

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

MINUTES

City of Las Vegas

CITY COUNCIL

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

Regular Meeting
July 16, 1986
DATE: Recessed Meeting
July 18 and
July 21, 1986
TIME: 9:45 A.M.

INVOCATION: Reverend Dr. Jack T. Moore
Pastoral Counseling

PLEDGE OF ALLEGIANCE: Mayor Led Audience in Pledge of Allegiance

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 February 4, 1987

ATTEST:

Carol A. Hawley

CITY CLERK

William H. Bremer

MAYOR

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

AGENDA

City of Las Vegas

July 16, 1986

Page 1

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

ITEM Council Action Department Action

001

I. 9:45 A.M.

FULL COUNCIL PRESENT

A. COMMUNITY RELATIONS

NONE

B. SPECIAL EVENTS

NONE

C. RECEIPT OF CHECK FROM OPERATION LIFE

STRICKEN FROM
AGENDA

II. 10:00 A.M.

A. ANNOUNCEMENT RE COMPLIANCE WITH OPEN
MEETING LAW

Announcement made

B. INVOCATION

Reverend Dr. Jack T. Moore
Pastoral Counseling

Invocation given by
Reverend Dr. Jack T.
Moore

C. PLEDGE OF ALLEGIANCE

Mayor led audience
in pledge of
allegiance

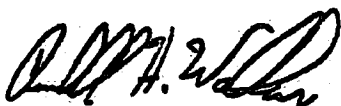
003

D. APPROVAL OF THE CITY COUNCIL MINUTES

For the Regular January 2, 1986, February
5, 1986, April 2, 1986 and April 16, 1986
meetings.

Lurie -
APPROVED
Unanimous

APPROVED AGENDA ITEM



AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

00002

STATE OF NEVADA)

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

COUNTY OF CLARK)

ss.

Joanne Perry, an employee of the City of Las Vegas,
Nevada being first duly sworn, deposes and says that on the 11th day of

July, 1986, at the hour of 9:30 am there were posted

copies of the attached AGENDA (NOTICE), of a Regular Meeting of the CITY COUNCIL
AND ADDENDUM NUMBER ONE (1)
OF THE CITY OF LAS VEGAS, NEVADA, to be held on the 16th day of

July, 1986, 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

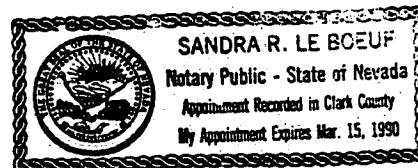
City Clerk's Office
DEPARTMENT

Subscribed and sworn to before me this

11th day of July, 1986

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

My Commission expires: 3-15-90



AFFIDAVIT OF MAILING

00003

(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 11th day of July,
1986, a copy of the AGENDA (NOTICE), of Regular MEETING of the
AND ADDENDUM NUMBER ONE (1)
CITY COUNCIL of the CITY OF LAS VEGAS, NEVADA, to be held on the 16th day of
July, 1986 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

11th day of July, 1986

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

My Commission expires: 3-15-90



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

City of Las Vegas

00004

July 16, 1986

Page 2

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.

*A. GAMING -- Additional

1. RAINBOW VEGAS HOTEL, A PARTNERSHIP

Rainbow Vegas Hotel
401 South Casino Center
5 slots

Lurie -
APPROVED
Unanimous

Staff to proceed

B. LIQUOR -- New

1. *SOUTHLAND CORPORATION

dba
7-ELEVEN FOOD STORE #27183
501 East Fremont

Beer/Wine Off-Sale

John P. Thompson, Chairman of the
Board, Chief Exec Ofcr, Dir
Jere W. Thompson, Pres, Dir
William Nolan, District Manager
Richard Davies, Field Representative

Lurie -
APPROVED, subject
to provisions.
Unanimous

Staff to proceed

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

APPROVED AGENDA ITEM

Larry R. Burton

AGENDA

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES
City of Las Vegas

00005

July 16, 1986

Page 3

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY (cont'd)

C. LIQUOR -- Change of Ownership

1. From: Panda, Inc.

Laurice Joy Resci, Pres, V.P.,
Secy, Treas, Dir, 100%

TO: *HUGHES & HUGHES

dba
BLACK FOREST WINE CELLAR
2513 Teddy Drive, #1

Beer/Wine On-Sale

Patrick Van Hughes and
Jutta Else Elisabeth Hughes,
100% jointly as husband
and wife

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

D. LIQUOR -- Approval of Managers

1. ZELZAH SHRINE TEMPLE dba ZELZAH SHRINE TEMPLE 2222 West Mesquite

Non-Profit Club General

Milton W. Keefer, Manager

Lurie -
APPROVED, subject
to provisions
Unanimous

Staff to proceed

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

Staff to proceed

APPROVED AGENDA ITEM

Larry L. Burton

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16, 1986

City of Las Vegas

00006

July 16, 1986

Page 4

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

ITEM Council Action Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

D. LIQUOR -- Approval of Managers
(cont'd)

2. PRESTIGE STATIONS, INC.
dba
AM/PM MINI MARKET #5052
3885 East Charleston

Beer/Wine Off-Sale

Jean Yvonne Barker-Klein, Field
Supervisor

3. STOP 'N GO MARKETS OF NEVADA, INC.
dba

STOP 'N GO MARKET #358
15 North Lamb

STOP 'N GO MARKET #469
529 North Rancho

STOP 'N GO MARKET #271
5099 East Bonanza

Store Managers:
Mark Rasmussen, #358
Michael Ryan, #469
Darrell Sturtz, #271

Lurie -
APPROVED as recom-
mended Items D.1,
D.2 & D.3.

Staff to proceed

APPROVED
See above

See above

APPROVED AGENDA ITEM

Larry H. Burton

AGENDA

City of Las Vegas

July 16, 1986

Page 5

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

E. LIQUOR & GAMING -- Change of Ownership

1. From: Lawrence J. Hendel, 100%

TO: *DOLORES KELLY
dba
PHILLY PUB
2202 West Charleston

General On-Off Sale
Restricted Gaming: 15 slots

Dolores Helen Kelly, 100%

*Subject to final State gaming approval
on July 17, 1986

Lurie -
APPROVED, subject
to final State
gaming approval on
July 17, 1986.
Unanimous

Staff to proceed

F. SPECIAL EVENT LIQUOR LICENSES

1. NEVADA ASSOCIATION FOR THE
HANDICAPPED

Location: Jaycee Park
St. Louis & Eastern

Date: July 19, 1986

Responsible Licensee:
Russell Jacoby
Inn Zone Rainbow

Lurie -
APPROVED Items F.1
& F.2.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

Larry H. Burton

AGENDA

City of Las Vegas

July 16, 1986

Page 6

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

ITEM	Council Action	Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

F. SPECIAL EVENT LIQUOR LICENSES
(cont'd)

2. WOMEN'S DEMOCRATIC CLUB OF CLARK COUNTY

Location: Carpenter's Hall
501 North Lamb

Date: August 2, 1986

Responsible Licensee:
Chris Karamanos
T. K. Christy's

Lurie -
APPROVED Items F.1
& F.2.
Unanimous

Staff to proceed

G. LIQUOR -- Request for Approval of Nonoperational Status

1. MARION PIRTLE
dba
JONES QUICK STOP MARKET
4543 North Rancho

General Off-Sale License

Marion Pirtle, 100%

(Nonoperational status for period
10/27/85 to 1/27/86 approved 10/16/85.
Nonoperational status for period
1/27/86 to 4/27/86 approved 1/15/86.
Nonoperational status for period
4/27/86 to 7/27/86 approved 4/16/86.
Request for approval of extension for
additional three-month period:
7/27/86 to 10/27/86.*)

*NOTE: License must be activated prior
to midnight 10/26/86.

Lurie -
APPROVED Items G.1,
G.2 & G.3.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

Larry L. Burton

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16, 1986

00009

City of Las Vegas

July 16, 1986

Page 7

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

ITEM	Council Action	Department Action
<u>III. DEPARTMENT OF BUSINESS ACTIVITY</u> (cont'd)		
G. <u>LIQUOR -- Request for Approval of Nonoperational Status</u>	Lurie - APPROVED Items G.1, G.2 & G.3. Unanimous	Staff to proceed
2. TRIPLE E PARTNERSHIP dba ELLIOTT'S NEST 2100 East Fremont General On-Off Sale License Joshua D. Elliott, Jr., Partner, 33 1/3% Robert D. Elliott, Partner, 33 1/3% Kenneth W. Elliott, Partner, 33 1/3% (Nonoperational status for period 4/25/86 to 7/25/86 approved 4/16/86. Request for approval of extension for additional three-month period: 7/25/86 to 10/25/86.)		
3. MURRAY ROBINSON dba GALLERIA LIQUOR BARN 2160 West Charleston General Off-Sale License Murray K. Robinson, Jr., 100% (Request for approval of nonoperational status for three-month period: 8/1/86 to 11/1/86.)	APPROVED See above	See above
APPROVED AGENDA ITEM <i>Larry R. Burton</i>		

City of Las Vegas
LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986
AGENDA DOCUMENTATION

00010

Date: July 3, 1986

TO:
The City Council

FROM:
LARRY K. BARTON
DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- JULY 16, 1986 CITY COUNCIL AGENDA
LIQUOR -- Request for Approval of Nonoperational Status

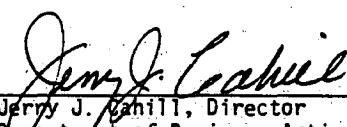
PURPOSE/BACKGROUND

Items, "G", 1 thru 3.

Standard requests for extension of nonoperational status on liquor licenses as follows:

1. Marion Pirtle, dba Jones Quick Stop Market.
2. Triple E Partnership, dba Elliott's Nest.
3. Murray K. Robinson, dba Galleria Liquor Barn.

Copies of letters requesting extensions are attached.


Jerry J. Cahill, Director
Department of Business Activity

FISCAL IMPACT

RECOMMENDATIONS

Agenda Item

III G 1 thru 3

ROBERT R. COCHRANE

607 SOUTH DECATUR BOULEVARD

POST OFFICE BOX 27655

LAS VEGAS, NEVADA 89126-1655

TELEPHONE (702) 878-7899

July 2, 1986

Jerry J. Cahill, Director
DEPARTMENT OF BUSINESS ACTIVITY
City of Las Vegas
Post Office Box 1900
Las Vegas, Nevada 89125

Re: WILLIAM AND MARION PIRTLE
fdba JONES QUICK STOP MARKET
Case No. BK-S-85-01099
U.S. Bankruptcy Court
District of Nevada

Dear Mr. Cahill:

This letter is to replace a hand-written one on the same subject submitted to your office this morning. The undersigned is the duly appointed acting Trustee in the above entitled case. Among the assets of the estate is a general Off-Sale Liquor License previously issued to the Pirtles by the City of Las Vegas. The business is now closed. A continuing non-operational status is requested for this license. The contemplated period is July 27, 1986 through October 26, 1986. Please put this item on the agenda of the City Council at the earliest practicable date. I will be glad to appear and assist the council in consideration of this request.

You may be assured that I appreciate the sincere and effective assistance that licensees are receiving from your staff.

Sincerely,



Robert R. Cochrane
Trustee

RRC:ls

License No: L04-00069-4-000285

TO: THE CITY OF LAS VEGAS,
LAS VEGAS CITY COUNCIL.

RE: REQUEST FOR EXTENTION OF
NON-OPERATIONAL STATUS.

FROM: TRIPLE E PARTNERSHIP DBA
ELLIOTT'S NEST.

DEAR COUNCILMEN;

WE (TRIPLE E PARTNERSHIP) GREATLY APPRECIATE YOUR FAVORABLE RESPONSE TO OUR LAST REQUEST FOR A NON-OPERATIONAL STATUS ON THE LIQUOR LICENSE OF ELLIOTT'S NEST. IF YOU WILL RECALL IN OUR LAST LETTER, YOU WERE APRISED OF OUR SITUATION , IN WICH WE LOST THE LEASE ON OUR FACILITY, THUS ABRUPTLY FORCING US TO RE-LOCATE.

AT THIS TIME WE HAVE MADE CONSIDERABLE PROGRESS TWARDS THIS ENDEAVOR. HOWEVER WE WILL NEED AN EXTENTION OF OUR NON-OPERATIONAL STATUS IN ORDER TO COMPLETE THE PROCESS OF RE-LOCATING.

WE PRAY THAT THE CITY COUNCIL WILL VOTE IN FAVOR OF OUR REQUEST. THANK YOU FOR YOUR TIME.

SINCERLY


KEN ELLIOTT

GENERAL PARTNER.

RECEIVED
BUSINESS ACTIVITY

1986 JUL -2 P 2:02

JUL 16 1986

00013

June 30, 1986

Murray K Robinson Jr
2421 Bay Meadows Circle
Las Vegas Nevada 89108

Dear Sir:

I am the owner of the liquor license at the location of the Galleria Liquor , 2160 W Charleston Blvd, Las Vegas Nevada, which at my request the business was closed as of April 30, 1986

I am now requesting an extenison on the non active license status, we are negotiating a possible sale of the license, depending on the potential buyer approval from the City.

Any Consideration in this matter will greatly appreicated.


Murray K. Robinson Jr

AGENDA

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

City of Las Vegas

00014

July 16, 1986

Page 8

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

ITEM

Council Action

Department Action

III. DEPARTMENT OF BUSINESS ACTIVITY
(cont'd)

1006 H. LIQUOR -- One Year Review

1. JAMES MC CORMICK
dba
THE GREEN SHACK
2524 East Fremont

General On-Off Sale License

James A. McCormick, 100%

Lurie -
APPROVED
Unanimous

Staff to proceed

006 I. LOCKSMITH LICENSE -- One Year Review

1. HENLEY, HENLEY & MOBLEY
dba
DIAMOND LOCK & KEY
1959 North Decatur

James Edgar Henley, Co-owner, 34%
Mary Ellen Henley, Co-owner, 33%
Gloria Fay Mobley, Co-owner, 33%

Lurie -
APPROVED, subject
to same conditions
previously recom-
mended.
Unanimous

Staff to proceed

J. DISCUSSION OF ENTERTAINMENT POLICY OF
THE COURTHOUSE, 5720 WEST CHARLESTON.
(Addendum Item No. 1)

STRICKEN FROM
AGENDA AT REQUEST
OF STAFF. STAFF
ADVISES THAT THIS
BUSINESS IS NO
LONGER IN OPERATION.

APPROVED AGENDA ITEM

Larry L. Burton

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00015

AGENDA DOCUMENTATION

Date: July 3, 1986

TO:
The City Council

FROM:
LARRY K. BARTON
DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- JULY 16, 1986 CITY COUNCIL AGENDA
LIQUOR -- One Year Review

PURPOSE/BACKGROUND

Item "H", 1.

Appearing on the Department of Business Activity agenda is a one year review of the general on-off sale liquor license issued to James McCormick, dba Green Shack, 2524 East Fremont Street.

This license was approved on July 17, 1985 subject to a one year review based on an area of concern in the police report relating to Mr. McCormick's drunk driving record of ten years ago.

The Special/Privileged Investigations Section of the Las Vegas Metropolitan Police Department will be submitting an updated report to the City Council prior to the meeting.


Jerry J. Cahill, Director
Department of Business Activity

FISCAL IMPACT

RECOMMENDATIONS

Agenda Item

III H 1

AGENDA DOCUMENTATION

Date: July 3, 1986

TO: The City Council

FROM: LARRY K. BARTON
DEPUTY CITY MANAGER

SUBJECT: DEPARTMENT OF BUSINESS ACTIVITY -- JULY 16, 1986 CITY COUNCIL AGENDA
LOCKSMITH LICENSE -- One Year Review

PURPOSE/BACKGROUND

Item "I", 1.

Appearing on the Department of Business Activity portion of the agenda is a one-year review of the locksmith license issued to Henley, Henley & Mobley, dba Diamond Lock & Key, 1959 North Decatur Boulevard.

This license was originally approved on July 18, 1985, subject to a one-year review based on concerns listed in the investigative report relating to Mr. and Mrs. Henley's son, David Henley, being convicted of burglary.

The Special/Privileged Investigations Section of the Las Vegas Metropolitan Police Department will be submitting an updated report to the City Council prior to the meeting.


Jerry J. Cahill, Director
Department of Business Activity

FISCAL IMPACT

RECOMMENDATIONS

Agenda Item

III I 1

INTER-OFFICE MEMORANDUM

July 15, 1986

TO:

INFORMATIONAL MEMO

FROM:

 JERRY J. CAHILL, DIRECTOR
DEPARTMENT OF BUSINESS ACTIVITY

SUBJECT:

COURT HOUSE, INC.

COPIES TO:

MAYOR BILL BRIARE
COUNCILMAN AL LEVY
COUNCILMAN RON LURIE
COUNCILMAN BOB NOLEN
COUNCILMAN W. WAYNE BUNKER

On July 10, 1986, Councilman Ron Lurie requested Item J. - Discussion of Entertainment Policy of the Courthouse, 5720 West Charleston, be placed on the July 16, 1986, agenda. Attached is a copy of a letter from Attorney Scott Mahoney advising that effective July 14, 1986, the business ceased operation until further notice.

JJC:vh

Attachment

JUL 16 1986

00018

LAW OFFICES OF

ROGERS, MOORE, MAHONEY & COOK

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

1500 FOREMASTER LANE, SUITE 2
LAS VEGAS, NEVADA 89101-1103
(702) 642-1205

RAYMOND G. BERGGREEN
OF COUNSEL

JAMES E. ROGERS**
HAMILTON D. MOORE*
SCOTT MAHONEY*
CHARLES T. COOK***

*ALSO ADMITTED IN CALIFORNIA
**ALSO ADMITTED IN CALIFORNIA AND ARIZONA
***ALSO ADMITTED IN ARIZONA AND COLORADO

HAND-DELIVER

July 14, 1986

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

Re: Court House, Inc.

Dear Mr. Cahill:

This office represents Mr. Anthony Mazzuca, licensee of the business located at 5720 W. Charleston, Las Vegas, Nevada known as The Courthouse. Please be advised that effective immediately, Mr. Mazzuca has ceased business operations until further notice. Also be advised that the Agreement for Purchase of Stock executed by Mr. and Mrs. Mazzuca, as sellers, and by Mr. Michael Mushkin and others, as buyers, is being terminated because of the breach by the purchasers of various provisions thereof, including, engaging in activities which constitute a violation of local law.

If you require any further information, please do not hesitate to ask.

Sincerely,


Scott Mahoney, Esq.

SM:jd

JUL 14 3 07 PM '86

CITY OF LAS VEGAS

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

Date

00019

INTER-OFFICE MEMORANDUM

March 10, 1986

TO: LT. HASH HANIEF
SPECIAL/PRIVILEGED INVESTIGATIONS SECTION

FROM: DEPARTMENT OF BUSINESS ACTIVITY

SUBJECT: COURT HOUSE, Inc. *file*
dba
The Courthouse
5720 W. Charleston
General On-Off Sale Liquor

COPIES TO:

Attached is a copy of a letter dated March 3rd from Michael Mushkin, Attorney for the above, regarding proposed entertainment to be used at the Courthouse.

This information is furnished for the purpose of insuring compliance with Las Vegas Municipal Code Section 10.56.010.

Marjorie Hether
Marjorie Hether, Chief
Privilege License Division

NH:sp .

Attachment

LAS VEGAS CITY
COUNCIL MINUTES JUL 18 1985

10.56.010

Chapter 10.56

ENTRY INTO CERTAIN ESTABLISHMENTS

Sections:

- 10.56.010 Saloons and similar places—Presence—Performer permits.
- 10.56.020 Saloons and similar places—Permitting presence.
- 10.56.030 Pool halls and billiard rooms—Presence restricted.
- 10.56.035 Pool hall and billiard room—Exclusions from definition.
- 10.56.040 Pool halls and billiard rooms—Allowing presence.
- 10.56.050 Pool halls and billiard rooms—Segregation of tables.
- 10.56.060 Violation—License revocation.
- 10.56.070 Violation—Imputing to firm.

10.56.010 Saloons and similar places—Presence—Performer permits. It shall be unlawful for any person under the age of twenty-one years to visit, frequent, be present in or loiter around any saloon, gambling house, barroom, cigar store or house of ill fame; provided, however, that a minor or minors under proper adult supervision may entertain or perform in lounges upon the securing of a permit from the Sheriff of the Metropolitan Police Department or his designee. Said permit shall allow a minor or minors in such lounge only while in the act of entertaining or performing in the presence of said adult supervisor. The permit shall be signed by said minor or minors as well as his or her supervisory adult on forms to be supplied by the Sheriff or his designee. The application form shall be prepared with adequate information, which forms shall be approved by the City Council.
(Ord. 1878 § 1, 1977; Ord. 1284 § 1 (part), 1967; Ord. 1190 § 8 (part), 1965; Ord. 1107 § 2 (part), 1964; Ord. 1040 § 1 (part), 1963; Ord. 107 § 1 (part), 1924; prior code § 6-8-2(A))

10.56.020 Saloons and similar places—Permitting presence. It shall be unlawful for any licensee, proprietor, keeper, person in charge or employee of any saloon, gambling house, barroom, cigar store or house of ill fame knowingly to allow or permit any person under the age of twenty-one years to visit, frequent, be present in or loiter around any such establishment, whether or not such licensee, proprietor, keeper, person in charge or employee has knowledge that such person is under the age of twenty-one years, except as provided in Section 10.56.010.

00021

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

LAW OFFICES

GELLNER, MUIJE, MUSHKIN & SAMUELS

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

CHRISTOPHER G. GELLNER
JOHN W. MUIJE
MICHAEL R. MUSHKIN
JEFFREY N. SAMUELS

SUITE 300
930 SOUTH THIRD STREET
LAS VEGAS NEVADA 89101

TELEPHONE
AREA CODE 702
386-3999

OF COUNSEL
JAMES L. WADSWORTH

March 3, 1986

City of Las Vegas
Licensing Bureau
400 South Stewart Street
Las Vegas, Nevada 89101

Attention: Marge

Re: Courthouse Lounge

Dear Marge:

Attached hereto please find the Order Authorizing Sale of Property in the Bankruptcy Court showing El Jardin's interests, along with a copy of the Standard Engagement Agreement. This is a 50's and 60's type band. The contract so states there will be entertainment by "Billy and the Bop-Kats" six (6) nights per week. The only other entertainment will be taped music.

I hope this information fulfills your request.

Warmest, personal regards.

Sincerely,

Michael R. Mushkin
MICHAEL R. MUSHKIN, ESQ.

MRM:at
Attachment

50105

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 5, 1986
III-C - LIQUOR - REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT ON
CHANGE OF LOCATION/CHANGE OF NAME FROM ANTONIO'S ITALIAN RESTAURANT
TO COURT HOUSE, INC., 5720 W. CHARLESTON

Page 1

MAYOR BRIARE: Item C is a request for waiver of the 1500 foot distance that's required to change a license from Antonio's Restaurant to the Courthouse. Better define the Courthouse. At 5720 West Charleston Boulevard.

COUNCILMAN LURIE: I think, Mayor, we have to discuss the 1500 foot first.

MAYOR BRIARE: Right.

COUNCILMAN LURIE: Jerry. Are the applicants here, Jerry?

JERRY CAHILL: Yes, they should be here. Each business was notified and we had one favorable and we did not receive any replies from the other two.

COUNCILMAN LURIE: How long has Bonkers been closed?

JERRY CAHILL: I believe it was December of '85.

COUNCILMAN LEVY: There's somebody in the back.

MAYOR BRIARE: Do you wish to make any comment?

COUNCILMAN LEVY: Sir.

MAYOR BRIARE: Do you wish to make a comment?

ATTY. MIKE MUSHKIN: Mayor, I'm Mike Mushkin. I represent Mr. and Mrs. Mazzuca who's behind me and is the applicant in this matter.

MAYOR BRIARE: Mr. Mushkin, are you taking the license from Las Vegas Boulevard up to West Charleston?

ATTY. MIKE MUSHKIN: That's correct.

MAYOR BRIARE: You're not buying a license from the previous operators?

ATTY. MIKE MUSHKIN: No, it isn't.

MAYOR BRIARE: So that means that on Las Vegas Boulevard South then there will be no licensed operation?

ATTY. MIKE MUSHKIN: That's correct. It will be moved to the new location if it's approved.

MAYOR BRIARE: Of course, which is not for Mr. Mushkin to be worried about here, but I'm sure it won't be but

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 5, 1986
III-C - LIQUOR - REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT ON
CHANGE OF LOCATION/CHANGE OF NAME FROM ANTONIO'S ITALIAN RESTAURANT
TO COURT HOUSE, INC., 5720 W. CHARLESTON

Page 2

MAYOR BRIARE: a few days until someone's going to be in to see you to get a license at the location which is in existence today.

ATTY. MIKE MUSHKIN: I would not expect that, Mayor. The building in question is going to be used -- I think it's going to go down and a high rise is going up, I believe.

COUNCILMAN LEVY: That's not the answer to that one, Mr. Mushkin. I happened to talk to one of the owners, and they're looking for a tenant.

ATTY. MIKE MUSHKIN: Oh, I'm sorry. The last -- because they would not --

COUNCILMAN LEVY: This was last night at 4 o'clock.

ATTY. MIKE MUSHKIN: The only reason I say that is because they would not grant a lease to my client. They wanted a month-to-month --

COUNCILMAN LEVY: Well, they're looking for --

MAYOR BRIARE: Well, that's not your client's worry. I just wondered if there was going to be a license, you know, kind of floating around somewhere between West Charleston Boulevard and downtown, but you've answered that.

ATTY. MIKE MUSHKIN: No, not to my knowledge. Yes, sir.

MAYOR BRIARE: Do you want to make any more comment, or --

ATTY. MIKE MUSHKIN: The only comment I'd like to make about the 1500 foot requirement is that in fact this matter came before the Henderson City Council just two weeks ago and the ruling that was made then was that if a operation had existed in the 15 month period, then the 1500 foot limitation was waived and that was their answer to the problem. That's my only comment.

MAYOR BRIARE: That's not the way ours --

COUNCILMAN LEVY: That's strictly Henderson.

ATTY. MIKE MUSHKIN: Yes. I was just advising Henderson's.

MAYOR BRIARE: Jerry, did you have anything? Yes, sir, do you want to make a comment. This is with respect to the 1500 foot waiver. Your name and your address, please.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 5, 1986
III-C - LIQUOR - REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT ON
CHANGE OF LOCATION/CHANGE OF NAME FROM ANTONIO'S ITALIAN RESTAURANT
TO COURT HOUSE, INC., 5720 W. CHARLESTON

Page 3

JIM BURNS: My name's Jim Burns. I'm the President of I & J, Inc. We're the owners of the Red Dawg Saloon. It's on the corner of Jones and Charleston, and this particular business has been -- I believe this is the third owner within a year. There's a lot of business -- a lot of bars in that neighborhood, and we're all having kind of a tough time, so --

MAYOR BRIARE: Mr. Burns, we have a map here that shows the 1500 foot. You're outside of the 1500 foot?

COUNCILMAN NOLEN: No.

JIM BURNS: No. I have a notice. I just --

MAYOR BRIARE: No? What is the name of your place?

COUNCILMAN LEVY: Red Dawg. The one at the north end.

JIM BURNS: Red Dawg.

COUNCILMAN LURIE: Fourteen hundred and seventy feet away.

MAYOR BRIARE: Oh, okay.

JIM BURNS: All I know is I got a letter. I don't know how.

COUNCILMAN LEVY: Yes, you're within.

MAYOR BRIARE: Yes, you're 1450. I got you.

JIM BURNS: I thought we were supposed to respond in person rather than written, but however I have to do it, I'm doing it.

MAYOR BRIARE: Sure. Either way. That's perfectly alright. Do you have anything else you wanted to add?

JIM BURNS: No.

MAYOR BRIARE: Thank you very much, Mr. Burns. Anyone else? Folks. Mr. Mushkin, just let these folks -- this is with respect to the 1500 foot request.

ROBERT BUFFALINO: My name is Robert Buffalino and this is Jenny Napolelo and we are the co-owners of the Landoray Lounge sitting at 6018 West Charleston Boulevard, and we also know how tough it is in the bar business, especially at that location, due to the fact that there are a total of three bars in the city limits within the 1500 foot

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 5, 1986
III-C - LIQUOR - REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT ON
CHANGE OF LOCATION/CHANGE OF NAME FROM ANTONIO'S ITALIAN RESTAURANT
TO COURT HOUSE, INC., 5720 W. CHARLESTON

Page 4

ROBERT BUFFALINO:

area of the Bonkers location, plus an off-sale convenience store which has a license to sell alcoholic beverages including hard liquor, and across the street in the County side there is also a licensed bar doing business right across the street from the Red Dawg Lounge, and there is two restaurants in the area also with beer and wine licenses. So we feel the area is really saturated with accounts being able to serve alcoholic beverages either on-sale or off-sale.

MAYOR BRIARE:

Did you notice anything in the last -- in the last year, did you indicate that this place had been opened and closed three times?

ROBERT BUFFALINO:

Yes, it has.

MAYOR BRIARE:

We have it. We have some backup material. I don't think it gave us an indication as to exactly how long. Three times in one year sounds like maybe a little exaggeration.

ROBERT BUFFALINO:

It may be a slight --

MAYOR BRIARE:

Three times over a period from the time it was first opened, which is a pretty good time.

ROBERT BUFFALINO:

Well, to the best of my knowledge, you've had a license of the El Jardin --

MAYOR BRIARE:

In any event, did you notice that your business increased when the place closed down?

ROBERT BUFFALINO:

Not really. It's been very tough in the area for all the bar owners involved because of licenses opening out in the County and further away from us. So if there's been any change, it's been very negligible, but having a new license to lessen the amount of people who enjoy beverages could be a substantial burden to all the bars in the area.

MAYOR BRIARE:

Thank you very much. Was there anyone else?

COUNCILMAN LEVY:

I'd just like to ask a question. Sir, do you serve food?

ROBERT BUFFALINO:

At this time we serve sandwiches that are purchased from another company, plus --

COUNCILMAN LEVY:

But you don't have a restaurant basically type situation?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 5, 1986
III-C - LIQUOR - REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT ON
CHANGE OF LOCATION/CHANGE OF NAME FROM ANTONIO'S ITALIAN RESTAURANT
TO COURT HOUSE, INC., 5720 W. CHARLESTON

00026

Page 5

ROBERT BUFFALINO: No, we're not a restaurant type. The bars that do have a restaurant capability are the Red Dawg, I believe, and then you have -- let's see -- across the street in the County is the Tap House, which has --

COUNCILMAN LEVY: Which is really a food with a bar.

ROBERT BUFFALINO: Right.

COUNCILMAN LEVY: Which this place would be more of a food restaurant with a bar.

ROBERT BUFFALINO: Well, that's true, but with the license he will have, he could do any change whatsoever. He could turn it to an entire bar operation.

COUNCILMAN LEVY: That's true.

ROBERT BUFFALINO: That's what I'd like to protect against.

COUNCILMAN LEVY: And I don't disagree. We've got enough cocktail lounges in the area, but I certainly don't like to limit decent restaurants, which Antonio's was always a decent restaurant.

ROBERT BUFFALINO: I wouldn't mind if the gentleman would care to change the license that he has to a restaurant license.

MAYOR BRIARE: Without liquor?

COUNCILMAN LEVY: No, no.

ROBERT BUFFALINO: Oh, no, no. I'm not sure the exact license ability, so I'd like to see a restaurant too -- a fine quality restaurant to have a license that would allow the man to sell a bottle of liquor outside, you know, closed so someone could take it off his premises -- that I wouldn't like. There's too many. There's too many juveniles in that area.

COUNCILMAN LEVY: Well, that's a different program.

ATTY. MIKE MUSHKIN: Very briefly in response. The El Jardin West existed for almost nine years. About two and a half years ago, there was a sale to Douglas Underwriting which did business as Bonkers. To the best of my knowledge, they really never opened. The doors were opened, but I don't believe they had the place ready to do business. The request that we're making is necessitated

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 5, 1986
III-C - LIQUOR - REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT ON
CHANGE OF LOCATION/CHANGE OF NAME FROM ANTONIO'S ITALIAN RESTAURANT
TO COURT HOUSE, INC., 5720 W. CHARLESTON

Page 6

ATTY. MIKE MUSHKIN: by an insistence from bankruptcy counsel for Douglas Underwriting that a sale of that license at an exorbitant price. The fact remains that Mr. and Mrs. Mazzuca is previously licensed and has had a license of his own. He now desires to move his restaurant to a long term lease tenancy approximately three miles up Charleston, and I respectfully request that we be granted a license.

COUNCILMAN LEVY: Well, you didn't answer the questions that were brought up, Mr. Mushkin.

ATTY. MIKE MUSHKIN: I'm sorry.

COUNCILMAN LEVY: The question regarding the food situation.

COUNCILMAN LURIE: What type of restaurant is he going to have? The same as he had on Las Vegas Boulevard?

ATTY. MIKE MUSHKIN: Italian Restaurant. Yes, sir.

COUNCILMAN LURIE: The same type of operation? It's not going to be a bar and cocktail lounge?

ATTY. MIKE MUSHKIN: Oh, yes. There's a full bar and cocktail lounge also. The facility's almost 8,000 square feet, approximately 4500 to 5000 is devoted to food and there's about 3000 to 3500 that is devoted to lounge. It's a totally pre-existing facility. There have been no substantial changes made. There is no means for off-site sales. There's no driveup window or counter or anything of that nature. There's no intention at this point in time for my client to have anything other than the same operation that he had before with the increased space for the lounge area. Antonio's on Las Vegas Boulevard had a small lounge. I think the size of the restaurant envisioned versus the size of Antonio's is about 45% larger, but in terms of the mix, it's almost the same in terms of space devoted to dining room, lounge, kitchen and bar.

MAYOR BRIARE: Any other questions of Mr. Mushkin? Mr. Cahill, on our map we have the Red Dawg Saloon, the Landoray Cocktails and the Red Rock Inn. Were they -- do you know if they were all in existence when the El Jardin opened?

JERRY CAHILL: I believe everyone but the Red Dawg. That's right off the top of my head. I believe that's true.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 5, 1986
III-C - LIQUOR - REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT ON
CHANGE OF LOCATION/CHANGE OF NAME FROM ANTONIO'S ITALIAN RESTAURANT
TO COURT HOUSE, INC., 5720 W. CHARLESTON

Page 7

COUNCILMAN LEVY: Of course, we didn't have the 1500 foot rule at the time.

MAYOR BRIARE: No, when the El Jardin.

COUNCILMAN LEVY: Basically, the El Jardin was a complete different type of operation. They had the food as well as they had the dancing and it really to me wasn't the type of competition that was -- what the intent of the law was -- and if I knew -- if I had some assurances that Mr. Mazzuca who is quite a restauranteer, more than a bartender would have that type of situation, I'd feel a lot more comfortable about it.

MAYOR BRIARE: Are you saying, Councilman Levy, that if they were to have more of a restaurant type operation than a bar operation that that would make a difference?

COUNCILMAN LEVY: That would make me more comfortable.

MAYOR BRIARE: I think I've --

COUNCILMAN NOLEN: It's been basically stated that they are going to take what they've got on Las Vegas Boulevard North and put a similar facility on just a larger building with a long term lease situation.

MAYOR BRIARE: It seems like that was more of a restaurant on --

COUNCILMAN NOLEN: That's exactly what it is.

JERRY CAHILL: I believe it started out basically as a Mexican type of restaurant with a bar facility when it was the El Jardin.

COUNCILMAN LEVY: Yes, I appreciate that.

MAYOR BRIARE: Antonio's, on the other hand, was primarily a restaurant.

COUNCILMAN LEVY: It was primarily a restaurant.

MAYOR BRIARE: Yes.

ANTHONY MAZZUCA: I'm going to run the exact same thing that I did on the Boulevard.

MAYOR BRIARE: Any other comments?

COUNCILMAN LURIE: Well, the one thing that we did when we established a 1500 foot rule was to allow the competition to be more spread out, if a business went out of business,

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 5, 1986
III-C - LIQUOR - REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT ON
CHANGE OF LOCATION/CHANGE OF NAME FROM ANTONIO'S ITALIAN RESTAURANT
TO COURT HOUSE, INC., 5720 W. CHARLESTON

Page 8

COUNCILMAN LURIE:

not to relocated in that same location, but we were mainly talking bars. I think when you have a food operation, it's different than just having a bar, because, to me, it's two distinct differences. I'm familiar with your business on Las Vegas Boulevard and I'm kind of thinking along the lines that Al is. If that's the same type of operation, the majority of it's food.

ANTHONY MAZZUCA:

Yes.

COUNCILMAN LURIE:

While people are waiting for a table, they can visit the cocktail lounge and then go in and be seated for dining. To me, that's different than just going into a neighborhood bar and having a drink or buying a six-pack and leaving, and I think the location to me warrants to have a tenant in there. I hate to see a business in a building that size to be vacant because of the problems that I see that could exist.

JERRY CAHILL:

I believe, Councilman, to address that, the crux of this matter is it is a general on-off sale license, so that's why the waiver.

COUNCILMAN LURIE:

I know the license.

MAYOR BRIARE:

Any other comments? Mr. Cahill, was the Bar Owners Association notified of this? Usually, they're in attendance.

JERRY CAHILL:

No, they were not notified in this case. It's not a situation where our ordinance requires that they be notified. We do notify the property owners -- excuse me -- not the property owners but the people within --

MAYOR BRIARE:

I understand there's nothing in there that obliges, but I just wondered if they knew or were aware of it? Usually they are.

JERRY CAHILL:

Yes.

COUNCILMAN NOLEN:

They are on the mailing list for the agenda.

JERRY CAHILL:

Yes. Jack Doyle gets a copy of our agenda, so, you know.

MAYOR BRIARE:

Yes. Because I don't see Mr. Doyle present, and so is it safe to assume there's no one here in the audience today from the Bar Owners Association? (No response.) Fine. Any other comments?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - MARCH 5, 1986
III-C - LIQUOR - REQUEST FOR WAIVER OF 1500' DISTANCE REQUIREMENT ON
CHANGE OF LOCATION/CHANGE OF NAME FROM ANTONIO'S ITALIAN RESTAURANT
TO COURT HOUSE, INC., 5720 W. CHARLESTON

Page 9

COUNCILMAN BUNKER:

I just have one comment. Mayor, whenever we have a request for a waiver and we deny it, I'm always concerned about that we're infringing upon the free enterprise system. I think everyone should have a chance to go bankrupt if they want to in this country, and absent of showing that the close proximity of these types of operations will impact the police and fire protection or increase crime, I'm opposed to restricting the free enterprise rule, and I certainly don't see -- there hasn't been any testimony here to show that we have any justification other than cycling competition to deny this particular request, and I don't think that's justification. I think there can be others that would deny the waiver, but I don't think that's present in this one. It hasn't been shown to be present here.

MAYOR BRIARE:

Did you wish to offer a motion, Councilman Bunker?

COUNCILMAN BUNKER:

I don't usually offer motions in this section.

COUNCILMAN NOLEN:

If he don't, I will. YOUR HONOR, I'D MAKE A MOTION THAT WE GRANT THE 1500 FOOT WAIVER.

MAYOR BRIARE:

Councilman Nolen has offered a motion to allow the waiver for the 1500 feet. Are there comments by the Council Members? (No response.) Cast your votes. Post. THE MOTION'S APPROVED. (UNANIMOUS VOTE TO APPROVE MOTION BY THE ENTIRE COUNCIL.) The waiver has been allowed.

COUNCILMAN NOLEN:

Now, we need to change the location.

COUNCILMAN LEVY:

I'LL MOVE THAT WE APPROVE THE CHANGE OF LOCATION.

MAYOR BRIARE:

Are there any comments or questions on this motion?

COUNCILMAN LURIE:

That's subject to all the provisions?

COUNCILMAN LEVY:

Yes.

MAYOR BRIARE:

Cast your votes. Post. MOTION'S APPROVED. The Courthouse is now on West Charleston Boulevard.

(VOTE: UNANIMOUS APPROVAL OF MOTION BY ENTIRE COUNCIL.)

ATTY. MIKE MUSHKIN:

Thanks very much.

(END OF DISCUSSION ON THIS ITEM.)

AGENDA

City of Las Vegas

July 16, 1986

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

Page 9

ITEM		Council Action	Department Action
	IV.(a) ADMINISTRATIVE AGENDA ASHLEY HALL, CITY MANAGER		
007	A. ABEYANCE ITEM - DISCUSSION AND POSSIBLE ACTION ON THE REQUEST OF THE LAS VEGAS HOUSING AUTHORITY FOR ACQUISITION OF CITY PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE EXPRESSWAY AND TORREY PINES.	Lurie - APPROVED as recommended, subject to construction being started by 1/1/90 and the approval of appropriate zoning. Motion carried with Briare voting "No."	Staff to proceed Art Sartini appeared
010	B. ABEYANCE ITEM - DISCUSSION AND POSSIBLE ACTION ON THE OFFER TO PURCHASE PROPERTY GENERALLY LOCATED AT PENNWOOD AND DECATUR.	Note: If construction not begun by 1/1/90, to be reviewed by Council Nolen - APPROVED as recommended (to sell to Real Corp. for \$1,223,000). Motion carried with Lurie voting "No."	Staff to proceed
012	C. DISCUSSION AND POSSIBLE ACTION ON ERRORS AND OMISSIONS INSURANCE - CITY POLICY.	Lurie - APPROVED as recommended by City Manager. (Amend 1982 policy to allow letter of credit to substitute for Insurance Policy - see backup) Unanimous	Staff to proceed Mr. McFarland of Consulting Engineers Assoc. appeared
1015	D. ACCEPTANCE OF OFFER TO PURCHASE PROPERTY AT FLAMINGO AND INDUSTRIAL ROADS.	Levy - APPROVED as recommended (to sell to James H. Youngblood for \$731,500 net). Unanimous	Staff to proceed
		NOTE: Verbatim transcripts on Items A, B, C & D made part of Final Minutes.	

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00032

Date: June 16, 1986

AGENDA DOCUMENTATION

TO: The City Council

FROM: ASHLEY HALL
CITY MANAGER

Ashley Hall

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON THE REQUEST OF THE LAS VEGAS HOUSING AUTHORITY
FOR ACQUISITION OF CITY PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE EXPRESSWAY
AND TORREY PINES

PURPOSE/BACKGROUND

Property in question, which is located at the southwest corner of Torrey Pines and the Expressway, was purchased in 1981 from the Nevada Department of Transportation. The purchase price was \$650,000 made from funds received, I believe, from the sale of City property to the State for Freeway right-of-way. The Housing Authority, due to the lack of any federal funding assistance, does not have funds available for the purchase of land to accommodate elderly housing; therefore, they are requesting the City donate this parcel for that purpose. They are proposing to develop 106 units together with an 8,000 square foot community center in three phases with Phase I to start in 1989 and Phase III in 1993. Attached is a copy of the letter from Mr. Sartini, the Executive Director, explaining the project and a later letter explaining the scheduling.

FISCAL IMPACT

None.

RECOMMENDATIONS

City Manager recommends that, if the property is donated to the Housing Authority, it be predicated upon the appropriate reversionary clauses. In case the project is not successful, the vacant land would then revert to the City.

Agenda Item

IV.(a) A.

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 1
IV(a). ADMINISTRATIVE AGENDA. ITEM A. DISCUSSION AND POSSIBLE ACTION ON THE
REQUEST OF THE LAS VEGAS HOUSING AUTHORITY FOR ACQUISITION OF CITY PROPERTY
LOCATED AT THE SOUTHWEST CORNER OF THE EXPRESSWAY AND TORREY PINES.

00033

MAYOR WILLIAM BRIARE: We'll now go to the Administrative Agenda on page 9, Mr. Hall.

CITY MANAGER ASHLEY HALL: Yes, Your Honor. Item A is an abeyance item. It's a discussion and possible action on the request of the Las Vegas Housing Authority for acquisition of City property located at the southwest corner of the Expressway and Torrey Pines. Mr. Saylor.

SPECIAL PROJECTS MANAGER
DON SAYLOR:

You will remember at your last meeting you held this item in abeyance and asked the Housing Authority to evaluate the Pennwood/Decatur site as a possible alternative. Mr. Sartini has looked at that site. I've discussed it with him and he has indicated that the Pennwood/Decatur site would be usable, however, the Torrey Pines site is preferable for their purposes.

COUNCILMAN RON LURIE:

Mayor, I'D LIKE TO MOVE THAT WE FOLLOW THE RECOMMENDATION. I believe that Councilman Bunker wanted to include in there that we put a date that this project has to be under construction of January of 1990. I believe Mr. Sartini said that it probably would be started by 1989, so the item would be that, if it's approved, that if it weren't started construction by 1990, it would come back before the Council for review.

COUNCILMAN AL LEVY:

Also, I think it would be subject to zoning. The property is not zoned at this time, that's what I understand.

SPECIAL PROJECTS MANAGER
DON SAYLOR:

It is zoned Civic zoning which could allow by means of a Use Permit, I believe.

COUNCILMAN AL LEVY:

Then I would like to make it subject to, of course, the Use Permit or zoning, whatever is necessary.

COUNCILMAN WAYNE BUNKER:

Can you live with a January 1, 1990?

ART SARTINI, HOUSING
AUTHORITY:

Yes, that shouldn't be any problem.

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 2
IV(a). ADMINISTRATIVE AGENDA. ITEM A. DISCUSSION AND POSSIBLE ACTION ON THE
REQUEST OF THE LAS VEGAS HOUSING AUTHORITY FOR ACQUISITION OF CITY PROPERTY
LOCATED AT THE SOUTHWEST CORNER OF THE EXPRESSWAY AND TORREY PINES.

00034

COUNCILMAN WAYNE BUNKER: That doesn't mean that if you're not underway we wouldn't extend it. It just gives us another chance to take another look.

COUNCILMAN RON LURIE: It would give a new Board a chance.

COUNCILMAN AL LEVY: That's right.

COUNCILMAN RON LURIE: I'LL MOVE FOR APPROVAL, SUBJECT TO THOSE CONDITIONS.

MAYOR WILLIAM BRIARE: Mr. Saylor, would you please tell us what is the dollar value of that particular piece of property.

SPECIAL PROJECTS MANAGER
DON SAYLOR: We purchased it three or four years ago, I believe, for \$650,000 something like that. I would estimate -- I don't have a current appraisal, but I would estimate the value to be approximately a million, a million two hundred, but that would require a zone change to multi-family which I suspect might be a very big problem in that neighborhood.

MAYOR WILLIAM BRIARE: Any other comments?

COUNCILMAN RON LURIE: I'LL MOVE FOR APPROVAL, SUBJECT TO THE CONDITIONS OF THE COUNCILMAN LEVY AND COUNCILMAN BUNKER.

MAYOR WILLIAM BRIARE: Cast your votes. Post. Motion is APPROVED.
(Motion carried with Briare voting "No.")

END OF DISCUSSION

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00035

Date: July 8, 1986

AGENDA DOCUMENTATION

TO: The City Council

FROM: BOB SAYLOR
SPECIAL PROJECTS MANAGER

SUBJECT: DISCUSSION/ACTION ON THE OFFER TO PURCHASE PROPERTY GENERALLY LOCATED AT
PENNWOOD AND DECATUR

PURPOSE/BACKGROUND

The above property was obtained by the City in 1978 for the purpose of a park site. The need for a park site at that general location was based on the likelihood of additional lands in proximity being annexed to the City. The annexation of these lands was subsequently prohibited by State legislation; therefore, the need for a City park no longer existed. An offer was made to the County recently proposing that they purchase the property from the City to develop as a County park or participate with the City in the development, operation and maintenance of a joint City/County park. The County has indicated that they are not in a financial position to either buy the property or assist the City in the development of the property. Furthermore, they indicate that they presently have two County parks within close proximity which are already developed and a third park which will be developed in the very near future. These three County facilities would appear to provide adequate park facilities for the general area.

Real Corporation, which has tendered an offer to purchase this property, has agreed to amend their original offer to provide for \$25,000.00 non-refundable earnest money and an escrow closing date of October 15, 1986 with no time extensions.

FISCAL IMPACT

None.

RECOMMENDATIONS

City Manager recommends that the offer of Real Corporation in the amount of \$1,223,000 (less \$122,000 commission) be accepted as amended and staff authorized to open escrow immediately.

Agenda Item

IV.(a) 8.

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 1
IV(a). ADMINISTRATIVE AGENDA. ITEM B. DISCUSSION AND POSSIBLE ACTION ON THE
OFFER TO PURCHASE PROPERTY GENERALLY LOCATED AT PENNWOOD AND DECATUR.

MAYOR WILLIAM BRIARE: Item B is an abeyance item. Discussion and possible action on the offer to purchase property generally located at Pennwood and Decatur. Mr. Hall.

CITY MANAGER ASHLEY HALL: Yes, Mr. Saylor.

SPECIAL PROJECTS MANAGER
DON SAYLOR:

This was held in abeyance at your last meeting -- well, first of all, you did take action to rescind the previous Resolution which set forth that this was to be a park. That has been rescinded so that no longer is a matter before you. You did ask that I review the zoning to determine if it were proper. You will remember the property is zoned R-3. It was zoned that way at the time we bought it prior to annexation. I looked at the area very carefully, evaluated our General Plan and it is my conclusion that the R-3 zoning on it is perhaps the only appropriate zoning for that property and the multi-family use is in accord with our newly-adopted General Plan. We have recommended previously that the offer from Real Corporation in the amount of \$1,223,000 be accepted, which is less the \$122,000 commission, giving us a net of \$1,101,000.

MAYOR WILLIAM BRIARE: Mr. Hall, any further comments? What's the pleasure of the Council?

COUNCILMAN WAYNE BUNKER: Do we -- is that offer in line with the appraisal on this property?

SPECIAL PROJECTS MANAGER
DON SAYLOR: Yes, sir. In fact, I hesitate to say so because I believe the buyers are here, but I suspect it might be a little bit above.

MAYOR WILLIAM BRIARE: Are there any other questions or comments? What's the pleasure of the Council?

COUNCILMAN BOB NOLEN: Your Honor, I'D MOVE TO FOLLOW THE RECOMMENDATION.

MAYOR WILLIAM BRIARE: Any comments on the motion?

COUNCILMAN RON LURIE: My comments are the same as before. You can just enter them into the record, my opposition.

MAYOR WILLIAM BRIARE: Further comments? Cast your vote. Post. Motion is APPROVED.

(Motion carried with Lurie voting "No.")

END OF DISCUSSION

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00037

AGENDA DOCUMENTATION

Date: July 7, 1986

TO:
The City Council

FROM:
Ashley Hall
City Manager

Ashley Hall

SUBJECT:

DISCUSSION AND POSSIBLE ACTION ON ERRORS AND OMISSIONS INSURANCE--CITY POLICY

PURPOSE/BACKGROUND

In 1982 by Council action on August 18, the City adopted a policy which required an Errors and Omissions insurance policy in the amount of 25%-50% of the project cost depending on the type and complexity of the project and was to be in effect for two years after construction was completed. Several consulting firms have indicated an interest in providing a letter of credit from a bank in lieu of the insurance requirement. This is the direct result of rising insurance costs. This matter has been checked with the City Attorney who has indicated that he believes that a letter of credit from a bank properly worded, in fact, provides better protection than the insurance coverage now required by the policy.

FISCAL IMPACT

None.

RECOMMENDATIONS

City Manager recommends that the policy adopted in August 1982 concerning Errors and Omissions insurance be amended to provide a letter of credit from an acceptable financial institution in substitution for an insurance policy.

Agenda Item

IV.(a) C.

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 1
IV(a). ADMINISTRATIVE AGENDA. ITEM C. DISCUSSION AND POSSIBLE ACTION ON
ERRORS AND OMISSIONS INSURANCE - CITY POLICY.

MAYOR WILLIAM BRIARE: Next, Mr. Hall.

CITY MANAGER ASHLEY HALL: Item C, Your Honor, is discussion and possible action on Errors and Omissions Insurance. It's a City policy change or request for such due to the rising insurance costs. Several consulting firms have indicated an interest in providing a letter of credit from a bank in lieu of insurance requirements. This is, as I mentioned, a direct result of insurance costs going up. This matter has been checked with the City Attorney and he has indicated that the staff go along with the Director of Finance. It's the recommendation that we allow that to happen.

MAYOR WILLIAM BRIARE: These would all be determined on a job-by-job basis though, would they not?

CITY MANAGER ASHLEY HALL: They would.

