acquisition and nail down the price that they probably already have from their suppliers. In the interim, we could go ahead and resolve these right-of-way concerns and if they're willing to work with us as to those areas where we have a question, and there may not be a question, we just have not got the word back from our guy as to whether or not he's acquired that permit yet, but if there is, that would require a minor

DEPUTY CITY MGR. BOWMAN: modification to the contract to sort that area out and if they're willing to work with us on that, it sounds great.

COUNCILMAN LURIE: Well is North Las Vegas holding us up because they want the use of that sewer, is that where we are?

DEPUTY CITY MGR. BOWMAN: That's kind of the essence of the problem right there.

COUNCILMAN LURIE: That's the bottom line.

DEPUTY CITY MGR. BOWMAN: Yes.

MAYOR BRIARE: Do we have a motion?

COUNCILMAN LURIE: I'LL MOVE, MAYOR, THAT WE FOLLOW THE RECOMMENDATIONS AND THE CONDITIONS PLACED ON ITEM NO. 1.A AND MOVE FOR APPROVAL, ITEM A, B AND C AS RECOMMENDED.

COUNCILMAN LEVY: Mayor, would you please note that I'm abstaining on 1.A.

MAYOR BRIARE: Further comments or questions?

COUNCILMAN NOLEN: I also --

MAYOR BRIARE: You're already noted, Bob.

COUNCILMAN NOLEN: Declare a conflict on Bid Schedule II on A.1.

MAYOR BRIARE: Right.

COUNCILMAN NOLEN: I'll be abstaining on that one.

MAYOR BRIARE: Any other comments? Cast your votes. Post. Motion's APPROVED and the City Clerk will put the declarations here. (Motion carried unanimously.) Okay, that takes care of number 1. How about the recommendations for number 2 and 3 and also Item B.

COUNCILMAN LEVY: I thought we just did that.

MAYOR BRIARE: I'm sorry. Did we have that all included in the motion, the whole motion?

COUNCILMAN LEVY: Yes.

MAYOR BRIARE: That takes care of everything, great.

CITY MANAGER HALL: Just one -- one comment if I could, Mayor. For your information and members of the Council, our original price on this Northwest Interceptor has been cut by approximately two million dollars --

COUNCILMAN LEVY: We noticed that.

CITY MANAGER HALL: -- from what it was initially.

MAYOR BRIARE: That's why it's nice to get it going.

COUNCILMAN LEVY: Before he changes his mind.

MAYOR BRIARE: Mr. Pilkington, that concludes your agenda then?

DAN PILKINGTON: Yes, sir, it does.

MAYOR BRIARE: Good.

END OF DISCUSSION

/sl

City of Las Vegas

AGENDA DOCUMENTATION

Date: SEPTEMBER 6, 1985

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

0071

SUBJECT: AGENDA - CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*B. AWARD OF ANNUAL CONTRACTS AND AGREEMENTS

1. BID TITLE: AUTOMOTIVE AIR, FUEL & OIL FILTERS — BID NUMBER: 86.NOV.6

ITEM: EXPENDABLE SUPPLIES — ESTIMATE: $15,000.00 ESTIMATED ANNUAL USAGE

DEPARTMENT: GENERAL SERVICES — INVITATIONS MAILED: 12

FUNDING: VEHICLE SERVICES — RESPONSES RECEIVED: 5

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO STOCK AND REPLACE VARIOUS FILTERS USED IN THE PROGRAMMED MAINTENANCE SCHEDULE FOR ALL VEHICLES AND MOTORIZED EQUIPMENT USED BY THE CITY OF LAS VEGAS.

BID ABSTRACT SUMMARY

			DISCOUNT FROM JOBBERS PRICE LIST
G & L ENTERPRISES	LAS VEGAS	NV	32 %
CLARK COUNTY WHOLESALE	LAS VEGAS	NV	30 %
CHEM OIL & TIRE	LAS VEGAS	NV	29.5%
VEGAS TIRE & ACCESSORIES	LAS VEGAS	NV	28 %
CHEYENNE AUTO PARTS	LAS VEGAS	NV	26 %

STAFF RECOMMENDATION OF AWARD

THAT THE LOW BID BE AWARDED TO:

G & L ENTERPRISES — LAS VEGAS NV — 32% DISCOUNT
ESTIMATED ANNUAL USAGE: $15,000.00

AUTHORIZE THE DEPARTMENT OF GENERAL SERVICES TO EXTEND THE CONTRACT ADDITIONAL TWELVE (12) MONTH PERIODS AT THE END OF THE ORIGINAL CONTRACT, IF PRICES CAN BE NEGOTIATED THAT ARE NOT MORE THAN TEN PERCENT (10%) OF THE ORIGINAL CONTRACT PRICES. THE EXTENSION PROVISION WAS MADE A PART OF THE INVITATION FOR BID CONDITIONS TO WHICH ALL PROSPECTIVE BIDDERS AGREED.

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 85-86. FUNDS ARE AVAILABLE IN THE VEHICLE SERVICES FUND.

RECOMMENDATIONS

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

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

Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION B PAGE 1
IV (f)

AGENDA DOCUMENTATION

Date: SEPTEMBER 6, 1985

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

0072

SUBJECT: AGENDA - CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*B. AWARD OF ANNUAL CONTRACTS AND AGREEMENTS

2.	BID TITLE:	AUTOMOTIVE RADIATOR REPAIRS	BID NUMBER:	86.NOV.9
	ITEM:	SERVICE	ESTIMATE:	$18,000.00 ESTIMATED ANNUAL USAGE
	DEPARTMENT:	GENERAL SERVICES	INVITATIONS MAILED:	16
	FUNDING:	VEHICLE SERVICES	RESPONSES RECEIVED:	2

NEED FOR PURCHASE

THE NEED FOR THIS PURCHASE IS BASED UPON THE REQUIREMENTS OF REPAIRING, MAINTAINING, AND/OR REPLACING RADIATORS THROUGHOUT THE ENTIRE VEHICLE AND EQUIPMENT FLEET OF THE CITY.

BID ABSTRACT SUMMARY

			UNIT PRICE
LAS VEGAS RADIATOR	LAS VEGAS	NV	$1,188.22 (15 Line Items)
JIMMY'S & SHAFFERS	LAS VEGAS	NV	$1,508.50 (15 Line Items)

STAFF RECOMMENDATION OF AWARD

THAT THE LOW BID BE AWARDED TO:

			UNIT PRICE
LAS VEGAS RADIATOR	LAS VEGAS	NV	$ 1,188.22
	TOTAL ANNUAL USAGE:		$18,000.00

AUTHORZE THE DEPARTMENT OF GENERAL SERVICES TO EXTEND THE CONTRACT AN ADDITIONAL TWELVE (12) MONTHS AT THE END OF THE ORIGINAL CONTRACT IF PRICES CAN BE NEGOTIATED THAT ARE NOT MORE THAN TEN PERCENT (10%) OF THE ORIGINAL CONTRACT PRICES. THE EXTENSION PROVISION WAS MADE A PART OF THE INVITATION FOR BID CONDITIONS TO WHICH ALL PROSPECTIVE BIDDERS AGREED.

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 85-86. FUNDS ARE AVAILABLE IN THE VEHICLE SERVICES FUND.

RECOMMENDATIONS

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

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

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

Agenda Item

SECTION B PAGE 2
IV (f)

City of Las Vegas

AGENDA DOCUMENTATION

Date: SEPTEMBER 6, 1985

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

0073

SUBJECT: AGENDA - CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*B. AWARD OF ANNUAL CONTRACTS AND AGREEMENTS

3. BID TITLE: STREET SWEEPER BROOMS — BID NUMBER: 86.NOV.12

ITEM: EXPENDABLE SUPPLIES — ESTIMATE: $14,000.00

DEPARTMENT: GENERAL SERVICES — INVITATIONS MAILED: 13

FUNDING: VEHICLE SERVICES — RESPONSES RECEIVED: 3

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO STOCK AND REPLACE STREET SWEEPER BROOMS USED IN THE PROGRAMMED MAINTENANCE SCHEDULE FOR ALL MOBIL STREET SWEEPERS USED BY THE CITY.

BID ABSTRACT SUMMARY

SWEEPSTER JENKINS	DEXTER	MI	$ 9,950.00
BACON'S AIR SWEEPER	LAS VEGAS	NV	$12,950.00
MONARCH BROOM & WIRE	GARDENA	CA	$15,650.00

STAFF RECOMMENDATION

THAT THE LOW BID OF SWEEPSTER JENKINS BE REJECTED BECAUSE BROOMS DO NOT MEET MINIMUM SPECIFICATION AND THAT THE BID BE AWARDED TO:

BACON'S AIR SWEEPER — LAS VEGAS NV — $12,950.00

AUTHORIZE THE DEPARTMENT OF GENERAL SERVICES TO EXTEND THE CONTRACT AN ADDITIONAL TWELVE (12) MONTHS AT THE END OF THE ORIGINAL CONTRACT IF PRICES CAN BE NEGOTIATED THAT ARE NOT MORE THAN TEN PERCENT (10%) OF THE ORIGINAL CONTRACT PRICES. THE EXTENSION PROVISION WAS MADE A PART OF THE INVITATION FOR BID CONDITIONS TO WHICH ALL PROSPECTIVE BIDDERS AGREED.

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 85-86. FUNDS ARE AVAILABLE IN THE VEHICLE SERVICES FUND.

RECOMMENDATIONS

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

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

Dan R. Pilkington

Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION B PAGE 3
IV (f)

City of Las Vegas

AGENDA DOCUMENTATION

Date: SEPTEMBER 6, 1985

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

0074

SUBJECT: AGENDA - CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*C. **PURCHASE ORDER APPROVAL**

1.	ITEM:	COMPUTER	PURCHASE REQUEST:	1040-747
	DESCRIPTION:	SOFTWARE PROGRAMS	FUNDING:	GENERAL FUND
	DEPARTMENT:	FINANCE AND COMPUTER SERVICES	ESTIMATE:	$18,000.00

NEED FOR PURCHASE

THE CITY OF LAS VEGAS USES COMPUTER EQUIPMENT MANUFACTURED AND SOLD BY THE BURROUGHS CORPORATION. THE EQUIPMENT REQUIRES SPECIFIC SOFTWARE PROGRAMS IN ORDER TO PROPERLY FUNCTION THAT ARE AVAILABLE FROM BURROUGHS CORPORATION ONLY.

STAFF RECOMMENDATION

FOR PURCHASE ORDER APPROVAL

BURROUGHS CORPORATION	LAS VEGAS NV	$17,988.00

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 85-86. 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 C PAGE 1
IV (f)

AGENDA

City of Las Vegas

0075

September 18, 1985

Page 17

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

ITEM	Council Action	Department Action
IV. (g). DEPARTMENT OF PUBLIC WORKS RICHARD D. GOECKE, 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 disscussed if a Council member or citizen so requests.		
*A. ACCEPTANCE OF RIGHT OF WAY ITEMS		
0:48 1. Grant Deed From: Tom R. Bushey and Elaine Bushey To: City of Las Vegas For: NE 1/4 of Section 5, T21S, R61E, M.D.M. A twenty foot (20') radius corner at the Northwest corner of Rancho and Oakey Blvd. (8-23-85)	Lurie - APPROVED Items 1 & 2. Motion carried with Levy abstaining on Item 2.	Staff to proceed
2. Grant Deed From: George Filios and Nitsa Filios, as Trustees of the George and Nitsa Filios Trust R-501, dated the 7th day of June 1983, their successor or successors, with full power to sell, convey, and encumber. To: City of Las Vegas For: SE 1/4 of Section 1, T20S, R60E, M.D.M. in the City of Las Vegas, County of Clark, State of Nevada, for half street dedication on Decatur Blvd. for the Northwest Decatur Sewer Interceptor (8-27-85)		

APPROVED AGENDA ITEM

[signature]

AGENDA

City of Las Vegas

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

	ITEM	Council Action	Department Action
	IV. (g). DEPARTMENT OF PUBLIC WORKS (Continued)		
10:48	B. APPROVAL OF TRAFFIC AND PARKING ITEMS	Levy - APPROVED as recommended Items 1 thru 10. Unanimous	Staff to proceed Herb Pastor was present
	1. Tour Bus Zone on Fremont Street At the Golden Goose Casino		
	2. Driveway Variance at 250 W. Utah Avenue		
	3. Change Meter Times at Western Union		
	4. Driveway Variance at 2216 Fairfield Avenue		
	5. Handicapped Zone at 131 South Eighth Street		
	6. Bus Loading Area On Casino Center Boulevard		
	7. Bus Loading Area On Seventh Street		
	8. Tour Bus Zone At Four Queens Hotel and Casino		
	9. No Parking Zone on Sahara Avenue		
	10. No Parking Zone on Rancho Drive		

APPROVED AGENDA ITEM

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 4, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

0077

SUBJECT: TOUR BUS ZONE ON FREMONT STREET
AT THE GOLDEN GOOSE CASINO

PURPOSE/BACKGROUND

This item was held in abeyance from the City Council meeting of August 21, 1985. Council members requested the presence of the individuals involved.

Mr. Herb Pastor of the Golden Goose Casino has requested another time extension to allow the temporary tour bus zone on Fremont Street in front of the Golden Goose Casino to remain.

In October, 1983, the City Council approved a request by Mr. Pastor for a temporary tour bus zone. This request was to be reviewed in six months, however, it was not reviewed until November, 1984, at which time the City Council granted an additional six months. At that time, Mr. Pastor indicated that this would be ample time to complete negotiations with Ace Loan Company to purchase the space between Sassy Sally's Casino and the Golden Goose Casino, and to connect the two casinos, both of which are owned by Mr. Pastor. He now indicates that he needs an additional six months to complete those negotiations.

FISCAL IMPACT

There will be no fiscal impact.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the time extension be approved.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 9/4/85

IV. (g) B.1.

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

August 23, 1985

CERTIFIED MAIL

Mr. Herb Pastor
Golden Goose Casino
20 E. Fremont Street
Las Vegas, Nevada 89101

Dear Mr. Pastor:

On August 21, 1985, the City Council reviewed your request for a time extension of your temporary Tour Bus Zone on Fremont Street in front of the Golden Goose Casino.

This item was held in abeyance and you are requested by the City Council to attend their meeting of September 4, 1985, at 10:00 A.M., in the City Hall Council Chambers, to provide them with a status report of your negotiations with the Ace Loan Company before they will act upon your request.

If you have any questions regarding this request, please do not hesitate to contact me at 386-6327.

Sincerely,

William L. Flaxa

William L. Flaxa
Assistant Traffic Engineer

WLF:le

cc: Richard Goecke
John E. Bartels, P.E.

IV(g).B.1.

CITY OF LAS VEGAS NEVADA

HERB PASTOR CASINO ENTERPRISES

GOLDEN GOOSE CASINO
COIN CASTLE CASINO
SASSY SALLY'S CASINO
GLITTER GULCH CASINO

September 3, 1985

Honorable William H. Briare
Mayor
CITYOF LAS VEGAS
City Hall
400 Stewart Avenue
Las Vegas, Nevada 89101

RE: COUNCIL CHAMBER MEETING
September 4, 1985 10:00AM

Mr. Mayor:

Mr. Herb Pastor was notified of a special meeting in the Council Chamber on the above mentioned date and time last Tuesday, August 27, 1985. The purpose of this meeting is to discuss the bus loading zone in front of the GOLDEN GOOSE CASINO & THE ACE LOAN COMPANY on Fremont Street.

Mr. Pastor has been out of town for the past two weeks and is not expected to return until late in the evening on September 4. He will be unable to attend this special meeting. On his behalf, I wish to apologize for any inconvenience this may cause you and the City Council.

Mr. Pastor's office will contact the Council shortly to reschedule this meeting at your convenience. If I can provide any assistance, please feel free to contact me.

Sincerely,

HERB PASTOR CASINO ENTERPRISES

Vince Manfredi

Vince Manfredi
Director of Marketing

cc: City Council
Toni Miller
Alan Koret

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

0080

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT: DRIVEWAY VARIANCE AT 250 W. UTAH AVENUE

PURPOSE/BACKGROUND

Sunburst Construction Company, Inc. has requested a variance to allow a fifty-four foot (54') driveway in lieu of the maximum thirty-two foot (32') driveway requirement, at 250 W. Utah Avenue.

This is an industrial area with large trucks using the driveway, which is already constructed. There will be no effect on traffic in the area.

FISCAL IMPACT

There will be no fiscal impact.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that a variance be approved to allow a fifty-four foot (54') driveway at 250 W. Utah Avenue in lieu of the thirty-two foot (32') driveway requirement.

Richard Goecke

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 9/18/85

IV. (g). B. 2.

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

0081

SUBJECT: CHANGE METER TIMES AT WESTERN UNION

PURPOSE/BACKGROUND

The Western Union has requested that the parking meters on Sixth Street adjacent to their office be changed from twelve (12) minute meters to thirty (30) minute meters because it generally takes longer than twelve minutes to transact business, causing many of their customers to receive parking tickets.

FISCAL IMPACT

City of Las Vegas personnel will change the meter timing. Funds are available in the 1985-86 budget.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the twelve (12) minute parking meters on Sixth Street adjacent to the Western Union be changed to thirty (30) minute meters.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 9/18/85

IV. (g). B. 3.

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

0082

TO:
The City Council

FROM:
GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT:
DRIVEWAY VARIANCE AT 2216 FAIRFIELD AVENUE

PURPOSE/BACKGROUND

Mr. Howard Lotton has requested that he be allowed to construct a driveway in his front yard at 2216 Fairfield Avenue, with access to Fairfield Avenue. This will be a second driveway where only one is allowed.

The present driveway to the garage at 2216 Fairfield Avenue is off Cleveland Avenue and is too short to accommodate a standard size car. Allowing a second driveway off Fairfield Avenue would allow Mr. Lotton to park off the street.

FISCAL IMPACT

There will be no fiscal impact.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that a variance be granted to allow a second driveway at 2216 Fairfield Avenue with access to Fairfield Avenue, in accordance with City requirements.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 9/18/85

IV. (g). B. 4.

R E S O L U T I O N

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 schedules pertaining to TITLE XI of the City Code be amended as follows:

Schedule 3-I be amended to delete the following meter zones:

Seventh Street - east side - from Fremont Street to ninety-five feet (95') north

Eighth Street - east side - from Carson Avenue to one hundred twenty feet (120') north

Casino Center Boulevard - east side - from Carson Avenue to Fremont Street

Schedule 3-I be amended to include the following meter zones:

Seventh Street - west side - from Fremont Street to eighty feet (80') south

Eighth Street - east side - from Carson Avenue to seventy feet (70') north

Schedule 17-III be amended to include the following parking prohibited at all times on certain streets:

Rancho Drive - east side - from Oakey Boulevard to Charleston Boulevard

Sahara Avenue - south side - from Crystal Water Way to Durango Drive

Schedule 17-VII be amended to include the following handicapped zone:

Eighth Street - east side - from seventy feet (70') north of Carson Avenue to one hundred twenty feet (120') north of Carson Avenue

Schedule 18-II be amended to delete the following hotel zone:

Third Street - west side - from one hundred forty feet (140') north of Carson Avenue to one hundred sixty-five feet (165') north of Carson Avenue

Schedule 18-VI be amended to include the following twenty-four (24) hour daily tour bus zone:

Third Street - west side - from sixty feet (60') north of Carson Avenue to one hundred sixty-five feet (165') north of Carson Avenue.

PASSED, ADOPTED AND APPROVED this 18th day of September, 1985.

William H. Briare

WILLIAM H. BRIARE, Mayor

9-19-85

ATTEST:

Carol Ann Hawley

CAROL ANN HAWLEY, City Clerk

IV(g) B.5, B.6, B.7, B.8, B.9, B.10

AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT: HANDICAPPED ZONE AT
131 SOUTH EIGHTH STREET

PURPOSE/BACKGROUND

The Nevada Employment Security Department has requested that two (2) of the parking meters in front of their offices at 131 South Eighth Street be removed and replaced with two (2) handicapped parking spaces.

The Employment Security Department has no handicapped parking available now and this would be the most convenient location for handicapped parking.

FISCAL IMPACT

City of Las Vegas personnel will remove the meters and install signs. Funds are available in the F/Y 1985-86 budget.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that two (2) parking meters be removed and that two (2) handicapped parking spaces be established in their place at 131 South Eighth Street, and that the City Council authorize the Mayor to sign the Resolution. Staff concurs.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 9/18/85

IV. (g). 3. 5.

City of Las Vegas
AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT: BUS LOADING AREA ON CASINO CENTER BOULEVARD

PURPOSE/BACKGROUND

The Las Vegas Transit System, Inc. has requested that the two (2) parking meters on Casino Center Boulevard, adjacent to the Four Queens Hotel and Casino, be removed and that a bus loading and unloading area be established in their place. In order to move Route #3 terminal from Carson Avenue to Casino Center Boulevard and Route #6 from Third Street to Carson Avenue, Route #4 terminal will be moved to Third Street.

These are the only two (2) parking meters left on Casino Center Boulevard between Carson Avenue and Fremont Street and the bus loading and unloading area would be an extension of the existing loading and unloading areas. This will have no effect on traffic or parking in the area.

FISCAL IMPACT

There will be no fiscal impact.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the two (2) parking meters on Casino Center Boulevard adjacent to the Four Queens Hotel and Casino be removed and replaced by a bus loading and unloading area, providing that Las Vegas Transit system, Inc. pays the cost of making the changes, and that the City Council authorize the Mayor to sign the Resolution. Staff concurs.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 9/18/85

IV. (g). B. 6.

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT: BUS LOADING AREA ON SEVENTH STREET

PURPOSE/BACKGROUND

The Las Vegas Transit System, Inc. has requested that the bus loading and unloading area on Seventh Street just south of Fremont Street be deleted and that three (3) parking meters on Seventh Street just north of Fremont Street be removed and replaced with a bus loading and unloading area, in order to reroute Route #4. This change is minor and has no effect on traffic or parking in the area.

FISCAL IMPACT

There will be no fiscal impact.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the existing bus loading and unloading area on Seventh Street just south of Fremont Street be removed and replaced with two (2) parking meter spaces and that the three (3) parking meter spaces on Seventh Street just north of Fremont Street be removed and replaced by a bus loading and unloading area, providing that Las Vegas Transit System, Inc. pays the costs of making the changes, and that the City Council authorize the Mayor to sign the Resolution. Staff concurs.

Agenda Item 9/18/85

IV. (g). B. 7.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT: TOUR BUS ZONE AT FOUR QUEENS HOTEL AND CASINO

PURPOSE/BACKGROUND

The Four Queens Hotel and Casino has requested that the ten (10) minute Hotel Loading Zone on the west side of Third Street just south of the hotel entrance be removed and, using this zone with eighty feet (80') of the Red Zone now used by Las Vegas Transit, established a Tour Bus Zone for two buses.

FISCAL IMPACT

There will be no fiscal impact.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the ten (10) minute Hotel Loading Zone on the west side of Third Street just south of the Four Queens Hotel entrance be removed and that a Tour Bus Zone be established using the ten (10) minute Hotel Loading Zone and eighty feet (80') of the Red Zone, providing the Four Queens Hotel and Casino pays the installation costs, and that the City Council authorize the Mayor to sign the Resolution. Staff concurs.

Agenda Item 9/18/85

IV. (g). B. 8.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

0088

SUBJECT: NO PARKING ZONE ON SAHARA AVENUE

PURPOSE/BACKGROUND

Sahara Avenue between Crystal Water Way and Durango Drive was constructed without a parking lane on the south side and the street is so striped. This area needs to be designated a No Parking Zone and entered into the proper schedule.

FISCAL IMPACT

City of Las Vegas personnel will install the signs and markings. Funds are available in the F/Y 1985-86 budget.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the south side of Sahara Avenue between Crystal Water Way and Durango Drive be designated a No Parking Zone and that the City Council authorize the Mayor to sign the Resolution. Staff concurs.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 9/18/85

IV. (g). B. 9.

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 18, 1985

TO:
The City Council

FROM:
GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

0089

SUBJECT:
NO PARKING ZONE ON RANCHO DRIVE

PURPOSE/BACKGROUND

Rancho Drive between Oakey Boulevard and Charleston Boulevard was constructed without a parking lane on the east side and the street is so striped. This area needs to be designated a No Parking Zone and entered into the proper schedule.

FISCAL IMPACT

City of Las Vegas personnel has installed the signs and markings. Funds are available in the F/Y 1985-86 budget.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the east side of Rancho Drive between Oakey Boulevard and Charleston Boulevard be designated a No Parking Zone and that the City Council authorize the Mayor to sign the Resolution. Staff concurs.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 9/18/85

IV. (g). B. 10.

AGENDA

City of Las Vegas

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

	ITEM	Council Action	Department Action
	IV. (g). DEPARTMENT OF PUBLIC WORKS (Continued)		
	C. REPORTS/ACTION		
10:49	1. Sanitary Sewer Refunding Agreement - Smoke Ranch Road from Torrey Pines Drive to Van Gogh Circle	Levy - APPROVED as recommended. Unanimous	Staff to proceed

APPROVED AGENDA ITEM

H. W[illegible]

City of Las Vegas
AGENDA DOCUMENTATION

Date: Sept. 3, 1985

TO: The City Council

FROM: GRANVILLE M. BOWMAN
DEPUTY CITY MANAGER

SUBJECT: SANITARY SEWER REFUNDING AGREEMENT - SMOKE RANCH ROAD FROM TORREY PINES DRIVE TO VAN GOGH CIRCLE

PURPOSE/BACKGROUND

Gates Mill Development Corporation is currently developing their Gates Mill Subdivision. In order to serve this area and anticipated development to the West, it is necessary that they:

1. Extend a City Sanitary Sewer in Smoke Ranch Road from Torrey Pines Drive West to Van Gogh Circle, a distance of approximately 4,594 feet.
2. Oversize 4,594 feet of sewer (from 8" to 10") as required by the City.

The Uniform Plumbing Code and City policy allows the City to reimburse the developer the cost of Items 1 and 2 above in two ways:

1. 95% of the cost of extending (less 200 feet) the City trunk line to the tract boundary, up to $103,901.50, from connection fees received by the City during the next 10 years.
2. 100% of the additional cost of oversizing the line, up to $11,485.00, from the City Sanitation Fund.

The City Attorney has reviewed the attached Agreement and finds the form acceptable.

FISCAL IMPACT

1. Up to $103,901.50 to the developer from connection fees over the next ten years.
2. Up to $11,485.00 to the developer after construction (anticipated within three months). Funds are available in the FY 1985-86 Sanitation Budget.

RECOMMENDATIONS

The Director of Public Works recommends the City Council authorize the Mayor to execute the Agreement.

RICHARD GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 9/18/85

IV.(g). C. 1.

REFUNDING AGREEMENT
(Sewer Trunk Extension and Oversizing)

THIS AGREEMENT, made and entered into the 18th day of September, 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 GATES MILLS DEVELOPMENT CORPORATION 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: GATES MILLS SUBDIVISION 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;

. . .

. . .

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

SECTION I: DEFINITIONS

CONNECTION FEE - shall mean the fee or charge imposed by the City of LAS VEGAS upon a property owner for the privilege of connecting into the municipal sewer system.

OVERSIZING - shall mean the installation by the DEVELOPER, at the request of the CITY OF LAS VEGAS, of a sewer line greater in size than normally needed to service the proposed area of development.

PLANS AND SPECIFICATIONS - shall mean the engineering designs and drawings showing the complete construction and installation of the sewer trunk extension which have been submitted to, and approved by, the CITY OF LAS VEGAS. Copies of the plans and specifications shall be on file with the CITY OF LAS VEGAS.

SEWER TRUNK EXTENSION - shall mean all materials and equipment, such as sewer lines, lateral connections, manholes and other related appurtenances, exclusive of any oversizing, which are constructed and installed between the terminus point of the existing municipal sewer system and the nearest tract boundary to be developed by the DEVELOPER. The distance of the sewer trunk extension is designated by the CITY OF LAS VEGAS on Exhibit "A" attached hereto and incorporated herein as part of this Agreement.

UNIFORM STANDARD SPECIFICATIONS - shall mean that publication entitled the "Uniform Standard Specifications for Public Works' Construction Off-site Improvements, Clark County Area, Nevada, 1978," and any amendments thereto.

SECTION II: OBLIGATIONS OF DEVELOPERS

A. Covenant of Installation

1. The DEVELOPER hereby agrees to construct and install the entire sewer trunk extension as shown on the approved Plans and Specifications. The CITY OF LAS VEGAS shall have the right to designate, as part of the Plans and

type of appurtenances, and any other relevant information considered necessary for the construction of the municipal sewer system.

The cost and expense of this installation shall be the responsibility of the DEVELOPER, who shall have the right to reimbursement as provided for under this Agreement.

2. The DEVELOPER, at his own cost and expense, agrees to perform all survey work necessary for the construction and installation of sewer trunk extension as provided for in the Plans and Specifications, without any right of reimbursement from the CITY OF LAS VEGAS.

B. Procurement of Bid Estimates

As a basis for the figures contained in Section IV, the DEVELOPER agrees to procure three (3) written bids from contractors duly licensed within the State of Nevada and acceptable to the CITY OF LAS VEGAS as to the cost of installation of the sewer trunk extension in the manner provided by the approved Plans and Specifications to the nearest boundary of the subject development. Excluded from these bid estimates shall be the cost of installing the first two hundred feet (200') of the sewer trunk extension. The CITY OF LAS VEGAS, if good cause exists, reserves the right to waive the requirements of obtaining these bid estimates.

C. Installation Standards

The DEVELOPER agrees that the sewer trunk extension shall be installed in a workmanlike manner and according to (1) the uniform Standard Specifications in effect at that time, and (2) the Plans and Specifications approved by the CITY OF LAS VEGAS.

SECTION III: RIGHT OF REIMBURSEMENT

It is understood and agreed by the parties hereto that the DEVELOPER shall have the following rights of reimbursement:

. . .

A. Oversizing: The DEVELOPER shall be reimbursed for the cost and expense of oversizing the sewer trunk extension, subject to the limitations contained under Section VII of this Agreement.

B. Sewer Trunk Extension: The DEVELOPER shall be reimbursed for the cost and expense of extending the existing municipal sewer system to the area of proposed development, subject to the limitations contained under Section VII of this Agreement. The maximum amount of such reimbursement is determined and designated under Section IV of this Agreement. The right of reimbursement applies only to the fees received by the CITY OF LAS VEGAS as connection charges from the property owners (including the DEVELOPER) connecting onto the sewer trunk extension, exclusive of the first two hundred feet (200').

SECTION IV: COST OF INSTALLATION AND
AMOUNT REFUNDABLE

A. It is agreed by the parties hereto that the oversizing costs and the sewer trunk extension costs, subject to reimbursement under the terms of this Agreement, are as follows:

1. Oversizing Costs: $11,485.00

2. Sewer Trunk Extension Costs: $103,901.50

Calculation of these costs is contained on Exhibit "B," which is attached hereto and incorporated herein by this reference as part of this Agreement. Said costs have been submitted to, and approved by, the CITY OF LAS VEGAS.

B. It is agreed and understood that the figures contained on Exhibit "B" are based on estimates obtained by DEVELOPER and approved by the CITY OF LAS VEGAS, and represents the maximum amount which the DEVELOPER can expend for the construction and installation of the extended sewer system. All costs and expenses over and above the figures contained herein are the sole responsibility of the DEVELOPER.

If the actual costs of construction and installation are below the figures contained in Exhibit "B," then the DEVELOPER shall have the right of reimbursement only for the actual costs, subject to the limitations contained under Section VII.

SECTION V: OBLIGATIONS OF THE
CITY OF LAS VEGAS

A. Oversizing: Within thirty (30) calendar days after the acceptance of sewer trunk extension, the CITY OF LAS VEGAS shall refund the differential costs resulting from the oversized sewer line as shown as item 1 in subsection "A" under Section IV of this Agreement, provided, however, that said differential costs have actually been incurred and paid by the OEVELOPER. Evidence of payment of such costs shall be furnished to the CITY OF LAS VEGAS as a precondition to any refund.

B. Sewer Trunk Extension: On the first day of November of each year, subsequent to the execution of this Agreement, the CITY OF LAS VEGAS agrees, subject to the limitation of Section VII, to disburse to the DEVELOPER all of the funds received by the CITY OF LAS VEGAS during the preceding year as connection fees which were paid to the CITY OF LAS VEGAS for the privilege of connecting onto the sewer trunk extension.

C. With acceptance of the sewer trunk extension, the CITY OF LAS VEGAS agrees to be responsible for its operation and maintenance except as provided for under Section X pertaining to repairs necessitated by defective material, negligent design, or faulty workmanship.

SECTION VI: TIME OF PERFORMANCE

This Agreement shall commence with the execution date hereinbefore provided and shall be performed within the following time periods;

A. Oversizing: Reimbursement by the CITY OF LAS VEGAS shall be within thirty (30) days from the date the sewer trunk extension is accepted by the CITY OF LAS VEGAS.

B. Sewer Trunk Extension: The right of reimbursement shall cease and terminate ten (10) years from the date of the execution hereof, regardless of whether the DEVELOPER has been fully reimbursed under the terms of this Agreement.

SECTION VII: LIMITATIONS ON THE RIGHT OF REFUND

A. Oversizing and Sewer Trunk Extensions: The right of reimbursement applies only to the costs of extending the sewer system from present termination point to the boundary of the area to be developed by the DEVELOPER. All costs and expense of installing the sewer system within the area of development shall be the sole expense of the DEVELOPER and shall not be subject to reimbursement as provided under this Agreement.

B. Oversizing: The right of reimbursement shall be limited to the direct cost attributable to the requirement of oversizing by the CITY OF LAS VEGAS.

C. Sewer Trunk Extension: The right to reimbursement as provided under Section III herein shall be limited by, and subject to (i) the exclusion of the costs of constructing the first two hundred feet (200') of the sewer trunk extension, (ii) the right of the CITY OF LAS VEGAS to deduct from the connection fees that amount which it is then retaining for purposes of sewer bond debt repayment, and (iii) the requirements that in no event shall the aggregate amount of reimbursement exceed ninety-five percent (95%) of the construction costs of the sewer trunk extension. For the purposes of this Agreement it is understood and agreed that the construction costs for construction and installation of the sewer trunk extension shall equal ninety-five percent (95%) of (i) the lowest bid estimate obtained by the DEVELOPER which is acceptable to the CITY OF LAS VEGAS, or (ii) the actual construction costs whichever is the smaller of the two. In the event that the CITY OF LAS VEGAS waives the requirement of obtaining three (3) bid estimates for constructing and installing the sewer trunk extension, then the DEVELOPER'S reimbursement shall be limited to ninety-five percent (95%) of the estimated costs or the actual construction costs, whichever is lower.

SECTION VIII: GUARANTEE OF THE RIGHT OF ACCESS

A. To guarantee that the CITY OF LAS VEGAS shall have the right of access to any and all portions of the sewer trunk extension for purposes of maintenance and repair, DEVELOPER agrees to dedicate an easement or fee title, whichever is requested, to the CITY OF LAS VEGAS of a twenty foot (20') portion of land which contains the sewer trunk extension.

B. Where the sewer trunk extension is part of a street to be dedicated to the public, then the right of access shall be obtained by the CITY OF LAS VEGAS as part of the dedication of the street. If the street which contains the sewer trunk extension is not to be dedicated for public uses, or if the proposed location of the sewer trunk extension is upon privately owned lands, then the DEVELOPER agrees to obtain a 20' wide easement or fee title, whichever is requested, and to convey said interest to the CITY OF LAS VEGAS.

C. Any easement conveyed to the CITY OF LAS VEGAS shall provide therein (i) the right to operate, maintain, repair, replace or relocate the sewer trunk extension, or to alter the size, number of pipelines or other appurtenances located within the easement, and (ii) that no buildings, structures, trees, shrubs or other improvements or obstacles shall be placed in or near the area of the easement in such a manner as to interfere with the use of the property as provided for herein.

SECTION IX: RIGHT OF INSPECTION

The CITY OF LAS VEGAS reserves, without any obligation being imposed hereunder, the right to inspect any part or portion of the construction and installation of the sewer trunk extension. The DEVELOPER agrees that any inspection conducted hereunder of the installation of sewer trunk extension, or the subsequent acceptance thereof, by the CITY OF LAS VEGAS does not relieve or release the DEVELOPER from responsibility or liability to the CITY OF LAS VEGAS for defective materials, faulty workmanship or negligent design.

SECTION X: DEFECTIVE MATERIAL, NEGLIGENT DESIGN OR FAULTY WORKMANSHIP

The DEVELOPER agrees to accept any and all responsibility for defective materials, negligent design or faulty workmanship in the construction and installation of the sewer trunk extension.

Upon written notification by the CITY OF LAS VEGAS, the DEVELOPER covenants and agrees for a period of one year after the acceptance of the sewer trunk extension by the CITY OF LAS VEGAS, to correct the material defects, negligent design or faulty workmanship in sewer trunk extension. In the event that the DEVELOPER fails to make such corrections or refuses to agree to reimburse the CITY OF LAS VEGAS for the cost of making such corrections, then the CITY OF LAS VEGAS reserves the right to repair the sewer trunk extension and DEVELOPER hereby agrees to reimburse the CITY OF LAS VEGAS for the repair costs.

SECTION XI: OWNERSHIP

A. Upon completion of construction, and as a precondition to acceptance by the CITY OF LAS VEGAS, the DEVELOPER agrees to furnish a Bill of Sale for all sewer lines or other appurtenances constituting the sewer trunk extension conveying to the CITY OF LAS VEGAS all right, title and interest in said improvements and attesting to the fact that the improvements constituting the sewer trunk extension are free of all liens or other encumbrances.

B. It is agreed that the sewer trunk extension shall become and remain the exclusive property of the CITY OF LAS VEGAS after completion and its acceptance by the CITY OF LAS VEGAS.

SECTION XII: RIGHT OF TERMINATION

A. The CITY OF LAS VEGAS reserves the right to terminate this Agreement for whatever reason upon the written notification to the DEVELOPER. Notification is effective thirty (30) days from the date that the written notification is delivered in person to the DEVELOPER or deposit with the United States Postal Service, postage prepaid, and properly addressed to the DEVELOPER.

B. Any funds expended on the part of the DEVELOPER for the construction and installation of the sewer system as of the effective date of termination of this Agreement shall be subject to refunding as provided herein.

SECTION XIII: ASSIGNMENT

This Agreement shall inure to the benefit of, and be binding upon, the successors, heirs or assigns of the parties hereto.

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

(Approved by the City Council on SEPTEMBER 18, 1985)

GATES MILLS DEVELOPMENT CORP.

By John P. [signature]

CITY OF LAS VEGAS, NEVADA
a Municipal Corporation

By William H. Briare
WILLIAM H. BRIARE, MAYOR

Subscribed and Sworn to before me this 5th day of August, 1985.