MAYOR WILLIAM BRIARE: And Mr. Ogilvie, the only question I have is that can we be arbitrary in this particular regard as requiring one company or one size job to have this amount of letter of credit and then maybe somebody else would have another amount or terms and conditions?

CITY ATTORNEY OGILVIE: I think that the -- depending upon the job, rather than depending on the architect or engineer, you can vary the amount, but I think the amount should be -- and I think it would be spelled out in the RFP as to how much errors and omission.

MAYOR WILLIAM BRIARE: I think that's what I was driving at so it wouldn't be something that maybe Bidder A would be, you know, a giant company and Bidder B would be less than a giant and yet be qualified.

CITY ATTORNEY OGILVIE: The requirements should be spelled out for each job and every engineer that submits a proposal should be held to that requirement. I think that in the substitution should be made in the alternative that the engineers could submit either the Errors and Omissions Policy or the letter of credit.

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 2
IV(a). ADMINISTRATIVE AGENDA. ITEM C. DISCUSSION AND POSSIBLE ACTION ON
ERRORS AND OMISSIONS INSURANCE - CITY POLICY.

SPECIAL PROJECTS MANAGER
DON SAYLOR:

The way the present policy is written, Mayor, it states that the amount is dependent upon the type and complexity of the project. That same wording would still apply.

COUNCILMAN RON LURIE:

Mayor, I'D MOVE THAT WE FOLLOW THE RECOMMENDATION OF THE CITY MANAGER.

MAYOR WILLIAM BRIARE:

Thank you, Councilman Lurie. Just one other comment, which can always be changed later, but has this had any input from any local firms or anything? I'm thinking of myself of a person -- if a firm has to go and get a bid bond to be followed up later by a completion bond and then on top of that they have to get a letter of credit for --

COUNCILMAN AL LEVY:

No, that don't have to get both; there's a choice.

SPECIAL PROJECTS MANAGER
DON SAYLOR:

To answer your question, Mayor, I do have a letter on file from the Consulting Engineers Council of Nevada that totally support this proposal and the President-Elect is in the audience, if you have any questions, Mr. MacFarland.

MAYOR WILLIAM BRIARE:

I don't think it has to be belabored any more. We'll wait until any problems arise the first time this is tried we can address them then. Any further comments on the motion? Cast your vote. Post. Motion is APPROVED.

(Motion carried unanimously.)

END OF DISCUSSION

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00040

AGENDA DOCUMENTATION

Date: July 7, 1986

TO:
The City Council

FROM:
Ashley Hall
City Manager

Ashley Hall

SUBJECT:

ACCEPTANCE OF OFFER TO PURCHASE PROPERTY AT FLAMINGO AND INDUSTRIAL ROAD

PURPOSE/BACKGROUND

I have received an offer from James H. Youngblood, Jr. of Encinitas, California through Coldwell Banker to purchase the property located on Industrial Road near Flamingo. The offer is in the amount of \$731,500 net with \$7,500 earnest money. The balance to be paid in cash on or before October 27, 1986. This property consists of two parcels: one approximately 6 acres and the other 1.2 acres. The property is presently zoned H-1. The offer is subject to the buyer obtaining light industrial zoning from the County. I checked with County Planning and found that the property is master planned for light industrial zoning and that there should be no problem. Both parcels are bisected by a flood control channel. The offer is in the amount of the 1985 appraisal excluding the real estate commission which will be paid by the buyer.

FISCAL IMPACT

None.

RECOMMENDATIONS

City Manager recommends that the offer be accepted subject to the City Attorney's Office approval of the Purchase Agreement.

Agenda Item

IV.(a) D.

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 1
IV(a). ADMINISTRATIVE AGENDA. ITEM D. ACCEPTANCE OF OFFER TO PURCHASE
PROPERTY AT FLAMINGO AND INDUSTRIAL ROADS.

MAYOR WILLIAM BRIARE: Mr. Hall.

CITY MANAGER ASHLEY HALL: Item D, Your Honor, is an Acceptance of an Offer to Purchase Property at Flamingo and Industrial Road. Mr. Saylor.

SPECIAL PROJECTS MANAGER
DON SAYLOR:

We have advertised this property and do have an acceptable offer. The offer is the appraised value, but it's net. In other words, we don't have to pay any commissions out of this amount. They will be paid by the buyer. If, in fact, you want to dispose of this property, we recommend that this offer be accepted.

COUNCILMAN AL LEVY: I'LL MOVE TO FOLLOW THE RECOMMENDATION. I think it's a very good offer and certainly can help us.

MAYOR WILLIAM BRIARE: Any comments or questions?

COUNCILMAN WAYNE BUNKER: Is this part of the budget proposal that we sell certain property for needs in the budget?

CITY MANAGER ASHLEY HALL: Yes, in fact, this was on the priority list, Councilman Bunker, yes.

MAYOR WILLIAM BRIARE: Further comments? Cast your vote. Post. Motion is APPROVED. That concludes your agenda, Mr. Hall?

CITY MANAGER ASHLEY HALL: It does, Your Honor.

(Motion carried unanimously.)

END OF DISCUSSION

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00042

City of Las Vegas

July 16, 1986

Page 10

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.

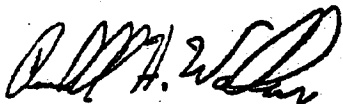
A. SERVICE AND MATERIAL WARRANTS/PAYROLL WARRANTS/OTHER WARRANTS AND INVESTMENTS

1. Service and Material Warrants
In the amount of \$4,421,570.55
2. Payroll Warrants
In the amount of \$1,549,286.08
3. Other Warrants and Investments
In the amount of \$184,464.77

Lurie -
APPROVED Items 1, 2
& 3.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM



1016

CITY CLERK

AGENDA

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

City of Las Vegas

July 16, 1986

Page 11

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

ITEM

Council Action

Department Action

IV. (c) DEPARTMENT OF PERSONNEL
AND EMPLOYEE RELATIONS

DAVID M. SANCHEZ, DIRECTOR
PERSONNEL AND EMPLOYEE RELATIONS

A. REPLACEMENTS FOR EXISTING BUDGETED
POSITIONS (CRITICAL HIRES)

<u>POSITION(S)</u>	<u>DEPARTMENT</u>	<u>MONTHLY RANGE</u>	<u>FUNDING</u>
Cultural Program Specialist	Parks, Recreation & Senior Citizen Activities	\$1,534- 1,958	General

Custodian	General Services	\$1,323- 1,689	General

<u>POSITION(S)</u>	<u>DEPARTMENT</u>	<u>HOURLY SALARY</u>	<u>FUNDING</u>
Student Intern	Economic & Urban Development	\$ 5.64	General

Lurie -
APPROVED
Unanimous

Staff to proceed

APPROVED AGENDA ITEM



City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00045

AGENDA DOCUMENTATION

Date: July 3, 1986

TO:
The City Council

FROM:
DAVID M. SANCHEZ, DIRECTOR
PERSONNEL & EMPLOYEE RELATIONS

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

PURPOSE/BACKGROUND

As indicated on the attached Staffing Summary, the vacancy factor is 5.91%, based on 156 vacancies (or 89,070 full-time equivalent) of the 1691 positions in the City's 1985-86 Fiscal Budget.

The staff is recommending the filling of three critical positions at this time.

FISCAL IMPACT

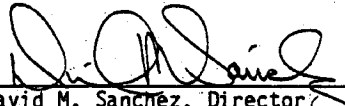
The three vacant and budgeted positions shown on the agenda are included in the City's current budget. There are no additional non-budgeted expenses associated with these positions.

The total dollar savings realized through vacancies in fiscal year 1985-'86 was \$4,447,449.

RECOMMENDATION

Staff recommends the filling of three positions indicated above.

RECOMMENDED


David M. Sanchez, Director
Personnel & Employee Relations

Agenda Item

IV. (c)

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

STAFFING SUMMARY

AS OF

June 28, 1986

00046

GENERAL FUND

	BUDGETED # POSITIONS	TOTAL FTE	NUMBER		VACANT FTE	(1) VACANCY FACTOR %	SAVINGS	
			FILLED	VACANT			ACTUAL YTD	PROJECTED YE
Appointive	145	144.500	142	3	3.000	2.100	591,863	38,776
Classified	1003	1002.390	977	26	26.000	2.600	2,403,574	(105,620)
Contract	1	.475	1	0	.000	.000	0	6,812
Elective	9	9.000	9	0	.000	.000	0	(3)
Hourly	143	43.450	119	24	9.400	21.600	283,466	(927)
Total	1301	1199.815	1248	53	38.400	3.200	3,278,903	(60,862)

INTERNAL SERVICE FUNDS

	BUDGETED # POSITIONS	TOTAL FTE	NUMBER		VACANT FTE	(1) VACANCY FACTOR %	SAVINGS	
			FILLED	VACANT			ACTUAL YTD	PROJECTED YE
Appointive	2	2.000	2	0	.000	.000	11,233	9,413
Classified	67	67.000	62	5	5.000	7.500	120,273	84,200
Contract	8	8.000	6	2	2.000	25.000	121,975	27,191
Elective	0	.000	0	0	.000	.000	0	0
Hourly	0	.000	0	0	.000	.000	0	0
Total	77	77.000	70	7	7.000	9.090	253,481	120,804

ENTERPRISE & EXPENDABLE TRUST FUNDS

	BUDGETED # POSITIONS	TOTAL FTE	NUMBER		VACANT FTE	(1) VACANCY FACTOR %	SAVINGS	
			FILLED	VACANT			ACTUAL YTD	PROJECTED YE
Appointive	9	9.000	8	1	1.000	11.111	38,015	(13,488)
Classified	127	126.500	113	14	13.500	10.671	326,652	150,475
Contract	0	.000	0	0	.000	.000	0	0
Elective	0	.000	0	0	.000	.000	0	0
Hourly	126	44.000	51	75	23.170	52.700	385,997	221,639
Total	262	179.500	172	90	37.670	20.986	750,664	358,626

SPECIAL REVENUE FUNDS

	BUDGETED # POSITIONS	TOTAL FTE	NUMBER		VACANT FTE	(1) VACANCY FACTOR %	SAVINGS	
			FILLED	VACANT			ACTUAL YTD	PROJECTED YE
Appointive	16	16.000	15	1	1.000	6.300	46,569	(13,923)
Classified	20	20.000	18	2	2.000	10.000	77,744	17,077
Contract	3	2.500	3	0	.000	.000	499	(1,819)
Elective	0	.000	0	0	.000	.000	0	0
Hourly	12	10.500	9	3	3.000	28.600	39,589	56,724
Total	51	49.000	45	6	6.000	12.244	164,401	58,059

CITY TOTAL

	BUDGETED # POSITIONS	TOTAL FTE	NUMBER		VACANT FTE	(1) VACANCY FACTOR %	SAVINGS	
			FILLED	VACANT			ACTUAL YTD	PROJECTED YE
Appointive	172	171.500	167	5	5.000	2.900	687,680	20,778
Classified	1217	1215.890	1170	47	46.500	3.800	2,928,243	146,232
Contract	12	10.975	10	2	2.000	18.200	122,474	32,184
Elective	9	9.000	9	0	.000	.000	0	(3)
Hourly	281	97.950	179	102	35.570	36.300	709,052	277,436
Total	1691	1505.315	1535	156	89.070	5.917	4,447,449	476,627

(1) VACANCY FACTOR IS BASED ON FTE (FULL-TIME EQUIVALENT).
TOTAL FTE/VACANT FTE = VACANCY FACTOR %

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00047

City of Las Vegas

July 16, 1986

Page 12

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

ITEM

Council Action

Department Action

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

1017

- A. RESOLUTION OF THE CITY COUNCIL TO ADOPT REVISIONS TO THE CITY OF LAS VEGAS' HOUSING ASSISTANCE PROGRAM POLICY AND GUIDELINES.

Lurie -
ADOPTED Resolution
with each individual
application to
come before the
Council for review.
Unanimous

Staff to proceed
Gene Amberg
appeared

NOTE: Verbatim transcript made part of
Final Minutes.

- B. AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT - ECONOMIC OPPORTUNITY BOARD OF CLARK COUNTY - (JOBS BILL).

STRICKEN FROM
AGENDA

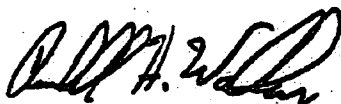
- C. AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT - ECONOMIC OPPORTUNITY BOARD OF CLARK COUNTY - (ENTITLEMENT AGREEMENT).

STRICKEN FROM
AGENDA

- D. AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT - HELP THEM WALK AGAIN FOUNDATION.

STRICKEN FROM
AGENDA

APPROVED AGENDA ITEM



City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00048

AGENDA DOCUMENTATION

Date: July 16, 1986

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: RESOLUTION OF THE CITY COUNCIL TO ADOPT REVISIONS TO THE CITY OF LAS VEGAS' HOUSING ASSISTANCE PROGRAM POLICY AND GUIDELINES.

PURPOSE/BACKGROUND

The City of Las Vegas, through the Developmental Programs Division of the Department of Economic and Urban Development, administers a Housing and Urban Development (HUD) Community Development Block Grant funded Rental Rehabilitation Assistance Program. This program enables Las Vegas property owners to rehabilitate owner-occupied and rental structures. As Department of Housing and Urban Development regulations relative to income limits and interest rates change, it becomes necessary to revise our local policies. In addition to those revisions, this submission will also clearly define local program design, the site selection area for participation, loan approval authority, and other program eligibility factors as recommended by the Department of Housing and Urban Development.

Further, staff has attempted to recognize the positions of Council members on various policies and these revisions reflect such positions.

FISCAL IMPACT

The Residential Rehabilitation Program is funded totally by the Department of Housing and Urban Development and, hence, has no impact on the City's General Fund Budget.

RECOMMENDATIONS

Request City Council to review proposed revised policies and guidelines relative to the City's Residential Rehabilitation Assistance Program, and approve and adopt them as the City of Las Vegas' Residential Assistance Program policies and guidelines for FY 1986-87.

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

IV. (d) A.

A RESOLUTION OF THE CITY COUNCIL
TO ADOPT REVISIONS TO THE CITY
OF LAS VEGAS' HOUSING ASSISTANCE
PROGRAM POLICIES AND GUIDELINES

WHEREAS, due to changes in the Department of Housing and Urban
Development regulations it becomes necessary to periodically revise and
update the City of Las Vegas Residential Rehabilitation Assistance Program
Policies and Guidelines to incorporate such changes; and

WHEREAS, City staff through experiences in the program has found
better methods and procedures to improve and expedite the program.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of
Las Vegas, Nevada:

1. That the proposed revisions to the City of Las Vegas Housing
Assistance Program Policies and Guidelines for FY 86-87 are hereby approved
and adopted.

2. The Mayor is authorized to sign this Resolution.

PASSED, ADOPTED AND APPROVED THIS 16th day of July, 1986.

CITY OF LAS VEGAS

William H. Briare
WILLIAM H. BRIARE, MAYOR

ATTEST:

Sandra R. LeBoeuf
CAROL ANN HAWLEY, CITY CLERK
BY: SANDRA R. LeBOEUF, DEPUTY CITY CLERK

RESIDENTIAL REHABILITATION ASSISTANCE PROGRAMS

00050

The Las Vegas City Council has vested the responsibility of administering the Residential Rehabilitation Assistance Program in the Developmental Programs Division of the Department of Economic and Urban Development. These programs have been designed to achieve the total rehabilitation of substandard structures located within the City limits with emphasis on low income census tracts. The programs offered include various financial assistance categories specifically designed to meet different levels of income and family characteristics. There are four basic programs available for owner-occupied residential dwellings and residential rental dwellings. These are as follows:

Residential Rehab Financing

1. Owner Occupied Rehab Loan
2. Owner Occupied Deferred Loan

Rental Rehabilitation

1. Direct Loan
2. Deferred Loan

The primary objective of each of the above categories is to assist owners in correcting housing code violations. Additionally, non-code items deemed to be essential for basic health, safety, and welfare of the occupants may be addressed. These non-code items include: repair/replacement of evaporative coolers and/or air conditioners, installation of smoke detectors, installation of dead-bolt locks and peepholes in solid core exterior doors; installation of chainlink fences, installation of security bars, modification for handicapped/elderly persons, and those items required to meet HUD energy conservation standards.

The specific financial assistance categories, together with each category's eligibility criteria, are described in the guidelines section following the "General Policy" section.

I. GENERAL POLICY

A. Administrative responsibility:

The City Council has vested the responsibility for the administration of the City's Housing Assistance Programs in the Department of Economic and Urban Development through its Developmental Programs Division.

B. Selection Criteria and Eligibility:

Projects will be selected from owners of properties in delineated census tracts and/or from census block data meeting the low-to-moderate income criteria. Applicants must have title to the property at the time of application to be eligible to apply for assistance.

C. Application Approval/Denial:

Prior to going to bid, the following documents must be received: income verification, mortgage verification, and an as is/after rehabilitation appraisal. The application is reviewed by the Deputy City Manager, Director of Economic and Urban Development, Assistant Director for Urban Function, and the Chief of the Developmental Programs Division and, if determined by them to meet program criteria for eligibility, the project is authorized to go to bid.

After the lowest bid is determined, the application is submitted to the City Council for approval or denial.

1. Economic Feasibility:

The sum of the existing indebtedness and the estimated rehab cost must not exceed 80% of the "after rehabilitation" appraised value.

2. Owner's Ability to Repay:

a. Residential Rehab Owner/Occupied:

The sum of the mortgage payment(s) and the estimated monthly rehabilitation loan payment must not exceed 40% of applicants gross monthly income.

b. Rental Rehabilitation Direct/Deferred Loan:

The gross rents from the rental units must be able to support the mortgage payment(s), management and related up-keep expenses, reasonable profit or return on owner's investment, and the cost of the rehabilitation work, with no negative cash flow on the project. If rental income is insufficient to defray all expenses owner must show additional income to make up the deficit.

c. Review of owner's credit history.

d. Review of owner's disposable income (net minus listed expenses.)

D. Contractor Selection and Bid Procedure:

1. Contractor Eligibility:

Any contractor, except an owner/contractor, wishing to bid on rehabilitation projects offered through the City Housing Assistance Program must be cleared through:

a. Contractors Board:

To confirm if the contractor holds the proper license, and to determine if there are any unresolved complaints against the firm.

00052

b. Better Business Bureau:

To determine if there are any unresolved complaints against the firm.

After receiving the information requested from the above agencies, the contractor's name is placed on an approved list of contractors, which will be used by the property owner to select a minimum of three contractors to submit bids for the rehabilitation work on the owner's property.

2. Bid Procedure:

- a. Contractors will be notified by Developmental Programs Division staff after selection by the owner, and requested to bid on project. Staff will give a date and time for a walk-through inspection of the property. Bid packets, containing all necessary forms, will be distributed to the contractors at the walk-through inspection of the property, or picked up in the Developmental Programs Division office.
- b. Sealed bids will be submitted to the Developmental Programs Division office and opened at the time designated in the bid instructions.
- c. All bids will be reviewed by staff for completeness. Any bid which is incomplete will be rejected. The loan application with the low bid amount being the loan amount, will be submitted to the City Council for approval/denial.
- d. Letters will be sent by staff to the unsuccessful bidders.
- e. The contractor receiving the low bid will be contacted by letter and given a date to sign the work contract with the owner.
- f. Owner and contractor will mutually determine the length of contract and penalties (if applicable).
- g. After signing the work contract, and the expiration of the three-day recision period, the contractor will be notified by the owner, in writing, to proceed.
- h. The contractor will submit payment and performance bonds on all jobs in excess of \$1,000. However, if construction control is utilized, the bonds are waived.

For a more detailed description of the bid steps, see the "General Bid Conditions".

E. Payments to Contractors:

Contractors may elect to receive payment(s) for rehabilitation work by one of two methods:

1. Single Payment:

Upon completion of work, the contractor will submit one invoice in the total amount of the contract to the Developmental Programs Division for payment. Staff will then verify that all work has been completed according to the specifications for the job and get a copy of the signed off building permits. The above will then be submitted to the Developmental Programs Division Chief for processing and final approval. The invoice will then be processed through the City's Finance Department and taken before the City Council for approval on either the 1st or 3rd Wednesday of the month. Once approved at a regularly scheduled Council meeting, contractor will pick up his check in the Developmental Programs Division office.

To insure full payment of the invoice amount, the contractor must post a payment and performance bond in the full amount of the contract, unless the City and owner utilize the services of a construction control agency.

2. Progress Payments:

If the contract sum is \$50,000 or more, and the completion date is more than 30 days, the contractor may elect to receive partial payment when the work is 15% completed, 30% completed, 45% completed, 60% completed, 75% completed and 100% completed. All required staff certifications will be performed prior to payment to the contractor.

For jobs of \$49,999 or less, partial payments will be disbursed by the following schedule: when the work is 40% completed, 80% completed and 100% completed. If the interim payments are to be made, the contractor shall furnish a Performance Bond in at least the amount of the contract sum covering the faithful performance of the contract, and will furnish a Payment Bond. If a construction control service is utilized, the bonds will be waived.

F. Note Collection:

Collection of principal, interest and late fees will be done by a local lending institution designated by the City.

G. Delinquent Accounts/Foreclosures:

All delinquent accounts will be reviewed by Developmental Programs Division staff on an individual basis. Delinquent accounts will receive letters at 30, 60, and 90 day intervals, and clients will be contacted by staff to determine if there are any problems causing the delinquencies.

00054

II. PROGRAMS GOALS:

The Developmental Programs Division, Department of Economic and Urban Development of the City of Las Vegas, administers a Housing Assistance Program designed to achieve four central goals:

- Upgrade substandard residential owner/occupied and rental housing.
- Provide additional lower income rental housing opportunities.
- Revitalize declining areas and help stabilize neighborhoods moving towards decline.
- Prevent displacement of lower income tenants.

III. GEOGRAPHICAL AREAS OF PROGRAM:

The Residential rehab Program is available within the City limits of Las Vegas with special emphasis placed in the following low income Census Tracts.

2.01 - blocks 203 and 204	7	all blocks
3.01 - all blocks	8	all blocks
3.02 - all blocks	9	all blocks
4 - all blocks	11	all blocks
5.03 - all blocks	35	all blocks

IV. FINANCIAL ASSISTANCE:

A. RESIDENTIAL REHABILITATION FINANCING

The Residential Rehabilitation Financing Program has been designed to achieve total rehabilitation of substandard structures. This program includes various financial assistance categories specifically designed to meet different levels of income and family characteristics.

The primary objective of each category is to assist owner-occupants in correcting housing code violations. Additionally, non-code items deemed to be essential for basic health, safety and welfare of the occupants may be addressed. These non-code items include: repair or replacement of evaporative coolers/air conditioners, installation of smoke detectors; installation of dead-bolt locks, and peepholes in solid core exterior doors; installation of chain link fences; installation of security bars, and those items required to meet HUD energy conservation standards.

The specific financial assistance categories, together with each category's eligibility criteria, are described below.

B. REHABILITATION LOANS:

00055

This section of the program is designed primarily to assist low-to-moderate income property owners. Qualified owner-occupants will be eligible to receive a rehabilitation loan, not only for the housing code violations and non-code items enumerated under the Residential Rehabilitation Financing Program, but may also borrow a sum, not to exceed \$2,000, to make approved general property improvements.

All applicants must be owner-occupants of the property and have an annual family income not to exceed the approved income limits established for this program. The additional requirement that the total of the mortgage payment and the estimated rehab loan payment cannot exceed 40% of the owner's monthly gross income must be met. This criteria will be considered along with the owner's monthly expenses and credit history before final loan approval is granted. To document economic feasibility, the Division will cause an "as is/after rehab" appraisal to be made to determine the value of the property. A lot book report will be obtained showing the total indebtedness against the property, and the sum of the total indebtedness and the estimated cost of rehabilitation cannot exceed 80% of the "after rehab" appraised value.

1. PERSONS IN FAMILY:

ANNUAL MAXIMUM INCOME	1	2	3	4	5	6	7	8+
	15,700	17,900	20,150	22,400	23,800	25,200	26,600	28,000

2. The terms of all Owner-Occupant Rehabilitation Loans shall not exceed ten (10) years. Owner-Occupant Rehabilitation Loans will bear a 3% interest rate. The loan will be repaid on a monthly basis, with the monthly payment including principal and interest, amortized over a 120 month (10 years) term. If the owner breaches the loan agreement by ceasing to reside in the dwelling unit or by transferring title to the property, the City may call the entire principal balance due and payable with interest from the time of the breach. A Note and Deed of Trust (which will be recorded) reciting these conditions will be executed by the owner. However, in no instance will a Rehabilitation Loan be given unless the applicant has proven the ability to repay on a regular monthly basis.

C. DEFERRED LOANS:

Owner-occupants of single-family homes located in the designated target areas are eligible to apply for a Deferred Loan to accomplish approved rehabilitation activities. The Deferred Loan is interest free and does not have to be repaid unless the owner ceases to reside in the house or until the owner transfers title to the property. The owner must execute a Deed of Trust and Promissory Note with the City of Las Vegas as beneficiary. The Deed of Trust will be recorded.

An owner-occupant must first meet the income limits listed below to qualify for a Deferred Loan. Additionally, since the property is the sole security for a Deferred Loan, the total indebtedness against the property cannot exceed 80% of the after rehabbed value of the property. DPD will obtain a lot book report showing the existing liens, obtain current mortgage amount verification, prepare a cost estimate of the rehabilitation work to be performed, and cause an "after rehab" appraisal to be performed. If the sum of the existing indebtedness and the estimated cost of the rehab activities does not exceed 80% of the "after rehab" appraised value, the Deferred Loan will be deemed feasible.

1. PERSONS IN FAMILY

ANNUAL MAXIMUM INCOME	1	2	3	4	5	6	7	8+
	10,000	11,450	12,850	14,300	15,450	16,600	17,500	18,900

2. Since the objective of the Residential Rehabilitation Program is to correct housing code violations, no maximum loan amounts have been established. The Developmental Programs Division, on behalf of the property owner, will solicit bids from a number of licensed contractors selected by the owner from an approved list for the purpose of awarding the contract to the lowest responsible bidder.

3. PROOF OF ELIGIBILITY

Since each section of the Residential Rehabilitation Financing Program has different eligibility requirements, the applicants must submit whatever evidence is required to establish that eligibility and, in addition, must authorize the Developmental Programs Division to obtain verification of the evidence submitted.

D. RENTAL REHAB

HUD RENTAL REHAB PROGRAM

Recognizing the need to meet the program goals in the eligible census tract block areas, the Developmental Programs Division of the City of Las Vegas offers financial assistance to eligible projects/applicants which provide incentives for investors to participate in achieving these program goals. In addition, lower income tenants of rehabilitated units are provided with Section 8 Existing Certificates or Vouchers to prevent potential displacement. The number of Section 8 Voucher/certificates for this program are limited to one voucher/certificate per \$5,000 in HUD Rental Rehab Funds allocated to the City. This program utilizes two sources of HUD program funding, including the following:

1. Community Development Block Grant Funds
2. HUD Rental Rehabilitation Program Funds

LOCAL RENTAL REHAB PROGRAM

This program is the same as above, except Section 8 Voucher/Certificates are not available, and only Local CDBG funds will be used.

E. FINANCIAL ASSISTANCE TO OWNERS

The program flexibility desired to meet the needs of most applicants is provided through two types of financial assistance packages. Applicants will be advised regarding the advantages of each package and, with consultation from City staff, will select either Package 1 or Package 2.

1. PACKAGE 1: DIRECT LOAN PROGRAM:

All applicants for assistance through the City's Rental Rehabilitation Program will be received and reviewed by the Department of Economic and Urban Development, Developmental Programs Division.

The Direct Loan Program will provide a low interest loan for rehabilitation work which includes the correction of code violations or the performance of work described in the "Security", "Energy Conservation", and "General Property Improvements" portions of the "Eligible Activities" section.

The City may, in addition to financial assistance, give some technical assistance to property owners.

a. Interest Rate:

5% per annum

b. Length of Loan:

Not to exceed 20 years, amortized monthly, including principal and interest.

c. Loan Amount:

Will include cost of rehabilitation work (including both the correction of housing code violations and the performance of "Eligible Activities" as hereinafter defined), plus hazard insurance premiums and escrow fees, and the cost of the "as is/after rehab" appraisal.

d. Maximum Loan:

Not to exceed 80% of the after rehab appraisal value, less the current indebtedness on the property.

e. Length of Ownership:

Proposed borrower must have title at the time of application.

f. Assumability of Loan:

Loan documents will provide for full payment upon sale of property or any transfer of title.

g. Personal Endorsement:

If borrower is a corporation, principal officers must endorse the Promissory Note.

h. Promissory Note:

Owner shall execute a Promissory Note in the amount of the City's Deferred Loan.

i. Security:

All direct loans shall be secured by a Deed of Trust for the property to be rehabilitated.

j. Repayment:

Loan can be repaid at any time prior to maturity date without any penalty.

2. PACKAGE 2: Deferred Loan Program:

Applicants selecting Package 2 shall be offered a Deferred Loan, providing all other program requirements are met. This loan shall be made with the following conditions:

a. Evidence of matching funds:

For the City of Las Vegas to offer a "Deferred Loan", cost will be funded through non-publicly subsidized sources, (e.g. owners cash, conventional financing, etc.) must be provided by owner/applicant at loan closing. These funds shall be placed in escrow and disbursed in the same ratio as the deferred loan funds as eligible project expenses are incurred.

b. Maximum Loan Amount:

When only HUD Rental Rehab Grant funds are used on a project, the lesser of \$5,000 average per dwelling unit, or 50% of the eligible rehabilitation cost including correction of housing code violations.

However, local CDBG funds may be utilized with HUD Rental Rehab funds to complete a project where more than \$5,000 per unit average is required to complete rehabilitation.

c. Term of Loan:

10 years.

d. Default Penalty:

In the event of default or breach, a penalty will be assessed at 5% per year for the number of years remaining on this loan. This rate will be charged against the balance at the time of default or breach.

e. Owner's Equity:

Must be at least 20% of the appraised value after rehabilitation. Appraisal must be performed by a qualified appraiser.

f. Length of Ownership:

Proposed borrower must have title at the time of application.

g. Personal Endorsement:

If borrower is a corporation, principal officers must endorse the Promissory Note.

h. Promissory Note:

Owner shall execute a Promissory Note in the amount of the City's Deferred Loan.

i. Security:

All Deferred Loans shall be secured by a Deed of Trust for the property to be rehabilitated.

j. Repayment:

(1) Partial payment of principal and interest is prohibited. If borrower wishes to pay off the note prior to its due date, all amounts shall become due in full - principal plus accumulated prorata interest. This shall release borrower from any and all obligations under this note.

(2) If the borrower/owner does not convert the rehabilitated units to condominiums, or otherwise remove the units from the rental housing stock, and does not discriminate against tenants who receive financial assistance under federal or publicly funded

programs, e.g., Section 8, and does maintain the property to meet all City codes, the City of Las Vegas will forgive the Deferred Loan at a rate of 10% per year plus the interest for each year until the loan is retired.

- (3) If the above restriction is violated, the City will call the note, and a penalty will be assessed at 5% per year for the number of years remaining on the loan. This rate will be charged against the balance at the time of breach.

k. Regulatory Agreement:

To assure that program goals are met and that Federal program requirements are complied with, the City of Las Vegas requires that all Deferred Loan recipients under these guidelines shall enter into a "Regulatory Agreement" (see Attachment B), with the City regulating, for a period of 10 years following completion of rehabilitation, that:

- (1) No dwelling unit rehabilitated shall be converted to condominiums or otherwise be removed from the rental housing stock; and
- (2) The borrower/owner shall not discriminate against tenants who receive financial assistance under Federal or other publicly funded programs, e.g., Section 8.
- (3) The borrower/owner shall maintain the property to meet all City codes.

Breach of this Regulatory Agreement shall be cause for making demand in full on the note.

The Regulatory Agreement shall be executed together with a Promissory Note and Deed of Trust.

1. Streamlining Procedure/Time Schedule:

The City of Las Vegas has a written streamlining procedure and time schedule for all loans administered by the Developmental Programs Division. The same will apply in processing direct and deferred rental rehab loans.

F. FINANCIAL ASSISTANCE TO TENANTS

HUD RENTAL REHAB PROGRAM

To prevent the possible displacement of existing lower income tenants, which may occur due to probable increases in rents following rehabilitation, the Department of Housing and Urban Development provides one Section 8 voucher/certificate for each \$5,000 of HUD Rental Rehab Grant funds allocated to the City of Las Vegas. The City will issue these vouchers through the Las Vegas Housing Authority to all tenants meeting the Section 8 requirements.

LOCAL RENTAL REHAB PROGRAM (CDBG FUNDED)

This program is the same as above, except Section 8 voucher/certificates are not available.

V. SELECTION CRITERIA & ELIGIBILITY

A. PROJECT SELECTION CRITERIA

The following selection criteria has been established to set priorities for approving applications from the eligible applications received.

1. The percentage of total units in the project which are occupied by lower income families.
2. The probability that the rental units will remain affordable for the next seven years.
3. The extent of deterioration of the present rental units and related building systems.
4. The demonstrated experience of the applicant to coordinate the rehabilitation work and manage the property following rehabilitation.

B. PROPERTY AND TENANCY ELIGIBILITY REQUIREMENTS

1. The property must be located within the City of Las Vegas city limits, with emphasis on the census tracts listed in Division II.
2. The property must be primarily residential use property.
3. At least 70% of the dwelling units, at the time of application, must be occupied by lower income tenants (as defined by 24 CFR 813.102). A vacant unit may be considered a lower income unit. The City of Las Vegas may periodically reduce this percentage requirement upon review of program activity.
4. No owner-occupied dwelling units may be assisted.
5. Financial assistance will only be available when there is a minimum of \$600 average per dwelling unit of required rehab work.

C. APPLICANT ELIGIBILITY.

1. The owner/applicant must hold title to the property to be rehabilitated.
2. Conflicts of Interests

No person(s): (a) who is an employee, agent, consultant, officer, or elected or appointed official of the City of Las Vegas, or the City of Las Vegas Housing Authority, and who exercises or has exercised any function or responsibilities with respect to assisted rehabilitation activities or (b) who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a personal or financial interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have business ties, during their tenure or one year thereafter.

IV. ELIGIBLE COSTS:

A. Eligible rehabilitation costs include only:

1. Conditions which do not meet local housing codes; and
2. Conditions which do not meet Section 8 Housing Quality Standards for Existing Housing; and

3. Energy-related repairs; and
4. Security items; and
5. Modifications which aid the mobility of the handicapped and the elderly; and
6. Architectural, engineering or related professional services required in the preparations of rehabilitation plans and drawings or write ups.
7. Costs or processing and settling the financing for a project, such as private lender origination fees, credit reports, fees for title evidence, fees for recordation and filing of legal documents, building permits, attorney's fees, private appraisal fees, and fees for an independent rehabilitation cost estimate.
8. Fees charged by a private lender for administrative costs associated with the disbursement of funds.
9. Relocation payments made to tenants who are temporarily displaced by rehabilitation activities.
10. GENERAL PROPERTY IMPROVEMENTS

Under financial assistance Package 1 (Direct Loan), a borrower may apply a portion of the loan proceeds to pay for "General Property Improvements" (GPI's). GPI's shall be considered eligible so long as these items do not exceed \$2,000 per dwelling unit.

- a. Modernizations of kitchens, bathrooms, alterations of interior space and floor coverings.
- b. Fencing, garage repairs, and conventional landscaping.

V. INELIGIBLE COSTS

1. Acquisition of property.
2. Refinancing of existing debt.
3. Rehabilitation costs incurred prior to loan closing.
4. New construction.
5. Luxury items such as kennels, swimming pools, hot tubs, and tennis courts.
6. Reimbursement to owner for labor or services provided by the owner.

VI. MINIMUM REHABILITATION STANDARDS

The rehabilitation must correct all housing code violations and incipient code violations. All Section 8 Existing Housing Quality standards must be met.

VII. CONTRACTING REQUIREMENTS

- A. All rehabilitation work shall be performed by licensed and insured general building contractors.
- B. The form of contract to be used by loan recipients utilizing a general contractor shall be as per Attachment E or other form approved by the City of Las Vegas.
- C. No owner may bid on, or contract, on his own property, even though he may be a licensed general contractor in the State of Nevada.
- D. Contractors will be required to comply with the provisions of the Davis-Bacon Wage Act in all projects which would include eight (8) or more dwelling units after rehabilitation is completed.

VIII. SUBORDINATION OF CITY'S LIEN POSITION

To enable the owner to obtain long term permanent financing of the project after the rehabilitation activities have been completed, the City of Las Vegas will subordinate its lien position to a private lender. The amount of the subordination will be limited to either eighty percent (80%) of the "after-rehab" value including the City's loan, or the owner's actual cash investment in the property, whichever is the lesser amount.

DPD1:RESREHAB1
REV:6/17/86

JUL 16 1986

Date

00065

INTER-OFFICE MEMORANDUM

July 7, 1986

TO:

Ken Williams
Urban Development Officer

FROM:

John Edward Roethel
John Edward Roethel
Chief Civil Deputy Attorney

SUBJECT:

Document Review - Policies and
Guidelines for Residential
Rehabilitation Assistance Program

COPIES TO:

This office has been requested to review the proposed revisions to the 1986-87 CDBG Administrative Manual concerning residential rehabilitation assistance programs and guidelines. Please be advised that the revisions, and the accompanying resolution, are both in proper legal form for documents of this type.

/jca

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 1
IV(d). DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT. ITEM A. RESOLUTION OF
THE CITY COUNCIL TO ADOPT REVISIONS TO THE CITY OF LAS VEGAS' HOUSING ASSISTANCE
PROGRAM POLICY AND GUIDELINES.

MAYOR WILLIAM BRIARE: On page 12, Department of Economic and Urban Development. Our agenda has been reduced to Item A.

JACK THOMASON, DIRECTOR: Yes, sir, Your Honor. I have Mr. Amberg here to discuss this.

GENE AMBERG, CLV: Good morning, Your Honor. We have submitted the proposed revisions to the Housing Assistance Policy and Guidelines and I'm available to answer any questions or if you wish to make any changes, we'll incorporate those into the final document.

MAYOR WILLIAM BRIARE: Any comments by the Council members?

COUNCILMAN RON LURIE: MOVE THAT WE FOLLOW THE RECOMMENDATION.

MAYOR WILLIAM BRIARE: Any comments on the motion? Cast your -- oops, pardon me, Councilman Bunker.

COUNCILMAN WAYNE BUNKER: I think this is a vast improvement over what the general guidelines have been. I just want to make sure that the Councilmen understand that the amount of the subordination of the City's position is now limited to 80% of after-rehab value or the amount which the property owner has invested, whichever is the lesser amount, and from my standpoint that's a vast improvement because it has been possible in the past for these rehab developers to take out more money than they actually had in it and this at least requires them to not take out any more than they put in. I just still raise the question and every time it comes before me for approval I would think that these rehab developers ought to have 5% of their own money in the project even after. I don't know how other Councilmen feel, but I'm prepared not to resist it at this point because we will get every project before us, will we not?

GENE AMBERG, CLV: Right.

COUNCILMAN WAYNE BUNKER: And we'll have a chance at that time to determine the amount of our subordination on these loans. I think it is a vast improvement to preclude any property owner, even if they are licensed contractors, from bidding on their own job and I commend you for that and I think it's a vast improvement.

MAYOR WILLIAM BRIARE: Thank you, Councilman Bunker. Any other comments?

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 2
IV(d). DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT. ITEM A. RESOLUTION OF
THE CITY COUNCIL TO ADOPT REVISIONS TO THE CITY OF LAS VEGAS' HOUSING ASSISTANCE
PROGRAM POLICY AND GUIDELINES.

COUNCILMAN WAYNE BUNKER: I'm just -- I would like comment from other Councilmen concerning the 5% investment on the part of rehab developers or if they desire to look at each individual case as they come before us.

COUNCILMAN AL LEVY: I certainly agree with you. I'd like to look at each one individually, too.

COUNCILMAN WAYNE BUNKER: Okay, that's fine with me, rather than writing it into the Guidelines.

COUNCILMAN AL LEVY: Right.

MAYOR WILLIAM BRIARE: Well, on that particular item, Councilman Bunker, I feel that since we do have everyone for a review it's alright to take a look at the first and second one, but if we get caught in a situation where it would appear that we're discriminating against one proposed developer in opposite of some other developer that we allowed not to have to have a 5% equity, then we'll have to address it at that time.

COUNCILMAN WAYNE BUNKER: Yes, I would hate to make it too strict with the guidelines that we're not going to have any applications. We have a lot of blighted property out there and we want it to rehab, so there has to be a middle ground at which the developers will come forth and that we can help them, but at the same time I think it's unwise to let them take more money out than they put in.

MAYOR WILLIAM BRIARE: Could guidelines be drafted in such a way that it would be at the discretion of the Board on an individual case, or must you be more uniform?

GENE AMBERG, CLV: We prefer having the uniform, but again it's at the Council's discretion.

COUNCILMAN AL LEVY: Well, I think before you -- when you start getting involved with somebody, I'd certainly like to review it with you. I think 5%, in my mind, is too short. I don't care for that and I'm going to be honest with you, I'm not going to be very pleased when you have a 5% equity participation because I -- and especially when you're working on -- basing it on appraisals, etc. Their gamble is nil compared to ours and I don't like it.

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 3
IV(d). DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT. ITEM A. RESOLUTION OF
THE CITY COUNCIL TO ADOPT REVISIONS TO THE CITY OF LAS VEGAS' HOUSING ASSISTANCE
PROGRAM POLICY AND GUIDELINES.

COUNCILMAN WAYNE BUNKER: But it is a HUD program, is it not? And it's one to encourage the rehabilitation of blighted property, so I want to -- not to stifle that initiative on the part of potential rehab developers, but at the same time I feel as Mr. Levy does that there is some ground at which they ought to have some money in the project. Now I realize they have to have a substantial amount up front, but after they rehab and go for another appraisal, then essentially the way the guidelines are written out they can reduce their cash out of pocket to zero.

COUNCILMAN AL LEVY: I'd like to get involved in some of that.

COUNCILMAN RON LURIE: Can't you put in there a minimum amount of 5%?

COUNCILMAN WAYNE BUNKER: That's what I was suggesting that we -- even in the guidelines when they come forward.

COUNCILMAN RON LURIE: At least they know that the minimum is going to be 5%, but it --

COUNCILMAN AL LEVY: That 5% is nil compared to the gamble, I mean, in other words, that's a terrific deal.

COUNCILMAN BOB NOLEN: If it wasn't a terrific deal, we wouldn't get any of these things done.

COUNCILMAN AL LEVY: I know.

COUNCILMAN BOB NOLEN: That's the whole point about it and I think to set stringent guidelines at this time would be in error. I think we need to review each one of them individually at the time it's brought before us and see the best way to handle that particular project. I think if we adopt any real strict guidelines, we'll scare people off.

COUNCILMAN AL LEVY: I certainly hope that you're offering a lot of this to the area west of Sahara, I mean, north of Sahara, west of Las Vegas Boulevard. I don't want to call that any particular area, it's just a location.

GENE AMBERG, CLV: Census Tract 11.

COUNCILMAN AL LEVY: Thank you. I hear it from you guys on demand.

COUNCILMAN WAYNE BUNKER: I just happen to -- if -- and I feel the consensus

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 4
IV(d). DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT. ITEM A. RESOLUTION OF
THE CITY COUNCIL TO ADOPT REVISIONS TO THE CITY OF LAS VEGAS' HOUSING ASSISTANCE
PROGRAM POLICY AND GUIDELINES.

- COUNCILMAN WAYNE BUNKER: is that let the guidelines go as it is so at least what you're permitted to tell them is that they can't take out any more than what they have in it, but I just want to put you on notice that my position is going to be when they come here that I'm going to require an equity and you might want to tell them so you don't disappoint anyone. I notice the last one that we approved here the other day, he was very disappointed he couldn't take out \$10,000 more than he had in it, or he tried to justify that he had.
- COUNCILMAN AL LEVY: And not a paper equity either.
- COUNCILMAN WAYNE BUNKER: That's right.
- COUNCILMAN AL LEVY: A cash equity, is what I think you're saying.
- COUNCILMAN WAYNE BUNKER: I'm prepared to go along with the guidelines as long as we can review each individual one on its merits as they come up.
- MAYOR WILLIAM BRIARE: Well, before the Resolution is adopted, unless there's objection by any other Council member, Mr. Hall, make sure that the document is drawn to reflect the feelings that Councilman Bunker has just expressed. Are there any other comments or questions?
- COUNCILMAN WAYNE BUNKER: Well, I think Mr. Levy has that same feeling and apparently Mr. Lurie does too, He indicated that 5% would probably be a reasonable minimum amount.
- COUNCILMAN RON LURIE: I think THE MOTION WOULD BE THAT WE APPROVE THE GUIDELINES AND THAT EACH APPLICANT, INDIVIDUAL APPLICANT, COME BEFORE US FOR REVIEW, BUT THEY SHOULD BE TOLD AHEAD OF TIME THAT THEY'RE GOING TO HAVE TO HAVE AN EQUITY POSITION IN IT, OTHERWISE, I WOULDN'T EVEN SUBMIT IT.
- COUNCILMAN AL LEVY: And if you like, before you get too far along, bring them around, bring the project around to us and let us look at it before you, you know, you get deep.
- MAYOR WILLIAM BRIARE: Further comments? Do we have that then as your motion, Councilman Bunker?
- COUNCILMAN RON LURIE: I think I made a motion.

TRANSCRIPT - CITY COUNCIL MEETING - JULY 16, 1986 - 10:00 A.M. - PAGE 5
IV(d). DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT. ITEM A. RESOLUTION OF
THE CITY COUNCIL TO ADOPT REVISIONS TO THE CITY OF LAS VEGAS' HOUSING ASSISTANCE
PROGRAM POLICY AND GUIDELINES.

MAYOR WILLIAM BRIARE:

I'm sorry. Comments? Cast your vote. Post.
Motion is APPROVED.

(Motion carried unanimously)

END OF DISCUSSION

AGENDA

City of Las Vegas

July 16, 1986

Page 13

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

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

E. CONSIDERATION OF A MOTION APPROVING OPTION TO
PURCHASE AGREEMENT BETWEEN CITY OF LAS VEGAS
AND FREDERICK M. SCHUERMAN AND LINDA A.
SCHUERMAN.

STRICKEN FROM
AGENDA

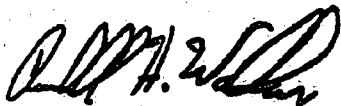
F. DIRECTION TO CITY ATTORNEY TO INITIATE LEGAL
ACTION AGAINST OPERATION LIFE COMMUNITY
DEVELOPMENT CORPORATION FOR THE RECOVERY OF
\$128,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT
"PROGRAM INCOME" FUNDS PLUS ACCRUED INTEREST.

STRICKEN FROM
AGENDA

G. DIRECTION TO CITY ATTORNEY TO INITIATE LEGAL
ACTION AGAINST NEVADA ECONOMIC DEVELOPMENT
COMPANY FOR THE RECOVERY OF \$29,698.31 IN
COMMUNITY DEVELOPMENT BLOCK GRANT "PROGRAM
INCOME" FUNDS ACCRUED AS OF MAY 31, 1986
AND ANY ADDITIONAL INCOME ACCRUED SUBSEQUENT
TO THAT DATE.

STRICKEN FROM
AGENDA

APPROVED AGENDA ITEM



00072

JULY 16, 1986

Page 14

AGENDA

City of Las Vegas

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

ITEM	Council Action	Department Action
IV (f) <u>DEPARTMENT OF GENERAL SERVICES</u> <u>DAN R. PILKINGTON, DIRECTOR</u> *CONSENT AGENDA All items listed under Items *A, and *B, are considered to be routine by the City Council and may be enacted by one motion. However, any item may be discussed if a Council member or citizen so requests.		
<u>PURCHASING AND CONTRACTS DIVISION</u>		
*A. <u>AWARD OF BIDS</u> 1. Senior Citizens Center Expansion Department of Design and Development 2. Renovation of 4th Floor - City Hall Department of Design and Development 3. Renovation of 5th Floor - City Hall Department of Design and Development 4. Fire Sprinkler System Revision - 4th Floor - City Hall Department of Design and Development 5. City of Las Vegas Parking Lot at 4th and Las Vegas Boulevard North Department of Public Works	Lurie - APPROVED Items A & B. Unanimous	Staff to proceed
*B. <u>PURCHASE ORDER APPROVAL</u> 1. Radio Communications Equipment Department of General Services	APPROVED See above	See above
APPROVED AGENDA ITEM <i>[Signature]</i>		

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00073

AGENDA DOCUMENTATION

Date: July 3, 1986

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - JULY 16, 1986
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. AWARO OF BIOS

1. <u>BID TITLE:</u>	SENIOR CITIZEN CENTER EXPANSION PROJECT	<u>BID NUMBER:</u>	87.0820.01
<u>ITEM:</u>	CAPITAL IMPROVEMENT	<u>ESTIMATE:</u>	\$675,000.00
<u>DEPARTMENT:</u>	DESIGN AND DEVELOPMENT	<u>INVITATIONS MAILED:</u>	36
<u>FUNDING:</u>	FEDERAL REVENUE SHARING AND LAS VEGAS CONVENTION AND VISITORS AUTHORITY	<u>RESPONSES RECEIVED:</u>	2

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO RENOVATE AND EXPAND THE EXISTING SENIOR CITIZENS CENTER FACILITY. THIS PROJECT HAS BEEN CONTEMPLATED FOR A CONSIDERABLE TIME AND THE FACILITY IS IN GREAT NEED OF HAVING THIS PROJECT COMPLETED AS SOON AS POSSIBLE.

BID ABSTRACT SUMMARY

PACE CONTRACTING
RICHARDSON CONSTRUCTION

LAS VEGAS NV
LAS VEGAS NV

BASE BID LESS
DEDUCTIVE ITEMS
A,B,C,D,&E
\$727,662.00
\$743,282.00

STAFF RECOMMENOATION OF AWARO

THAT THE LOW BID BE AWAROED TO:

PACE CONTRACTING

LAS VEGAS NV

\$727,662.00

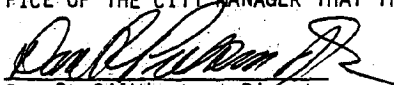
FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 86-87. FUNDS ARE AVAILABLE IN THE CAPITAL IMPROVEMENT FUND.

RECOMMENDATIONS

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

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


Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION A PAGE 1
IV (f)

JUL 16 1986

00074

PURCHASE REQUEST

SHIP TO:

City of Las Vegas
400 East Stewart Avenue
Las Vegas, NV 891015/13/86
REQ. NO. 0800-2025
REQ. DATE 5-13-86

ESTIMATES FROM:

☐ FORMER P.O. No. _____ DATE _____
☐ PURCHASING & CONTRACTS
☐ OTHER (SPECIFY) _____

FUNDING:

☐ UNBUDGETED ☒ BUDGETED

PAGE _____ OBJECT CODE _____

REQUESTING DEPT. EST. \$675,000, NOT TO EXCEED \$675,000.

REQUESTING DEPT/DIV

P.O.B. POINT

TERMS

BUYER

DELIVERY REQUIRED

Design & Dev./Arch. Design

JUSTIFICATION FOR PURCHASE

Feb. 1987

Expansion and renovations to existing facility

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
		Contract for construction of Bid No. 87.0820.01	Pre-Bid Estimate	\$675,000.

FUNDING VERIFIED

FORWARDED: Federal Reserve Standing of LVCA
5/13/86 R.V.

VENDORS CONTACTED

XX	CONSTRUCTION CONTRACT				VERBAL QUOTE	
	SUPPLY CONTRACT				INFORMAL BID	
XX	FORMAL BID				SOLE SOURCE	
	SINGLE SOURCE				COMPETITIVE	
LINE	FUND/ORG	ACCOUNT	TASK	DPT	ACT/WA	TOTAL
1	5111	8020			WU7075	506,250.00
2	5111	8030			WU7075	168,750.00

THE DEPARTMENT HEAD CERTIFIES THAT TO THE BEST OF THEIR KNOWLEDGE FUNDS ARE BUDGETED AND AVAILABLE FOR THIS PURCHASE AND THE ITEMS/SERVICES REQUESTED ARE FOR PUBLIC USE.