Twila J. Burgess
Notary Public in and for said County and State

Notary Public-State Of Nevada
COUNTY OF CLARK
Twila J. Burgess
My Commission Expires
May 30, 1989

ATTEST:

Carol Ann Hawley
CAROL ANN HAWLEY, CITY CLERK

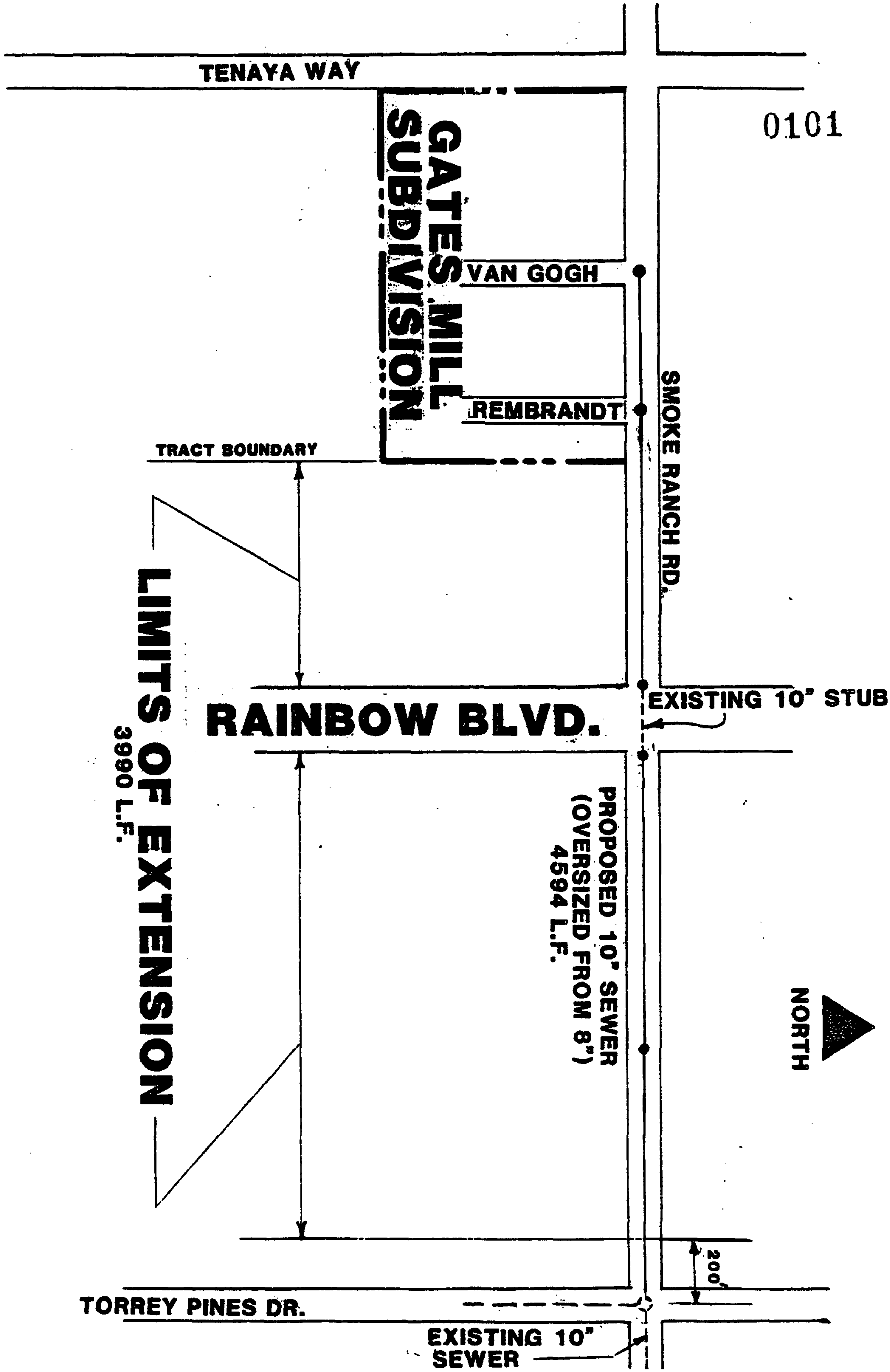
TENAYA WAY
GATES MILL SUBDIVISION
VAN GOGH
REMBRANDT
SMOKE RANCH RD.
TRACT BOUNDARY
LIMITS OF EXTENSION
3990 L.F.
RAINBOW BLVD.
EXISTING 10" STUB
PROPOSED 10" SEWER
(OVERSIZED FROM 8")
4594 L.F.
NORTH
200'
TORREY PINES DR.
EXISTING 10"
SEWER

EXHIBIT A

EXHIBIT "B"

OVERSIZING

(PER BID SUBMITTED BY WESTERN STATES CONTRACTING)

4594 L.F. 8" P.V.C. @ 14.00	=	$ 64,316.00
11 each standard manholes @ 1400.00	=	15,400.00
2400 S.F. A.C. Perm. patch @ 2.00	=	4,800.00
4594' trenching @ 9.00	=	41,346.00
Total Cost 8" installed	=	$125,862.00

4594 L.F. 10" P.V.C. @ 16.50	=	75,801.00
11 each standard manholes @ 1400.00	=	15,400.00
2400 S.F. Perm. patch @ 2.00	=	4,800.00
4594' trenching @ 9.00	=	41,346.00
Total Cost 10" installed	=	$137,347.00

OVERSIZING COST	=	$137,347.00	(10" installed)
	-	125,862.00	(8" installed)
" "	=	$ 11,485.00	

EXTENSION QUANTITIES

	4304 L.F.	(Torrey Pines to Rembrandt)
-	114 L.F.	(Tract Boundary to Rembrandt)
	4190	
-	200	(First 200' per Agreement)
	3900	Total Line for Extension Computations

3990 8" P.V.C. @ 14.00	=	$ 55,860.00
10 each standard manholes @ 1400.00	=	14,000.00
1800 S.F. A.C. Permanent Patch @ 2.00	=	3,600.00
3990 L.F. trenching in rock @ 9.00	=	35,910.00
TOTAL COST OF EXTENSION	=	$109,370.00
(Per Agreement)	X	.95
REFUNDABLE AMOUNT	=	$103,901.50

AGENDA

City of Las Vegas

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

	ITEM	Council Action	Department Action
	V. GEORGE F. OGILVIE - CITY ATTORNEY		
10:50	A. Approval of Regional Transportation Commission Cooperative Agreement No. 125 -- Installation of Traffic Signals at the Intersections of Casino Center Boulevard, Fourth Street and Lamb Boulevard with Charleston Boulevard	Levy - APPROVED Items A & B as recommended. Unanimous	Staff to proceed
	B. Approval of Regional Transportation Commission Supplemental Cooperative Agreement No. 102c -- Installation of Traffic Signals at the Intersections of Lake Mead Boulevard, Sahara Avenue and Vegas Valley Drive with Lamb Boulevard	APPROVED See above	See above
10:51	C. Approval of Integrated Cooperative Agreement Traffic Signal System at Charleston and Honolulu	Levy - APPROVED as recommended. Unanimous	Staff to proceed

City of Las Vegas

AGENDA DOCUMENTATION

Date: September 9, 1985

TO: The City Council

FROM: George F. Ogilvie
City Attorney

SUBJECT: Regional Transportation Commission Cooperative Agreement No. 125 -- Installation of Traffic Signals at the Intersections of Casino Center Boulevard, Fourth Street and Lamb Boulevard with Charleston Boulevard

PURPOSE/BACKGROUND

Regional Transportation Commission Cooperative Agreement No. 125 provides for the installation of traffic signals at the intersections of Casino Center Boulevard, Fourth Street and Lamb Boulevard with Charleston Boulevard. Since this project lies wholly within the corporate boundaries of the City of Las Vegas, it will be administered and paid for exclusively by this City, subject to reimbursement by the Regional Transportation Commission in an amount not be exceed $32,000.00.

The Agreement also provides that the project must be completed by July 11, 1986.

FISCAL IMPACT

None, other than advancing the costs which will subsequently be reimbursed by the Regional Transportation Commission.

RECOMMENDATIONS

It is recommended that Regional Transportation Commission Cooperative Agreement No. 125 be approved and that the Mayor be authorized to execute the same on behalf of the City of Las Vegas.

Agenda Item

V-A

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT, made and entered into this 6th day of August, 1985, by and between the CITY OF LAS VEGAS (the "City" herein), the CITY OF NORTH LAS VEGAS, the CITY OF HENDERSON and the COUNTY OF CLARK, each of which is a political subdivision of the State of Nevada;

WHEREAS, pursuant to Chapter 373 of the Nevada Revised Statutes, a project for the design and installation of traffic signal devices and related equipment at the locations which are indicated on Exhibit "A" attached hereto and by this reference made a part hereto (the "Project" herein), has been approved by the Clark County Regional Transportation Commission (the "Commission" herein);

W I T N E S S E T H

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

1. All preliminary engineering, design, construction inspection and testing for the Project which is completed after the date of this Agreement shall be performed by the City and all costs therefor shall be reimbursed to the City by the Commission, not to exceed $4,800 or fifteen percent (15%) of the construction cost, whichever is less. A maximum of $2,500 may be reimbursed to the City prior to the beginning of the construction.

2. The design shall meet with the approval of the Commission, and such approval shall show on the title page.

3. The title sheet of both the plans and the specifications shall show the funding agency as the Commission.

4. The actual construction of the Project shall be by private contractor, and the contract therefor shall be let and administered by the City in accordance with Chapter 332 of the Nevada Revised Statutes.

5. The costs of the construction of the Project shall be paid from the funds of the Commission and shall be paid directly by the Commission to the contractor upon the furnishing of estimates which have been prepared by the City for all of the costs which are reimbursable under this Cooperative Agreement.

6. Change orders which are not in excess of $10,000 each, and which do not exceed in the aggregate ten percent (10%) of the contract amount, may be authorized by the City. The processing of such change orders shall be in accordance with Section 2.6.2 of the Commission's Policies and Procedures.

   If the contract amount, plus all approved change orders, exceeds $32,000 it will be necessary for the City to request an increase in the amount which is allocated to the Project, in accordance with Section 2.5.1 of the Commission's Policies and Procedures.

7. Following the completion of the Project, the City shall maintain the Project in such a manner as to protect the improvements. The cost of such maintenance shall be borne by the City.

In the event that the Project has not been completed to the satisfaction of the Commission prior to July 11, 1986, the Commission may, at anytime thereafter, terminate and cancel this Cooperative Agreement and demand that all sums which have been reimbursed to the City pursuant to paragraph 1 above and paid to the contractor pursuant to paragraph 5 above shall be reimbursed to the Commission by the City.

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

APPROVED AS TO LEGALITY:

Melvin R. Whipple
MELVIN R. WHIPPLE
Deputy District Attorney

CLARK COUNTY

Date of Commission Action:
August 6, 1985

By: Thalia M. Dondero
THALIA DONDERO, Chairman

ATTEST:

Loretta Bowman
LORETTA BOWMAN, County Clerk

CITY OF HENDERSON

Date of Council Action:

September 17, 1985

By: LORNA KESTERSON, Mayor

ATTEST:

DOROTHY VONDENBRINK, City Clerk CMC

CITY OF NORTH LAS VEGAS

Date of Council Action:

September 4, 1985

By: JAMES SEASTRAND, Mayor

ATTEST:

ESTHER BORDEN, City Clerk

CITY OF LAS VEGAS

Date of Council Action:

September 18, 1985

By: RON LURIE, MAYOR PRO-TEM

10-21-85

ATTEST:

CAROL ANN HAWLEY, City Clerk

EXHIBIT "A"

1. Charleston Boulevard and Fourth Street (Protected-Permissive left turns)
2. Charleston Boulevard and Casino Center Boulevard (Protected-Permissive left turns)
3. Lamb Boulevard and Charleston Boulevard (Protected-Permissive left turns)

City of Las Vegas

AGENDA DOCUMENTATION

Date: Sept. 9, 1985

0109

TO: The City Council

FROM: George F. Ogilvie
CITY ATTORNEY

SUBJECT: Regional Transportation Commission Supplemental Cooperative Agreement No. 102c -- Installation of Traffic Signals at the Intersections of Lake Mead Boulevard, Sahara Avenue and Vegas Valley Drive with Lamb Boulevard

PURPOSE/BACKGROUND

In November of 1982, the participating members of the Clark County Regional Transportation Commission approved and executed a Cooperative Agreement for the installation of traffic control devices at the intersections of Decatur Boulevard and Edna Avenue, Flamingo Road and Spencer Street, Harmon Avenue and Sandhill Road, Lamb Boulevard and Wyoming Avenue and Desert Inn Road and Sandhill Road. Since these projects lie wholly within the unincorporated area of Clark County, it was agreed that they would be administered and paid for by the County, subject to reimbursement by the Regional Transportation Commission.

It was later determined that it would be desirable to provide additional right turn lanes at the intersections of Flamingo Road and Spencer Street and Lamb Boulevard and Wyoming Avenue, and that additional rights of way must be acquired to provide these additional lanes. Also, the Nevada Department of Transportation agreed to install the traffic control device at the intersection of Desert Inn Road and Sandhill Road.

These projects are now completed, and the supplemental agreement which is before you further amends the original agreement to provide for the installation of traffic signals at the intersections of Lake Mead Boulevard, Sahara Avenue and Vegas Valley Drive with Lamb Boulevard at a total cost to the Regional Transportation Commission of not to exceed $300,000.00.

FISCAL IMPACT

None

RECOMMENDATIONS

It is recommended that Regional Transportation Commission Supplemental Cooperative Agreement No. 102c be approved and that the Mayor be authorized to execute the same on behalf of the City of Las Vegas.

Agenda Item

V-B

COOPERATIVE AGREEMENT

0110

THIS AGREEMENT, made and entered into this 20th day of August, 1985, by and between the COUNTY OF CLARK, a political subdivision of the State of Nevada, the CITY OF HENDERSON, a municipal corporation, the CITY OF LAS VEGAS, a municipal corporation, and the CITY OF NORTH LAS VEGAS, a municipal corporation.

W I T N E S S E T H

WHEREAS, the Regional Transportation Commission of Clark County, hereinafter referred to as "COMMISSION", was created by County ordinance as authorized by Chapter 373 of the Nevada Revised Statutes; and

WHEREAS, the COMMISSION has approved the funding of a project to improve three (3) intersections with traffic signal installations at the following locations:

Lamb Boulevard and Sahara Avenue
Lamb Boulevard and Lake Mead Boulevard
Lamb Boulevard and Vegas Valley Drive

hereinafter referred to as "PROJECT", from the proceeds of the County excise tax on motor vehicle fuel.

NOW, THEREFORE, in consideration of the premises and the covenants and conditions herein contained the parties agree as follows:

SECTION I - SCOPE OF PROJECT

1. That the PROJECT shall be funded, within the limits set forth in Section II - Project Costs, from the proceeds of the County excise tax on motor vehicle fuel. The basic improvements to be constructed at each of these intersections is described below:

   A. LAMB BOULEVARD AND SAHARA AVENUE
   The improvements proposed will consist of new underground conduit, cable, foundations, mast arm poles, traffic and pedestrian signal heads and an eight (8) phase controller. Conduit and cable will also be installed as part of this project to interconnect with the Las Vegas Area Computer Traffic System (LVACTS).

B. LAMB BOULEVARD AND LAKE MEAD BOULEVARD

The improvements proposed will consist of new underground conduit, cable, foundations, mast arm poles, traffic and pedestrian signal heads, vehicle and pedestrian detectors and an eight (8) phase controller. Conduit and cable will also be installed as part of this project to interconnect with the Las Vegas Area Computer Traffic System (LVACTS).

C. LAMB BOULEVARD AND VEGAS VALLEY DRIVE

The improvements proposed will consist of new underground conduit, cable, foundations, mast arm poles, traffic and pedestrian signal heads, vehicle and pedestrian detectors and an eight (8) phase controller. Conduit and cable will also be installed as part of this project to interconnect with the Las Vegas Area Computer Traffic System (LVACTS).

2. That the COUNTY OF CLARK, hereinafter referred to as "ENTITY", shall be the party that will administer and supervise the PROJECT as set forth in the current Policies and Procedures Manual of the COMMISSION except as may be specifically superceded by the terms of this AGREEMENT.

SECTION II - PROJECT COSTS

1. The engineering costs for design, field staking, construction inspection and testing will be reimbursed not to exceed $45,000 or 15% of the construction cost, whichever is less. A maximum of $21,000 may be reimbursed prior to the beginning of construction. No preliminary engineering and design work completed prior to the date of this AGREEMENT shall be reimbursed.
2. The total construction cost not to exceed $255,000, including change orders and force accounts, etc.
3. The total amount to be funded by the COMMISSION pursuant to this AGREEMENT shall not exceed the sum of $300,000. The total cost to design and construct this project is expected to exceed the amount herein specified to be funded by the COMMISSION. The ENTITY has on file obligations from abutting property owners to participate in the cost of several of these traffic signals. Upon opening bids and awarding of a construction

contract, the ENTITY will invoice the abutting property owners and deposit with the COMMISSION all funds received therefrom. It is estimated that $60,000 will be deposited with the COMMISSION. The COMMISSION will then pay these funds directly to Contractor as construction costs. In the event that participating costs are not deposited with the COMMISSION in a timely manner, the ENTITY shall advance the participating costs to the COMMISSION from its own funds until such time as the participating funds are received.

A written request must be made to the COMMISSION and a supplemental agreement approved to increase any of the amounts noted above prior to payment of any additional funds.

SECTION III - GENERAL

1. The title sheet of both the plans and specifications shall show the COMMISSION as a funding agency.
2. Preliminary engineering and design work shall be performed by the ENTITY.
3. Adequate right-of-way exists and none will be acquired as part of the PROJECT.
4. The construction of said PROJECT shall be by private contractor. The construction contract for said PROJECT shall be let by the ENTITY after duly advertising for bids in accordance with N.R.S. 332, Local Government Purchasing Act.
5. Construction costs shall be paid directly to the contractor based on estimates prepared by the ENTITY.
6. Change orders not in excess of $10,000 each may be authorized by the ENTITY, not to exceed an aggregate of 10% of the base bid, whichever is less. The COMMISSION must approve for eligibility of funding.
7. Field staking and construction inspection shall be performed by the ENTITY.
8. Upon completion of the construction of the PROJECT, it shall be maintained by the ENTITY. In the event a portion of the PROJECT shall be within the jurisdictional boundary of another party to this AGREEMENT, that party shall maintain the portion of the PROJECT which is included within its jurisdictional boundary. No funding is provided by this AGREEMENT for such maintenance.

9. The PROJECT herein funded must be completed to the satisfaction of the COMMISSION prior to December 31, 1986. The COMMISSION may, at any time thereafter, terminate this AGREEMENT and require the ENTITY to repay to the COMMISSION all sums advanced pursuant to this AGREEMENT.

10. It is understood and agreed that the purpose of this AGREEMENT is to fund the PROJECT as hereinabove set forth. It is further understood and agreed that the ENTITY is responsible for the design and construction of the PROJECT and will hold the other parties to this AGREEMENT and the COMMISSION harmless for any liability therefor except the funding provided by this AGREEMENT.

APPROVED AS TO LEGALITY:

Melvin R. Whipple

MELVIN R. WHIPPLE
Deputy District Attorney

Date of Commission Action:
August 20, 1985

CLARK COUNTY:

By: Thalia M. Dondero

THALIA M. DONDERO, Chairman

ATTEST:

Loretta Bowman

LORETTA BOWMAN, County Clerk

Date of Council Action:
September 17, 1985

CITY OF HENDERSON:

By: Lorna Kesterson

LORNA KESTERSON, Mayor

ATTEST:

Dorothy A. Vondenbrink

DOROTHY VONDENBRINK, City Clerk, CMC

Date of Council Action:
September 18, 1985

CITY OF NORTH LAS VEGAS:

BY: James K. Seastrand

JAMES SEASTRAND, Mayor

ATTEST:

Esther J. Borden

ESTHER BORDEN, City Clerk

Date of Commission Action:
September 18, 1985

CITY OF LAS VEGAS:

BY: Ron Lurie

RON LURIE, MAYOR PRO-TEM

Approved 10-21-85

ATTEST:

Carol A. Hawley

CAROL ANN HAWLEY, City Clerk

City of Las Vegas

AGENDA DOCUMENTATION

Date: Sept. 16, 1985

TO:
The City Council

FROM:
CITY ATTORNEY

SUBJECT: Integrated Cooperative Agreement -- Traffic Signal System at Charleston Boulevard and Honolulu Street

PURPOSE/BACKGROUND

The Cooperative Agreement which is before you provides that the State of Nevada will install traffic signals at the intersections of Charleston Boulevard with Honolulu Street, I-515 ramps "CR1" and "CR2" and I-515 ramps "CR3" and "CR4", that the City will operate and maintain, including furnishing electrical energy to, the traffic signals following their installation and that Clark County will reimburse the City for one-half of the costs which the City incurs in operating and maintaining the signals. The Agreement also provides that the State will pay for each major repair the cost of which exceeds $1,000.00.

FISCAL IMPACT

The City will be liable for one-half of the cost of operating and maintaining the traffic signals after the installation is complete.

RECOMMENDATIONS

It is recommended that this Agreement be approved and that the Mayor be authorized to execute the same on behalf of the City of Las Vegas.

Agenda Item

V-C

NM350-84-012

0115

INTEGRATED COOPERATIVE AGREEMENT

THIS AGREEMENT, made and entered into this 5th day of February, 1985, by and between the STATE OF NEVADA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter referred to as STATE, the CITY OF LAS VEGAS, a body politic of the State of Nevada, hereinafter referred to as CITY, and CLARK COUNTY, a body politic of the STATE OF NEVADA, acting by and through its BOARD OF COUNTY COMMISSIONERS, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, pursuant to the provisions of NRS 277.180, STATE, CITY and COUNTY are authorized to enter into agreements for the performance of any governmental service which either STATE, CITY or COUNTY is authorized to perform and which includes, but is not limited to, the construction, maintenance and repair of street lighting and traffic signal systems; and

WHEREAS, STATE proposes to construct traffic signal systems at the intersections of Charleston Boulevard with Honolulu Street (and relocated Sandhill Road), with I-515 Ramps "CR1" and "CR2", and with I-515 Ramps "CR3" and "CR4"; and

WHEREAS, construction of said systems will greatly minimize and mitigate danger to pedestrian and vehicular traffic; and

WHEREAS, construction of said systems will be of great benefit to the citizens of CITY, COUNTY and STATE, and to the traveling public in general.

NOW, THEREFORE, in consideration of the premises and of the covenants herein contained, the parties hereto agree as follows:

STATE AGREES

1. To construct new traffic signal systems at the intersection of Charleston Boulevard with Honolulu Street (and relocated Sandhill Road), with I-515 Ramps "CR1" and "CR2", and with I-515 Ramps "CR3" and "CR4" as developed on construction plans which are acceptable to the Directors of Public Works of the City of Las Vegas and of Clark County.

2. To participate in the cost of replacement of equipment necessary for major repairs to the said signal systems provided the cost of said repair exceeds $1,000.00 and is unrecoverable by insurance or other means. This participation to be One Hundred Percent (100%) of the cost of major equipment items replaced, said major equipment items to be limited to controller, poles, mast arms and signal heads.

...ified a true and cor... of the ... which is on file ... ...ffice of the ... ...da.

3. That STATE will be responsible for any loss, damage, liability, cost, or expense caused by the actions or nonactions of its employees, servants or agents resulting from the construction phase of said traffic signal systems by STATE.

CITY AND COUNTY AGREE:

1. To approve the plans for the proposed traffic signal system as prepared by STATE, said plans being acceptable to the Director of Public Services of the City of Las Vegas and the Director of Public Works of the County of Clark.

THE CITY FURTHER AGREES:

1. To operate, maintain and provide energy for said signal system in manner satisfactory to STATE without cost to STATE except as set forth in paragraph 2 of STATE AGREES on page 1 of this Agreement, after completion of the construction of said signal system.

2. That CITY will be responsible for any loss, damage, liability, cost, or expense caused by the actions or nonactions of its employees, servants or agents resulting from the repair, provision of energy, and maintenance of said traffic signal systems by CITY.

THE COUNTY OF CLARK FURTHER AGREES:

1. To share one-half (½) of the cost of maintaining the above mentioned traffic signal system.

IT IS MUTUALLY AGREED:

1. All work contemplated by this Agreement shall be done in a good and workmanlike manner and to the satisfaction of all the parties hereto.

2. This agreement is null and void should Federal Funds be unavailable to carry out STATE's obligation.

3. This agreement can be amended or modified by letter signed by duly authorized representatives of STATE/COUNTY and CITY and shall become a part of this agreement.

THIS AGREEMENT shall inure to the benefit of and be binding upon the respective succesors and assigns of the parties hereto and shall become effective upon execution.

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

CLARK COUNTY

Chairman

ATTEST:

County Clerk

Approved as to Form:

Melvin R. Murphy, deputy district attorney
Robert J. Miller
District Attorney

CITY OF LAS VEGAS

Mayor

ATTEST:

City Clerk

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Asst. Director

ATTEST:

for Administrative Services Officer

Approved:

Chief Traffic Engineer

Approved:

District Engineer

Approved as to Legality and Form:

Deputy Attorney General
Assistant Chief Counsel

Reviewed Cm 9/24/84
Admin. Services

AGENDA

City of Las Vegas

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

	ITEM	Council Action	Department Action
	V. GEORGE F. OGILVIE - CITY ATTORNEY (cont.)		
0:51	D. Approval of Request for Authorization to Participate in County's Cost of Retaining Special Counsel and Expert Witnesses re: City et al v. Union Pacific Railroad	Lurie - APPROVED Unanimous	Staff to proceed
0:52	E. Approval of Integrated Cooperative Agreement Traffic Signal System at Carson Avenue/ Seventh Street, Fourth Street/Gass Avenue and Jones Boulevard/Clarice Avenue	Nolen - APPROVED as recommended. Unanimous	Staff to proceed

City of Las Vegas

AGENDA DOCUMENTATION

Date: August 20, 1985

TO:
The City Council

FROM: George F. Ogilvie
CITY ATTORNEY

0119

SUBJECT: Request for Authorization to Participate in County's Cost of Retaining Special Counsel and Expert Witnesses re: City et al v. Union Pacific Railroad

PURPOSE/BACKGROUND

Clark County, through Congressman Reid's office, located a law firm in Washington, D.C. which has expertise in the laws which relate to the transportation of hazardous waste and retained that firm, Billig, Sher & Jones, to advise the County and the cities of Las Vegas and North Las Vegas in connection with their litigation which seeks an injunction against Union Pacific Railroad to prohibit the transportation of the New Jersey "dirty dirt" into or through Clark County. This relationship involved, among other things, several conference calls in which this office participated and the interviewing of several potential expert witnesses to testify on the County's and the cities' behalf, and the Billig firm has submitted the attached bill, in the amount of $7,508.75, to the County Manager for the professional services which it rendered. The firm also indicates that it had some out-of-pocket costs which will be billed to the County at a later date, and we may expect bills from the potential witnesses which it interviewed.

All in all, it is anticipated that the costs involved will not exceed $8,000, and it is recommended that the City participate, to the extent of 50%, in the costs which the County has incurred.

FISCAL IMPACT

$4,000.00.

RECOMMENDATIONS

It is recommended that the City Council authorize the payment of an amount not to exceed $4,000,00 to Clark County in reimbursement of 50% of the costs which it incurred in retaining special counsel and expert witnesses in the litigation against the Union Pacific Railroad.

Agenda Item

V- D

LAW OFFICES
BILLIG, SHER & JONES, P. C.
SUITE 300
2033 K STREET, N. W.
WASHINGTON, D. C. 20006

TEL. (202) 429-9090
CABLE: BISJO
TELEX: 89-569

RICHARD A. ALLEN
JOHN R. ATTANASIO
JACOB P. BILLIG
JOHN A. DEVIERNO
MARC J. FINK
TERRENCE D. JONES
KELLY A. KNIGHT
JEFFREY F. LAWRENCE
WARREN L. LEWIS
MICHAEL G. ROBERTS
STANLEY O. SHER
DAVID F. SMITH
JULIAN H. SPIRER

August 28, 1985

Victor Priebe, Esq.
Clark County
8th Floor
225 Bridger Avenue
Las Vegas, NV 89155

Dear Victor:

At your request, I enclose copies of the detailed billing information in connection with our work on this matter, showing the time and work devoted by the attorneys involved. As I am sure you appreciate, because of the importance of the matter and the very short time fuse, the matter required very intensive attention and activity by myself and my colleagues over a short period of time, including extensive research, numerous phone calls to ascertain the facts, meetings with a hazardous material expert and strategy sessions among ourselves. The City and County can be assured that no effort was spared in seeking a solution to the problem.

We appreciate very much your prompt payment of our invoice. Your check was received today. If we can provide any further clarification, please do not hesitate to advise.

We hope that we can be of assistance to you in the future.

Sincerely,

Jacob P. Billig

Jacob P. Billig

JPB/arg
Enclosure

BILLING INFORMATION

0121

CLIENT: Las Vegas

BALANCE DUE: $ -0-

LEGAL FEES FOR THE PERIOD 7/30/85 - 8/7/85

J.P. BILLIG	7.5	HRS. X	$ 175.00	=	$ 1,312.50	
S.O. SHER		HRS. X	$	=	$	
T.D. JONES		HRS. X	$	=	$	
R.A. ALLEN	3.0	HRS. X	$ 125.00	=	$ 375.00	
J.R. ATTANASIO		HRS. X	$	=	$	
M.J. FINK		HRS. X	$	=	$	
W.L. LEWIS		HRS. X	$	=	$	
J.F. LAWRENCE		HRS. X	$	=	$	
J.A. DeVIERNO	35.75	HRS. X	$ 95.00	=	$ 3,396.25	
J.H. SPIRER		HRS. X	$	=	$	
M.G. ROBERTS		HRS. X	$	=	$	
K.A. KNIGHT		HRS. X	$	=	$	
D.F. SMITH	20.00	HRS. X	$ 95.00	=	$ 1,900.00	
CLERKS	15.00	HRS. X	$ 35.00	=	$ 525.00	
TOTAL LEGAL FEES:						$7,508.75

REIMBURSABLE EXPENSES:

REPRODUCTION	$
POSTAGE	
LOCAL TRANSPORTATION	
TELEPHONE	
TELEXES	
COURIERS	
WESTLAW RESEARCH	
TRAVEL EXPENSES	
OTHER EXPENSES	

TOTAL REIMBURSABLE EXPENSES: -0-

TOTAL LEGAL FEES & REIMBURSABLE EXPENSES $7,508.75

TOTAL BALANCE DUE

GENERAL

STYLE OF CASE

DATE FILE OPENED

LAS VEGAS

0122

CLIENT

1985

NAME	DATE	TIME	WORK DONE	BILLED
LC	7/30	1 1/2	Mtg w/ JD re Las Vegas problem and obtaining various federal register notices	
LC	7/31	1/4	Retriving F.R. notices	
JPB	7/31	3	Conf re lawsuit w/ Union Pacific	
JD	7/30	3	Research re Federal Haz materials rules and laws	
JD	7/31	9	Research re federal Haz materials	
JPB	7/31	1 1/2	Conf w/ city and county officials and JD	
LC	8/2	6 1/2	Research on 49 CFR 174.14 174.16; Conf w/ JD	
LC	8/5	6 1/2	Research tracing regs back to 1950; Conf w/ JD	
LC	8/6	1/4	Conf w/ JD re phone to ICC	
JD	8/1	10	Research and telecons to NJ EPA	
JD	8/2	6	Research and calls to NY & EPA	
JD	8/2	5	Review of DOT rules; telecon w/ city and county; Conf w/ DS	
JD	8/6	2 1/2	Letter to Victor Priebe re history of DOT rules and facts	
JD	8/7	1 1/4	Conf w/ DS	
JPB	8/1	3	Conf w/ Lowenberg JD; RAA and DS and clients	
RAA	8/1	2	Conf w/ JPB, DS, JD; telecon w/ client	
RAA	8/2	1	Telecon w/ Priebe; Conf w/ JD and DS	
DS	8/1	6	Review of materials; Conf w/ JPB, JD telecon w/ client	
DS	8/2	5	Research re HMTA regs; telecon w/ client	
DS	8/3	3	Research re haz materials transportation; review of materials	
DS	8/5	4 1/2	Research re fire code; ICC regs telecon w/ client	
DS	8/6	1 1/2	Review letter to Priebe; research re waste disposal	

BIERBOWER & BIERBOWER

SUITE 1275 INTERNATIONAL SQUARE
1875 EYE STREET, N.W.
WASHINGTON, D. C. 20006
Telephone: 202-775-8900

General and Administrative Practice.

JAMES J. BIERBOWER, born Giltner, Nebraska, March 17, 1923; admitted to bar, 1950, District of Columbia; 1951, Nebraska; 1956, Virginia; 1960, Maryland. *Education:* University of Nebraska and Georgetown University (B.S.S., 1947); Georgetown University (J.D., 1949); George Washington University (LL.M., 1954). Attorney, Office of General Counsel, Central Intelligence Agency, 1950-1953. Adjunct Professor, Trial Practice, Georgetown University Law School, 1962—. *Member:* The District of Columbia Bar (President, 1981-1982); The Bar Association of the District of Columbia (President, 1978-1979; Chairman: Administrative Law Section, 1966-1967; Young Lawyers Section, 1956-1957). Virginia State Bar; Maryland State, Nebraska State, Federal and American (Member: House of Delegates, 1960-1963, 1972-1974, 1977—; State Delegate, 1981-1984. Special Committee on Complex and Multi-District Litigation, 1968-1974; Committee on Aviation and Space Law, Insurance, Negligence and Compensation Law Section, 1970-1974; Chairman, General Practice Section, 1975-1976) Bar Associations. [Captain, U.S. Marine Corps, active duty, 1942-1946]

WILLIAM J. BETHUNE, born Summit, New Jersey, September 18, 1944; admitted to bar, 1969, Wisconsin; 1971, District of Columbia; 1982, Virginia. *Education:* Princeton University (A.B., 1966); University of Wisconsin (J.D., 1969). *Member:* The District of Columbia Bar; The Bar Association of the District of Columbia; State Bar of Wisconsin; Virginia State Bar.

MARK B. BIERBOWER, born Washington, D.C., May 26, 1951; admitted to bar, 1980, District of Columbia; 1983, Virginia. *Education:* Northwestern University (B.A., 1976); Georgetown University Law Center (J.D., 1979). Legislative Assistant: U.S. Senator Roman L. Hruska (Nebraska), 1974-1975; Minority Leadership, U.S. Senate, 1975-1976. Member, Capitol Forum Legislative Discussion Group, 1980. *Member:* The District of Columbia Bar; The Bar Association of the District of Columbia (Member: Young Lawyers Section; Executive Council, 1982—); Virginia State Bar; Virginia and American (Representative, Law Student Division, 1977-1979; Delegate, Young Lawyers Division, 1979—; Member, Governing Committee, Forum Committee on Entertainment and Sports Industries, 1983—; Member, Sections on: General Practice; Litigation) Bar Associations; The Association of Trial Lawyers of America.

WILLIAM J. BIERBOWER, born Washington, D.C., June 12, 1953; admitted to bar, 1981, Maryland; 1984, District of Columbia. *Education:* Duke University (B.A., 1976); Georgetown University (J.D., 1981). *Member:* The District of Columbia Bar; Montgomery County, Maryland State and American Bar Associations. The Association of Trial Lawyers of America; Maryland Trial Lawyers Association; Lawyer-Pilots Bar Association.

CLARENCE A. DAVIS (1892-1974).

JAMES LOUIS ROBERTSON, born Broken Bow, Nebraska, October 31, 1907; admitted to bar, 1931, District of Columbia; 1935, U.S. Supreme Court. *Education:* Grinnell College and George Washington University (A.B.); George Washington University (LL.B.); Harvard University (LL.M., 1932). Deputy Comptroller of the Currency, 1944-1952. Member, Board of Governors, Federal Reserve System, 1952-1973 (reappointed 1964 and designated Vice Chairman by President Johnson in 1966 and by President Nixon in 1970; resigned in 1973). Awarded LL.D. by Grinnell College in 1964. Recipient of Treasury Department Distinguished Service Award in 1969. *Member:* The District of Columbia Bar.

JOHN S. WARNER, born Washington, D.C., February 12, 1919; admitted to bar, 1941, District of Columbia; 1976, Virginia. *Education:* George Washington University (M.A., 1964); Southeastern University (LL.B., 1941); Columbus University (LL.M., 1942). Sigma Delta Kappa. Commercial Pilots License, 1946. General Counsel, Central Intelligence Agency, 1973-1976. *Member:* District of Columbia Bar; Federal and American Bar Associations. [Major General, USAFR, active duty, 1942-1945; Reserve 1946—]

ROY D. SNYDER, JR., born Bloomsburg, Pennsylvania, August 3, 1927; admitted to bar, 1983, Virginia and District of Columbia. *Education:* United States Naval Academy (B.S., 1950); United States Naval Postgraduate School (M.S., 1958); George Washington University (M.S.B.A., 1970); Georgetown University (J.D., 1983). *Member:* The District of Columbia Bar; Virginia State Bar; American Bar Association; The Association of Trial Lawyers of America. [Rear Admiral, U.S. Navy (Ret.), active duty, 1950-1979]

BILGER & BLAIR

1825 K STREET, N.W.
WASHINGTON, D. C. 20006
Telephone: 202-659-4230
Cable Address: "Fedlaw"

Communications Law (Radio, Television, Common Carrier, CATV); Practice before Federal Agencies; Corporate and Partnership Law.

MEMBERS OF FIRM

DONALD E. BILGER (1920-1983).

FORBES W. BLAIR, born Chester, West Virginia, December 17, 1926; admitted to bar, 1952, West Virginia; 1953, District of Columbia; 1959, Maryland. *Education:* West Virginia University (A.B., 1950; J.D., 1952). Alpha Psi Omega; Phi Alpha Delta. Author: "The Permutable Law of Strike Applications," Federal Communications Bar Journal, Vol. XXIII, No. 1, 1969. Law Clerk to U.S. Attorney, District of Columbia, 1952-1954. Assistant U.S. Attorney, District of Columbia, 1955-1957. *Member:* The District of Columbia Bar; Bar Association of the District of Columbia; Maryland State, Federal and American Bar Associations; West Virginia State Bar; Federal Communications Bar Association; American Judicature Society. [U.S. Navy, active duty, 1944-1946]

ASSOCIATE

WILLIAM D. SILVA, born Glen Ridge, New Jersey, December 29, 1943; admitted to bar, 1969, District of Columbia. *Education:* Rutgers University (B.A., 1966); University of Connecticut (J.D., 1969). Member, Board of Editors, University of Connecticut Law Review, 1968-1969.Trial Attorney, 1971-1980, Assistant Chief: Hearing Division, 1980; Enforcement Division, 1981-1982, Federal Communications Commission. *Member:* The District of Columbia Bar; Federal and American (Member, Section on Administrative Law) Bar Associations; Federal Communications Bar Association.