David C. Halliday 5-13-86
DEPT. HEAD
Eveline S. Halliday 5/13/86
FINANCE
Deputy City Manager
5-13-86
DATE

PURCHASING & CONTRACTS

DATE

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00075

CITY OF LAS VEGAS

Date

INTER-OFFICE MEMORANDUM

JULY 7, 1986

TO: PURCHASING AND CONTRACTS	FROM: THOMAS B. GRAHAM, AICP, RLA, DIRECTOR DEPARTMENT OF DESIGN AND DEVELOPMENT <i>David C. Walliser</i> BY: DAVID C. WALLISER, NCARB CERTIFIED CHIEF, ARCHITECTURAL DESIGN
SUBJECT: SENIOR CITIZENS CENTER EXPANSION PROJECT BID ABSTRACT AND AWARD RECOMMENDATION	COPIES TO: LARRY K. BARTON, DEPUTY CITY MGR. CHRIS STANFILL, PARKS, RECREATION FILE: WU7076 - 6.39

Please reference the attached copy of Chris Stanfill's July 3, 1986, memo to Larry Barton. The Department of Design and Development concurs with Mr. Stanfill's recommendation and justification for awarding the contract for construction to Pace Contracting Company in the amount of \$727,662. This award would include the base bid less deductive alternates A, B, C, D, and E. Mr. Stanfill has indicated that funding is available.

DCW:bjl
attachment

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00076

CITY OF LAS VEGAS

Date

INTER-OFFICE MEMORANDUM

JULY 3, 1986

TO:

LARRY K. BARTON
DEPUTY CITY MANAGER

FROM:

~~CHRIS STANFILL, DIRECTOR~~
DEPARTMENT OF PARKS, RECREATION
AND SENIOR CITIZEN ACTIVITIES

SUBJECT:

SENIOR CITIZEN EXPANSION BID

COPIES TO:

ASHLEY HALL

Examination of bids submitted for the Senior Citizens Center Expansion reveals this relationship between the two bidders:

	Richardson	Pace
Base Bid	797,534	811,093
Less Deductive Alternate A	790,234	802,903
Less Deductive Alternate B	781,234	788,109
Less Deductive Alternate C	778,122	784,797
Less Deductive Alternate D	754,282	744,943
Less Deductive Alternate E	743,282	727,662

Deductive alternates A through E are described on the attached pages from project specifications.

The project has been delayed since 1982 when it was canceled within days of bid opening. The original estimate was less than \$500,000 compared to the present estimate of \$738,726 (which includes a rear parking lot). The additional programming space was needed in 1982 and even more so in 1986 as Las Vegas has experienced an influx of retirees.

A re-bid of this project would delay completion until late spring whereas construction under this bid is scheduled to be completed by January 1, 1987. The later date would cause operation of the Center to be interrupted through an additional season.

Economic indicators point to a continuingly strong construction market and department experience with re-bidding of construction has been costly. Therefore, with funding of \$746,924 available, it is our recommendation the bid be awarded to Pace Construction for the bid amount less alternatives A through E. Alternatives F (parking lot) and G (pool room) will remain part of the project along with \$20,000 for contingencies.

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

BID TALLY SHEET

SENIOR CITIZENS CENTER EXPANSION PROJECT

00077

	RICHARDSON CONSTRUCTION	PACE CONTRACTING
BASE BID	\$797,534.	\$811,093.
DEDUCT "A" Classroom louver blinds	- 7,300.	- 8,190.
SUBTOTAL	\$790,234.	\$802,903.
DEDUCT "B" VAT in lieu of terrazzo floor	- 9,000.	- 14,794.
SUBTOTAL	\$781,234.	\$788,109.
DEDUCT "C" Single glazed windows in lieu of double glazed	3,112.	3,312.
SUBTOTAL	\$778,122.	\$784,797.
DEDUCT "D" Flat ceiling in lieu of metal linear ceiling and light monitors	- 23,840.	- 39,854.
SUBTOTAL	\$754,282.	\$744,943.
DEDUCT "E" Omit control desk	- 11,000.	- 17,281.
SUBTOTAL	\$743,282.	\$727,662.
DEDUCT "F" Omit asphalt paving	- 8,000.	- 28,600.
SUBTOTAL	\$735,282.	\$699,062.
DEDUCT "G" Omit pool room	- 16,325.	- 31,618.
SUBTOTAL	\$718,957.	\$667,444.

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 1

BID TITLE: SENIOR CITIZEN CENTER EXPANSION PROJECT			RICHARDSON CONST. 1655 N. Sunset Dr. Las Vegas, NV 89108		PACE CONTRACTING 1178 S. Highland Dr. Las Vegas, NV 89102			
BID # 87.0820.01 DELABARRE								
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		BASE BID FOR THE PROJECT COMPLETE						
1.	LUMP SUM	BASE BID		797,534.00		811,093.00		
		DEDUCTIVE ALTERNATE "A"						
1.		Omit All Vinyl Wall Covering Work Scheduled for Gypsum Board Surfaces in its entirety. Pro- vide and install in its place, paint per section 09900, color as selected by architect. Finish gypsum board surfaces to receive paint per section 09250.						
2.		Omit Louvered Vertical Blinds scheduled for the new classroom in its entirety. FOR THE SUM OF:		7,300.00		8,190.00		
		DEDUCTIVE ALTERNATE "B"						
1.		Omit Terrazzo floor tile scheduled for the new vestibules, new rec- reation room, new hall and new pool room in its entirety. Pro- vide and install in its place, vinyl composition tile per						

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00078

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #2

BID TITLE: BID # 87.0820.01			RICHARDSON CONST.		PACE CONTRACTING			
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		section 09650, color as selected by architect. FOR THE SUM OF: ^{TYPE}		9,000.00		14,794.00		
1.		<u>DEDUCTIVE ALTERNATE "C"</u> Omit all double glazed sealed insulated glass in aluminum storefront window system. Provide and install in its place, single glazed glass with the same type of glass (Tempered, solar bronze, etc.) As specified. Provide specified manufacturer's aluminum storefront window system modified to receive single glazed glass. All other system components to remain the same. for THE SUM OF:		3,112.00		3,312.00		
1.		<u>DEDUCTIVE ALTERNATE "D"</u> Omit in its entirety the metal linear ceiling system, associated electrical light fixtures and monitor windows (including glass, aluminum window framing, structural framing, roof insulation, pre-formed metal siding, sound insulation, associated roof flashing and						

LAS VEGAS CITY
COUNCIL MINUTES

JUL 1 1986

00079

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #3

BID TITLE: BID # 86.0820.01			RICHARDSON CONST.		PACE CONTRACTING			
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
1.		metal stud framing) designated for the recreation room ceiling. Provide and install in it's place at a height 11' - 6" from finish floor, a 2' x 2;' suspended acoustic ceiling on black grid system per section 09510 including new 16 type B 2' x 4' fluorescent type light fixtures. Contractor shall provide ceiling shop drawings for architect's approval prior to installation. FOR THE SUM OF: <u>DEDUCTIVE ALTERNATE "E"</u> Omit the control desk, platform framing and wall cabinets located in the new recreation room in their entirety. Provide rough-in conduit for future telephone and power in location as directed by the architect. Provide vinyl composition tile per section 09650, color as selected by architect, in the floor area designated for the control desk. Provide 5/8" type "X" GYP. Board (Painted) over 7/8" furring channels at 12" on center in the		23,840.00		39,854.00		

LAS VEGAS CITY
COUNCIL MINUTES

JUL 1 6-1986

00080

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #4

BID TITLE:			RICHARDSON CONST.		PACE CONTRACTING			
BID # 87.0820.01								
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		wall area designated for the wall cabinets. Finish wall to match adjacent wall surfaces.						
2.		Omit the sign-in podium located in the new hall in its entirety.						
		FOR THE SUM OF:		11,000.00		17,281.00		
		<u>DEDUCTIVE ALTERNATE "F"</u>						
1.		Omit in it's entirety, the asphalt paving scheduled for the rear parking lot including striping and handicap parking signs. NOTE: Sub-grade preparation and 7" type II base shall be included in the base bid.						
		FOR THE SUM OF:		8,000.00		28,600.00		
		<u>DEDUCTIVE ALTERNATE "G"</u>						
1.		Omit the new pool room in it's entirety, and as shown on the drawings.						
2.		Deletr the carpet scheduled for the new classroom and provide and install in its place vinyl composition tile per section 09650,						

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00081

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #5

BID TITLE:			RICHARDSON CONST.		PACE CONTRACTING			
BID # 87.0820.01								
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		color as selected by architect.						
		FOR THE SUM OF:		16,325.00		31,618.00		
		<u>SUBCONTRACTORS</u>						
		DIVISION 2						
		SITE CLEARING _____ N.R.I.	Southern NV Paving Per Specifications		Hess Construction			
		EARTHWORK _____ N.R.I.	Southern NV Paving Per Specifications		Hess Construction			
		CHAIN LINK FENCING & GATES	None		Under \$10,000.00			
		DIVISION 3						
		CONCRETE WORK _____ N.R.I.	None		Steve McCormick Construction 2900 Meade Ave.			
		DIVISION 4						
		REINFORCED UNIT MASONARY	Erickson-Hedge Const. Per Specifications		Under \$10,000.00			
		BRICK TILE RESTORATION AND cleaning _____ N.R.I.	None		Under \$10,000.00			
		DIVISION 5						
		STRUCTURAL STEEL	Nevada Steel		Supplier: Niederhauser Metal Works P.O. Box 16082 Salt Lake City, UT Lic # 010104			

LAS VEGAS CITY
COUNCIL MINUTES
JUL 16 1986

00082

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 6

BID TITLE:			RICHARDSON CONST.		PACE CONTRACTING			
BID # 87.0820.01								
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		STEEL JOISTS	Nevada Steel		Erection: Chris Crane Co.		9275 S. Jones	
		METAL DECKING	Per Specifications		Niederhauser Metal Works / Chris Crane Co.			
		METAL FABRICATIONS N.R.I.	Nevada Steel		Niederhauser Metal Works			
			Per Specifications		P.O. Box 150B2 Salt Lake /City, UT			
		DIVISION 6						
		PRE-FINISHED CABINET WORK N.R.I.	Cabinet Systems		Pioneer Woodworking LTD.			
			Per Specifications		1725 N. Stocker, NLV, NV 89030			
		DIVISION 7			Lic # 0023274			
		INSULATION	Strawn Insulation		Under \$10,000.00			
		SPRAYED-ON FIRE PROOFING N.R.I.	Silver State Stucco		Progressive Plastering, 3979 Coolcrest			
					Las Vegas, NV Lic # 0023303			
		PREFORMED ROOFING & SIDING	Nevada Steel		Under \$10,000.00			
			Per Specifications					
		BUILT-UP ROOFING SYSTEM	Howards Roofing		Howard s Roofing			
			Per Specifications					
		FLASHING & SHEET METAL N.R.I.	Lloyd's Refrigeration		Lloyd's Refrigeration			
			Per Specifications		Li# 019531			
		ROOF ACCESSORIES N.R.I.	Lloyd's Refrigeration		Under \$10,000.00			
		JOINT SEALERS N.R.I.	None		Under \$10,000.00			
		DIVISION B						
		STEEL DOORS & FRAMES	None		Wholesale Builders Supply			
			Per Specifications		5625 S. Valley View			

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00083

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #7

BID TITLE:			RICHARDSON CONST.		PACE CONTRACTING			
BID # B7.0820.01								
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		WOOD DOORS	NONE		Wholesale Builders Supply			
		AL. ENTRANCES & STOREFRONT	Wilgar Glass		Wilgar Bros. Glass Co.			
		AUTOMATIC ENTRANCE DOORS	Wilgar Bros. Glass		Wilgar Bros. Glass Co.			
		BUILDER'S HARDWARE	Kwaneer		Wholesale Builders Supply			
		GLASS & GLAZING	Wholesale Builders		Wholesale Builders Supply			
			Wilgar Bros.. Glass		Wilgar Bros. Glass			
			Per Specifications					
		DIVISION 9						
		LATH & PLASTER _____ N.R.I.	Silver State Stucco		Progressive Plastering			
			Per Specifications					
		GYPSUM DRYMALL _____ N.R.I.	None		Bill B. Shoning Contracting			
		TILE _____ N.R.I.	None		Under \$10,000.00			
		ACOUSTICAL CEILINGS	None		Bill B. Shoning Contractor			
		METAL CEILING SYSTEMS	None		M & H Building Specialties			
		RESILIENT FLOORING _____ N.R.I.	Floortime		Floortime			
			Per Specifications		4625 Wynn Road Lic # 12216			
		CARPETING	Floortime		Floortime			
			Per Specifications					
		PAINTING	None		Bill B. Shoning			

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00081

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #8

BID TITLE:			RICHARDSON CONSTRUCTION		PACE CONTRACTORS			
BID # 87.0820.01								
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		WALL COVERINGS	None		Under \$10,000.00			
		DIVISION 10 TOILET PARTITIONS	None		Under \$10,000.00			
		SPECIALTY SIGNS	None		Under \$20,000.00			
		TOILET ACCESSORIES	None		Under \$10,000.00			
		DIVISION 11 NOT USED						
		DIVISION 12 WINDOW TREATMENT	None		Under \$10,000.00			
		DIVISION 13 NOT USED						
		DIVISION 14 NOT USED						
		DIVISION 15 PLUMBING (MAJOR PLUMBING ITEMS)	Desert Plumbing Per Specifications		W.E.B. Mechanical /J.R. Kelly's Pipe & Supply		Smith, Kohler	
		AIR CONDITIONING (AIR CON- DITIONING MFG)	Lloyd's Refrigeration Carrier		Lloyd's Refrigeration Day & Night			

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00085

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #

BID TITLE:			RICHARDSON CONST.		PACE CONTRACTING			
BID # 87.0820.01								
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		DIVISION 16 ELECTRICAL N.R.I. SECURITY ALARM SYSTEM <u>MINORITY CONTRACTORS</u> Concrete FRAMING Drywall Painting Wall Covering HVAC Carpeting Excavating Roofing Sheetmetal Window Treatments Electrical Masonry Paving	USC Per Specifications USC Per Specifications Richardson Const. Richardson Const. Richardson Const. Richardson Const.		Bombard Electric 4205 W. Tompkins Bombard Electric Lic # 19532 Artistic Concrete, A.T.M. Concrete, C.A.G., Southern NV Concrete, Vegas Valley Concrete Woodrow Clahoun A.B.C., Velvet & Sons, Woodrow Frost Air, Interior Comfort Construction Dev. Reymore & Sons, Rico Paving & Grading A & S Roofing Artic.Air Refrig., Diamond Metal Works The Window Lady Bonberg & Whitney, Fitzgerald Electric, Centrair Electric, Professional Electric, TWT Electric, Apex Elect. All American Masonry Ace Paving, Emerson & Sons, LTD.			

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00086

B7 8928 01
 BID OPENED: JUL 71 86
 BUYER: DELABARRE

ITEM	QTY	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		STATE CONTRACTORS LIC	015351		0015085			
		CATAGORY:	A B		"B" General Building			
		LIMITATIONS:						
		STATE CONTRACTOR'S LICENSE BOARD CALLED:						
		ON:						
		WHO:						
		IS/IS NOT LICENSE OK:						
		VERIFIED BY:						
		DOES OR DOES NOT INTEND TO COMPLETE THE PROJECT SOONER THAN THE TIME ALLOTTED IN THE BID DOCUMENTS:						
		ACKNOWLEDGE ADDENDUMS 1-4						

7/1/86 3:35
 Lisa
 OK
 R. K. Delabarre

7/1/86 5:32
 Caroline
 OK
 R. K. Delabarre

LAS VEGAS CITY
 COUNCIL MINUTES
 JUL 1 1986

To: DESIGN & DEVELOPMENT Please review and furnish recommendation prior to JULY 3, 1986 for Commission award on JULY 16, 1986

R. K. Delabarre 7/2/86
 Purchasing and Contracts Date
 R. K. DELABARRE

To: Purchasing and Contracts. Approved in accordance with Parks, Recreation & Sr. Citizens Activities Department's recommendation of July 3, 1986.

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

00087

City of Las Vegas

00088

AGENDA DOCUMENTATION

Date: July 3, 1986

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - JULY 16, 1986
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. AWARD OF BIDS

2. <u>BID TITLE:</u>	RENOVATION OF FOURTH (4TH) FLOOR - CITY HALL	<u>BID NUMBER:</u>	86.0850.1
<u>ITEM:</u>	CAPITAL IMPROVEMENT	<u>ESTIMATE:</u>	\$18,500.00
<u>DEPARTMENT:</u>	DESIGN AND DEVELOPMENT	<u>INVITATIONS MAILED:</u>	44
<u>FUNDING:</u>	LAS VEGAS CONVENTION AND VISITORS AUTHORITY	<u>RESPONSES RECEIVED:</u>	7

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY FOR THE RENOVATION OF THE DEPARTMENT OF PUBLIC WORKS FOURTH (4TH) FLOOR OFFICES. THE RENOVATION WILL PROVIDE FOR A MORE EFFICIENT AND AND PRODUCTIVE WORK AREA.

BID ABSTRACT SUMMARY

GLEN P. CARROLL CONSTRUCTION	LAS VEGAS	NV	\$16,900.00
RPM CONSTRUCTION	LAS VEGAS	NV	\$17,275.00
THE ELOFSON COMPANY	LAS VEGAS	NV	\$19,000.00
NEWPORT CONSTRUCTION COMPANY	LAS VEGAS	NV	\$19,443.00
UTE, INCORPORATED	LAS VEGAS	NV	\$19,932.00
VERNE LEWTON CONSTRUCTION COMPANY	LAS VEGAS	NV	\$23,367.00
DARLING DEVELOPMENT	LAS VEGAS	NV	\$44,900.00

STAFF RECOMMENDATION OF AWARD

THAT THE LOW BID BE AWARDED TO:

GLEN P. CARROLL CONSTRUCTION	LAS VEGAS	NV	\$16,900.00

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 86-87. FUNDS ARE AVAILABLE IN THE CAPITAL IMPROVEMENT FUND.

RECOMMENDATIONS

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

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


Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION A PAGE 2
IV (f)

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 1

BID TITLE: RENOVATION OF FOURTH (4TH) FLOOR CITY HALL			GLEN P. CARROLL 224 N. Las Vegas Blvd. Las Vegas, NV 89108		RPM CONST. 4070 Schiff Dr. Las Vegas, NV 89103		THE ELOFSON CO. 2915 W. Charleston Las Vegas, NV 89102	
BID # 86.0850.1 m			DELABARRE					
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
1.	LUMP SUM	RENOVATION OF FOURTH FLOOR - CITY HALL		16,900.00		17,275.00		19,000.00
		TOTAL:		16,900.00		17,275.00		19,000.00
		<u>SUBCONTRACTORS</u>						
		Painting	A.B.C. Painting		Fitzgerald Glass			
		Glass						

LAS VEGAS CITY
COUNCIL MINUTES JUL 1 6 1986

00089

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 1A

BID TITLE: RENOVATION OF FOURTH (4TH) FLOOR CITY HALL			NEWPORT CONST. 4407 El Campana Way Las Vegas, NV 89121		UTE INC. 3060 Westwood Las Vegas, NV 89109		V. LEWTON CONST. 1722 W. Bonanza Rd. Las Vegas, NV 89106	
BID # 86.0850.1 m			DELABARRE					
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
I.	LUMP SUM	RENOVATION OF FOURTH FLOOR - CITY HALL		19,443.00		19,932.00		23,367.00
		TOTAL:		19,443.00		19,932.00		23,367.00
		<u>SUBCONTRACTORS</u>						
		Glazing Store Front	Wilgar Glass		Available Glass		Roberts Glass	

LAS VEGAS CITY
COUNCIL MINUTES JUL 1 6 1986

00090

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 1B

BID TITLE: RENOVATION OF FOURTH (4TH) FLOOR CITY HALL			DARLING DEVELOPMENT 4625 Wynn Rd. Las Vegas, NV 89103					
BID # 06.0850.1 m			DELABARRE					
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
1.	LUMP SUM	RENOVATION OF FOURTH FLOOR - CITY HALL		44,900.00				
		TOTAL:		44,900.00				
		<u>SUBCONTRACTORS</u>						
		Glass GYP.,PT., Studs	Available Glass Gove Contracting					

LAS VEGAS CITY
COUNCIL MINUTES JUL 16, 1986

00091

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #2

BID TITLE: RENOVATION OF FOURTH (4TH) FLOOR
CITY HALL

BID BOND REQD: YES EST: \$ 18,500.00
BID #: 86.0850.1 INV. SENT: 44
BID OPENED: JULY 1, 1986 BUYER: DELABARRE

GLEN P. CARROLL
224 N. Las Vegas Blvd.
Las Vegas, NV 89108

LIC#: C11 B82 2 17122

RPM CONST.
4070 Schiff Dr.
Las Vegas, NV 89103

LIC#: C11 T312 225637

THE ELOFSON CO.
2915 W. Charleston
Las Vegas, NV 89102

LIC#: C11 00254 2 001565

ITEM	QTY	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		MINORITY CONTRACTORS						
		Taping & Painting	Woodrow Calhoun				NONE	
		Demolition	ABC Painting		Rico Paving			
		STATE CONTRACTORS LICENSE NO:	0014769		021086		17602	
		CATAGORY:	B-2		B		B-2	
		LIMITATION:						
		STATE CONTRACTORS LICENSE BOARD CALLED:						
		ON:						
		WHO:						
		IS/IS NOT LICENSE OK:						
		VERIFIED BY:						
		DOES OR DOES NOT INTEND TO COMPLETE THE PROJECT SOONER THAN THE TIME ALLOTTED IN THE BID DOCUMENTS	Yes		No		Not Indicated	

LAS VEGAS CITY
COUNCIL MINUTES JUL 1 1986

00092

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #2a

BID TITLE: RENOVATION OF FOURTH (4TH) FLOOR CITY HALL		NEWPORT CONST. 4407 El Campana Way Las Vegas, NV 89121	UTE INC. 3060 Westwood Las Vegas, NV 89019	V. LEWTON CONST. 1722 W. Bonanza Rd. Las Vegas, NV 89106
BID BOND REQD: YES BID #: 86.0850.1 BID OPENED: JULY 1, 1986	EST: \$ 18,500.00 INV. SENT: 44 BUYER: DELABARRE	LIC#: NOT LISTED	LIC#: C11840208202	LIC#: 26580

ITEM	QTY	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		<u>MINORITY CONTRACTORS</u>	NONE		NONE		NONE	
		STATE CONTRACTORS LICENSE NO:	19775		6350 C		0021836	
		CATAGORY:	B-2		B		B-2	
		LIMITATION:						
		STATE CONTRACTORS LICENSE BOARD CALLED:						
		ON:						
		WHO:						
		IS/IS NOT LICENSE OK:						
		VERIFIED BY:						
		DOES OR DOES NOT INTEND TO COMPLETE THE PROJECT SOONER THAN THE TIME ALLDITTED IN THE BID DOCUMENTS	NO		NOT INDICATED		YES	

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00093

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #2 B

BID TITLE: RENOVATION OF FOURTH (4TH) FLOOR
CITY HALL
BID BOND REQD: YES EST: \$ 18,500.00
BID #: 86.0850.1 INV. SENT: 44
BID OPENED: JULY 1, 1986 BUYER: DELABARRE

DARLING DEVELOPMENT
4625 Wynn Rd. #102
Las Vegas, NV 89103
LIC#: C11 T63 2 17259

LIC#:

LIC#:

ITEM	QTY	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		<u>MINORITY CONTRACTORS</u>						
		CARROLL						
		STATE CONTRACTORS LICENSE NO:	20798					
		CATEGORY: B-2	B General Bldg.					
		LIMITATION: \$200,000.00						
		STATE CONTRACTORS LICENSE BOARD						
		CALLED: Caroline						
		ON: 7/2/86 8:05						
		WHO: Delabarre						
		IS/IS NOT LICENSE OK: OK						
		VERIFIED BY: Delabarre						
		DOES OR DOES NOT INTEND TO COMPLETE THE PROJECT SOONER THAN THE TIME ALLOTTED IN THE BID DOCUMENTS	NOT INDICATED					

To: DESIGN AND DEVELOPMENT Please review and furnish recommendation
prior to JULY 2, 1986 for Commission award on JULY 16, 1986

RK Delabarre 7/2/86
Purchasing and Contracts Date
R. K., DELABARRE

To: Purchasing and Contracts. Award to low bidder.

Ron Ruggie 7-2-86
Department/Division Signature Date

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00091

JUL 16 1986

PURCHASE REQUEST

86.0850.1

00095

SHIP TO
City Hall
400 East Stewart Avenue
Las Vegas, NV 89101

25.6/9/86
REQ. NO. 0800-191 P.O. NO.
REQ. DATE 3-6-86

ESTIMATES FROM: ☐ FORMER P.O. No. _____ DATE _____ ☐ PURCHASING & CONTRACTS ☒ OTHER (SPECIFY) <u>estimating books</u>		FUNDING: ☐ UNBUDGETED ☒ BUDGETED REQUESTING DEPT. EST. \$16,800 NOT TO EXCEED \$18,500	
REQUESTING DEPT/DIV	F.O.B. POINT	TERMS	BUYER
Design & Dev./Interior Design Las Vegas			

JUSTIFICATION FOR PURCHASE
Renovation of 4th floor office space for the Department of Public Works

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	L.S.	For renovation of the 4th floor of City Hall as per the contract documents. City of Las Vegas Bid #86.0850.1		

FUNDING VERIFIED

SC 127 LVCVA 10-10
3/10/86

VENDORS CONTACTED

LINE	FUND/ORG	ACCOUNT	TASK	OPT	ACT/WA	TOTAL
1	5021	8020			WU7056	

THE DEPARTMENT HEAD CERTIFIES THAT TO THE BEST OF THEIR KNOWLEDGE FUNDS ARE BUDGETED AND AVAILABLE FOR THIS PURCHASE AND THE ITEMS/SERVICES REQUESTED ARE FOR PUBLIC USE.

Thomas D. [Signature] 3/6/86
DEPT. / DIV. HEAD
Elyne [Signature] 3/10/86
FINANCE
Robert [Signature] 3/10/86
PROPERTY & MANAGEMENT
James [Signature] 3/10/86
DEPT. CITY MANAGER
PURCHASING & CONTRACTS DATE

City of Las Vegas LAS VEGAS CITY JUL 16, 1986
COUNCIL MINUTES
AGENDA DOCUMENTATION

00096

Date: July 3, 1986

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - JULY 16, 1986
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. AWARD OF BIDS

3. <u>BID TITLE:</u>	CITY HALL RENOVATION FIFTH (5TH) FLOOR DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT	<u>BID NUMBER:</u>	86.0850.3
<u>ITEM:</u>	CAPITAL IMPROVEMENT	<u>ESTIMATE:</u>	\$14,950.00
<u>DEPARTMENT:</u>	DESIGN AND DEVELOPMENT	<u>INVITATIONS MAILED:</u>	36
<u>FUNDING:</u>	CITY HALL CAPITAL IMPROVEMENT FUND	<u>RESPONSES RECEIVED:</u>	3

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO EXPAND THE FIFTH (5TH) FLOOR AREA TO ACCOMMODATE THE INCREASE IN DEPARTMENT OF ECONOMIC AND URBAN DEVELOPMENT STAFFING.

BID ABSTRACT SUMMARY

DARLING DEVELOPMENT	LAS VEGAS	NV	\$14,950.00
VERNE LEWTON CONSTRUCTION	LAS VEGAS	NV	\$17,457.00
UTE, INCORPORATED	LAS VEGAS	NV	\$17,759.00

STAFF RECOMMENDATION OF AWARD

THAT THE LOW BID BE AWARDED TO:

DARLING DEVELOPMENT	LAS VEGAS	NV	\$14,950.00

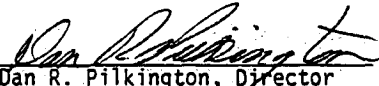
FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 86-87. FUNDS ARE AVAILABLE IN THE CAPITAL IMPROVEMENT FUND.

RECOMMENDATIONS

THE DEPARTMENT OF GENERAL SERVICES HAS INDICATED THAT THIS ITEM IS IN ORDER BASED ON THE RECOMMENDATION 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 3
IV (f)

BID ABSTRACT & AWARD RECOMMENDATION

PAGE #1

BID TITLE: CITY HALL RENOVATION - 5TH FLOOR-D.E.U.D.		DARLING DEVELOPMENT 4625 Wynn Road #102 Las Vegas, NV 89103		VERNE LEWTON CONST. 1722 W. Bonanza Road Las Vegas, NV 89106		UTE, INC. 3060 Westwood Drive Las Vegas, NV 89109	
BID # 86.0850.3 DELABARRE		U.P.		TOTAL		U.P.	
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.
1.	LUMP SUM	CITY HALL RENOVATION, 5TH FLOOR		14,950.00		17,457.00	
		<u>SUBCONTRACTORS</u>					
		GLASS	Available Glass 3060 Westwood				
		USG PARTITIONS			M & H SPECIALTIES 1902 Western Ave		M & H SPECIALTIES
		GLAZING			ROBERTS GLASS P.O. Box 27827		AVAILABLE GLASS 3060 Westwood Drive

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00097

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 2

BID TITLE: CITY HALL RENOVATION - 5TH FLOOR D.E.U.D.

BID BOND REQD: YES EST: \$14,905.00
 BID # 86.0850.3 INV. SENT: 36
 BID OPENED: JUNE 24, 1986 BUYER: DELABARRE

DARLING DEVELOPMENT
 4625 Wynn Road #102
 Las Vegas, NV 89103
 LIC#: C11763217259

VERNE LEWTON CONST.
 1722 W. Bonanza Road
 Las Vegas, NV 89106
 LIC#: C111660226580

UTE, INC.
 3060 Westwood Drive
 Las Vegas, NV 89109
 LIC#: C11840208202

ITEM	QTY	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		<u>MINORITY CONTRACTORS</u>						
		STATE CONTRACTORS LIC NO.:	NONE		NONE		NONE	
		CATAGORY:						
		LIMITATION:						
		STATE CONTRACTORS LIC. BOARD CALLED:						
		ON: 6/24/86 3:20 pm						
		WHO: CAROLINE						
		IS/IS NOT LICENSE O.K.: OK						
		VERIFIED BY: R.K. Delabarre						
		DOES OR DOES NOT INTEND TO COMPLETE THE PROJECT SOONER THAN THE ALLOTTED TIME IN BID DOCUMENTS.	YES		YES		NOT INDICATED	

To: DESIGN & DEVELOPMENT Please review and furnish recommendation prior to July 1, 1986 for Commission award on July 16, 1986.
 R. K. Delabarre 6/24/86
 Purchasing and Contracts Date

To: Purchasing and Contracts. Recommend award of bid to apparent low bidder.
 [Signature] 6-25-B16
 Department/Division Signature Date

LAS VEGAS CITY
 COUNCIL MINUTES
 JUL 16 1986

00098

JUL 16 1986

00099

PURCHASE REQUEST

86.0850.3

SHIP TO:
City Hall
400 East Stewart Avenue
Las Vegas, NV 89101

5/9/86

REQ. NO. 106 - 743

REQ. DATE 4-28-86

ESTIMATES FROM:		FUNDING:	
☐ FORMER P.O. No. _____ DATE _____		☐ UNBUDGETED	☐ BUDGETED
☐ PURCHASING & CONTRACTS		PAGE _____ OBJECT CODE _____	
☒ OTHER (SPECIFY) IN HOUSE ESTIMATE		REQUESTING DEPT. EST. \$13,550 NOT TO EXCEED \$14,905	
ESTIMATING DEPT/ON _____	F.O.B. POINT _____	TERMS _____	BUYER _____
CATION FOR PURCHASE _____		DELIVERY REQUIRED _____	

NTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
		L.S. Demolition and construction as per Drawings #521-176, Sheets 1 through 4 and the specifications for bid #86.0850.3		

FUNDING VERIFIED

SOURCE: City Hall Capital Improv. Fund (G/F 26)
DATE: 5/5/86 APPROVED BY: RV.

DOORS CONTACTED

CONSTRUCTION CONTRACT				VERBAL QUOTE			
SUPPLY CONTRACT				INFORMAL BID			
FORMAL BID				SOLE SOURCE			
SINGLE SOURCE				COMPETITIVE			
VE	FUND/ORG	ACCOUNT	TASK	OPT	ACT/WA	AMOUNT	TOTAL
	5021	8020			WU 6331		

THE DEPARTMENT HEAD CERTIFIES THAT TO THE BEST OF THEIR KNOWLEDGE FUNDS ARE BUDGETED AND AVAILABLE FOR THIS PURCHASE AND THE DEPT./SERVICES REQUESTED ARE FOR PUBLIC USE.

* *[Signature]* 5-6-86
DEPT./DIV. HEAD
[Signature] 5/6/86
FINANCE
[Signature] 5/5/86
BUDGET & MANAGEMENT
[Signature] 5/8/86
DEPUTY CITY MANAGER
PURCHASING & CONTRACTS
DATE

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00100

AGENDA DOCUMENTATION

Date: July 14, 1986

TO:
The City Council

FROM:
RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - JULY 16, 1986
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. AWARD OF BIDS

4. <u>BIO TITLE:</u>	REVISION OF FIRE SPRINKLER SYSTEM - FOURTH (4TH) FLOOR	<u>BIO NUMBER:</u>	86.0850.5
<u>ITEM:</u>	CAPITAL PROJECT	<u>ESTIMATE:</u>	\$17,500.00
<u>DEPARTMENT:</u>	DESIGN AND DEVELOPMENT	<u>INVITATIONS MAILED:</u>	11
<u>FUNDING:</u>	LAS VEGAS CONVENTION AND VISITORS AUTHORITY FUND	<u>RESPONSES RECEIVED:</u>	0

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY FOR THE RENOVATION OF THE DEPARTMENT OF PUBLIC WORKS FOURTH (4TH) FLOOR OFFICES. THE RENOVATION WILL PROVIDE FOR A MORE EFFICIENT AND PRODUCTIVE WORK AREA.

BIO ABSTRACT SUMMARY

THIS PROJECT WAS ADVERTISED IN ACCORDANCE WITH NEVADA REVISED STATUTE 332 LOCAL GOVERNMENT PURCHASING ACT. ELEVEN (11) QUALIFIED FIRMS WERE SENT PLANS AND SPECIFICATIONS, A PRE-BIO CONFERENCE WAS CONDUCTED AND A PUBLIC BIO OPENING CONDUCTED ON TUESDAY, JULY 1, 1986. NO BIOS WERE RECEIVED. N.R.S. 332.148 ALLOWS THE GOVERNING BODY TO ADVERTISE IN A LOCAL NEWSPAPER THAT NO BIOS WERE RECEIVED, THAT A CONTRACT MAY BE LET WITHOUT FURTHER BIDDING, AND THAT ANY BIO RECEIVED IN RESPONSE TO THE ADVERTISEMENT WILL BE ENTERTAINED. STAFF WILL SO ADVERTISE ON FRIDAY, JULY 4, 1986. STAFF WILL ALSO PROVIDE COUNCIL WITH A WRITTEN RECORD OF WHAT TRANSPIRES CONCERNING THIS ITEM PRIOR TO 10:00 A.M. WEDNESDAY, JULY 16, 1986.

STAFF RECOMMENDATION OF AWARD

THAT THE BID BE AWARDED TO:

NAY MECHANICAL	LAS VEGAS NV	\$18,882.00

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 86-87. FUNDS ARE AVAILABLE IN THE LAS VEGAS CONVENTION AND VISITORS AUTHORITY FUND.

RECOMMENDATIONS

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

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


Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION A PAGE 4
IV (f)



PROPOSAL

TO: City of Las Vegas DATE: 2 July 1986
ADDRESS: 400 East Stewart PHONE: 386-6231
REFERENCE: City Hall 4th Floor Remodel

Gentlemen:

We propose to furnish all materials, labor, and equipment required to complete the following per the listed plans and/or specifications:

Specifications: _____
Plans: _____

Workscope: _____

Fabricate and install an automatic fire sprinkler
system for the 4th floor office remodel.
Work shall be done per plans & specifications.
Installation will be conducted during regular
working hours. (7:00 a.m. - 4:00 p.m.).

Exclusions: _____
Cost of permit, replacement of damaged tile, or any electrical detection.

Notes: _____
Installation shall be phased and coordinated with the City of Las Vegas.

The above work to be completed in a workmanlike manner in accordance with standard practices for the sum of \$ (18,882) - Eighteen Thousand Eight Hundred Eighty - Two

Any changes to the above workscope involving extra cost of materials, labor, or equipment will only be executed upon written order for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.

APPROVED
7-14-86
J2 Ruffe
NAY MECHANICAL INC.
4740 SOUTH VALLEY VIEW BOULEVARD
LAS VEGAS, NEVADA 89103 (702) 739-6757

Respectfully submitted,
NAY MECHANICAL

BY: Joseph Southerland
Joseph Southerland
Fire Sprinkler Division

FOURTH FLOOR SPRINKLER SYSTEM

ADVANCED FIRE PROTECTION INC.

- Too busy at this time to submit a bid.

AMERICAN FIRE AND SAFETY

- \$1,000,000 insurance requirement was considered too much for the job and they decided to not bid based upon that.

GRINNELL FIRE PROTECTION

- Too busy at this time to submit a bid. They are currently working 2 jobs with 4 more coming up and felt they could not handle any more.

KNIGHT FIRE PROTECTION

- They do not want to be a general contractor on any project, only a sub-contractor. They also stated they did not want to obtain an additional \$500,000 insurance for this small a job.

TRI-STATE FIRE PROTECTION

- Too busy at this time to submit a bid.

UNIVERSAL FIRE PROTECTION CO. INC.

- Too busy to get the time to put a bid figure together. Stated that all fire protection firms are extremely busy at this time.

City of Las Vegas

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00103

AGENDA DOCUMENTATION

Date: July 3, 1986

TO: The City Council

FROM: RANDALL H. WALKER
DEPUTY CITY MANAGER

SUBJECT: AGENDA - CITY COUNCIL MEETING - JULY 16, 1986
IV (f) DEPARTMENT OF GENERAL SERVICES

PURPOSE/BACKGROUND

*A. AWARD OF BIDS

5. <u>BID TITLE:</u>	CITY OF LAS VEGAS PARKING LOT FOURTH STREET TO LAS VEGAS BOULEVARD	<u>BID NUMBER:</u>	86.1715.15
<u>ITEM:</u>	CAPITAL IMPROVEMENT	<u>ESTIMATE:</u>	\$110,000.00
<u>DEPARTMENT:</u>	PUBLIC WORKS	<u>INVITATIONS MAILED:</u>	19
<u>FUNDING:</u>	FEDERAL REVENUE SHARING	<u>RESPONSES RECEIVED:</u>	6

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO PAVE THE PARKING LOT AREA UNDER I-15.

BID ABSTRACT SUMMARY

WEAVER CONSTRUCTION	LAS VEGAS NV	\$74,843.40
LADD CONSTRUCTION	LAS VEGAS NV	\$75,244.00
MIKON CONSTRUCTION	LAS VEGAS NV	\$79,765.55
LAS VEGAS PAVING CORPORATION	LAS VEGAS NV	\$79,920.45
WAYNES TRUCKING	LAS VEGAS NV	\$88,991.15
INDUSTRIAL CONSTRUCTION COMPANY	LAS VEGAS NV	\$95,585.30

STAFF RECOMMENDATION OF AWARD

THAT THE LOW BID BE AWARDED TO:

WEAVER CONSTRUCTION	LAS VEGAS NV	\$74,843.40

FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 86-87. FUNDS ARE AVAILABLE IN THE CAPITAL IMPROVEMENT FUND.

RECOMMENDATIONS

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

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


Dan R. Pilkington, Director
Department of General Services

Agenda Item

SECTION A PAGE 5
IV (f)

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 1

BID TITLE: CITY OF LAS VEGAS PARKING LOT-FOURTH STREET 10 LAS VEGAS BOULEVARD BID # 86.1715.15 DELABARRE			WEAVER CONST. 2590 N. Nellis Blvd., Las Vegas, NV 89115		LADD CONST. 1115 S. Casino Ctr. Las Vegas, NV 89104		MIKON CONST. 3280 Wynn Rd. Las Vegas, NV 89102	
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
BID GROUP I								
1.	870 C.Y.	EXCAVATION	12.00	10,440.00	9.00	7,830.00	18.00	15,660.00
2.	1105 C.Y.	TYPE II AGGREGATE BASE	11.25	12,431.25	16.00	17,680.00	11.00	12,155.00
3.	795 TON	PLANTMIX BITUMINOUS ASPHALTIC CONCRETE PAVEMENT (TRAFFIC CATAGORY II)	33.00	26,235.00	38.00	30,210.00	32.65	25,956.75
4.	6620 S.Y.	GRADE SS-1h EMULSIFIED ASPHALTIC SEAL COAT	.17	1,125.40	.10	662.00	.29	1,919.80
5.	6620 S.Y.	EMULSIFIED ASPHALTIC SLURRY SEAL	2.25	14,895.00	.15	,993.00	1.80	11,916.00
6.	146 EA.	CONCRETE BUMPER BLOCK	33.00	4,818.00	11.50	1,679.00	35.00	5,110.00
7.	6 EA.	ADJUST CONCRETE SPLASH BLOCK	25.00	150.00	500.00	3,000.00	65.00	390.00
8.	1 EA.	ADJUST EXISTING CONCRETE VAULT		1,400.00		1,500.00		940.00
9.	715 L.F	REMOVE AND REPLACE EXISTING CHAIN LINK FENCE	3.25	2,323.15	11.00	7,865.00	6.60	4,719.00
10.	5 EA.	VERTICALLY ADJUST EXISTING ELECTRICAL PULL BOX	100.00	500.00	525.00	2,625.00	35.00	175.00

LAS VEGAS CITY
COUNCIL MINUTES JUL 1 8 1986

00104

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 1A

BID TITLE: CITY OF LAS VEGAS PARKING LOT-FOURTH STREET 10 LAS VEGAS BOULEVARD		LAS VEGAS PAVING 1770 Industrial Rd. Las Vegas, NV 89102	WAYNES TRUCKING 487 N. Kennedy Las Vegas, NV 89110	INDUSTRIAL CONST. 565 La1if Henderson, NV 89015
BID # 86.1715.15	DELABARRE			

ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
BID GROUP I								
1.	870 C.Y.	EXCAVATION	15.00	13,050.00	6.00	5,220.00	12.00	10,440.00
2.	1105 C.Y	TYPE II AGGREGATE BASE	14.00	15,470.00	14.00	15,470.00	16.00	17,680.00
3.	795 TON	PLANTMIX BITUMINOUS ASPHALTIC CONCRETE PAVEMENT (TRAFFIC CATAGORY II)	40.50	32,297.50	60.00	47,700.00	44.50	35,377.50
4.	6620 S.Y.	GRADE SS-1h EMULSIFIED ASPHALTIC SEAL COAT	.11	728.20	.32	2,118.40	.31	2,052.20
5.	6620 S.Y.	EMULSIFIED ASPHALTIC SLURRY SEAL	.90	5,958.00	1.32	8,937.00	1.88	12,445.60
6.	146 EA.	CONCRETE BUMPER BLOCK	33.00	4,818.00	32.50	4,745.00	40.00	5,840.00
7.	6 EA.	ADJUST CONCRETE SPLASH BLOCK	100.00	600.00	100.00	600.00	200.00	1,200.00
8.	1 EA.	ADJUST EXISTING CONCRETE VAULT		1,500.00		400.00		2,000.00
9.	715 L.F	REMOVE AND REPLACE EXISTING CHAIN LINK FENCE	3.25	2,323.75	5.30	3,789.50	10.00	7,150.00
10.	5 EA.	VERTICALLY ADJUST EXISTING ELECTRICAL PULL BOX	95.00	475.00	.75	375.00	100.00	500.00

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00105

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 2

BID TITLE: BID # 86.1715.15			WEAVER CONST.		LADD CONST.		NIKON CONST.	
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
11.	1 L.S.	STRIPING PAINT	525.00	525.00	1200.00	1,200.00	824.00	824.00
		TOTAL BID GROUP I:		74,843.40		75,244.00		79,765.55
		<u>SUBCONTRACTORS</u>						
		Fence	Tiberti					
		Bumper Blocks	Highway	Rentals				
		Striping	Highway	Rentals				

LAS VEGAS CITY
COUNCIL MINUTES JUL 13 1986

00106

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 2A

BID TITLE:			LAS VEGAS PAVING		WAYNES TRUCKING		INDUSTRIAL CONST.	
BID # 86.1715.15								
ITEM	QTY.	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
11.	1 L.S.	STRIPING PAINT		2,800.00		750.00		900.00
		TOTAL BID GROUP I:		79,920.45		88,991.15		95,585.30
		<u>SUBCONTRACTORS</u>						
		Striping	Highway Rentals		NONE		M & M Const.	
		Fencing	Tiberti				Silver State Striping	
		Excavation					Centennial Concrete	
		Slurry Seal						
		Concrete						

LAS VEGAS CITY
COUNCIL MINUTES
JUL 16 1986

00107

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 3

BID TITLE: CITY OF LAS VEGAS PARKING LOT - FOURTH STREET TO LAS VEGAS BLVD. BID BOND REQD: YES BID #: 86.1715.15 BID OPENED: JULY 1, 1986			WEAVER CONST. 259D N. Nellis Las Vegas, NV 89115 LIC#: 02458		LADD CONST. 1115 S. Casino Ctr. Las Vegas, NV 89104 LIC#: NOT LISTED		MIKON CONST. 3280 Wynn Rd. Las Vegas, NV 89102 LIC# C11 513 2 25408	
EST: \$ 110,000.00 INV. SENT: 19 BUYER: DELABARRE								
ITEM	QTY	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		MINORITY CONTRACTORS						
		Concrete Excavation & Paving	NONE		NONE		Valley Const. Rico Paving & Grading	
		STATE CONTRACTORS LICENSE NO.:	8272		0023536		0023349	
		CATAGORY:	A		A		A - General Eng.	
		LIMITATION:						
		STATE CONTRACTORS LICENSE BOARD CALLED ON:						
		WHO:						
		IS/IS NOT LICENSE OK						
		VERIFIED BY:						
		DOES OR DOES NOT INTEND TO COMPLETE THE PROJECT SOONER THAN THE TIME ALLOTTED IN THE BID DOCUMENTS.	NOT INDICATED		YES		NO	
		ACKNOWLEDGE ADDENDUMS 1 & 2	YES		YES		YES	

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00108

BID ABSTRACT & AWARD RECOMMENDATION

PAGE # 3A

BID TITLE: CITY OF LAS VEGAS PARKING LOT - FOURTH STREET TO LAS VEGAS BLVD.

BID BOND REQD:

EST: \$

BID #: 86.1715.15

INV. SENT:

BID OPENED: JULY 1, 1986

BUYER: DELABARRE

LAS VEGAS PAVING
1770 Industrial Rd.
Las Vegas, NV 89102

LIC#: 011 633205436

WAYNES TRUCKING
487 N. Kennedy
Las Vegas, NV 89110

LIC#: C11K4622088

INDUSTRIAL CONST.
565 Lalif
Henderson, NV 89015

LIC#: OH 01899 2 029020

ITEM	QTY	DESCRIPTION	U.P.	TOTAL	U.P.	TOTAL	U.P.	TOTAL
		<u>MINORITY CONTRACTORS</u>						
		Concrete	Valley Const.		NONE			
		WEAVER						
		STATE CONTRACTORS LICENSE NO.:	5507		0016100		0002757	
		CATEGORY: A	A B		7-12-13		A	
		LIMITATION: \$900,000.00	~~4412~~					
		STATE CONTRACTORS LICENSE BOARD CALLED ON: 7/2/86 8:06						
		WHO: Caroline						
		IS/IS NOT LICENSE OK <i>OK</i>						
		VERIFIED BY: <i>RK Delabarre</i>						
		DOES OR DOES NOT INTEND TO COMPLETE THE PROJECT SOONER THAN THE TIME ALLOTTED IN THE BID DOCUMENTS.	NO		NO		NOT INDICATED	
		ACKNOWLEDGE ADDENDUMS 1 & 2	YES		YES		YES	

To: PUBLIC WORKS

Please review and furnish recommendation

prior to JULY 2, 1986

for Commission award on JULY 16, 1986

RK Delabarre 7/2/86

Purchasing and Contracts

R. K. DELABARRE

To: Purchasing and Contracts

RECOMMENDATION AWARDS TO LOW BIDDER

Amir D. Bent 7/2/86

Department/Division Signature

Date

LAS VEGAS CITY
COUNCIL MINUTES
JUL 16 1986

00100

PURCHASE REQUEST

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00110

SHIP TO:

A. L. Bessent, Chief
Construction Services
400 E. Stewart Ave.
Las Vegas, NV 89101

REQ. NO.

1720-075

P.O. NO.

REQ. DATE

5-20-86

ESTIMATES FROM:

- ☐ FORMER P.O. No. _____ DATE _____
☐ PURCHASING & CONTRACTS
☐ OTHER (SPECIFY) _____

FUNDING:

☐ UNBUDGETED ☒ BUDGETED

REQUESTING DEPT. EST. \$110,000.00 NOT TO EXCEED \$110,000.00

REQUESTING DEPT/DIV

PUBLIC WORKS
CONSTRUCTION SERVICES

F.O.B. POINT

TERMS

BUYER

DELIVERY REQUIRED

JUSTIFICATION FOR PURCHASE

Bid #

Funds needed to pave employee's parking lot between 4th Street and I V Blvd/86.1715.15

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
	L.S.	Paving Employee's Parking Lot between 4th Street and Las Vegas Blvd. under I-515		\$110,000.00
		Funds from Revenue Sharing.		

FUNDING VERIFIED

SOURCE: Federal Revenue Sharing

DATE: 5/21/86 APPROVED BY: RV.

VENDOR CONTACTED

CONSTRUCTION CONTRACT						
SUPPLY CONTRACT						
FORMAL BID						
SINGLE SOURCE						
FUND/ORG	ACCOUNT	TASK	OPT	ACT/WA	TOTAL	
5021	8050 8030			WU6330	\$110,000.00	

THE DEPARTMENT HEAD CERTIFIES THAT TO THE BEST OF THEIR KNOWLEDGE FUNDS ARE BUDGETED AND AVAILABLE FOR THIS PURCHASE AND THE ITEMS/SERVICES REQUESTED ARE FOR PUBLIC USE

[Signature] 5-22-86
DEPT./DIV. HEAD
Eylene Satt 5/21/86
FINANCE
[Signature] 5/21/86
BUDGET & MANAGEMENT
[Signature] 5-22-86
DEPUTY CITY MANAGER

PURCHASING & CONTRACTS

DATE

AGENDA DOCUMENTATION

Date: July 3, 1986

TO:
The City CouncilFROM:
RANDALL H. WALKER
DEPUTY CITY MANAGERSUBJECT: AGENDA - CITY COUNCIL MEETING -JULY 16, 1986
IV (f) DEPARTMENT OF GENERAL SERVICESPURPOSE/BACKGROUND*B. PURCHASE ORDER APPROVAL

1. ITEM:	CAPITAL EQUIPMENT	<u>PURCHASE REQUEST:</u>	3351-0130
<u>DESCRIPTION:</u>	RADIO COMMUNICATIONS	<u>FUNDING:</u>	RADIO COMMUNICATION FUND
<u>DEPARTMENT:</u>	GENERAL SERVICES	<u>ESTIMATE:</u>	\$28,907.00

NEED FOR PURCHASE

THIS PURCHASE IS NECESSARY TO PROVIDE THE CITY OF LAS VEGAS WITH RADIO EQUIPMENT NECESSARY TO MAINTAIN RADIO COMMUNICATIONS WITH THE METROPOLITAN POLICE DEPARTMENT. CLARK COUNTY BID #874-86 FOR THE SAME RADIO EQUIPMENT WAS AWARDED BY THE FISCAL AFFAIRS COMMITTEE ON JUNE 19, 1986 AND ALLOWED FOR JOINDER PRIVILEGES PER NRS 332, WHICH WILL ALLOW THE CITY TO PURCHASE FROM THIS CONTRACT WHILE FULFILLING THE COMPETITIVE BID REQUIREMENTS.