BILLIG, SHER & JONES, P.C.

2033 K STREET, N.W.
WASHINGTON, D. C. 20006
Telephone: 202-429-9090
Telex: 89-569

General and Administrative Practice including Government Contracts.

JACOB P. BILLIG, born New York, N.Y., July 4, 1934; admitted to bar, 1958, Massachusetts; 1960, Georgia; 1963, District of Columbia; 1967, U.S. Supreme Court. *Education:* College of the City of New York (A.B., cum laude, 1955); Harvard University (LL.B., 1958). Editor-in-Chief, *The Campus,* College of the City of New York, 1954. Author: DOT "Ombudmanship—is it in the Public Interest," I.C.C. Practitioners Journal Vol. XXXVII, No. 1, September 1, 1970; "The Reach of FMC Regulation," Papers on Proceedings: Western Transportation Law Seminar (Association of Interstate Commerce Commission Practitioners), 1983. Chairman, District of Columbia Chapter, Association of Interstate Com-

(This Card Continued)

BILLIG, SHER & JONES, P.C.—Continued

merce Commission Practitioners, 1968-1969. *Member:* The District of Columbia Bar; The Bar Association of the District of Columbia; American Bar Association.

TERRENCE D. JONES, born Washington, D.C., July 10, 1939; admitted to bar, 1966, District of Columbia. *Education:* University of Florida (B.A., 1961); Georgetown University (J.D., 1965). Member, The Georgetown Law Journal, 1962-1964. Attorney, Trade Regulation Rules Division and General Counsel's Office, Federal Trade Commission, 1965-1970. *Member:* The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

STANLEY O. SHER, born Milwaukee, Wisconsin, June 3, 1935; admitted to bar, 1959, Wisconsin; 1960, District of Columbia and U.S. Court of Appeals, District of Columbia Circuit. *Education:* University of Wisconsin (B.S., 1956); Harvard Law School (LL.B., 1959). Phi Beta Kappa. Author: "The Federal Maritime Commission and Labor Related Matters: The Aftermath of the Volkswagenwerk Decision," Journal of Maritime Law and Commerce, Vol. 3, No. 4, July 1972. President, Maritime Administrative Bar Association, 1977-1978. *Member:* The District of Columbia Bar; Bar Association of the District of Columbia; State Bar of Wisconsin.

JOHN R. ATTANASIO, born Schenectady, New York, April 11, 1949; admitted to bar, 1975, District of Columbia. *Education:* Harvard University (A.B., cum laude, 1971); George Washington University (J.D., with honors, 1975). Author: "Individual and Collective Ratemaking Under the Shipping Act, 1916," Papers and Proceedings: Western Transportation Law Seminar (Association of Interstate Commerce Commission Practitioners, 1983. *Member:* District of Columbia Bar; Maritime Administrative Bar Association (President, 1984-1985).

MARC J. FINK, born New York, N.Y., March 19, 1947; admitted to bar, 1973, District of Columbia; 1974, U.S. Court of Claims. *Education:* State University of New York (B.A., 1967); George Washington University (J.D., with honors, 1973). Law Clerk, Trial Division, U.S. Court of Claims, 1973-1974. Trial Attorney, Civil Division, U.S. Department of Justice, 1974-1977. *Member:* District of Columbia Bar; Federal and American Bar Associations.

RICHARD A. ALLEN, born Washington, D.C., July 27, 1945; admitted to bar, 1971, District of Columbia; 1976, U.S. Court of Appeals, District of Columbia Circuit; 1977, U.S. Supreme Court. *Education:* Harvard University (B.A., cum laude, 1967); Columbia University (J.D., 1970). Note and Comment Editor, Columbia Law Review, 1969-1970. Author: Note, "Aggregation of Claims in Class Actions," 68 Coluumbia Law Review 1554, 1968; "Disqualification of Administrative Decisionmakers," Litigation, Winter 1980. Law Clerk to Judge Carl McGowan, U.S. Court of Appeals, District of Columbia Circuit, 1971. Assistant to the Solicitor General of the United States, 1976-1979. General Counsel, Interstate Commerce Commission, 1979-1982. *Member:* The District of Columbia Bar. [USAR, 1969-1975]

WARREN L. LEWIS, born Baltimore, Maryland, December 19, 1945; admitted to bar, 1973, District of Columbia and U.S. Court of Appeals, District of Columbia; 1976, U.S. Supreme Court. *Education:* University of Maryland (B.S., high honors, 1967); George Washington University (J.D., with honors, 1972). Order of the Coif; Phi Delta Phi; Kappa Tau Alpha. Notes Editor, The George Washington Law Review, 1971-1972. *Member:* The District of Columbia Bar; American Bar Association.

JEFFREY F. LAWRENCE, born Newark, New Jersey, February 3, 1952; admitted to bar, 1977, New Jersey; 1978, District of Columbia. *Education:* University of Pennsylvania (B.A., cum laude, 1973); Rutgers University (J.D., 1977). Oralist, Jessup International Law Moot Court Competition, 1976, 1977. Staff Counsel, 1977-1978 and Legal Assistant to Commissioner Richard T. Kennedy, 1978-1979, U.S. Nuclear Regulatory Commission. *Member:* The District of Columbia Bar; Bar Association of the District of Columbia; Federal and American Bar Associations; Maritime Administrative Bar Association.

JOHN A. DEVIERNO, born New York, N.Y., April 22, 1951; admitted to bar, 1977, District of Columbia. *Education:* Dartmouth College (B.A., cum laude, 1973); George Washington University (J.D., with high honors, 1977). Order of the Coif. Attorney, Office of General Counsel, U.S. Department of Transportation, 1977-1981. *Member:* The District of Columbia Bar; Federal and American Bar Associations.

DAVID F. SMITH, born Amherst, Massachusetts, October 2, 1953; admitted to bar, 1981, District of Columbia; 1982, U.S. Court of Appeals, District of Columbia and 5th Circuits and U.S. District Court, District of Columbia. *Education:* Duke University (B.A., 1975); George Washington University (J.D., 1981). Recipient, Jennie Hassler Walburn Prize in Civil Procedure. *Member:* The District of Columbia Bar; American Bar Association (Member, Sections on: Administrative Law; Litigation). Language: French.

KELLY A. KNIGHT, born Arlington, Virginia, June 18, 1958; admitted to bar, 1983, District of Columbia and U.S. Court of Appeals for the District of Columbia Circuit. *Education:* University of Virginia (B.S.M.E., with high distinction, 1980; J.D., 1983). Tau Beta Pi; Pi Tau Sigma. *Member:* The District of Columbia Bar; American Bar Association.

MICHAEL G. ROBERTS, born Marion, Indiana, June 4, 1956; admitted to bar, 1983, District of Columbia. *Education:* Michigan State University (B.A., with high honors, 1977); American University (J.D., cum laude, 1982). *Member:* The District of Columbia Bar.

REPRESENTATIVE CLIENTS: Hapag-Lloyd, A.G.; MAPCO Alaska, Inc.; Mergentime Corp.; Oscar Mayer & Co.; Minnesota Mining and Manufacturing Co.; Nedlloyd, Inc.; Private Truck Council of America, Inc.; Sm: International; State of South Dakota; U.S. Atlantic & Gulf/Australia-New Zealand Conference.

BINDEMAN AND WINSTON

4201 CONNECTICUT AVENUE, N.W.
WASHINGTON, D. C. 20008
Telephone: 202-686-1600

General Civil Trial Practice. Real Estate. Alcoholic Beverage. Probate. Corporation and Business Law.

STUART L. BINDEMAN, born Washington, D.C., April 11, 1947; admitted to bar, 1973, District of Columbia; 1974, U.S. Court of Appeals for the District of Columbia Circuit; 1983. U.S. Supreme Court. *Education:* American University (B.S., 1970); Georgetown University (J.D., 1973). *Member:* The District of Columbia Bar; Bar Association of the District of Columbia; American Bar Association.

L. MARK WINSTON, born Salisbury, Maryland, May 15, 1949; admitted to bar, 1975, District of Columbia; 1977, U.S. Court of Appeals, District of Columbia Circuit and U.S. District Court, District of Columbia; 1984, Maryland. *Education:* Georgetown University (B.S.B.A., 1971; J.D., 1974). Law Clerk to Hon. D. L. Norman, Associate Judge, D. C. Superior Court, 1974-1975. Trial Attorney, Bureau of Enforcement, Civil Aeronautics Board, 1975-1977. Commissioner, 1980 and Chairman, 1984, Montgomery County Housing Opportunities Commission. Delegate, Judicial Conference of the District of Columbia, 1977—. *Member:* The District of Columbia Bar; Montgomery County, Maryland State and American Bar Associations. *Civil Trial Practice, Business and Real Estate Law.*

ASSOCIATES

JEFFREY W. HARAB, born Washington, D.C., April 14, 1952; admitted to bar, 1979, Maryland and U.S. District Court, District of Maryland; 1980, U.S. Court of Appeals, 4th Circuit, District of Columbia, U.S. District Court, District of Columbia and U.S. Court of Appeals, District of Columbia Circuit. *Education:* American University (B.A., 1974); University of Baltimore (J.D., 1979).

(This Card Continued)

LAW OFFICES
BILLIG, SHER & JONES, P. C.
SUITE 300
2033 K STREET, N. W.
WASHINGTON, D. C. 20006

TEL. (202) 429-9090
CABLE: BISJO
TELEX: 89-569

August 7, 1985

Mr. Donald L. Shalmy
County Manager
Clark County Manager's Office
225 Bridger Avenue, 6th Floor
Las Vegas, Nevada 89155

FOR PROFESSIONAL SERVICES:

For The Period July 30-August 7, 1985

LEGAL FEES:

Research of federal hazardous materials transportation safety laws, rules, court decisions, and administrative rulings, including research re history of present "48-hour rule" and review of U.S.D.O.T. "inconsistency rulings"; review of complaint filed against Union Pacific Railroad and other materials forwarded by Mr. Curran, including state laws; review of possible legal action under National Environmental Policy Act; telephone calls with New Jersey and federal personnel regarding underlying facts; meeting with consultant, Mr. Lowenberg, regarding facts and safety implications of subject radioactive materials movement; review of Uniform Fire Code, federal waste disposal laws, and administrative procedures applicable to U.S.D.O.T. inconsistency rulings; in-house conferences regarding the foregoing; telephone conversations with attorneys for county and cities of Las Vegas and North Las Vegas regarding the foregoing; letter to Mr. Priebe re 48-hour rule; letter to Mr. Priebe re facts concerning New Jersey action; telephone call with Mr. Floyd Hyde.

$7,508.75

TOTAL LEGAL FEES: $7,508.75

City of Las Vegas

AGENDA DOCUMENTATION

Date: Sept. 16, 1985

0126

TO: The City Council

FROM: CITY ATTORNEY

SUBJECT: Integrated Cooperative Agreement -- Traffic Signal System at Carson Avenue/Seventh Street, Fourth Street/Gass Avenue and Jones Boulevard/ Clarice Avenue

PURPOSE/BACKGROUND

The Cooperative Agreement which is before you provides that the State of Nevada will install traffic signals at the intersection of Carson Avenue and Seventh Street, the intersection of Fourth Street and Gass Avenue and the intersection of Jones Boulevard and Clarice Avenue, that the City will participate in the costs of installing the traffic signal at the intersection of Jones Boulevard and Clarice Avenue in the amount of $20,000.00 and that the City will operate and maintain, including providing electrical energy to, the traffic signals following their installation The Agreement also provides that the State will pay for each major repair to the signals the cost of which exceeds $1,000.00.

FISCAL IMPACT

The City will be liable for the cost of operating and maintaining the traffic signals after their installation is complete.

RECOMMENDATIONS

It is recommended that this Agreement be approved and that the Mayor be authorized to execute the same on behalf of the City of Las Vegas.

Agenda Item

V-E

INTEGRATED COOPERATIVE AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of October, 1985, by and between the STATE OF NEVADA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter referred to as STATE, and the CITY OF LAS VEGAS, a municipal corporation, hereinafter referred to as CITY.

WITNESSETH:

WHEREAS, pursuant to the provisions of NRS 277.180, STATE and CITY are authorized to enter into agreements for the performance of any governmental service which either STATE or CITY is authorized to perform and which includes, but is not limited to, the joint construction, maintenance and repair of street lighting and traffic signal systems; and

WHEREAS, STATE proposes to construct new traffic signal systems at the intersections of Carson Avenue with Seventh Street, Fourth Street with Gass Avenue, and Jones Boulevard with Clarice Avenue in the City of Las Vegas, County of Clark, State of Nevada; and

WHEREAS, construction of said systems will greatly minimize and mitigate danger to pedestrian and vehicular traffic; and

WHEREAS, construction of said systems will be of great benefit to the citizens of CITY, STATE and to the traveling public in general.

NOW THEREFORE, in consideration of the premises and of the covenants herein contained, the parties hereto agree as follows:

STATE AGREES:

1. To construct new traffic signal systems at the intersections of Carson Avenue with Seventh Street, Fourth Street with Gass Avenue, and Jones Boulevard with Clarice Avenue in the City of Las Vegas, County of Clark, State of Nevada, as developed on construction plans which are acceptable to the Director of Public Works of the City of Las Vegas.

2. To notify in writing, CITY, upon completion of construction of said signal systems.

3. To participate in the cost of replacement of equipment necessary for major repairs to the said signal systems provided the cost of said repairs exceeds $1,000.00 and is unrecoverable by insurance or other means. This participation to be One Hundred Percent (100%) of the cost of major equipment items replaced, said major equipment items to be limited to controller, poles, mast arms and signal heads.

4. To bill CITY the sum of TWENTY THOUSAND DOLLARS AND NO CENTS ($20,000.00) for CITY's participation in the construction of the traffic signal system at the intersection of Jones Boulevard with Clarice Avenue within sixty (60) days of said signals acceptance by both CITY and STATE.

5. It is understood that STATE will be responsible for any loss, damage, liability, cost or expense caused by the actions or nonactions of its employees, servants or agents under this agreement during construction of said signal systems.

CITY AGREES:

1. To approve the plans for the proposed traffic signal systems as prepared by STATE, if said plans are acceptable to the Director of Public Works to the City of Las Vegas.

2. To operate, maintain and provide energy for said signal systems in a manner satisfactory to STATE without cost to STATE except as set forth in paragraph 3 of STATE AGREES on page 1 of this Agreement, after completion of the construction of said signal systems.

3. To participate in the cost of construction of the traffic signal system at the intersection of Jones Boulevard with Clarice Avenue, said participation to be TWENTY THOUSAND DOLLARS AND NO CENTS ($20,000.00), to be paid within sixty (60) days of STATE's billing to CITY.

4. It is understood that CITY will be responsible for any loss, damage, liability, cost or expense caused by the actions or nonactions of its employees, servants or agents under this agreement while maintaining said systems.

IT IS MUTUALLY AGREED:

1. All work contemplated by this Agreement shall be done in a good and workmanlike manner and to the satisfaction of all the parties hereto.

2. Any necessary future modification shall be covered by this Agreement and approval shall be indicated by letter signed by CITY and STATE.

3. This agreement shall be null and void should Federal funding be unavailable to carry out STATE's obligation.

This Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

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

CITY OF LAS VEGAS

William H. Briare
Mayor

ATTEST:

Carol A. Hawley
City Clerk

Reviewed C Mathein
Admin. Services

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Asst. Director

ATTEST:

Catherine E. Mathein
for Administrative Officer

Approved:

Chief Traffic Engineer

Approved:

Eugene F. Wright
District Engineer

Approved as to Legality and Form:

Madeline Shipman
Deputy Attorney General
Assistant Chief Counsel

AGENDA

City of Las Vegas

0130
September 18, 1985

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

ITEM	Council Action	Department Action
VI. REPORTS FROM RECOMMENDING COMMITTEES		
10:53 A. BILL NO. 85-40 - AMENDS LVMC 2.46.010 BY CHANGING THE REFERENCE TO THE DIRECTOR OF THE SENIOR CITIZENS CENTER TO THE DIRECTOR OF PARKS, RECREATION AND SENIOR CITIZEN ACTIVITIES OR HIS DESIGNEE. Committee: Councilmen Lurie and Bunker First Publication: SUN - 9/5/85 Committee Recommendation: Adoption at 9/18/85 City Council meeting.	Lurie - Second Reading and BILL ADOPTED. Unanimous	Clerk to proceed with second publication.
B. BILL NO. 85-41 - AMENDS MASTER PLAN OF STREETS AND HIGHWAYS BY ADDING A PROPOSED EXPRESSWAY EXTENDING WEST OF THE ORAN K. GRAGSON HIGHWAY TO EL CAPITAN WAY. Committee: Councilmen Lurie and Levy First Publication: SUN - 9/19/85 Committee Recommendation: Adoption at the 10/02/85 City Council meeting.	Recommendation Noted	10/2/85 Agenda

APPROVED AGENDA ITEM

[signature]

City of Las Vegas

AGENDA DOCUMENTATION

Date: August 15, 1985

TO:
The City Council

FROM: Stephen G. Jones
DEPUTY CITY ATTORNEY

SUBJECT: Bill No. 85-40 -- Amends LVMC 2.46.010 by changing the reference to the Director of the Senior Citizens' Center to the Director of the Department of Parks, Recreation and Senior Citizen Activities or his designee

PURPOSE/BACKGROUND

The purpose of this ordinance is to give a non-voting seat on the Senior Citizens' Advisory Board to the Director of the Department of Parks, Recreation and Senior Citizens' Activities or his designee. This change is made necessary by the departmental reorganization which has eliminated the position of Director of the Senior Citizens' Center.

FISCAL IMPACT

None

RECOMMENDATIONS

This Bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

Agenda Item

VI - A

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 27th day of August, 1985, a copy of a NOTICE OF INFORMATION MEETING before various RECOMMENDING COMMITTEES relative to proposed ordinances, to be held at the hour of 4PM, on Tuesday, Sept 3, 1985 in the City Manager's Conference Room, City Hall, 400 East Stewart Avenue, 10th Floor, Las Vegas, Nevada; of which the attached is a true and correct copy, was deposited in the United States Mail, Postage Prepaid, First Class Mail, to each person and/or organization whose name appears in the Agenda Register maintained in the Office of the City Clerk as having requested, in writing, a copy of said AGENDA (NOTICE).

Joanne Perry
SIGNATURE (an employee in the Office of the City Clerk)

Subscribed and sworn to before me this
27th day of August, 1985

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

My Commission expires: 3-15-86, ____

SANDRA R. LE BOEUF
Notary Public - State of Nevada
Appointment Recorded in Clark County
My Appointment Expires Mar. 15, 1986

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 27th day of August, 1985, at the hour of 830 Am there were posted copies of a NOTICE, the attached of which is a true and correct copy, of an INFORMATION MEETING before various RECOMMENDING COMMITTEES relative to proposed ordinances, to be held at the hour of 4 Pm on Tuesday, Sept 3, 1985, in the City Manager's Conference Room, City Hall, 400 East Stewart Avenue, 10th Floor, Las Vegas, Nevada; to be posted on Public Bulletin Board at the following locations:

1. In the Bradley Building, State of Nevada, 2501 East Sahara Avenue;
2. In the Senior Citizens Center, 450 East Bonanza;
3. In the Clark County Courthouse, 200 East Carson Avenue;
4. On the Public Bulletin Board at the Plaza Level of City Hall, 400 East Stewart Avenue (near the entrance to the Court Clerk's Office); and
5. On the Special Public Bulletin Board at the Plaza Level of City Hall, 400 East Stewart Avenue (near the entrance to the City Council Chambers).

Joanne Perry
SIGNATURE

City Clerk's Office
DEPARTMENT

Subscribed and sworn to before me this 27th day of August, 1985

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

My Commission expires: 3-15-86

SANDRA R. LE BOEUF
Notary Public - State of Nevada
Appointment Recorded in Clark County
My Appointment Expires Mar. 15, 1986

August 21, 1985

NOTICE

The following Bills proposed for adoption by the City Council of the City of Las Vegas will be the subject of PUBLIC COMMENT before their respective committees at the hour of 4:00 P.M., Tuesday, September 3, 1985, in the City Manager's Conference Room, 10th Floor, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

A. BILL NO. 85-34 - REGULATES AND RESTRICTS THE TRANSPORTATION OF HAZARDOUS MATERIAL WITHIN THE CITY OF LAS VEGAS. (FIRST AMENDMENT)
Committee: Councilmen Lurie and Bunker

B. BILL NO. 85-40 - AMENDS LVMC 2.46.010 BY CHANGING THE REFERENCE TO THE DIRECTOR OF THE SENIOR CITIZENS CENTER TO THE DIRECTOR OF THE DEPARTMENT OF PARKS, RECREATION AND AND SENIOR CITIZEN ACTIVITIES OR HIS DESIGNEE.
Committee: Councilmen Lurie and Bunker

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

CITY OF LAS VEGAS

INTER-OFFICE MEMORANDUM

Date

September 5, 1985

TO:

FILE

FROM:

CAROL ANN HAWLEY
CITY CLERK

0135

SUBJECT:

RECOMMENDING COMMITTEE MEEING
SEPTEMBER 3, 1985

COPIES TO: 9/4/85 & 9/18/85 Council Books
Metro
Fire Services
City Attorney
Parks, Recreation and Senior Citizen Activiti

MEETING HELD: Tuesday, September 3, 1985, City Manager's Conference Room, 10th Floor, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada. Meeting began at 4:00 P.M. and adjourned at 4:12 P.M.

Councilman Ron Lurie
Councilman Wayne Bunker
City Manager Ashley Hall
Deputy City Manager Granville Bowman
City Attorney George Ogilvie
Executive Assistant to City Manager Richard Blue
City Clerk Carol Ann Hawley
Deputy City Clerk Sandra LeBoeuf
Bob Palm, Las Vegas Sun
Lisa Riley, Review-Journal

A. BILL NO. 85-34 - REGULATES AND RESTRICTS THE TRANSPORTATION OF HAZARDOUS MATERIAL WITHIN THE CITY OF LAS VEGAS. (FIRST AMENDMENT)
Committee: Councilmen Lurie and Bunker

City Attorney George Ogilvie pointed out that one of the more important elements of the ordinance is that it requires a permit from the Department of Fire Services before any shipment can come into the City by rail or truck. Most of the provisions relate to truck rather than by rail. It allows the Fire Chief to request pre-notification of any shipment, provides for a fee to pay for the administration of the program and designates what routes can be used in the City. It prohibits the use of any other streets other than designated routes for anything other than pickup or drop off. Councilman Lurie stated that the ordinance followed other model ordinances that have been adopted by other cities. Councilman Bunker wanted to know if the permit designated what exact routes were to be followed. City Attorney George Ogilvie suggested that on page 10 a fourth item could be added as follows: Any route that is designated by the Department of Fire Services being more appropriate for a given shipment. No one appeared in opposition. The Committee recommended adoption as per second amendment at an anticipated recessed meeting which will be set at the 9/4/85 City Council meeting.

Recommending Committee
September 3, 1985

Page 2

B. BILL NO. 85-40 - AMENDS LVMC 2.46.010 BY CHANGING THE REFERENCE TO THE DIRECTOR OF THE SENIOR CITIZENS CENTER TO THE DIRECTOR OF THE DEPARTMENT OF PARKS, RECREATION AND SENIOR CITIZEN ACTIVITES OR HIS DESIGNEE.
Committee: Councilmen Lurie and Bunker

No one appeared in opposition. Committee recommended adoption at the 9/18/85 City Council meeting.

CAH/sl

City of Las Vegas

AGENDA DOCUMENTATION

Date: Sept. 17, 1985

0137

TO: The City Council

FROM: George F. Ogilvie
CITY ATTORNEY

SUBJECT: Bill No. 85-43 -- Prohibits New Connections From Inflow Sources to City's Wastewater Collection and Requires New Sewers and Connections to be Properly Designed and Constructed

PURPOSE/BACKGROUND

Over the past 18 months, there has been a series of letters between the Construction Grants Officer for the State of Nevada and the City's Department of Public Services concerning the adoption by the City of a sewer use ordinance. Early in this series of correspondence, this office prepared a proposed ordinance which was sent to the Construction Grants Officer by Gene Donovan. That draft was rejected by the Construction Grants Officer as not complying with the federal regulations which relate to prohibiting the connection of new inflow sources to the sanitary sewer portions of sewer systems and requiring new sewers and their connections to sewer systems to be properly designed and constructed.

This office then prepared a second draft which, in the opinion of this office, complied in every respect with the federal regulations. However, that draft was also rejected by the Construction Grants Officer -- in my opinion, arbitrarily -- because it did not include procedures for the review and approval of the plans and specifications for the construction of new sewers and their connections and because it did not require compliance with the standard specifications which are applicable to the City's public works projects. Since there is nothing in the federal regulations which require review and approval of the plans and specifications and since the proposed ordinance did, in fact, require compliance with the standard specifications, no attempt was made to satisfy the concerns of the Construction Grants Officer.

Nothing more was heard from the Construction Grants Officer until a letter to the City Manager which is dated August 5, 1985, in which the Construction Grants Officer threatened to deobligate the balances of the funds in the City's grants if the City had not adopted an "approvable" sewer use ordinance by September 15, 1985, and indicated that the amount by which the City's grant would be reduced would be approximately 1.45 million dollars. This office has therefore prepared Bill No. 85-43 and submitted it to the Construction Grants Officer for his review and comment. Regardless of his comments, however, I feel that the Bill not only complies with the federal regulations but also satisfies all of the concerns which the Construction Grants Officer expressed in his letter of September 17, 1984, and should therefore be "approvable."

First Amendment

The Construction Grants Officer has informed the City that Bill No. 85-43, as it was first introduced, is not "approvable" because it does not expressly require the inspections of new sewers and their connections to the sewer system. Therefore, the First Amendment has been prepared to add Section 6 which requires such inspections and provides the procedure therefor.

FISCAL IMPACT

None

RECOMMENDATIONS

This Bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

Agenda Item

VI.D

CITY OF LAS VEGAS CITY COUNCIL MINUTES - SEPTEMBER 18, 1985

INTER-OFFICE MEMORANDUM

Date

September 16, 1985

0138

TO:

FILE

FROM:

CAROL ANN HAWLEY, CITY CLERK

SUBJECT:

RECOMMENDING COMMITTEE MEETING - SEPTEMBER 16, 1985

COPIES TO:

Agenda Blue Books - 9/18/85 & 10/2/85
Public Works Director
Fire Services Director
Building & Safety Director
Metropolitan Police Department
Business Activity Director

MEETING HELD: City Manager's Conference Room, City Hall, Las Vegas, Nevada beginning at 4:00 P.M. and adjourning at 4:05 P.M. on Monday, September 16, 1985.

ATTENDANCE:
Councilman Ron Lurie
Councilman Al Levy
City Manager Ashley Hall
City Attorney George Ogilvie
City Clerk Carol Ann Hawley
Richard Blue, Administrative Assistant to City Manager
Kathy Tighe, Building & Safety Department, Complaints Officer
George Judd, Deputy Director, Fire Services

EXCUSED: Councilman Bob Nolen

A. BILL NO. 85-41 - AMENDS MASTER PLAN OF STREETS AND HIGHWAYS BY ADDING A PROPOSED EXPRESSWAY EXTENDING WEST OF THE ORAN K. GRAGSON HIGHWAY TO EL CAPITAN WAY
Committee: Councilmen Lurie and Levy

No one appeared in opposition to this proposed ordinance. Committee recommended adoption at the 10/02/85 City Council Meeting.

B. BILL NO. 85-42 - AMENDS MASTER PLAN OF STREETS AND HIGHWAYS BY DELETING CARSON AVENUE BETWEEN MAIN STREET AND CASINO CENTER BOULEVARD
Committee: Councilmen Lurie and Levy

No one appeared in opposition to this proposed ordinance. Committee recommended adoption at the 10/02/85 City Council Meeting.

C. BILL NO. 85-43 - PROHIBITS NEW CONNECTIONS FROM INFLOW SOURCES TO THE CITY'S WASTEWATER COLLECTION SYSTEM AND REQUIRES NEW SEWERS AND CONNECTIONS TO BE PROPERLY DESIGNED AND CONSTRUCTED
Committee: Councilmen Lurie and Nolen

No one appeared in opposition to this proposed ordinance. City Attorney Ogilvie introduced a First Amendment which addresses inspection. Committee recommended adoption, as amended, at the September 18 City Council Meeting.

Recommending Committee
September 16, 1985
Page 2

D. BILL NO. 85-44 - PERMITS THE CITY TO RECOVER THE COSTS OF LITTER ABATEMENT IN THE SAME MANNER AS IT RECOVERS THE COSTS OF DANGEROUS BUILDING ABATEMENT
Committee: Councilmen Levy and Nolen

No one appeared in opposition to this proposed ordinance. Committee recommended adoption at the 10/02/85 City Council Meeting.

/ch

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 (Cont'd)		
	C. BILL NO. 85-42 - AMENDS MASTER PLAN OF STREETS AND HIGHWAYS BY DELETING CARSON AVENUE BETWEEN MAIN STREET AND CASINO BOULEVARD. Committee: Councilmen Lurie and Levy First Publication: SUN - 9/19/85 Committee Recommendation: Adoption at the 10/02/85 City Council Meeting.	Recommendation Noted	10/2/85 Agenda
10:54	D. BILL NO. 85-43 - PROHIBITS NEW CONNECTIONS FROM INFLOW SOURCES TO THE CITY'S WASTEWATER COLLECTION SYSTEM AND REQUIRES NEW SEWERS AND CONNECTIONS TO BE PROPERLY DESIGNED AND CONSTRUCTED. Committee: Councilmen Lurie and Nolen First Publication: SUN - 9/7/85 Committee Recommendation: Adoption at the 9/18/85 City Council Meeting as per First Amendment.	Lurie - Second Reading and BILL ADOPTED as per First Amendment. Unanimous	Clerk to proceed with second publication.

APPROVED AGENDA ITEM

[signature]

AGENDA

City of Las Vegas

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

September 18, 1985

ITEM	Council Action	Department Action
VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)		
E. BILL NO. 85-44 - PERMITS THE CITY TO RECOVER THE COSTS OF LITTER ABATEMENT IN THE SAME MANNER AS IT RECOVERS THE COSTS OF DANGEROUS BUILDING ABATEMENT. Committee: Councilmen Levy and Nolen First Publication: SUN - 9/19/85 Committee Recommendation: Adoption at the 10/02/85 City Council Meeting.	Recommendation noted	10/2/85 Agenda

APPROVED AGENDA ITEM

[signature]

AGENDA

City of Las Vegas

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

	ITEM	Council Action	Department Action
	VII. BOARDS AND COMMISSIONS		
10:55	A. PLUMBERS EXAMINING BOARD 2-Year Term 1. Alan F. Walter - Term Expires 10/2/85 2. Edward P. Butera - Term Expires 10/2/85 3. Keith Larkin - Term Expires 10/2/85 4. C. T. Barnett - Term Expires 10/2/85 5. Paul Bitryk - Term Expires 10/2/85 B. LAS VEGAS METROPOLITAN BEAUTIFICATION COMMITTEE 3-Year Term 1. John O'Connell - Term Expires 10/3/85	Lurie - Motion to concur with Mayor's reapointments of Alan F. Walter, Edward P. Butera, Keith Larkin, C. T. Barnett, and Paul Bitryk to the Plumbers Examining Board for two-year terms and the appointment of Neil Holder, (representing Jaycees), 3266 Palm Parkway Las Vegas 89104 to a three-year term on the Las Vegas Metropolitan Beautification Committee carried unanimously.	Clerk to notify

APPROVED AGENDA ITEM

[signature]

CITY OF LAS VEGAS

INTER-OFFICE MEMORANDUM

Date 0143

September 11, 1985

TO:	FROM:
Carol Ann Hawley City Clerk	Clay Hymer, Director Department of Building and Safety
SUBJECT:	**COPIES TO:**
Expiration of terms Plumbers Examining Board	City Council Ashley Hall, City Manager Randal Walker, Deputy City Manager David Sanchez, Personnel Dept.

With reference to your memorandum of August 23, 1985, regarding terms of office to expire for the above board, the following appointments are recommended by this department.

Alan F. Walter	Recommend reappointment for another term
Edward P. Butera	Recommend reappointment for another term
Keith Larkin	Recommend reappointment for another term
C. T. Barnett	Recommend reappointment for another term
Paul Bitryk	Recommend reappointment for another term

/lbc

VII.A.

INTER-OFFICE MEMORANDUM

Date

September 10, 1985

TO:

CAROL ANN HAWLEY

FROM:

Las Vegas Metropolitan Beautification Committee

SUBJECT:

Expiration of term - Las Vegas Metropolitan Beautification Committee

COPIES TO:

Mayor William H. Briare
Councilman Ron Lurie
Councilman Al Levy
Councilman Bob Nolen
Councilman Wayne Bunker

With reference to your memorandum of August 23, 1985, regarding the term of office to expire for John O'Connell, representing the Jaycees, we recommend Neil Holder, 3266 Palm Parkway, Las Vegas, Nevada 89104 to be appointed in his place.

/sl

VII.B.

AGENDA

City of Las Vegas

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

ITEM	Council Action	Department Action
VIII. NEW BILLS TO BE REFERRED TO A STUDY COMMITTEE OR RECOMMENDING COMMITTEE		
10:55 & 14:00 A. Bill No. 85-45 -- Annexation No. A-4-85(A) Property Located: On the west side of Rancho Drive, north of Tropical Parkway Petitioned by: Blaine Equipment Co., Inc. Acreage: Approximately 13.0 acres Zoned: R-E and H-2 (ROI to M-1) (County classification) N-U and C-2 (ROI to C-2) (City equivalent) Sponsored by: Councilman Ron Lurie	First Reading and referred - Councilmen Lurie and Nolen	9/30/85 Recommending Committee Meeting
B. Bill No. 85-46 -- Annexation No. A-6-85(A) Property Located: On the southwest corner of Coran Lane and Sycamore Trail Petitioned by: Robert V. Jones Acreage: Approximately 0.63 acres Zoned: H-2 (County classification) C-2 (City equivalent) Sponsored by: Councilman Ron Lurie	First Reading and referred - Councilmen Lurie and Nolen	9/30/85 Recommending Committee Meeting

ITEM	Council Action	Department Action
VIII. NEW BILLS TO BE REFERRED TO A STUDY COMMITTEE OR RECOMMENDING COMMITTEE (cont.)		
C. Bill No. 85-47 -- Repeals Title 2, Chapter 2.30, Civil Defense and Amends Title 2 by Adding a New Chapter Entitled Office of Emergency Operations and Defines the Duties Thereof. Sponsored by: Councilman Ron Lurie	First Reading and referred - Councilmen Lurie and Nolen	9/30/85 Recommending Committee Meeting
D. Bill No. 85-48 -- Authorizes the Director of Business Activity to Approve Applications for Sales of Fireworks at Retail by Charitable Organizations; Sets Forth Required Action by Director, Grounds of Denial of Applications, and Appeal Procedures Sponsored by: Councilman Ron Lurie	First Reading and referred - Councilmen Lurie and Nolen	9/30/85 Recommending Committee Meeting
E. Bill No. 85-49 -- Substitutes the Director of Public Works for the Director of Design and Development on the Traffic and Parking Commission. Sponsored by: Councilman Ron Lurie	First Reading and referred - Councilmen Lurie and Nolen	9/30/85 Recommending Committee Meeting

AGENDA

City of Las Vegas

CITY COUNCIL
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ITEM	Council Action	Department Action
VIII. NEW BILLS TO BE REFERRED TO A STUDY COMMITTEE OR RECOMMENDING COMMITTEE (cont.)		
F. Bill No. 85-50 -- Substitutes the Nevada Work Zone Traffic Control Handbook for the Street Barricading and Channelization Manual for Temporary Traffic Control as the City's Standard for Street Barricading. Sponsored by: Councilman Ron Lurie	First Reading and referred - Councilmen Lurie and Nolen	9/30/85 Recommending Committee Meeting
G. Bill No. 85-51 -- Provides for Increases in the Prima Facie Speed Limits in Five Mile Per Hour Increments. Sponsored by: Councilman Ron Lurie	First Reading and referred - Councilmen Lurie and Nolen	9/30/85 Recommending Committee Meeting
	MORNING SESSION RECESSED AT 11:00 A.M.	

AGENDA

City of Las Vegas

CITY COUNCIL
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PHONE 386-6011

September 18, 1985

ITEM	Council Action	Department Action
IX. 2:00 P.M. - PUBLIC HEARINGS		
14:05 A. V-8-85 - REVIEW requested by the CITY COUNCIL to the action of the Board of Zoning Adjustment in APPROVING the application of RICHARD M. THORNTON, ET AL, ON BEHALF OF LAS VEGAS SUZUKI for a Review of Condition to allow the outside display of recreational vehicles on property generally located at 860 South Valley View Boulevard in Zoning District C-1. Board of Zoning Adjustment voted (3-1) to recommend APPROVAL, subject to the following condition: 1. The display area shall be limited to an area immediately in front of the building and not within the existing parking lot. Staff Recommendation: DENIAL PROTESTS: 0 NOTE: Motion by Bunker to DENY application ended in a 2 - 2 TIE VOTE (YES: Levy and Bunker; NO: Lurie and Nolen; Mayor excused).	Nolen - APPROVED as recommended by BZA and number of vehicles limited to six. Motion carried with Briare and Bunker voting "No." NOTE: Previous motion by Bunker to deny variance failed with Nolen, Lurie and Levy voting "No."	Clerk to notify & Planning to proceed

APPROVED AGENDA ITEM

[signature]

To: The City Council IX.
Re: Public Hearing Agenda Item
September 18, 1985 City Council Agenda

A. V-8-85 - RICHARD M. THORNTON ET AL

The application was held in abeyance from the August 21, 1985 meeting because of a 2-2 tie vote on a motion for denial.

This item involves a review that was requested by Councilman Bunker to the action of the Board of Zoning Adjustment in approving a Review of Condition to allow the outside display of recreational vehicles at 860 S. Valley View Boulevard in a C-1 zone. The variance allowed the Suzuki dealership for various types of recreational vehicles in a C-1 zone where the ordinance requires a C-2 or higher zoning classification for this use. A condition was imposed on the variance that prohibited the outside storage or display of merchandise on the premises. The applicant feels it is necessary to display the vehicles in front of his business to assist in the sale of this merchandise. The items on display are 3 and 4 wheel recreational vehicles which generally do not exceed an engine size of 250 cc.

Board of Zoning Adjustment recommendation: APPROVAL -- compatible based on the small size and number of vehicles to be displayed

Staff Recommendation: DENIAL -- all displaying activities should be conducted in an enclosed building in the C-1 Zone

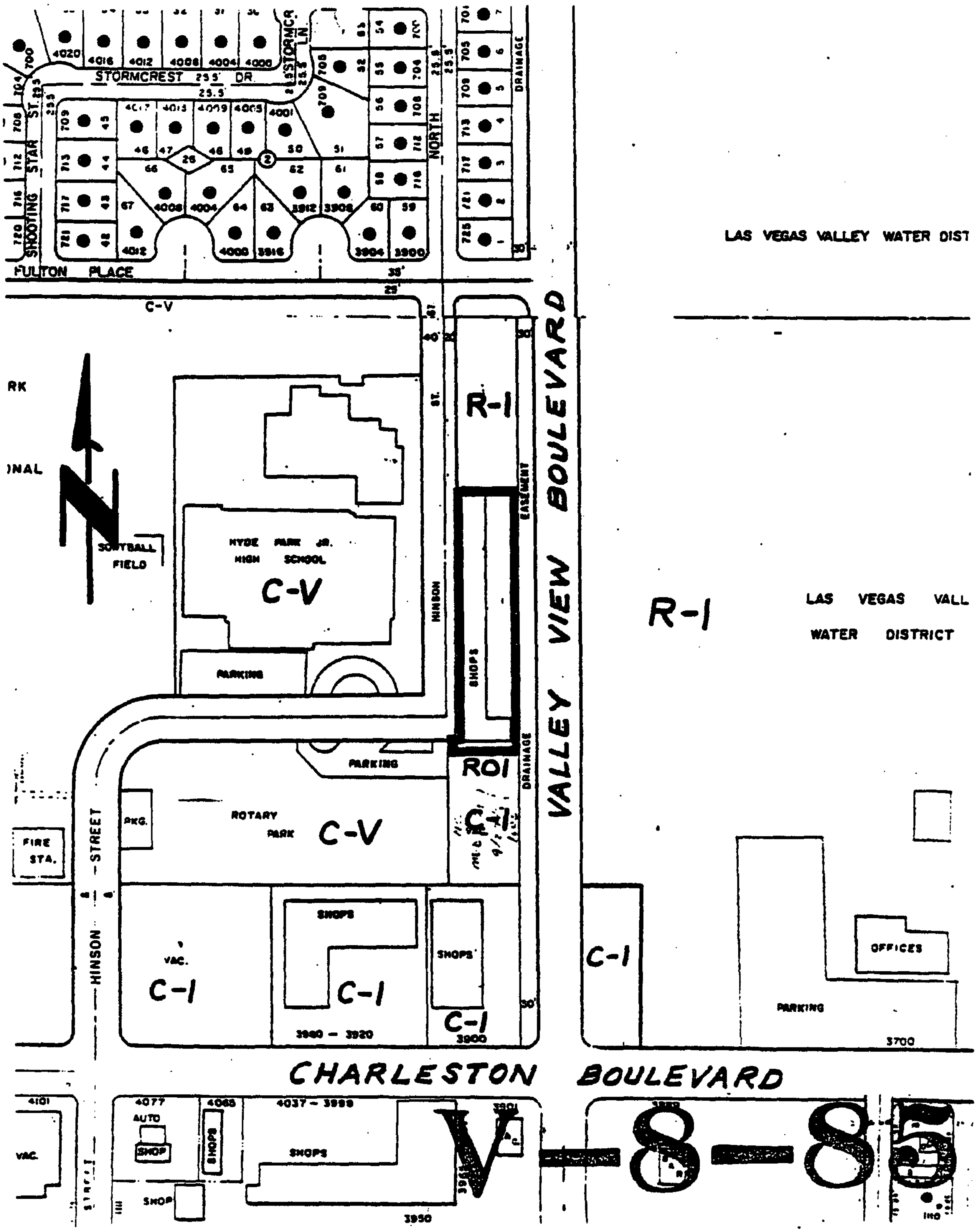
PROTESTS: 0

NOTE: August 21, 1985 City Council Action

Motion by Bunker to DENY application ended in a 2-2 tie vote. (Yes: Levy and Bunker; No: Lurie and Nolen; Mayor excused)

SEE ATTACHED LOCATION MAP

ITEM IX. A. V-8-85 RICHARD M. THORNTON ET AL



TRANSCRIPT - CITY COUNCIL MEETING - AUGUST 21, 1985 - 2:00 P.M. - PAGE 1
IX. PUBLIC HEARINGS. ITEM A. V-8-85. REVIEW REQUESTED BY THE CITY COUNCIL OF THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING THE APPLICATION OF RICHARD M.THORNTON, ET AL., ON BEHALF OF LAS VEGAS SUZUKI FOR A REVIEW OF CONDITION TO ALLOW THE OUTSIDE DISPLAY OF RECREATIONAL VEHICLES ON PROPERTY GENERALLY LOCATED AT 860 SOUTH VALLEY VIEW BOULEVARD IN ZONING DISTRICT C-1.

MAYOR PRO-TEM LURIE: Public Hearings, Item A is V-8-85. Review requested by the City Council in the action of the Board of Zoning Adjustment in approving the application of Richard M. Thornton, Et Al, on behalf of Las Vegas Suzuki for a review of condition to allow outside display of recreational vehicles on property generally located at 860 South Valley View Boulevard in Zoning District C-1. This is a public hearing. It is now open. Is the applicant present? (No response) Was the applicant notified of the public hearing?

CITY CLERK CAROL ANN HAWLEY: Yes.

MAYOR PRO-TEM LURIE: Is there anyone in the audience to protest at this time the request? Let the record show there was no one here to protest. We'll have discussion by the Board.

COUNCILMAN BUNKER: I asked that this matter be placed back on the agenda and if you want to hear it today or if you want to hold it over until the applicant is here, it really doesn't matter to me. I have strong feelings about it and we can discuss it today.

COUNCILMAN LEVY: I think it should be discussed in front of him.

MAYOR PRO-TEM LURIE: I think we should discuss it, too. We'll go on to the next item in case the applicant's late in getting here, even though the time certain was set. We'll go to -- we'll leave that public hearing open at this time until the applicant -- if he doesn't show, then we'll hold it over until the next meeting, Harold.

- -

MAYOR PRO-TEM LURIE: We'll go back to the public hearings, page 28, V-8-85. This is for Richard M. Thornton on behalf of Las Vegas Suzuki for a review of condition to allow outside display of recreational vehicles. We held this --

COUNCILMAN LEVY: Are they here?

MAYOR PRO-TEM LURIE: They're here now. The Board of Zoning Adjustment

TRANSCRIPT - CITY COUNCIL MEETING - AUGUST 21, 1985 - 2:00 P.M. - PAGE 2
IX. PUBLIC HEARINGS. ITEM A. V-8-85. REVIEW REQUESTED BY THE CITY COUNCIL OF THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING THE APPLICATION OF RICHARD M.THORNTON, ET AL., ON BEHALF OF LAS VEGAS SUZUKI FOR A REVIEW OF CONDITION TO ALLOW THE OUTSIDE DISPLAY OF RECREATIONAL VEHICLES ON PROPERTY GENERALLY LOCATED AT 860 SOUTH VALLEY VIEW BOULEVARD IN ZONING DISTRICT C-1.

MAYOR PRO-TEM LURIE: voted approval 3 to 1 and staff's recommendation was for denial. We did hold this because we thought maybe you might have forgot about our meeting today, Mike. We'll now open the public hearing again, and would you state your name and address for the record.

MIKE HUGHES: My name is Mike Hughes. My address is 7209 William Anders, Las Vegas.

COUNCILMAN LEVY: When you opened your facility, Mr. Hughes, weren't you aware that you were not to allow -- the one part of the zoning or the approval to your facility that you would not have outside display of cycles?

MIKE HUGHES: Yes, it was.

COUNCILMAN LEVY: Now you're asking for a motion to -- now you're asking for a change.

COUNCILMAN BUNKER: Let me ask another question. Did you always abide by that limitation?

MIKE HUGHES: At first I didn't, but then I did, and then I went back and filed to have that reheard.

COUNCILMAN LEVY: Are you storing outside -- are you displaying now outside?

MIKE HUGHES: Yes, I am.

COUNCILMAN LEVY: You don't a permit.

MIKE HUGHES: Pardon me?

COUNCILMAN LEVY: You don't have permission to be doing that now.

MIKE HUGHES: I got notice from the Planning Commission that it had been approved by them.

COUNCILMAN LEVY: At the Planning Commission.

MIKE HUGHES: Yes.

COUNCILMAN LEVY: As a recommendation to us.

COUNCILMAN BUNKER: No. I requested a review.

COUNCILMAN NOLEN: That was BZA.

COUNCILMAN LEVY: That was not the final approval.

TRANSCRIPT - CITY COUNCIL MEETING - AUGUST 21, 1985 - 2:00 P.M. - PAGE 3

IX. PUBLIC HEARINGS. ITEM A. V-8-85. REVIEW REQUESTED BY THE CITY COUNCIL OF THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING THE APPLICATION OF RICHARD M.THORNTON, ET AL., ON BEHALF OF LAS VEGAS SUZUKI FOR A REVIEW OF CONDITION TO ALLOW THE OUTSIDE DISPLAY OF RECREATIONAL VEHICLES ON PROPERTY GENERALLY LOCATED AT 860 SOUTH VALLEY VIEW BOULEVARD IN ZONING DISTRICT C-1.

MAYOR PRO-TEM LURIE: Actually, the BZA is final, unless within a certain amount of time, fourteen days, I think, one of us or somebody, a private citizen, files a protest and then asks for it to come before us and Councilman Bunker did ask during that timeframe to review it.

COUNCILMAN BUNKER: I noticed right after we approved your license with a limitation that you began to display cycles out front and I had thought that we did make it quite clear that when you were here that we explained that you -- really, this type of business really ought to be in a C-2 zone, but that if you wanted to -- and so you were here for a variance to place the business in a C-1 zone, instead of a C-2. You understand, you really should be in a C-2, but we gave you a variance to put the business itself in a C-1 zone, but one of the conditions on that was that if you accepted it that way that you would accept other conditions of C-1 that you don't display merchandise, that you would have to be. I pointed that out, as I remember it, at the beginning, that I thought your business really should be in a C-2 zone so you could display and we put the limitation on it and then within a week or two after you opened you were displaying vehicles in front of the building. And I think that to permit this va'iance to display goes contrary to what my understanding the Council has been working on recently and that is to prohibit the display of merchandise in front of buildings.

COUNCILMAN LEVY: Particularly since we did not approve it.

COUNCILMAN BUNKER: Yes. Particularly since it was not approved. But my point is, there's a furniture store at the other end of your shopping center. I'm sure that we wouldn't want them to display furniture. There's a gun shop and a doll shop and there's a lot of other shops that have merchandise. Now, I really appreciate the fact that I think it would be better for you to display, but I have to come back to the same counsel that we gave you before that that business really ought to be in a C-2 zone, not a C-1 zone, but we were gracious enough to give you the variance to put it in a C-2 zone, but to restrict it to the display. I think I personally have to oppose it. I drive that street constantly and it doesn't look good, really. I suppose that you haven't any, that you haven't had any trouble with the sound. I know Mr. Lurie had a problem with that from the beginning that you agreed that you would keep all of the back doors closed when

IX. PUBLIC HEARINGS. ITEM A. V-8-85. REVIEW REQUESTED BY THE CITY COUNCIL OF THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING THE APPLICATION OF RICHARD M.THORNTON, ET AL., ON BEHALF OF LAS VEGAS SUZUKI FOR A REVIEW OF CONDITION TO ALLOW THE OUTSIDE DISPLAY OF RECREATIONAL VEHICLES ON PROPERTY GENERALLY LOCATED AT 860 SOUTH VALLEY VIEW BOULEVARD IN ZONING DISTRICT C-1.

COUNCILMAN BUNKER: you were working on motors. I had no complaints about that limitation.

MIKE HUGHES: We put in exhaust fans and vents and everything that we hook up the bikes to when we start them in the back.

COUNCILMAN BUNKER: And you keep the door closed so that the neighbors don't hear the sound.

MIKE HUGHES: Right.

COUNCILMAN BUNKER: I just had a problem -- I just don't know that I changed my opinion from the first time.

MIKE HUGHES: The only thing that I'm asking now is that not twenty or fifty bikes, but, say, eight or ten displayed.

COUNCILMAN BUNKER: Well, this says six, so I don't know where we are.

COUNCILMAN LEVY: Sir, weren't you -- didn't you agree not to?

COUNCILMAN NOLEN: There are a lot of things being said here that it was agreed not to. I pulled the minutes on this and most of the conversation was outside storage of vehicles waiting repair and outside storage of used vehicles. That was the -- 90% of the conversation. There was almost no discussion about display.

COUNCILMAN BUNKER: My backup here says "outside storage, display or parts."

COUNCILMAN NOLEN: I reviewed the minutes totally and completely.

COUNCILMAN BUNKER: Well, I don't know why staff put "display" in here.

MIKE HUGHES: There was some confusion on that and we did discuss it at length about storage of repaired vehicles and I don't know whether it was Councilman Bunker, but one of the members of the Board suggested that they didn't want it to look like Silver State Yamaha with a large storage lot out back and repaired vehicles being parked around the building waiting for repair, so there was some confusion about that.

COUNCILMAN LEVY: You didn't know -- you didn't know what day he was in here?

COUNCILMAN BUNKER: It wasn't confusing in my mind.

COUNCILMAN LEVY: That you were not allowed to put new units out front?

IX. PUBLIC HEARINGS. ITEM A. V-8-85. REVIEW REQUESTED BY THE CITY COUNCIL OF THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING THE APPLICATION OF RICHARD M.THORNTON, ET AL., ON BEHALF OF LAS VEGAS SUZUKI FOR A REVIEW OF CONDITION TO ALLOW THE OUTSIDE DISPLAY OF RECREATIONAL VEHICLES ON PROPERTY GENERALLY LOCATED AT 860 SOUTH VALLEY VIEW BOULEVARD IN ZONING DISTRICT C-1.

COUNCILMAN LEVY: You didn't understand that?

MIKE HUGHES: I wasn't totally aware of that, no.

MAYOR PRO-TEM LURIE: What you're talking about --

MIKE HUGHES: Then I was told later. I pulled the bikes back inside and then I filed for rehearing on it.

COUNCILMAN BUNKER: Who told you later? Was it Business, License Division?

MIKE HUGHES: Business License.

COUNCILMAN BUNKER: I wonder if they discovered that on their own. I intended to call it to their intention, but I never did, that you were displaying . They must have found out some other way because I got busy and forgot it.

MIKE HUGHES: I think I told them that.

CITY CLERK CAROL ANN HAWLEY: They receive a copy after the meeting -- I send a letter out and they get copied with that.

COUNCILMAN LEVY: No.

COUNCILMAN BUNKER: No. No.

MAYOR PRO-TEM LURIE: He is asking about the Business License Department going out to check it out. These bikes you put out front, or you had out front, these are new, not used?

MIKE HUGHES: Yes, that's true and they're not motorcycles, they're four-wheelers. They are recreational type.

COUNCILMAN LEVY: The wider ones.

COUNCILMAN BUNKER: Three wheels, four wheels.

MIKE HUGHES: No three wheelers, all four wheelers.

COUNCILMAN BUNKER: It's almost like a car, a small car.

MIKE HUGHES: Right.

MAYOR PRO-TEM LURIE: How much -- I haven't seen it, so I don't know. I know what they look like, but how wide is it? Do you have some pictures there?

MIKE HUGHES: I have some photographs, yes, Mr. Lurie.

IX. PUBLIC HEARINGS. ITEM A. V-8-85. REVIEW REQUESTED BY THE CITY COUNCIL OF THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING THE APPLICATION OF RICHARD M.THORNTON, ET AL., ON BEHALF OF LAS VEGAS SUZUKI FOR A REVIEW OF CONDITION TO ALLOW THE OUTSIDE DISPLAY OF RECREATIONAL VEHICLES ON PROPERTY GENERALLY LOCATED AT 860 SOUTH VALLEY VIEW BOULEVARD IN ZONING DISTRICT C-1.

MAYOR PRO-TEM LURIE: Oh, these are other shops.

MIKE HUGHES: Mine are in there, also.

COUNCILMAN NOLEN: Look at this, this is on the sidewalk.

COUNCILMAN BUNKER: Well, those ought to be C-2 then. If they're C-2's, then it's permitted, is it not? So we need to know the zoning on those others.

MAYOR PRO-TEM LURIE: Mike, where do people park? If these are parked out front, where --

COUNCILMAN BUNKER: They have to park facing east.

MAYOR PRO-TEM LURIE: Are these parking spaces where these --

MIKE HUGHES: No, they are not.

COUNCILMAN BUNKER: But they could be.

MIKE HUGHES: It would be very difficult for them to be on the incline that the parking lot is on.

COUNCILMAN NOLEN: He's got a hill.

COUNCILMAN LEVY: That's the parking lot.

COUNCILMAN NOLEN: No. The parking is back here.

MIKE HUGHES: The parking is next to the street in front of the building on the opposite end.

COUNCILMAN BUNKER: I've just been handed a transcript here which says, quoting Michael Hughes -- who is Michael Hughes?

MAYOR PRO-TEM LURIE: This is Michael Hughes. That's Mike.

COUNCILMAN BUNKER: Oh, I'm sorry. This is what you stated: "But the showroom display and everything would be inside the building. The showroom display and everything would be inside the building."

COUNCILMAN LEVY: Now that's pretty clear.

COUNCILMAN BUNKER: What you really needed at the time was C-2 zoning so you could lay them out and I --

MAYOR PRO-TEM LURIE: That's why he's coming in asking for the variance.

MAYOR PRO-TEM LURIE: so they can display. Is there anything else you want to add, Mike, to the application, I mean, to what you've already said?

MIKE HUGHES: No, I don't believe so.

MAYOR PRO-TEM LURIE: We'll close the public hearing.

COUNCILMAN BUNKER: I WOULD MOVE THAT WE REVERSE THE ACTION OF THE BOARD OF ZONING ADJUSTMENT AND DENY THE REQUEST TO DISPLAY RECREATIONAL VEHICLES IN A C-1 ZONE. That's according to the staff's recommendation, too.

MAYOR PRO-TEM LURIE: Okay. Are there any comments on the motion?

COUNCILMAN NOLEN: I just think that, you know, if you look at those pictures, every other motorcycle shop in town on Las Vegas Boulevard, Main Street, Fremont Street, Charleston has outside display; one of them has got it on the sidewalk.

COUNCILMAN LEVY: Well, if they're wrong, we should go out and clean them up.

COUNCILMAN NOLEN: Well, I'm not arguing that.

COUNCILMAN BUNKER: Are they all C-1 zoned, or are they improper zoning?

MAYOR PRO-TEM LURIE: That's what staff is going to have to go check.

COUNCILMAN NOLEN: He's not even on the sidewalk. He's back off on his property. He's -- it's new vehicles. Even on the discussion at the time when the minutes that you just read was all centering around storage outside --

COUNCILMAN BUNKER: No, no. The man himself, the man himself.

COUNCILMAN NOLEN: But I remember the conversation that went on.

COUNCILMAN BUNKER: But the man himself said all display would be inside the building.

COUNCILMAN LEVY: That's what he said.

MAYOR PRO-TEM LURIE: Well, he says it changed now. Now he needs to store outside to help sales. I understand that in that type of business. If it's a new product

IX. PUBLIC HEARINGS. ITEM A. V-8-85. REVIEW REQUESTED BY THE CITY COUNCIL OF THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING THE APPLICATION OF RICHARD M.THORNTON, ET AL., ON BEHALF OF LAS VEGAS SUZUKI FOR A REVIEW OF CONDITION TO ALLOW THE OUTSIDE DISPLAY OF RECREATIONAL VEHICLES ON PROPERTY GENERALLY LOCATED AT 860 SOUTH VALLEY VIEW BOULEVARD IN ZONING DISTRICT C-1.

MAYOR PRO-TEM LURIE: and, you know, things that you're bringing up about storing outside -- we have a problem on Main Street with used second hand furniture. If he was storing second hand or used equipment there, I would have a problem with it, but new equipment, based on some of the other stores around town, I have no problem with it, so I'm going to vote against it.

COUNCILMAN BUNKER: We don't know what the zoning is on those stores.

MAYOR PRO-TEM LURIE: We're going to check it out, though. We're going to have them all checked out, but I'm going to vote against your motion. Cast your votes on the motion. Post. The motion -- we have to bring it back when the -- we have five members, so the motion does not pass and it does not fail and the Mayor will not be here for the September 3rd meeting, so we'll have to schedule it as the first public hearing and an abeyance item for the 18th. Okay?

MIKE HUGHES: Let me -- may I ask one more thing?

MAYOR PRO-TEM LURIE: Sure. We're actually done right now, I mean, with the meeting, so go ahead.

MIKE HUGHES: Thank you.

MAYOR PRO-TEM LURIE: That's okay. You want to add something?

MIKE HUGHES: I spoke to the Water District last week about this and asked them if they had any objection to it. They're directly across the street and I was told by them that they had no objection to me storing vehicles out front or across there.

COUNCILMAN BUNKER: I don't think they could complain because they got the biggest junk yard in the city across the street from you.

MIKE HUGHES: Yes, what they have over there looks a lot worse than four wheelers setting out in front of my store.

COUNCILMAN BUNKER: We're on all fours on that.

MAYOR PRO-TEM LURIE: Do you have any problem with any of your neighbors in the shopping center that have any problems with it?

TRANSCRIPT - CITY COUNCIL MEETING - AUGUST 21, 1985 - 2:00 P.M. - PAGE 9
IX. PUBLIC HEARINGS. ITEM A. V-8-85. REVIEW REQUESTED BY THE CITY COUNCIL OF THE ACTION OF THE BOARD OF ZONING ADJUSTMENT IN APPROVING THE APPLICATION OF RICHARD M.THORNTON, ET AL., ON BEHALF OF LAS VEGAS SUZUKI FOR A REVIEW OF CONDITION TO ALLOW THE OUTSIDE DISPLAY OF RECREATIONAL VEHICLES ON PROPERTY GENERALLY LOCATED AT 860 SOUTH VALLEY VIEW BOULEVARD IN ZONING DISTRICT C-1.

MIKE HUGHES: No.

MAYOR PRO-TEM LURIE: Get some letters from them. We'll be in recess until Mr. Carelli gets back, so don't leave.

END OF DISCUSSION

/lo

AGENDA

City of Las Vegas

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

September 18, 1985

ITEM	Council Action	Department Action
IX. 2:00 P.M. - PUBLIC HEARINGS (Continued)		
14:09 B. U-46-85 - Application of FRED B. MIDDENDORF on behalf of KIM L. RHUE for a Use Permit to allow a Class III Secondhand Dealership for buying and selling of secondhand coins and jewelry, on property located at 806 Las Vegas Boulevard South, in Zoning District C-2. Board of Zoning Adjustment unanimously recommends APPROVAL, subject to the following condition: 1. Conformance to the plot plan. Staff Recommendation: APPROVAL PROTESTS: 0	Nolen - APPROVED as recommended and subject to additional conditions as follows: 2. Planter box to be installed in the front of the store. 3. An awning to be installed. 4. Restrict the size of the sign. 5. Annual review on this Use Permit. Motion carried with Briare voting "No."	Clerk to notify & Planning to proceed Fred Middendorf and Kim Rhue appeared. No one appeared in opposition.

APPROVED AGENDA ITEM

[signature]

TO: The City Council
RE: Public Hearing Agenda Item
September 18, 1985 City Council Agenda

IX.

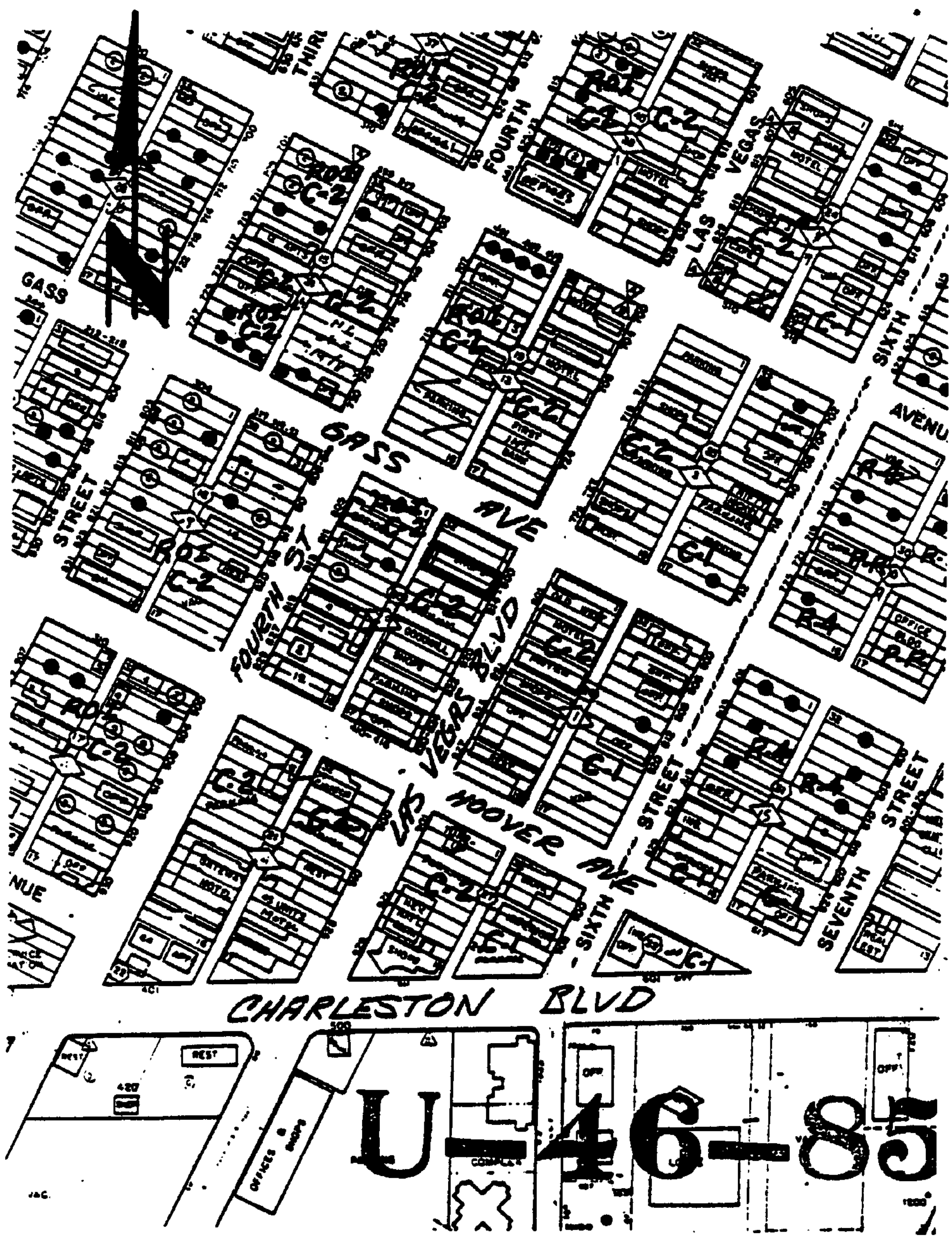
B. U-46-85 - FRED B. MIDDENDORF ON BEHALF OF KIM L. RHUE

The request is for a Special Use Permit to allow a Class III secondhand dealership for the buying and selling of used coins and jewelry at 806 Las Vegas Boulevard South in a C-2 Zone. The proposed business is located in an area that contains less restrictive commercial uses. There have been other Class III secondhand dealership approved on this segment of Las Vegas Boulevard South.

Board of Zoning Adjustment Decision: APPROVAL

Staff Recommendation: APPROVAL

PROTESTS: 0



CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

SEPTEMBER 18, 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, September 18, 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-46-85 Application of FRED B. MIDDENDORF ON BEHALF OF KIM L. RHUE for a Use Permit to allow a Class III secondhand dealership for buying and selling of secondhand coins and jewelry, on property located at 806 Las Vegas Boulevard South, in Zoning District C-2.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS LOTS 29 AND 30 OF BLOCK 20, IN SOUTH ADDITION.

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

CITY OF LAS VEGAS NEVADA

AGENDA

City of Las Vegas

September 18, 1985

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

	ITEM	Council Action	Department Action
	IX. 2:00 P.M. - PUBLIC HEARINGS (Continued)		
14:14	C. U-50-85(HO) - APPEAL filed by JOSEPH A. WELCH on behalf of CINDY WELCH to the action of the Board of Zoning Adjustment in DENYING their application for a Home Occupation Permit to conduct a one-station beauty salon in the guest house on property located at 1301 North Gateway Road, in Zoning District R-E. Board of Zoning Adjustment voted (3-1) to recommend DENIAL. If approved, subject to: 1. Conformance to the plot plan. 2. The hours of operation shall be limited to 9:00 A.M. to 5:00 P.M., Tuesday through Saturday only. 3. No more than one customer may be on the premises at any one time. 4. Conformance to all other restrictions governing home occupations. 5. Dedicate 25½ feet of right-of-way for Gateway Road and grant a sewer easement on the south 20 feet of the property. 6. Sign a Special Improvement District Agreement for the future installation of off-site improvements on Gateway Road. Staff Recommendation: DENIAL PROTESTS: 1	Nolen - APPROVED, subject to the six conditions recommended by BZA and additional conditions as follows: 7. Not to be used at any time for living quarters. 8. Review in one year. 9. Business cards only, no signs allowed. Motion carried with Levy voting "No."	Clerk to notify & Planning to proceed Joseph and Cindy Welch appeared. No one appeared in opposition.

APPROVED AGENDA ITEM

To: The City Council IX.
Re: Public Hearing Agenda Item
September 18, 1985 City Council Agenda

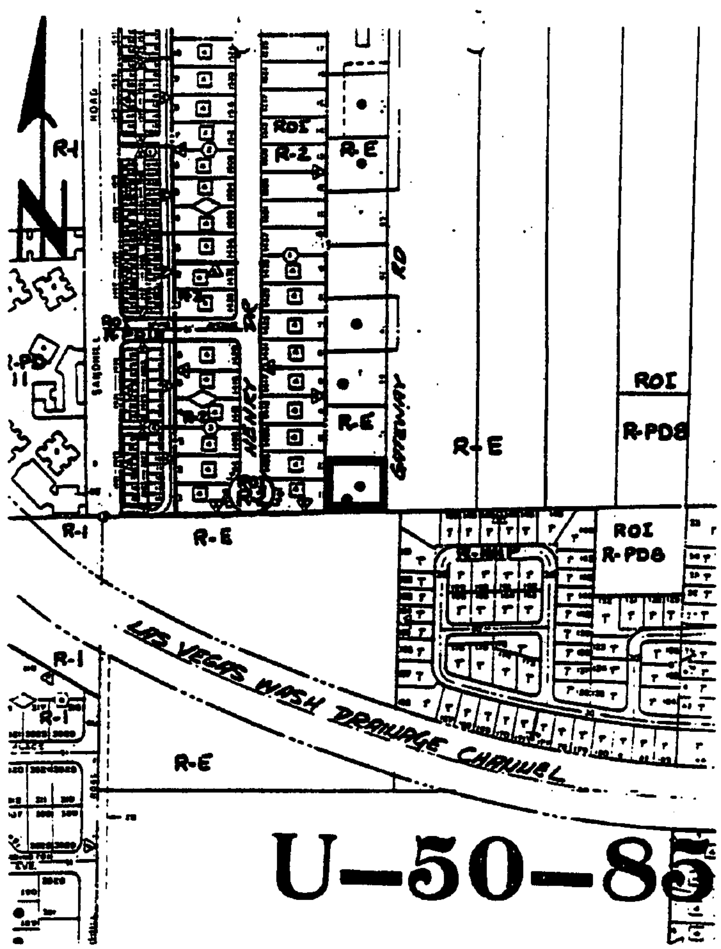
C. U-50-85 - JOSEPH A. WELCH ON BEHALF OF CINDY WELCH

This is an appeal filed by the applicant to the action of the Board of Zoning Adjustment in denying his application for a Home Occupation Use Permit to allow a one station beauty salon in a guest house at 1301 N. Gateway Road in an R-E Zone. The property is located at the south end of a quarter mile long dead end street. There are R-E residences on the west side of the street and the east side is vacant. The street is relatively unimproved and consists of cold mix paving that was installed many years ago. The applicant's daughter, who lives on the premises, would be conducting this beauty salon operation in the guest house which is located just north of the main residence. Staff pointed out at the Board of Zoning Adjustment meeting the purpose of a Home Occupation is to allow persons to be employed in their home without any external evidence of the operation. The beauty salon would generate traffic on this residential street and would be very noticeable to the residents in the area.

Board of Zoning Adjustment Decision: DENIAL - insufficient justification and not a compatible use

Staff Recommendation: DENIAL, insufficient justification for this request

PROTESTS: 1



CHAIRMAN JUNIEL: Item U-50-85, application of Joseph A. Welch on behalf of Cindy Welch for a home occupation use permit to conduct a one-station beauty salon in the guest house on property located at 1301 North Gateway Road, in Zoning District R-E and this is now a public hearing, Rick?

RICK WILLIAMS: Yes, that's correct. It is a public hearing. This action required a public hearing because the use requires customers to come to the home. The applicant has submitted a petition with signatures of persons in the area who do not object to her request, with a total of 23 signatures on the petition. However, the names on the petition are people who are tenants of the four-plexes who live on Henry Drive which does not connect to Gateway Road and hence would not be affected by the traffic which would be created by this use. If you refer to the screen -- Mike, why don't you indicate where -- yes, that right there -- that's Henry Drive and that connects in with Owens and the street immediately to the east is Gateway and it is a 1300 foot long unpaved dead-end street which has access only on off Owens Avenue. There are residential uses on the west side of the street and the east, at this point in time, is unimproved residentially zoned vacant land. Now, although the applicant states that only one customer will be coming to the salon at any one time, the fact that they will have commercial traffic both to and from the home on a regular basis is disruptive to the existing residences and does affect the residential zoning desirability of the neighboring vacant land. This is the site plan which she has submitted. She indicates that the business would be operated in what is now, I assume, a guest house. There is a graveled surface out in front which I assume the customers would use to park on. The area in here is paved. Gateway, all the way up to Owens Avenue, is unimproved. Staff simply feels that this use would have an adverse effect upon the residential characteristics of the area and, therefore, recommends DENIAL.

CHAIRMAN JUNIEL: Thank you. Would you please state your name and address.

CINDY WELCH: Cindy Welch, 1301 North Gateway Road.

CHAIRMAN JUNIEL: Please sign in, please.

CINDY WELCH: Sure.

CHAIRMAN JUNIEL: Thank you. Staff has recommended denial of your application. My first question is, how are you going to regulate how many people show up at one time?

CINDY WELCH: Well because I believe in personal -- doing each person -- giving them private service. I don't believe in doing two people at one time because then they don't get the special attention that they need. So I would book them one customer and then another. Never two because it's only me and I don't have room for two people at once.

COMMISSIONER SORENSEN: How many days a week will you operate your salon?

CINDY WELCH: It'll be five.

COMMISSIONER SORENSEN: Five days?

CINDY WELCH: Umhm.

COMMISSIONER SORENSEN: What would that be, Monday through Friday or --

CINDY WELCH: Uh, probably Sundays and Mondays I'll take -- I'll leave it closed.

COMMISSIONER SORENSEN: So, it'd be Tuesdays through Saturdays then.

CINDY WELCH: Tuesday through Saturday.

CHAIRMAN JUNIEL: What other things -- you'd just be doing hair and nails or just hair?

CINDY WELCH: Hair, nails facials. That's about it. We have a lot of walk-in traffic and I don't think the traffic's going to be a problem and I have talked to everybody on Gateway Road and our neighbors are really -- we're close with our neighbors and they agreed there was no problem with them and that's why we didn't get their signatures because Harry over -- where we talked to him before -- Harry at the place -- I don't know, but he said that we didn't have to get them, it wasn't real important otherwise I would have brought their approvals with me.

CHAIRMAN JUNIEL: Are there any protests of record?

COMMISSIONER MYERS: My problem with this application --

RICK WILLIAMS: No, we have no protests on record.

COMMISSIONER MYERS: Excuse me. My problem with this application is not the fact that you -- that the -- the point that staff made, but that we have thousands of people in the beautician trade, career, who would love to operate out of their homes. I'm sure it's much more beneficial finacially than renting a station or working on salary. Why should we give you this wonderful exclusive kind of privilege?

CINDY WELCH: Well, the way I look at it, I'm 22 years old and I can't afford to go out and rent a $600 a month place. So this is my opportunity to get the ball rolling and then eventually get a larger place in another area.

CHAIRMAN JUNIEL: Will the -- the Board that regulates beauticians allow you to do that in what is the home?

CINDY WELCH: Definitely.

CHAIRMAN JUNIEL: The Health Department and --

CINDY WELCH: The State Board is with me all the way. They've already talked to me about it. They said if you agreed, there would be no problem with them. They said that being that it is -- the building will be separate from the house that I live in totally and they said that's fantastic. They said that's even better than the beauticians that are working out of their homes.

CHAIRMAN JUNIEL: You're not going to do any advertising?

CINDY WELCH: No, except that they said I could do business cards.

CHAIRMAN JUNIEL: And you're not going to accept walk-ins?

CINDY WELCH: No, I won't have time because I'll just basically do everything by appointment because I don't --

CHAIRMAN JUNIEL: What happens if somebody walks in?

CINDY WELCH: Then I'll just have to let them know that they'd have to come back or make an appointment and come back when I'm done with the person I'm doing at that time.

COMMISSIONER SORENSEN: Do you plan to expand this beyond one station?

CINDY WELCH: Never. The area is really too small.

CHAIRMAN JUNIEL: This is a public hearing. Is there anyone here in opposition to this applicant?

DORETHA WILLIAMS: I am in opposition --

CHAIRMAN JUNIEL: Excuse me, excuse me, would you please come forward. Please come to the mike, state your name and address and sign in, please.

DORETHA WILLIAMS: My name is Doretha Williams and I am a licensed cosmetologist and those privileges were not extended to me in my residential neighborhood and that's my objection of it.

CHAIRMAN JUNIEL: Mr. Welch, I'm assuming?

JOSEPH WELCH: Right. I'm Mr. Welch and as far as I'm concerned all the neighbors and everyone that's been there -- there's no problem with anyone on Gateway. As far as the unpaved improvement, when the apartments were built behind me I gave easement through my property for the sewers and everything else and, you know, there's just no problem on Gateway Road; and I don't feel that this would affect anyone in any way and I'm sure there's no one here to oppose it.

CHAIRMAN JUNIEL: I do have a problem with it because it -- I know people have tried for years to get a -- beauty shops in their homes or somewhere located and they've been denied that privilege and I don't think other cosmetologists feel that that's fair. So that's my problem with it and we're going to close the hearing and ask for a motion.

COMMISSIONER MYERS: I'M GOING TO MOVE TO DENY ON THE BASIS THAT WE WOULD BE ESTABLISHING A PRECEDENT AND I DON'T THINK WE NEED TO.