STAFF RECOMMENDATIONFOR PURCHASE ORDER APPROVAL

MOTOROLA COMMUNICATIONS	LAS VEGAS NV	\$28,907.00
CLARK COUNTY CONTRACT #874-86		

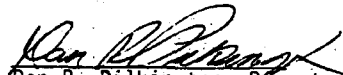
FISCAL IMPACT

FUNDS BUDGETED FOR FISCAL YEAR 86-87. FUNDS ARE AVAILABLE IN THE RADIO COMMUNICATIONS 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)

PURCHASE REQUEST

Motorola Communications
1455 Tropicana Avenue
Suite 300
Las Vegas, NV 89109

ATTN: Karl Ritterby

SHIP TO:

Bill Bradley
%Central Stores
400 L.V. Blvd No.
Las Vegas, NV 89101

REQ. NO. 3351-0130
REQ. DATE 6-18-86

ESTIMATES FROM:		FUNDING:	
☐ FORMER P.O. No. _____ DATE _____	☐ UNBUDGETED	☒ BUDGETED	PAGE _____ OBJECT CODE _____
☐ PURCHASING & CONTRACTS	REQUESTING DEPT. EST. \$28,907 NOT TO EXCEED \$30,000		
☐ OTHER (SPECIFY) _____			
REQUESTING DEPT/DIV	F.O.B. POINT	TERMS	BUYER
Gen Svcs/Facilities Support	Las Vegas	Net 30	
JUSTIFICATION FOR PURCHASE		DELIVERY REQUIRED	
To maintain radio communications with Metro.		8-30-86	

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
2 / 16	ea	300 MX Series Radios	\$1,730	\$27,680
3	ea	Multi-chargers	295	885
1 / 6	ea	Single Unit Charger	57	342
		TOTAL		\$28,907
		See Attached for crystals		
		7/19/86-87		
		FUNDING VERIFIED		
		Radio Comm Fund 033350/3351		
		6/18/86		
		DATE		
		APPROVED BY		

VENDORS CONTACTED

LINE	FUND/ORG	ACCOUNT	TASK	OPT	ACT/WA	TOTAL
1	3351	5110				342
2	3351	28040				28,565

THE DEPARTMENT HEAD CERTIFIES THAT TO THE BEST OF THEIR KNOWLEDGE FUNDS ARE BUDGETED AND AVAILABLE FOR THIS PURCHASE AND THE ITEMS/SERVICES REQUESTED ARE FOR PUBLIC USE.

DATE 6-18-86
DATE 6/18/86
DATE 6/18/86
DATE 6-18-86

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office

MEMORANDUM

To : TED FARRELL, Budget Officer Date: 6/11/86
Through: CAPTAIN MYERS, Communications
From : JOHANNES A. BAKKER, Engineer, Communications
Subject: PORTABLE AND MOBILE RADIO BIDS

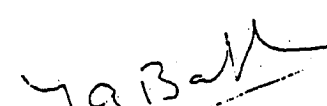
Two bids were received, one from Motorola and one from General Electric. Both submitted main and alternate bids. The alternate bids are not compliant and received for information only. The bids compare as follows:

	Motorola	General Electric
Portables	\$1762.00	\$1882.00
Base Stations	875.00	1993.35
Mobiles	1482.00	1412.00

General Electric requested that we review our needs for a 19 foot cable during the pre-bid conference. We examined our needs for the additional length cable and determined that our specifications were appropriate for our needs. Therefore we did not change to the requested 18 foot length. We did not amend our specifications.

General Electric chose to bid the mobile radios with exception to the specifications and submitted a bid \$70 lower with an 18 foot cable. Motorola bid Mobile Radios including the requested 19 foot cable.

We therefore recommend that the contract be awarded to Motorola for Portable, Base Stations, and Mobile radios. Additionally, we request that the renewal option be included on this bid before the Fiscal Affairs Committee.


JOHANNES A. BAKKER, Engineer
Communications Maintenance Section

7 Ea Mx Series Portable Radios (6 watt) H34SSU3140N \$1,730

Include Option: H255

Include Option: 903

Channel as Follows:

(City) Channel 1: Tx 156.015 Rx 158.925 P1 - 3B

(City) Channel 2: Tx 154.725 Rx 155.685 P1 - 3B

(City) Channel 3: Tx 156.240 Rx 159.000 P1 - 3B

(City) Channel 4: Tx 158.775 Rx 155.760 P1 - 3B

(Metro) Channel 5: Tx 154.770 Rx 159.150 P1 - XB

(Metro) Channel 6: Tx 155.550 Rx 159.030 P1 - XB

NOTE: The above Seven radios ordered for use by Park Rangers

6 Ea Mx Series Portable Radios (6 watt) H34SSU3140N \$1,730

Include Option: H255

Include Option: 903

(City) Channel 1: Tx 156.015 Rx 158.925 P1 - 3B

(City) Channel 2: Tx 154.725 Rx 155.685 P1 - 3B

(City) Channel 3: Tx 156.240 Rx 159.000 P1 - 3B

(City) Channel 4: Tx 158.775 Rx 155.760 P1 - 3B

(Metro) Channel 5: Tx 154.770 Rx 159.150 P1 - XB

NOTE: THE ABOVE 6 RADIOS ORDER FOR MUNI COURT

1 Ea Mx Series Portable Radio (6 watt) H34SSU3140N \$1,730

Include Option: H255

Include Option: 903

(City) Channel 1: Tx 156.015 Rx 158.925 P1 - 3B

(City) Channel 2: Tx 154.725 Rx 155.685 P1 - 3B

(City) Channel 3: Tx 156.240 Rx 159.000 P1 - 3B

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00115

(City) Channel 4: Tx 158.775 Rx 155.760 P1 - 3B

(Fire) Channel 5: Tx 154.430 Rx 154.430 P1 - 4B

(Metro) Channel 6: Tx 154.770 Rx 159.150 P1 - XB

(Civil
Defense) Channel 7: Tx 153.815 Rx 158.940

Note: Radio order for City Manager

2 Ea MX series Portable Radios (6 watt) H34SSU3140N \$1,730

Include Option: H255

Include Option: 903

(City) Channel 1: Tx 156.015 Rx 158.925 P1 - 3B

(City) Channel 2: Tx 154.725 Rx 155.685 P1 - 3B

(City) Channel 3: Tx 156.240 Rx 159.000 P1 - 3B

(City) Channel 4: Tx 158.775 Rx 155.760 P1 - 3B

(Metro) Channel 5: Tx 154.770 Rx 159.150 P1 - XB

Note: Radios ordered for Public Works

3 Ea Multiple Charger for MX Series Radios/Batteries \$295

Number: NLN 8990

NOTE: chargers order for Muni-Court, Park Rangers, Radio Com

6 Ea Single Unit Charger for MX Series Radios/Batteries \$57

Number: NLN 8856

Note: Chargers ordered for Radio Comm, Park Rangers, City Manager
Office (2), and Public Works (2)

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00116

Line Item 1:	7 MX Series Radios	\$1,730.00 EA	Total =	\$12,110.00 ✓
Line Item 2:	6 MX Series Radios	\$1,730.00 EA	Total =	\$10,380.00 ✓
Line Item 3:	1 MX Series Radio	\$1,730.00 EA	Total =	\$ 1,730.00 ✓
Line Item 4:	2 MX Series Radios	\$1,730.00 EA	Total =	\$ 3,460.00 ✓
Line Item 5:	3 Multi-charger	\$ 295.00 EA	Total =	\$ 885.00 ✓
Line Item 6:	6 single unit Charger	\$ 57.00 EA	Total =	\$ 342.00 ✓

Total Motorola Order

\$ 28,907.00 ✓

Batteries

1,225.00 ✓

Grand Total =

\$ 30,132.00 ✓

3351 - 5110

\$ ~~342~~ 342

3351 - 8040

28,565

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00117



Las Vegas Metropolitan Police Department

400 EAST STEWART AVENUE
LAS VEGAS, NEVADA 89101
PHONE 702/386-3111

JOHN MORAN, Sheriff

ERICS. COOPER, Undersheriff

June 12, 1986

TO: FRANK ROSASCHI, Clark County Purchasing
FROM: TED FARRELL, Budget Officer
SUBJECT: BID AWARDS

The County has received bids from vendors for several items during the past month and the Las Vegas Metropolitan Police Department would like to request awards for the following:

Portable Radios - 874-86

Award to Motorola C & E, the low responsive bidder.

Base Stations - 874-86

Award to Motorola C & E, the low responsive bidder.

Mobile Radio - 874-86

Reject low bidder - General Electric, due to exception on cable length required for our needs (See memo from Communications attached).

Thank you for your assistance regarding this matter.


TED FARRELL, Budget Officer

TF/lc
Attachment

LARRY L. KETZENBERGER,
Assistant Sheriff
Staff Operations

DAN STOPKA,
Assistant Sheriff
Line Operations

LARRY C. BOLDEN,
Deputy Chief
Technical Services Div

THOMAS W. BIGGS, SR.,
Deputy Chief
Administrative Services Div

JOHN L. SULLIVAN,
Deputy Chief
Investigative Services Div

STEVE WAUGH,
Deputy Chief
Uniform Field Services Div

GORDON F. YACH,
Director
Detention Services Div

LOIS ROETHEL,
Business Manager
Fiscal Affairs Bureau



LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00118

LAS VEGAS METROPOLITAN POLICE DEPARTMENT'S

FISCAL AFFAIRS COMMITTEE

MINUTES

SPECIAL MEETING OF June 19, 1986

CLARK COUNTY COMMISSION CHAMBERS

Bridger Building
225 East Bridger
Las Vegas, Nevada 89155

8:00 A.M.

COMMITTEE IN ATTENDANCE:

MANUEL CORTEZ, County of Clark
WILLIAM PEARSON, County of Clark
RON LURIE, City of Las Vegas
AL LEVY, City of Las Vegas

* * * * *

1. CALL TO ORDER

Commissioner Manuel Cortez called the June 19, 1986, Special Meeting of the Fiscal Affairs Committee to order at 8:00 A.M.

2. APPROVAL OF MINUTES - May 6, 1986

Motion: Councilman Al Levy
Second: Councilman Ron Lurie
Vote: Unanimous approval

3. PERSONNEL SUMMARY - Informational Item

Lois stated that a dollar impact of the vacancy factor would be indicated on the Personnel Summary commencing July 1, 1986.

4. REQUEST APPROVAL OF PURCHASING SUMMARY

Motion: Councilman Ron Lurie
Second: Commissioner William Pearson
Vote: Unanimous approval

5. REQUEST APPROVAL OF APPROPRIATION TRANSFERS AND EXPENDITURE ADJUSTMENTS

Recommendation: That the Fiscal Affairs Committee approve the listed appropriation transfers and expense adjustments.

Motion: Commissioner William Pearson
Second: Councilman Ron Lurie
Vote: Unanimous approval

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

FISCAL AFFAIRS COMMITTEE

Clark County, Nevada

00119

June 19, 1986

Subject: AWARD OF BID NUMBER 874-86, ITEM 1, PORTABLE RADIOS AND ITEM 2, BASE STATION RADIOS	Clerk Ref. # 4
Petitioner: EARL HAWKES, DIRECTOR OF GENERAL SERVICES JOHN MORAN, SHERIFF	Commission Backup

Recommendation:

THAT THE FISCAL AFFAIRS COMMITTEE APPROVE THE AWARD OF BID NUMBER 874-86, ITEM 1 AND 2, FOR PORTABLE RADIOS AND BASE STATIONS, TO MOTOROLA, INC., LOW BIDDER, FOR THE PERIOD COMMENCING AFTER AWARD OF CONTRACT THROUGH SEPTEMBER 30, 1987, INCLUDING AN OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE-YEAR PERIODS.

AUTHORIZE THE DIRECTOR OF GENERAL SERVICES TO EXERCISE RENEWAL OPTIONS.

Fiscal Impact:

Vice Bureau 208-3152-8040
Communication Bureau 208-3173-8040
Initial Cost: \$20,257
Estimated annual expenditure: \$40,000

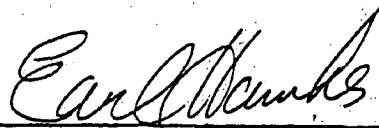
Background:

Invitations mailed: May 16, 1986
Bid Opening: June 9, 1986

	ITEM 1 PORTABLE RADIOS	ITEM 2 BASE STATIONS
BIDS RECEIVED:		
Motorola, Inc.	\$1,762 each	\$ 875.00 each
General Electric Company	\$1,882 each	\$1,993.35 each

This request is for an Annual Requirements Contract with an option to renew for two (2) additional one-year periods, and includes Clark County as well as the Las Vegas Metropolitan Police Department.

Respectfully submitted,



EARL HAWKES
Director of General Services

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00120

PURCHASING OFFICE CONFERENCE ROOM
TENTH FLOOR BRIDGER BUILDING
LAS VEGAS, CLARK COUNTY, NEVADA

REPORT OF BID OPENING - JUNE 9, 1986 - 3:00 P.M. - BID NO. 874-86

PRESENT: Purchasing Agent Frank E. Rosaschi and Deputy Clerk Michele Picanzi

BIDS-LVMPD-PORTABLE,
MOBILE/BASE STATION
RADIOS/ACCESSORIES

The following bids for Portable, Mobile and Base Station Radios and Accessories for the Las Vegas Metropolitan Police Department were opened and read:

-FERRITRONICS, INC.
Niagara Falls, New York - NO BID

-COMMUNICATIONS ENGINEERING, INC. (CEI)
Las Vegas, Nevada - NO BID

-MOBILE COMMUNICATIONS, INC.
Las Vegas, Nevada - NO BID

-MOTOROLA COMMUNICATIONS AND ELECTRONICS INC.
Schaumburg, Illinois

Item #1 - \$1,762.00

#2 - 875.00

#3 - 1,482.00

ACCESSORIES: Item A) - \$68.00
B) - 68.00
C) - 57.00
D) - 103.00
E) - 295.00
F) - 364.00

TERMS: Net 30 days

-GENERAL ELECTRIC CO.
Las Vegas, Nevada

Item #1 - \$1,882.00

#2 - 1,993.35

#3 - 1,412.00

ACCESSORIES: Item A) - \$68.00
B) - 68.00
C) - 62.00
D) - 87.00
E) - 270.00
F) - 341.00

Alternate Bid:

Item #1 - \$1,580.00

#2 - 844.00

#3 - NO BID

ACCESSORIES: Item A) - \$68.00
B) - 68.00
C) - 68.00
D) - 179.00
E) - 408.00
F) 1,003.00

TERMS: Net 30 days

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

FISCAL AFFAIRS COMMITTEE

Clark County, Nevada

June 19, 1986

Subject: REJECTION OF BIDDER, AND AWARD TO LOW RESPONSIVE BIDDER, BID NUMBER 874-86, ITEM 3, MOBILE RADIOS	Clerk Ref. # 5
Petitioner: EARL HAWKES, DIRECTOR OF GENERAL SERVICES JOHN MORAN, SHERIFF	Commission Backup

Recommendation:

THAT THE FISCAL AFFAIRS COMMITTEE REJECT THE BID OF GENERAL ELECTRIC COMPANY, AND AWARD THE BID TO THE LOW RESPONSIVE BIDDER, MOTOROLA, INC., FOR BID NUMBER 874-86, ITEM 3, FOR MOBILE RADIOS, FOR THE PERIOD COMMENCING AFTER AWARD OF CONTRACT THROUGH SEPTEMBER 30, 1987, INCLUDING AN OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE-YEAR PERIODS.

AUTHORIZE THE DIRECTOR OF GENERAL SERVICES TO EXERCISE RENEWAL OPTIONS.

Fiscal Impact:

Vice Bureau 208-3152-8040
Communications Bureau 208-3173-8040
Initial Cost: \$1,482
Estimated Annual Expenditure: \$40,000

Background:

Invitations mailed: May 16, 1986
Bid Opening: June 9, 1986

BIDS RECEIVED:

**ITEM 3
MOBILE RADIOS**

General Electric Company	\$1,412 each
Motorola, Inc.	\$1,482 each

General Electric Company is not compliant with Item 7 of the Technical Specifications which requires a 19-foot battery control cable. General Electric Company offered an 18-foot cable, which would affect the cost.

The above-mentioned exception is considered to be a significant deviation from the required specifications.

Motorola, Inc., is recommended for award as being the low responsive bidder meeting specifications.

This request is for an Annual Requirements Contract with an option to renew for two (2) additional one-year periods, and includes Clark County as well as the Las Vegas Metropolitan Police Department.

Respectfully submitted,


EARL HAWKES
Director of General Services

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00122
PURCHASING OFFICE CONFERENCE ROOM
TENTH FLOOR BRIDGER BUILDING
LAS VEGAS, CLARK COUNTY, NEVADA

REPORT OF BID OPENING - JUNE 9, 1986 - 3:00 P.M. - BID NO. 874-86

PRESENT: Purchasing Agent Frank E. Rosaschi and Deputy Clerk Michele Picanz

BIDS-LVMPD-PORTABLE,
MOBILE/BASE STATION
RADIOS/ACCESSORIES

The following bids for Portable, Mobile and Base Station Radios and Accessories for the Las Vegas Metropolitan Police Department were opened and read:

-FERRITRONICS, INC.

Niagara Falls, New York - NO BID

-COMMUNICATIONS ENGINEERING, INC. (CEI)

Las Vegas, Nevada - NO BID

-MOBILE COMMUNICATIONS, INC.

Las Vegas, Nevada - NO BID

-MOTOROLA COMMUNICATIONS AND ELECTRONICS INC.

Schaumburg, Illinois

Item #1 - \$1,762.00

#2 - 875.00

#3 - 1,482.00

ACCESSORIES: Item A) - \$68.00

B) - 68.00

C) - 57.00

D) - 103.00

E) - 295.00

F) - 364.00

TERMS: Net 30 days

-GENERAL ELECTRIC CO.

Las Vegas, Nevada

Item #1 - \$1,882.00

#2 - 1,993.35

#3 - 1,412.00

ACCESSORIES: Item A) - \$68.00

B) - 68.00

C) - 62.00

D) - 87.00

E) - 270.00

F) - 341.00

Alternate Bid:

Item #1 - \$1,580.00

#2 - 844.00

#3 - NO BID

ACCESSORIES: Item A) - \$68.00

B) - 68.00

C) - 68.00

D) - 179.00

E) - 408.00

F) 1,003.00

TERMS: Net 30 days

AGENDA

City of Las Vegas

July 16, 1986
Page 15

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 discussed if a Council member or citizen so requests.

*A. ACCEPTANCE OF RIGHT-OF-WAY ITEMS

1. Grant Deed

From: Miriam C. Clark, as Trustee under agreement dated June 1, 1972.
To: City of Las Vegas
For: Portion of Lot 1, Block 2 of SCOTCH EIGHTY ADDITION (RESUBDIVISION) as shown by map thereof on file in Book 4 of plats, Page 44-A in the Office of the County Recorder of Clark County, Nevada. Previously recorded in the Office of the Recorder, Clark County, Nevada in Book 207 as Instrument #860623 on June 23, 1986, for additional right-of-way required at the S/E corner of Rancho Road and Waldman Avenue (4-2-86)

Levy -
APPROVED Items A.1, A.2, A.3, B.1, B.2, B.3, B.4 & C.1 as recommended
Unanimous

Staff to proceed

2. Resolution Consenting to Relinquishment

From: Nevada Department of Transportation
To: City of Las Vegas
For: Portions of Paradise Road and St. Louis Avenue lying within the City of Las Vegas, County of Clark, State of Nevada, a distance of approximately 625 feet, required to complete City right-of-way on Paradise Road and St. Louis Avenue.

APPROVED
See above

See above

APPROVED AGENDA ITEM

Lucy T. Burton

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00124

City of Las Vegas

July 16, 1986
Page 16

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

ITEM

Council Action

Department Action

IV.(g). DEPARTMENT OF PUBLIC WORKS (Cont'd.)

*A. ACCEPTANCE OF RIGHT-OF WAY ITEMS (Cont'd.).

3. Resolution Consenting to Relinquishment

From: Nevada Department of Transportation
To: City of Las Vegas
For: Portion of Oleander Circle lying with-
in the City of Las Vegas, State of
Nevada, required to complete City
right-of-way on Oleander Circle.

Levy -
APPROVED Items A.1,
A.2, A.3, B.1, B.2,
B.3, B.4 & C.1 as
recommended
Unanimous

Staff to proceed

B. APPROVAL OF TRAFFIC AND PARKING ITEMS

1. Driveway Variance at 5209 Holmby Avenue

Recommendation: That a driveway variance
allowing a thirty-three (33') driveway to be
constructed at 5209 Holmby Avenue, with the
condition that the depressed portion of the
curb not be constructed within six feet (6')
of the property line.

APPROVED
See above

See above

2. Driveway Variance at 1012 Declaration Drive

Recommendation: That a driveway variance be
approved to allow a second driveway at 1012
Declaration Drive.

APPROVED
See above

See above

3. Remove Tour Bus Zone on Garces Avenue

Recommendation: That the Tour Bus Zone on
the north side of Garces Avenue from Main
Street to the alley be removed, and that the
Mayor be authorized to sign the Resolution.

APPROVED
See above

See above

4. No Parking on Decatur Boulevard

Recommendation: That No Parking Zones be
established on both sides of Decatur
Boulevard, and that the Mayor be authorized
to sign the Resolution.

APPROVED
See above

See above

APPROVED AGENDA ITEM

Larry R. Burton

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00125

Date: June 30, 1986

AGENDA DOCUMENTATION

TO:
The City Council

FROM:
LARRY K. BARTON
DEPUTY CITY MANAGER

SUBJECT: DRIVEWAY VARIANCE AT 5209 HOLMBY AVENUE

PURPOSE/BACKGROUND

Mr. Willard B. Hughes has requested a driveway variance to construct a thirty-three foot (33') wide driveway where a maximum of eighteen feet (18') is allowed, at his residence at 5209 Holmby Avenue.

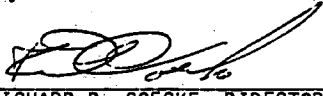
Mr. Hughes has widened his driveway with a concrete pad to his property line for additional parking. More efficient use of the driveway could be made if the curb depression were wider.

FISCAL IMPACT

No Fiscal Impact.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that a driveway variance allowing a thirty-three foot (33') driveway to be constructed at 5209 Holmby Avenue, with the condition that the depressed portion of the curb not be constructed within six feet (6') of the property line.


RICHARD D. GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 7/16/86

IV. (g). B. 1.

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00126

AGENDA DOCUMENTATION

Date: June 30, 1986

TO:
The City Council

FROM:
LARRY K. BARTON
DEPUTY CITY MANAGER

SUBJECT: DRIVEWAY VARIANCE AT 1012 DECLARATION DRIVE

PURPOSE/BACKGROUND

Mr. Hallie Smiley has requested a driveway variance to allow a second driveway where only one is allowed at his residence at 1012 Declaration Drive.

Mr. Smiley's residence is on the corner of Declaration Drive and Proclamation Place. The second driveway would be located off of Proclamation Place and would allow him to park a recreational vehicle in his backyard.

FISCAL IMPACT

No Fiscal Impact.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that a driveway variance be approved to allow a second driveway at 1012 Declaration Drive.


RICHARD D. GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 7/16/86

IV. (g). B. 2.

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES JUL 1 1986

00127

AGENDA DOCUMENTATION

Date: June 30, 1986

TO:
The City Council

FROM:
LARRY K. BARTON
DEPUTY CITY MANAGER

SUBJECT: REMOVE TOUR BUS ZONE ON GARCES AVENUE

PURPOSE/BACKGROUND

Mr. Eugene L. Isaacs, manager of the Linda Manor Motel, has requested that the Tour Bus Zone on the north side of Garces Avenue from Main Street to the alley be removed.

This zone was established at the request of a previous manager. The present manager has total occupancy in the motel on a monthly basis and does not need the Tour Bus Zone.

FISCAL IMPACT

No Fiscal Impact.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that the Tour Bus Zone on the north side of Garces Avenue from Main Street to the alley be removed, and that the Mayor be authorized to sign the Resolution.


RICHARD D. GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 7/16/86

IV. (g). B. 3.

RESOLUTION

WHEREAS, various sections of Title 11 of the Las Vegas Municipal Code allow for additions to and corrections of the schedules which are established in the respective sections to be effected 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 11 of the City Code be amended as follows:

Schedule 18-VI be amended to delete the following Tour Bus Zone:

On Garces Avenue - between Main Street and the alley

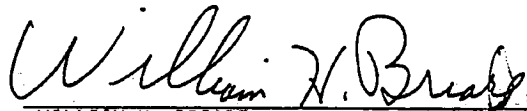
Schedule 17-III be amended to include the following Parking Prohibited

At All Times on Certain Streets Zone:

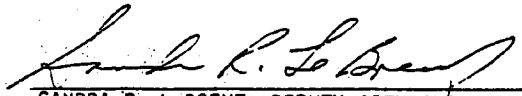
On Decatur Boulevard - west side - beginning at Mayflower Lane and extending north to the existing No Parking Zone

On Decatur Boulevard - east side - beginning at Mayflower Lane and extending north to Meadows Lane

PASSED, ADOPED, AND APPROVED this 16th day of July, 1986.


WILLIAM H. BRIARE, Mayor

ATTEST:


SANDRA R. LeBOEUF, DEPUTY CITY CLERK

Approved
1-18-86

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00129

Date: June 30, 1986

AGENDA DOCUMENTATION

TO:
The City Council

FROM:
LARRY K. BARTON
DEPUTY CITY MANAGER

SUBJECT: NO PARKING ON DECATUR BOULEVARD

PURPOSE/BACKGROUND

The Traffic Engineering Division requests that No Parking Zones be established on both sides of Decatur Boulevard beginning at Mayflower Lane and extending north to the existing No Parking Zone on the west side, and north to Meadows Lane on the east side.

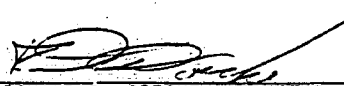
The proposed development of commercial businesses on the northwest corner of Decatur Boulevard and Meadows Lane will require a second left turn lane for northbound traffic going west. This will require the removal of parking in order to allow the second left turn lane.

FISCAL IMPACT

City personnel will install the necessary signs. Funds are available in the F/Y 1986-87 budget.

RECOMMENDATIONS

The Traffic and Parking Commission recommends that No Parking Zones be established on both sides of Decatur Boulevard, and that the Mayor be authorized to sign the Resolution.


RICHARD D. GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 7/16/86

IV.(g). B. 4.

AGENDA

LAS VEGAS CITY COUNCIL MINUTES JUL 16 1986
City of Las Vegas

BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

00130
July 16, 1986
Page 17

ITEM

Commission Action

Department Action

IV.(g). DEPARTMENT OF PUBLIC WORKS (Cont'd.)

C. REPORTS/ACTION

1. Contract Modification #2 - Digester Gas System Improvements

Recommendation: That the Contract Modification be approved as written.

Levy -
APPROVED Items A.1,
A.2, A.3, B.1, B.2,
B.3, B.4 & C.1 as
recommended.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

Levy B. Burton

City of Las Vegas LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES
AGENDA DOCUMENTATION

00131

Date: June 25, 1986

TO:
The City Council

FROM:
LARRY K. BARTON
DEPUTY CITY MANAGER

SUBJECT:
CONTRACT MODIFICATION #2 - DIGESTER GAS SYSTEM IMPROVEMENTS

PURPOSE/BACKGROUND

During the current project, Digester Gas System Improvements, it came to the attention of operations staff that hydrogen sulfide gas has begun to leak circumferentially through the concrete of the digesters at the WWTP. We believe this is occurring due to the build-up of gas inside the digesters without sufficient means for transfer to the existing gas flares. The Digester Gas System Improvement project will correct the cause of the problem with the installation of much larger diameter gas withdrawal piping. However, it is recommended that the upper five feet or so of each digester be coated on the inside concrete surfaces with coal tar to plug the holes causing the interstitial leaks. The leaking hydrogen sulfide gas is odiferous and has been identified by the Air Pollution Control Division of the Clark County Health District as an odor source at the plant. Digesters No. 1 and No. 2 are the worst offenders of leaking gas and need to be repaired as soon as possible for safety and odor reasons. Since a contractor is on-site and will shortly be renovating Digesters No. 1 and No. 2 anyway, it would be expeditious to coal-tar these two digesters now. (The remainder would be coal-tarred early next calendar year.) The contractor would perform the additional work now for \$34,000. It is estimated that it would cost \$51,000 if the repairs to Digesters No. 1 and No. 2 were made at a later date due to the fact that the digesters would have to be re-drained and re-cleaned a second time under a new contract.

The Change Order Committee has reviewed this item and recommends approval.

FISCAL IMPACT

This amendment will raise the construction contract by \$34,000 to \$1,060,354.99. There are funds in the Sanitation Enterprise Fund to cover this expenditure.

RECOMMENDATIONS

The Director of Public Works recommends the approval of Contract Modification No. 2 by the City Council.


RICHARD D. GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

Agenda Item 7/16/86

IV. (g). C. 1.

AGENDA

City of Las Vegas

00132

July 16, 1986

Page 18

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

ITEM

Council Action

Department Action

V. GEORGE F. OGILVIE - CITY ATTORNEY

1027
031
A. Approval of Resolution Fixing Interest Rate
re: SID No. 433 (Highland Drive)

Lurie -
ADOPTED Resolution
Unanimous

Staff to proceed

027
B. Approval of Resolution Confirming Assessment
Roll re: SID No. 456 (Rancho Drive)

Lurie -
ADOPTED Resolution
Unanimous

Staff to proceed

C. Approval of Franchise for Misco, Inc., to
Operate a Community Antenna Television
Service

NOTE: This item was held in abeyance until
the July 18, 1986 recessed City Council
meeting.

Abeyance noted

7/18/86 Recessed
Meeting

Date: July 8, 1986

AGENDA DOCUMENTATION

TO:
The City Council

FROM:

George F. O'Sullivan
George F. O'Sullivan
City Attorney

SUBJECT: Resolution Fixing Interest Rate re: Special Improvement
District No. 433 (Highland Drive).

PURPOSE/BACKGROUND

S.I.D. NO.:

433

STEP:

Resolution Fixing Interest Rate

IMPROVEMENTS:

Include the installation of a parking lane from Lake Mead Boulevard to Carey Avenue, standard "L" type curbs and gutters, street lighting, sewer laterals from Charleston Boulevard to Carey Avenue.

LOCATION:

Along both sides of Highland Drive from Charleston Boulevard to Carey Avenue.

FISCAL IMPACT

None

RECOMMENDATIONS

It is recommended that the City Council take the appropriate steps to adopt this Resolution.

Agenda Item

V-A

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00134

1 RESOLUTION FIXING THE RATE OR RATES OF INTEREST TO BE BORNE BY
2 THE UNPAID BALANCE OF THE ASSESSMENT IN LAS VEGAS, NEVADA, SPECIAL
IMPROVEMENT DISTRICT NO. 433.

3 WHEREAS, the City of Las Vegas, in the County of Clark
4 and State of Nevada, has taken requisite legal action preliminary
5 to and in the creation of Special Improvement District No. 433,
6 consisting of seven (7) separate and distinct assessment units,
7 for the purpose of installing parking lanes along both sides of
8 Highland Drive between Lake Mead Boulevard and Carey Avenue
9 within said City, as more particularly described in the Provi-
10 sional Order Resolution which was passed and approved on the
11 20th day of July, 1983, as Assessment Unit No. I, installing
12 standard "L" type curbs and gutters along both sides of Highland
13 Drive between Lake Mead Boulevard and Carey Avenue within said
14 City, as more particularly described in said Resolution as
15 Assessment Unit No. II, installing street lighting along both
16 sides of Highland Drive between Lake Mead Boulevard and Carey
17 Avenue within said City, as more particularly described in said
18 Resolution as Assessment Unit No. III, installing standard concrete
19 sidewalks along both sides of Highland Drive between Lake Mead
20 Boulevard and Carey Avenue within said City, as more particularly
21 described in said Resolution as Assessment Unit No. IV, installing
22 standard commercial driveway approaches, as requested by the
23 owners of the abutting properties, along both sides of Highland
24 Drive between Lake Mead Boulevard and Carey Avenue within
25 said City, as more particularly described in said Resolution as
26 Assessment Unit No. V, installing sanitary sewer laterals to
27 the front property lines of the unimproved properties along both
28 sides of Highland Drive between Lake Mead Boulevard and Carey
29 Avenue within said City, as more particularly described in said
30 Resolution as Assessment Unit No. VI and installing standard
31 residential driveway approaches, as requested by the owners of
32 the abutting properties, along both sides of Highland Drive

1 between Lake Mead Boulevard and Carey Avenue within said
2 City, as more particularly described in said Resolution as
3 Assessment Unit No. VII, and to defray the entire cost and
4 expense thereof by special assessments, according to benefits,
5 against the taxable lots and premises in each assessment unit
6 of said District, all in accordance with the Statutes of the
7 State of Nevada which provide therefor; and

8 WHEREAS, by Ordinance No. 3236, duly passed, adopted
9 and approved on the 16th day of July, 1986, the City Council
10 of said City levied and assessed against the lots and parcels
11 of property in each assessment unit of said District, being all
12 those lots and parcels specially benefitted by said improvements
13 in such assessment unit, in the City of Las Vegas, Clark County,
14 Nevada, and described in the assessment roll for said District
15 as filed in the Office of the City Clerk of said City on the 7th
16 day of May, 1986, and as validated and confirmed by that certain
17 resolution of said City Council which was duly passed, adopted
18 and approved on the 18th day of June, 1986, the amounts and
19 assessments shown in said roll being apportioned on an area
20 basis, as more particularly set forth in Section 4 of Ordinance
21 No. 3076, duly passed, adopted and approved on the 5th day of
22 October, 1983; and

23 WHEREAS, Section 3 of said Ordinance No. 3236 provides
24 that the assessments which remain unpaid at the expiration
25 of the thirty (30) day cash payment period, as in said Section
26 3 provided, shall bear interest in all cases on the unpaid
27 and deferred installments of principal, from the effective
28 date of said Ordinance after its passage and approval, at a
29 rate or rates per annum which shall not exceed by more than one
30 percent (1%) the Bond Buyers' Index of Twenty Municipal Bonds
31 which was most recently published before the date on which said
32 Ordinance was adopted; and

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00136

1 WHEREAS, the interest rate which is established in
2 the Bond Buyers' Index of Twenty Municipal Bonds which was
3 published on 10th day of July, 1986, is Seven and 45/100ths
4 (7.45%) per annum; and

5 WHEREAS, said City Council has determined, and does
6 hereby determine, that the appropriate rate or rates of interest
7 to be borne by the unpaid balance of the assessment in said
8 District shall be Eight and 45/100ths percent (8.45%) per annum;

9 NOW, THEREFORE, BE IT RESOLVED by the City Council
10 of the City of Las Vegas, Nevada, at a regular meeting thereof
11 held on the 16th day of July, 1986, that the rate of interest
12 to be borne by the unpaid assessment in Las Vegas, Nevada,
13 Special Improvement District No. 433 shall be, and it hereby
14 is, fixed at Eight and 45/100ths percent (8.45%) per annum.

15 PASSED, ADOPTED and APPROVED this 16th day of July,
16 1986.

17
18 
19 WILLIAM H. BRIARE, Mayor

20 ATTEST:

21 
22 SANDRA R. LeBOEUF, DEPUTY CITY CLERK

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00137

AGENDA DOCUMENTATION

Date: July 8, 1986

TO: The City Council

FROM: *George F. Ogilvie*
George F. Ogilvie
City Attorney

SUBJECT: Resolution Confirming Assessment Roll re: Special Improvement
District No. 456 (Rancho Drive).

PURPOSE/BACKGROUND

S.I.D. NO.:

456

STEP:

Resolution Confirming Assessment
Roll

IMPROVEMENTS:

Include the installation of a
pavement section, standard "L"
type curbs and gutters, street
lighting, sewer laterals from
the existing sewer mains and
standard residential driveway
approaches.

LOCATION:

On the east side of Rancho Drive
between Oakey Boulevard and
Charleston Boulevard.

FISCAL IMPACT

None

RECOMMENDATIONS

It is recommended that the City Council take the appropriate
steps to adopt this Resolution.

Agenda Item

V-8

1 RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LAS VEGAS, NEVADA,
2 SPECIAL IMPROVEMENT DISTRICT NO. 456.

3 WHEREAS, the City of Las Vegas, in the County of Clark
4 and State of Nevada, has taken requisite legal action preliminary
5 to and in the creation of Special Improvement District No. 456,
6 consisting of four (4) separate and distinct assessment
7 units, for the purpose of installing standard "L" type curbs and
8 gutters along the east side of Rancho Drive between Oakey
9 Boulevard and Charleston Boulevard within said City, as more
10 particularly described in the Provisional Order Resolution which
11 was passed and approved on the 5th day of May, 1984, as Assessment
12 Unit No. II, installing street lighting along the east side of
13 Rancho Drive between Oakey Boulevard and Charleston Boulevard
14 within said City, as more particularly described in said
15 Resolution as Assessment Unit No. III, installing sanitary
16 sewer laterals to the front property lines of the unimproved
17 properties along the east side of Rancho Drive between Oakey
18 Boulevard and Charleston Boulevard within said City, as more
19 particularly described in said Resolution as Assessment Unit
20 No. IV and installing standard residential driveway approaches,
21 as requested by the owners of the abutting properties, along
22 the east side of Rancho Drive between Oakey Boulevard and
23 Charleston Boulevard within said City, as more particularly
24 described in said Resolution as Assessment Unit No. V,
25 and to defray the entire cost and expense thereof by special
26 assessments, according to benefits, against the taxable lots
27 and premises in each assessment unit of said District, all in
28 accordance with the Statutes of the State of Nevada which
29 provide therefor; and

30 WHEREAS, by Ordinance No. 3126, duly passed, adopted
31 and approved on the 18th day of July, 1984, the City Council of
32 said City finally passed upon all protests and objections,

1 determined to proceed with said improvements as described in said
2 preliminary proceedings, except as modified and provided in said
3 Ordinance, and created said District; and

4 WHEREAS, the City Engineer, pursuant to directions con-
5 tained in the Resolution of said City Council which was duly
6 passed, adopted and approved on the 21st day of May, 1986, has
7 prepared an assessment roll which contains, among other things,
8 the name of each last known owner of each lot or parcel of
9 property to be assessed in each assessment unit of said District,
10 a description of each lot or parcel to be so assessed and the
11 amount of the proposed assessment thereagainst, apportioned on
12 an area basis, as more particularly set forth in Section 4 of
13 said Ordinance No. 3126; and

14 WHEREAS, said assessment roll was tentatively approved
15 by said City Council and filed with the City Clerk of said City
16 on the 4th day of June, 1986; and

17 WHEREAS, notice of said filing and of the public hearing
18 on said assessment roll was duly published and mailed as
19 required by the Statutes of the State of Nevada; and

20 WHEREAS, a public hearing on the amount of the assess-
21 ments was held on the 2nd day of July, 1986, with no written
22 protest or objection and no oral protest or objection having
23 been received; and

24 WHEREAS, said City Council has determined, and does
25 hereby determine, that said assessment roll should be confirmed;

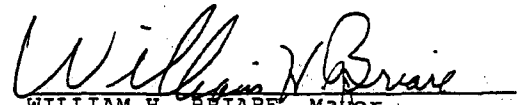
26 NOW, THEREFORE, BE IT RESOLVED by the City Council
27 of the City of Las Vegas, Nevada, at a regular meeting thereof
28 held on the 16th day of July, 1986, that Assessment Roll No.
29 1986-2, as tentatively approved and filed with the City Clerk
30 of said City on the 4th day of June, 1986, be, and the same
31 hereby is, validated, confirmed and ordered to be filed in the
32 office of, and endorsed by, said City Clerk.

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

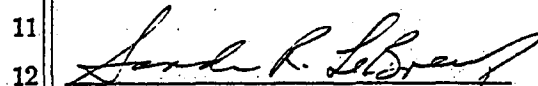
00140

1 BE IT FURTHER RESOLVED that said City Council does
2 hereby determine that none of the assessments for any one
3 project contained in said assessment roll, as hereby confirmed,
4 exceeds the reasonable market value of the particular lot or
5 parcel of land against which the same is levied.

6 PASSED, ADOPTED AND APPROVED this 16th day of July,
7 1986.

8
9 
WILLIAM H. BRIARE, Mayor

10 ATTEST:

11
12 
13 SANDRA R. LeBOEUF, DEPUTY CITY CLERK

Approved
7-18-86

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

City of Las Vegas

00141

July 16, 1986

Page 19

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

ITEM Council Action Department Action

V. GEORGE F. OGILVIE - CITY ATTORNEY (cont.)

D. Approval of Franchise for Valley Communications, Inc., to Operate a Community Antenna Television Service

NOTE: This item was held in abeyance until the July 18, 1986 recessed City Council meeting.

Abeyance noted

7/18/86 Recessed Meeting

1027 E. Approval of Amendment to Agreement Between City and Mayflower Construction Company re: Construction of Single Family Residences Adjacent to Parade of Homes, Tract No. I and II

Lurie -
APPROVED amendment
Unanimous

Staff to proceed

AGENDA DOCUMENTATION

Date: July 9, 1986

TO: The City Council

FROM: George J. Giline
CITY ATTORNEY

SUBJECT: Amendment to Agreement Between City and Mayflower Construction Company re: Construction of Single Family Residences Adjacent to Parade of Homes, Tract Nos. I and II

PURPOSE/BACKGROUND

At its meeting that was held on Wednesday, July 3, 1985, the City Council approved, subject to certain conditions, the application of Mayflower Construction Company for the reclassification of certain property that is located generally on the west side of Marcus Drive, 260 feet north of Oakey Boulevard, from Zoning District R-1 to Zoning District R-3. Three of those conditions are that Mayflower Construction Company must construct from 9 to 12 single family residences on the property that is situate between the parcel that forms the subject matter of such application and Parade of homes, Tract Nos. I and II, that all of such single family residences must be completed within one year after the building permits with respect to the parcel that forms the subject matter of such application are issued and that Mayflower Construction Company must post a \$300,000 certificate of deposit with the City to be used by the City as a performance bond to assure the performance of the foregoing conditions.

On November 21, 1985, Mayflower Construction Company and the City entered into an agreement to implement those three conditions. However, Mayflower Construction Company has now requested that it be permitted to substitute an irrevocable letter of credit in the amount of \$300,000 for the required certificate of deposit.

The agreement which is before you, if it is approved, will accomplish that objective.

FISCAL IMPACT

None

RECOMMENDATIONS

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

Agenda Item

V-E

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT, made and entered into this 30 day of July, 1986, by and between MAYFLOWER CONSTRUCTION COMPANY, a general partnership which consists of L.M. Laule and Ernest A. Becker (hereinafter referred to as the "Owner"), and the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada (hereinafter referred to as the "City"),

W I T N E S S E T H:

WHEREAS, the parties hereto have heretofore, on the 21st day of November, 1985, entered into that certain agreement (the "Agreement" herein) which provides, among other things and in conformance with the conditions that were imposed by the City Council of the City in connection with the reclassification of the real property which forms the subject matter of Rezoning Z-34-85 (the "R-3 Property" herein), that (i) the Owner will construct, on the parcel of real property that is situate between the R-3 Property and those certain subdivisions which are commonly known and referred to as Parade of Homes, Tract Nos. I and II, from nine (9) to twelve (12), inclusive, single family residences, (ii) such single family residences will be completed within one year after the building permits with respect to the R-3 Property are issued and (iii) the Owner will post with the City a certificate of deposit in the amount of Three Hundred Thousand Dollars (\$300,000) to be used by the City to complete or cause to be completed such single family residences in the event that the same are not completed within one (1) year after the building permits with respect to the R-3 Property are issued; and

WHEREAS, the Owner has requested that it be permitted to post with the City an irrevocable letter of credit in the amount of \$300,000 in lieu of such certificate of deposit; and

JUL 16 1986

00144

1 WHEREAS, the parties hereto desire to amend the
2 Agreement to permit such substitution;

3 NOW, THEREFORE, for and in consideration of the
4 premises, of the mutual promises and agreements which are
5 hereinafter contained and of other good and valuable considera-
6 tions, the receipt and sufficiency of which is hereby acknowledged
7 by each of the parties hereto, said parties do hereby agree as
8 follows:

9 (1) Paragraph 2 of the Agreement is hereby amended
10 to read as follows:

11 2. In order to secure the performance of its
12 Agreement which is set forth in Paragraph 1 above,
13 the Owner will, concurrently with the close of
14 the escrow with respect to the R-3 Property, post
15 with the City an irrevocable letter of credit
16 from a financial institution that is approved by
17 the City Attorney of the City in the amount of
18 Three Hundred Thousand Dollars (\$300,000) which is
19 written in such a manner that the amount that is
20 represented thereby will be held, used, disbursed
21 and released in accordance with the provisions
22 of this Agreement.

23 (2) Except as it is hereinabove expressly amended,
24
25
26
27
28
29
30
31
32

1 the Agreement, and each of the provisions thereof, shall remain
2 and be in full force and effect.

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

6 MAYFLOWER CONSTRUCTION COMPANY

7
8 By Ernest A. Becker
Ernest A. Becker, Partner

9 WITNESSETH:

7-30-86

10
11 [Signature]
12

13
14 CITY OF LAS VEGAS

15
16 By William H. Briare
WILLIAM H. BRIARE, MAYOR

17
18 ATTEST:

19
20 Sandra R. LeBoeuf
21 SANDRA R. LeBOEUF, DEPUTY CITY CLERK

22
23
24
25
26
27
28
29
30
31
32
1-18-86

AGENDA

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00146

City of Las Vegas

July 16, 1986

Page 20

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

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES

- 028 A. BILL NO. 86-29 - ORDINANCE LEVYING ASSESS-
MENTS RE: SPECIAL IMPROVEMENT DISTRICT
NO. 433 (HIGHLAND DRIVE).

Committee: Councilmen Levy and Lurie

First Publication: SUN - 7/3/86

Committee Recommendation:

Adoption at the 7/16/86 City Council meeting.

Levy -
Second Reading and
BILL ADOPTED
Unanimous

Clerk to proceed
with second
publication

- 030 B. BILL NO. 86-31 - AMENDS MASTER PLAN OF
STREETS AND HIGHWAYS BY REALIGNING CHARLESTON
BOULEVARD BETWEEN EL CAPITAN WAY/FORT APACHE
ROAD AND HUALAPAI WAY.

Committee: Councilman Lurie

First Publication: SUN - 7/3/86

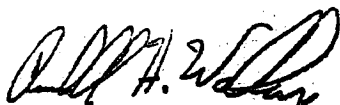
Committee Recommendation:

Adoption at the 7/16/86 City Council meeting.

Lurie -
Second Reading and
BILL ADOPTED.
Motion carried with
Levy abstaining.

Clerk to proceed
with second
publication

APPROVED AGENDA ITEM



JUL 16 1986

00147

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)

COUNTY OF CLARK)

ss

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 24th day of June, 1986, at the hour of 3:30 pm there were posted copies of a NOTICE, the attached of which is a true and correct copy, of an INFORMATION MEETING before various RECOMMENDING COMMITTEES relative to proposed ordinances, to be held at the hour of 4 pm on Monday, June 30, 1986, 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

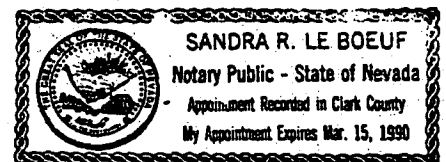
Subscribed and sworn to before me this

24th day of June, 1986

Sandra R. Le Boeuf

NOTARY PUBLIC in and for said County and State.

My Commission expires: 3-15-90



JUL 16 1986

00148

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS CHAPTER 241)

STATE OF NEVADA)

ss

COUNTY OF CLARK)

James Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 23rd day of June, 1986, a copy of a NOTICE OF INFORMATION MEETING before various RECOMMENDING COMMITTEES relative to proposed ordinances, to be held at the hour of 4:30 pm, on Monday, June 30, 1986 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).

James Perry

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

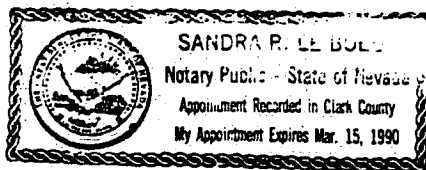
Subscribed and sworn to before me this

23rd day of June, 1986

Sandra R. LeBouef

NOTARY PUBLIC in and for said County and State.

My Commission expires: 3-15-90



June 18, 1986

N O T I C E

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., Monday, June 30, 1986 in the City Manager's Conference Room, 10th Floor, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

- A. BILL NO. 86-29 - ORDINANCE LEVYING ASSESSMENTS RE: SPECIAL IMPROVEMENT DISTRICT NO. 433 (Highland Drive).
Committee: Councilmen Levy and Lurie

- B. BILL NO. 86-31 - AMENDS MASTER PLAN OF STREETS AND HIGHWAYS BY REALIGNING CHARLESTON BOULEVARD BETWEEN EL CAPITAN WAY/FORT APACHE ROAD AND HUALAPAI WAY.
Committee: Councilmen Levy and Lurie

- C. BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL ACTION BY THE CITY COUNCIL, FOR GAMING ESTABLISHMENTS, EXCEPT IN THE DOWNTOWN AND OTHER SPECIFIED AREAS.
Committee: Councilmen Levy and Lurie

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.

JUL 16 1986

Date

00150

INTER-OFFICE MEMORANDUM

July 14, 1986

FILE

FROM:


CAROL ANN HAWLEY
CITY CLERK

SUBJECT:

RECOMMENDING COMMITTEE MEETING -
JULY 14, 1986

COPIES TO:

Agenda Blue Books, 7/16/86 and 8/6/86
City Council Meetings
City Attorney
Parks, Recreation and Senior Citizens Act.
Detention and Correctional Services
Business Activity

Metro

MEETING HELD:

Monday, July 14, 1986, at 4 P.M. in the City Manager's
Conference Room, 10th Floor, City Hall Complex, 400
East Stewart Avenue, Las Vegas, Nevada. Meeting
adjourned at approximately 4:15 P.M.

ATTENDANCE:

Councilman Ron Lurie
Councilman Al Levy
Councilman Bob Nolen
City Manager Ashley Hall
Deputy City Manager Larry Barton
City Attorney George Ogilvie
City Clerk Carol Ann Hawley
Deputy City Attorney John Roethel
Deputy City Clerk Linda Owens
Privileged License Chief Marge Hether
Detention & Correctional Services Director Mike Sheldon
Lt. Hash Hanief
Don Charleboix, Duber Security, Inc.
Allan LaRoche, Southern Nevada Homebuilders
Brian Greenspun, Dimension Cable TV
Lisa Roche, Reporter, Review-Journal

- A. BILL NO. 86-30 - REASSIGNS PARK RANGER UNIT FROM DEPARTMENT OF PARKS,
RECREATION, AND SENIOR CITIZENS ACTIVITIES TO DEPARTMENT OF DETENTION
AND CORRECTIONAL SERVICES AND BROADENS UNIT'S SCOPE OF AUTHORITY.
Committee: Councilmen Nolen and Levy

No one appeared in opposition to this Bill. Committee recommended
adoption at the 8/6/86 City Council meeting.

Recommending Committee Minutes
July 14, 1986
Page 2

- B. BILL NO. 86-33 - AMENDS CHILD CARE FACILITIES CODE BY REQUIRING CERTAIN QUALIFICATIONS FOR AN INFANT AND TODDLER NURSERY DIRECTOR.
Committee: Councilmen Lurie and Levy

Marge Hether said this Bill will bring the City in compliance with the recent State Statute changes. No one appeared in opposition. Committee recommended adoption at the 8/6/86 City Council meeting.

- C. BILL NO. 86-35 - ELIMINATES BOND REQUIREMENT FOR PRIVATE INVESTIGATORS, PRIVATE PATROLMEN, PROCESS SERVERS, POLYGRAPH OPERATORS, REPOSSESSORS AND CANINE SECURITY HANDLERS; MAKES LANGUAGE OF CHAPTER CONSISTENT WITH STATE LAW GOVERNING THESE OCCUPATIONS.
Committee: Councilmen Lurie and Levy

This Bill makes the City consistent with the State law. Don Charleboix, Nevada Association of Private Investigators, appeared in favor of this Bill. Lt. Hash Hanief, LVMPD, did not feel the change was warranted and that Metro needed to continue to approve badges of private detectives. City Attorney Ogilvie indicated the word "detective" in this Bill was in error. At the meeting it was agreed to amend this Bill to include any employees of licensees of private investigators, private patrolmen, process servers, polygraph operators, reposseors and canine security handlers. Committee recommended adoption at the 8/6/86 City Council meeting as per First Amendment.