CINDY WELCH: Okay. Who can I appeal this to because I'm going to go as far as I have to go with it?

CHAIRMAN JUNIEL: Well, excuse me, we're going to vote and carry that out. You do have that right as I read to you in the beginning of the meeting. Commissioners, please cast your votes. The application has been DENIED and you do have a right to appeal. (Motion carried with Bugbee voting "no" and Ashworth excused.)

END OF DISCUSSION

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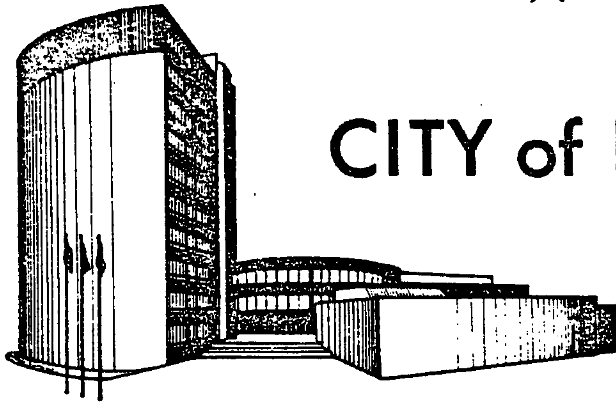


CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

SEPTEMBER 18, 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, September 18, 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-50-85(HO) APPEAL filed by JOSEPH A. WELCH on behalf of CINDY WELCH to the action of the Board of Zoning Adjustment in DENYING their application for a Home Occupation Use Permit to conduct a one-station beauty salon in the guest house on property located at 1301 North Gateway Road, in Zoning District R-E.

<u>THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF THE NORTHWEST QUARTER (NW¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 62 EAST, M.D.B.&M.</u>

ANY AND ALL INTEREST 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

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

September 18, 1985

ITEM	Council Action	Department Action
IX. 2:00 P.M. - PUBLIC HEARINGS		
14:28 to 15:20 D. V-80-85 - Application of LARRY HART, ET AL., for a Variance to allow the hosting of cocktail and/or dinner parties by invitation for private groups and for charitable organizations; and to conduct such parties for a limited clientele on an occasional basis, on property located at 1044 South 6th Street, in Zoning District R-1, with all access to be from the commercial parking lot at Charleston Boulevard and Las Vegas Boulevard South.	Nolen - DENIED Unanimous	Clerk to notify Larry Hart, Toni Hart and Edwin Dodson, Atty. appeared Protestants June Schwartz 1013 So. 6th Don Ream 1417 So. 7th Rulin Earl, Atty. Max Howard 1101 So. 6th
Board of Zoning Adjustment unanimously recommends APPROVAL, subject to: 1. Limited to a maximum of two parties per month involving private groups. 2. During the parties, all parking be prohibited on 6th Street and all parking and access be provided from the commercial properties to be the west at 1111 Las Vegas Boulevard South. 3. A minimum of two professional security people be on 6th Street to insure access and parking compliance only when parties apply to private corporations, charitable organizations and limited clientele of over 50 persons. 4. This action does not constitute approval of a liquor license. 5. Conformance to the plot plan. 6. Dedicate a fifteen foot property line radius corner at the intersection of Park Paseo and 6th Street as required by the Department of Public Works.	Note: Letters from USA Hosts and Bill McFee & Associates in favor of the application were entered into the record. NOTE: Verbatim transcript made part of Final Minutes.	
Staff Recommendation: DENIAL PROTESTS: 49 APPROVED AGENDA ITEM	MEETING RECESSED FOR 13 MINUTES	

To: The City Council
Re: Public Hearing Agenda Item
September 18, 1985 City Council Agenda

IX.

O. V-80-85 - LARRY HART ET AL

This application is before you for final decision because the Council acted on a similar application on this property recently. This variance application is very similar to the previous application. The previous application included the use of the residence for public parties, whereas this application is for private use and by invitation only. The applicants propose to host cocktail and or dinner parties for private use, charitable organizations and to allow the house to be used by a limited clientele for private parties such as convention groups. The applicants indicate that during the parties all access will be from the commercial property to the west which fronts on Charleston and Las Vegas Boulevard South. Also, parking will be prohibited on Sixth Street and two private security guards will be provided to insure access and parking compliance.

The previous variance application for this use was denied on April 17, 1985. At the previous public hearing, you were informed the applicant constructed a relatively large home on the property and had been conducting private parties and fund-raising events during the past year on an approved solicitation permit from the City. The property abuts P-R to the north, C-2 and R-1 to the west and R-1 to the south and east. Many of the parties held in the residence were relatively large and ranged upwards towards 800 persons that generated a number of complaints from residents. The complainants indicated the parties had people coming to the property in buses, limousines and taxies that obstructed the traffic flow on Sixth Street and created parking problems and general congestion in the neighborhood. The applicant had a solicitation permit approved at this location for the Hartland Foundation, which is a non-profit organization to further the musical education and training for underprivileged persons. Several of the parties conducted on the premises in the past were by organizations or persons who then made a contribution to the Hartland Foundation. The City cited the applicant for conducting a private party in connection with the large computer convention held in Las Vegas in January, 1985 after being warned not to conduct any further parties of this type of premises. The applicant was found guilty in court and was fined. City staff presented evidence that the applicant accepted a $7500 check for the use of the home for that function.

The Board of Zoning Adjustment recommended approval of this application as well as on the previous request. The Board limited the applicant to a maximum of two parties per month involving private parties, that all parking and access be from the commercial property to the west and that a minimum of two professional security guards be provided on Sixth Street to insure access and parking compliance. The use of the security guards only applies to parties for private organizations, charitable organizations and functions for a limited clientele of over 50 persons. There is still a significant protest from the residents in the area who felt the parties would have an adverse affect on their residential neighborhood.

BOARD OF ZONING ADJUSTMENT RECOMMENDATION: APPROVAL - subject to the restrictive conditions

STAFF RECOMMENDATION: DENIAL - insufficient justification for this request

PROTESTS: 49 (44 on petition; 1 letter, 4 at meeting)

SEE ATTACHED LOCATION MAP

ITEM IX. D. V-80-85 LARRY HART ET AL - LOCATION MAP

CHAIRMAN JUNIEL: Public hearing item V-80-85, application of Larry Hart, et al for a variance to allow the hosting of cocktail and/or dinner parties by invitation for private groups and for charitable organizations; and to conduct such such parties for limited clientele on an occasional basis, on property located at 1044 South 6th Street, Zoning District R-1, with all access to be from the commercial parking lot at Charleston Boulevard and Las Vegas Boulevard South.

RICK WILLIAMS: I'm sure you'll remember approximately four months ago a variance application was submitted for a use that was somewhat similar to what they're requesting now. This one is slightly different however. The Board -- it's getting late. The Board of Zoning Adjustment approved the request, slightly amending it, but the City Council denied on appeal. The applicant -- well, let me just summarize the essential points. The applicant has constructed a relatively large home on the premises and has conducted private parties and fund raising events during the past year, some of them on an approved solicitation permit from the City. Many of the parties were held -- held in the residence were relatively large and ranged upwards towards 800 persons and that generated a number of complaints from the residences -- residents that live in the area. The complainants indicated the parties had people coming to the property in buses and limousines and taxis and that obstructed the traffic flow on 6th Street and created parking problems and noise problems and general congestion in the neighborhood. It was pointed out that there really are no requirements in residential zones for persons using their residence on an occasional basis for private parties, but when there is some type of remuneration received, directly or indirectly, through donations such as those to the Hartland Foundation, which is operated at the direction of the person who conducts the party, then it is considered beyond the normal residential use and either the approval of a use permit or a variance is needed, depending on the circumstances. In this application, the applicant has indicated the future parties would be less noticeable to the residents because they have made arrangements to utilize the parking area in the C-2 Zone on the property, I believe it's located at 1111 Las Vega Boulevard South. There is direct access from this site to the rear yard of the applicant's property. However, staff continues to feel that this use really is not appropriate in this residential zone. The commercial improvements that took place on the Charleston properties carry the numerous conditions to protect the residences to the south, including Mrs. Hart's or Mr. Hart's and to

RICK WILLIAMS: stop the commercial use of penetrating further into this residential area. Staff continues to feel that the use as proposed would be disruptive to the surrounding single-family homes and, therefore, would again recommend DENIAL.

CHAIRMAN JUNIEL: Thank you. Please state your name and address whoever --

ATTY. EDWIN DODSON: My name is Edwin J. Dodson. I'm an attorney and my address is 311 North 6th Street. I represent Mr. Hart, Mrs. Hart and Gary Hart. They're the applicants. We've been here before and I think your board may well remember the presentation we made. I'd just like to briefly cover the points that I think are germaine to the aspects of good zoning possibly that may militate toward the granting of this application. First of all, if you'll observe the map up there, the red zone is commercial. The house is located in the lot which is pointed by the pencil. The house has approximately 13,000 square feet of living space and a pool room which is something like 6,000 or a little more -- around a pool, an inside area where a party can be held. The existing zoning -- one might ask, what do you do with property like this? Where does it go? Certainly it isn't going residential. It's becoming commercial in that area. It's P-R. Across the street, there are attorneys. Right next to it, there are attorneys and other professional people, CPA, and a new building which was approved and built on the corner of 6th and Charleston. The area and the big objection that was made and will be made, I'm sure tonight, is that people who live in the area couldn't get down the street, but that has been overcome because now we've made arrangements with the people who own the 1111 Building -- or it's been called by a lot of names. I'm not sure what the name is right now.

CHAIRMAN JUNIEL: Collet.

ATTY. EDWIN DODSON: Collet, well, it's been sold by Collet I understand, but in any event, I think we all know the building we're talking about and it has something like a couple of hundred to two hundred fifty parking places and plenty of room for the entry of buses or any other means of conveyance to bring people to the corner of the property which extends beyond the -- it'd be the easterly borderline there and there's a gate there that people can enter the property and leave from the property and it wouldn't require any traffic down 6th Street. However, there's going to be traffic down 6th Street, it's a narrow street and if you'll

ATTY. EDWIN DODSON: take a ride down there, you'll find that it narrows and it widens and it narrows and it's a sort of a street that was, I guess, put in years ago without any idea that things would grow and develop as they have in Vegas.

CHAIRMAN JUNIEL: Excuse me. If it's possible, can we just, you know, as the application is stated here, take those items one by one so that then we understand what it is exactly is happening. We've solved the traffic and parking problem, so we don't have to address that anymore, but now we need to, I guess, identify what the dinner or guest parties or what private groups are and etc.

COMMISSIONER MYERS: Yes, I'd like a definition of exactly what is meant by the terms.

ATTY. EDWIN DODSON: I think, if I may, I'd like to ask Mr. Hart to answer that. We think he's probably well better to do it than I am.

LARRY HART: It would be --

CHAIRMAN JUNIEL: Please state your name for the record.

LARRY HART: I'm sorry. Larry Hart, 1044 South 6th Street. For a private dinner -- if ABC Television wanted to host a sit-down dinner or a cocktail party for Joan Collins, that's what that means. General Motors --

COMMISSIONER MYERS: Private group means a -- or a commercial company.

LARRY HART: A corporate or perhaps a charitable organization.

COMMISSIONER MYERS: I have a big problem with charitable organizations. That's why I want you to talk about private groups first.

LARRY HART: Okay, we'll separate those two things. The private things would be private corporations, that kind of thing.

COMMISSIONER MYERS: Companies, businesses.

LARRY HART: Correct.

COMMISSIONER MYERS: Thank kind of thing. Alright. Charitable organizations on this -- I really want to be very specific because I -- my problem is that I don't -- I think that anyone in this community should be able to offer their home to a charitable organization to use and if we give you a variance, does that

COMMISSIONER MYERS: mean that anyone else who does it, is going to have to come down here for a variance? Will there be a charge made to that charitable organization for the use of your property?

LARRY HART: No there is not and that wording was put in there because of obvious problems and I'm sure everyone here is aware of that we have been having. We were told at one point that we could not have any charitable benefits in the house for anyone and we would be issued a citation and face a six-month jail sentence and/or a thousand dollar fine. So we are trying to accommodate the acrimonious situation between the neighbors that has arisen and we would like to resolve this once and for all and I felt being as specific as possible would help alleviate any problems that we have in the future. We've had problems that where we have guests that come to dinner and they stand in the street and take pictures and yell things and crash parties dressed in bathrobes and it's gotten way out of hand. So we would --

COMMISSIONER MYERS: Okay. Let's go on down so that we have a very good definition. And conduct such parties or a limited clientel. Would you --

LARRY HART: Well, limited clientel --

COMMISSIONER MYERS: What we're trying to do now is to establish a basis for a decision and we're writing a legal history.

LARRY HART: There are people that approach us on a regular basis that have asked us if they can use the house for a private cocktail party or dinner party, that we regularly decline. It takes a very select and very individual and special group. It is our house. It's not a rental home. We are not renting it out to people. It is things or organizations that are of specific interests to us that has an appeal that we feel will respect our privacy and our home and not come in and do damage to the property and treat it for what it is.

COMMISSIONER MYERS: So they would be different in composition to what we have defined as businesses/private groups.

LARRY HART: The limited clientele, no, that's again the same.

COMMISSIONER MYERS: Different people or the same kind of people as --

LARRY HART: It's the same kind of people, General Motors, I'm using that as an example.

COMMISSIONER MYERS: Okay. What do you define as occasional?

LARRY HART: Occasional could be once a month, twice a month, once every six months. It -- that --

COMMISSIONER MYERS: Your definition of occasional is not once a week?

LARRY HART: Absolutely not. This is completely contingent upon our schedule of whether I'm in town or whether my family's in town and what's happening in our lives.

COMMISSIONER MYERS: That defines them for me.

CHAIRMAN JUNIEL: Well, that takes care of everything that's on the -- on the application. This is a public hearing. Is there anyone here in opposition to the applicant? So please signify by just raising your hand. Again you've sat through most of the entire meeting and we would -- we want to hear from everyone, but we want you to pay attention to the speaker ahead of you so that you do not be repetitious and we wish that you be specific so that we know what you are objecting to.

COMMISSIONER MYERS: Staff, did we have any written protests or in favor of?

RICK WILLIAMS: There was a -- one letter written in protest and then a petition with 44 signatures objecting to the proposal.

COMMISSIONER MYERS: Just basically, what were the addresses?

CHAIRMAN JUNIEL: Excuse me, I asked for opposition before one of the applicants had a chance to speak. I'm sorry. If you'll just hold -- would you come forward and state your name and address please.

TONI HART: Thank you. I'm Toni Hart, 1044 South 6th Street and I would like to say that we also had a petition that we got together in just one day. We didn't go after it day after day, but we had 27 names for us that was here before when this other petition was turned in against us, we also had 27 names from the neighbors, and there's a Deja Vu shop about 75 feet behind my house that's on Park Paseo and there's several businesses on Park Paseo, which my house also is on Park Paseo and, TONI HART: of course, you all know that I'm connected totally and completely surrounded by commercial and I have made total arrangements, as I've said before, to use the parking lot in the back and I have a small office over there, but I made arrangements with the owners of the building to bring our people through the back gate.

CHAIRMAN JUNIEL: Have you ever made an effort to get with your neighbors and really try and iron out some of the problems that they have, their complaints?

TONI HART: Yes, ma'am, I have and I've invited them to parties in '84. We haven't done anything this year to speak of, but, you know, they just make fun of our invitations and things like that and did a lot of slander so we won't get into that, but it's been very difficult for me. I love my home. I love the neighborhood and I think that we have certainly overbuilt the neighborhood, but we lived in a 32 room house in Detroit and I had parties all the time for people from Europe, from all over the world, and I never ever had a complaint and we had hundreds of automobiles and cabs and limosines and buses and I've lived in homes everywhere. I've never had problems like this. I've never had problems for having charities. I have -- once every six months I have a party for the underprivileged,which is usually 25 children. I've never had problems like this and I would like very much -- I wish I could be friends with these people. I would love to have them in my home. As a matter of fact, I called Mrs. June Schwartz in February and asked her -- because a tour lady called me and asked me if Mrs. Schwartz would be interested in using her home for a luncheon and she said, she'd be delighted to let them use her home from time to time. You know, there's -- and there's many people in this City -- Joyce Strauss, Muriel Stevens, Roy Purcell, Dr. Ghanem, Phylis and Marty Schwartz, many other people who use their homes including Dr. Hammargren, for tourism and we're not trying to do anything nasty or unkind to the neighbors. We feel that because we are connected to the back property and we have an entrance in the back and all the parking is in the back, we feel that we are totally doing the right thing. We feel that we're not hurting anybody and we don't want to have any noise. Our house is soundproof. We put in R-38 insulation, opposed to R-11 which is what the City calls for and the walls inside the house are all insulated with soundproof. So thank you very much.

CHAIRMAN JUNIEL: Thank you. Sir.

MAX HOWARD: Well, as you know, the application before was brought before the Commission and they denied it. Mrs. Hart didn't come right out and I'm sure you people know that she was brought to court for using the house as a commercial venture. Now, this is only one case that is now a precedent. She was found guilty of using the house as a way of making money. So this turns it into a commercial venture. Now, you cannot take money in an R-1 Zone to entertain these people with and this is one of the reasons that we're back up here objecting to this zoning because we know, as well as you should know, that this is a way of making money. It's a very large house. I overbuilt the neighborhood also and she did too and I agree that it's right on the verge of commercial, okay. If it were zoned commercial, we would know what it is and it could be used for this kind of a thing, but to leave it as an R-1 Zone and allow it to be used in a commercial manner, it's not right. Now she was convicted before a judge here in this city. It costs the City $20,000 to get the conviction because I have this information from one of the investigators. Now I would like, face-to-face, to ask Mrs. Hart how much she filed -- that she gave to this -- on her application, for her charitable organizations -- organization, how much she told the City she gave to charity. I would like to know the definite answer. I know, but I want the panel to know.

CHAIRMAN JUNIEL: I don't know that this Commission should get concerned with that. I don't want to hear it myself.

MAX HOWARD: Well, that's what it is, isn't it? She's asking for a --

CHAIRMAN JUNIEL: I'm sorry, but all we can do is deal with what we have here and they are automatically going before the City Commission and that is where you express that because, you know, I'm not denying you the privilege of talking. We're listening to you, but we don't want to get into things that we're not concerned with because we are unaware of this and it's not contained in this application.

MAX HOWARD: Okay, that's where I'm going to express it. But I just wanted you to -- I'm sure that you were aware that she was convicted of using her --

CHAIRMAN JUNIEL: I'm not aware of it.

MAX HOWARD: Okay. Well, you know it now.

CHAIRMAN JUNIEL: But in any case, we have to stick to the application as it is presented to us, you know, and you can address the problems that you have with what is contained in the application.

MAX HOWARD: Okay, then getting right down to the facts. It's still R-1. It's not -- it's not commercial yet. So you have to take that into consideration whether or not you want to let her have a commercial venture in an R-1 Zone. This will be one of the things our next attorney will address. That's about all I have to say.

CHAIRMAN JUNIEL: Thank you. Sir, will you please sign your name.

MAX HOWARD: I signed it.

CHAIRMAN JUNIEL: He did sign in.

DEPUTY CITY CLERK LE BOEUF: He didn't state it.

COMMISSIONER MYERS: You did not --

CHAIRMAN JUNIEL: Oh, you did not state your name and address for the record.

MAX HOWARD: My name is Max Howard. I live at 1101 South 6th, right across the street.

CHAIRMAN JUNIEL: Is there anyone else?

JUNE SCHWARTZ: My name is June Schwartz. I'm at 1013 South 6th Street. I'm directly across from the Harts. Now I guess on this application, Toni Hart isn't even on this application. She changed it over to Gary and Larry Hart her sons.

CHAIRMAN JUNIEL: No, it says, et al meaning everybody.

JUNE SCHWARTZ: Oh, et al, okay. When Mr. Hart, Larry, says that he was -- that they don't get any renumeration for their charities. In his court case, $7500 supposedly was -- gone -- went to him for -- I don't know for what, but I'm definitely against it. I'm residential. I've been residential. I'm surrounded now by these professionals all around me. Now, if these people

JUNE SCHWARTZ: get this, I'll be in here at your next meeting cause I'll go -- I'll go for a zoning for professional or commercial, cause as far as I'm concerned that's just what these people are. They're in for commercial and I'm finished talking cause it's late.

CHAIRMAN JUNIEL: Thank you. If there's anybody that has anything different to say in opposition totally different than what we've heard tonight -- my back hurts (laughter)

GERRY HOWARD: I'm Gerry Howard. I live at 1101 South 6th. My number one question is, what constitutes a private party? Is conventions private?

CHAIRMAN JUNIEL: I wanted to -- I was going to try and explain what I thought of as parties because as Commissioner Myers has stated, we're going to run into some real problems here if we deny some of these things because -- personally I belong to a sorority and I host a lot of parties for them at my house because my home happens to be, not as large as hers, but it's big enough and, you know, I don't want to get into a situation where I'm going to have to come down here and get these variances for my parties and it's strictly because I'm a sorority member and we each do this monthly.

GERRY HOWARD: Well, that's --

CHAIRMAN JUNIEL: And I'm trying to differentiate and I think that's what we're trying to get from them. If these parties are charitable, I have allowed political people to come in and I've hosted little parties for them, and, you know, I'm just trying to get a clarification here of what the problem is. I had a problem with clientele, which to me indicates that somebody's paying somebody, then the young man clarified that for us. I'm trying to get a clarification of what these parties are because everybody has parties. We, at the last meeting, tried to make an effort to curb some of the activities that you objected to. You could go with -- since that time, I'm aware that the Harts have had parties since then because nobody allowed us to regulate them so they did whatever they'd done in the past that you objected to. Had we regulated it, it would not have occured because we would have policed it and the City would have taken some time to regulate these regulations that we wished to put to them. Because a party to me is a party and I don't know the difference.

GERRY HOWARD: Well if I was to have a private party at my home or if I applied for a charitable permit, I certainly wouldn't drag my guests in the back gate.

CHAIRMAN JUNIEL: Well that's her -- I mean --

GERRY HOWARD: And bus them in with LTR buses.

CHAIRMAN JUNIEL: Just a minute though, but that's -- if you consider that something low, that's her problem. Are you wanting her to upgrade the way she brings them in?

GERRY HOWARD: Well this is why I'm asking you, is this private party?

CHAIRMAN JUNIEL: Yes, if it takes a bus to bring them in. If they have that commercial parking over there, it's just totally nothing nobody can do about that. The parking is there.

GERRY HOWARD: As far as the parking, you know what happens -- two or three or four days before these parties, there is a constant traffic on 6th Street coming and going, coming and going to their house.

CHAIRMAN JUNIEL: I work right across the street from that house.

GERRY HOWARD: And not only does the traffic that parks in those -- they come right out on Charleston, right down 6th Street when they leave. So that isn't solving the traffic problem by saying they come in off of the commercial building. Because when they leave, they come right down 6th Street.

CHAIRMAN JUNIEL: Well I'm going to tell you something you're probably not going to like it, but because I eat at Marie Callender's at a lot, and I'm across the street at 7th and Charleston, I go down 6th Street every day to Marie Callender's to eat and I guess that's wrong, but I do. I travel that route every day.

COMMISSIONER BUGBEE: Yes, and around the corner, people have parties every day, at the expense of the City, on the parks so you can stop that.

CHAIRMAN JUNIEL: All of us use 6th Street.

GERRY HOWARD: But these are all hours of the night.

CHAIRMAN JUNIEL: Well I can understand that, but --

GERRY HOWARD: These parties are all hours of the night.

CHAIRMAN JUNIEL: As far as daytime hours, I travel 6th Street every day because I work across the street and it's easiest to get to Sahara for me.

GERRY HOWARD: Well, we feel it's a detriment to our neighborhood. It has ruined our area. In fact, there's a house right across the street from us now that is going into foreclosure because they cannot sell it, on the corner of 6th Street and Park Paseo and a lot of it is due to all this publicity about these commercial parties and --

CHAIRMAN JUNIEL: I'm sorry, I don't want to get into the dispute. I know Century 21 has that house over there. I know all about it so we won't go into that here. Is there anyone here in favor of the applicant? I'll hear a couple of supporters, other than relatives.

MELISSA CARONE: I'll be very brief. I wasn't going to say a thing. My name is Melissa Carone and I live at 3221 W. Oakey Boulevard. I've known Toni Hart ever since I came to Las Vegas. I retired and moved here three years ago. I've been to most of her parties -- that they've all been charity type things. I've never had so much fun. I've always come alone because I'm an old lady and I don't -- and I haven't found a dirty old man that wants me. (laughter)

CHAIRMAN JUNIEL: There's no such thing as an old lady.

MELISSA CARONE: Anyway, there's always been valet parking. I've always had a wonderful time. Toni's a lovely person. Her sons are wonderful sons. I think it's very unfair not to give her a permit to have a party. That's all I want to say. Thank you.

CHAIRMAN JUNIEL: Thank you. Is there anyone else that wishes to speak in her favor?

COMMISSIONER BUGBEE: Hear rebuttal from her attorney.

GAIL KNOWLES: My name is Gail Knowles and I work for USA Hosts and I'm also -- which is located at 5030 Paradise Road and I'm also Board Chairman for the Las Vegas Receptive Operaters Association and Las Vegas is one of the few cities in the United States that does not have any historic homes that people can visit, you know, when they come to Las Vegas and we have had many requests from organizations who would like to see that home and being that we are 50 years old now, we would like to have the opportunity of showing the home to people and having private groups such as Mr. Hart stated; and I'd also like to point out that Mr. Hart is considered a celebrity as a Grammy Award winner and I do think that it's important that we do, you know, have that available since the State of Nevada's main thrust is tourism. Thank you.

CHAIRMAN JUNIEL: Thank you very much.

UNIDENTIFIED WOMAN: How historic can that be, it's only three years old.

LARRY HART: I live there. (applause)

CHAIRMAN JUNIEL: Excuse me, we don't want a circus, you know. If you have something else to say, you come before the microphone and say it. If not, we're going to close the meeting. Do you have something else to say?

COMMISSIONER MYERS: There's somebody coming from here, Bonnie.

REX JARRETT: I'm Rex Jarrett. I'm tired and I'm sure you are too. And I'm tired of coming up here to hear the same thing time and time again. The last one we had here I wish you people had the recording of Alvin Levy as to what he said with reference to this situation. If you don't have it, you should get ahold of it and read it or listen to it to see just what took place here and what has been taking place down there. This thing is not going to change. This situation on the street is not going to change. Those people are not going to park out in that -- back of that place. They're going to park right on 6th Street. That's where they parked before and all the beer cans and everything else that goes along with one of those things is going to be right there on those streets and the traffic situation is going to be there the same way. Mrs. Hart, I'd like to say, I thank you for the letter that you sent to me, but I wish you'd learn to spell my name. Jarrett has been spelled a lot of ways, but I've never ever seen it spelled quite like she spelled my name. My dad always told me, "son, don't worry about what people say about you, but be sure they spell your name correct." So, Mrs. Hart, if you'll look

REX JARRETT: my name up, I think that you'll realize what I'm trying to say to you. We have people who have lived in that many many years, done a lot of improvement. They're proud of their places, but this, from the beginning of this property, when they started to build it -- from the time the Candy Man had this place and they took it over and they went before the Council to get certain permits and so on and we, as residents living in that area, tried time and time again to find out what is going on in this place. What are they trying to do? What are they trying to build, but we can't find out anything. We find out that most of the building that took place, took place under a foundation permit and everytime we came over here, we couldn't get any information. This thing has been a camouflage ever since the thing started. So, Mrs. Hart, I don't know how it's possible for you to make friends with people in that area when that has been the consistent thing ever since that building was separated from two buildings and put into the one that you are trying to develop in the present time. So I plead for you that this is a very serious proposition and I hope that you will just understand that we love this area and we want to stay there and work with it and we don't want to have to work with a bunch of people that come there to get drunk and have parties that are not in control and things like that that carry on there which we have seen in the past and we know it's going to happen again.

CHAIRMAN JUNIEL: Thank you. Now, did you have your rebuttal, the Harts?

TONI HART: I'd like to say one thing to you, ladies and gentleman. Our foundation happens to be called Hartland Foundation. We're not supported by anybody but the Hart family because we have not had a fund raiser in over a year and our bank account is open to these people who are so worried about the Foundation making money. We have 400 and some odd dollars in the bank for the Foundation. Anybody can look at the books. It's open to anybody. They are so worried that we are making money. I have income. My sons have income. They sing. They play. They travel and they have good incomes. So we don't live off of anybody's foundation. I give to all my -- Opportunity Village, St. Jude's, all the organizations that I belong to. I give to charities. I give to my church where I play the organ and piano. I do not drink beer. I don't allow beer in my home. We have --

TONI HART: all of our parties have champagne if it's a big to do party. Our birthday parties and our private parties, where they park on 6th Street, we serve soft drinks. We are not drunks. We do not carouse. We don't have loud noisy parties at all. We're very refined people. We have never ever put up with so much garbage. They tried to break through my gate. They tried to break through security officers -- had a camera in their hands -- tried to break it down. Were going to come on my property and I had to have my other attorney, Mr. Carmine Calucci, to send them letters to warn them to stay off of my property and stop calling us four-letter words. It's very painful and very embarrassing. I would like it to stop and I never heard of a city in my life where you have to get a variance to have a party or a fund raiser or charity or to have something for my church choir. I had a party for my church choir recently. Our choir director moved to Portland. They turned it in as some kind of a commercial property. They turned in my Thanksgiving party. They wrote letters about my son's birthday party. They thought it was commercial. Everything we do, there's letters coming down here against us and it's not true. We're totally legitimate people and I'm sick and tired of these slanderous slurs that these people, these two women who have stirred all this trouble up. It's got to stop. I'm sorry, I just cannot take anymore of this. I want to be fair and I want to be honest and I don't have anything to hide. There's never been anything to hide and this is my son. He would like to also say a word.

LARRY HART: Well, I would like to apologize to this Board for making you subject to name calling and linen -- laundry airing with the neighbors. This is obviously a personal conflict that we're dealing with here and not an issue of zoning problems. The statements that these people are making are erroneous and slanderous and the Hartland Foundation is a non-profit organization that's recognized and fully exempted. Has a Board of Directors that govern it and is a matter of public record. The -- to clarify for this Board, the party in question that they're talking about was not a charity fund raiser. The last time we were down here before you and the situation with Infra Com arose, I explained to you all then that was a party that a computer firm came in and used the house and they did pay me to perform, as well as paying, I think $8,000 for flowers and $35,000 for a caterer and the

LARRY HART: Henry Rose Orchestra. They payed Murder to Go, who was the guest of the evening, $27,000 to perform. So my fee of $7500 for the night was well within the boundaries of what was going on with that event. Whether it was in my house or at City Hall or at the MGM Hotel, my fee for a personal appearance ranges upwards from $10,000 a night. I'm not here to give you all my credentials of who I am and what I do, but I feel that their facts are completely inaccurate and those things need to be kept out of the issue of what we're talking about here. What we have is a situation that we're being harrassed and slandered by neighbors that do not base their accusations in fact. They create these things in their minds and they have no basis for the things that they have accused us of and we would welcome them to say those things to us in the proper circumstance and I certainly don't feel that this is the time or the place to take anymore of your time with that thing. The issue that's before us is our right, as citizens of this City and of this Country, to use our home and to allow as other people do. It's not an issue of these other things that have arisen.

CHAIRMAN JUNIEL: Thank you. I think we've heard everybody's point of view and I'm going to close the hearing and ask for a motion.

COMMISSIONER MYERS: I have a real problem with this and I'm going to refer to the City Attorney. I don't think this Board has any right to tell the Harts or any other person in this community when they may have a party or when they may invite a charitable organization into their home and by approving the variance, we do that, but we have to take an action. What could we do? I mean, I just don't think that it's within our boundaries to determine how somebody uses their private home privately.

DEPUTY CITY ATTY. VAL STEED: Commissioner, I think the question is, is for you to look at what's worded in the application, that's what we're talking about. I don't think you're here to decide what people can do in their home with charitable organizations. I think you're here to decide about what the Harts have asked for.

COMMISSIONER MYERS: Well, my concern is, and I expressed this to you before the meeting, is that by giving them a variance to do things for charitable organizations, am I going to have to be here next time or is Bonnie or is anyone else if we want to do something for a charitable organization? What kind of a precedent are we going to set by making any kind of ruling at all on that issue? When we get

COMMISSIONER MYERS: to the private groups and "limited clientele" I think that's an entirely different thing and not necessarily within the realm of the normal use of a home.

DEPUTY CITY ATTY. VAL STEED: I don't know -- I don't know what the effect of making a decision here tonight, but like you say, you have to do it. I don't think it's relavent to the issues of who has to come in next time or what the issues will be next time. You need to make a decision on this application and I think you need to do it based on zoning principals.

COMMISSIONER BUGBEE: If that's the case, I'M GOING TO MAKE A MOTION TO APPROVE.

RICK WILLIAMS: There are a number of conditions imposed under the last variance.

COMMISSIONER MYERS: Go ahead, continue. We'll see if we agree with them.

RICK WILLIAMS: Number one, limited to a maximum of one party per month where more than 50 people are invited. I believe that was two last time.

COMMISSIONER MYERS: No, I think it was two and I would like to modify that a little bit. I'm going to say that it's limited to two parties for "private groups or limited clientele as defined by the Harts." That it will not apply to their private personal use of the home or to the use by charitable organizations, only for those things which are business related. By business, meaning the organization that is using them is in a commercial business.

CHAIRMAN JUNIEL: Are you going to eliminate a charitable organization from using the home?

COMMISSIONER MYERS: No, no, I'm saying there is no limitation on how often they can use it or how many people can come.

COMMISSIONER BUGBEE: For charitable. Just two private parties a month.

COMMISSIONER MYERS: As defined here. Private groups or limited clientele as defined by Mr. Hart.

COMMISSIONER BUGBEE: Okay. What else?

CHAIRMAN JUNIEL: No more than two a month at any amount of guests that they wish to invite, is that what you're saying?

COMMISSIONER MYERS: That's what I'm saying.

RICK WILLIAMS: Well, number four was the parties be limited to private groups and charitable organizations so we'll just incorporate that into your --

COMMISSIONER MYERS: As I stated it.

RICK WILLIAMS: Right.

COMMISSIONER MYERS: That charitable organizations should not be restricted.

RICK WILLIAMS: Okay. During the parties, all parking be prohibited on 6th Street and all parking and access be provided from the commercial properties to the west at 1111 Las Vegas Boulevard South.

COMMISSIONER MYERS: Yes, will continue that.

RICK WILLIAMS: A minimum of two professional security people be on 6th Street to insure access and parking compliance during the parties.

COMMISSIONER BUGBEE: Now, what parties?

COMMISSIONER MYERS: Yes, I think we need to define them. I think that we could say with -- on any parties which apply to private groups, charitable organizations, limited clientele of over 50 persons, that they need to have two security guards on 6th Street.

CHAIRMAN JUNIEL: One on 6th and one on Park Paseo.

COMMISSIONER MYERS: Well, that area -- around the house. Anybody that wants to use it should be able to and willing to foot the bill for that.

COMMISSIONER BUGBEE: What else?

RICK WILLIAMS: No renumeration to be received by the applicant for the use of the premises.

COMMISSIONER MYERS: That has to --

COMMISSIONER BUGBEE: You have to strike that.

COMMISSIONER MYERS: That has to be striken if they use it under the definition we've given it.

RICK WILLIAMS: I'm not sure how -- how this completely applies, but this action does not constitute approval of a liquor license. That's obviously in case they would ever need one for some private property.

COMMISSIONER MYERS: That has -- I don't know where that came from.

CHAIRMAN JUNIEL: Liquor license?

COMMISSIONER MYERS: We have nothing to do with liquor.

RICK WILLIAMS: Well, the only thing we're saying is this doesn't constitute approval, but you're right, we're acknowledging that we have no control. That's City Council control. Conformance to the plot plan and this was also part of the original approval: dedicate a fifteen foot property line radius corner at the intersection of Park Paseo and 6th Street, which is just little radius corner here, as required by the Department of Public Works; and then the last one, an installation of sidewalks and street lighting on Park Paseo and South 6th Street as required by the Division of Land Development of the Department of Community Planning and Development.

COMMISSIONER MYERS: I don't remember that from last time.

CHAIRMAN JUNIEL: Why would they have to do that? Isn't that an established residence?

COMMISSIONER MYERS: I'm sure they have as many street lights over there as they want.

CHAIRMAN JUNIEL: Curbs and gutters and --

COMMISSIONER SORENSEN: They already have that, don't they?

CHAIRMAN JUNIEL: Palm trees? It's already developed over there. There's sidewalks and streets and gutters.

COMMISSIONER MYERS: There's no sidewalks there.

RICK WILLIAMS: No sidewalk.

COMMISSIONER MYERS: I don't think there's sidewalk anywhere.

RICK WILLIAMS: No.

COMMISSIONER MYERS: Well, why should -- I don't think so. I've been -- is there sidewalk there? I don't know, is there sidewalk there? I know there is no sidewalk at the Hart property, but in --

ATTY. EDWIN DODSON: I might clarify that. We've been working with the City. There was a bond posted for the improvements.

COMMISSIONER MYERS: Okay.

ATTY. EDWIN DODSON: And the City -- I haven't been able to resolve anything with them. The man who was handling it has been ill in the City Attorney's office.

COMMISSIONER MYERS: Well, I'm sure that you will continue that.

ATTY. EDWIN DODSON: We're going to work it out so that it'll be done. There is a bond for the off-site improvements though.

COMMISSIONER MYERS: Apparently, they've taken care of that.

RICK WILLIAMS: That's it.

CHAIRMAN JUNIEL: Please vote.

DEPUTY CITY ATTY. VAL STEED: Mrs. Chairman, can I ask you -- just for my own clarification. What we're saying on the limitations. No limitations on numbers of people or numbers of parties as to charitable organizations, is that correct?

CHAIRMAN JUNIEL: Exactly.

COMMISSIONER MYERS: That's correct or their own private personal --

DEPUTY CITY ATTY. VAL STEED: Or their own private parties.

COMMISSIONER MYERS: I understand. No limitation.

DEPUTY CITY ATTY. VAL STEED: If we're talking about a private group or limited clientel, we're allowing them to receive renumeration?

COMMISSIONER MYERS: Yes.

DEPUTY CITY ATTY. VAL STEED: And we're also saying, no more than two a month no matter what numbers, or did we say 50?

COMMISSIONER BUGBEE: No, any number.

DEPUTY CITY ATTY. VAL STEED: Okay.

COMMISSIONER MYERS: Only security guards if there's over 50 people.

DEPUTY CITY ATTY. VAL STEED: For any type of function on security?

COMMISSIONER MYERS: Except personal.

DEPUTY CITY ATTY. VAL STEED: Okay.

CHAIRMAN JUNIEL: The application has been APPROVED. (Motion carried unanimously with Ashworth excused.)

END OF DISCUSSION

CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

SEPTEMBER 18. 1985

NOTICE IS HEREBY GIVEN THAT on Wednesday, September 18, 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-80-85 Application of LARRY HART, ET AL., for a Variance to allow the hosting of cocktail and/or dinner parties by invitation for private groups and for charitable organizations; and to conduct such parties for a limited clientele on an occasional basis, on property located at 1044 South 6th Street, in Zoning District R-1, with all access to be from the commercial parking lot at Charleston Boulevard and Las Vegas Boulevard South.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF LOT "G" OF PARK PLACE ADDITION TO THE CITY OF LAS VEGAS.

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

CITY OF LAS VEGAS NEVADA

THE FOLLOWING PAGE(S) ARE ILLEGIBLE/POOR QUALITY

To the City Councilmen, and to whom it may concern:

I believe that Ms. Toni Hart has the right to have, and to Host her Charity Parties, and other Functions at her home at 1044 So. Sixth Street, without further harrassment from Neighbors. I understand that she has a Lease agreement with the Office Building Property, that is connected to her land, and that she can use this Parking lot for such Parties. As far as regular Guests, and personal Parties, they can park anywhere as close to her home as they can.

NAME	ADDRESS
M/m John Mccarthy	5245 Holbrook [illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	4001 [illegible]
[illegible]	[illegible]
* [illegible]	[illegible]
Carl E Olson	1140 So 6TH ST
[illegible]	[illegible] Park [illegible]
[illegible]	[illegible] Park [illegible]
Chester G. [illegible]	[illegible]
Glady [illegible]	1240 S. 7th St
Gwen [illegible]	
[illegible]	[illegible]
[illegible]	709 E. PARK PASEO L.V. 89104
Susie Friedland	428 E. [illegible]
Toni Hart	1044 So. 6th St.

PETITION

September 16, 1985

TO: City Councilmen

The undersigned believe that Mrs. Toni Hart has the right to have and to host her charity parties and other functions at her home at 1044 S. 6th Street without further harrassment from neighbors. Since Mrs. Hart has a lease agreement with the office building parking lot connected to her land, guests to her home can park in this lot without causing any noise or inconvenience to the neighborhood. We urge you to approve Mrs. Hart's variance on September 18, 1985, to enable her to host groups as a commercial enterprise out of her unique home.

NAME	ADDRESS
N. DiFraxco	5183 So. Celeste #101, Las Vegas, Nev. 89119
Gail Knowles	4320 Chrysalis, Las Vegas, Nev. 89121
Sandra Marker	5100 E Tropicana #1-D, Las Vegas NV 89122
[illegible]	[illegible]
[illegible]	2029 [illegible]
Betty Kimball	7180 Polaris Las Vegas, NV 89118
Beverly Townsend	6774 Matano Dr. Las Vegas NV
[illegible]	[illegible]
[illegible]	[illegible]
Lois N. Blaskey	3404 Haverford ave - Las Vegas 89121
[illegible]	5421 E. Harmon AH L.V. 89122
Dotty Bailey	6501 W. Charleston Bl #286 LV 89102
Marilyn Roff	6666 W. Washington #177 LV 89107
[illegible]	1173 Maryland cr #3 Las Vegas NV 89119
L. Connelly	1801 Stonehaven Dr. L.V. 89108
Tami L Martinson	4016 Mira Ln LV 89108
Lois Allred	4308 Hilldale LV 89121
Barbara Pratt	504 Grimsby HN 89015
W.P. Hensley	3336 Pas Andres LV 89102

To the City Councilmen, and to whom it may concern;

CITY COUNCILMINUTES - SEPTEMBER 18, 1985

I believe that Ms. Toni Hart has the right to have, and to Host her Charity Parties, and other Functions at her home at 1044 So. Sixth Street, without further harrassment from Neighbors. I understand that she has a Lease agreement with the Office Building Property, that is connected to her land, and that she can use this Parking lot for such Parties. As far as regular Guests, and personal Parties, they can park anywhere as close to her home as they can.

0196

NAME	ADDRESS
Dorothy O'Neill	3779 La Jenta Dr
Maria L. Champion	1522 E. St Louis
Edith E. [illegible]	1648 Shadow M. Pl
Kelly O'Neill	5648 Big Sea
[illegible]	[illegible]
P. Flanagan	912 Antelope Way
S. Martinez	2635 Karen Ct #412
Peggy Stewart	4700 McLeod
Penny Burke	4852 Whispering Pines
Pamela Wiser	6351 Moonglow Dr.
Nancy Gerson	1717 E St Louis
Caroline McMurry	5403 Tamarus
[illegible]	4412 [illegible]

To the City Councilmen, and to whom it may concern;

I believe that Ms. Toni Hart has the right to have, and to Host her Charity Parties, and other Functions at her home at 1044 So. Sixth Street, without further harrassment from Neighbors. I understand that she has a Lease agreement with the Office Building Property, that is connected to her land, and that she can use this Parking lot for such Parties. As far as regular Guests, and personal Parties, they can park anywhere as close to her home as they can.

NAME	ADDRESS
Jody Stephenson	852 Held Dr.
[illegible]	1604 [illegible]
[illegible]	4173 [illegible]
[illegible]	4483 [illegible]
[illegible]	[illegible]
Eleanor K. Williams	4801 [illegible]
[illegible]	550 [illegible] #1712 [illegible]
[illegible]	1232 Walnut [illegible]
[illegible]	[illegible]
[illegible]	1157 Morning [illegible]
[illegible]	1157 Morning [illegible]

We, the undersigned, believe that it is a Violation of Ms. Toni Hart's Civil Rights not to be able to have Parties,both, Charities, Private,and other Functions at her home at 1044 South Sixth Street. She not only has a Variance, approved twice by the Zoning Board, but she, also, has parking spaces leased behind her home for excess and overflow parking..this Commercial property is attached to her back drvieway.

NAME	ADDRESS
C.R. McCarthy	2721 Fawcett
[illegible] Hart	1044 S. 6th St.
[illegible]	1112 So. 5th [illegible]
[illegible]	[illegible]
[illegible]	1300 6th [illegible]
Mr. & Mrs. [illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Ken Shorter	1122 S. 6th
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	1301 [illegible]
[illegible]	1311 S. [illegible]
Gloria Shorter	1122 So 6th St.

 V-80-85

USA Hosts
5030 Paradise Road, A-201
Las Vegas, Nevada 89119
(702) 798-0000
(800) 634-6133
Telex: 684558

September 13, 1985

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

Dear Mayor Briare:

Since the City of Las Vegas enjoys tourism as its number one industry, [redacted]

The zoning board has found that since the Harts are surrounded by commercial property and have a soundproof home with sufficient parking in a commercial parking lot behind the home, that a variance is in order to allow this house to be used for tour groups, business organization functions and charities.

As you are probably aware, groups who come in for meetings look to get out of the hotels for functions and there are only one or two restaurants that can hold over 300 people for dinner like the Hart home can. Likewise, groups are very interested in a private mansion atmosphere like the Hart house which is the only one of its size and scope in Las Vegas. In addition, many organizations request interior home tours and since the Harts are a family of celebrities, there is much interest in touring their unique house.

Consequently, we ask your consideration in the best interest of tourism, to approve the variance and allow groups to see this special Las Vegas site as well as enjoy the hospitality which the Harts are happy to extend to our visitors.

Sincerely,

Gail L. Knowles

Gail L. Knowles
Vice President/
General Manager

BILL McFEE & ASSOCIATES
CONVENTION AND GROUP TOUR SERVICES
1055 E. Tropicana, Suite 725 ● Las Vegas, Nevada 89109

0200

September 16, 1985

The Honorable Mayor Bill Briare
Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada 89101

SUBJECT: Variance regarding Hart Residence
1044 South 6th Street

A LOT OF WORDS BUT WHAT ~~[illegible]~~ DO THEY MEAN

Dear Mayor Briare:

In reference to the noted subject, we would like to call your attention to the fact that a case in this matter is scheduled for your review on the 18th of September at 2:00PM.

We would like to add our support in the approval of a variance in allowing this fine home to be opened to the public for tour groups, business organizations and utilized as a fine example of Las Vegas's unique history.

We urge you to approve this variance which would allow Las Vegas to take its place in combining grace and elegance to the sophistication of the gaming and entertainment facets of our city which make us Number One in the tourist industy.

Thank you very much for your attention to this matter.

Very sincerely,

Bennett Collins

Bennett Collins, President
BILL MCFEE & ASSOCIATES

BC/bw

BMA

(702) 798-8000 ● 24 Hrs. 735-6882
Telex 684-446
Room Reservations (800) 634-6760

MAYOR BRIARE: Well, that young lady had her father to come and help her, and, Larry, you've got your mother to help you (referring to the previous agenda item.) So, now, let's get on to the tough part of the afternoon, and that is where the application of Larry Hart, for the fourth time now, is before the City Council, having been approved by the Board of Zoning Adjustment, notwithstanding the denial of staff -- pardon me -- notwithstanding the recommendation for a denial by the staff, and a record of 49 persons that were expressing a protest in one way or another. We now take up the Board of Zoning Adjustment's decision where they approved the application to allow the hosting of cocktail and/or dinner parties by invitation for private groups and for charitable organizations and to conduct such parties for a limited clientele on an occasional basis and so on and so on and so on, which we're all familiar with. And also, Hart Family, we have a transcript of the meeting that took place. Do you have the transcript too? Yes? (Members of the Hart Family indicate affirmatively.) Good, because one of the first questions I'm going to ask you is if there's anything in there that's blatantly untrue or biased or something like that, and since you are the applicant, the City in a sense is the hearing -- because this came back to us, because any matter that is before us at one time and then later appears at the BZA must come back to us by regulation. Quite frankly, personally, I wish it didn't have to come before us again. But I want you to know, and I'm awfully glad you have the minutes, because now you know what we know from reading the minutes. I don't know whether we want to go through the agony of previous meetings and the minutes of those things, but whatever you feel, Mr. Hart, that you want to do, since you are shown as the applicant, come on forward and let's get started.

COUNCILMAN BUNKER: Your Honor, before we begin, could I see if we can clarify the application as to what it really means. To me, there are some words in this application which really are incapable of definition under zoning regulations, and the words are "by invitation," "private groups," "charitable," and "limited clientele." I'd like to suggest that this application is for a variance to allow a commercial venture in an R-1 zone when a C-1 zone is required for such a venture. Now, if that's not the essence of the application, then these folks don't need to be here, because they don't need to be here for private parties and they don't need to be here to give their home free to a charity. The only reason they need to be here is to rent their home to General Motors for a party, and that's a C-1, that's a commercial venture of a C-1 nature in an R-1 zoning. Now, I'd like to know if that's really what is before us, because I don't want to get bogged down in all of the definition

COUNCILMAN BUNKER: of what "limited clientele" means and what "by invitation" means, because it took the Zoning all night to try to define what it meant, and what my understanding is, is what you really want to do is to rent your home for a fee as a commercial enterprise.

TONI HART: May I speak, Councilman Bunker?

COUNCILMAN BUNKER: Well, I'd like to know from the City Attorney if that's what we're really here to consider, and whether this "by invitation" and "private groups" and "charitable organizations" -- it's my understanding you don't need any kind of a variance or a permit of any kind to have a private party or to have a political function or to have a charitable function at your home, as long as you don't charge a fee for it. So what you're really here for is for a variance to conduct a commercial venture in an R-1 zone.

TONI HART: No, it's not true.

MAYOR BRIARE: Just a minute, Mrs. Hart. Let's -- I think -- may I paraphrase your question, Councilman Bunker? What is the question before us at this moment?

CITY ATTORNEY OGILVIE: I think Councilman Bunker has stated very succinctly whether or not she will be permitted to conduct a commercial enterprise in a residential zone.

MAYOR BRIARE: That was my impression and, Councilman Bunker, do you accept that as an answer to your question? You might not agree with it, but do you accept it as being an answer?

COUNCILMAN BUNKER: I thought that's what I said.

MAYOR BRIARE: Okay, Mrs. Hart, do you disagree with what's before us here?

TONI HART: Absolutely.

MAYOR BRIARE: You do disagree that the reason we're here --

TONI HART: I do disagree.

MAYOR BRIARE: -- is to decide whether you should be allowed to do this as a matter of a commercial venture?

TONI HART: Yes. I am Toni Hart, the owner of 1044 South Sixth Street, and before I get into these names, I have 70 some odd names that we've -- as a matter of fact, you never mentioned at the last meeting that I had 27 names that we got in one hour opposed to their 42 names.

MAYOR BRIARE: Yes, plus some letters that have come from some of your friends here also.

TONI HART: Yes. And I have 70 some odd names here today, but I am here, Councilman Bunker, because you people prosecuted me and spent $20,000 of taxpayers' money to prosecute me on a misdemeanor for having a party which they fined me $1,000 and the judge told me I could not ever have another charity party in my home -- nothing.

COUNCILMAN BUNKER: For a big fee.

TONI HART: Nothing. He didn't say for a fee -- nothing.

COUNCILMAN BUNKER: Well, then, the City Attorney is misinterpreting the --

TONI HART: The judge said I could not have a party, a charity, anything, and that I would go to jail if I had another party. He was going to put me in jail for six months, and those two women who have brought all this trouble on me stood in my back yard and told me that Councilman Levy himself was going to put me in jail personally.

MAYOR BRIARE: Mrs. Hart, you're getting off to a --

TONI HART: Those two women right there.

MAYOR BRIARE: Mrs. Hart, is Mr. Dotson your attorney?

TONI HART: Yes, sir.

MAYOR BRIARE: Is he going to be a part of this application at all?

TONI HART: He had something on a different line to talk about, but I want the truth brought out because --

MAYOR BRIARE: Well, Mr. Dotson -- may I ask Mr. Dotson a question?

TONI HART: Sure.

MAYOR BRIARE: Mr. Dotson, do you have any comment with regard to Mrs. Hart's statement with respect to what the judge said she could or could not do?

ATTY. EDWIN DOTSON: I understand that's what his comment was.

MAYOR BRIARE: So what is your next legal move?

ATTY. EDWIN DOTSON: We have an appeal pending.

MAYOR BRIARE: So there is an appeal on this matter pending at the present time?

ATTY. EDWIN DOTSON: Yes. On the City prosecution, yes. It's a matter I won't comment on. We'll do it in the court.

MAYOR BRIARE: Well, I'm going to caution your client and anybody else, whether they're for or against this, Mr. Dotson, that this meeting's going to be held expeditiously right here and now, and it's going to be done without any aspersions cast one way or another, recognizing that we're here to listen to the points that are being made, and being argumentative is going to be a one-sided argument.

ATTY. EDWIN DOTSON: Well, I don't intend to get in any argument.

MAYOR BRIARE: I wish you'd advise your clients to do the same.

ATTY. EDWIN DOTSON: Well, I think she's -- she's heard what you've said, and I'm sure that she'll abide by it.

MAYOR BRIARE: Thank you, Mr. Dotson.

ATTY. EDWIN DOTSON: We would like to proceed with it.

MAYOR BRIARE: Yes, please do.

ATTY. EDWIN DOTSON: Mrs. Hart is somewhat emotional about this, as you can well imagine. We've -- I'd just like to correct the record. You said this has been here for the fourth time. This is only the second time.

MAYOR BRIARE: Before the City -- before the City.

TONI HART: Second for this.

ATTY. EDWIN DOTSON: It's been before the Board of Zoning --

MAYOR BRIARE. Two for us and one for the BZA and one for the Planning, was it?

TONI HART: No.

MAYOR BRIARE: Oh.

ATTY. EDWIN DOTSON: No.

MAYOR BRIARE: Oh, okay.

ATTY. EDWIN DOTSON: No. This is both the BTA -- the Board of BZA, I guess it is. I would just like to say that my approach is somewhat the same as Mrs. Hart, but on a different line, and that is that in looking at the parcel of land which we're talking about here, and we're talking about a variance, and it would be a limited variance, as approved by the Board of Zoning Appeal, that

ATTY. EDWIN DOTSON: there would be two parties permitted, which probably would never occur in any one month, but two parties a month. The parking would have to be as they've arranged in the area behind the property, that there would be no parking on Sixth or any other residential street -- Park Paseo. We, of course, have no control over the streets, but we would make the effort with two security guards to advise people who approach to park there that they would have to park in the -- well, I call it the Hers Rhoder Building. It's something else now --Collette, or whatever --there's another buyer now, which we have made arrangements for and which has worked out. In the one party that became the problem of the prosecution, that thing was far larger than Mrs. Hart had ever anticipated and it got a little out of hand. In any event, I would just like to give the Council some points that I think are salient in considering this, because this is a zoning application really. It's not a change of zoning. It's the right to use a residential property for a commercial purpose in an area that is zoned R-1. But let's look at the map, if you would, for a moment. The pencil is pointing to the space that is the part of the application, which is approximately 220 by 238 feet square, or 52,360 square feet. If you look at the rest of the block that's part of the block, it's less than 20% of the block. Now, from a zoning standpoint, the rest of the block, the light colored almost purple or lavender, whatever you want to call it, immediately north is zoned P-R, which is used for legal offices, doctors offices, whatever, and the area immediately west, which is red, is zoned C-2, which is a commercial zoning, and, of course, any of the commercial enterprises that are permitted in C-2 can function there. There's a 75 foot lot which is immediately to the west, and that's still an R-1 zoning. We're right here in the buffer zone of a change. I don't know how you could ever consider that this is going to remain R-1. It's less than 20% of the entire block, and if we look the other way and across the street going east on Sixth and Charleston, there, that purple area, which is now pointed out, both there and on the corner is zoned P-R also, and then, of course, on down it's becoming commercial and there are P-R zonings. It's unfortunate that we have the residential area, but it happens everytime. My office is located in the same kind of a deal. I had to come in and get a variance to have my office at 311 North Sixth Street, and for years, it's been zoned -- or rather, there's been a C-1 Resolution for the first couple of blocks. I don't know whether it still exists, but some years ago, and I used to check into it a little bit because of the ownership to that property. I was aware that there was a C-1 intent. In other words, it's within the mind of Planning that this is property that is going to become and is certainly impinged upon by all of the elements that now are coming into effect in making it a corner of a block that is C-1 and P-R. Probably 70% of the block is C-1 or C-2, and only this 15% piece of property is a -- you know, sitting there as an R-1. So from a zoning standpoint, ATTY. EDWIN DOTSON: it certainly cannot ever be thought that it will revert the rest of the block to an R-1. We know that progress in this city is not going to permit that. We also know that we have a situation here where this property is on a buffer zone, you might say, and yet, there is no buffer zone. You've got P-R right next door. The same 220 feet that is located immediately north, may not be quite that deep, but it's a lot longer, that stretches to Charleston, is P-R. Now, you might say, "Well, it couldn't be argued that this would not be proper P-R, and yet, I think it would be proper P-R. But we're not asking for P-R zoning. That would be everyday use. What we're asking here is merely a variance to use this property in a manner which will be helpful not only to Mrs. Hart, but to the City of Las Vegas, and I'd just like to point out the need that we have for this kind of a facility. There are many, many -- we seek in this community tourism. We seek to have conventions. We seek to have people come and be entertained here in a grand and a fine manner. It's true that they do that all over the country. It's one of the facets of our appeal that we do have places that special parties can be held. Mrs. Hart happens to have a residence that lends itself to this sort of thing. Now, she's not asking you to give her a carte blanche variance that will permit her to run a business in that place that she owns, but only and limited to not more than two parties a month. I don't care where you live in this community, somewhere you're going to get discommoded with parking from people who hold a party next door to you or whatever. Maybe not at my place. I've got seven acres and they can park all over the place, but I've had 135 people there and nobody ever parked on the street, but this is different. We're downtown. We're in the City. We're in a residential area. Mrs. Hart recognized the problem. I don't think anyone can say here that she hasn't tried to deal with that problem and to avoid discommoding her neighbors by going to the people in the back and arranging for parking, by having people at her front door to tell people to go around the back and park, and by agreeing with the Board of Zoning Appeal to do those very things as conditions for the variance. There's a fine line that comes between what a commercial party is and what a private party is, and Mrs. Hart wants to avoid any problem with her neighbors and with the City. That's why we're here the second time. The Board of Zoning Appeal apparently from a zoning standpoint has taken the position that this application is worthy to be approved, and they have approved it. We're not here to abuse this City -- certainly not. We're here because we have an earnest desire to provide a facility to the City of Las Vegas and to obtain the legal right to do so on a limited basis. She's not going to run a business there. There aren't going to be people coming in daily. I wonder if I might have a little water. Sometimes I get a little dry.

ATTY. EDWIN DOTSON: (The City Clerk provides Mr. Dotson with a glass of water.) And I'm not going to be much longer. There are a real need -- there is a real need, or there are real needs for this kind of a facility in this community, and I believe that the City certainly -- I've heard it said and read from almost everyone on this Council that the reason we're so concerned about this shipment of radio active material is that if anything happened, it would destroy our tourism in Las Vegas, Nevada generally. Now, I don't say that not approving this application will destroy our tourism in Nevada or in Las Vegas, particularly, but I will say that if you do approve this, it does give you one more facility that will enhance tourism in Las Vegas, particularly. Other places throughout the community have done this sort of thing. They have charged for the use of their home. There is a risk. There's a damage that occurs generally everytime somebody has people who come into their home. They just don't protect it the way they do their own homes for some strange reason. There is, therefore, a necessity to cover one's exposure by either insurance or by the payment of a fee to take care of those things. And Mrs. Hart has built a facility. She has explained to you in some detail that in her previous location in Detroit that she had a 13 bedroom home and something like 25,000 square feet and is used to throwing parties of a pretty good size. I wouldn't consider it.

MAYOR BRIARE: For a fee, Mr. Dotson?

ATTY. EDWIN DOTSON: Well, I don't know whether she did it for a fee or not. I don't know what her comment -- I don't recall that being stated. But, nevertheless, the thing that we're here for today is not to open up this property to commercial zoning, although certainly, in all reasonable inference, it can't become anything but P-R or commercial. It certainly will never change the block back to R-1, and as I said, it's less than 20% of the total area of this block, and it's right in the corner. Unfortunately, we've seen the erosion, so to speak, if you want to call zoning and progress -- if you want to call it that. We've seen erosion, but take a look at the property all along Las Vegas Boulevard and then take a look at the street which is Paseo -- what is it -- Park Paseo. You have that property which is zoned -- the deep red is C-2, I believe, and the light red or the pink is C-1, which is on Park Paseo, immediately south of this property, and a little to the rear. The yellow is R-1. So we're right in an area where you gentlemen have some discretion and we're right in an area where zoning principles might dictate that possibly this corner should become the same as the rest of the block, and we have been approved by the Board of Zoning Appeal for two parties a month, which would be on a commercial basis, or a charge would be made of some kind, either for cleanup or for whatever. There is, of course, as the Council has previously

ATTY. EDWIN DOTSON: indicated and as the Board of Zoning Appeal indicated, the use of her property for something other than compensation isn't within the control of this Board in any event, and we don't argue that at all. I think it's something that we all agree on. I think that we could all agree as well that this property is certainly in a never-never land between residential and commercial.

MAYOR BRIARE: Okay, Mr. Dotson, I think you've -- not only do I think you've covered it, I think you've covered it very well, your arguments, with respect to this application as an application for zoning, and I'm sure I speak on behalf of the Council that we appreciate you're keeping it to the specifics of zoning as opposed to other times that have come up both at this meeting and the meeting of the BZA where we're talking about the person's right to have -- use their homes for whatever's allowed within the confines of the laws of the State and the Constitution and the City. So did you --

ATTY. EDWIN DOTSON: If I might just respond to that. We are here in my opinion as a lawyer and not -- not as speaking in any other regard, because that's been my engagement for 35 years. I think we're right here in the borderline of whether or not the City really has the authority to control it. It's such a close case. You see what I mean, and that's why I'm talking about we're tippy toeing right here between commercial and residential.

MAYOR BRIARE: And, Mr. Dotson, will you --

ATTY. EDWIN DOTSON: Anyway you want to cut it, that's what we're talking about.

MAYOR BRIARE: Yes, and I think your very last statement just a moment ago, it paraphrases something that I said, that if you charge a fee, it's up to this Board to say "yes" or "no" you can do it. If you don't charge a fee, ultimately, it's going to be up to a court to say whether you can do it or not and even if this Board said that, "No, you can't do it, if you're going to charge a fee," it very well might end up in court anyway.

ATTY. EDWIN DOTSON: That's a possibility we haven't considered yet, but I --

MAYOR BRIARE: Well, I mean, I'm just saying because you've indicated -- well, you indicated, I think, and kind of clarified that one of the problems we have here is that we're dealing on a very thin line. I think you used the expression "thin line" --

ATTY. EDWIN DOTSON: Yeah, we're tippy toeing.

MAYOR BRIARE: -- as to the person's right to use his or her property in the manner in which she or he wishes to, of course, providing that it's within the laws and it doesn't infringe upon the rights of

MAYOR BRIARE: others. But thank you, Mr. Dotson, for keeping us that way and if Mrs. Hart and Larry Hart would be equally as considerate with respect to the presentation today, I'd appreciate it very much.

TONI HART: Right. Mayor Briare, I would like to comment on the one thing you said. I am talking about -- backing up to that particular Infocom Party, I did not receive any money and I did not testify in the courtroom. I was ill and had passed out at my doctor's office, and I was not there. I did not testify. That's coming up again, because we're appealing that, as my attorney told you. But I would like to say that I'm going to a party Saturday night at this home and all of you know where this is. It's $10 for a donation for the Museum of Arts and you get -- you pay $10 at the door.

MAYOR BRIARE: Is it going to be at your home?

TONI HART: No, sir.

MAYOR BRIARE: Oh. You're talking about --

TONI HART: No, sir. I got everybody all stirred up for nothing. But it is at someone else's home, and there's -- this is happening all over the city and I don't think I should be singled out to not be able to have functions in my home. We're not talking 500 times a year or 365 days a year. We're only talking even possibly a couple of times a month. There's nothing that goes on in this town from May through August.

MAYOR BRIARE: I think we've clarified, Mrs. Hart, what it is that we're talking about and what the matter is that's before us.

TONI HART: Alright. May I turn in this, please, and also my -- how many names do we have, Larry?

LARRY HART: Seventy-five.

TONI HART: Seventy-five names. And could have gotten 500 if we'd of had time. We've been in Reno.

MAYOR BRIARE: Give them to the City Clerk. I'm sure you could, Toni.

TONI HART: Thank you.

COUNCILMAN LURIE: That particular party she's talking about is in the County.

COUNCILMAN LEVY: Well, and it's a charitable event.

TONI HART: I don't know, but they're still --

COUNCILMAN BUNKER: Are they going to charge for their home Saturday night?

TONI HART: Sir?

COUNCILMAN BUNKER: Are they charging Saturday night for the use of their home?

TONI HART: He charges a cleanup fee, yes, sir.

COUNCILMAN BUNKER: Who is this? Who was it?

TONI HART: Dr. Hammargren, and he's dedicating his Boulder Dam replica that's he built, a dedication service, and then they're giving the money to the Museum of -- Art Museum.

MAYOR BRIARE: Go ahead, Mr. Hart.

LARRY HART: Yes, my name is Larry Hart, 1044 South Sixth Street. I will be brief. I would like to say I'm sure the Council is aware that we have spent a great deal of money investing in this neighborhood. It is not our intend to rezone that property. It's residential. We're going to live there. It's not for sale. We have been approached by people that tell us that they have the power to rezone it commercial. It is our intent to live there for many years to come. I would state to the neighbors that we will litigate this as far and as long as possible to resolve this. We don't want a dispute with the neighbors. We don't want a dispute with anyone. This variance application was filed to begin with to resolve an acrimonious situation with the neighbors which I believe we've addressed previously. I think that the neighbors have to reevaluate their position on this and recognize the fact that they are delaying the inevitable on South Sixth Street. Mrs. Schwartz has apparently come to that conclusion. At the August 22 BZA Meeting she said that it's her intent to go for a P-R or C-1 zoning application. That's on Page 9 of your transcript where she states that. We would like to resolve this matter, and we would like peace with these neighbors. There is a small fortune invested in that house and it's not our intent to turn it into a rental home. We've going to be living there long after both my brother and I are married and have children, and that's all I have to say. Thank you.

MAYOR BRIARE: Thank you, Mr. Hart.

COUNCILMAN LEVY: Mr. Mayor?

MAYOR BRIARE: Councilman Levy.

COUNCILMAN LEVY:; Yes, I'd just like to make a couple of comments before we call on some people. I'd like to -- first of all, I'm sorry that Mrs. Hart has taken it so personal in regards

COUNCILMAN LEVY: to myself. But I'll tell you this, I'll speak for myself, and no ladies have ever spoken for me. I have never ever made a statement that I'm going to put you in jail.

TONI HART: Well, thank you.

COUNCILMAN LEVY: But I'll speak for myself, and if you have any questions, you call me. Now, secondly, Mr. Dotson, in behalf of what you said. That whole block that you're talking about, there is no ingress and egress to Sixth Street. Now, when that professional office building was built just north of the Hart Home, they came in and wanted ingress out of Sixth Street, and this Board turned them down, and I think we've turned them down two or three times. So there is no ingress and egress to Sixth Street, and that is probably one of the major problems, and that is one of the problems that I have with this home. Now, the Harts knew -- when they built or bought this home -- it was, I think, half built -- they knew that they had a problem because they came before this Board and Mrs. Hart proceeded to tell us how big a home she had in other areas, and I believed her. When the question was brought up if she was going to use it in any kind of other use, she said, "No, I am used to a big home and that's what I want." And that is -- and that is of record also, sir. So there's been no -- very few changes. The only thing that's happened on that whole square block since the Harts moved in was the property on the north side of them. Nothing else. And that house has no ingress and egress to Sixth Street.

TONI HART: Sir -- Councilman Levy, I would like to tell you that we resolved the parking because I rent a parking lot behind the house.

COUNCILMAN LEVY: You told us that last time, ma'am.

TONI HART: Did I tell you that the last time?

COUNCILMAN LEVY: Un-huh. Yes.

TONI HART: Well, good, because that takes the parking off strictly for the parties that are the special clientele. In other words, for my personal parties and charities, the Zoning Board said we could park on the street or anywhere we wanted to.

COUNCILMAN LEVY: Please don't bring charities and personal parties into this.

TONI HART: Well, that's what it's all about, Mr. Levy.

COUNCILMAN LEVY: We can't -- let me just make one more comment. We can't tell -- we can't tell a judge how to perform. Now, if the judge said you can't have any charity parties at your home, that's his problem.

TONI HART: That's unconstitutional.

COUNCILMAN LEVY: We have indicated -- we have indicated we didn't think we could tell you, and we've told the neighbors, that we can't tell you not to have a party at your home, just like every one of us can do in that regard. But we can tell you that you can't charge and have these private companies from the Convention Center and advertise with these party people that you have a home to rent, and that's exactly what we can tell you you can't do, because that is a commercial venture.

TONI HART: We've -- alright, we don't advertise, first of all, and, secondly, when we've --

COUNCILMAN LEVY: Well, you have somebody out -- you have somebody advertising for you.

TONI HART: People call me all the time. And may I say something to you, since you brought that point up, Councilman Levy. Jack Weyman(sic), whom you all know very well, his wife told me she gives you gifts and she knows you very well. You know Jack Weyman's wife.

MAYOR BRIARE: Jack Weyman?

COUNCILMAN LEVY: I don't know who she's talking about.

TONI HART: Jack Weyman? You don't know Jack Weyman? Consumers Electronics?

COUNCILMAN LEVY: No. His wife doesn't give us gifts.

TONI HART: Well, they're very, very nice people -- very nice people. And he said to me in my kitchen that he went to the Convention Board and spoke to you all about having a party in my home a year before this and that he wanted the party in my home a year before this, and they drove by and the house wasn't complete enough to have a party, and he said then it was my idea again this year, presented it to the Convention Board and then I learned that you were on that Convention Board and I said, "Why didn't Mr. Levy say that I can't have the party in an R-1 zone?"

COUNCILMAN LEVY: Because it was never brought to our Board, as long as I've been on it.

TONI HART: Okay. Well, anyway, Jack Weyman stood in my kitchen and told us that at -- the night of the party of --

COUNCILMAN LEVY: I know Mr. Weyman.

MAYOR BRIARE: If I were -- if I were a judge at a legal court, I'd say all this is, you know --

COUNCILMAN LEVY: Irrelevant.

MAYOR BRIARE: What are the words, Ted?

CITY ATTORNEY OGILVIE: Irrelevant.

MAYOR BRIARE: Irrelevant and immaterial, right, Ted?

COUNCILMAN NOLEN: Your Honor, I'd like to --

MAYOR BRIARE: And, folks, I'm going to ask if the people who are here to speak in opposition will handle it in the same manner that Larry Hart and Toni Hart have done, because you all know that we've heard almost everything before, haven't we? So thank you, Toni. Since you're the applicants, you know, because you've been here before, you're going to get another crack after we hear from the folk people who are opposed, but it's going to be a short one.

COUNCILMAN LURIE: May I ask one question, Mayor? The question that I have is if you are going to have to have parties, and, Ted, you mentioned a cleanup fee, and I don't even mind a cleanup fee, but I want to know what the whatever is, because when you say "whatever," it means that they are going to enter into contracts -- contracts with individuals, like these two letters we have, U.S. Host and McFee and Associates, Convention and Group Tours. That means that these people want to contract with the Harts to use their house, which means they are going to be paying a fee, which means it's commercial venture. So I mean a cleanup fee, I can see having a charitable party and charging the organization, doing their solicitation permit saying they have to pay a cleanup fee -- I don't even have a problem with that, but I do have a problem with renting the house out, as previously was presented to us with a contract by the -- last time you were before us. I do have a problem with that.

ATTY. EDWIN DOTSON: Yeah, that contract was never signed actually.

COUNCILMAN LURIE: It was signed by Mr. Hart.

ATTY. EDWIN DOTSON: Yeah --

LARRY HART: But it was never executed.

ATTY. EDWIN DOTSON: Never completely entered into.

COUNCILMAN LEVY: You never got the money?

COUNCILMAN LURIE: You didn't get $7500?

LARRY HART: That's a matter that's on appeal, which I believe Mayor Briare said was immaterial and irrelevant, and if I could --

MAYOR BRIARE: It depends on who brings it -- it depends on who brings it up, Larry.

LARRY HART: Yes, I did received the money.

TONI HART: Well, I didn't --

LARRY HART: Wait a minute, excuse me. I did receive payment, as did the caterer, of $30,000, and as did the florist for $7800. If I could clarify for you. Any charity that we have let use our house, we absorb the costs of whatever they do. The depreciation on the carpets and whatever damage, we pay for. These people that have come in and used the house or will use the house, not only do we have to anticipate what it's going to cost to employ people to clean the house, you can't bring in Betty's Cleaning Service to clean this house up. There are objects that have to be protected and looked over with people that are reliable and trustworthy. That's number one. Number two, we have nearly 27,000 square feet of carpet that has to be cleaned and scrubbed each time this happens, 3800 square feet of tile and 6800 square feet of floor space in the pool area, and all of these things have to be taken into consideration. We love to have parties and are going to have quite a few more. I'm having my second annual 25th birthday this year that I anticipate about --

MAYOR BRIARE: Okay. Come on. Larry, come on.

LARRY HART: If I may finish, please. I'm answering a question.

MAYOR BRIARE: Well, I'm not interested in when your birthday party is, Mr. Hart.

LARRY HART: Okay. I'm trying to clarify --

MAYOR BRIARE: Now, I can put you -- I can have you sit down right now, and all the courts in the world are not going to stop me from doing it. Now, you stick to the subject here. I'm not -- I could care less about when your party is and when your birthday is. Now, come on. Straighten up.

TONI HART: Sir, they'll write you a letter when we have the birthday party. That's why --

MAYOR BRIARE: I get letters all the time.

TONI HART: I know you do.

LARRY HART: Okay, fine. Anyway, to answer your question, it is -- the cleanup fee is the actual cost of cleanup and depreciation on the use of the house --

MAYOR BRIARE: Incidentally, Mrs. Hart --

LARRY HART: -- which is not --

MAYOR BRIARE: while we're getting ready to hear from the folks that are going to speak in opposition to it, may I direct a question to you that I did to your attorney. Did you charge fees back in -- where, Ted? Where did you live?

ATTY. EDWIN DOTSON: Detroit.

MAYOR BRIARE: Detroit?

TONI HART: No, I have never charged fees.

MAYOR BRIARE: You never charged a fee?

TONI HART: I don't charge fees here. We didn't even know that this house would -- anybody would want to use our house for a party until we started learning about tourism.

MAYOR BRIARE: Okay. You answered the question, ma'am. You said, "No."

TONI HART: No.

MAYOR BRIARE: And that's all I asked.

TONI HART: No, I did not.

MAYOR BRIARE: Would you please be seated now.

TONI HART: Yes.

MAYOR BRIARE: Mr. Dotson, would you lead your clients to their seats. Who is here to speak in opposition to this? I'm going to have the gentleman because he raised his hand before. He was waving to somebody, but that's okay.

JUNE SCHWARTZ: My name is June Schwartz. I live right across the street from the Harts, 1013 South Sixth Street. I'm not going to be redundant. You gentlemen know all about this and we've gone on and on. One thing that I'm interesting in knowing that if you have a commercial or professional, are you allowed to live there? Can you tell me that, Mayor?

MAYOR BRIARE: No, I think the ordinances say that if you have a commercial zoning, unless you get a variance, you are not allowed to live there.

HAROLD FOSTER: That's correct.

JUNE SCHWARTZ: Secondly, for the records, and then I'm through, I was being very facetious at the other meeting two weeks ago.

MAYOR BRIARE: With respect to Page 9?

COUNCILMAN LURIE: What she said was if they got the zoning, you're going to come back for the same zoning.

JUNE SCHWARTZ: I said -- I was being facetious -- that if they get this, this commercial, you bet your bottom bippy I'm going to do the same thing.

MAYOR BRIARE: Yes, we hear that frequently. Yes.

JUNE SCHWARTZ: And that ends -- but that's how I said it -- very facetiously I would really like it to stay residential. It's a -- it's always been a beautiful area and one of our older ones, and that's all I have to say.

MAYOR BRIARE: Thank you, Mrs. Schwartz. Anyone else? While this gentleman is coming forward, let me ask. Who all is going to speak in opposition to this? One person. Fine. That's wonderful. Would you be on your way up, sir. Come on up. Yes, sir, your name and your home address, please.

DON REAM: I'm Don Ream, 1470 South Seventh. My one question is, the radius -- legal radius of the gathering of signatures for this petition. She informed that she had 300 -- 70 now; she could get out 300 and things like that. Is there a legal radius?

MAYOR BRIARE: Mr. Ream, let me answer that for you. The -- when notices are sent out by the City, there is a prescribed radius of people who would receive that as a matter of course. It might be -- depending on the circumstances, the City might send out more. Now, what a petitioner gathers, whether he gathers within that particular area, or whether he gathers from the City of Henderson, it's their right to gather a petition any number and anywhere they wish. It's up to the recipients, namely a board such as this, to determine by looking at the -- at the petition, as to how much it's going to influence them when it pertains to a particular zoning matter.