- D. BILL NO. 86-36 - AMENDS SUBDIVISION ORDINANCE TO REQUIRE DEVELOPERS TO PROVIDE ACCESS FOR CATV FRANCHISEES DURING CONSTRUCTION.
Committee: Councilmen Nolen and Levy

Committee recommended this Bill be held until the scheduled Recessed City Council meeting on Friday, July 18, 1986 at 8:30 A.M. in the City Council Chambers in order to consolidate all matters relating to the Cable Television industry on one agenda. Brian Greenspun and Allan LaRoche appeared and were advised of the 7/18/86 meeting.

INTER-OFFICE MEMORANDUM

July 1, 1986

FILE

FROM:

CAROL ANN HAWLEY
CITY CLERK

SUBJECT:

RECOMMENDING COMMITTEE MEETING -
JUNE 30, 1986

COPIES TO:

Agenda Blue Books, 7/16/86 Council Meeting
City Attorney
Community Planning & Development
Business Activity
LVMPD

MEETING HELD:

Monday, June 30, 1986, at 4 P.M. in the City Manager's
Conference Room, 10th Floor, City Hall Complex, 400 East
Stewart Avenue, Las Vegas, Nevada. Meeting adjourned at
approximately 4:10 P.M.

ATTENDANCE:

Councilman Ron Lurie
Councilman Al Levy
City Manager Ashley Hall
Deputy City Manager Larry Barton
City Attorney George Ogilvie
City Clerk Carol Ann Hawley
Don Saylor, Special Projects Director
Richard Blue, Executive Assistant to the City Manager
Jerry Cahill, Director, Business Activity
Harold Foster, Director, Community Planning & Development
Lisa Roche, Reporter, R-J
Attorney Bob Faiss, Nevada Resort Association
Bill Maxwell, Las Vegas Inn

- A. BILL NO. 86-29 - ORDINANCE LEVYING ASSESSMENTS RE: SPECIAL IMPROVEMENT
DISTRICT NO. 433 (HIGHLAND DRIVE)
Committee: Councilmen Levy and Lurie

No one appeared in opposition to this Bill. Committee recommended adoption
at the 7/16/86 City Council Meeting.

- B. BILL NO. 86-31 - AMENDS MASTER PLAN OF STREETS AND HIGHWAYS BY REALIGNING
CHARLESTON BOULEVARD BETWEEN EL CAPITAN WAY/FORT APACHE ROAD AND HUALAPAI WAY.
Committee: Councilman Lurie (NOTE: Councilman Levy withdrew from Committee.)

Councilman Levy indicated he should not have been assigned to this committee
and announced he should be removed. Councilman Lurie then acted as a sole
member of this Committee. No one appeared in opposition to this Bill and
Committee Member Lurie recommended adoption at the 7/16/86 City Council Meeting.

- C. BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL ACTION BY THE CITY COUNCIL, FOR GAMING ESTABLISHMENTS, EXCEPT IN THE DOWNTOWN AND OTHER SPECIFIED AREAS.

Committee: Councilmen Levy and Lurie

Attorney Bob Faiss appeared on behalf of the Nevada Resort Association and indicated the Association is studying this Bill and that a statement as to their position would be forthcoming. Councilman Levy stated he had spoken with the Downtown Progress Association and they were basically in support of this Bill. Bill Maxwell, General Manager, Las Vegas Inn appeared and expressed his concern since the Inn had previously had gaming and that the tenant of the gaming portion of the Inn had gone bankrupt last November. Councilman Levy stated the Inn would still be grandfathered since their location had been previously approved. Councilman Lurie asked the City Attorney if the bill could be amended to increase the number of rooms from 100 to 150, and the City Attorney stated that since the Clerk had already notified non-restricted licensees of the public hearing and described the bill, that it was too late to make such an amendment and it would have to be taken up in a new ordinance. The City Attorney proposed a First Amendment to this Bill wherein after the last word in line 23 and all of line 24 of page 1 would be deleted and the words "this section" added and that section numbers in the bill needs corrections. The Committee recommended that the bill be adopted as per the First Amendment.

TRANSCRIPT - RECOMMENDING COMMITTEE MEETING - JUNE 30, 1986 - 4:00 P.M.
A. BILL NO. 86-29, S.I.D. 433 (Highland Drive).
B. BILL NO. 86-31, MASTER PLAN OF STREETS AND HIGHWAYS (Charleston Boulevard).
C. BILL NO. 86-32, GAMING ESTABLISHMENTS Page 1

COUNCILMAN AL LEVY: The first item is Bill No. 86-29. This is for the ordinance levying the assessments regarding Special Improvement District No. 433 (Highland Drive). Anybody here to speak on that one? (No response) No one is here to speak on it. Councilman.

COUNCILMAN RON LURIE: If there's no one here to speak in opposition to it, I'D RECOMMEND THAT WE RECOMMEND TO THE FULL BOARD FOR ADOPTION AT THE APPROPRIATE MEETING.

COUNCILMAN AL LEVY: Bill No. 86-31. I'm surprised the Mayor put me on this one. I'd like to pass on this, Ron. You just handle it because I don't want to get involved with Mr. Peccole in anything like this.

COUNCILMAN RON LURIE: This Bill 86-31 amends the Master Plan of Streets and Highways by realigning Charleston Boulevard between El Capitan Way/Fort Apache and Hualapai. He just made you Chairman.

COUNCILMAN AL LEVY: I know. I don't want to be involved.

COUNCILMAN RON LURIE: Then show Commissioner, Councilman Levy has to be taken off this ordinance. I'll just handle it myself.

CITY CLERK CAROL HAWLEY: Okay.

COUNCILMAN RON LURIE: Harold, this has to do with the realignment of part of Peccole's project?

HAROLD FOSTER, CP&D: Yes. That puts that curve on Charleston Boulevard for about a mile adjacent to Peccole's property. It fits in with their Master Plan for a curvilinear street pattern. We felt it was acceptable. It also facilitates drainage to a degree.

COUNCILMAN RON LURIE: Did it go to the Planning Commission?

HAROLD FOSTER, CP&D: Oh, yes.

COUNCILMAN RON LURIE: Is there anyone here to speak in opposition to the realignment on Bill 86-31? (No response) Let the record reflect there's none here to speak in opposition. Committee of one.

HAROLD FOSTER, CP&D: This item was already approved by the Council and then it got fouled up by an ordinance amendment, so

TRANSCRIPT - RECOMMENDING COMMITTEE MEETING - JUNE 30, 1986 - 4:00 P.M.
A. BILL NO. 86-29, S.I.D. 433 (Highland Drive).
B. BILL NO. 86-31, MASTER PLAN OF STREETS AND HIGHWAYS (Charleston Boulevard).
C. BILL NO. 86-32, GAMING ESTABLISHMENTS Page 2

HAROLD FOSTER, CP&D: now we're just going through that process.

COUNCILMAN RON LURIE: I'LL RECOMMEND TO THE FULL BOARD AT THE, WHAT, JULY 17th -- ?

HAROLD FOSTER, CP&D: 16th.

COUNCILMAN RON LURIE: 16TH, THAT THIS BILL BE ADOPTED.

COUNCILMAN RON LURIE: The next item is Item C, A1.

COUNCILMAN AL LEVY: The next item is Bill No. 86-32 which requires a Special Use Permit with final action by the City Council for gaming establishments, except in the downtown and other specified areas. I do think we have -- Bob, do you want to speak on this? Do you have any problems with this ordinance?

ATTY. BOB FAISS: Councilman, I certainly have no problems and perhaps the request we have to make will not fit into your schedule. I'm here representing Nevada Resorts Association -- Nevada Resorts Association. My name is Bob Faiss of Lionel, Sawyer and Collins. Councilmen, the Nevada Resort Association is studying this ordinance. Unfortunately, their meetings will not be complete until Wednesday. The request made by Don Allison, President of the Association, has asked if it might be permissible if they have anything to say that they submit that in writing before the end of this week.

COUNCILMAN AL LEVY: Bob, they certainly will have plenty of time to speak on this subject at our Council meeting, which would be the 16th. Also, on that line, I have talked to some of the members of the Downtown Progress Association, probably some people you might even represent, who are basically in support of this action, to be honest with you, and I --

ATTY. BOB FAISS: Councilman, I don't anticipate --

COUNCILMAN AL LEVY: No, I don't either.

ATTY. BOB FAISS: -- if they have any recommendation that would be anything in opposition --

COUNCILMAN AL LEVY: I don't either, but unless you insist on it or if you feel you might be able to make a -- you'd have an opportunity to say whatever you like at

COUNCIL MINUTES
TRANSCRIPT - RECOMMENDING COMMITTEE MEETING - JUNE 30, 1986 - 4:00 P.M.
A. BILL NO. B6-29, S.I.D. 433 (Highland Drive).
B. BILL NO. B6-31, MASTER PLAN OF STREETS AND HIGHWAYS (Charleston Boulevard).
C. BILL NO. B6-32, GAMING ESTABLISHMENTS Page 3

COUNCILMAN AL LEVY: the 16th. I'd like to get this thing moving because if we delay it, it really puts a crimp. We have to publicly notice it and start all over again.

ATTY. BOB FAISS: Councilman, I certainly have no objection to that. I'm sure they would not. As I say, if they had a comment, it would be on some points other than what you are seeking to accomplish in this ordinance and I'm positive they have no opposition to that main point.

COUNCILMAN AL LEVY: Thanks. Claire, do you have anything you want to say?

(Unidentified Speaker) No.

COUNCILMAN RON LURIE: Al, you've got to tell him. He's got his through.

COUNCILMAN AL LEVY: Oh, that's alright. He already had his through. Sir, did you have -- I don't think I recognize you.

BILL MAXWELL: Councilman Levy, my name is Bill Maxwell and I'm the General Manager of the Las Vegas Inn and sometimes casino. We have rather a specific problem as it relates to this ordinance, and unfortunately, we had a tenant in there as an operator who went bankrupt in November.

COUNCILMAN AL LEVY: You're still grandfathered.

BILL MAXWELL: Even though we're not existing on -- we don't have an existing operation, but we're pending negotiations to get one going again.

COUNCILMAN AL LEVY: You and Mr. Becker over there are what we call grandfathered. In other words, we certainly would be fair to you. You've already got your money up and the building built. Don't you agree, Ron?

COUNCILMAN RON LURIE: I think so.

COUNCILMAN AL LEVY: We wouldn't have any problem with that.

BILL MAXWELL: Alright. Well, would you think we would require a Special Use Permit?

TRANSCRIPT - RECOMMENDING COMMITTEE MEETING - JUNE 30, 1986 - 4:00 P.M.
A. BILL NO. 86-29, S.I.D. 433 (Highland Drive).
B. BILL NO. 86-31, MASTER PLAN OF STREETS AND HIGHWAYS (Charleston Boulevard).
C. BILL NO. 86-32, GAMING ESTABLISHMENTS

Page 4

COUNCILMAN AL LEVY: You wouldn't require anything, as far as I am concerned. George.

CITY ATTY. OGILVIE: No. I don't think that since locations that have been previously approved by the Council I don't think we have any -- It talks to locations and not operators, so if your location has a -- has been permitted gambling, then it's not -- the fact that you change operators doesn't --

BILL MAXWELL: Technically, we do not have an existing license at this very moment.

CITY ATTY. OGILVIE: I know, but your location has been approved.

BILL MAXWELL: Thank you.

COUNCILMAN RON LURIE: I have one thing I'd like to bring up because I've had some calls from some of the people who receive these letters that have substantial investments, not only downtown, but where the Inn is and where the Palace Station is that have concerns of people coming in in different areas, C-2 zone, asking for a Use Permit to build a hundred rooms. The question came up if the City might consider increasing that number from 100 to 150, the same as what the County has. If somebody is truly interested in building a casino operation and a hotel, they have a substantial larger investment than just building 100 rooms. I guess my question, George, since we noticed this item, can we also consider increasing the number of rooms to 150?

CITY ATTY. OGILVIE: The problem with that is I was very specific in drafting the notice on this so we would not be inundated with a bunch of people who didn't realize what this did, and unfortunately, that is beyond what I specified in the notice.

COUNCILMAN RON LURIE: I think we should look at that. We talked about it a couple of years ago and I thought now that we have a chance to review this, possibly what we can do is bring it up to the other members of the Board and see how they feel about it and possibly draft an ordinance changing that, renotify the licensees, because I think it's time that we really take a hard look at that.

CITY ATTY. OGILVIE: If I hadn't been so specific in the notice, it would have been done.

TRANSCRIPT - RECOMMENDING COMMITTEE MEETING - JUNE 30, 1986 - 4:00 P.M. 00158
A. BILL NO. 86-29, S.I.D. 433 (Highland Drive).
B. BILL NO. 86-31, MASTER PLAN OF STREETS AND HIGHWAYS (Charleston Boulevard).
C. BILL NO. 86-32, GAMING ESTABLISHMENTS Page 5

COUNCILMAN RON LURIE: Just as long as we go on record of wanting to maybe take a look at that. I think it's important.

CITY ATTY. OGILVIE: To make sure that we don't have any problems with the Las Vegas Inn, on page 1, on line 23, I would say: "Prior to the adoption of" and bracket out "the" and say "this ordinance."

COUNCILMAN AL LEVY: Okay.

CITY ATTY. OGILVIE: Because when were you first approved for --

BILL MAXWELL: 1980, I believe.

CITY ATTY. OGILVIE: Was it prior to 1981?

BILL MAXWELL: Oh, yes.

CITY ATTY. OGILVIE: Oh, then this changes it. I'd rather leave this--

COUNCILMAN AL LEVY: You've got a guy over here that -- Mr. Becker.

CITY ATTY. OGILVIE: Well, we don't worry about him, do we?

COUNCILMAN AL LEVY: No.

CITY ATTY. OGILVIE: I'd okay to take care of Barry then.

COUNCILMAN AL LEVY: I'm not trying to take care of Barry, but it's only fair since Barry has already received that and basically what caused this problem is that location, but, you know, I'm not trying to do anything to anybody.

CITY ATTY. OGILVIE: I think we should delete the last word in line 23 on page 1 and all of line 24 and insert "this ordinance."

COUNCILMAN AL LEVY: The words "this ordinance"?

CITY ATTY. OGILVIE: "This section."

COUNCILMAN AL LEVY: Anybody else have anything to say? If not, --

CITY ATTY. OGILVIE: When I amended this the other day to take out as much as possible involvement with the red line, I didn't carry through by changing the section numbers all the way through.

COUNCILMAN RON LURIE: As amended and we'll adopt this.

JUL 16 1986

00159

TRANSCRIPT - RECOMMENDING COMMITTEE MEETING - JUNE 30, 1986 - 4:00 P.M.

A. BILL NO. 86-29, S.I.D. 433 (Highland Drive).

B. BILL NO. 86-31, MASTER PLAN OF STREETS AND HIGHWAYS (Charleston Boulevard).

C. BILL NO. 86-32, GAMING ESTABLISHMENTS

Page 6

COUNCILMAN AL LEVY:

Yes.

CITY ATTY OGILVIE:

There's five section numbers that have -- five places that -- 155 has to be changed to 170.

COUNCILMAN RON LURIE:

Alright. THEN THE COMMITTEE WILL RECOMMEND AS AMENDED AT THE JULY 16 MEETING THAT THIS ORDINANCE BE ADOPTED.

COUNCILMAN AL LEVY:

Right.

COUNCILMAN RON LURIE:

Any other items to come before the Committee?

COUNCILMAN AL LEVY:

Thank you, meeting adjourned.

END OF DISCUSSION

JUL 1 1986

00160

AGENDA DOCUMENTATION

Date: June 10, 1986

TO:
The City Council

FROM:
George F. Ogilvie
George F. Ogilvie
City Attorney

SUBJECT: Bill No. 86-29 Ordinance Levying Assessments re: Special Improvement
District No. 433 (Highland Drive).

PURPOSE/BACKGROUND

S.I.D. NO.:

433

STEP:

Ordinance Levying Assessments

IMPROVEMENTS:

Include the installation of a parking lane from Lake Mead Boulevard to Carey Avenue, standard "I" type curbs and gutters, street lighting, sewer laterals from Charleston Boulevard to Carey Avenue.

LOCATION:

Along both sides of Highland Drive from Charleston Boulevard to Carey Avenue.

FISCAL IMPACT

None

RECOMMENDATIONS

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

Agenda Item

VI - A

AGENDA DOCUMENTATION

Date: June 4, 1986

TO: The City Council

FROM: Val Steed
Deputy City Attorney

SUBJECT:

Bill 86-31 Amends the Master Plan of Streets & Highways to realign Charleston Boulevard between El Capitan Way/Fort Apache Road and Hualpai Way.

PURPOSE/BACKGROUND

This bill would amend the Master Plan of Streets and Highways provided for in LVMC 13.12.030 to realign Charleston Boulevard between El Capitan Way/Fort Apache Road and Hualpai Way.

This amendment to the Master Plan of Streets and Highways was heard and recommended for approval by the Planning Commission on March 25, 1986, and was subsequently approved by the City Council on April 16, 1986. This bill merely effects by ordinance the prior approvals.

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.

DISPOSITION

Approved ☐
Disapproved ☐
Held ☐

Status Due: _____

Agenda Item

AGENDA

LAS VEGAS CITY
MINUTES

JUL 16 1986

City of Las Vegas

00162

July 16, 1986

Page 21

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

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)

- 031
&
1420
- C. BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL ACTION BY THE CITY COUNCIL, FOR GAMING ESTABLISHMENTS, EXCEPT IN THE DOWNTOWN AND OTHER SPECIFIED AREAS. (SECOND AMENDMENT)

Committee: Councilmen Levy and Lurie

First Publication: SUN - 7/3/86

Committee Recommendation:

Adoption at the 7/16/86 City Council meeting as per Second Amendment.

Levy -
Second Reading and
BILL ADOPTED as
per Second Amendment
or Third Amendment,
as appropriate (see
transcript).
Unanimous

Clerk to proceed
with second
publication

NOTE: Verbatim transcript made part
of Final Minutes.

- D. BILL NO. 86-30 - REASSIGNS PARK RANGER UNIT FROM DEPARTMENT OF PARKS, RECREATION AND SENIOR CITIZENS ACTIVITIES TO DEPARTMENT OF DETENTION AND CORRECTIONAL SERVICES AND BROADENS UNIT'S SCOPE OF AUTHORITY.

Committee: Councilmen Nolen and Levy

First Publication: SUN - 7/17/86

Committee Recommendation:

Adoption at the 8/6/86 City Council meeting.

Recommendation
noted

8/6/86 Agenda

APPROVED AGENDA ITEM

William H. Walker

City of Las Vegas

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00163

AGENDA DOCUMENTATION

Date: June 9, 1986

TO:
The City Council

FROM: Val Steed *Val Steed*
Deputy City Attorney

SUBJECT:

Bill 86-32: Requires special use permits, with final action by the City Council, for gaming establishments, except in the downtown and other specified areas.

PURPOSE/BACKGROUND

Under present ordinance provisions, nonrestricted gaming generally is permitted only within two "redline" areas -- one in the immediate downtown area and one along portions of West Jackson Avenue and West Owens Avenue. There is an exception for gaming operations conducted in hotels with at least 100 guestrooms. However, present ordinances do not provide for review of such operations from a zoning perspective, taking into account zoning districts and locational considerations.

This bill, if adopted, would provide for such review in certain circumstances by requiring a special use permit, with final action by the City Council, for such gaming establishments which are proposed in areas in which such establishments might not be compatible. A special use permit would not be required for already existing gaming establishments or for establishments proposed for the existing "redline" districts, the Central Business District and other established commercial areas (Fremont Street, Main Street, Las Vegas Boulevard and Rancho Drive north of Vegas Drive).

The bill does not change any business licensing requirement or authorize gaming activities which would not otherwise be authorized.

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.

DISPOSITION

Approved ☐
Disapproved ☐
Held ☐

Status Due: _____

Agenda Item

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX.A & VI.C - BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL
ACTION BY THE CITY COUNCIL FOR GAMING ESTABLISHMENTS, EXCEPT IN THE
DOWNTOWN AND OTHER SPECIFIED AREAS

Page 1

MAYOR BRIARE:

Now, the first item for this afternoon is a Public Hearing on Bill 86-32 which requires a Use Permit with final action by the City Council for gaming establishments except in the downtown and other specified areas. Ladies and gentlemen, this is the first item for a public hearing this afternoon. Is there anyone present in the audience that's here specifically to talk on this bill? Okay. Would you like to come forward then and make whatever comments you have?

JIM AVANCE:

Mr. Mayor, Jim Avance, Cardivan Company, 2900 South Highland. Not rising in opposition at all, only for a point of clarification. In reading through all of this which appears on its face just to be a zoning matter, or at least a zoning clarification, each time it refers to a gaming establishment, in there it also talks in conjunction with a hotel pursuant to except on Page 13, Line 4 and 5, where that language in regards to a hotel itself is dropped off and my company has a concern that there may be some legal opinion in the future that that would infringe on 160 which gets into restaurants and bars and major grocery stores.

MAYOR BRIARE:

Mr. Ogilvie, are you familiar with Mr. Avance's comment?

CITY ATTORNEY OGILVIE:

I took the ordinance book up with me at lunchtime.

COUNCILMAN NOLEN:

We're trying to find it right now.

MAYOR BRIARE:

Jim, give us those numbers again, will you?

COUNCILMAN LURIE:

Page 13.

JIM AVANCE:

Page 13, Lines 4 and 5. It refers to gaming establishment which is a new definition which you have created in the front of this. But on Pages -- just rapidly, on Page 5, for example, on Page 7, on Page 9, each time it refers in those locations, it talks of gaming establishment operated in conjunction with a hotel, but then on 13, it doesn't have the words "conjunction with a hotel" on it.

COUNCILMAN LURIE:

What you're saying, if you came in for a license to add additional machines or machines in a location

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX.A & VI.C - BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL
ACTION BY THE CITY COUNCIL FOR GAMING ESTABLISHMENTS, EXCEPT IN THE
DOWNTOWN AND OTHER SPECIFIED AREAS

Page 2

COUNCILMAN LURIE: that was more than 50, you'd have to come back before this Board for a permit, use permit?

JIM AVANCE: Well, we do now, but we don't particularly want to have to go before Zoning for a zoning permit as this might be indicating, and we don't doubt the sincerity at all of what the City Council wants to do, but we also know in the future some attorney could interpret it differently.

CITY ATTORNEY OGILVIE: Jim, state again what your fear is.

JIM AVANCE: The question is on Page 13.

CITY ATTORNEY OGILVIE: Yes, I understand that.

JIM AVANCE: Okay, everywhere else --

CITY ATTORNEY OGILVIE: Yes, I understand that too, but what is your concern?

JIM AVANCE: We're concerned that by leaving out the words "in conjunction with the hotel," some attorney in the future when the Council asks for definition might feel that that definition over there gets into 160 which talks about slot machines in grocery stores and bars, etc. The definition of gaming establishment that's being created here and then the situation on Page 13.

CITY ATTORNEY OGILVIE: Well, how would that affect Cardivan?

COUNCILMAN LEVY: They have them in markets.

JIM AVANCE: We have nonrestricted locations in markets around town.

CITY ATTORNEY OGILVIE: I see.

COUNCILMAN LURIE: What they're saying is if they come with an application for a market, they don't want to go before the Board of Zoning Adjustment, they want to come directly here and not make it a zoning item. I don't think it has any merit on what we're saying in here.

COUNCILMAN LEVY: We have no intention of changing any of that aspect. Our ordinance had no change in that area. In other words, I think that's a complete different consideration, and I don't think we have any intent of doing that today, George.

JUL 16 1986

00166

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX.A & VI.C - BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL
ACTION BY THE CITY COUNCIL FOR GAMING ESTABLISHMENTS, EXCEPT IN THE
DOWNTOWN AND OTHER SPECIFIED AREAS

Page 3

CITY ATTORNEY OGILVIE: No, I'm sure we don't. At the present time I don't have the business licensing code with me, so I do not know how a gaming establishment is defined in the business licensing code. This is a zoning ordinance --

JIM AVANCE: My only concern, George, Mr. Mayor and Councilmen, was that perhaps inadvertently that phase was left out on Page 13 and might at some point create a problem.

CITY ATTORNEY OGILVIE: Well, I can't -- wouldn't you have the same problem then with Line 25 on Page 12?

JIM AVANCE: Quite possibly.

CITY ATTORNEY OGILVIE: Without saying what the definition of a gaming establishment is in the Licensing Code, I don't know if you have a problem or not. If gaming establishment isn't sufficiently defined in the Licensing Code, then I agree with you that probably it should be qualified in this point, but I can make that decision after I go back to my office.

COUNCILMAN LEVY: To satisfy Jim, what I'd like to propose, if there is no objection if we can, we'd pass this ordinance, let George find that out, and I'd be more than happy to sponsor any --

CITY ATTORNEY OGILVIE: If it's necessary to make that clarification then, this would be designated as the Third Amendment to what we have if it's taken care of in the Licensing definitions.

JIM AVANCE: That certainly satisfies me and my company. You know, we had an understanding of what your intent was. We didn't want something to slide through that you didn't want to either.

COUNCILMAN LEVY: What we will do is, like I said, if I have the votes, we'll approve this and then let George handle it and if there is a cause, we'll certainly clarify it. I think that there's going to be some new -- some other changes in the gaming. I know Councilman Lurie is proposing some other amendments that has nothing to do with this at all.

MAYOR BRIARE: Mr. Avance, are you satisfied that you seem to be getting a consensus opinion of what the intention is?

JIM AVANCE: Yes, and I think that's on the record, Mr. Mayor. Thank you.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX.A & VI.C - BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL
ACTION BY THE CITY COUNCIL FOR GAMING ESTABLISHMENTS, EXCEPT IN THE
DOWNTOWN AND OTHER SPECIFIED AREAS

Page 4

MAYOR BRIARE:

Was there anyone else that wished to make any comments?

BARRY BECKER:

My name is Barry Becker, address is 50 South Jones. and my concern is in I believe it's Paragraph 3B whether certain existing operations that are exempted and it speaks to operations that are already in existence, and while we have one that's been approved but actually wouldn't be termed "in existence," and I realize from the Committee meeting and other conversations with the Commissioners that this ordinance wasn't supposed to interfere with our approved project although not totally constructed and in operation, and I just wanted to make sure that that wording was sufficient to cover our situation at the Charleston Heights Bowl.

CITY ATTORNEY OGILVIE:

Are you presently licensed, Barry?

BARRY BECKER:

We're licensed as unlimited, although we're limited by the size of our physical structure, although --

CITY ATTORNEY OGILVIE:

You have a nonrestricted gaming license?

BARRY BECKER:

A nonrestricted gaming license. But it is restricted because we do not -- we have not constructed the 100 rooms yet, although we --

CITY ATTORNEY OGILVIE:

The provision that I think you're referring to provides that not affected by this ordinance are those locations which have been approved by the Council for nonrestricted licenses prior to July 1 in '86. Now, if your location has been licensed for nonrestricted gaming, then I don't think that this ordinance affects you at all. You don't have to have actually utilizing nonrestricted gaming license. You could have less than the number of machines that qualifies for a nonrestricted as long as you have a license. In fact, one of the next -- one of the next questions would be whether the location is not now in business. As long as it was licensed prior to July 1 of '86, even though it is not now or wasn't then in business, as long as it held a license prior to that, there's no problem.

BARRY BECKER:

That's fine. I was just concerned about that and I wanted to make sure that I asked that question here.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX.A & VI.C - BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL
ACTION BY THE CITY COUNCIL FOR GAMING ESTABLISHMENTS, EXCEPT IN THE
DOWNTOWN AND OTHER SPECIFIED AREAS

Page 5

COUNCILMAN LURIE:

What is your time frame?

BARRY BECKER:

Well, we have just received our commitment from the bank and I believe our plans are currently in the Building Department for a permit and if they're not, they will be very shortly. So we hope to be under construction probably within 3 or 4 months. Hopefully, sooner, but not knowing what permit problems and design problems.

MAYOR BRIARE:

Thank you.

ATTY. GARY HAYES:

Mr. Mayor, Members of the Council, my name is Gary Hayes and I'm with the law firm of Lionel, Sawyer and Collins, 300 South Fourth Street. I'm here on behalf of a current licensee located at 1213 Las Vegas Boulevard South. This location was first licensed for nonrestricted gaming in 1973 and as recently as January of 1984 was approved for the operation of 190 slot machines. However, this location is currently not operating because they're in a remodeling phase.

COUNCILMAN LEVY:

Mr. Hayes, did you read the ordinance?

ATTY. GARY HAYES:

Yes.

COUNCILMAN LEVY:

Did you see Las Vegas Boulevard South was excluded?

ATTY. GARY HAYES:

It's our understanding it would be excluded, yes. We just wanted to clarify that on the record. We've discussed this with Mr. Ogilvie.

COUNCILMAN LEVY:

It is. Well, if you'd read the ordinance, it said Las Vegas Boulevard is excluded.

ATTY. GARY HAYES:

We just wanted to get that on the record so there is no problem with that.

MAYOR BRIARE:

Fine.

ATTY. GARY HAYES:

Okay, thank you.

MAYOR BRIARE:

Thank you, Mr. Hayes. Is there anyone else that wishes to be heard at this public hearing on Bill No. 86-32? (No response.) There being no one else that wishes to be heard, the public hearing is closed, and what is the desire of the Board?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX.A & VI.C - BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL
ACTION BY THE CITY COUNCIL FOR GAMING ESTABLISHMENTS, EXCEPT IN THE
DOWNTOWN AND OTHER SPECIFIED AREAS

Page 6

COUNCILMAN LEVY: Mr. Mayor?

MAYOR BRIARE: Councilman Levy.

COUNCILMAN LEVY: Can I have the ordinance read now, is that where we're at?

MAYOR BRIARE: Yes, it is.

COUNCILMAN LEVY: May I please have the ordinance read.

CITY ATTORNEY OGILVIE: This will either be designated second amendment or third amendment as the case may be in answer to Mr. Avance' question. Bill No. 86-32, Ordinance Number blank, an ordinance relating to the location of gaming establishments amending Title 6, Chapter 40 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, by adding thereto a new section designated as Section 175 to require special use permits with final action by the City Council for gaming establishments except in the downtown and other specified areas, amending Title 19, Chapter 4 of said Code to provide a definition of gaming establishments, amending the said Title 19 further by amending the various zoning district regulations to reflect a special use permit requirement, providing penalties for violations hereof, providing for other matters properly relating thereto, and repealing all ordinances or parts or ordinances in conflict herewith.

MAYOR BRIARE: Kindly refer back to Page 21 on the Council's Agenda. This comes under Reports of Recommending Committees. Item C is Bill No. 86-32 which the City Attorney has just read. Councilman Levy.

COUNCILMAN LEVY: Yes, I'LL MOVE FOR THE APPROVAL OF THIS ORDINANCE.

MAYOR BRIARE: Any comments by the Council Members? Cast your votes. Post. THE MOTION IS APPROVED. THE ORDINANCE IS ADOPTED.

(END OF DISCUSSION ON THIS ITEM.)

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

City of Las Vegas

00170

July 16, 1986

Page 22

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

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)

- E. BILL NO. 86-33 - AMENDS CHILD CARE FACILITIES CODE BY REQUIRING CERTAIN QUALIFICATIONS FOR AN INFANT AND TODDLER NURSERY DIRECTOR (FIRST AMENDMENT).

Committee: Councilmen Lurie and Levy

First Publication: SUN - 7/17/86

Committee Recommendation:

Adoption at the 8/6/86 City Council meeting as per First Amendment.

Recommendation
noted

8/6/86 Agenda

- F. BILL NO. 86-35 - ELIMINATES BOND REQUIREMENT FOR PRIVATE INVESTIGATORS, PRIVATE PATROLMEN, PROCESS SERVERS, POLYGRAPH OPERATORS, REPOSSESSORS AND CANINE SECURITY HANDLERS; MAKES LANGUAGES OF CHAPTER CONSISTENT WITH STATE LAW GOVERNING THESE OCCUPATIONS.

Committee: Councilmen Lurie and Levy

First Publication: SUN - 7/17/86

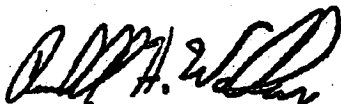
Committee Recommendation:

Adoption at the 8/6/86 City Council meeting as per First Amendment.

Recommendation
noted

8/6/86 Agenda

APPROVED AGENDA ITEM



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00171

City of Las Vegas

July 16, 1986

Page 23

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

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)

- G. BILL NO. 86-36 - AMENDS SUBDIVISION ORDINANCE TO REQUIRE DEVELOPERS TO PROVIDE ACCESS FOR CATV FRANCHISEES DURING CONSTRUCTION.
Committee: Councilmen Nolen and Levy

First Publication: None

Committee Recommendation:

No recommendation. Committee instructed Clerk to add this Bill to the Recessed Agenda of the City Council at their meeting of Friday, July 18, beginning at 8:30 A.M. in order to consolidate all matters relating to the Cable Television industry on one agenda.

- H. BILL NO. 86-22 - AMENDS THE CABLE TV ORDINANCE (SECOND AMENDMENT).
Committee: Councilmen Nolen and Lurie

First Publication: Review-Journal - 6/23/86

Committee Recommendation:

Referred to the Council as a whole at the July 2, 1986 meeting.

NOTE: This item was held in abeyance until the July 18, 1986 Recessed City Council meeting.

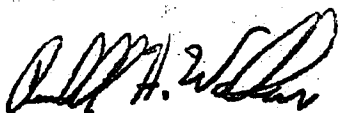
Abeyance noted

7/18/86 Recessed Meeting

Abeyance noted

7/18/86 Recessed Meeting

APPROVED AGENDA ITEM



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00172

July 16, 1986

City of Las Vegas

Page 24

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

ITEM

Council Action

Department Action

VI. REPORTS FROM RECOMMENDING COMMITTEES (Cont'd)

- I. BILL NO. 86-23 - GRANTS MISCO, INC. A
FRANCHISE TO OPERATE A COMMUNITY ANTENNA
TELEVISION SYSTEM.

Committee: Councilmen Nolen and Lurie

First Publication: Review-Journal - 6/23/86

Committee Recommendation:

Referred to the Council as a whole at the
July 2, 1986 meeting.

NOTE: This item was held in abeyance until
the July 18, 1986 Recessed City
Council meeting.

Abeyance noted

7/18/86 Recessed
Meeting

- J. BILL NO. 86-24 - GRANTS VALLEY COMMUNICATIONS
INC. A FRANCHISE TO OPERATE A COMMUNITY
ANTENNA TELEVISION SYSTEM.

Committee: Councilmen Nolen and Lurie

First Publication: Review-Journal - 6/23/86

Committee Recommendation:

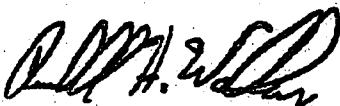
Referred to the Council as a whole at the
July 2, 1986 meeting.

NOTE: This item was held in abeyance until
the July 18, 1986 Recessed City
Council meeting.

Abeyance noted

7/18/86 Recessed
Meeting

APPROVED AGENDA ITEM



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00173

City of Las Vegas

July 16, 1986

Page 25

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

ITEM

Council Action

Department Action

VII. BOARDS AND COMMISSIONS

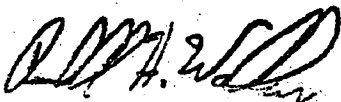
A. TRAFFIC & PARKING COMMISSION 4-Year Term

1. Robert F. O'Brien - Term Expires 8/3/86

Bunker -
Motion to concur
with Mayor's
appointment of
Lois Larson
2112 Jaymie Way
L.V. 89106
carried unanimously

Clerk to notify

APPROVED AGENDA ITEM



INTER-OFFICE MEMORANDUM

July 2, 1986 00174

TO:

CAROL ANN HAWLEY
CITY CLERK

FROM:

JOHN E. BARTELS, P.E.
TRAFFIC ENGINEER
JEB

SUBJECT:

TRAFFIC AND PARKING COMMISSION

COPIES TO:

CITY COUNCIL
ASHLEY HALL
RANDALL WALKER
LARRY K. BARTON
RICHARD D. GOECKE

DAVID SANCHEZ

The term for Robert F. O'Brien on the Traffic and Parking Commission will be expiring on August 3, 1986. Please be advised that Mr. O'Brien does not wish to be reappointed. In addition, the Traffic Engineering Division has no recommendation for the appointment of his replacement.

JEB:le

VII. A.

INTER-OFFICE MEMORANDUM

MAYOR WILLIAM H. BRIARE
COUNCILMAN RON LURIE
COUNCILMAN AL LEVY
COUNCILMAN BOB NOLEN

FROM:

COUNCILMAN W. WAYNE BUNKER

SUBJECT:

TRAFFIC & PARKING COMMISSION

COPIES TO:

Lois Larson, 2112 Jaymie Way, Las Vegas 89106 (home 382-3323), has indicated she would like to serve on the Traffic & Parking Commission. Lois is very interested in serving the citizens of our community and I am therefore happy to place her name before you for possible appointment.

Thank you for your consideration.

W. Wayne

WWB:r

ps: I will support the reappointment of Bob O'Brien should he wish to be reappointed.

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00176

July 16, 1986

City of Las Vegas

CITY COUNCIL

Page 26

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

- 034
&
406
- A. Bill No. 86-34 -- Amends Child Care Facilities Code by Allowing Additional Children in Family and Group Child Care Homes and Child Care Center Before and After Normal School Hours

Sponsored by: Councilman Bob Nolen

First Reading and referred -
Nolen & Bunker

7/28/86 Recommending
Committee Meeting
Agenda

- B. Bill No. 86-37 -- Provides for adult care homes in certain residential zoning districts by Special Use Permit; provides for Special Care Facilities in commercial and industrial zones by Special Use Permit; restricts hospitals to commercial and industrial zones; and eliminates the renting of rooms as an accessory use in residential districts.

Sponsored by: Councilman Ron Lurie

First Reading and referred -
Lurie & Bunker

7/28/86 Recommending
Committee Meeting
Agenda

- C. Bill No. 86-38 -- Provides for Final Action by the City Council on Certain Plot Plan Review Applications

Sponsored by: Councilman Ron Lurie

First Reading and referred -
Lurie & Bunker

7/28/86 Recommending
Committee Meeting
Agenda

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

City of Las Vegas

00177

July 16, 1986

Page 27

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

ITEM	Council Action	Department Action
VIII. NEW BILLS TO BE REFERRED TO A STUDY COMMITTEE OR RECOMMENDING COMMITTEE (cont.)		
D. Bill No. 86-39 -- Changes Designation of "Adult Group Care Facility" to "Residential Facility for Groups" Sponsored by: Councilman Ron Lurie	First Reading and referred - Lurie & Bunker	7/28/86 Recommending Committee Meeting Agenda
E. Bill No. 86-40 -- Requires that operators of carnival games and rides admit patrons only on presentation of prepaid tickets purchased at on-site ticket booths Sponsored by: Councilman Ron Lurie	First Reading and referred - Lurie & Bunker	7/28/86 Recommending Committee Meeting Agenda
F. Bill No. 86-41 -- Ordinance Levying Assessments re: SID No. 456 (Rancho Drive) Sponsored by: Step Requirement	First Reading and referred - Lurie & Bunker	7/28/86 Recommending Committee Meeting Agenda

JUL 16 1986

00178

July 16, 1986

Page 28

City of Las Vegas

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

ITEM

Council Action

Department Action

VIII. NEW BILLS TO BE REFERRED TO A STUDY
COMMITTEE OR RECOMMENDING COMMITTEE (cont.)

G. Bill No. 86-42 -- Increases Salaries of
Mayor and City Councilmen

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

First Reading and
referred -
Bunker & Lurie

7/28/86 Recommending
Committee Meeting
Agenda

MORNING SESSION RECESSED AT 10:55 A.M.

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00179

City of Las Vegas

July 16, 1986

Page 29

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Council Action

Department Action

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

108 A. PUBLIC HEARING re: Bill No. 86-32 -
Requires special use permit, with final
action by the City Council, for Gaming
Establishment, except in the downtown and
other specified areas.

Public hearing held

Jim Avance, repre-
senting Cardivan
Co., Barry Becker,
30 So. Jones and
Garry Hayes, repre-
senting the Thunder-
bird, appeared.

No one appeared in
opposition

NOTE: Lurie directed the City Attorney
to draft an ordinance relating to non-
restricted gaming whereby the number of
hotel rooms would be increased from
100 to 200.

APPROVED AGENDA ITEM

Larry R. Burton

MAYOR BILL BRIARE

COUNCILMEN
RON LURIE
AL LEVY
BOB NOLEN
W. WAYNE BUNKER

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL



LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00180

CITY of LAS VEGAS

June 26, 1986

NOTICE OF PUBLIC HEARING

JULY 16, 1986

RE: BILL NO. 86-32 - REQUIRES SPECIAL USE PERMITS, WITH FINAL ACTION BY THE CITY COUNCIL, FOR GAMING ESTABLISHMENTS, EXCEPT IN THE DOWNTOWN AND OTHER SPECIFIED AREAS.

Pursuant to Section 6.40.180 of the Las Vegas City Code which requires a public hearing before Sections 6.40.140 to 6.40.170, inclusive, of said Code may be amended, you are hereby notified the Bill No. 86-32 contemplates amending Section 6.40.150 of said Code to require that the operator of any hotel that has 100 or more guest rooms and is situate outside of either of the "red lined" districts who desires to obtain a nonrestricted gaming license for such hotel must first obtain a special use permit therefor and amending Section 6.40.170 to provide that obtaining such a special use permit does not constitute a guaranty that a nonrestricted gaming license will be issued for such hotel. Accordingly, NOTICE IS HEREBY GIVEN that a Public Hearing before the City Council of the City of Las Vegas on the proposed amendments to Sections 6.40.150 and 6.40.170 that are described above has been scheduled for the hour of 2:00 P.M. on Wednesday, July 16, 1986, in the City Council Chambers, City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada.

ANY AND ALL INTERESTED persons may appear and be heard concerning said proposed amendments.

Carol Ann Hawley
CAROL ANN HAWLEY
CITY CLERK



AGENDA

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00181

City of Las Vegas

July 16, 1986

Page 30

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

ITEM

Council Action

Department Action

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

B. PUBLIC HEARING on the Assessment Roll for Las Vegas, Nevada, SPECIAL IMPROVEMENT DISTRICT NO. 443 (Nellis Boulevard).

Improvements: Include the installation of standard "L" type curbs and gutters, parking lanes, standard commercial driveways, installation of street lighting, sewer laterals and concrete sidewalks.

Location: Along the west side of Nellis Boulevard to Owens Avenue and along both sides of Bonanza Road from the Las Vegas Wash to Nellis Boulevard.

Public hearing held then Lurie moved to APPROVE and the motion carried unanimously.

Staff to proceed
No one appeared in opposition

APPROVED AGENDA ITEM

Larry R. Burton

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00182

1 NOTICE OF THE FILING OF THE ASSESSMENT ROLL FOR LAS VEGAS,
2 NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 443; OF THE OPPORTUNITY
3 TO FILE WRITTEN OBJECTIONS TO THE ASSESSMENTS CONTAINED THEREIN;
4 AND OF THE PROTEST HEARING THEREON.

5 NOTICE IS HEREBY GIVEN that the assessment roll for
6 Las Vegas, Nevada, Special Improvement District No. 443, in
7 and of the City of Las Vegas, Nevada, has been prepared by
8 the City Engineer of said City, that same was filed in the Office
9 of the City Clerk of said City on the 18th day of June, 1986,
10 and that since said time said assessment roll has been and now
11 is on file therein and is available for examination during regular
12 office hours by any interested person. Said Improvement District
13 consists of six (6) separate and distinct assessment units, for
14 the purpose of installing standard "L" type curbs and gutters
15 along the west side of Nellis Boulevard between Charleston
16 Boulevard and Owens Avenue and along both sides of Bonanza
17 Road between the Las Vegas Wash and Nellis Boulevard, within
18 said City, as more particularly described in the Provisional
19 Order Resolution which was passed and approved on the 1st day
20 of December, 1982, as Assessment Unit No. I, installing street
21 paving along both sides of Bonanza Road between the Las Vegas
22 Wash and Nellis Boulevard, within said City, as more particularly
23 described in said Resolution as Assessment Unit No. II, installing
24 standard commercial driveway approaches, as requested by the
25 owners of the abutting properties, along the west side of Nellis
26 Boulevard between Charleston Boulevard and Owens Avenue and
27 along both sides of Bonanza Road between the Las Vegas Wash and
28 Nellis Boulevard, within said City, as more particularly described
29 in said Resolution as Assessment Unit No. III, installing street
30 lighting along the west side of Nellis Boulevard between
31 Charleston Boulevard and Owens Avenue and along both sides
32 of Bonanza Road between the Las Vegas Wash and Nellis Boulevard,
within said City, as more particularly described in said

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00183

1 Resolution as Assessment Unit No. IV, installing sanitary sewer
2 laterals to the front property lines of the unimproved properties
3 along the west side of Nellis Boulevard between Charleston
4 Boulevard and Owens Avenue and along both sides of Bonanza Road
5 between the Las Vegas Wash and Nellis Boulevard, within said
6 City, as more particularly described in said Resolution as
7 Assessment Unit No. V, and installing standard concrete sidewalks
8 along the west side of Nellis Boulevard between Charleston
9 Boulevard and Owens Avenue and along both sides of Bonanza
10 Road between the Las Vegas Wash and Nellis Boulevard, within said
11 City, as more particularly described in said Resolution as
12 Assessment Unit No. VI. Such areas include all of the properties
13 which abut said improvements in each assessment unit and are
14 situate within those boundaries designated in Section 3 of
15 Ordinance No. 3030 for the respective assessment units.

16 The City Council of said City will meet to hear and
17 consider objections to said assessment roll by the owners of
18 the property specially benefited by the improvements in each
19 assessment unit of said District and proposed to be assessed, by
20 any party interested in the regularity of the proceedings in
21 making such assessments and by all parties aggrieved by such
22 assessments on Wednesday, the 16th day of July, 1986, at 2:00
23 o'clock p.m., in the City Council Chambers at the City Hall,
24 400 East Stewart Avenue, Las Vegas, Nevada 89101. The owner
25 or owners of any property which is assessed in said assessment
26 roll, whether named or not in such roll, may, not less than three
27 (3) days prior to said hearing, file with said City Clerk his
28 or her specific written objections to such assessment.

29 Said assessments shall be due and payable at the office
30 of the City Treasurer of said City within thirty (30) days after
31 the ordinance which levies the assessments become effective, with-
32 out interest and without demand, or all or any part of such

1 assessments may, at the election of the owner, be paid thereafter
2 in ten substantially equal annual installments of principal until
3 paid in full, with interest in all cases on the unpaid and
4 deferred installments of principal from the date of publication
5 of said ordinance at a rate or rates per annum which shall not
6 exceed by more than 1% the Bond Buyers Index of 20 Municipal
7 Bonds which was most recently published before the date on which
8 the ordinance levying the assessments is adopted. Penalties
9 shall be due for delinquencies, and all installments may be pre-
10 paid.

11 Any objection to the regularity, validity or correctness
12 of the proceedings, of said assessment roll, of the estimated
13 maximum benefits, of each assessment contained therein, and of
14 the amount thereof levied against each lot or parcel of property
15 shall be deemed waived unless it is presented at the time and
16 in the manner herein specified.

17 At the time and place so designated for hearing such
18 objections, said City Council shall hear and determine all
19 objections which have been so filed by any party interested in
20 the regularity of the proceedings in making such assessment, in
21 the correctness of such assessment or in the amount levied
22 against any particular lot or parcel of property to be assessed,
23 and said City Council shall have the power to adjourn such
24 hearing from time to time and by resolution shall have the power,
25 in its discretion, to revise, correct, confirm or set aside any
26 assessment and to order that such assessment may be made de novo.

27 DATED this 18th day of June, 1986.

28
29 *Carol A. Hawley*
30 CAROL ANN HAWLEY, City Clerk
31
32

AGENDA

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

City of Las Vegas

00185

July 16, 1986

Page 31

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

ITEM

Council Action

Department Action

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

- 422 C. V-57-86 - Application of SCOTT L. BINDRUP, ET AL, for a Variance to allow the sale of used hubcaps, which is not allowed, (in conjunction with the permitted sale of new hubcaps), on property located at 1613 East Sahara Avenue, in Zoning District R-2 (under Resolution of Intent to C-1).

The Board of Zoning Adjustment unanimously recommends APPROVAL, subject to:

1. Conformance to the conditions of approval of Zoning Case Z-71-85.
2. Standard conditions 1 through 8.

Staff Recommendation: APPROVAL

PROTESTS: 0

Nolen -
APPROVED for one year, subject to conditions and no outside display or storage.

Motion carried with Briare & Levy voting "No."

Clerk to notify & Planning to proceed

Kenneth Cory, Atty. and Chuck Mitchell appeared

No one appeared in opposition.

REVISED AGENDA ITEM

Larry L. Burton

TO: The City Council
RE: Community Planning and Development Agenda Item
July 16, 1986 City Council Agenda

C. V-57-86 - SCOTT L. BINDRUP, ET AL.

The request is before you for final decision because it involves a secondhand operation in a C-1 zone which is not permitted. The applicant is proposing the sale of used automobile hubcaps at 1613 East Sahara on property that was recently rezoned. The applicant proposes to also sell new hubcaps on the premises. At your last meeting this same applicant requested that he not be required to install a landscape planter on this property.

The sale of used hubcaps will be relatively incidental to the retail operation and it was felt by the BZA that it was similar to some of the Class III type operations which are allowed by Use Permit for the buying and selling of scrap gold and silver, coins, or any other type of used item, but the used portion cannot exceed 25% of the business. The used portion is about one third of the operation and for this reason a Variance application was submitted. There is a commercial pattern all along both sides of Sahara Avenue and the property backs up to developed R-1.

BZA recommendation: APPROVAL

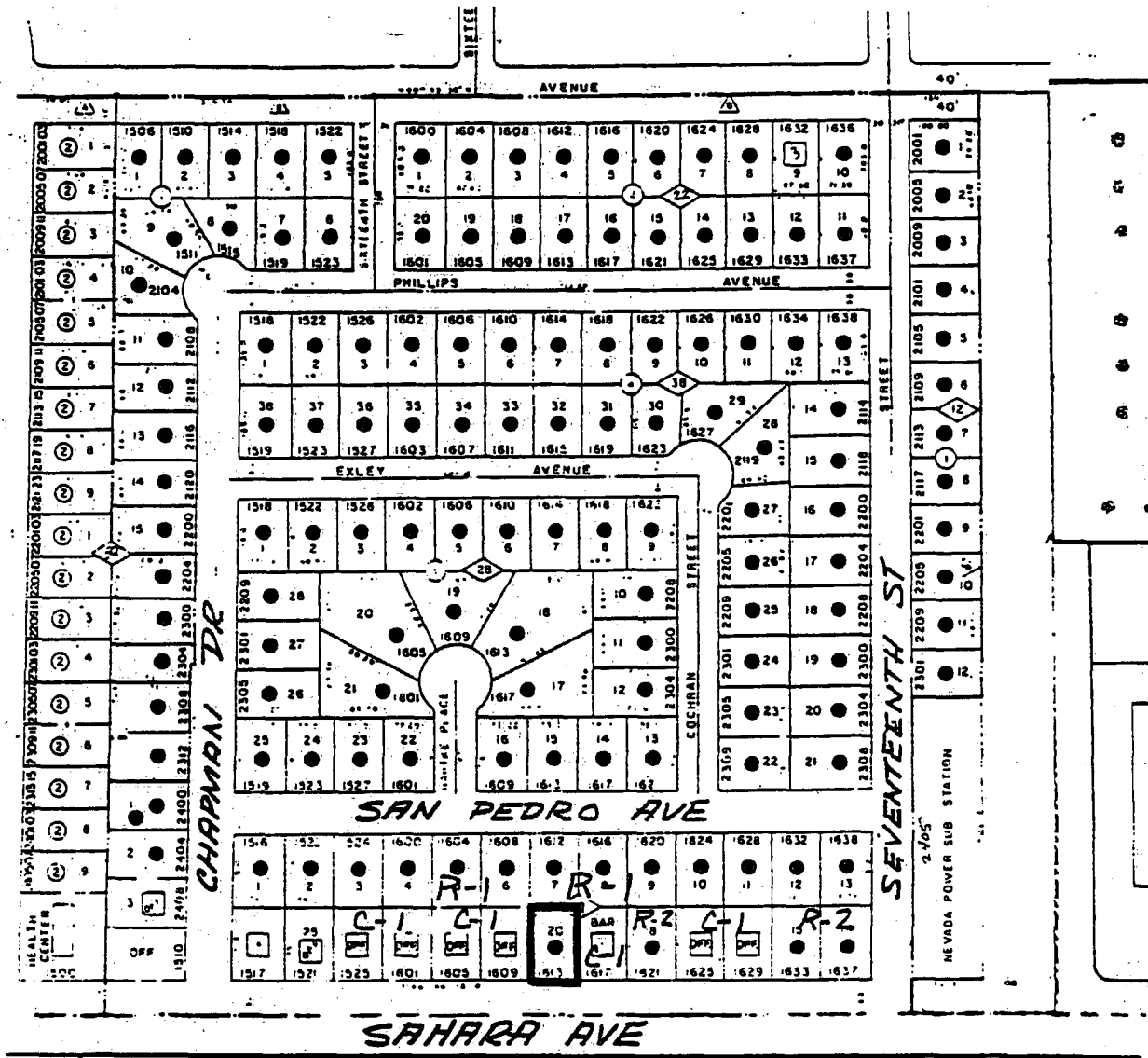
Staff recommendation: APPROVAL

PROTESTS: 0

SEE ATTACHED LOCATION MAP


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

LOCATION MAP - ITEM IX. C. - V-57-86



(COUNTY)

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 13 - V-57-86 - SCOTT L. BINDRUP, ET AL

PAGE 1

CHAIRMAN SORENSEN:

Item 13, application of Scott L. Bindrup, et al for a variance to allow the sale of used hubcaps, which is not allowed, (in conjunction with the permitted sale of new hubcaps) on property located at 1613 E. Sahara Avenue in Zoning District R-2 (under Resolution of Intent to C.1)..

RICK WILLIAMS:

Yes, this piece of property lies on this north side of Sahara. There are a number of commercial properties existing along this -- well, actually all along Sahara. This property recently was rezoned and is the process of being converted to commercial. Well, I guess it was too recently. It was last year, but anyway it's in the process of being converted to a retail store. In addition to the new hubcaps, he wishes to sell used hubcaps. Staff doesn't think that that would pose any problems to the surrounding area and, therefore, would recommend APPROVAL, subject to: 1. Conformance to the conditions of the approval of Zoning case Z-71-85, which is the case that rezoned this property to C-1; and then standard conditions 1 through 8. There's no protest on record.

CHAIRMAN SORENSEN:

Okay. Would you please state your name and address?

KEN CORY:

My name is Ken Cory, 3822 Don Carlos Drive and I am the partner and I'm appearing for Scott Binder. We together own the adjoining property as well as this -- the property now in question. We have a law office on the adjoining property.

COMMISSIONER BUGBEE:

You're on the other side -- I see you're right next to a saloon there.

KEN CORY:

That is correct. There's the law office, the property in question here and next to that one is the saloon or the bar owned by Mr. Davis. I have spoken, by the way, to Mr. Davis who indicates to me no objection to this application. I will candidly state that when we first heard what the business would be, we were a little concerned and we've checked it over pretty carefully and we're quite satisfied that it does not represent a problem for that neighborhood and that community. It turns out to be a neat and tidy business conducted in a carpeted showroom. Beyond that, I would like to present to the Board Mr. Chuck Mitchell who is the operator, would be the operator of that and ask him to present any further information to the Board.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 13 - V-57-86 - SCOTT L. BINDRUP, ET AL

PAGE 2

CHUCK MITCHELL: May I show you a couple of pictures?

COMMISSIONER BUGBEE: Sure.

CHUCK MITCHELL: I've been in business now three years. I started this in Tucson, Arizona. I've got two stores there and one in El Paso. We appeal primarily to the middle, upper middle, and middle -- upper class clientele specializing in wire spoke wheel covers and locking mechanisms along with the classic Rolls Royce, Duesenberg, Model A's, T's, Whippets, things like that. My El Paso store is very very similar to this in location as well as the makeup of the store. As an example, we sell new, 72% of my business is new wheel covers, 19% is the resale of those wheel covers that we would take in exchange if we upgraded a car and that would conform to your City ordinance here, 6.74.040, which I've read and I understand. We do about 9% used, miscellaneous items, some of the classics, some of the replacement items that have just fell off of your car. I would like to reiterate we are absolutely not a junk yard. We do not solicit wheel covers from street vendors or purchase from people soliciting from the street and we keep a very nice store and that's the whole purpose of the way we have it set up.

COMMISSIONER BUGBEE: I've got a question. You were just recently at Planning, weren't you?

KEN CORY: That's correct.

COMMISSIONER BUGBEE: Was it in regards to this application?

KEN CORY: Not directly this application. It was --

CHUCK MITCHELL: No, for the C-1.

KEN CORY: We had previously gotten approval to convert to C-1, but there was one condition on a planter out in front and that was why we were --

COMMISSIONER BUGBEE: Okay, I remember now. I just couldn't remember why you were there. I knew it had something to do with this area.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 13 - V-57-86 - SCOTT L. BINDRUP, ET AL

PAGE 3

CHAIRMAN SORENSEN:

Okay. This is a public hearing. Is there anyone here in opposition to the applicant? Alright. Hearing closed.

COMMISSIONER BUGBEE:

MOVE FOR APPROVAL WITH STAFF'S RECOMMENDATIONS.

CHAIRMAN SORENSEN:

Cast your votes. It has been APPROVED. (Motion carried unanimously with Ashworth & Dixon excused.)

RICK WILLIAMS:

Excuse me, let me interrupt just one second. On that last item, this is a used operation therefore it does have to go to City Council for final action. They'll set date on the 2nd and they'll hear it on the 16th.

END OF DISCUSSION

/s/

July 9, 1986

City of Las Vegas
City Clerk
400 East Stewart
Las Vegas, Nevada 89101

V-57-86

Carol Ann Hawley:
City Clerk:

Dear Miss Hawley:

I received a letter concerning zone change for a company selling hub caps located at 1613 East Sahara, to be held on July 16, 1986.

If there can be the following restrictions placed on this Company and enforced I would not object however, if these restrictions cannot be strictly enforced then I do object to the sale of used hub caps.

There should never be at any time hub caps stored, hung or displayed on the exterior of this building, or on the ground, walls, fence or any part of the exterior of this property. Should there be any violation's of the above rules the license to do business be revoked.

I have seen many places selling used hub caps that looks like a junk yard on the outside. I am sure you would-not want this next to your home.

Sincerely,

Darline Shrader

Darline Shrader

Sylvia Carpenter

Sylvia Carpenter
1624 San Pedro
Las Vegas, Nevada 89104

RECEIVED
JUL 11 1986
CITY CLERK

MAYOR BILL BRIARE

COUNCILMEN
RON LURIE
AL LEVY
BOB NOLEN
W. WAYNE BUNKER

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL

LAS VEGAS CITY JUL 16, 1986
COUNCIL MINUTES

00192

CITY of LAS VEGAS



NOTICE OF PUBLIC HEARING

JULY 16, 1986

NOTICE IS HEREBY GIVEN THAT on Wednesday, July 16, 1986, at the hour of 2:00 P.M., in the Council Chambers, City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following:

V-57-86 Application of SCOTT L. BINDRUP, ET AL, for a Variance to allow the sale of used hubcaps, which is not allowed, (in conjunction with the permitted sale of new hubcaps) on property located at 1613 East Sahara Avenue, in Zoning District R-2 (under Resolution of Intent to C-1):

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS LOT 20,
BLOCK 6 OF FRANCISCO PARK NO. 2.

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

Carol Ann Hawley
CAROL ANN HAWLEY
CITY CLERK



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00193

City of Las Vegas

July 16, 1986

Page 32

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

ITEM

Council Action

Department Action

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

- 1434 D. U-44-86 - Application of FIRST INTERSTATE BANK, TRUSTEE, for a Special Use Permit to allow the relocation of an existing 14' x 48' single pole, double face, off-premise sign, 40 feet in height, on property generally located on the north side of Sahara Avenue, east of Almond Tree Lane, in Zoning District C-1.

The Board of Zoning Adjustment unanimously recommends APPROVAL, subject to:

1. Conformance to the plot plan and elevations.

Staff Recommendation: APPROVAL

PROTESTS: 0

HELD IN ABEYANCE
as a result of no
motion.

Clerk to notify
8/6/86 Agenda

Michael Parrah
appeared

No one appeared in
opposition

APPROVED AGENDA ITEM

Larry L. Burton

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00104

TO: The City Council
RE: Community Planning and Development Agenda Item
July 16, 1986 City Council Agenda

D. U-44-86 - FIRST INTERSTATE BANK, TRUSTEE

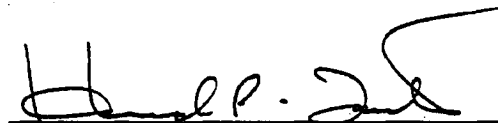
The request is for the construction of a proposed 14'x48' single pole off-premise sign on the north side of Sahara approximately 150' east of Almond Tree Lane in a C-1 zone. Presently Donrey Outdoor Advertising has an off-premise sign approximately 100' to the west but that site is being developed with a restaurant and it is relocating the sign on the vacant parcel to the east. The sign will be double-faced and 40' high. The site is on a segment of Sahara where other off-premise signs have been allowed.

BZA recommendation: APPROVAL

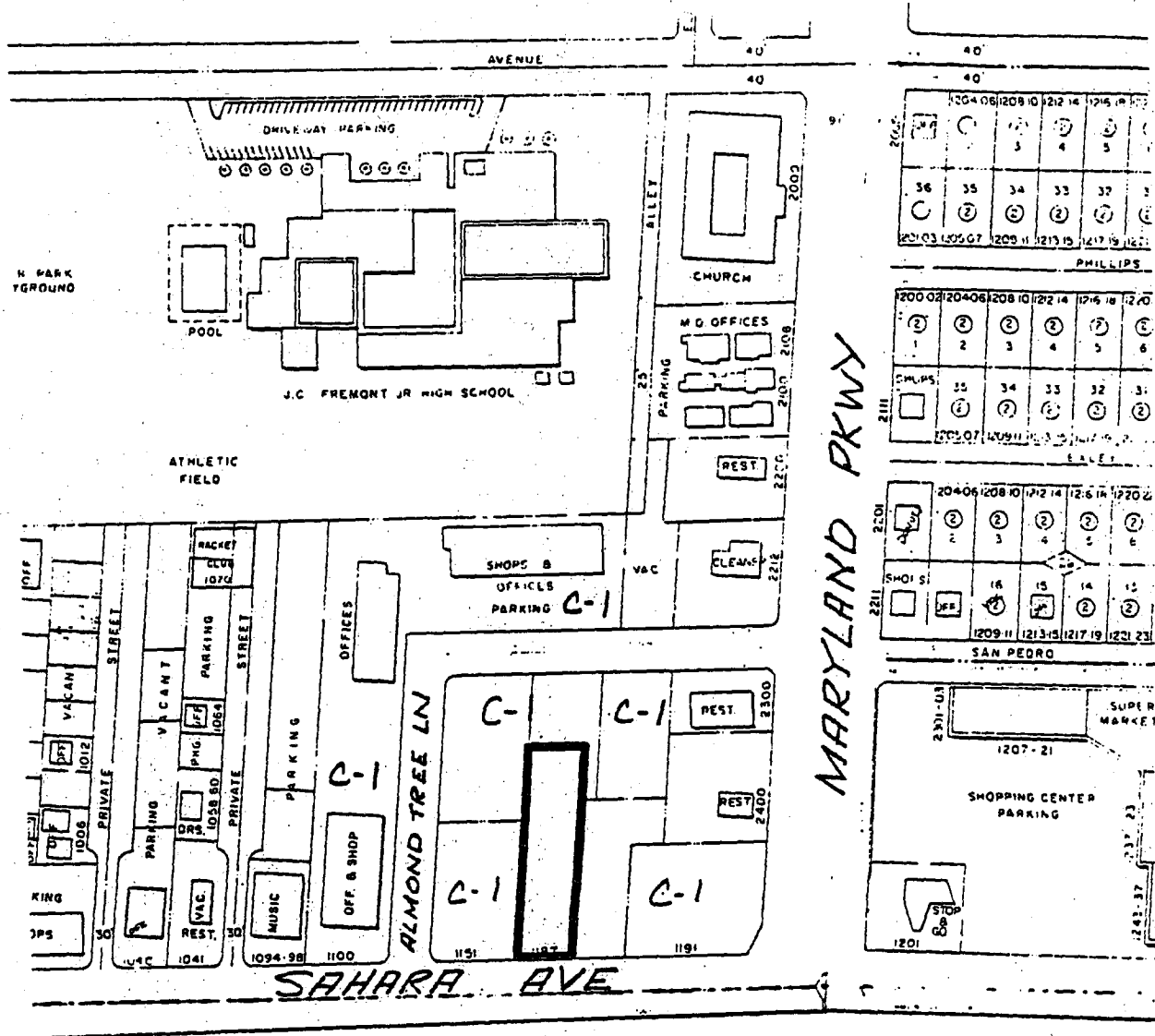
Staff recommendation: APPROVAL

PROTESTS: 0

SEE ATTACHED LOCATION MAP


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

LOCATION MAP - ITEM IX. D. - U-44-86



COUNTY

U-44-86

BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 6 - U-44-86 - FIRST INTERSTATE BANK, TRUSTEE

PAGE 1

CHAIRMAN SORENSEN:

Item 6, U-44-86, application of First Interstate Bank, Trustee, for a special use permit to allow the relocation of an existing 14' x 48' single pole, double face, off-premise sign, 40 feet in height on property generally located on the north side of Sahara Avenue, east of Almond Tree Lane in Zoning District C-1. Please state your name again.

MICHAEL PARRAH:

I'm Michael Parrah, 1211 West Bonanza Road. Do I need to sign in again? Okay. The simple reason for moving the sign is --

CHAIRMAN SORENSEN:

Let staff --

MICHAEL PARRAH:

I'm sorry.

RICK WILLIAMS:

Let me kind of explain this to them first. They actually have an existing sign at this location right here. Recently you approved a -- I guess the Planning Commission approved a plot plan review to allow a restaurant to be located on this portion of the property. So in effect what they're doing is moving this sign from this location to this location. I'm sure you recognize the location. It is Almond Tree Lane and Sahara Avenue. All of the frontage along Sahara Avenue is developed commercially. Staff does not think that this sign would adversely impact adjacent properties and would recommend APPROVAL, subject to: Conformance to the plot plan and elevations. We don't have any protests on record.

MICHAEL PARRAH:

We're simply moving the sign because of the construction of the restaurant there that it simply blocks their driveway. So they request that we move the sign and we agree with staff on the recommendation.

CHAIRMAN SORENSEN:

Alright. This is a public hearing. Is there anyone here in opposition? Okay. Closed.

COMMISSIONER BUGBEE:

MOVE FOR APPROVAL WITH STAFF'S RECOMMENDATION.

CHAIRMAN SORENSEN:

The application has been APPROVED. (Motion carried unanimously with Ashworth & Dixon excused).

JUL 16 1986

00197

BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 6 - U-44-86 - FIRST INTERSTATE BANK, TRUSTEE

PAGE 2

RICK WILLIAMS:

Now, it does have to go on to the City Council for final action. So they'll set a date on the 2nd and the public hearing will be on the 16th of July.

END OF DISCUSSION

/s/

MAYOR BILL BRIARE

COUNCILMEN
RON LURIE
AL LEVY
BOB NOLEN
W. WAYNE BUNKER

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00198

CITY of LAS VEGAS



NOTICE OF PUBLIC HEARING

JULY 16, 1986

NOTICE IS HEREBY GIVEN THAT on Wednesday, July 16, 1986, at the hour of 2:00 P.M., in the Council Chambers, City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following:

U-44-86 Application of FIRST INTERSTATE BANK, TRUSTEE, for a Special Use Permit to allow the relocation of an existing 14' x 48' single pole, double face, off-premise sign, 40 feet in height, on property generally located on the north side of Sahara Avenue, east of Almond Tree Lane, in Zoning District C-1.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 3, TOWNSHIP 21 SOUTH, RANGE 61 EAST, M.D.B.&M.

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

Carol A. Hawley
CAROL ANN HAWLEY
CITY CLERK



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00199

City of Las Vegas

July 16, 1986

Page 33

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

ITEM

Council Action

Department Action

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

1438

- E. U-39-86 - Application of ROBARTS REALTY for a Special Use Permit to allow a single pole 14' x 48' off-premise sign with a height of 40 feet, on property located at 3909 West Sahara Avenue (south side of Sahara Avenue, east of Las Verdes Street), in Zoning District C-1.

The Board of Zoning Adjustment unanimously recommends APPROVAL, subject to:

1. Conformance to the plot plan and elevations.

Staff Recommendation: APPROVAL

PROTESTS: 1

Lurie -
DENIED
Unanimous

Clerk to notify
Michael Parrah
appeared

No one appeared
in opposition

APPROVED AGENDA ITEM

Larry R. Burton

TO: The City Council
RE: Community Planning and Development Agenda Item
July 16, 1986 City Council Agenda

IX.

E. U-39-86 - ROBERTS REALTY

The request is for an off-premise sign at 3909 West Sahara Avenue in a C-1 zone. The Use Permit requirement is a result of a recent ordinance amendment. The sign will be on a single pole, 14'x48' in size and to a height of 40'. There is an existing shopping center on this property and to the south across the alley is R-1 development. Billboards have been allowed on various sites along this portion of Sahara Avenue. At the BZA meeting, the representative for the property owner immediately to the east appeared in protest indicating he felt the sign would be too large and would detract from the small businesses in the area. He indicated their property is vacant at the present time but they will be constructing a commercial building with various shops in it in the near future. The BZA felt the proposed sign would be compatible.

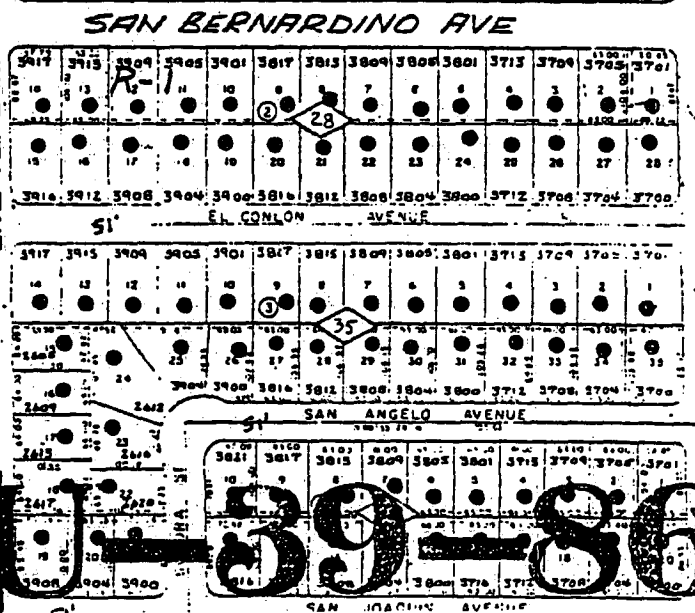
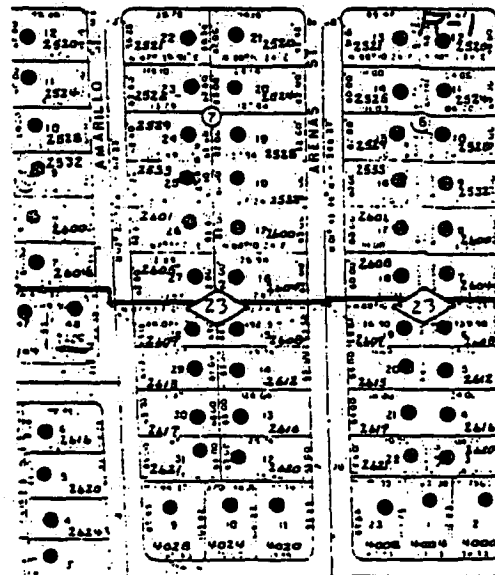
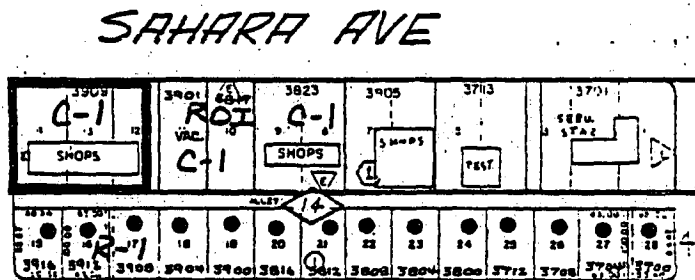
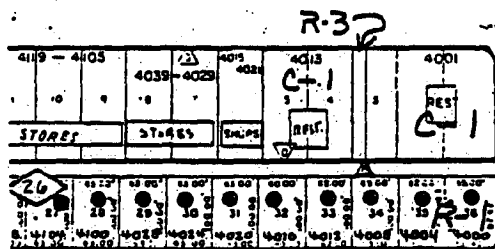
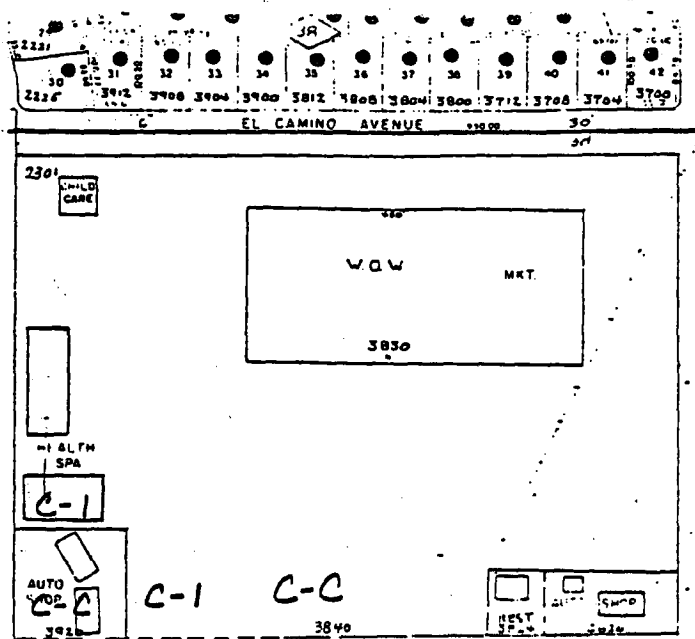
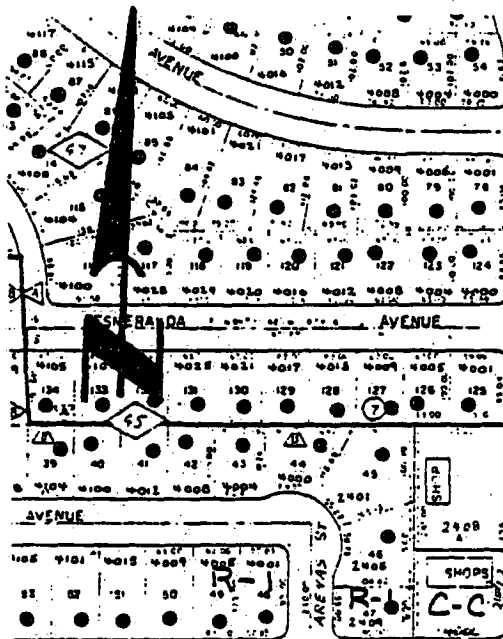
BZA recommendation: APPROVAL

Staff recommendation: APPROVAL

PROTESTS: 1 (at meeting)

SEE ATTACHED LOCATION MAP


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



U-39-86

CHAIRMAN SORENSEN:

Number 4, U-39-86, application of Roberts Realty for a special use permit to allow a single pole 14' x 48' off-premise sign with a height of 40' on property located at 3909 West Sahara Avenue (south side of Sahara Avenue, east of Las Verdes Street) in Zoning District C-1. Is the applicant here? Would you please state your name and sign in.

MICHAEL PARRAH:

Michael Parrah, 1211 West Bonanza Road.

COMMISSIONER BUGBEE:

You're with Mr. Roberts or with the sign company?

MICHAEL PARRAH:

I'm with the sign company.

RICK WILLIAMS:

Okay. Here's the site plan of the property that's involved, where they wish to construct this sign. It is on the corner of Las Verdes and Sahara. You can see on the wall map, both this property and the properties on the north -- yes, north side of Sahara and both east and west of this site are all developed with commercial buildings. To the south is a single-family area, but the sign is oriented and located out along the Sahara frontage. The sign is 272 square feet. It's a double-faced off-premise advertising sign. Because of the commercial nature of Sahara Avenue, staff does not feel that this proposed sign would adversely affect adjacent properties. Therefore, we would recommend APPROVAL, subject to: 1. Conformance to the plot plan and elevations. We don't have any protests on record.

CHAIRMAN SORENSEN:

Alright. This is a public hearing. Is there anyone here in protest of the sign?

BILL TITUS:

Yes. Bill Titus, 3010 South Torrey Pines, Las Vegas, 89102. I represent my brother-in-laws, John and Jim Hanson. We own the property adjacent to the east of this property at approximately 3901 and we're developing that at this time for small shops. We just feel a sign of this size will really detract from the small businesses. This is 14 x 48. It's approximately four times the size of some of the small businesses along there and I think it would just -- it's just too big for the area. I think it'd really just completely detract from all those small businesses and that is our shop. Some of them are only 12 foot fronts.

COMMISSIONER JUNIEL: You own the property next door to these?

BILL TITUS: Yes.

COMMISSIONER JUNIEL: What type of business is that?

BILL TITUS: It's blank right now. We're just going through the plans. We've had the zoning and we're going to construct a shopping strip along there. It's right between the blank space, the Wherehouse Record Company is right there also.

CHAIRMAN SORENSEN: Thank you.

COMMISSIONER BUGBEE: Is that about a 50 foot lot?

BILL TITUS: The lot we have is 144.

COMMISSIONER BUGBEE: Width?

BILL TITUS: Yes, 140 deep right. We have -- there's two and a half lots there that we own and we're going to put a strip center in there of about 8600 square feet, which is stores anywhere from about 900 square feet, and we just feel that a sign of this magnitude, 14 x 48 foot which would really distract from all these small stores.

MICHAEL PARRAH: I can understand his concern to a certain extent, except with the height of this sign it will be well above any business. It will not block any frontage. We have a sign the exact same size, approximately 2,000 feet, to the west and it is used by people who own small businesses in the same type of shopping center that it's going in now. The reason for the construction of the sign is we've been -- had numerous people, businesses, requesting advertisement in that area and due to the lack of space, we have not been able to provide this. This is one of the reasons why we're going to, you know, pursuing to build this structure is to provide this advertising space for this type of business which he's saying it will obstruct.

BILL TITUS: One other thing I'd like to ask. Is that property -- is that center owned by Robarts Realty there, which the shops are on that corner?

JUL 16 1986

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 4 - U-39-86 - ROBARTS REALTY

00204

PAGE 3

MICHAEL PARRAH: The lot itself is owned by Robarts Realty.

BILL TITUS: Were those store owners notified?

CHAIRMAN SORENSEN: Check with staff.

BILL TITUS: I know obviously the property owner and he is being the property owner. I just wanted to know if those store owners were notified that there was a sign that size being built there? They weren't.

CHAIRMAN SORENSEN: Staff. Alright. Are there any other protestants?

COMMISSIONER BUGBEE: I have a question. Apparently this sign is going on the west property line of that piece of property, is that right?

RICK WILLIAMS: East. East property line.

MICHAEL PARRAH: It'll be approximately 10 feet off of his property line due to City code.

COMMISSIONER BUGBEE: And he would be -- he couldn't put up the same type of a sign, could he?

RICK WILLIAMS: Could he?

COMMISSIONER BUGBEE: Yes.

RICK WILLIAMS: Off-premise signs have to be a minimum of 200 feet apart.

COMMISSIONER BUGBEE: So then we're in -- putting it on the east side of his property, limiting his ability to put any signs in his shopping center at all.

RICK WILLIAMS: Well, any off-premise signs. He could put still put an on-premise sign.

MICHAEL PARRAH: According to City codes, he will -- he can still legally put in a sign for his shopping center itself, but as far as a billboard of our type, he will not be permitted to.

CHARIMAN SORENSEN: Okay. Hearing closed. Cast your votes.

COMMISSIONER BUGBEE: Nobody's made a motion yet.

CHAIRMAN SORENSEN: Oh, I'm sorry. I got too carried away with the pole. Could I have a motion?

COMMISSIONER BUGBEE:

I'LL MOVE TO FOLLOW THE RECOMMENDATIONS OF STAFF.

CHAIRMAN SORENSEN:

Cast your vote. Okay. The application has been APPROVED. (Motion carried with Juniel voting "no" and Ashworth and Dixon excused.)

RICK WILLIAMS:

Now, I will point out that this does have to go on to the City Council for final action. There'll be a -- it'll go on the July 2nd meeting to set date for public hearing and then the public hearing meeting will be held on July 16th. So July 16th will be the final action.

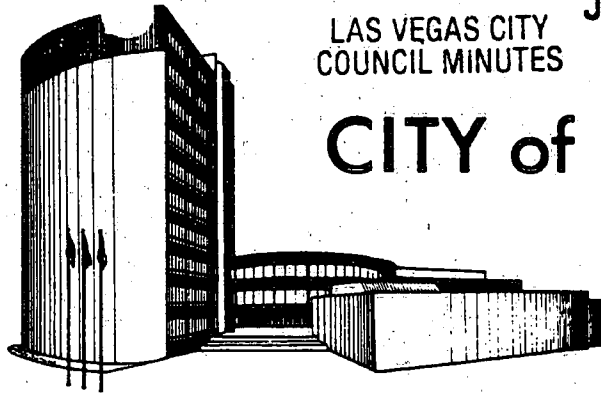
END OF DISCUSSION

MAYOR BILL BRIARE

COUNCILMEN
RON LURIE
AL LEVY
BOB NOLEN
W. WAYNE BUNKER

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL



LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00206

CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

JULY 16, 1986

NOTICE IS HEREBY GIVEN THAT on Wednesday, July 16, 1986, at the hour of 2:00 P.M., in the Council Chambers, City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following:

U-39-86 Application of ROBERTS REALTY for a Special Use Permit to allow a single pole 14' x 48' off-premise sign with a height of 40 feet, on property located at 3909 West Sahara Avenue (south side of Sahara Avenue, east of Las Verdes Street), in Zoning District C-1.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS LOTS 13, 14, AND A PORTION OF LOT 12 IN BLOCK 1 OF LAS VERDES HEIGHTS 6, UNIT NO. 5.

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

Carol A. Hawley
CAROL ANN HAWLEY
CITY CLERK



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00207

City of Las Vegas

July 16, 1986

Page 34

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

ITEM

Council Action

Department Action

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

1440

- F. V-58-86 - APPEAL filed by FRED A. ZAPPA of the action of the Board of Zoning Adjustment in APPROVING the application of TOMMY J. TERRY on behalf of RON RICHARDSON for a Variance to allow a mobile home park; and to allow 3,290 square foot spaces for 48 of the proposed 200 spaces, where 4,000 square feet per space is required, on property generally located on the west side of Lamb Boulevard between Harris Avenue and Washington Avenue, in Zoning District R-MHP and C-1.

The Board of Zoning Adjustment unanimously recommends APPROVAL, subject to:

1. Dedicate ten feet (10') of public right-of-way for Lamb Boulevard as required by the Department of Public Works.
2. Standard conditions 1 through 8.

Staff Recommendation: DENIAL - Insufficient justification.

PROTESTS: 1

Levy -
A motion to DENY appeal and allow the Mobile Home Park, but disallow the reduction of lots, subject to all conditions carried with Nolen and Lurie voting "No."

Clerk to notify & Planning to proceed

Freda Zappa appeared

Bob McNutt appeared on behalf of the application.

Approximately 100 people in audience in opposition to application.

APPROVED AGENDA ITEM

Larry T. Burton

TO: The City Council
RE: Community Planning and Development Agenda Item
July 16, 1986 City Council Agenda

F. V-58-86 - APPEAL BY FREDA I. ZAPPA ON VARIANCE APPROVAL FOR TOMMY J. TERRY ON BEHALF OF RON RICHARDSON

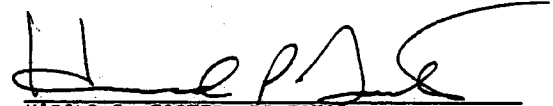
This item involves an appeal to the action of the Board of Zoning Adjustment of approving the Variance application to allow 3,290 square foot spaces in a portion of a proposed mobile home park where 4,000 square foot spaces are required, on property located northwest of Lamb Boulevard and Harris Avenue in an R-MHP and C-1 zones. The appeal was from the owner of the Three Crowns Mobile Home Park abutting this property to the north who feels the current Ordinance requirements should be maintained, otherwise it may devalue their development. The applicant is proposing the smaller space sizes on 49 of the total 200 spaces. To the north the existing mobile home park is zoned R-MHP and there is C-1 zoning to the east along the Lamb Boulevard frontage. To the west is vacant R-1 and to the south is vacant R-E. The C-1 portion of this mobile home park is primarily the access drive to the mobile home park from Lamb Boulevard. The applicant indicated there was a demand for smaller space sizes and that is the reason for this request.

BZA Recommendation: APPROVAL; the smaller space size would be compatible

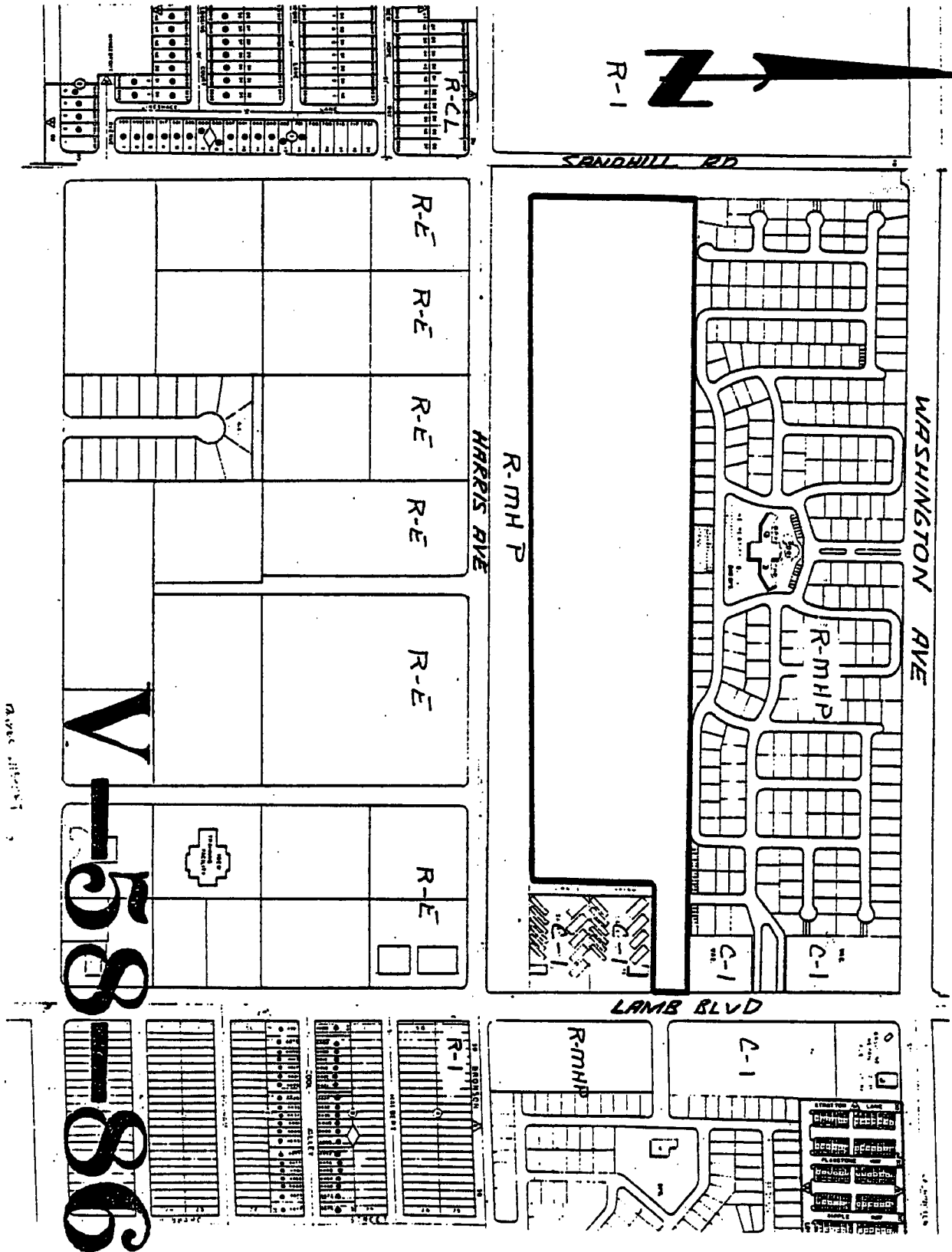
Staff Recommendation: DENIAL; insufficient justification

PROTESTS: 1

SEE ATTACHED LOCATION MAP



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



July 2, 1986

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00210

City Clerk
City of Las Vegas
400 E. Stewart Avenue
Las Vegas, Nevada 89101

RE: Variance 58-86

To Whom It May Concern:

Please accept this letter as notice to appeal the above variance granted June 26, 1986 to Tom J. Terry on Behalf of Ron Richardson, to allow a mobile home park on Lamb Boulevard in zoning district R-MHP and C-1.

This appeal is being filed based on the feelings of the residents of Three Crowns who reside on the property next door to proposed park and their concern for the type of park being built.

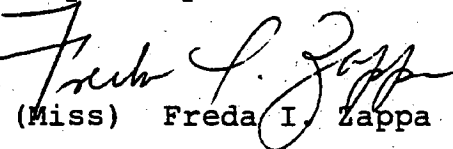
Mr. Richardson also owns Ballerina mobilehome park and based on the condition of this property, we feel this appeal is very much justified.

Please advise date of appeal in writing to:

Freda I. Zappa
867 N. Lamb #217
Las Vegas, Nevada 89101

Thank you for your consideration.

Very Truly Yours,


(Miss) Freda I. Zappa

383-9797- office
452-5388- home

CITY CLERK

JUL 2 1 17 PM '86

RECEIVED

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 14 - V-58-86 - TOMMY J. TERRY ON BEHALF OF RON RICHARDSON

PAGE 1

CHAIRMAN SORENSEN:

Item 14, application of Tommy J. Terry on behalf of Ron Richardson for a Variance to allow a mobile home park -- alright, Item 14, V-58-86, application of Tommy J. Terry on behalf of Ron Richardson for a Variance to allow a mobile home park; and to allow 3,290 square foot spaces for 48 of the proposed 200 spaces, where 4,000 square feet per space is required, on property generally located on the west side of Lamb Boulevard between Harris Avenue and Washington Avenue, in Zoning District R-MHP and C-1.

RICK WILLIAMS:

Yes, this property lies, as a matter of fact, directly across the street from the Villa Borega, so you're obviously familiar with the location.

BOB McNUTT:

No, no, no. A half a block away.

COMMISSIONER BUGBEE:

Along which way?

RICK WILLIAMS:

Ah, that's right. I can't get anything right tonight.

BOB McNUTT:

I don't want to be associated with it, alright.

COMMISSIONER BUGBEE:

Don't panic. You know, it's good to see you awake this time of night.

RICK WILLIAMS:

Okay. How about just south of the Three Crowns Mobile Home Park?

BOB McNUTT:

Yes.

COMMISSIONER BUGBEE:

That's where the other lady lived.

RICK WILLIAMS:

To the east is an existing C-1 site which was rezoned for a mobile home sales lot. Now this property was rezoned in 1969 and the plot plan was presented at that time. However, the property has continued to remain undeveloped except for the Three Crowns Mobile Home Park. This is the site plan and these are the lots that are involved in the variance. This is the remaining portion of the proposed mobile home subdivision. At the time this was originally zoned, the code did allow lots of this size, but subsequent to the original approval

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 14 - V-58-86 - TOMMY J. TERRY ON BEHALF OF RON RICHARDSON

PAGE 2

RICK WILLIAMS:

quite a number of years ago, the code was changed to create the 4,000 minimum square foot lots. Staff's somewhat apprehensive about the design of the park. It doesn't show a great deal of imagination but these -- it's these lots right here that are involved in the variance. These up here do meet the 4,000 square foot minimum, but as I mentioned, the code was changed to allow 4,000 square -- or to require 4,000 square feet because that was felt to be the minimum that these spaces should be created; and because of the code was changed obviously for a good reason. There doesn't seem to be any unusual circumstances to allow any deviation from that requirement and staff would recommend DENIAL. We have one protest on record.

COMMISSIONER BUGBEE:

What's the minimum size on an R-CL?

RICK WILLIAMS:

They can vary down to 3,000/3500 and 4,000 square feet.

COMMISSIONER BUGBEE:

Okay.

CHAIRMAN SORENSEN:

Please state your name and address.

BOB McNUTT:

My name is Bob McNutt. I'm the engineer for Mr. Richardson on this project. I have offices at 3233 West Charleston, Suite 110. I regrettably must concur with most of what staff says because we've been fooling with this thing since 1969.

COMMISSIONER BUGBEE:

Is the design --

BOB McNUTT:

I haven't changed the design. It has absolutely no imagination, but it has a high utilization of the land.

COMMISSIONER BUGBEE:

I understand what a grid is.

BOB McNUTT:

Yes, but when you get it -- if you'll note in the middle, you aren't going to have half mile long streets, we only have quarter mile long streets plus the fact it will be landscaped and it will be an attractive park. We have a recreation area at the front and we have the plans for these 42 foot wide by 79 foot deep lots to provide affordable housing for those people who don't want a double

00213

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 14 - V-58-86 - TOMMY J. TERRY ON BEHALF OF RON RICHARDSON

PAGE 3

BOB McNUTT:

wide, elderly retired couples such as me per chance, who really can get by very adequately with a 14 x 60 foot mobile home and that's all they need and they don't want the problems of setting it up and if they go to sell it and have to move it out, they don't have two of them. So the plan was very functional. It's very unimaginative. It's a very productive plan and it provides good utilization of the land and provides a place for these people to use their smaller mobile homes, again on these lots without having that surplus of property that they have to worry about. The Three Crowns, for example, have smaller lots than these that we're planning. The one across the street, which I originally worked on as Contempo Vegas and it has had three names since then and four different owners and I don't know what they call it now, but the one immediately to the east across Lamb also has 40 x 70 foot lots. So the pattern for the lots sizes for mobile homes in this area has been pretty well established even the one you discussed earlier this evening. I measured some of those lots on the scale drawing they had and several of them are in the 40 x 80 category. We'd like to do it this way. It's the way the plans were. They've been approved three different times that way and we don't want to have to change anything.

COMMISSIONER JUNIEL:

Be hard to mess with the plans.

BOB McNUTT:

Pardon me.

COMMISSIONER JUNIEL:

I said, it would be difficult to change the plans so exquisitely done.

BOB McNUTT:

No, but there is a demand for these smaller lots and we'll be able to charge these people a slightly less per month rental because of the lots. It's a higher use of the land and because of it we can charge them a slightly lesser rental per month for those 42 x 79 foot lots than we would for the 53 x 79 which are the other lots, which all of the other lots do comply.

CHAIRMAN SORENSEN:

Alright. This is a public hearing. Do we have any opposition to this application?

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 14 - V-58-86 - TOMMY J. TERRY ON BEHALF OF RON RICHARDSON

PAGE 4

HAROLD HILL: I'm Harold Hill, 867 North Lamb. I'm manager of Three Crowns. The only thing I want to know if this is going to be a family or an adult park?

BOB McNUTT: It is planned to be a family park because there's a great demand for family parks. Three Crowns, I believe, is an adult park.

HAROLD HILL: Right.

BOB McNUTT: And as a result, that most of the parks you're dealing with today are adult parks and candidly, we plan to make this a family park in most instances.

HAROLD HILL: Well, another thing I want to know -- if they intend on keeping it up like he keeps his other park up, the one on Lake Mead?

BOB McNUTT: Well, Mr. Richardson originally owned the land where the Three Crowns is and worked on the development of that. He originally was involved with the park across the street. He has a number of mobile home parks throughout the west and the midwest. He does not intend to keep this up in the same fashion as the Ballerina Park on East Lake Mead Boulevard is. It's intended that because of the sales offices that are on the commercially zoned property in front, this park will be a showplace so that the people can, when they buy a new mobile home park, move in to a first rate park and it will be maintained. It will be taken care of.

HAROLD HILL: That's all I wanted to know.

CHAIRMAN SORENSEN: Alright. The hearing is closed.

COMMISSIONER JUNIEL: I'll move for APPROVAL, WITH STAFF'S RECOMMENDATIONS.

RICK WILLIAMS: Just dedication of ten feet of right-of-way for Lamb Boulevard as required by the Department of Public Works; and standard conditions 1 through 8.

CHAIRMAN SORENSEN: Okay. Cast your votes. It has been APPROVED. (Motion carried unanimously with Ashworth & Dixon excused.)

BOB McNUTT: Thank you very much.

END OF DISCUSSION

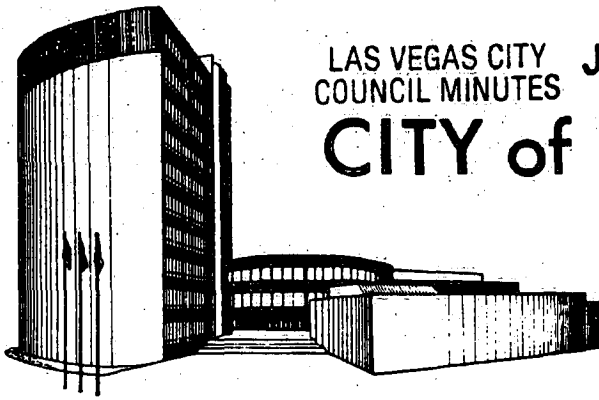
/s/

MAYOR BILL BRIARE

COUNCILMEN
RON LURIE
AL LEVY
BOB NOLEN
W. WAYNE BUNKER

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL



LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00215

CITY of LAS VEGAS

NOTICE OF PUBLIC HEARING

JULY 16, 1986

NOTICE IS HEREBY GIVEN THAT on Wednesday, July 16, 1986, at the hour of 2:00 P.M. in the Council Chambers, City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following:

V-58-86 APPEAL filed by FRED A. ZAPPA of the action of the Board of Zoning Adjustment in APPROVING the application of TOM J. TERRY on behalf of RON RICHARDSON for a Variance to allow a mobile home park; and to allow 3,290 square foot spaces for 48 of the proposed 200 spaces, where 4,000 square feet per space is required, on property generally located on the west side of Lamb Boulevard between Harris Avenue and Washington Avenue, in Zoning District R-MHP and C-1.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION
OF THE NORTH HALF (N $\frac{1}{2}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$)
OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 62 EAST, M.D.M.

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

Carol Ann Hawley
CAROL ANN HAWLEY
CITY CLERK



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES
City of Las Vegas

JUL 16 1986

00216

July 16, 1986

Page 35

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

ITEM

Council Action

Department Action

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

1503 G. V-53-86 - APPEAL filed by WILLIAM C. IVERSON on behalf of VILLA BOREGA MOBILE HOME COMMUNITY of the action of the Board of Zoning Adjustment in DENYING their application for a Variance to allow a mortgage company to sell an existing mobile home in a mobile home park, where only a tenant-owned mobile home may be offered for sale, on property located at 1111 North Lamb Boulevard (southeast corner of Lamb Boulevard and Monroe Avenue), in Zoning District R-MHP.

The Board of Zoning Adjustment unanimously recommends DENIAL.

If approved, subject to:

1. This approval shall be for the sale of this one mobile home only, and this variance will expire at such time as this mobile home is sold.

Staff Recommendation: DENIAL

PROTESTS: 5

Nolen -
DENIED appeal
and applicant given
10 days to move or
sell the mobile home
Unanimous

Clerk to notify
Randy Rumph, Atty.,
Bill Iverson,
and Charles Damas,
Atty. appeared

Shelley Berkley,
Atty. appeared in
opposition.

Approximatey 100
people in audience
in opposition

Note: Levy directed Business License
Department to make sure all mobile home
park owners receive copy of mobile home
park ordinance.

NOTE: Verbatim transcript made part
of Final Minutes.

APPROVED AGENDA ITEM

Larry R. Burton

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00217

TO: The City Council
RE: Community Planning and Development Agenda Item
July 16, 1986 City Council Agenda

G. V-53-B6 - VILLA BOREGA MOBILE HOME COMMUNITY

This item involves an appeal to the action of the Board of Zoning Adjustment of denying the Variance application to allow a mortgage company to sell a mobile home in a mobile home park, where only a tenant-owned mobile home may be offered for sale, on property located at 1111 North Lamb Boulevard (southeast corner of Lamb Boulevard and Monroe Avenue), in Zoning District R-MHP. A mortgage company acquired this mobile home through a foreclosure, moved it into this mobile home park and then started advertising it for sale.

The ordinance is as follows:

"19.36.060 Prohibited uses. The following uses are expressly prohibited in the R-MHP District:

(A) Display and/or sale of mobile homes: except a tenant may sell his mobile home residence:

(B) Two-family and multifamily mobile homes and non-mobile home dwelling units:

(C) Licensed mobile home dealerships."

In early April, tenants of the park complained to the City and alleged Green Tree Acceptance had violated the ordinance. Upon review, the staff agreed. On April 15, 1986, Green Tree Acceptance was officially notified by the Department of Building & Safety to remove the mobile home as it was in violation of the Municipal Code. Upon discussion with the manager of the mobile home park and Green Tree Acceptance, they were advised they could apply for a Variance to allow the mobile home to remain in the park for purposes of sale. Legal review has discovered ambiguity in the "letter" of the ordinance in literal sense. However, tenants feel that the "spirit" of the ordinance is to prohibit this type activity. Staff is preparing an amendment to the ordinance that will bring it in line with Clark County Code which prohibits the sale of mobile homes in a mobile home park except for any "resale and placing of a mobile home previously located and occupied in the park."

In all fairness, Green Tree Acceptance has improved the lot on which the mobile home is located and brought it up to the park's standards. The manager of the mobile home park allowed this situation to occur. The tenants of the mobile home park believe this is a "foot in the door" effort and continued to protest.

If the Council approves the Variance, then the mobile home may remain for sale. If Council denies the Variance, then the City letter of April 15, 1986, remains valid and Green Tree Acceptance must remove the mobile home from the park.