DON REAM: Yes. The reason for asking this is because --

MAYOR BRIARE: So they can have -- they have petitions from anywhere, Mr. Ream.

DON REAM: Yeah, okay. The reason for asking was because I hadn't received a notice of this, until, they came around with a

DON REAM: petition for signing it, and I wanted to see whether I was included in it. Thank you.

MAYOR BRIARE: Right. Mr. Earl, you didn't raise your hand, Counselor.

ATTY. RULIN EARL: I know I didn't, because I didn't -- I really didn't intend to say anything.

MAYOR BRIARE: I hope it wasn't anything I said.

ATTY. RULIN EARL: No, but some of the people who live there wanted me to make the point that you have already made. When this boils down to what Councilman Bunker said, we're talking about a commercial use in a residential area. Now, we already know what's happened in the area, say from Fremont Street over to Charleston, and what these people are afraid of and what I'm afraid of is once you get this started, it's just -- if you grant this, you're opening it up, this whole area, to commercial zoning between Charleston and St. Louis. We don't need that. That's what everybody is afraid of. I think Your Honor mentioned that you were voting consistently against these zoning applications on Las Vegas Boulevard for a specific reason. People keep coming in and say, "Well, you did it here; now, do it for us," and that's exactly what the homeowners in this area are afraid of. This is a residential area and so far, it doesn't -- we don't deny that there's -- on Charleston Boulevard, there's professional buildings. Nobody denys that. We don't need to spend time arguing about it. But what we're -- what we want to do is to stop it right there, because in this area from Charleston over to St. Louis and then on from St. Louis over to Sahara, you've got a junior high school; you've got a grade school that's been there; young families are moving in there. It isn't a question of that being an old neighborhood anymore. Young families are moving in there because of the schools -- because of the junior high school and because of the grade school. The area is a nice residential area and we don't need any more commercial areas -- an expanding area. And that's really what we're talking about. We just don't want a commencement of a commercial area which will then gradually take over this whole area between Charleston and St. Louis. That's what we're afraid of. And the only people -- the only people -- only people that we can come to is the people that live in that residential area is here, and if you don't protect us, nobody's going to protect us. And they have said -- of all the rhetoric -- they are going to charge. They've got a big investment. You heard that. They're going to charge and when you start to charge, then you're into a commercial area and you're opening up that whole residential area, and I just don't think we need it, and the people are -- frankly, they're very worried about it.

MAYOR BRIARE: Yes, sir. And then, Mr. and Mrs. Hart are going to have an opportunity to rebut what has been said here by you people.

MAX HOWARD: My name is Max Howard. I live at 1101 South Sixth, and there isn't really much that I can say after -- after Mr. Earl got through. The only thing I worry about is that if we're going to stick to the ordinances and the lots that we have, that they not be allowed to use the property unless it's properly zoned. And it isn't properly zoned for somebody to come in there and use it for commercial parties. We all agree. There's -- I would apologize to Mrs. Hart. Everybody is entitled to have private parties. I mean -- and as far as any of the neighbors, we're not objecting to her giving parties for charity. I mean, when this thing first started out and it was absolutely terrible, since then, she has somewhat rectified the parking. She's made other arrangements for that. But I still think that as far as this zoning's concerned, where it either has to be either R-1 or it's got to go commercial. That's all I have to say. Thank you.

MAYOR BRIARE: Thank you, Mr. Howard. Which -- who -- which of the Harts want to rebut? Let me review the rules that this Council has followed with respect to public hearings. You're the applicant, Larry. You started out. Then we heard from the opposition, and now, by group -- Council rule -- you're allowed to comment, but not to represent your case.

LARRY HART: Right.

MAYOR BRIARE: Only to rebut the arguments that have been given, and then this Council, unless they have questions that they want to direct to either staff or to the people who have participated in the public hearing, only the Council then is charged with the responsibility of making a decision, based on what they've heard. Larry, you can go ahead.

LARRY HART: Alright. In regards to what Mr. Earl stated that I think is a majority of the problem here, we are not trying to rezone this neighborhood, and I think that the Council has to take into fact along with the neighbors that the average sized house is 2,000 square feet in that neighborhood, and our house has 31,000 square feet, and this type of use is not going to be happening in that neighborhood. Our situation is rare and unique and it is residential and we intend it to be that way as long as we're the owner. If that's not agreeable to you people, we can sell it to someone that will turn it to commercial. We want to live there and we would like to resolve this issue with you people. That's it.

MAYOR BRIARE: Thank you, Mr. Hart. Are there any questions or comments by Council members?

COUNCILMAN NOLEN: I have some comments, Your Honor.

MAYOR BRIARE: Councilman Nolen.

COUNCILMAN NOLEN: First off, the petitions that were presented to us containing -- I didn't count them, but it was alleged to be 75 or 79 signatures, just for the record, I'd like to state that some of those addresses there certainly were not persuasive to me, when you're talking the 4400 block of Vegas Valley, 6900 block of Rocky Point, Spencer Avenue, Walnut Avenue, South Caliente, Tropicana, Harrison, Fall Court, Polaris, Monterio Drive, East Harmon, West Charleston, West Washington. That's the 6600 block of West Charleston, and it goes on and on, up into Antelope. These are miles and miles away from the affected property. Secondly, there were representations made by Mr. Dotson regarding the reason that they're here was to provide certain services to the tourists of this community. I have to take exception to that. I believe the reason we're here is because they want to make money on a commercial venture, certainly not to be benevolent to the tourists that come into this community. There are numerous tourist facilities out there available to the tourists and none of them to my knowledge are located in residential neighborhoods. I think that's the big thing that we have to deal with here today. This is a residential neighborhood. It's an R-1 area. There are convention facilities all over this community, none of them in R-1. Anytime you have a party in excess of 800 people in a residential neighborhood, you're being unfair to your neighbors. I'm certainly not persuaded by the arguments as to the size of the home. They knew what size the home was when they bought it. They purchased it as a home and then later felt that perhaps we can make a commercial venture out of it. So I'm not sympathetic to that. In addition, I'd like to clarify the record that there was no approval granted, Mr. Dotson, by the Board of Zoning Adjustment. It only carried a recommendation to this Council. This Council will make the approval, and you've stated numerous times that the Board of Zoning Adjustment approved this. They've only recommended that it be approved and we'll make that determination here today, or hopefully, today -- whatever the pleasure of this Board is. But we have the final say here. There was also some comments about you were going to continue to have parties and continue -- basically, the attitude I got, was you were going to continue to do what you want to do, in spite what we do here. I take exception to that. As far as having charitable, non-profit parties in your home, certainly, you're free to do that. I would object to anybody telling me that I couldn't do that in my home, but anytime you decide you want to charge a fee for that, that is a commercial venture. It's plain and simple. Basically, I'm ready to make a motion when the public hearing is closed, Your Honor.

MAYOR BRIARE: Okay. I was going to ask if there were any questions by the Council members that would be appropriate prior to the close of this public hearing. There being none, the public hearing is closed. Mrs. Hart, there's no second crack.

MAYOR BRIARE: Now, you've had it, and you've had it exactly in accordance with the procedures that have been set up. Do any Council members have any comments they wish to make?

COUNCILMAN NOLEN: I HAVE A MOTION, YOUR HONOR, THAT WE FOLLOW THE RECOMMENDATION OF STAFF AND DENY THE APPLICATION.

MAYOR BRIARE: I should have entered into the record, if you don't already have them, Mrs. Hawley, a letter from Bill McFee and Associates favoring this request, which I think each member already has. Do you want the originals?

CITY CLERK HAWLEY: Yes, I do.

MAYOR BRIARE: And let me have that other one. Did I get both of them? Yes. One is from U.S.A. Hosts and the other is from Bill McFee and Associates. Are there comments on the motion? I have to make a comment, and it follows along with what Councilman Bunker has already said in the very beginning of this public hearing, and it reflects back as many months ago as this first came before our Council. It's my belief that if a person wishes to use his property for one thing or another, it's his or her right to make an application to do so, no matter what it is. The right is to make the application. Now, whether permission to do so is or is not given is determined after full consideration is given at an appropriate public hearing. So this is why we're here today. And this is a right -- the right of a person to apply to their government, and especially, the right to apply to their elected officials. It is a right that this Council wishes to protect and will protect, allowing a person to file an application for a use permit. But there should be no mistake that this Council also wishes to protect the rights of those who have the right to protest, and if it would appear, as Mr. Hart indicated, that it is inevitable that this property will change in one way or another, the neighbors need not fear, because I believe that the same rights and the same privileges will exist down the line and in the future as they exist before this Council. Anybody can ask, but asking and getting are two different things. I think that we're all concerned, especially the members of this Council, and I don't want to be facetitious or anything, but I've seen my fellow Council members at many social events in this community. We're not adverse to participating in celebrations for or -- not necessarily for charity affairs or public acitivities or civic activities. Many times, we bump into each other two or three times a week at social functions, and these are private parties and everyone in the City, I believe, and I've never experienced a City like Las Vegas that have more parties and go to more parties than people who live in Las Vegas, because we're perhaps in a place we like to call The Entertainment Center of the World. and I, for one, firmly believe that

MAYOR BRIARE: we are, and to go to all of these functions, it's a great thing, and I would hate for anybody to suggest that this Council is not in favor of groups of people in a friendly manner getting together and celebrating and enjoying themselves or doing whatever they have to do within their legal right to do so. I don't know how many -- I think each member at one time or another has tried to express that we're not in opposition to using a person's private home for things that are conducted in a person's private home, but when it gets to be a commercial venture, and I think we've clarified this, and we've had our City Attorney so state, that the application is simply, "Is it allowed to be done for a fee?" because no one can stop a person doing what they can legally do in their home if there is no fee charged, and I don't want to cut it down to where it's so basic that it doesn't sound like we have any problem at all. Of course, we have a problem. So that being the case, I would invite the Council members to make any comments they wish to make along this line, and if they have none, we'll go ahead with the vote. (No response.) guess we're ready for the vote. Cast your vote. The motion, incidentally, is to follow the recommendation of staff, which was for denial. Cast your votes. Post. THE MOTION'S APPROVED. THE APPLICATION IS DENIED.

(VOTE. Unanimous support of the motion to deny by all members of the City Council.)

/ch

AGENDA

City of Las Vegas

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

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT HAROLD P. FOSTER, DIRECTOR		

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

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT HAROLD P. FOSTER, DIRECTOR (CONTINUED)		
7. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.		
8. Provision of fire hydrants and water flow as required by the Department of Fire Services.		
All subdivision items shall conform to the following general conditions:		
Tentative Maps:		
1. Approval of the tentative map shall be for no more than twelve (12) months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve (12) months of the approval of the tentative map, or an extension of time up to one year, is not granted for the tentative map, a new tentative map must be filed.		
2. Street names to be provided in accord with the City's Street Name Policy.		
3. Subject to all conditions of City departments and State Subdivision Statutes.		
Final Maps:		
1. Conformance with the tentative map.		
All Vacations shall conform to the following general conditions:		
1. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom.	APPROVED AGENDA ITEM Ralph H. Walker	

AGENDA

City of Las Vegas

September 18, 1985

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

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT HAROLD P. FOSTER, DIRECTOR (CONTINUED)		

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

Ronald H. Walker

AGENDA

City of Las Vegas

September 18, 1985

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

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
* CONSENT ITEM - Item A may be acted upon in motion. Staff recommends APPROVAL of all items. The Planning Commission has recommended approval of Item A (subdivision map).		
:33 *A. FINAL MAP 1. Valley West IX, Unit No. 2 Property generally located south of Charleston Boulevard and east of Fort Apache Road, N-U Zone (under Resolution of Intent to R-PD8). Owner/Subdivider: Bailey & McGah No. of Acres: 17.9 No. of Lots: 69 Subject to the following condition: 1. Conformance to the conditions of approval for the tentative map.	Levy - APPROVED as recommended Items A, B, and C. Unanimous	Clerk to notify & Planning to proceed

APPROVED AGENDA ITEM

[signature]

To: The City Council X.
Re: Community Planning and Development Agenda Item
September 18, 1985 City Council Agenda

*A. FINAL MAP

1. Valley West IX, Unit No. 2

The map conforms to the approved tentative map and to the Subdivision Regulations. The development is for single family homes in this R-PD8 zone.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
*B. RELEASE OF BOND	Levy - APPROVED as recommended Items A, B, and C. Unanimous	Clerk to notify & Planning to proceed
1. Location: Boulder Heights Unit 1, Phase II Use: Offsites Builder: Bonanza Lamb Ltd. Surety Co.: Reliance Ins. Co. Amount: $16,570.00 Bond No.: B31-7860 (CLV 22-83)		

APPROVED AGENDA ITEM

[signature]

To: The City Council
Re: Community Planning and Development Agenda Item
September 18, 1985 City Council Agenda

*B. RELEASE OF BOND

1. Bonanza Lamb Ltd - Boulder Heights Unit 1, Phase II

The offsite improvements at the above location has been completed, inspected and accepted. Therefore, it is in order to release the bond for this work.

Staff Recommendation: APPRDVAL

AGENDA

City of Las Vegas September 18, 1985

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

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
C. ENCROACHMENT REQUEST 1. Golden Nugget & Hotel Request for an Encroachment to allow underground building footings in the alley for a proposed parking structure on the west side of First Street between Carson Avenue and Bridger Avenue. Staff Recommendation: APPROVAL	Levy - APPROVED as recommended Items A, B, and C. Unanimous	Staff to proceed

APPROVED AGENDA ITEM

[signature]

To: The City Council
Re: Community Planning and Development Agenda Item
September 18, 1985 City Council Agenda

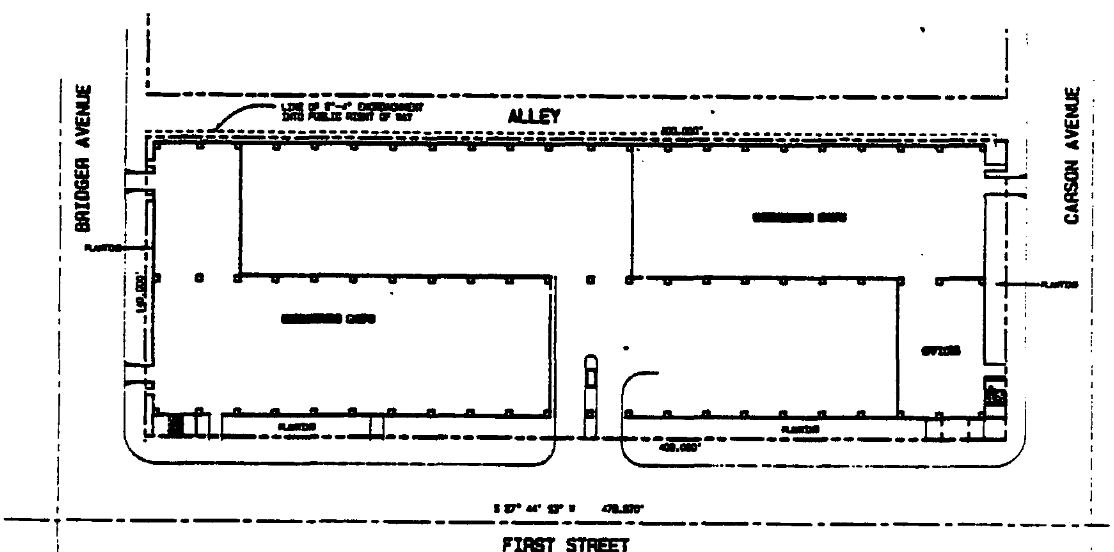
X.

C. ENCROACHMENT REQUEST

1. GOLDEN NUGGET HOTEL & CASINO

The request is to allow a 2'4" footing encroachment in the alley that will be subgrade for a proposed six story parking structure. The encroachment is relatively minor and will not be noticeable at grade level. The footings will not interfere with the existing utilities in the alley. The alley is in the block bounded by Carson, First, Bridger and Main Street.

Staff Recommendation: APPROVAL



SITE PLAN

EXHIBIT A

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
15:34 D. AESTHETIC REVIEW 1. AR-5-83 - SIERRA CONSTRUCTION COMPANY Request for an Aesthetic Review of the proposed addition to the Golden Nugget Hotel & Casino on property located at 220 Casino Center Boulevard, C-2 Zone. Planning Commission voted unanimously to recommend APPROVAL, subject to the following condition: 1. Conformance to the plot plans and elevations. Staff Recommendation: APPROVAL	Lurie - APPROVED as recommended Unanimous	Clerk to notify & Planning to proceed

APPROVED AGENDA ITEM

[signature]

To: The City Council X.
Re: Community Planning and Development Agenda Item
September 18, 1985 City Council Agenda

D. AESTHETIC REVIEW

1. AR-5-83 - SIERRA CONSTRUCTION COMPANY

The request is for an aesthetic review on the proposed 20 story hotel and 6 story parking garage on the property owned by the Golden Nugget. The hotel will be constructed at the northeast corner and the parking structure at the northwest corner of Bridger and First Street. The exterior elevation of the hotel is aesthetically compatible with the existing hotel and casino to the north. The hotel will be connected by an enclosed walkway across the vacated portion of Carson Avenue. There will be landscaped planters with palm trees in the sidewalk area along South First Street and Casino Center Boulevard which will be the same landscaping as exists to the north. There will be shrubs planted along the Bridger Avenue side due to the overhead power line. The parking structure will be similar to the Golden Nugget's parking facility on Casino Center and there will be palm trees in the sidewalk area adjacent to this structure.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

0233

AGENDA

City of Las Vegas

September 18, 1985

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

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
15:34 E. REVIEW OF CONDITIONS 1. CV-2-81 - CITY OF LAS VEGAS Review of all conditions on the approved Misdemeanant Detention Facility located at the northeast corner of Stewart and Mojave, C-V Zone. Planning Commission unanimously voted to recommend APPROVAL, subject to the following conditions: 1. Conditions No. 3 and 4 be retained as follows: Condition No. 3: The facility be limited to misdemeanants only. Condition No. 4: All bookings and releases be done at City Hall Jail. 2. The exterior loudspeaker system at the Detention Facility shall not create a nuisance to the surrounding area. Staff Recommendation: APPROVAL - with all conditions to be removed PROTESTS: 3	Lurie - APPROVED as recommended by Planning Commission and landscaping to be installed along the Expressway as originally approved. Motion carried with Nolen voting "No." NOTE: Patty Morgan, 2857 Willoughby Avenue, to be notified when City Council review architectural plans. Nolen instructed City Attorney to look into constitutionality of cash bail only. VERBATIM TRANSCRIPT MADE PART OF FINAL MINUTES	Clerk to notify & Planning to proceed Randy Walker and Mike Sheldon appeared Patty Morgan, 2857 Willoughby, appeared in opposition

APPROVED AGENDA ITEM

RMH. Wilder

To: The City Council X.
Re: Community Planning and Development Agenda Item
September 18, 1985 City Council Agenda

E. REVIEW OF CONDITIONS

1. CV-2-81 - CITY OF LAS VEGAS

This action is for a review of conditions for the Civic zoning approval on the City's Misdemeanant Detention Facility on the northeast corner of Stewart and Mohave Avenue. The approval for this facility was subject to the following conditions:

1. The use be limited to six acres.

2. The detention facility be limited to 96 inmates.

3. Facility be used for misdemeanants only.

4. All bookings and releases be done at City Hall.

5. Five year time limit on this facility (expires November 4, 1986).

The existing detention facility has been in operation for over three years and there has not been any noticeable complaint from the residents in the area or from any other source. This facility was approved as a temporary facility until a permanent detention center could be constructed at City Hall or some other location. Shortly after this temporary facility was constructed the national recession adversely affected the financial resources of the City and then the situation was further compounded by the defeat of the property tax referendum in 1983. The City has over one year remaining on the five year time limit and is faced with a rapidly increasing jail population which can be most economically satisfied by increasing the prisoner population in the existing misdemeanant facility and then expanding it to the east on the 5.9 acre site. The capital construction costs to expand the existing misdemeanant facility would be $2.5 million with an additional operating cost of $650,000, versus a capital expenditure in excess of $15 million at another location for a new permanent facility. The City has been experiencing an average annual inmate population increase of 27%. This means the inmate population will double by 1988 and will continue to increase at least at the 27% per year rate. The existing facility can be expanded from the present 98 beds to 130 beds without jeopardizing the City's ACA accreditation and the conditions of the consent decree. The renovation of the jail facility at City Hall will provide an additional 50 beds, for a total of 180 but it will still not accommodate all the City inmates and this necessitates housing the excess in the County jail at a rate of $56.50 per inmate day. If the increasing inmate population is housed at the County jail, it will result in a total expenditure of almost $10 million from 1985 to 1990 at the current rate of cost. The expansion of the detention facility will meet the needs of the City for the next five years and during this time plans could be developed and implemented for a new detention center.

The condition pertaining to all bookings and releases being conducted at the City Hall jail could possibly remain except there may be an occasional need for unanticipated situations. All bookings and releases are now being conducted at the County Jail because the City Hall jail is presently being renovated. There are other circumstances that could occur such as a mass arrest situation, strike problems or other major disturbances where it may be necessary to book on a one-time basis at the detention facility.

Presently the City has an outside vendor providing food service for the Detention Center. If the expansion of the Detention Center is approved, it is planned for the City to establish its own food service facility. The savings through the food facility will offset $372,300 (62%) of the estimated $650,000 annual operating cost associated with the expansion project. Further, the additional savings that would be realized from housing misdemeanant prisoners in the expanded detention facility rather than housing them at the County Jail, would serve to offset the capital construction costs of the expansion project and by 1990 there would be a net savings to the City of over $3 million.

The tables on the following page provide more detail on the projection of inmate population, and the cost of housing the excess inmate population at the County Jail. It appears that the most economical alternative for the City is to lift the conditions on the existing facility and expand onto the adjoining 5.9 acre site to the east, which is bordered by the east leg of the freeway on the north and Stewart Avenue on the south. If the expansion plans are approved, the zoning ordinance requires a Special Use Permit to be approved by the City for the expanded portion which would be submitted at the time the expansion plans are completed. The property owners would then have an opportunity to review the layout at the public hearing when the Use Permit is acted upon.

Planning Commission Recommendation: APPROVAL - subject to retaining conditions 3 and 4 which limit the detention facility to misdemeanant use and require all bookings and releases to be conducted at City Hall Jail

Staff Recommendation: APPROVAL - with all conditions to be removed

PROTESTS: 3

CV-2-81

CITY OF LAS VEGAS
MISDEMEANANT DETENTION FACILITY

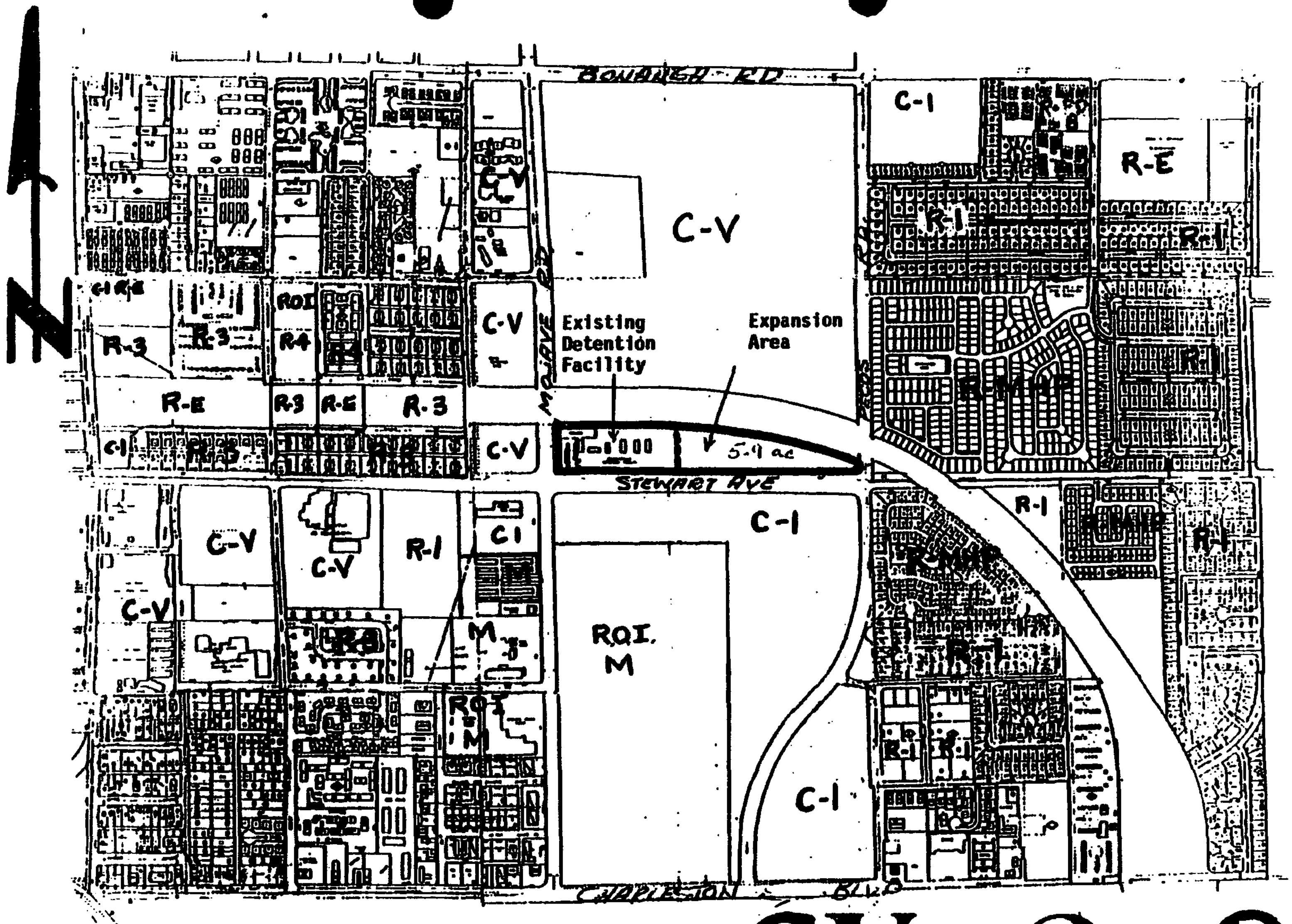
INMATE POPULATION TRENDS AND
FIVE-YEAR PROJECTION

YEAR	AVERAGE POPULATION
1982	59
1983	75
1984	96
1985*	121
1986	154
1987	196
1988	249
1989	317
1990	402

* 1985-1990 projected at 27% annual growth in population

PROJECTED ANNUAL COST OF HOUSING
EXCESS CITY POPULATION AT CCDC

YEAR	CITY CAPACITY	CCDC INMATE DAYS	ANNUAL COST AT $56.50
1985	130	10,950	618,675
1986	180 (City Hall Jail opens)	0	0
1987	180	5,840	329,960
1988	180	25,185	1,422,952
1989	180	50,005	2,825,282
1990	180	81,030	4,578,195
		Total Cost Six Years =	$9,775,064


BONANZA RD
C-1
R-E
C-V
R-1
R-MHP
R-3
R4
ROI
R-E
C-1
Existing
Detention
Facility
Expansion
Area
5.9 ac
MOJAVE RD
STEWART AVE
R-1
C1
M
RQI
M
R-1
C-1
CHARLESTON BLVD

CV-2-81

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - SEPTEMBER 18, 1985
IX-E. REVIEW OF CONDITIONS - CV-2-81 - CLV MISDEMEANANT DETENTION FACILITY

MAYOR BRIARE: The next item is a Review of Conditions. This is with respect to those that were approved for the misdemeanant detention facility located at the northeast corner of Stewart and Mojave. The Planning Commission's recommendation was for approval, subject to conditions -- that previous conditions 3 and 4 be retained as follows: Condition No. 3, that the facility be limited to misdemeanants only, and Condition No. 4, that all bookings and releases be done at City Hall Jail, and secondly, that the exterior loudspeaker system at the detention facility shall not create a nuisance to the surrounding area. The staff recommendation was also for approval.

COUNCILMAN LEVY: I'd like to add one more on there before we get -- that is that they are to plant whatever it was that they were going to plant along the expressway so that the people driving will not be looking into the jail.

MAYOR BRIARE: Landscaping?

COUNCILMAN LEVY: Yes, sir.

MAYOR BRIARE: You want completion of landscaping as originally approved?

COUNCILMAN LEVY: That's right. It was supposed to be along the expressway.

MAYOR BRIARE: Before I call for the presentation, are there any other conditions that the Council wanted to include in there at this time? Mr. Hall, who do you want to --

CITY MANAGER HALL: Mr. Randy Walker, our Deputy Manager, that has responsibility for that facility then will make the presentation for the City.

MAYOR BRIARE: Just before you begin, Mr. Walker, I can see, and the minutes of the Planning Commission indicates that people were there speaking on this particular item, and I'd like to ask if there's anyone in the audience here today that is here to speak on these conditions that have been set?

COUNCILMAN LEVY: There's one.

MAYOR BRIARE: Yes, okay. Thank you. Was there anyone else? Just to kind of give me an idea of what the length will be. Apparently, just the young lady. Mr. Walker.

DEP. CITY MGR. WALKER: Mr. Mayor and members of the Council, I'll try to be brief. I know you've been here a long time. To give you a little background of how the City got into the misdemeanant facility, and, of course, you know how we got there, but I would like to review for you the

DEP. CITY MGR. WALKER: fact that because of the Consent Decree that was entered into with the Federal Government on the old City and County Jail, there wasn't any jail space available for City misdemeanants, and as a result of that, the City Council that we should have a misdemeanant facility in order to incarcerate those individuals that violate our City ordinances. Therefore, the City Council pursued the establishment of such a facility. Public suggestions were solicited and a number of sites were recommended to the City Council and after a review of all of these recommendations, both the City staff, City Council and Planning Commission agreed that the Stewart-Mojave location was the best suited site for the misdemeanant facility. I think time has proven that the City was correct in its decision. Of course, in 1981, there was a lot of concern from the people that lived in that area that problems would arise and the uncertainty associated with the jail facility in that area alarmed those residing there and as a result, they came and opposed this application at the Planning Commission and the City Council, and to alleviate these fears, the Planning Commission imposed a number of conditions on the facility which would constrain the size, population and use of the facility, and at that time the City Council agreed to those conditions. After nearly three years of operations, the concerns expressed by the area residents have not materialized. The facility is well screened, nicely landscaped and maintained, and most importantly, professionally run. On September the 12th that's just passed, Mike Sheldon, Director of Detention and Correctional Services for the City requested that the Planning Commission remove the conditions imposed on the site at Stewart and Mojave. After much discussion, the Planning Commission voted unanimously to recommend approval that three of the conditions be removed and those are that -- the three conditions that they recommend being removed are limiting the use of the facility to the westerly six acres, limiting the facility to 96 inmates, and limiting the use of the facility to five years. The Planning Commission recommended the other two conditions be left intact, as well as the other conditions that were mentioned by the Mayor. The City Manager concurred with the Planning Commission's action. The three conditions removed by the Planning Commission will allow the City to process and house City misdemeanant offenders in the most cost-effective manner. There are basically two reasons why we're here before you at this time with this request. It's obvious to City staff that we're going to need additional jail space in the near future to provide the ability of the City to continue to incarcerate City misdemeanant offenders. With that knowledge, we've looked to the most cost-effective method of providing that additional space, and we believe it is the continued operation and

DEP. CITY MGR. WALKER: expansion of the current facility. It's estimated that we can expand the facility for approximately Two and a Half Million Dollars as opposed to $12 or $15 Million Dollars to construct a facility elsewhere or to provide a highrise facility downtown. Now, the reason that we need additional jail space are many. We have the Get Tough on Crime Policy that the City and Metro has instituted, and this has increased the number of offenders being arrested, booked and put into our jail. In fact, the average annual incarceration growth rate since the opening of our misdemeanant facility has been 27%, and so far this year, it's been at 35%. Prior to 1985, City bookings averaged in the vicinity of 1,000 per month. Since January of 1985, we've had close to 1500 bookings per month. Now, at the same time we've had these bookings increase, an increase in the number of prisoners we have to hold increase, we've had a legal opinion that restricts our ability -- or actually eliminates our ability to OR people who have failures to appear on their record, and they are 75% of all of the individuals being booked on City offenses have previous failure to appear, and so, therefore, are not eligible for OR release, and once a person is booked and not OR'd, the City has no legal authority nor alternative but to keep that person locked up until his initial judicial review. Now, as you're aware we have the old City Hall Jail being renovated currently which will alleviate the immediate jail population pressure. That is scheduled to be open in January of '86. However, this is only an interim solution. We currently have over -- on the average over 50 prisoners per day being held in the County Jail and in fact, this summer, that has exceeded in some cases 100 prisoners per day, and so it's obvious that the number of prisoners we're holding in the County Jail exceeds the 50 beds that we'll have available in the new facility once it's open in January. The City philosophy on services established by this Council and adhered to by staff is that the City will strive to provide the best service in the most cost-effective manner. From and efficiency, effective standpoint, using the existing facility and expanding onto the adjacent land represents the best use of City resources -- Two and a Half Million Dollars for the expansion compared to $12 to $15 Million Dollars for the other alternatives. Finally, the concerns expressed by the citizens in 1981 regarding the present location of the City's detention center have not materialized. The children continue to play safely in the neighborhoods; the facility is well maintained and effectively screened from the community; the recreational use of the Stewart-Mojave Recreational Center has increased, as opposed to decreasing as was the fear. In fact, I think everybody would agree that not only that immediate area but the whole City has been safer as a result of having those

DEP. CITY MGR. WALKER: jail beds available to incarcerate offenders of our City ordinances. The detention center will continue to adhere to its high professional standards and maintain its unique position as the first accredited city jail in the United States, and as far as we know, it's still the only municipal jail that has received ACA accreditation. Specifically, we are asking the Council to concur with the recommendation by the Planning Commission to remove the three conditions that I previously mentioned. And as far as the other two conditions, that of making sure that the loudspeaker does not cause a nuisance in the neighborhood and the screening, I believe it was probably Oleander bushes that they were refer to previously, Councilman Levy. We've already proceeded with entering into a work order to correct the P.A. system and we will immediately begin steps to take care of planting whatever is necessary to providing the screening that is required by the Freeway. I'll be happy to answer any questions.

MAYOR BRIARE: Are there questions of Mr. Walker?

COUNCILMAN LURIE: I have one question on the six acres. Does that take in that whole strip of land?

DEP. CITY MGR. WALKER: Yes. If you can see that little while sliver right there --

COUNCILMAN LURIE: Right.

DEP. CITY MGR. WALKER: -- right now, we're on the part that's to the west, and the other six acres, or five point nine acres we're talking about, is that little triangle piece.

COUNCILMAN LURIE: That goes over to Pecos?

DEP. CITY MGR. WALKER: Yes. It goes over and meets the freeway right there on Pecos.

COUNCILMAN NOLEN: Randy, I'd ask you how these recommendations conflict or comply with the commitment that was made to the citizens of the area in 1981.

DEP. CITY MGR. WALKER: The three that we're asking to be removed?

COUNCILMAN NOLEN: The three that you're asking to be removed, and I'd like you to address what commitments were made to the citizens at that time.

DEP. CITY MGR. WALKER: Okay. Not having been here at the time, I can only recall what I've read in the records.

COUNCILMAN NOLEN: I have the same problem.

DEP. CITY MGR. WALKER: But it's my understanding that there were a number of concerns expressed by the citizens, and these conditions were placed on the facility to try to alleviate those concerns. It's true, if the -- we have complied with all of the limits except for the one, that the facility be limited to 96 inmates. The problem we have there is we have two conflicting statutes basically. We have the limitation of the 96 inmates, but we also have a State statute that doesn't allow us to release prisoners once they've been arrested if they have a FTA until the judge lets them go, and so we have to violate one of the two, and that State statute is the one that's being complied with. We're holding the prisoners until the judges let them go. We have not complied with the 96 for the last several months. We had up until the time we had that opinion and that's part of the jail space problem that we have. As far as the other commitments, Councilman Nolen, we have complied with all those commitments. We feel that the situation has changed considerably since the time that we were originally before you. There haven't been any major problems that have occurred in the area as a result of the jail being there. The City does need the jail space, and the only other alternatives we have to the facilities there is to place the jail somewhere else, and the problem with that is that the costs will be considerable, $12 to $15 Million Dollars and that would require a vote of the people and other things and it would be a lengthy process. In the meantime if we were successful in doing all of that and we were able to go and get a vote of the people to approve a jail, the design and construct, etc., we'd be two, three years down the road before we could even provide additional facility. In the meantime, we're going to end up spending several million dollars a year over what we've anticipated for jail services by housing those people in the County Jail, assuming that the County Jail has space. I don't know if you're aware of it or not, but they, the County Jail, is exceeding their rated capacity in some cases by as much as 150 prisoners. In fact, I just found out the other day that they have put 50 beds in their day room center in order to be able to alleviate the overcrowding there, so if the Federal Judges comes back and forces them to comply with the Consent Decree and limit that to 850, we can only guess as to which prisoners are going to be let out on the street first.

COUNCILMAN NOLEN: In November of 1981, the citizens of that area were given a commitment there'd a five-year time limit.

DEP. CITY MGR. WALKER: That's correct.

COUNCILMAN NOLEN: What has staff or what has the City done in an effort to prepare for that five-year expiration date?

DEP. CITY MGR. WALKER: We have reviewed the options of expanding the City Hall Jail, adding additional floors onto that, have looked at what the costs would be to provide a highrise in the downtown area, and looked at other locations that would be acceptable within a two or three mile radius of City Hall and haven't been able to find any. So really, the only options we've got is a highrise. Because of the budget constraints that we have been placed with since the actions of the Legislature in 1981 and 1983, we really don't have any financial alternatives in the City to go out and spend $12 to $15 Million Dollars to build a new jail. We just don't have the money. And those constraints have been placed on us by the Legislature as well as the constraints of not being able to release such, you know, traffic offenders that have FTA's. We don't have any choice in these matters. Those are the things that the Legislature has done to us.

COUNCILMAN LURIE: Nobody realized that that new jail that we have downtown ended up costing us over $55 Million Dollars, and that it was built for 859 beds, and that it's only been open a year and we've already exceeded that population, when the judges had said that they could fill it within six months of the time it opened up. So I see a problem. I personally think that the City facility is one with the accreditation and the things that we have done to alleviate any problems in the area is the one that we have to look at because of the costs that it would place on the City if we had to build another facility, such as the one that the County's using. I mean, we put that whole facility together for less than $2 Million Dollars, which is something that has never been done in the United States.