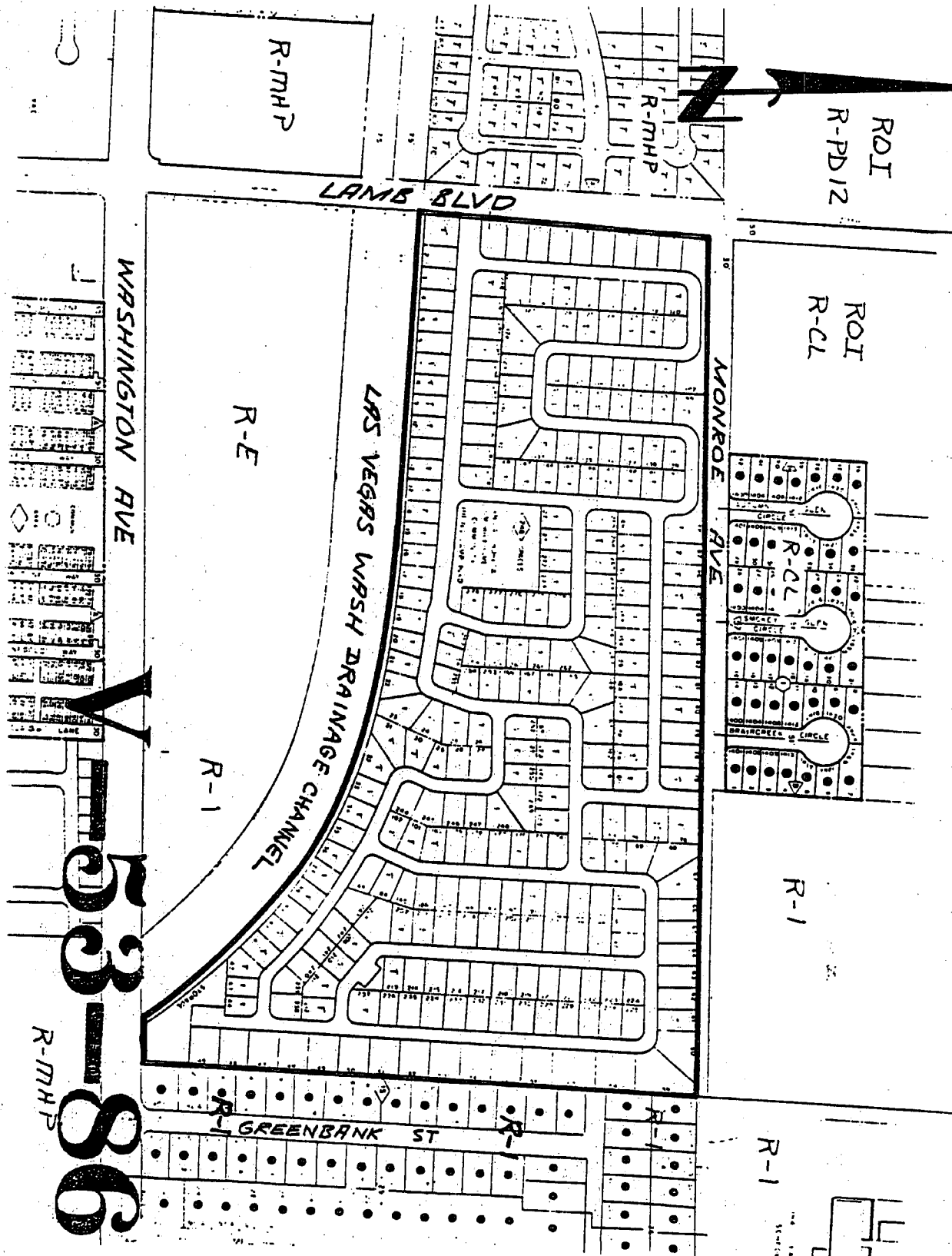
BZA Recommendation: DENIAL; insufficient justification

Staff recommendation: DENIAL; contrary to ordinance

PROTESTS: 5

SEE ATTACHED LOCATION MAP


LARRY K. BARTON
DEPUTY CITY MANAGER

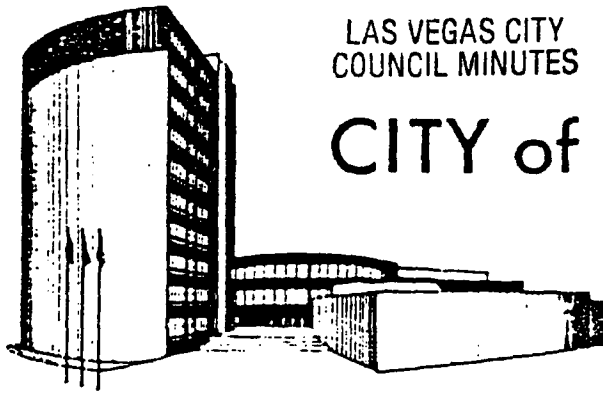


MAYOR BILL BRIARE

COUNCILMEN
RON LURIE
AL LEVY
BOB NOLEN
W. WAYNE BUNKER

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL



LAS VEGAS CITY
COUNCIL MINUTES JUL 1 1986

00219

CITY of LAS VEGAS

April 15, 1986

CERTIFIED MAIL

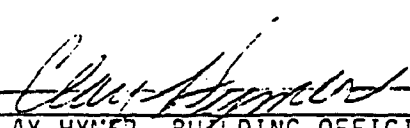
DAN BIALON
c/o GREENTREE ACCEPTANCE
1830 EAST SAHARA AVENUE
LAS VEGAS, NEVADA 89104

Dear Mr. Bialon:

This letter is being sent as formal notification that the mobile home located in Space 222 of the Villa Borega Mobile Home Park at 1111 North Lamb Boulevard, which is owned and offered for sale by your firm, is in violation of Municipal Code 19.36.060.

You are being given ten (10) days from the date of delivery of this notice to remove the mobile home from the above location. Failure to comply with this notice will result in a citation being issued for each day this violation exists.

Regards,


CLAY HYMER, BUILDING OFFICIAL
DIRECTOR, DEPARTMENT OF BUILDING & SAFETY

CH:gk





LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00220

July 1, 1986

City Clerk
City of Las Vegas
400 East Stewart
Las Vegas, Nevada 89101

Reference-- V 5386

Sir,

We wish to appeal the action of the Board of Zoning and
Adjustments on June 26, 1986.

Thank you,

William C. Iverson

William C. Iverson
Co-Owner Manager

RECEIVED

JUL 1 3 15 PM '86

CITY CLERK

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 1

CHAIRMAN SORENSEN:

Item Number 5, V-53-86, application of Villa Borega Mobile Home Community for a variance to allow a mortgage company to sell an existing mobile home in a mobile home park, where only a tenant-owned mobile home may be offered for sale, on property located at 1111 North Lamb Boulevard (southeast corner of Lamb Boulevard and Monore Avenue), in Zoning District R-MPH, MHP, I'm sorry. Is the applicant -- please state your name and address and sign in for the record.

BILL IVERSON:

Thank you, Madam Chairman. My name is Bill Iverson. We're co-owner and managers of Villa Borega Mobile Home Park at 1111 North Lamb Boulevard, Las Vegas, Nevada, 89110.

CHAIRMAN SORENSEN:

Alright. Staff.

RICK WILLIAMS:

Okay. You can see on the screen, this is an existing mobile home park. There are many mobile home parks on this particular area. It does lie in the east side of Lamb Boulevard, south of Owens. The applicant, of course, is the owner of the mobile home park. Now he's applying to allow a mortgage company, which now has title to a 24 x 60 double wide mobile home, to sell the mobile home at its present location and it's located on this site right here. Now it's our understanding, the mortgage company acquired this mobile home through a foreclosure. They then moved it into the Villa Borega Mobile Home Park and started advertising it for sale. There apparently was a complaint. The Building Inspector went out there and gave them a correction notice and they're seeking relief through this variance procedure. Now apparently the mortgage company, we assume, wasn't aware that it's illegal to sell a mobile home inside of an established park. Rather than moving it out of the park to sell it and then possibly having to move it back in once it's sold again, this variance was requested. Now one of the problems is the present zoning provisions are somewhat ambiguous as they relate to this situation. They state that a tenant can't sell a mobile home. Well, the question was who's -- we know what the intent was, but who's the tenant that can't sell the mobile home? Is it the occupant or is it the person who rents the space? So there is some ambiguity and staff will be presenting a proposal to amend the Zoning ordinance to clearly prevent, or at least

RICK WILLIAMS:

discourage a reoccurrence to this activity in the future and we'll be presenting that to the Planning Commission in the very near future. However, in this particular situation the mobile home does exist on this site. Staff's feeling is that the variance could be a practical solution to this problem. However, thinking in those terms staff would recommend APPROVAL. However, the approval should be predicated upon one condition and that is the approval shall be for the sale of this one mobile home only and this variance will expire at such time that this mobile home is sold. And, of course, that then prevents a reoccurrence of this hopefully. As of this time, we do not have any protests on record.

CHAIRMAN SORENSEN:

Okay. This is a public hearing. Would you like to state --

BILL IVERSON:

Yes, if I may. I'll read something here please. Greentree Acceptance asked us several months ago if we could relocate one of their mobile homes to our park. We surveyed the home at the then location and found that it did meet the basic standards of our community, namely size, siding and roof material. The home needed some upgrading such as repairs to the exterior and painting and Greentree agreed to make all the repairs as we requested. They obtained the necessary permits from the City of Las Vegas Building Department and we agreed to accept the home under these conditions. The home arrived at Villa Borega on February the 4th, 1986 and Greentree began the necessary work. The siding and -- repairs were made, awning and porches were constructed as required by Villa Borega standards and the home was completely repainted on the outside. The interior of the home was repaired as needed, redraped, new carpets installed. Only one item has not been completed that Greentree agreed upon and that was the landscaping which this hearing stopped that, so to speak. A Greentree representative I'm sure is here right beside me and I'm sure that he can elaborate on the amount of money that was spent on this home, but it was a great deal. As owner and manager of Villa Borega Mobile Home Community, we have maintained an open door policy to all of our residents and those that expressed any concern about the home, were told that when the home was finished, it would meet or exceed Villa Borega's standards. If it did not, it would be removed from our

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 3

BILL IVERSON:

community. These included representatives of the Silver State Mobile Homeowners League. The object of any business such as ours is to make -- to have a full park. This benefits all the residents as well as the owners. The cost of operation per space is less and increases, when necessary, can be less. We have not compromised from the standards of six years in filling the park. We are now 82% full and it is obvious that if compromises were to be made, they would have been made a long time ago. It is our hope that the Board of Zoning Adjustment will approve this variance. We have had a serious problem concerning repossessions in the mobile home industry in Las Vegas and Greentree Acceptance has made every effort in this case to have a quality outcome. Thank you.

COMMISSIONER JUNIEL:

Sir, I'd like to ask you a question. When Greentree first approached you about moving the home into the mobile -- into your park, did they tell you they were moving over there expressly to sell it?

BILL IVERSON:

Yes, ma'am.

COMMISSIONER JUNIEL:

Were you aware that wasn't allowed?

BILL IVERSON:

We were not aware of the law and apparently they were not either.

COMMISSIONER JUNIEL:

Greentree is -- no, I'm not going to believe they aren't aware because they're dealers, are they not?

BILL IVERSON:

They're a mortgage company.

COMMISSIONER JUNIEL:

Just a mortgage company that financed that mobile home and they don't know the laws that relate to them.

BILL IVERSON:

This I cannot answer. I mean, that's up to them to answer.

COMMISSIONER JUNIEL:

Oh, but they did tell you they were moving over there to --

BILL IVERSON:

It was moved in for resale, yes, ma'am.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

00224
PAGE 4

COMMISSIONER JUNIEL: That's what I wanted to establish.

BILL IVERSON: But may I also point out that all the permits were issued by the City of Las Vegas to Greentree for that fact.

COMMISSIONER JUNIEL: To move it over there.

BILL IVERSON: No, to set it up.

COMMISSIONER JUNIEL: To set it up to sell it?

BILL IVERSON: To move it and set it up.

COMMISSIONER JUNIEL: To sell it?

BILL IVERSON: I would assume so.

COMMISSIONER JUNIEL: Is that true, staff?

RICK WILLIAMS: The fellow issuing the permit would have no knowledge of what it's being moved there for. He would assume that it's going to be lived in.

CHAIRMAN SORENSEN: Alright.

CHARLES DAMAS, ATTY.: Hello.

CHAIRMAN SORENSEN: Would you please sign in and state your name and address.

CHARLES DAMAS, ATTY.: Yes. I've signed in. My name is Charles Damas. I'm an attorney and I represent, at this time, Greentree Acceptance Corporation which is the mortgage company in question. This zoning -- variance application was not the idea of Greentree. It was not the idea of Villa Borega, but was simply the request of the Building Department and of the City Attorney's office of the City of Las Vegas. Greentree is a mortgage company. It is not a dealer. It's never been engaged as a dealer or licensed as a dealer. It simply finances mobile homes. There is a problem when a mobile home is repossessed. It's not that Greentree is not aware of the laws, but the laws are vague. There's no law that says that a person can't sell a mobile home. There is simply, what we're talking about today, a zoning ordinance. A City's zoning ordinance which is peculiar to the City, not to the County, that says that a mobile home in that

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 5

CHARLES DAMAS, ATTY.:

particular zoning of a mobile home park cannot be used as a site for mobile home sales activities, but the zoning ordinance further states that a tenant may sell his own mobile home. Now the only type of a tenancy created within Villa Borega Mobile Home Park is for the space. Greentree is the tenant of the space of Villa Borega Mobile Home Park. It, therefore, comes within we think the exception that it as a tenant can sell its coach. The law -- the zoning ordinance was enacted several years ago in response to what they called closed parks or parks in which a particular dealer or particular manufacturer of mobile homes had connection with that park and for a tenant to be able to move within that park that tenant had to buy from that dealer or buy that particular coach. That is not what has happened here, but the ordinance is vague. The City Attorney's office and the Building Department recognized that. If it's to be construed that Greentree cannot be a tenant under the statute, and the statute nowhere defines the word "tenant", then it would need this variance. If it is a tenant, it doesn't need this variance, but the City requested this as a resolution to this peculiar problem. It's a situation where Greentree acted in good faith. This was a very expensive mobile home, but in a poor location. It decided it's the only way it could get its money out of it would be to move it to a good location and totally rehab it. It is one of the highest quality mobile homes within that park at this time. This situation will be -- this situation will be resolved as soon as a natural person buys this coach and that's exactly what we want them to do. There's people waiting to buy this coach, but we don't want that person to have any cloud over their right to buy this home. In answer to your question, Greentree did get the permit to set this coach up within this park as the owner of this coach, not as the mortgage company, but as the owner of this coach. Of course, there is no permit needed to sell the coach and quite frankly, the Building Department probably had no knowledge of what Greentree was going to do with it specifically. However, I don't think they thought the corporation, Greentree, was going to take up residence in that coach. It was obvious

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 6

CHARLES DAMAS, ATTY.:

that it was going to be resold or rented and and this park doesn't allow rentals I don't believe. So, therefore, it had to be resold. Greentree has put a lot of money in this coach. It's a double wide. It would be burdensome to do this. We feel that it is the solution to this problem. If you don't feel that way, then the matter I guess will be resolved through the courts and that'll take a long time. This is simply the City Attorney and the Building Department's suggestion. This was not my suggestion nor was it the suggestion of Villa Borega or Greentree. We paid the --

COMMISSIONER JUNIEL:

Excuse me. It was at a less desirable park is that the reason they moved it?

CHARLES DAMAS, ATTY.:

Yes.

COMMISSIONER JUNIEL:

Could they not have repaired it where it was and then sell it on contingency of moving it to a better park?

CHARLES DAMAS, ATTY.:

Well, in these -- it was in a mobile home subdivision and in these situations when you have these double wide homes that -- to make them attractive, you have awnings and porches and carports. There's a tremendous expense of taking these apart. There's usually damage done in that process and putting them back together again and making them look nice. It is not the situation of an eyesore. The landscaping remains to be done. If we have a favorable ruling, we'll get on that immediately and it is a situation that will soon resolve itself. It is not Greentree's or Villa Borega's or anybody's desire to circumvent the law. The law's unclear and I think it needs to be addressed and in talking with the City Attorney's office, they feel that they would try to prepare a new zoning ordinance on this. But it's unfair to hold Greentree or Villa Borega or anybody as a victim to this circumstance. In this case, it's rather unique because it was moved in here. If Greentree had possessed it within this park though, the same question arises. Cannot that coach be sold by a mortgage company when it's in the park or does it actually have to be removed from the park, sold at a lot, then moved back into the park at a tremendous expense? I think the --

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 7

CHARLES DAMAS, ATTY.:

the zoning ordinance needs some revision. Quite frankly, I had something to do with those ordinances. It was many years ago and we worked on those ordinances at the same time with the County and the same time with the State of Nevada when they enacted the Mobile Home Laws that are contained in Chapter 118A. Before tenants of mobile home parks virtually had no rights and they were abused and these problems have been addressed, but there needs to be some refinement and I think this case points it out exactly. Like I said, this application at the suggestion of the City and we're here in good faith pursuant to that suggestion. Thank you.

CHAIRMAN SORENSEN:

Thank you. Is there anyone here in opposition?

SHELLEY BERKLEY, ATTY.:

Yes, Madam Chairman.

CHAIRMAN SORENSEN:

Okay. Would you state your name and address and did you sign in?

SHELLEY BERKLEY, ATTY.:

No, I did not. May I do so after my presentation?

CHAIRMAN SORENSEN:

No, first.

SHELLEY BERKLEY, ATTY.:

Alright. Do it first?

CHAIRMAN SORENSEN:

Yes.

SHELLEY BERKLEY, ATTY.:

Madam Chairman, members of the Board, my name is Shelley Berkley. My home address is 1980 E. Pebble Road, Las Vegas, Nevada. I am an attorney licensed to practice law in the State of Nevada. I do not practice because I am home raising children at this point in my life. However, every now and then, clients come to me with a problem that I consider particularly unique and aggravating for them and when I do get a case like that, I do represent clients and in this case, I am representing the Mobile Home Tenants Association in the Villa Borega Mobile Home Park and I would like for all of those people that are here from the Tenants Association to please raise their hands so you can see who they are. Thank you. We strenuously object to the granting of this variance. Greentree Acceptance, a nationwide

SHELLEY BERKLEY, ATTY.:

financial institution, repossessed a mobile home and with some arrangement by park management moved it into the Villa Borega Mobile Home Park subsequently offering it for sale in total disregard and violation of Las Vegas Municipal Code 19.36.0608. This code expressly prohibits display and/or sale of mobile homes except a tenant may sell his mobile home residence. The language is perfectly clear. It is unlawful for a person to display or sell a mobile home in the R-MHP District unless that person is a tenant who is selling his mobile home resident, resident and you can manipulate the language all you want rational, logic and common sense dictates what tenant means in this situation and most others. The intent of the ordinance is to allow a mobile home owner to sell a mobile home located in the park without having to move it first. Also, the intent is to prohibit coaches from being moved into the park for purposes of sale when they don't ordinarily belong there. To interpret this ordinance in any other matter, would be to permit all mobile home repossess -- repossessors with prior permission from mobile home park owners to turn mobile home parks into outdoor landscaped showrooms simply by moving them in for purposes of sale. This ordinance was passed expressly to prohibit the kind of shenanigans that are going on right now in this case. The moving in of mobile homes for sales -- for sale purposes would have a measurable impact on the character of the neighborhood in the residential area. There is no rational reason or cogent argument for permitting the variance, or this variance, to allow the sale of this repossessed substandard coach in this park. There are, however, many reasons to deny this wanton disregard for the spirit and intent of this important ordinance. First, by moving this junker into the park, and you can tell me there were thousands of dollars worth of improvements, hundreds of dollars worth of improvements, the reason there were so many -- a need for so many thousands of dollars of improvements is because it was a junker and it was in a very substandard park and the only way that Greentree Acceptance can get this junker sold is if they get it out of the substandard park, put it in a beautiful park, and put in thousands of dollars of renovation, but a junker is a junker and

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 9

SHELLEY BERKLEY, ATTY.:

I don't care how much money you put in it. What it does is it depresses the value of the other mobile home -- mobile homes in the park while improving the value of the junker. It's important to keep in mind that for many families in this park, their mobile home represents the major largest investment that they have in their lives. This is the most important asset they have and to undermine their individual lifetime investment in their homes merely to enable a financial institution to recoup its loss, would be a terrible precedent to set by this Board. The second reason -- by granting this variance, you would be interfering with the sale of other coaches in the park. Currently there are approximately 30 owner-occupied coaches for sale in this park at a considerably higher price than the one being offered for sale by Greentree. What you would be doing by granting permission for the park management to -- would be granting permission for the park management to compete with its tenants in the park for sales of mobile homes. Third. By denying this application you would be serving notice to other financial institutions that this blatant disregard for the letter and intent of the law will not be tolerated by the City of Las Vegas. And just by prohibiting Greentree from ever doing this again is no guarantee that other financial institutions won't. Finally, I would like to direct your attention to the Villa Borega book of rules and regulations which governs the park. Section 7 states: "Only new mobile homes will be permitted to move onto any homesite in the community or to be used as a replacement for a mobile home which is being removed from the community." Management, by agreeing to permit Greentree to move its repo into the park, did so in violation of their own rules and regulations and according NRS 118B100.4, if in fact management wishes to amend the rules and regulations, the tenants must be given 60 days notice of the change in writing. Not only is Villa Borega in violation of its own rules, it's also violation of NRS 118B. There's also no validity to the statement that management was unaware of the ordinance in question. For one thing, they're on constructive notice. Now we have a mobile home manager that should be aware of the ordinances. Secondly, they have actual notice and I have with me members of the Mobile

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 10

SHELLEY BERKLEY, ATTY.:

Home Tenants Association that can tell you, and they'll come up and speak if you like, and their names are Mr. Jim Gross who brought the Municipal Code in January of 1985 to Mr. Iverson and explained it to him and I won't tell you verbatim what Mr. Iverson said to him, but it wasn't polite. We have two other people with us, Mr. Ed Kohler and Mr. Larry Cyganek who brought -- bought repos in the mobile home park. So he knows that this absolutely blatantly positively against the ordinance. The tenants of Villa Borega have been most judicious in their behavior regarding this matter. They contacted City Hall on numerous occasions. They met with their tenants organization before deciding to oppose this measure. Their organization voted unanimously to oppose this. They're standing their ground. They feel that they have right on their side. They've -- in an effort to be fair, they had another hearing with their association just to make sure that this was the will of the people and again it was a unanimous vote. I'd also like to direct your attention to the legal opinion of the City Attorney's office and you will see that it parrots or I mirror exactly what the City Attorney stated in this matter. Now, if perhaps the permits by the City were issued incorrectly or inadvertently, I don't think that my clients should have to suffer for that and the fact that Greentree has repos that they can't get rid of is still not a reason for these people to suffer and have their property values go down. I hope that you see our position. I know these people are very concerned about it. They were concerned enough to call me and we would appreciate all due consideration in this matter. If you would like these gentlemen to step up to the mike, I'm sure they'd be willing to.

COMMISSIONER BUGBEE:

I'd like -- a couple questions of you, Mrs. Berkley.

SHELLEY BERKLEY, ATTY.:

Yes.

COMMISSIONER BUGBEE:

One. This mobile home moved in there sometime in February I believe and so I'm wondering what's been going on in the last 120 some days? It surfaces with us and I would -- your explanation and the other counsel's explanation. That's my first

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 11

COMMISSIONER BUGBEE:

question. If it's going -- if it's doing damage to the homes now, it must have been terribly damaging in January and February before they started their rehab.

SHELLEY BERKLEY, ATTY.:

Yes. As a matter of fact, I have -- well, what originally happened is that once the -- I'm sure that you'd probably like one of the park members to explain this to you, but it is my understanding and again they can repeat this they repeated it to me, that they immediately contacted City Hall to see if perhaps there was a mistake and that the ordinance had been changed. They were assured that it had not. Then an inspector came out from the City and told the Iverson that they had to stop work on it immediately which they did; and then, of course, their -- I've got letters dating from April 15th regarding this situation between the City and various other entities and then, of course, April 25th this was issued and then I guess -- when I say this, excuse me, I didn't realize that you can't see what I'm doing. This is a -- this is to Clay Hymer, Director of Building & Safety Department and this was the legal opinion that had been requested and then finally, of course, the application for variance. So this has been a continuing problem that they've been attempting to take care of. It's not something that the tenants just decided that they would fight. They've been discussing it and trying to reach an equitable arrangement for several months since it was first put on the property. And, of course, they can give you confirmation of this if you'd like.

COMMISSIONER BUGBEE:

I'd like to see that City Attorney's --

SHELLEY BERKLEY, ATTY.:

I have taken the liberty of highlighting areas for my own benefit. So that's not their highlight, it's mine. Would you also like to see -- this is -- when it was first put on the property, Greentree put a for sale sign with their telephone number. So the intent was to move it on for purposes of resale and the Iversons new perfectly well when they accepted it that they were doing an illegal act.

COMMISSIONER BUGBEE:

Is it in the violation of the mobile home park CC&R's or whatever you have?

SHELLEY BERKLEY, ATTY.:

Yes, and it's also in violation of -- and I'll give you that. It's in violation of their own rules and regulations and if the tenants have to live by these rules and regulations, management should certainly have to set a good example and do so. Also, of course, this is -- there is no valid reason -- I haven't heard a single thing that Mr. Iverson or his learned counsel said that would possibly lean towards a granting of the variance. There's no hardship. There's no problem. They entered into this decision on their volition and they knew -- perhaps not Greentree, but Mr. Iverson knew perfectly well what he was doing was against City ordinance and he did it anyway.

COMMISSIONER BUGBEE:

You might -- did you listen to staff as he made his presentation?

SHELLEY BERKLEY, ATTY.:

Yes.

COMMISSIONER BUGBEE:

Because he was kind of leaning in the other direction. In fact they recommended approval.

SHELLEY BERKLEY, ATTY.:

Well, you know, it's -- I think that they're mistaken and I think the reason for that is that they're not taking the human element into this situation. We have an investment of hundreds of thousands of dollars by these people as opposed to a rather small investment and a little bit of difficulty moving it out, but I would state my reputation on the fact that they knew perfectly well when they moved in there that they were doing an illegal act and it's very easy to come before a Commission or before a Board and say, we've invested so many thousands of dollars, hey, we're good guys. We're generating business for the State of Nevada. Do us this one favor and we won't do it again. I've heard it. I've set on Boards. I served in the Nevada State Legislature I've heard these arguments before. Quite frankly after you've heard them dozens of times, you become somewhat desensitized to it. The reasons for these ordinances are very clear. As a matter of fact, Counsel for Greentree and I worked on many

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 13

SHELLEY BERKLEY, ATTY.:

of these mobile home ordinances many years ago together. So I believe that we both know -- of course, obviously we have different positions now, but we're aware of the intent of these ordinances.

COMMISSIONER BUGBEE:

Well having set on a lot of commissions, I'm sure that you're aware that many times we're asked to resolve situations that possibly could have been resolved outside of this body. One of the things that I don't understand, if these in fact are the CC&R's that govern the park, I think if I lived in a park, I would have just got my whole group together that are out here now so well organized and said, we're not paying our rent until this thing's handled.

SHELLEY BERKLEY, ATTY.:

Well, I think they didn't want -- we do not have a radical group here. We have a nice bunch of people. (laughter)

COMMISSIONER BUGBEE:

That isn't radical. I don't think that's radical. I mean --

SHELLEY BERKLEY, ATTY.:

Well, I think what they thought is that -- I do believe that they believe in their cause and I think that they believe that if they got up before the proper authorities and explained the situation given the fact that the Iverson's did know and we do have three people that can testify to the fact that Mr. Iverson knew perfectly well -- this has happened twice in the past and they've let it slide because it's a very difficult thing living in a mobile home park. You want to keep congenial relations. It's kind of a neighborhood setting. You don't want to rock the boat, but how many times can you be pushed. He's done it twice before and now my clients have said, no more, we're not going to let him get away with it again.

COMMISSIONER BUGBEE:

Hit them in their pocketbook. (laughter)

SHELLEY BERKLEY, ATTY.:

I'm not sure I would recommend to them to withhold their rent.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 13-A

COMMISSIONER BUGBEE: Well now, you know, I have some rental properties and I'm sure if the tenants all got together and said, we're not paying until this situation is resolved. They'd sure get my attention in a hurry.

SHELLEY BERKLEY, ATTY.: I'm not sure that's legal in the State of Nevada to withhold -- it is?

COMMISSIONER BUGBEE: Neither is -- according to you.

SHELLEY BERKLEY, ATTY.: Well, as you know it's been proven --

COMMISSIONER JUNIEL: You can hold it in an escrow account as long as they pay it and put it away so it can be resolved afterwards, that the money is available.

SHELLEY BERKLEY, ATTY.: I thought that was only if the property was uninhabitable.

COMMISSIONER BUGBEE: No, no.

COMMISSIONER JUNIEL: There's all kinds of reasons.

COMMISSIONER BUGBEE: You can put your money with Joe Johnson or Mike Orr or whoever and just say, hey, there I am in good faith, but we won't release until they live up to their obligation.

COMMISSIONER JUNIEL: With a third party.

SHELLEY BERKLEY, ATTY.: Well, I'm a little embarrassed because in 1977 I drafted the Residential/Landlord Tenant Act. It's obviously made several changes since I've been home changing diapers.

COMMISSIONER BUGBEE: I remember your drafting quite well. I was at the legislature myself lobbying. Could we have a couple, three people.

CHAIRMAN SORENSEN: Yes. We'd like to hear from a couple of people. Who would like to be a spokesman?

SHELLEY BERKLEY, ATTY.: Would you like to speak with the president or with any of these gentlemen that have purchased mobile homes or how about --

COMMISSIONER BUGBEE: You named three names here that's been a spokesman of the group.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 14

CHAIRMAN SORENSEN:

Let's have those.

SHELLEY BERKLEY, ATTY.:

Okay. Les, why don't you come up and bring Jim with you and either Ed or Larry.

COMMISSIONER BUGBEE:

We'd appreciate it if you'd bring just new testimony. I think Mrs. Berkley did a very excellent job of presenting her case. So if you have something additional, I'll sure listen to it.

SHELLEY BERKLEY, ATTY.:

Thank you.

RUSSEL E. STONE, JR.:

Madam Chairman and members of the Board, my name is RusseLE. Stone, Jr. I live at 1111 North Lamb Boulevard, Space 224. I'm President of the Mobile Homeowners League of the Silver State, Chapter 27. We've been concerned about this because of the rules and regulations that we've been living by and maintaining a first class park and this is a first class park. When this house was brought in, everybody was quite concerned and there were a number of them immediately went to the office because as our counsel has said, it was a junker. And when the for sale sign first went up, I personally called Greentree and the girl I talked to said that it was being vandalized where it was located so they moved it into Villa Borega to finish it up and sell it. Well, I talked to the management and they said it would be brought up to standards and -- before it would be put up for sale. Well, if you go out and look at it, it needs to be roofed, one awning is in bad shape, one support is upside down. There's any number of things that you can see on this house that are not right, not anywhere's near the standards that they have required of us. And again as our counsel pointed out, we were required to bring in new or like new homes and this creates considerable expense. I had a home that I could have brought down, but it was not a new home, when I moved from Oregon, but I had to sell it, get rid of it up there, come down and buy a new home to conform. This is what we're concerned about. It's not up to standards now. If it would be up to standards, I don't know, but we are concerned about this because it does devalue our home sitting next to this house. It's considerably

JUL 16 1986

00236

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 15

RUSSEL E. STONE, JR.:

older than ours and you can put a lot of paint on things to make it look pretty nice, but it's still an old home. I don't know if you'd like to hear the gentleman that talked to them about this.

COMMISSIONER BUGBEE:

I'd like to talk to you for a second.

RUSSEL E. STONE, JR.:

Sure.

COMMISSIONER BUGBEE:

I'm looking at your plight and I can appreciate what you're saying. I can appreciate the way the law has been kind of pushed around here and staff's presentation. However, any way we look -- anyway, if we were to go for approval tonight, it would still go to the City Council and then be heard again. If we voted for denial, it would go to the City Council and be heard and we're talking about time. Now, maybe an easy way out of this thing would be to -- and trying to meet with your problems, just set a 90 day order to move on this thing, let them try to get rid of it. You know, there's two -- how many -- they have an appeal to the Council, don't they? This could be drug out to what, the first of August, the middle of August?

RICK WILLIAMS:

I'm not aware --

COMMISSIONER BUGBEE:

Timing on it now --

RICK WILLIAMS:

You mean if it's appealed?

COMMISSIONER BUGBEE:

Yes.

RICK WILLIAMS:

It would go July 16th for the final action.

COMMISSIONER BUGBEE:

Is there an appeal on the -- you can appeal then to court, right?

RICK WILLIAMS:

That's correct.

COMMISSIONER BUGBEE:

So what I'm trying to do is I'm trying to think of some way where we can get this thing expedited instead of putting this group of people into a long drawn out situation. Maybe if we can't do it, we'll just do what our thoughts are then. I understand where you're coming from.

JUL 16 1986

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

00237

PAGE 16

RUSS L STONE, JR.:

Sir, we have time. Quite a few of us are retired and there's a lot of working people there. We do have the time and we do feel that this was a considerably unjust thing that they did to us when we were required to spend considerable money on the new home and landscaping and one thing an another.

COMMISSIONER BUGBEE:

I sympathize with you in that particular area. I mean, I think you're 100% right. I can't argue with that. I can't argue with Mrs. Berkley either, but --

SHELLEY BERKLEY, ATTY.:

It just concerns me that there are 30 other homes, owner-occupied homes right now that are up for sale in the exact same park and here this junker was moved in, fixed up, repainted and is going to be offered to the public for considerably less money. That I think is not fair, given the fact that they knew it was in violation of the ordinance prior to moving it in. I can understand if they didn't know and it was a big mistake and they were truly sorry. They knew about this ordinance as you will find out from our next speaker.

COMMISSIONER BUGBEE:

Well, let's hear the next speaker then.

JIM GROSS:

Madam Chairman and Board members, I was the original president of Chapter 27 of Silver State.

COMMISSIONER BUGBEE:

Your name, please.

JIM GROSS:

Jim Gross. I have emphysema. I cannot take any stress or tension. Everytime I would go in the office to try and iron something out, it ended up in a shouting match. I always get another party with me, who's not with us any longer, he moved to Ohio. In January -- the Chapter started in December of '85 I believe, '84, and in January, I went in and talked to Bill and I explained to him that there were two coaches there of Gold Key they were offering for sale, new coaches, I said, that's in violation of the law and I talked to Gold Key and I was told to mind my own God damn business and Vickie Demas was not going to run the park and that was the extent of that.

JIM GROSS:

After that -- after March I guess, I just gave up. I just felt my health was more important than the aggravation and all I was trying to do, along with the board, was to get that book you're holding up there of the park rules followed and I don't think we're asking too much. We were asked to abide by it and all of a sudden there's a million different exceptions to the rules. Thank you.

CHAIRMAN SORENSEN:

Could we hear our next speaker.

LAWRENCE CYGANEK:

I have to sign in first.

SHELLEY BERKLEY, ATTY.:

I'm sorry this is taking so long. I didn't realize our presentation would be quite as voluminous as it's turned out.

LAWRENCE CYGANEK:

My name -- excuse me, my name is formerly Lawrence Cyganek and I'm addressing my remarks to Mr. Bugbee, Madam Sorensen and Madam Juniel. All I'm going to do is make a simple statement of fact. We came to Villa Borega on March 5, 1985 and we purchased a coach, or a mobile home, in Space 149 from Gold Key. You know, it's a Somerset Home by Golden West Homes, purchased by Sales Manager Rita Lucaro. We have now lived there one year. After that I really have nothing to say, but it was set up -- it was set up by Gold Key. It was a 1984, Madam Sorensen, never lived in. We looked it over and we didn't take long time. We didn't want to go all over Las Vegas, you know, and get confused so we decided this is the home we want to buy. So we bought it in one day. End of my message.

CHAIRMAN SORENSEN:

Thank you.

COMMISSIONER BUGBEE:

See if there's any rebuttal and let's get this thing over.

CHAIRMAN SORENSEN:

Is there any rebuttal to this?

CHARLES DAMAS, ATTY.:

Just briefly.

CHAIRMAN SORENSEN:

Briefly.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 18

CHARLES DAMAS, ATTY.:

I just want to point out again that this is a zoning hearing and the owner, the tenant of this space in this mobile home park, is Greentree Acceptance. That tenant got the building permits. The permits were issued after the Building Department determined that it met all applicable zoning standards. Once the permits were issued, all the money was spent. Over \$12,000 was spent by Greentree in the rehabilitation of this mobile home. It's listed for \$44,000. If we'd known that there were 30 homes for sale there, I don't think we would have moved it in there. It looks like a bad market there. This -- well as staff said, the recommendation is for a one time waiver, not to establish a new policy, but I think out of this experience a new ordinance should be drafted because Greentree is a tenant and it comes within the exception of the ordinance. This was a repo, but it was repoed from private property, from land that the owner of this mobile home had. It could not stay on that property. It would have been the same situation if it went to a dealer and somebody bought it and moved this coach into that park and then rehabed it. I don't know really what is the difference on the impact of the mobile home park.

COMMISSIONER JUNIEL:

Excuse me. The difference is that their regulations state that only new homes would be allowed there.

CHARLES DAMAS, ATTY.:

Or like new.

COMMISSIONER BUGBEE:

No, article 7, first paragraph, only new mobile homes will be permitted to move onto any homesite in the community.

CHARLES DAMAS, ATTY.:

That is not a zoning determination. Those rules could --

COMMISSIONER JUNIEL:

Those are the park's rules.

COMMISSIONER BUGBEE:

It's a determination these other people that have invested tens of thousands of dollars put their mobile homes at the same site.

CHARLES DAMAS, ATTY.:

Those people also know that those rules can be changed at any time upon 60 days notice by this park. That park could abandon every one of these rules. It could abandon --

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 19

COMMISSIONER BUGBEE:

Have they been changed? Have they abandoned?

CHARLES DAMAS, ATTY.:

They could have been. These people depend upon the strict enforcement and interpretation of this park management. This park management is the only thing that will keep this park within the standards. It is ludicrous to think that Villa Borega would somehow be wanting to lower their standards to hurt their property. They're not getting anything out of this except some rent on a space.

CHAIRMAN SORENSEN:

But wasn't there something in their guidelines that says that it had to go to the whole park ownership if they were going to change some of the rules?

CHARLES DAMAS, ATTY.:

No, the statute simply requires 60 days notice. It does not allow for the tenants to have an input in to what those rules may be. The rules are somewhat limited in what they can or cannot do by Chapter 118A. I mean, they can't -- rules cannot be constructed to go around what the laws are governing tenancy, but the rules can be basically non-existent as far as standards in that park.

COMMISSIONER BUGBEE:

I'm having a hard time going with you on this because I have constructed a lot of projects where I have to write CC&R's, which I realize they're different --

CHARLES DAMAS, ATTY.:

This is not CC&R's.

COMMISSIONER BUGBEE:

I recognize that.

CHARLES DAMAS, ATTY.:

These are not recorded. They don't run with the land.

COMMISSIONER BUGBEE:

I recognize that, but what I'm saying is though is on the strength of this thing here, people do come in because they feel they have protection, invest money and if our State law, and I think Shelley can probably tell us more about it now because I just don't know how you can turn around and con a bunch of folks to moving into your park and then changing the rules after they get in because moving a mobile home is a very expensive proposition.

JUL 16 1986

00241

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 20

CHARLES DAMAS, ATTY.:

That's exactly what Greentree's saying. How can you issue a permit, allow us to spend \$12,000, ask us to come before this Council for a zoning permit and then try to tear us apart on a vague ordinance that has never been enforced. It's selectively enforced and we are a tenant. There's only one type of tenant in this park and that's the person that leases the space. Greentree's not a natural person. The City knew that and they accepted our money and they went and they inspected it. Greentree is about the only body left around here -- almost the only company -- there's just a few left financing mobile homes. That is going to affect it.

COMMISSIONER BUGBEE:

Would you consider Greentree family or adult only? I mean there's --

CHARLES DAMAS, ATTY.:

Villa Borega you mean?

COMMISSIONER BUGBEE:

Yes, Villa Borega.

CHARLES DAMAS, ATTY.:

I don't know. I don't represent Villa Borega, only Greentree the mortgage company.

COMMISSIONER JUNIEL:

Staff just said that when the company applied for the permit, they did not know and they did not assume either that that mobile home was placed there for resale. So you're saying that they issued a permit --

CHARLES DAMAS, ATTY.:

What else --

COMMISSIONER JUNIEL:

They issue permits because they did it as a homeowner which you should get the permits.

CHARLES DAMAS, ATTY.:

How else -- what else would it be there for? Greentree doesn't -- isn't a person. They don't live in a mobile home park.

COMMISSIONER JUNIEL:

Why don't they just -- it's the position of the City to ask, are you a person or not. You should have known the laws prior to doing that. I mean, not you personally, but --

CHARLES DAMAS, ATTY.:

I do know the law and in my opinion as a lawyer, we're in full compliance with that law. This is not my idea to be here today.

COMMISSIONER JUNIEL: You're messing with the word "tenant" a lot.

COMMISSIONER BUGBEE: This has been abolished, right?

CHARLES DAMAS, ATTY.: I don't know that. I'm just representing the --

COMMISSIONER BUGBEE: Right now the park runs by these rules?

COMMISSIONER JUNIEL: Only if it's convenient, apparently.

CHARLES DAMAS, ATTY.: I don't know -- I've never seen them, sir. I'm sorry. I represent Greentree is all, but I will say this that Greentree -- just lately Frontier, All Valley Acceptance, Citicorp, Valentine, they have all ceased doing business in Nevada. They found the climate hostile. Greentree is wondering whether they should. In the last month, they've put 1,400,000 in loans in this community and I think it's imputative and I think it would hurt the very people you're trying to protect to make it imputative on a company like Greentree that acted in good faith. Look at the situation of the ordinance right now. If you accept Mrs. Berkley and, Miss Juniel, if you accept your interpretation -- what a tenant is -- a tenant is a tenant of the space. It doesn't say a natural person in the ordinance. If you accept your interpretation, then any tenant in this park who falls on unfortunate times and has their mobile home repossessed, that repossession that mortgage company will then be forced to remove that home, tear it apart, in order to sell it, that will result in a huge deficiency will be punitive upon that person who lives in that park. If it were sold in the park, there may be no deficiency. These people will be hurting themselves under that interpretation of this ordinance. The ordinance needs to be changed, that's all we're saying.

COMMISSIONER JUNIEL: The City has just alluded to the fact that they're going to do that, but you're also contradicting yourself. You're saying, Greentree is not a person, but the audience say it must be a resident, a tenant-owned resident. Now is Greentree -- they own it, but they're not the -- it was not their residence unless Greentree moves in there.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 22

CHARLES DAMAS, ATTY.: Show me where it says that in the ordinance?
It does not say residence, it says tenant.

SHELLEY BERKLEY, ATTY.: Tenant in a mobile home residence.

CHARIMAN SORENSEN: It says tenant and residence is what I heard.

COMMISSIONER JUNIEL: I deal with these every day in my line of
work so I know.

SHELLEY BERKLEY, ATTY.: Madam Chairman.

CHAIRMAN SORENSEN: Yes.

SHELLEY BERKLEY, ATTY.: I don't know this woman, but she wants to
speak.

CHAIRMAN SORENSEN: Okay, have her come up. Let's hear what she
has to say. Please sign in. This will be
the last one.

SHELLEY BERKLEY, ATTY.: I have no idea what she has to say.

FREDA ZAPPA: Madam Chairman, members of the Board, my name
is Freda Zappa. I live at 867 North Lamb,
Space 217, Las Vegas, 89110. I also live in
a mobile home park. I live in Three Crowns
which is very close to Villa Borega. I have
maybe not as much invested in my homes as some
of these people do, but my concern and the rest of
my people is that the mobile home population in
Nevada is very large. There's a lot of us that
have a lot of money invested in our homes. We
~~can't afford the moving of our mobile homes~~ and the
only thing I'd like to say is, if this is permitted
with what Greentree is doing in Villa Borega, what's
to stop it from being done in our park and we
certainly don't want any junkers or anything --
you know, we have to live by the rules too and
that's all I wanted to say.

CHAIRMAN SORENSEN: Thank you.

FREDA ZAPPA: Thank you. (applause)

CHAIRMAN SORENSEN: Alright. The hearing is closed.

COMMISSIONER BUGBEE: I think you should let this man talk.

TRANSCRIPT - BOARD OF ZONING ADJUSTMENT MEETING - JUNE 26, 1986
ITEM 5 - V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

PAGE 23

CHAIRMAN SORENSEN: Oh, did he want to make one more statement?

BILL IVERSON: Yes, ma'am, I do.

CHAIRMAN SORENSEN: Alright.

BILL IVERSON: I kind of feel like I had a character assassination here tonight by this lady. First of all, I'd like to state one thing as far as Mr. Gross was concerned and his shouting match with me. Mr. Gross wrote a letter to our general partners who I'm in business with and did not have the courtesy to come and talk to me about it or anything.

CHAIRMAN SORENSEN: Well, let's talk about this problem.

BILL IVERSON: Well, they brought it out and I think I may have a chance to rebut that. I would like to ask one thing, for everybody in this audience stand up that's Villa Borega that I've shouted against. Have I shouted against any of my residents here?

JIM GROSS: No, not as a resident.

BILL IVERSON: And you know why, Mr. Gross, too. I would like to also state that we have other homes that have come into Villa Borega that were not new. Our policy has been new or new appearing. That has been the policy and this home conforms to that.

COMMISSIONER BUGBEE: Is this --

CHAIRMAN SORENSEN: But your thing says new.

BILL IVERSON: That is the second edition, sir.

COMMISSIONER BUGBEE: This is the second edition?

BILL IVERSON: I don't know. I cannot tell you.

COMMISSIONER BUGBEE: It doesn't say first or second on it.

CHAIRMAN SORENSEN: It says new homes.

COMMISSIONER BUGBEE: But on article 7, it says only new mobile homes will be permitted to move into any homesite in the community.

BILL IVERSON:

Does it say, further then that? What else does it say?

COMMISSIONER BUGBEE:

Or to be used as a replacement for a mobile home which is being moved from the community. Only double wide homes will be permitted, etc. to occupy double wide homesites. If the homesite is not large enough to accept a full double wide mobile home, but will accept a 20 wide mobile home, then only a 20 wide mobile home will be permitted, etc., etc. and there's nothing to say about a like new or used.

BILL IVERSON:

There was on the other one that we have.

COMMISSIONER BUGBEE:

Alright. Is everybody here aware that there's another one besides this?

FROM AUDIENCE.

No.

BILL IVERSON:

Well, we advertised that previously and you knew about that.

LAWRENCE CYGANEK:

I've only received one copy since I've been here. Just one copy.

COMMISSIONER BUGBEE:

Close the hearing.

CHAIRMAN SORENSEN:

Okay. We'll close the hearing now.

COMMISSIONER JUNIEL:

Madam Chairman, I believe that Greentree may have had good intentions to move their home over here and resell it. However, I feel that the manager of that park had the responsibility to inform Greentree of the law that affects moving a mobile home in expressly for the purpose of selling. I believe that the guidelines by which the manager insist that the tenants use is the guideline that must be followed even though it appears now that it's used only for convenience of one or the other. If they are to follow those guidelines, so is the manager; and for that reason, I'm going to move for DENIAL.

CHAIRMAN SORENSEN:

It's been DENIED. (Motion carried unanimously with Ashworth and Dixon excused.) The application has been DENIED. (applause)

END OF DISCUSSION

/s/

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

JOLLEY, URGAS, WIRTH & WOODBURY

00246

R. GARDNER JOLLEY
WILLIAM R. URGAS
ROGER A. WIRTH
BRUCE L. WOODBURY
JAY EARL SMITH

ANITA A. WEBSTER
DONALD E. BROOKHYSER
RANDALL M. RUMPH
STEPHANIE M. SMITH
TROY E. PEYTON

ATTORNEYS AT LAW
300 SOUTH FOURTH
SUITE 800
VALLEY BANK PLAZA
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 385-5161
TELECOPIER (702) 382-6814

BOULDER CITY OFFICE
1000 NEVADA HIGHWAY
SUITE 105
BOULDER CITY, NEVADA
89005
(702) 293-3674

July 9, 1986

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

Re: V-53-86; Village Borega Mobile Home Community

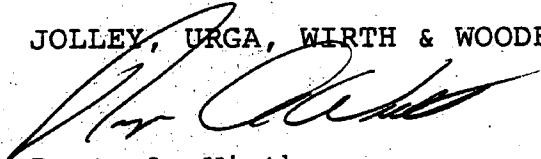
Dear Ms. Hawley:

My client, Villa Borega Mobile Home Community, has requested my assistance in presenting its case to the City Council regarding an appeal of certain action of the Board of Zoning Adjustment, No. V-53-86, which has been scheduled for hearing before the Council on Wednesday, July 16, 1986. I must be in San Francisco that date in connection with certain litigation and, although I have attempted to reschedule that meeting, I have been unable to do so. Unfortunately, other attorneys in my office are unable to appear in my presence.

I respectfully request, on behalf of Villa Borega Mobile Home Community, that the appeal hearing scheduled for July 16, 1986 be continued until the next regularly scheduled meeting of the City Council on August 6. Thank you for your consideration.

Yours very truly,

JOLLEY, URGAS, WIRTH & WOODBURY


Roger A. Wirth

RAW:jh

cy: Villa Borega Mobile Home Community
Councilman Ron Lurie
Councilman Al Levy
Councilman Bob Nolen
Council W. Wayne Bunker

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 1

MAYOR BRIARE:

The next item on Page 35 is V-53-86, an appeal filed by William Iverson on behalf of Villa Borega Mobile Home Community of the action of the Board of Zoning Adjustment when they denied the application for a variance to allow a mortgage company to sell an existing mobile home in a mobile home park where only a tenant-owned mobile home may be offered for sale. This is property located at 1111 North Lamb Boulevard. The Board of Zoning Adjustment's recommendation was for denial; the staff recommendation was for denial, and there were five protests. We have -- are you Mr. Iverson?

ATTY. RANDY RUMPH:

No, my name is Randy Rumph with the law firm of Jolley, Urga, Wirth and Woodbury, 300 South Fourth Street, representing Villa Borega Mobile Home Park and Mr. and Mrs. Iverson.

MAYOR BRIARE:

Just one moment, sir. I want you to know, and I want everyone else that has any interest in this particular appeal to know that we have the recording and all of the proceedings on this application before the Board of Zoning Adjustment Meeting. It's in our hands. So everybody that made any comments of public record at the meeting of June 26th, we have those and the Council members and myself have had an opportunity to review them. I mention this, counselors, so that you won't feel it necessary to reestablish everything that -- and let's see. You were representing them at the meeting?

ATTY. RANDY RUMPH:

I was not at that meeting, no, sir, but I have reviewed the transcript.

MAYOR BRIARE:

Was there someone from the firm -- pardon me?

ATTY. RANDY RUMPH:

I have reviewed the transcript.

MAYOR BRIARE:

Oh, okay, good. So you won't find it necessary to tell us again what's already in the transcript.

ATTY. RANDY RUMPH:

No, my comments will not address --

MAYOR BRIARE:

Great. You're the appellant. You get first crack.

ATTY. RANDY RUMPH:

This is our request for a variance to Ordinance No. 19.36.060. By way of background, I'd just like to say that Villa Borega Mobile Home Park received a request from Greentree Acceptance Corporation to move a home that they had repossessed into the mobile home park

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 2

ATTY. RANDY RUMPH:

to set it up for sale in the park. Now, Villa Borega Mobile Home Park has a very high standard for their mobile homes. They have a very good reputation in the community for keeping a well kept mobile home park, and so they were concerned about what the mobile home looked like. They went out and examined it, felt that it met their standards, okay'd it to be brought into the park by Greentree. Greentree, as I understand, has put approximately, or over \$13,000 worth of improvements on this mobile home. Subsequent to moving the mobile home into the park and putting a substantial amount of improvements on the home, Villa Borega received notice that they would need to comply with the ordinance I referred to a moment ago or request a variance, and they were told that they should request a variance, so at the request of the City they applied for this variance, so that's where we stood and it went to the Board of Zoning Adjustment and you read that transcript. As I said, Villa Borega has a very high standard for their mobile homes and they don't allow junkers or junk mobile homes to be moved into their mobile home community and throughout the transcript, as you probably read, there was referral to this mobile home as a junk mobile home, junker, that term was used. I have some pictures here of the mobile home as it sits.

COUNCILMAN LEVY:

What is your name, sir?

ATTY. RANDY RUMPH:

Randy Rumph.

COUNCILMAN LEVY:

Rumph?

ATTY. RANDY RUMPH:

Yes.

COUNCILMAN LEVY:

Okay, I see. Can I ask a quick question?

ATTY. RANDY RUMPH:

Sure.

COUNCILMAN LEVY:

Is your applicant -- is your people here today?

ATTY. RANDY RUMPH:

Yes, sir.

COUNCILMAN LEVY:

Can I ask them a question? Could you answer one question for me? Did you know it was against the law to put one of these on the property?

No, sir, we did not.

COUNCILMAN LEVY:

How come?

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00249

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 3

How come?

COUNCILMAN LEVY:

Yes.

MAYOR BRIARE:

They just didn't.

We asked Greentree Acceptance Corporation to secure the necessary permits to do so. They did consult the Building Department. We assumed the Building Department knows the law when they give you a permit and so we applied, approved on that basis.

COUNCILMAN LURIE:

Didn't the -- Who's Dan Bialon?

Pardon?

COUNCILMAN LURIE:

Dan Bialon, B-I-A-L-O-N, care of Greentree Acceptance.

He's our Regional Manager.

COUNCILMAN LURIE:

Well, too bad he's not here because he was sent a letter April 15, Certified Mail, explaining to him about this Code and about the law and you haven't done a thing about it since this letter was received.

BILL IVERSON:

The house came in the latter part of January.

COUNCILMAN NOLEN:

There was substantial -- I remember the whole situation very well. There is substantial problems with it and problems with it being put in and finally after much talking back and forth, a Cease and Desist Order was issued by the City, and you know, representations have been made by you, Counselor, that, you know, you want to comply with the law and in accordance with the law. On April 15 you were given ten days to remove that mobile home and it's still sitting there right now.