CONTINUED TO PAGE 7

DEP. CITY MGR. WALKER: If you'll recall, Councilman Lurie, I was involved with Metro and the County at the time the Jail went up and you were with -- certainly was still with the City. It was estimated that that Jail was going to cost $37 Million Dollars at the time the first went out, and it ended up costing over $55 Million, so a downtown jail facility is very, very expensive.

COUNCILMAN LURIE: I know. I was on the Board when we approved this item. We did place a five-year limitation on it, and that's why we're here today, because we feel that we have to look at those conditions that were placed five years ago so that we can plan for the future and one of the things that these public meetings are for is for people to let us know if there is a problem down there, if they object to it, or come up with some other suggestions. But we know too on this Board that the number one priority of the people who live in the City of Las Vegas is crime control, and I think that, you know, has to be the area that we devote our time and energy to see that we have facilities that are going to take people off the streets that are creating problems.

MAYOR BRIARE: Any other comments at this time?

COUNCILMAN NOLEN: Yes. I have some more comments.

MAYOR BRIARE: Oh, okay.

COUNCILMAN NOLEN: You know, you're talking four years ago -- almost four years ago, we said five years. I see nothing that's been done to prepare for this problem. Now, you're asking that we eliminate that condition and a year from now we're going to have another problem. The problem's not going to go away. It's going to continue to get bigger. What are we doing to address this?

DEP. CITY MGR. WALKER: Well, we're looking at our population projections. I believe that in your backup there are some population projections as -- if we continue to grow up to 27% average that we have, and it indicates there that if we -- once we open the new City Hall, or renovate the City Hall Jail, and if we expand the Stewart-Mojave facility to the easterly six acres, that we should have jail space available to, I think, the year 1988. And hopefully, because we'll have control of our own facility, be able to get those people out earlier. Over in the County Jail, you know, it takes some 10 to 15 hours once we tell them to let them go before they actually are able to let them go. In fact, they've lost some people up to as much as 24 or 48 hours in the facility after we've released them. Once we have control, we'll be able to control the population more. We are currently looking into the options

DEP. CITY MGR. WALKER: of expanding the City Hall Jail and we are going to have to assess the costs of that, what the costs would be to provide a downtown jail facility. The only other option we have besides a downtown jail facility is to go way out into the County into the desert area which would be cost prohibitive both from a construction end and operations standpoint. So we know that by the end of the decade we're going to have to have on the drawing board and in the final planning stages additional facilities elsewhere to provide for our jail needs.

MAYOR BRIARE: Any other comments at this time? Mrs. Patty Morgan -- Miss or Mrs., Patty? Mrs. Nothing's changed since several years ago.

PATTY MORGAN: Nothing's changed. My name's Patty Morgan. I live at 2857 Willoughby Avenue. I am also Secretary and Treasurer of CUEPON which is Concerned United Efforts to Protect Our Neighborhood that was started as a result of this facility being built at Stewart-Mojave. We are incorporated with the State and we are an ongoing group and we're still together and trying to protect our neighborhood and residential area. I would like to thank the City and staff for the excellent job that they have done at that facility, for the excellent job you've been doing to alleviate some long term problems that we have. You've done work on the bullet work to L.A. and spent a lot of money on that. Mr. Lurie has been trying to stop the nuke train from coming here, and those are great things. And Stewart Avenue has been repaired since I was here last, and that's wonderful news also. But at the time this was before the City before, the commitments that Mr. Nolen was saying -- commitments that the staff and the Council and the Board of Zoning made to us was that this was a temporary facility, that it was a short term solution to a long term problem, and from that point, the staff was going to go to work to find a way to alleviate this problem. I do not feel that expanding on the acreage that they have there is a long term solution. You're going to be back here, like Mr. Nolen said, in a year or so with the same problem. We agree that we've not had a lot of problems. One of my questions may be to Mr. Sheldon is how many walkaways and runaways we've had since they have been in operation there. Some of the things that we are concerned about now -- Number One, we'd like to go on record, and I speak for my neighborhood and the people in my area, that I still have the network group and we still talk and are much in contact. We still don't want it in our neighborhood. Our position has not changed from the last time we were here. Then, Number Two, we'd like to go on record as saying please, if -- and I know what I'm up against -- if you vote to agree with what the Board of Zoning has

PATTY MORGAN: suggested here -- is to please not allow felons to be put in that facility.

COUNCILMAN LEVY: There isn't. There never has been, Patty, as far as I know.

PATTY MORGAN: Okay, but I think that was brought up in the Board of Zoning meeting that they would like to have the midemeanant lifted from that.

COUNCILMAN NOLEN: Did you get a copy of their recommendations, Patty?

PATTY MORGAN: Yes, I did.

COUNCILMAN NOLEN: Basically, that was one of the things that -- misdemeanants only.

PATTY MORGAN: Number Three was -- but it was asked for from City staff that that be lifted, and that is one of our concerns that never, ever be lifted if that facility does have to stay. Number One, we're on record. We don't want it there. We want them to live up to their commitment and you live up to your commitment that this is a temporary facility. In 1986, there was supposed to be something else already in works to alleviate the problem that you had. Number Three, I would like to ask -- I'd like a more detailed look at the expansion that they're talking about. Are they going to move more barracks then, or what is the plans for that, how many inmates we will be housing there if it's expanded. I would also like to see that number. And I haven't seen anything on the expansion plans.

COUNCILMAN LEVY: We haven't either. They haven't done it yet.

COUNCILMAN LURIE: It was said that you were looking at 50 additional people, which will take it up to 146.

COUNCILMAN LEVY: They haven't got their plan on.

CITY MANAGER HALL: No, we have not. We have not --

COUNCILMAN LURIE: No, that's what Randy just said.

CITY MANAGER HALL: Pardon me?

COUNCILMAN LURIE: Randy just said 50 -- expand it to 50 people.

CITY MANAGER HALL: The 50 people will be housed in the facility inside the City Jail once renovated.

COUNCILMAN LEVY: I don't think they --

COUNCILMAN NOLEN: Well, what we want to increase this facility to then?

DEP. CITY MGR. WALKER: I believe, Councilman Nolen, that using the same type of planning that we have on the six acres, providing the same type of facilities, we would be able to increase the population on the westerly -- easterly 5.9 acres and increase it by I believe some 130, 150 beds, Mike? What exactly -- Mike Sheldon could better answer that. He's looked into the plans.

COUNCILMAN LEVY: Well, I'd like to see that. I think that we're going to have a public hearing when you're ready to present that, and I think that certainly Patty and her group and any other group will be certainly having an announcement on that.

COUNCILMAN BUNKER: The backup indicates that it can be increased to 130 without jeopardizing accreditation.

CITY MANAGER HALL: That's correct.

DEP. CITY MGR. WALKER: That's the existing six acres.

CITY MANAGER HALL: The present facility can be.

COUNCILMAN BUNKER: Oh, okay.

COUNCILMAN LEVY: But I want to see that, and I think Patty wants to see it, and their group, and I certainly want to if it is approved.

DEP. CITY MGR. WALKER: Certainly, before we could expand those easterly acres, we would have to bring that plan back to the City Council for their review.

CITY MANAGER HALL: The current accreditation allows us to have three people housed per room. Presently, we only have two. That's the 96. But with one additional one, under the accreditation that we presently have, we could house three and still have enough square footage if we needed to to house more, but we only ask three per room.

COUNCILMAN LEVY: We'll look at that.

PATTY MORGAN: They came up with a cost figure of Two and a Half Million for expansion. How did you come up with that if you really don't know your detailed expansion?

DEP. CITY MGR. WALKER: That was estimated. We looked at bringing modular units as opposed to the old barracks that were done before -- similar to what Reno's using, and you bring those in there, still low level, two or three stories facility or one or two story facility, I believe, and we looked at the cost that Reno had incurred in bringing those types of units in -- what the current cost of them is today and what the site preparation would be, etc.

DEP. CITY MGR. WALKER: and that's how we came up with our estimate.

PATTY MORGAN: Okay. But I think we might all agree that this is still a short term solution to the City's problem with housing their jail inmates. If we're increasing, I think at the Board of Zoning they brought up 27% and it was brought up today that it's actually 35% per year. We're still going to have a problem that's not going to be solved at Stewart-Mojave, and I feel cost-effectivewise we should consider a long term solution to this. It's, you know -- it's the taxpayers' money we're talking about also in the whole City.

MAYOR BRIARE: And unfortunately, the need grows faster than the taxpayers.

PATTY MORGAN: Right.

COUNCILMAN LURIE: You look at the County -- what we just finished building.

PATTY MORGAN: Yes, I took a tour of the jail.

COUNCILMAN LURIE: Did you see what the State built with Indian Springs, Jean, and there's another prison looking at to be constructed up in Elko? I mean, pretty soon every city and every county is going to have at least two or three jails.

COUNCILMAN LEVY: I think -- and we will too, but I think our next step will be to move -- it's going to have to be to move somewhere else and build another facility and either it's going to be a larger facility that will take what we have at Stewart-Mojave, which is, of course, what I'd like to see, or least another facility somewhere in another area of town. That will be probably three or four years from now.

PATTY MORGAN: And you will agree with me, Mr. Levy, that we were at that point in 1981.

COUNCILMAN LEVY: You bet you we were.

PATTY MORGAN: We said these same things four years ago.

COUNCILMAN LEVY: I agree with you, Patty.

MAYOR BRIARE: Mrs. Morgan, I'll something that you can count on now. I don't know if Murphy has such a law, but the need for new facilities for jails will increase in proportion to the new facilities we build. In other words, there will never, ever be enough.

PATTY MORGAN: Right. But does the County also have plans-- I know this is probably not a question for you -- to build a new facility already?

COUNCILMAN LEVY: I have no idea.

COUNCILMAN LURIE: No, they don't have.

PATTY MORGAN: I have -- was told by the County Jail Director that there is plans to build, I think, directly across from the facility they have now.

MAYOR BRIARE: I don't know.

COUNCILMAN LEVY: They're hiding it from us.

MAYOR BRIARE: Yes.

PATTY MORGAN: They do that a lot, don't they? (Laughing)

COUNCILMAN LEVY: Yes, they do.

MAYOR BRIARE: The way things are going, before they have a need for a facility, they are going to run out of money to pay for the facility that they have.

PATTY MORGAN: But I agree with you that we do have a problem. We have a money problem. But I don't think we're going to solve it at Stewart-Mojave.

COUNCILMAN LEVY: Not in the long run.

PATTY MORGAN: Not in the long run. And I was just -- I am here to ask you just to not renege on their promise to the citizens.

MAYOR BRIARE: Thank you, Mrs. Morgan. We appreciate your coming by.

PATTY MORGAN: And I would hope to see the detailed plans of this facility.

MAYOR BRIARE: You bet. Mr. Walker, would you be sure that Mrs. Morgan has whatever information she needs or would like to have.

PATTY MORGAN: Could I make one other comment?

MAYOR BRIARE: Sure, Mrs. Morgan.

PATTY MORGAN: At the Board of Zoning, Mr. Sheldon brought out that the jail has not impacted the property values of the home area. I would like to ask if he's done a scientific study, or what kind of sampling did he do to come up with that statement?

MAYOR BRIARE: Who? I didn't hear who that was.

PATTY MORGAN: Mr. Sheldon.

MAYOR BRIARE: Oh. Well, would you tell that to Mrs. Morgan when -- I'm sure he can give you the information. Thank you, Mrs. Morgan. Is there anyone else that wishes to be heard on this matter? (No response.) Well, then the public hearing is closed-- or I should say the hearing on this.

COUNCILMAN LURIE: Could I hear from Mr. Sheldon. I mean, I'd like to ask him. Why don't you come up and tell us all what you're going to tell her.

MAYOR BRIARE: Oh, well, I'm sorry. No, don't blame him.

COUNCILMAN LURIE: No.

MAYOR BRIARE: I thought she was asking a specific question that may or may not be available to you.

COUNCILMAN LURIE: Well, I'd like to know. She asked some specifics.

MAYOR BRIARE: Well, Mr. Sheldon, excuse me. I didn't mean to infringe on Councilman Lurie's desire to know what it is that Mrs. Morgan was going to ask you.

MIKE SHELDON: Okay. There was no scientific study, Councilman Lurie. We checked with the City Planning Department and we discussed it with some people we knew in the area. There was no scientific study. The indiciations we received were that property values were not impacted. I really, personally, don't know how to do a scientific study to, you know, ascertain for sure whether they have or haven't and what other factors have affected them.

COUNCILMAN LEVY: I don't believe the homes in that area have lowered than any other place. I think every home -- every area of Las Vegas -- basically, across the United States we've had a lowering of value of homes.

COUNCILMAN LURIE: What about -- for the record, just tell us about any walkaways or any runaways or this statement about felons. I know we had a couple walkaways or climbing the fence type. Maybe you can just touch on that on about how many over the last four years.

MIKE SHELDON: Okay. In the three and a half years we've been in operation, we've had three escapes or escape attempts from the facility and all three of the offenders were apprehended in a short period of time. The first two

MIKE SHELDON: were shortly after we opened the facility and there were problems with our video surviellance system, and, unfortunately, it picked up the prisoners on the other side of the fence. Those problems were immediately corrected. In the last several months, there was one other one. It was due to staff error and again, we've corrected the problem. I won't stand before you and promise you there will never ever be another escape, and all I can tell you is we will operate the facility as professionally and as accountably as it's been operated in the past, and we will do our very best to assure that there are no more.

MAYOR BRIARE: Thank you, Mr. Sheldon. Any other comments from Mr. Sheldon? Well, there being no one else that wishes to be heard on this matter, what comments or action does the City Council wish to take?

COUNCILMAN LEVY: I'd just like to make one comment.

MAYOR BRIARE: Councilman Levy.

COUNCILMAN LEVY: Patty Morgan spoke today and she said everything that was absolutely correct that I couldn't deny, but I would like to make a couple comments on when I did make the promise four years ago. One, of course, is that I didn't realize the financial straits that this Board would be in four years later. I also didn't realize what a fine facility that would be built down there and the accredibility that we would receive and the fine job that our staff, Mr. Sheldon and his predecessors have done, which we all agree on. I think we're -- this Board -- is between a rock and a hard place in trying to decide what is fair and what we have promised in the past, and I really feel bad about that. I mean it sincerely, Patty, and I hope you realize that. But I don't think we really have much choice here today. There will be one thing -- there will be no felons and I want you to raise your hand at this time Mr. Sheldon and say there will never be a felon in that facility. There's other items that we have indicated to you that we would like to have -- be sure it's done at the facility. But we do have to plan for the future, Mr. Hall, and I think the next step will be to look where you're going to place your next facility or if you're going to build, build a facility big enough that will be able to take this one out of there.

MAYOR BRIARE: Any other comments?

COUNCILMAN NOLEN: I'd like to say for the record because there's only one protestant here today, I don't feel that that was all the protestants there were. I had received numerous phone calls, both here at City Hall, at my home and at my private office from area residents expressing concern over this. The big problem I have with this, right or wrong, the commitment was made to these people some four years ago, and it's a commitment that I feel that regardless if you were on the board at that time or not, or regardless of whether you were part of that commitment, I feel you have a continuing obligation to stand behind that commitment, and I really have to say that I feel that we or staff or whoever has let the ball drop by not making any plans. There's been no forward movement in the four years, or it will be four years in November, that this was approved, and they knew these conditions were here, and no one has done anything to plan for this, except bring it back and say, "Well, here we are. We need more space. Let's take all those conditions off." And I feel that that is not right. I think there should have been some planning and some efforts to find ways to increase our facility here at City Hall which is where the jail should be anyway. It's where the courts are. It's where everything happens. You don't have transportation problems and everything. I think at the very least if this recommendation of the BZA is upheld today, I think that staff should be specifically instructed to proceed with all hast to eliminate this problem or at least address the problem and not come back a couple of years from now and say, "Well, we need some more land; we need something else." That's not the answer.

MAYOR BRIARE: Thank you, Councilman. Any others? The staff recommendation and the Planning Commission recommendation was for approval of this item. What is the pleasure of the Council?

COUNCILMAN LEVY: I've added a couple of other stipulations.

MAYOR BRIARE: Oh, indeed.

COUNCILMAN LEVY: Be sure that's part of it.

MAYOR BRIARE: Yes, the ones that you restated and then also adding the landscaping.

COUNCILMAN LEVY: Right.

MAYOR BRIARE: And Mr. Walker is aware of that and the record will so reflect. We have to do something, gentlemen, as tough as it is to fight it sometimes.

COUNCILMAN LURIE: Mayor, I was here before -- I was here before. I was one of the ones who placed these conditions on there and it was a temporary facility, and during that time that we said that it would be a temporary facility, I was hopeful that with the opening of the new $55 Million Dollar facilities the County had that we'd be able to utilize that. I didn't realize that was going to fill up as fast as it did, and I didn't know at that time that the County was going to charge us the amount of money that they've been charging us for detaining people during booking. So I feel to be cost-effective that we don't have any other alternative at this time if we're going to keep up with the problem of placing misdemeanants in custody that belong in custody. SO I WOULD MOVE AT THIS TIME THAT WE APPROVE THE PLANNING COMMISSION'S RECOMMENDATIONS ALONG WITH COUNCILMAN LEVY'S CONDITIONS.

MAYOR BRIARE: Councilman Nolen.

COUNCILMAN NOLEN: Mr. Sheldon, how many people do we have in our facility that are there by order of the court on cash bail only? Or is that a -- is that happening in our facility?

MIKE SHELDON: Councilman Nolen, if you would, rephrase that. I'm not sure I'm following you.

COUNCILMAN NOLEN: Cash bail only. How many people do we have that the court has ordered cash bail only on them?

MIKE SHELDON: Offhand, I don't have that information.

COUNCILMAN NOLEN: Do we -- is that a problem in our facility? I understand that that's a severe problem over in the County facility and it's a concern of mine that if we're holding traffic people, traffic warrants on cash bail only, that's ridiculous to fill up our facility like that.

MIKE SHELDON: I think our biggest problem goes back to what Mr. Walker addressed concerning the failure to appear. We have no authority to release them, and that's where our biggest impact is coming from.

COUNCILMAN NOLEN: Would you give me some figures on that, on a cash bail only, and I'D ALSO LIKE TO INSTRUCT THE CITY ATTORNEY'S OFFICE TO LOOK INTO THE CONSTITUTIONALITY OF CASH BAIL ONLY BECAUSE I BELIEVE THE NRS IS QUITE CLEAR IN THAT AREA THAT THEY CAN'T BE HELD THAT WAY.

MIKE SHELDON: I'll have those statistics up there tomorrow sometime.

COUNCILMAN NOLEN: Thank you.

MAYOR BRIARE: Any other comments. Cast your votes. Post. THE MOTION'S APPROVED. (Motion carried with Nolen voting "No.")

AGENDA

City of Las Vegas

September 18, 1985

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

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
F. ZONE CHANGE		
5:10 1. ABEYANCE ITEM - Z-39-85 - RILEY CANNON ET AL Application for reclassification of property located at 1801, 1804, 1809, 1900, 1904, 1908 and 1912 S. Valley View Boulevard. From: R-1 (Single Family Residence) To: P-R (Professional Offices & Parking) Proposed Use: Offices Planning Commission unanimously voted to recommend DENIAL. If approved, subject to the following conditions: 1. Resolution of Intent with a twelve month time limit. 2. Planning Commission shall approve the Plot Plan and elevations on each lot prior to development. Staff Recommendation: DENIAL PROTESTS: 7	Lurie - DENIED Unanimous	Clerk to notify Four people were present in audience in protest No one appeared on behalf of the applicant.

APPROVED AGENDA ITEM

R. W. Walker

To: The City Council
Re: Community Planning and Development Agenda Item
September 18, 1985 City Council Agenda

X.

F. ZONE CHANGE

1. Z-39-85 - RILEY CANNON ET AL

This application was held in abeyance for staff to conduct a zoning study on Valley View Boulevard, south of Oakey Boulevard to determine the feasibility of transitioning those R-1 zoned properties to P-R which front or side on Valley View Boulevard. An in-depth study was conducted by staff and a summary is provided on the following pages. The study concluded that while these properties are on a secondary street with a relatively high traffic volume, there are no unique circumstances to justify approving P-R because there are similar areas of the City where properties front on secondary and primary major streets and they have remained residential. There are 16 properties on Valley View Boulevard extending approximately three blocks south of Oakey which have direct access to Valley View. Further south, the properties back up to Valley View in the Spanish Oaks subdivision and in the R-1 subdivision on the west side of the street. The primary factors which staff considered in arriving at its conclusion were that it is contrary to the City's General Plan, that there will be difficulties in providing parking because rear yard access is needed through joint driveways, the properties are individually owned and may not transition at the same time, and this situation is no different than the other areas of the City where residences front on secondary or primary major streets.

The application before you for consideration involves 7 developed R-1 properties located on Valley View Boulevard, extending two blocks south of Oakey Boulevard. The property owners are requesting their lots be rezoned to P-R. In 1979, an application for P-R was requested on three contiguous lots in the vicinity of this application and the matter was held in abeyance for staff to conduct a study on the zoning pattern for this segment of Valley View Boulevard. The conclusion of the study was that this segment should remain residential and consequently, the application was denied. The homes involved in this current application are approximately 1,500 to 2,000 square feet in size and a minimum of 6 parking spaces would be required. Many of the homes have swimming pools and it is apparent that some joint access driveways between the homes would have to be worked out for access to the rear yards to provide the required parking. The property owners pointed out these properties were no longer suitable for residential use and it was very dangerous due to near rear-end collisions when the residents slow down on Valley View to enter their driveways. Several members of the Planning Commission indicated this situation would be compounded by the increased ingress and egress to these properties if they were changed to P-R. The Planning Commission felt that while the traffic volume is 21,900 cars per day on Valley View Boulevard, it would still be inappropriate to start a P-R pattern on this portion of Valley View Boulevard.

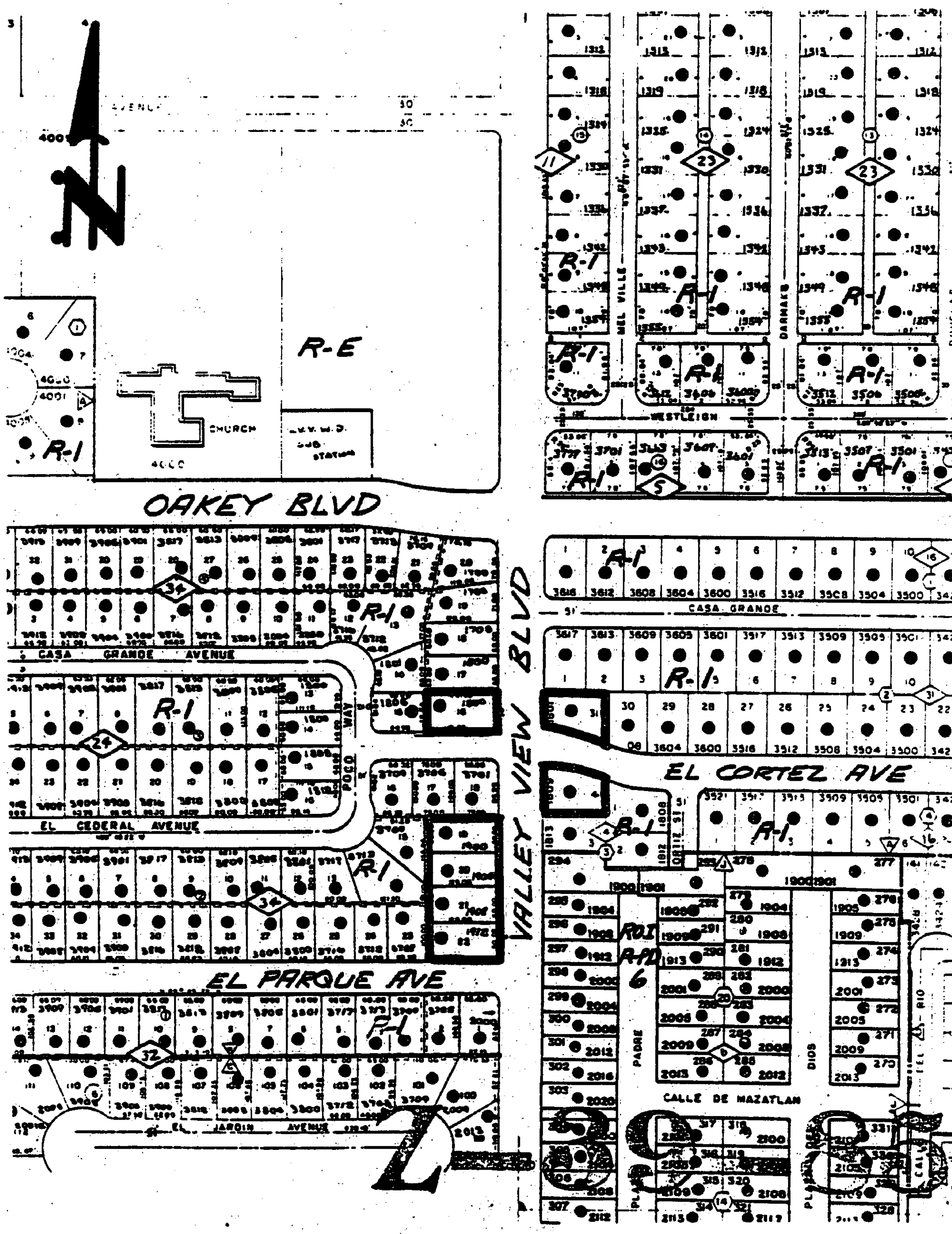
Planning Commission Recommendation: DENIAL - not compatible zoning for this segment of Valley View Boulevard

Staff Recommendation: DENIAL

PROTESTS: 7 (3 letters, 4 at meeting)

SEE ATTACHED LOCATION MAP

ITEM X.F.1. Z-39-85 - RILEY CANNON ET AL - LOCATION MAP



ZONING STUDY ON VALLEY VIEW BOULEARD
BETWEEN OAKEY BOULEVARD AND SAHARA AVENUE

This study was requested by the City Council in connection with the reclassification application Z-39-85 that involves 7 R-1 lots on Valley View Boulevard, south of Oakey Boulevard. The Study included all single family lots (16 lots) which front or side on Valley View Boulevard between Sahara Avenue and Oakey Boulevard. The remainder of the single family lots back up to Valley View Boulevard.

FINDINGS

The change to P-R would be contrary to the recently adopted General Plan.

There are other areas where R-1 properties front on primary (100' wide) or secondary (80') major streets. In most cases, these streets have no parking on both sides of the street whereas Valley View only has parking on the east side. However, the traffic volumes are less on these streets. (See table on last page.)

The R-1 properties on this segment of Valley View are somewhat removed from other non-residential areas to the north and south at Charleston and Sahara. A change to P-R may have an adverse impact on the adjoining residential area and would be an influence on the vacant R-E parcel at the northwest corner of Oakey Boulevard and Valley View Boulevard.

No on-street parking exists on the west side of Valley View which means all ingress and egress to these properties will be from a travel lane. Already the residents fear rear-end collisions and this incidence would increase if the properties were zoned P-R.

The properties on this segment are somewhat removed from other non-residential areas, such as exists on Charleston and Sahara. These may have an adverse impact on the adjoining residential area and would be an influence on the vacant R-E parcel at the northwest corner of Oakey Boulevard and Valley View Boulevard.

Joint driveways will be necessary on 7 of the 16 properties for access to the rear yards to provide the required minimum of 6 parking spaces. This will mean the lots with joint driveways will have to transition at the same time. This situation may delay some properties changing to P-R depending on the circumstances.

CONCLUSION AND STAFF RECOMMENDATION

The R-1 zoned properties that front or side on Valley View Boulevard should not transition to P-R at this time. Future development on the vacant land along Valley View to the north between Oakey Boulevard and Charleston Boulevard may impact these R-1 properties and another evaluation study should be undertaken when this occurs. The General Plan indicates the area to the north is to develop with low and medium density residential (3-12 units per acre).

BACKGROUND INFORMATION

Zoning Requests

Prior Request:

In 1979, John and Elvira Falco requested a rezoning on three contiguous lots along this segment of Valley View Boulevard from R-1 to P-R (Z-114-79). A zoning study was conducted at the request of the Planning Commission and the conclusion was for the area to remain R-1. The application was denied by the City Council and the Planning Commission in 1980.

Pending Request:

The pending application (Z-39-85) for reclassification from R-1 to P-R, includes seven lots, which are developed with single family residences. The property owners are requesting the P-R to allow the residences to be individually converted to professional office use.

Planning staff recommended denial to the Planning Commission because there has not been a significant change in the area since consideration of the prior request. The Planning Commission recommended denial July 11, 1985. The City Council delayed action at its August 17, 1985 meeting for staff to conduct a more comprehensive zoning study of the area.

TRAFFIC

Valley View Boulevard is an 80 foot wide secondary street on the Master Plan of Streets and Highways. Traffic has increased significantly over the years and the street has been improved and widened. It presently has four traffic lanes and one two-way left turn lane. The speed limit is 35 miles per hour and on-street parking exists on the east side of the street. The average daily traffic volumes since 1979 are as follows:

Oakey to Sahara	Average Daily Traffic Volume
1979	18,100
1980	17,600
1981	17,600
1982	18,350
1983	22,400
1984	22,000
1985	21,900

The above traffic volume has decreased slightly over the past two years. Improvements to Rancho Drive one mile east of Valley View Boulevard may have caused the increase.

PARKING

The P-R zone requires a minimum of 6 parking spaces per property which satisfies the ordinance up to a gross building size of 2400 square feet. It is believed all of the properties would only need to provide the minimum 6 parking spaces. The existing residences are set back 25 feet and driveways exist in front of the garages with some of the garages being enclosed for residential use. In most cases, a maximum of 4 parking spaces could be provided in the front yard area if the driveway was relocated to the center of the property and 2 spaces could be provided on each side. The remaining 2 required spaces would have to be located in the rear yard and on some properties, it would necessitate a joint driveway agreement between the property owners. Any properties with a joint driveway would have to transition at the same time because the ordinance does not allow a non-residential driveway on a residential property. The fact that almost half of the properties are interior lots that will require joint driveways may have an impact on the transition on some of the lots. Also, the properties are separately owned, which is not conducive to many of the properties transitioning at one time or being able to jointly work out driveway and parking arrangements. Nine of the 16 lots are corner lots, which will facilitate access to the rear yard areas and 6 homes are oriented towards the residential interior streets.

COMPARABLE AREAS

There are several areas as shown below where residences front on major streets. In each of these areas, the residences are well maintained, occupied and in some cases zoning and variance applications have been denied for office and commercial uses. Applications have been denied on East Bonanza Road, between Bruce and Eastern because there is insufficient justification to start a P-R or commercial transition. East Bonanza Road is a 100 foot wide primary street with parking on both sides.

	Average Daily Traffic Volume	Traffic Lanes	Parking Lanes
Bonanza (Bruce to Eastern)	17,700	4	Both sides
Jones Boulevard (Vegas Drive to Charleston Boulevard)	15,200	4	One side
Torrey Pines (Expressway to Charleston Boulevard)	10,450	2	Both sides
Stewart Avenue (Maryland Parkway to Eastern Avenue)	14,000	4	None

AGENDA

City of Las Vegas

September 18, 1985

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

ITEM	Council Action	Department Action
X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
6:12 F. ZONE CHANGE 2. Z-51-85 - CITY OF LAS VEGAS Application for reclassification of property generally located on the west side of Lorenzi Boulevard between Cheyenne Avenue and Smoke Ranch Road. From: N-U (Non-Urban) To: R-3 (Limited Multiple Residence) and C-1 (Limited Commercial) Proposed Use: Medium Density Residential and Commercial Planning Commission voted (4-2) to recommend APPROVAL, subject to the following conditions: 1. Resolution of Intent with a 15 year time period. 2. The plot plans and elevations shall be approved by the Planning Commission prior to development. 3. Dedication of right-of-way and the installation of street improvements on each parcel be provided at the time of development as required by the Division of Land Development of the Department of Community Planning and Development. Staff Recommendation: APPROVAL - compatible zoning PROTESTS: 4	Levy - APPROVED as recommended. Unanimous	Clerk to notify & Planning to proceed James McCall, 3700 Las Vegas Blvd South, appeared.

APPROVED AGENDA ITEM

[signature]

To: The City Council X.
Re: Community Planning and Development Agenda Item
September 18, 1985 City Council Agenda

F. ZONE CHANGE

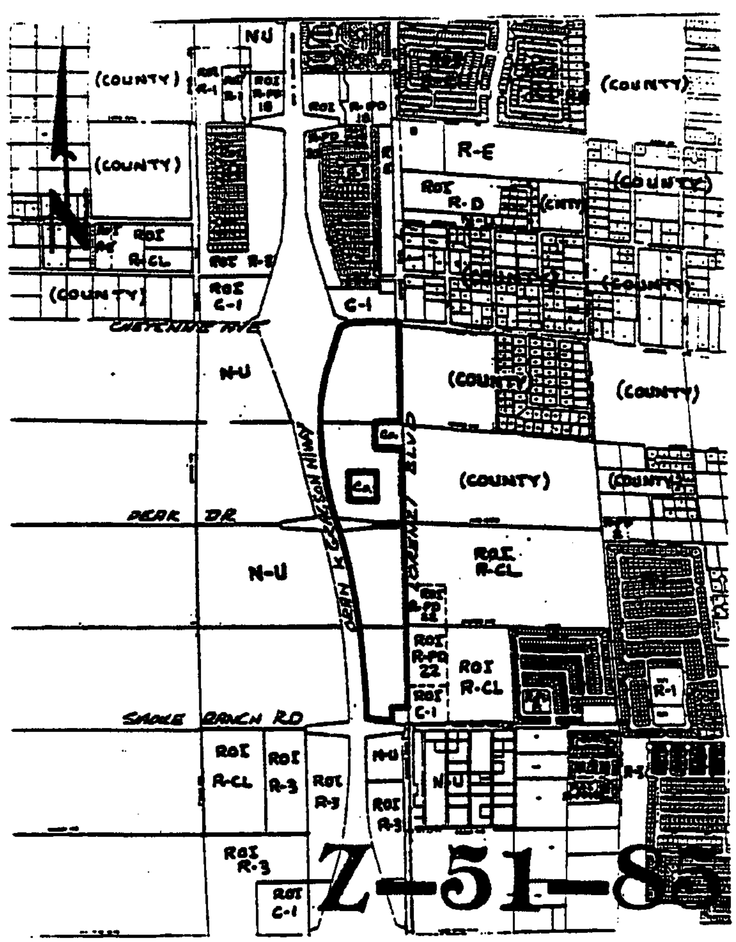
2. Z-51-85 - CITY OF LAS VEGAS

The request was initiated by the City to reclassify the easterly portion of Section 15 from N-U to R-3 and C-1. The site is approximately 95 acres in size and is located on the east side of the Oran K. Gragson Highway between Cheyenne Avenue and Smoke Ranch Road. At the present time, the land is under Federal ownership and the City proposes to purchase it as soon as an offer is made by the Bureau of Land Management. Lorenzi Boulevard borders the parcel along its east side. Approximately 15 acres is proposed for C-1 on the north portion of the parcel that will border the Gragson Highway, Cheyenne Avenue and Lorenzi Boulevard. There are three 2½ acre parcels which are privately owned and are not included in this application. The City intends to sell the Federal land it acquires east of the Gragson Highway and for this reason there are no development plans available at this time. The Planning Commission recommended the City place this property under a Resolution of Intent with a fifteen year time limit and that the plot plans and elevations be approved by the Planning Commission along with all street improvements and dedications made at the time of development. This would be on the same basis as approved for other applicants on large parcels of land. The zoning is compatible with the Community Profiles which are part of the City's adopted General Plan.

Planning Commission Recommendation: APPROVAL - compatible zoning

Staff Recommendation: APPROVAL - compatible zoning

PROTESTS: 4 (at meeting)



AGENDA

City of Las Vegas

September 18, 1985

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

ITEM		Council Action	Department Action
X.	COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT (CONTINUED)		
G.	SET DATE FOR PUBLIC HEARING ON ANY ITEM REQUIRING A PUBLIC HEARING THAT WAS ACTED UPON BY THE CITY PLANNING COMMISSION AT ITS SEPTEMBER 12, 1985 MEETING.	VAC-11-85 Amendment to Sts & Hwys - Bradley Road	10/2/85 Agenda 10/2/85 Agenda
H.	SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE BOARD OF ZONING ADJUSTMENT MEETING HEARD AUGUST 22, 1985.	NONE	NONE

APPROVED AGENDA ITEM

[signature]

AGENDA

City of Las Vegas

September 18, 1985

CITY COUNCIL
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PHONE 386-6011

ITEM	Council Action	Department Action
XI. ADDENDUM ITEMS	NONE	NONE

APPROVED AGENDA ITEM

AGENDA

City of Las Vegas

September 18, 1985

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

	ITEM	Council Action	Department Action
	XII. CITIZENS PARTICIPATION		
16:23	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.	John Frauen, 1460 Hialeah, representing Delta Nu Alpha a National Transportation fraternity, read a letter into the record in opposition to Ordinance No. 3190. Councilman Lurie suggested a meeting between Mr. Frauen, Commissioner Dondero and himself to discuss the ordinance.	
	APPROVED AGENDA ITEM	MEETING ADJOURNED AT 4:30 P.M.	

Delta Nu Alpha

TRANSPORTATION CONQUERS DISTANCE

. . . on land . . . on water . . . in the air

Southern Nevada Chapter No. 263
Las Vegas, Nevada

I petition to appear before City Council to read a prepared statement concerning city ordinance 3190.

John W. [illegible]

, 1985

0266

Delta Nu Alpha

TRANSPORTATION CONQUERS DISTANCE

. . . on land . . . on water . . . in the

Southern Nevada Chapter No. 263
Las Vegas, Nevada

1460 DEL R

My name is John ~~Frauen~~ and I am the spokesman for Delta Nu Alpha a National Transportatin Faternity dedicated to educate the public in transportation matters including the safe handling and transportation of hazordous materials. DNA members share the prime concern of valid and enforceable hazardous material regulations. We as concerned transportation executives and local residents support the concerns of the city council toward the protection of public safety in regards to the transportaton of hazardous materials.

Our concerns with ordinance 3190 are as follows:

1. Interferers with normal flow of interstate commerce .
2. Time limitations imposed by the ordinance.
3. Time frame in which this ordiance was implemented.
4. No input from the transportation industry or local industry as a whole was sought.

We recommend that city ordinance 3190 be stricken in its present form due to the fact that it is ineffective in its present form. We feel the result of ordiance 3190 will impose severe economic repercussions to our community.

We would like to recommend that a task force be implemented to provide input to a more feasible type of hazardous material control for community safety.

SEPTEMBER 18, 1985

0267

Delta Nu Alpha

TRANSPORTATION CONQUERS DISTANCE

. . . on land . . . on water . . . in the air.

Southern Nevada Chapter No. 263
Las Vegas, Nevada

ta Nu Alpha is available to provide information and expertise to

chieve this goal.

hank you for your time.

ohn W. Frauen

st Vice President
lta Nu Alpha