ATTY. RANDY RUMPH:

That's correct, sir.

COUNCILMAN NOLEN:

You were given ten days to move it. Why wasn't it moved?

ATTY. RANDY RUMPH:

It is my understanding that that home belongs to Greentree and they were noticed that they should move it within ten days and that notice was sent to Greentree Acceptance Corporation.

COUNCILMAN NOLEN:

And it still hasn't been moved. So much for respect of the law.

ATTY. RANDY RUMPH:

That is not correct. The City --

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 4

COUNCILMAN NOLEN: It's not correct that they were served this notice Certified Mail and one was hand delivered to them at my instruction?

BILL IVERSON: Sir?

COUNCILMAN NOLEN: This was delivered to Greentree Acceptance, Certified Mail. Prior to that a copy was hand delivered.

BILL IVERSON: We received a copy of it.

COUNCILMAN NOLEN: Yes, you did.

MAYOR BRIARE: Sir, just a minute. Now that you've come forward, please give us your name and your address.

BILL IVERSON: My name is Bill Iverson.

MAYOR BRIARE: Speak into the microphone, Mr. Iverson, so we can record you.

BILL IVERSON: My name is Bill Iverson and I'm co-owner, manager, of Villa Borega Mobile Home Park, and we did receive a letter and Greentree was -- if you also have the correspondence that we sent to Greentree and also a copy to the City Clerk's Office stating they had ten days and please remove the home. During that period of time the City hand carried to us, the Building Department, an application for a variance to apply that this house could stay, and we have done so.

COUNCILMAN NOLEN: But you didn't comply with the Order to remove it. Do you think that applying for a variance stop this?

BILL IVERSON: I didn't hand carry the application for the variance from the City. The City brought it to us.

COUNCILMAN NOLEN: Ashley, get Clay down here. I want to know why we went out there and asked them to do that.

ATTY. CHARLES DAMAS: The Council, please, my name is Charles Damas. I represent the real party in interest, so the speak, Greentree Acceptance Corporation. Greentree owns this mobile home and moved it into this park in January. They obtained the necessary building permits from the Building Department in their name as owners, so the City was aware that it was owned by Greentree and not by an actual person. They paid the permits. They put in all the awnings and skirting and spent \$13,000 on this. In the photographs that the Council

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 5

- ATTY. CHARLES DAMAS: has will show that it looks like the other coaches next to it. We did get the letter, as Councilman Nolen says, we did get the letter to remove the coach. I immediately responded to that letter to Mr. Hymer. Mr. Hymer responded to me and also the City Attorney's Office responded to me indicating they felt the ordinance was vague because -- this is the zoning ordinance we're talking about -- that this is the first enforcement that they know of of this particular provision and requested Villa Borega to make a variance application. It was not in Villa Borega's request to do this, or their idea, it was the City's.
- COUNCILMAN NOLEN: By the City I'd like you to clarify who you are talking about.
- ATTY. CHARLES DAMAS: Mr. Hymer's office.
- COUNCILMAN NOLEN: Mr. Hymer's office actually solicited you to go against our ordinance.
- ATTY. CHARLES DAMAS: Well, your ordinance does not allow you to tell who can own a home in there. It was totally beyond his authority to say to remove a coach. The ordinance says that there cannot be sale activity. It doesn't say you can't own property.
- COUNCILMAN NOLEN: As I understand, all this was done at the direction of the City Attorney's office.
- ATTY. CHARLES DAMAS: That's correct and I talked to a representative of the City Attorney's office and the City Attorney's office was faced with a dilemma. Either they would have to issue a citation. This man would have to go to court, or that we could apply for a variance, and it was their idea, together with the -- For clarification, the ordinance says prohibited use in a mobile home park is for dealers to be in that mobile home park, for multiple family uses to be in that mobile home park, or For Sale signs or For Sale activities, except that the tenant may sell his coach, okay. The ordinance is vague in the sense that, in this case, Greentree is the tenant. It rents the space from Villa Borega. Also, the City had knowledge of that at the time they approved the application. The other problem with that is that the ordinance was adopted to prevent the type of thing that this Council just

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 6

ATTY. CHARLES DAMAS: approved on the last application with Ron Richardson. It was adopted to prevent these type of dealer tie-in agreements where there would be a dealership right in front of a mobile home park and people to gain entrance in that mobile home park would have to buy a particular manufactured home --

COUNCILMAN LEVY: No, that's not why the ordinance was passed, sir. It's not because of a closed or open park that that ordinance was passed; that is wrong.

ATTY. CHARLES DAMAS: Well, I sat on -- I was one of the committee members in drafting that ordinance originally. I worked closely --

COUNCILMAN LEVY: What is the fact that Ron Richardson could have a closed park down there to deal with the used trailer, mobile home? Pardon?

ATTY. CHARLES DAMAS: I'm sorry.

COUNCILMAN LEVY: Do you want me to repeat the question?

ATTY. CHARLES DAMAS: Yes.

COUNCILMAN LEVY: What does a -- fact that a dealer like Ron Richardson has a closed park have to do with the fact that they can't sell used mobile homes?

ATTY. CHARLES DAMAS: Anybody can sell their own mobile home.

COUNCILMAN LEVY: True.

ATTY. CHARLES DAMAS: And Greentree wants to sell its own mobile home.

MAYOR BRIARE: Well, let's define then --

ATTY. CHARLES DAMAS: The tenant is not defined in the statute; that's the problem, nor is it defined in the other zoning statute dealing with mobile homes.

COUNCILMAN LEVY: Well, we're going to make a decision here pretty quick.

MAYOR BRIARE: You know -- that's -- folks --

ATTY. CHARLES DAMAS: We're just here in good faith. You asked us to be here for a variance application. If you grant it, that takes care of the problem. If you don't grant it, then I guess it will go through the courts. We're here in good faith. We moved the

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 7

ATTY. CHARLES DAMAS: park in. We didn't hide anything. We didn't leave it in the prior tenants name and use any kind of subterfuge, the prior owner who we repossessed it from. We got the zoning permit. We paid the money. We put a \$13,000 in setup fees, skirting, awning, painting, new carpet --

COUNCILMAN LEVY: It must have been a --

ATTY. CHARLES DAMAS: It's nice now. It wasn't too good at the time. It wasn't --

COUNCILMAN LEVY: It was good enough for his approval.

ATTY. CHARLES DAMAS: The tenants got upset because when they saw it come in it did look kind of like a junker, but now it doesn't.

MAYOR BRIARE: Mr. Damas and Mr. Rumph, let me just clarify something here. The thing that the City Council is going to be looking at here is whether the ordinance says under 19.36.060, Prohibited Uses: The following uses are expressly prohibited in the R-MHP District. So far we qualify. A. Display and/or sale of mobile homes, except the tenant may sell his mobile home residence. In my mind, my interpretation of that is if somebody who is a tenant is living in that mobile home, he may sell his mobile home. You're not a tenant, you're the owner of the thing, but you're a corporation and the corporation doesn't live in that particular unit. Now if this isn't so, if this isn't so, then we can go on discussing it, but if it is so, then the Council just has to make a decision, notwithstanding who asked you or who recommended you to do this or that because there might have been mistakes made all the way around. Maybe these mistakes are things that should have even more clarification than maybe they have right now. If we're going to argue semantics as to what is the definition of tenant, then let's find that out.

ATTY. RALPH RUMPH: That's correct. This is what I would like to address at this time. I have done some research into that area and in the Nevada Supreme Court as far back as 1887 indicates Dixon D. Ahern defined a tenant as someone who would fit Greentree's position in this matter. I think the law --

CITY ATTORNEY OGILVIE: Under the ordinance you cannot become a tenant for the purpose of selling a mobile home. The --

ATTY. RALPH RUMPH: The ordinance --

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA Page 8

MAYOR BRIARE: Wait a minute, just a minute. Mr. Ogilvie.

CITY ATTORNEY OGILVIE: I think I'm finished. The ordinance, as you pointed out, Mr. Mayor, is to allow a tenant that has been a tenant to sell his mobile home if he is forced to move or desires to move. It does not permit a person to become a tenant for the purpose of destroying his coach in that park.

MAYOR BRIARE: Mr. Damas and Mr. -- Runk?

ATTY. RANDY RUMPH: Rumph.

MAYOR BRIARE: R-U-M-P-H.

ATTY. RANDY RUMPH: Right.

MAYOR BRIARE: Mr. Rumph and Mr. Damas, I don't mean to belabor this. I think we're all belaboring it. If I am going to state this question right. The City Council is either going to agree or disagree with me. The matter before us, notwithstanding suggestions that our Building Department told you to do this or the Attorney's office told you to do that, right now as it stands right now, this mobile home is owned by Greentree and it's there for the purpose of a sale, a sale of that one, of that particular unit. You spent a lot of money getting it into --

ATTY. CHARLES DAMAS: Greentree is not a dealer. They don't own coaches. They just repossess when they finance.

MAYOR BRIARE: Now those facts are not disputed by anybody.

ATTY. CHARLES DAMAS: There is nothing hidden here, it's all on the table.

MAYOR BRIARE: Based on that you did what you felt you should do and came down and applied for a variance to allow it to stay there, is that correct?

ATTY. CHARLES DAMAS: Just until it's sold, yes.

MAYOR BRIARE: That might be never.

ATTY. CHARLES DAMAS: Right.

MAYOR BRIARE: You want a variance so that you could sell that particular mobile home.

ATTY. CHARLES DAMAS: Yes.

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 9

MAYOR BRIARE: Now no matter -- as I say, Mr. Ogilvie, I'm not trying to practice law here, but no matter -- whatever happened before, what is it before us right now? We've spent an awful lot of time on mobile homes this afternoon. What is it that's before us right now? Shall we allow them to stay there or shall we not?

CITY ATTORNEY OGILVIE: I think that's a question --

MAYOR BRIARE: All the legal parts of it here -- I'm not prepared to address myself to the legal question that you have.

ATTY. CHARLES DAMAS: I will say one thing. Staff did recommend approval on this matter, contrary to your opening remarks, Mr. Mayor.

COUNCILMAN NOLEN: Is that staff's recommendation at this time?

DEP. CITY MGR. BARTON: No.

COUNCILMAN NOLEN: What is staff's recommendation?

COUNCILMAN LURIE: My agenda says staff recommends denial, BZA recommends denial.

DEP. CITY MGR. BARTON: At the BZA, Mr. Mayor, staff that was making the recommendation from Planning was unaware that we had already sent out a letter telling them to vacate. They felt that a convenient and acceptable solution in a short range would be to ask for the variance. The home may sell in that period of time and either remain there as a full tenant or more out. Since it has not occurred and it was subsequently brought to our attention that they were unaware that they had been officially told to vacate and then advised that a variance acceptance could be applied for, it is still our recommendation for denial.

ATTY. CHARLES DAMAS: We're not trying to change what happens in the future. It's just we felt we got caught inbetween on this one. This is the first enforcement we know of the statute.

MAYOR BRIARE: And you're presenting all this, Mr. Damas, to convince us that you're right.

ATTY. CHARLES DAMAS: Well, there's some other --

MAYOR BRIARE: That's what you get paid to do --

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 10

ATTY. CHARLES DAMAS: Exactly.

MAYOR BRIARE: I think you're are very capably trying to do it. Mr. Iverson, kept wanting to say something. We're spending way too much time on this, unless the Council feels like it is that confusing.

BILL IVERSON: May I just make one statement, please?

MAYOR BRIARE: You're the appellant. As long as your attorney agrees.

BILL IVERSON: I'm a little confused on this myself because apparently what you are saying is that homes that are repossessed cannot stay in a park unless they are For Sale by a tenant. I currently have three homes that are repossessed by Nevada Savings and I have one by Clark County Credit Union. Now are we going to have to move those homes out and then does this apply to every park in Las Vegas? I'd like to have clarification on that.

ATTY. CHARLES DAMAS: That is the problem. If we take that narrow interpretation, unless we actually amend the ordinance, and I think it needs to be clarified, it would be punitive to apportion a mobile home owner who gets down on his luck and gets his mobile home repossessed. If that mobile home then must be removed from that park, it is going to depreciate \$5,000 and that person --

CITY ATTORNEY OGILVIE: That's not the situation you have here. Don't try to confuse the Council it is.

ATTY. CHARLES DAMAS: I'm not saying that. I'm saying is that --

CITY ATTORNEY OGILVIE: Your client moved the coach in question into the park in contemplation of a sale. It's not a question of repossessing an in-place coach.

ATTY. CHARLES DAMAS: What I'm saying though is, if a tenant is defined as a resident and not as a mortgage company who pays the space, then any coach that is repossessed that's already been in that park would be illegal also.

MAYOR BRIARE: That's speculation. If everybody would confine their remarks to the exact thing that we have before us, we wouldn't get into all this speculation about what if. What if something, what if that. Let's talk about what's right

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 11

MAYOR BRIARE: here before us.

ATTY. CHARLES DAMAS: I'm sorry, Mr. Mayor. I thought it was pertinent to the practical effects of what the definition you adopt. I just would feel that as for this one time only Greentree will never do this again. We shouldn't be penalized for this kind of, you know, expense. We moved it in good faith openly.

COUNCILMAN NOLEN: I would suggest you should have been aware of the ordinance before you moved it in. If there's any penalty, it's your own fault for not being aware of what the ordinance says and you've just told us that you were on the Committee that adopted this ordinance, or brought up this ordinance, and you know, you should have been aware.

ATTY. CHARLES DAMAS: Well, I didn't represent Greentree at the time. I'll just say this is a zoning ordinance and Greentree, you know, is a mortgage company. They weren't concerned with the zoning ordinance. That was a matter for the mobile home park and the mobile home park relief upon the fact that Greentree obtained all the necessary permits in Greentree's name. They simply didn't look for the zoning ordinance in dealing with trying to sell some repossessed property.

COUNCILMAN NOLEN: During the period of time that this variance has been applied for between the time the Cease and Desist was served and now, has that been shown For Sale?

ATTY. CHARLES DAMAS: Very limitly because of the situation.

COUNCILMAN NOLEN: It has been shown?

ATTY. CHARLES DAMAS: We got a letter from Clay Hymer later that said, do not put any For Sale signs on it so none have been put on it.

COUNCILMAN NOLEN: But have you been taking people to it and trying to sell it there in violation of the law?

ATTY. CHARLES DAMAS: The law says you can't have sale activities within the park. It is listed among all dealers, but it is not -- we're not having any sales activity within the park.

COUNCILMAN NOLEN: Has anybody gone to that park and looked at that mobile home?

ATTY. CHARLES DAMAS: I'm sure they have, but only in answer to solicita-

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 12

ATTY. CHARLES DAMAS: tions that occurred outside the park. Otherwise, the ordinance deals with sale activity within the park.

COUNCILMAN NOLEN: It is not showing the mobile home as sales activity? I have one question, Mr. Hymer.

ATTY. CHARLES DAMAS: It has to be showed --

COUNCILMAN NOLEN: But right now the law says you can't sell it. Why are you still trying to sell it in violation of the law? You don't have a variance. You don't have -- you have no right to be doing anything --

ATTY. CHARLES DAMAS: Why is the City telling us to move it out? The City has no right to do that?

COUNCILMAN NOLEN: Yes, we do. We have an ordinance that says you can't do it

ATTY. CHARLES DAMAS: The ordinance says we can't sell it, not that we can't own it.

COUNCILMAN NOLEN: It's there For Sale. Clay, I'd like to ask you, did you solicit this variance request?

CLAY HYMER, DIRECTOR
BUILDING & SAFETY: No, sir. As I can determine, Council, what happened is in going to the Attorney's Office to attempt to resolve what was legally right and legally wrong with that mobile home there, the question was asked, was there a right for them to apply for a variance? In a memo that was written here to Mr. Barton from my office, it states that she had talked to Atty. Damas and advised Mr. Damas that the Attorney had stated there was a right for appeal, a variance. I don't believe she solicited it. She merely reported to him that there was that right.

COUNCILMAN NOLEN: There has been statements made by these gentlemen right here, Clay, that you personally hand carried, or your office, hand carried documents to them to file the request for a variance, is that true?

CLAY HYMER, DIRECTOR
BUILDING & SAFETY: Not to my knowledge.

ATTY. CHARLES DAMAS: Mr. Hunter did.

COUNCILMAN NOLEN: Would you find that out for me?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 13

CLAY HYMER, DIRECTOR,
BUILDING AND SAFETY:

I'll find that out, yes.

COUNCILMAN LURIE:

What do the CC&R's of the park say about it?

BILL IVERSON:

We don't have any CC&R's, sir.

COUNCILMAN LURIE:

You don't have any CC&R's?

BILL IVERSON:

No. We have Rules and Regulations and the rules on the park says that the home must be new, new appearing, or at the discretion of the manager and I assume that in all good faith, discretion of the manager means that he has the ability to approve or disapprove a house that comes into the park, not my residents.

MAYOR BRIARE:

Folks, many of you were -- raised your hands at one of the previous applications there. Are you also here on this particular application, yes? Well, -- thank you very much. There are even more on this one than there were on the other one. I want to move along on this. I think we're belaboring some points that maybe there is a little bit of guilt and a little bit of innocence on both sides. Now, Shelley, just a minute now. Shelley, your testimony went four pages. Do you realize that? For a lovely housewife and a mother, not practicing law any more, boy you sure did pretty good. Well, now folks. (Clapping) I don't know, the way I'm hearing this is there might be some guilt and innocence on both sides, one side being the City and the other side being the Greentree and the Villa Borega. I'm not trying to be -- who is the Municipal Judge on TV, the best report and all that? I'm not trying to do that. I think there's an opportunity to hear, with a little understanding on both sides, to resolve the thing. There might be room for confusion in our own ordinance. There might have been an effort to serve the public by a department of this City and that is to say, look, there has been a goof up of some sort here. Come on down and let's see if we can't straighten it out. That's what we're here for. We're here to straighten things out. I wish that the Council would consider allowing perhaps a 60 day allowance to get that trailer out of there, but to tell them today after they went ahead and did, I suppose in good faith, Counselor, I'm not going to argue long with you, but you and George do that, you did certainly do something in good faith to try to -- I don't know whether you are using that as a model and you're bringing customers in there and say, "that's what we will sell you and you can go over there somehow or you can go down here

LAS VEGAS CITY JUL 16, 1986
COUNCIL MINUTES

00260

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 14

MAYOR BRIARE: somewhere."

ATTY. CHARLES DAMAS: No, Greentree is not a dealer.

MAYOR BRIARE: Don't push me, I mean, don't change my mind. I think if you would allow them to have 60 days to get it out, then they could recoup their costs because whoever they sell it to?

COUNCILMAN LEVY: They are not trying to get it out. They are trying to sell it to a guy to live there.

MAYOR BRIARE: You're not catching my point, Councilman Levy. My point is to have some understanding that there is a problem that perhaps there are two sides to and that is to allow them 60 days. They've been there doing this for a number of days. To allow them 60 days to get it out and the matter is concluded.

COUNCILMAN LURIE: My concern is that we set a precedent and open it up for other parks to do the same.

MAYOR BRIARE: That's why we want to --

COUNCILMAN LURIE: I think they circumvented the law, or they skirted around it, and I particularly don't like the way the whole thing was presented.

COUNCILMAN NOLEN: I have talked with our legal advisor and he feels that our ordinance is sound and we're on good grounds with it and I feel that back -- at the very least, back on April 15 when the Cease and Desist was served, something should've happened. They were given ten days and nothing happened and we're sitting here, the 16th of July.

MAYOR BRIARE: Shelley, you can comment. You know, there's at least three that feel about that way.

ATTY. SHELLEY BERKLEY: Yes. I just wanted to get my name on record and ask if there were any questions that I could answer to help clarify. There were some serious misrepresentations by Counsel on the other side and if you need clarification, I would be delighted at this time to briefly do that.

COUNCILMAN LEVY: We don't need any clarification.

ATTY. SHELLEY BERKLEY: In that case, we'll stand on the record.

MAYOR BRIARE: Okay, thanks, Shelley. How have you been?

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA Page 15

ATTY. SHELLEY BERKLEY: Well, as a housewife and mother I'm doing well. Thank you.

MAYOR BRIARE: You might be doing alright as an attorney. Any comments by the Council members? The hearing is closed. What is the pleasure of the Board?

COUNCILMAN NOLEN: Your Honor, I have a motion. This is an appeal on behalf of Villa Borega. I WOULD MOVE THAT WE DENY THE APPEAL AND UPHOLD THE ACTION OF THE BOARD OF ZONING ADJUSTMENT AND STAFF RECOMMENDATION.

MAYOR BRIARE: Are there any questions or comments by the Board?

COUNCILMAN LEVY: I'd just like to make neither, it's not a question, it's a comment. Ashley, would you please notify our Business Activity that when an applicant or a person comes in who is acquiring a mobile home park and comes in for a business license that they get a copy of our ordinance. It seems like this gentleman didn't -- the owner of that last mobile home park did not have a copy of the ordinance and was basically didn't realize that he was not allowed to do that, but I think that from now on -- and make sure that every existing mobile home park owner at this time has a copy so we don't have that as an excuse why something has happened.

MAYOR BRIARE: Any other comments? I'm going to vote "No" on this because I feel that they should've had 60 days to resolve it because I think there's a little bit of correctness on both sides. Any other comments?

COUNCILMAN NOLEN: AND AS A PART OF THAT MOTION, I WOULD ADD THAT WE GIVE THEM THE 10 DAYS THAT WE GAVE THEM ON APRIL 15 TO DO SOMETHING.

COUNCILMAN BUNKER: To sell it or move it?

COUNCILMAN NOLEN: TO SELL IT OR MOVE IT. I think that's reasonable.

COUNCILMAN BUNKER: I would've thought, Your Honor, 30 days, but I think 10 or 15 days under the circumstances is probably sufficient to sell it or move it.

ATTY. SHELLEY BERKLEY: Your Honor, members of the Board, my client has asked me to step up in haste and ask you to reconsider that part of the motion. We have clear and convincing evidence that they, in fact, knew that this was in violation of the ordinance when they moved it in and assumed that they could get a variance

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IX-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

Page 16

ATTY. SHELLEY BERKLEY: immediately. If we permit them to sell it, we are still permitting them to sell a junker that is not compatible with the existing homes and let me tell you in their own admission that they put \$13,000 into this home. I mean, you give me \$13,000 even I could look good. No matter what, they are putting in \$13,000 in an old mobile home in order to cosmetically make it look feasible for that area. You cannot, for \$13,000 or \$100,000, change this.

COUNCILMAN NOLEN: You know, we can't have staff run out there tomorrow and citing them. I don't think that's reasonable.

ATTY. SHELLEY BERKLEY: I agree with you 100%, but --

COUNCILMAN NOLEN: That's what I'm saying as far as the 10 days I put on there, we originally gave them back then. I don't want staff to be running out there starting to issue citations immediately, but I would say after the 10 days, if it's still there, --

MAYOR BRIARE: Shelley, at the moment --

COUNCILMAN NOLEN: I don't think we can dictate that to them.

COUNCILMAN LEVY: They can take it out and sell it, but these people could accept it again and your clients or friends have no choice. They don't make the decision. They don't get to vote on allowing this back into their park.

ATTY. SHELLEY BERKLEY: Well, that's true, but it did say "in excellent condition." I know what he --

COUNCILMAN LEVY: But that's what he says. All I'm saying is, he's going to have to -- the guy who is going to make that decision if that mobile home is allowed back in his park has already made that decision with his comments here today, that's what I'm telling.

ATTY. SHELLEY BERKLEY: I see what you're saying, Councilman. Yes, alright, Councilman, but I would urge that they get it out of the park, rather than sell it, so we don't have this problem again. Thank you very much.

MAYOR BRIARE: Does your motion hold, Bob? Do you want to include that 10 days?

COUNCILMAN NOLEN: The 10 days that I think is reasonable to the point of enforcement of the ordinance.

MAYOR BRIARE: Okay. Comments on the motion. Cast your vote.

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

TRANSCRIPT - LAS VEGAS CITY COUNCIL MEETING - JULY 16, 1986
IV-G - V-53-86 - APPEAL FILED BY WILLIAM C. IVERSON ON BEHALF OF
VILLA BOREGA MOBILE HOME COMMUNITY TO THE DENYING ACTION OF THE BZA

00263

Page 17

COUNCILMAN LURIE: Does the attorney feel comfortable with this?

COUNCILMAN BUNKER: How about the sale within 10 days? Mr. Levy and I have a question on that, whether, move or sell in 10 days.

COUNCILMAN LEVY: That's what he said.

COUNCILMAN BUNKER: Okay.

COUNCILMAN LURIE: Is that the way the motion is, Carol? Either sell or remove.

CITY CLERK CAROL HAWLEY: Yes.

COUNCILMAN NOLEN: I'm not sure we can stop them legally from selling it if they want to. The decision rests with -- there's no further decision. The decision rests with the park manager, as he stated before us, if they moved it out and 30 days later sold it to me and I decided that I wanted to put it back in there, I don't think anybody could stop me anyway, except the gentleman there, so I think that part of it would be moot and I think it would cloud the whole issue and perhaps give them recourse to a higher authority.

MAYOR BRIARE: Is the motion clear to the Council members? Are you ready to vote? Cast your votes. Post. Motion is APPROVED.

(Motion carried unanimously)

END OF DISCUSSION

MAYOR BILL BRIARE

COUNCILMEN
RON LURIE
AL LEVY
BOB NOLEN
W. WAYNE BUNKER

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
ASHLEY HALL

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00264

CITY of LAS VEGAS



NOTICE OF PUBLIC HEARING

JULY 16, 1986

NOTICE IS HEREBY GIVEN THAT on Wednesday, July 16, 1986, at the hour of 2:00 P.M., in the Council Chambers, City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following:

V-53-86

APPEAL filed by WILLIAM C. IVERSON on behalf of VILLA BOREGA MOBILE HOME COMMUNITY of the action of the Board of Zoning Adjustment in DENYING their application for a Variance to allow a mortgage company to sell an existing mobile home in a mobile home park, where only a tenant-owned mobile home may be offered for sale, on property located at 1111 North Lamb Boulevard (southeast corner of Lamb Boulevard and Monroe Avenue), in Zoning District R-MHP.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF THE SOUTH HALF (S $\frac{1}{2}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 62 EAST, M.D.B.&M.

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

CAROL ANN HAWLEY
CITY CLERK



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

City of Las Vegas

00265

July 16, 1986

Page 36

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

ITEM	Council Action	Department Action

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

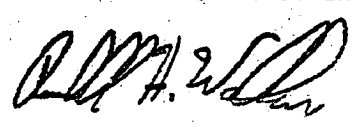
H. PUBLIC HEARING on advisability of granting Misco, Inc., a franchise to operate a community antenna television system in the City of Las Vegas.

Abeyance noted

7/18/86 Recessed Meeting

NOTE: This item was held in abeyance until the July 18, 1986 Recessed City Council meeting.

APPROVED AGENDA ITEM



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00266

City of Las Vegas

July 16, 1986

Page 37

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

ITEM

Council Action

Department Action

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

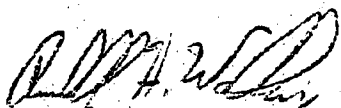
- I. PUBLIC HEARING on advisability of granting Valley Communications, Inc., a franchise to operate a community antenna television system in the City of Las Vegas.

Abeyance noted

7/18/86 Recessed Meeting

NOTE: This item was held in abeyance until the July 18, 1986 Recessed City Council meeting.

APPROVED AGENDA ITEM



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 1 8 1986

00267

July 16, 1986

City of Las Vegas

Page 38

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

The items listed below, where appropriate, have been reviewed by the various City departments relative to requirements for storm drainage and flood control, connection to sanitary sewer, traffic circulation, and building and fire regulations. Their comments and/or recommendations and requirements have been incorporated into the action.

In addition, all items shall conform to the following standard conditions:

ZONING APPLICATIONS:

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 system 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.
5. Satisfaction of City Code requirements and design standards of all City departments.

APPROVED AGENDA ITEM

Lucy L. Burton

AGENDA

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00268

City of Las Vegas

July 16, 1986

Page 39

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

6. Approval of the parking and driveway plans by the Traffic Engineer.
7. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development of the Department of Community Planning and Development.
8. Provision of fire hydrants and water flow as required by the Department of Fire Services.

SUBDIVISION APPLICATIONS:

Tentative Maps:

1. Approval of the tentative map shall be for no more than twelve months. If a final map is not recorded on all or a portion of the area embraced by the tentative map within twelve 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.

APPROVED AGENDA ITEM

Lucy K. Burton

AGENDA

City of Las Vegas

July 16, 1986

Page 40

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

VACATION APPLICATIONS:

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

VARIANCE AND USE PERMIT APPLICATIONS:

1. Conformance to the plot plan and elevations.
2. Satisfaction of City Code requirements and design standards of all City departments.

APPROVED AGENDA ITEM

Larry R. Burton

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00270

City of Las Vegas

July 16, 1986

Page 41

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

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

1534 *A. ACCEPTANCE OF SUBDIVISION IMPROVEMENTS

1. Executive Park

Property generally located on the south of
Charleston Boulevard, east of Rainbow
Boulevard, 4.08 acres, 11 lots, P-R Zone.

2. The Bluffs Unit 1

Property generally located south of Mariner
Cover Drive, west of Crystal Water Way,
11.7 acres, 44 lots, R-CL Zone.

3. The Bluffs Unit 2

Property generally located south of Lake
North Drive, west of Crystal Water Way,
11.9 acres, 66 lots, R-CL Zone.

Levy -
APPROVED Items A.1,
A.2, A.3, B.1 & C.1
as recommended.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

Lucy K. Burton

TO: The City Council
RE: Community Planning and Development Agenda Item
July 16, 1986 City Council Agenda

*A. ACCEPTANCE OF SUBDIVISION IMPROVEMENTS

1. Executive Park
2. The Bluffs Unit 1
3. The Bluffs Unit 2

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

Staff Recommendation: APPROVAL - subject to completion of the improvements correction list


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

AGENDA

City of Las Vegas

July 16, 1986

Page 42

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

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

B. ENCROACHMENT REQUEST

1. J. Emmett Sullivan - 1106 E. Chapman Dr.

Request for an encroachment to allow
landscaping in the public right-of-way at
1106 Chapman Drive.

Staff recommendation: APPROVAL

Levy -
APPROVED Items A.1,
A.2, A.3, B.1 & C.1
as recommended.
Unanimous

Staff to proceed

APPROVED AGENDA ITEM

Larry K. Burton

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

TO: The City Council
RE: Community Planning and Development Agenda Item
July 16, 1986 City Council Agenda

00273

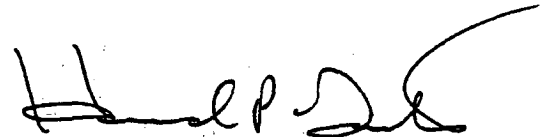
X.

B. ENCROACHMENT REQUEST - J. EMMETT SULLIVAN

The request is to allow landscaping between the sidewalk and curb at 1106 Chapman Drive. The landscaping will consist of lawn and trees and is in conjunction with the expansion of a used car lot facility. The owner has signed the encroachment agreement relative to conditions of liability, maintenance and removal.

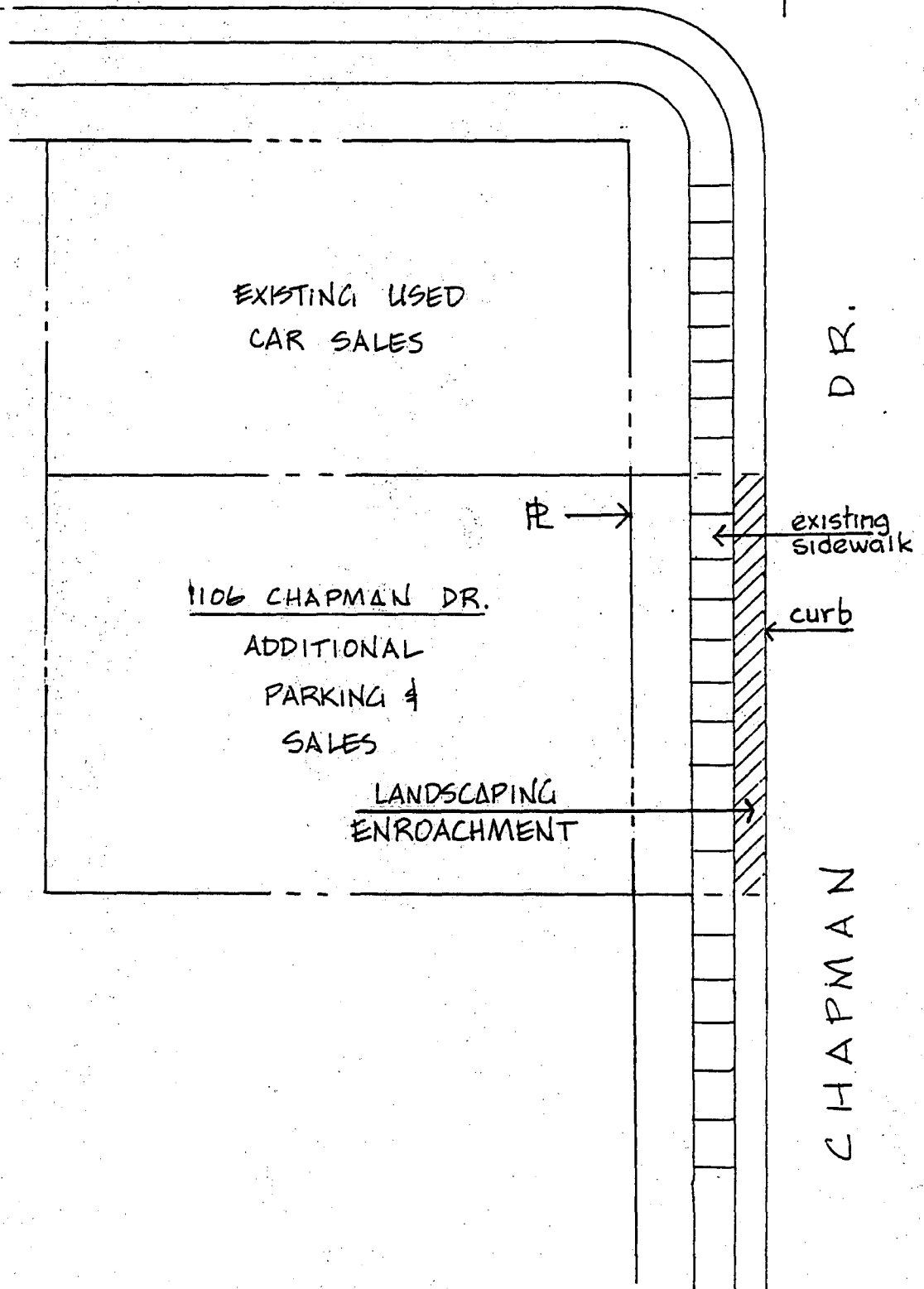
Staff recommendation: APPROVAL

SEE ATTACHED LOCATION MAP



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

CHARLESTON BLVD.



END A

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00275

City of Las Vegas

July 16, 1986

Page 43

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

ITEM

Council Action

Department Action

COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

AESTHETIC REVIEW

1. AR-7-86 - Thunderbird Hotel

Request for an aesthetic review of a new exterior facade for the proposed Thunderbird Hotel at 1213 Las Vegas Boulevard South, in Zoning District C-2.

Planning Commission unanimously recommended APPROVAL, subject to:

1. Conformance to the plot plan and elevations.

Staff Recommendation: APPROVAL

Levy -
APPROVED Items A.1,
A.2, A.3, B.1 & C.1
as recommended.
Unanimous

Clerk to notify &
Planning to proceed

APPROVED AGENDA ITEM

Larry B. Burton

LAS VEGAS CITY
COUNCIL MINUTES

JUL 16 1986

00276

TO: The City Council
RE: Community Planning and Development Agenda Item
July 16, 1986 City Council Agenda

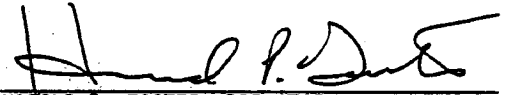
X.

C. AR-7-86 - THUNDERBIRD HOTEL

The request is for an aesthetic review of a new exterior facade for the proposed Thunderbird Hotel at 1213 Las Vegas Boulevard South in a C-2 zone. A former hotel and casino operation existed on the property under the name of the Lotus Inn. The property is being totally renovated and there will be a wedding chapel, 294 hotel rooms and casino with a new addition for a buffet style restaurant. According to the applicant, Chris Karamanos, movie actor Bert Reynolds will be a co-owner of this facility. The new facade will have a southwestern pueblo theme which is aesthetically attractive and there will be landscaping along the street frontage.

Planning Commission recommendation: APPROVAL

Staff recommendation: APPROVAL



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

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

City of Las Vegas

00277

July 16, 1986

Page 44

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

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

D. REQUEST TO RESCIND ZONING ACTION - Z-36-86 -
JOSEPH M. FOLEY

Request for reclassification of property
located on the north side of Oakey Boulevard,
between Arville Street and Hinson Street.

From: R-E (Residence Estates)

To: R-1 (Single Family Residence)

Proposed Use: Single Family Residential

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

1. Resolution of Intent with a twelve month
time limit.
2. Conformance to the plot plan.

Staff Recommendation: DENIAL - contrary to
the adjacent R-E pattern

PROTESTS: 1

PREVIOUS ACTION: At the June 16, 1986 City
Council meeting, LURIE moved to DENY; motion
carried with MAYOR voting NO.

Levy -
APPROVED request
Unanimous

Clerk to notify
8/6/86 Agenda

Planning to notify
surrounding property
owners.

APPROVED AGENDA ITEM

Levy H. Burton

LAS VEGAS CITY JUL 16 1986
COUNCIL MINUTES

00278 x.

TO: The City Council
RE: Community Planning and Development Agenda Item
July 16, 1986 City Council Agenda

D. REQUEST TO RESCIND ZONING ACTION - Z-36-86 - JOSEPH M. FOLEY

This item was placed on the agenda at the request of Councilman Levy for the Council to consider rescinding its previous denial action for R-1 zoning on property on the north side of Oakey Boulevard, between Arville Street and Hinson Street. The site is presently zoned R-E and the applicant is proposing to subdivide the property into eight single family residential lots on a cul-de-sac off Oakey Boulevard. This site abuts developed R-E to the east, north and west. There is developed R-1 to the south across Oakey Boulevard as well as the Vegas Verdes Elementary School to the southeast. R-1 zoning exists further east and west on the north side of Oakey Boulevard, but staff pointed out at the Planning Commission meeting that since this parcel was adjacent to R-E on three sides, it should be developed on an R-E basis for four lots.

The Planning Commission and staff recommendations indicated below are on the previous action.

Planning Commission Recommendation: APPROVAL - compatible zoning

Staff Recommendation: DENIAL - contrary to the adjacent R-E zoning pattern

PROTESTS: 1 (letter)

PREVIOUS ACTION: At the June 18, 1986 City Council meeting, LURIE moved to DENY; motion carried with Mayor voting no.

SEE ATTACHED LOCATION MAP

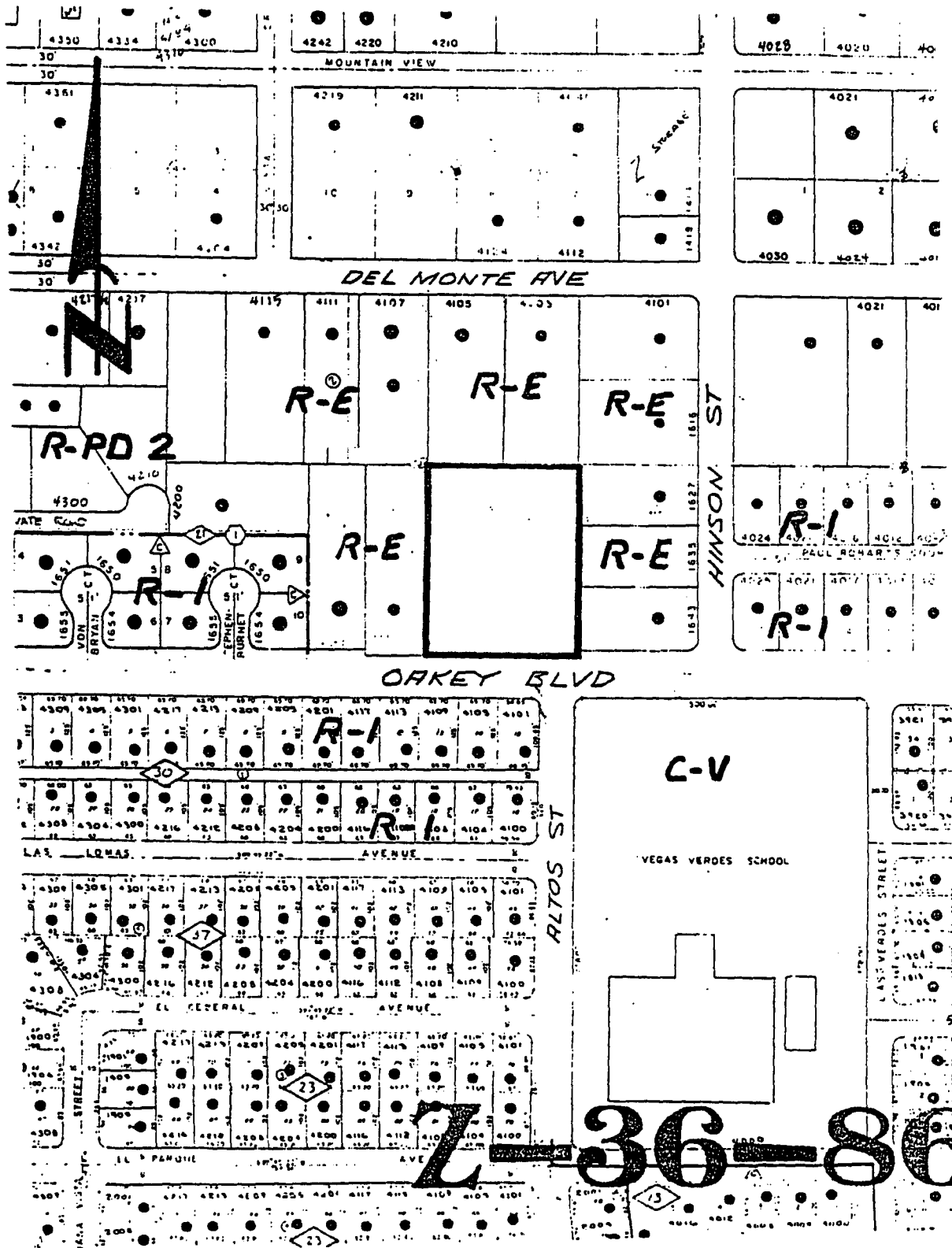


HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

**LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986**

00279

LOCATION MAP - ITEM X.D. Z-36-86 - JOSEPH M. FOLEY



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

City of Las Vegas

00280

July 16, 1986

Page 45

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

ITEM

Council Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

E. SET DATE ON ANY APPEALS FILED OR REQUIRED
PUBLIC HEARINGS FROM THE BOARD OF ZONING
ADJUSTMENT MEETING HELD ON JUNE 26, 1986.

V-52-86

8/6/86 Agenda

VAC-13-86

8/6/86 Agenda

APPROVED AGENDA ITEM

Larry L. Burton

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

00281

City of Las Vegas

July 16, 1986

Page 46

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

ITEM

Council Action

Department Action

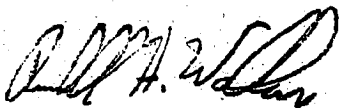
XI. ADDENDUM ITEMS

III. DEPARTMENT OF BUSINESS ACTIVITY

STRICKEN FROM AGENDA

- J. DISCUSSION OF ENTERTAINMENT POLICY
OF THE COURTHOUSE, 5720 W. CHARLESTON.
See Page 8 - Addendum No. 1

APPROVED AGENDA ITEM



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 16 1986

City of Las Vegas

00282

July 16, 1986

Page 47

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

ITEM

Council Action

Department Action

XII. CITIZENS PARTICIPATION

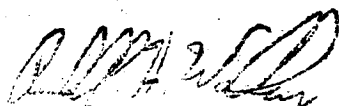
Items raised under this portion of the Agenda cannot be acted upon by the City Council until the notice provisions of the Open Meeting Law have been complied with. Therefore, action on such items will have to be considered at a later date.

NONE

NONE

MEETING ADJOURNED AT 3:35 P.M.

APPROVED AGENDA ITEM



AFFIDAVIT OF MAILING

00283

(Mailing required under the provisions of A. B. 437, NRS CHAPTER 241)

STATE OF NEVADA)
COUNTY OF CLARK) ss

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 11th day of July, 1986, a copy of an AGENDA (NOTICE), the attached of which is a true and correct copy, of a Recessed Meeting of the L.V. City Council, to be held on the 18th day of July, 1986, 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

11th day of July, 1986

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

My Commission expires: 3-15-90



JUL 16 1986

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS CHAPTER 241)

00284

STATE OF NEVADA)
COUNTY OF CLARK) ss

Joanne Perry, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 11th day of July, 1986, at the hour of 9:30 Am, there were posted copies of a NOTICE, the attached of which is a true and correct copy of an Recessed Meeting of the L.V. City Council to be held on the 18th day of July, 1986, in the City Council Chambers, 400 E. 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;
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

11th day of July, 1986

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

My Commission expires: 3-15-90



City of Las Vegas

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

00285

The Las Vegas City Council will hold a Recessed Meeting on July 18, 1986, to consider the items listed below. The Council will meet in the Council Chambers, City Hall Complex, 400 East Stewart Avenue, Las Vegas, Nevada beginning at 8:30 A.M. (Meeting was recessed to this time certain at the July 2, 1986 City Council Meeting.)

AGENDA

1. BILL NO. 86-22 - AMENDS THE CABLE TV ORDINANCE (SECOND AMENDMENT).
2. PUBLIC HEARING ON ADVISABILITY OF GRANTING MISCO, INC., A FRANCHISE TO OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF LAS VEGAS.
3. PUBLIC HEARING ON ADVISABILITY OF GRANTING VALLEY COMMUNICATIONS, INC. A FRANCHISE TO OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF LAS VEGAS.
4. APPROVAL OF FRANCHISE FOR MISCO, INC., TO OPERATE A COMMUNITY ANTENNA TELEVISION SERVICE.
5. APPROVAL OF FRANCHISE FOR VALLEY COMMUNICATIONS, INC., TO OPERATE A COMMUNITY ANTENNA TELEVISION SERVICE.
6. BILL NO. 86-23 - GRANTS MISCO, INC. A FRANCHISE TO OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM.
7. BILL NO. 86-24 - GRANTS VALLEY COMMUNICATIONS, INC. A FRANCHISE TO OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM.

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 18, 1986

00286

City of Las Vegas

RECESSED MEETING
July 18, 1986

Page 1

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

ITEM

Council Action

Department Action

840
to
1002
1014

1. BILL NO. 86-22 - AMENDS THE CABLE TV
ORDINANCE (SECOND AMENDMENT).
Committee: Councilmen Nolen and Lurie

First Publication: Review-Journal - 6/23/86

Committee Recommendation:

Referred to the City Council as a whole at
the July 2, 1986 meeting.

ABEYANCE

7/21/86 Recessed
Meeting at 8:30 P.M.

See transcript
for appearances

Note: Verbatim transcript made part
of Final Minutes.

APPROVED AGENDA ITEM

[Signature]

AGENDA

LAS VEGAS CITY JUL 18, 1986
COUNCIL MINUTES

City of Las Vegas

00287

RECESSED MEETING
July 18, 1986

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

Page 2

ITEM

Council Action

Department Action

1039

2. PUBLIC HEARING on advisability of granting Misco, Inc., a franchise to operate a community antenna television system in the City of Las Vegas.

Levy -
ABEYANCE Items 2
and 3.
Unanimous

7/21/86 Recessed
Meeting at 8:30 P.M.

NOTE: Verbatim transcript made part
of Final Minutes.

APPROVED AGENDA ITEM

W. H. 2. 1986

AGENDA

City of Las Vegas

RECESSED MEETING
July 18, 1986

Page 3

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

ITEM

Council Action

Department Action

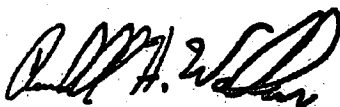
3. PUBLIC HEARING on advisability of granting Valley Communications, Inc., a franchise to operate a community antenna television system in the City of Las Vegas.

Levy -
ABEYANCE Items 2
and 3.
Unanimous

7/21/86 Recessed
Meeting at 8:30 P.M.

NOTE: Verbatim transcript made part
of Final Minutes.

APPROVED AGENDA ITEM



AGENDA

LAS VEGAS CITY
COUNCIL MINUTES

JUL 18 1986

00289

City of Las Vegas

RECESSED MEETING
July 18, 1986

Page 4

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

ITEM

Council Action

Department Action

4. Approval of Franchise for Misco, Inc., to operate a community antenna television service.

ABEYANCE

7/21/86 Recessed
Meeting at 8:30 P.M.

NOTE: Verbatim transcript made part of
Final Minutes.

5. Approval of Franchise for Valley Communications, Inc., to operate a community antenna service.

ABEYANCE

7/21/86 Recessed
Meeting at 8:30 P.M.

NOTE: Verbatim transcript made part
of Final Minutes.

APPROVED AGENDA ITEM

W. H. W. L. S.

AGENDA

City of Las Vegas

RECESSED MEETING
July 18, 1986

Page 5

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

ITEM

Council Action

Department Action

6. BILL NO. 86-23 - GRANTS MISCO, INC. A
FRANCHISE TO OPERATE A COMMUNITY ANTENNA
TELEVISION SYSTEM.

Committee: Councilmen Nolen and Lurie

First Publication: Review-Journal - 6/23/86

Committee Recommendation:

Referred to the Council as a whole at the
July 2, 1986 meeting.

ABEYANCE

7/21/86 Recessed
Meeting at 8:30 P.M.

NOTE: Verbatim transcript made part
of Final Minutes.

7. BILL NO. 86-24 - GRANTS VALLEY COMMUNICATIONS
INC., A FRANCHISE TO OPERATE A COMMUNITY
ANTENNA TELEVISION SYSTEM.

Committee: Councilmen Nolen and Lurie

First Publication: Review-Journal - 6/23/86

Committee Recommendation:

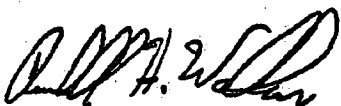
Referred to the Council as a whole at the
July 2, 1986 meeting.

ABEYANCE

7/21/86 Recessed
Meeting at 8:30 P.M.

NOTE: Verbatim transcript made part
of Final Minutes.

APPROVED AGENDA ITEM



AGENDA DOCUMENTATION

TO: The City Council

FROM: *James A. Caplin*
CITY ATTORNEY

SUBJECT: Bill No. 86-23 -- Grants Misco, Inc., a Franchise to Operate Community Antenna Television System

PURPOSE/BACKGROUND

Section 2.330 of the City Charter authorizes the City to grant television franchises, and Section 7.050 of the Charter requires that the City Council adopt an ordinance in order to grant such a franchise to a particular applicant. Attached is the proposed ordinance which must be adopted by the City Council if it desires to grant a franchise for the construction, installation and operation of a community antenna television system to Misco, Inc.

It should be noted that the ordinance incorporates by reference the terms and conditions of the proposed franchise agreement between the City and Misco, Inc. Thus, this ordinance should be adopted subsequent to the approval of that agreement by the City Council and the authorization of the Mayor to execute the same. Both of these actions may take place at the meeting of the City Council which will be held on Wednesday, June 4, 1986.

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. - I

City of Las Vegas

LAS VEGAS CITY JUL 18 1986
COUNCIL MINUTES

AGENDA DOCUMENTATION

00292
Date: May 1, 1986

TO: The City Council

FROM: *James F. Quinn*
CITY ATTORNEY

SUBJECT: Bill No. 86-24 -- Grants Valley Communications, Inc., Franchise
to Operate Community Antenna Television System

PURPOSE/BACKGROUND

Section 2.330 of the City Charter authorizes the City to grant television franchises, and Section 7.050 of the Charter requires that the City Council adopt an ordinance in order to grant such a franchise to a particular applicant. Attached is the proposed ordinance which must be adopted by the City Council if it desires to grant a franchise for the construction, installation and operation of a community antenna television system to Valley Communications, Inc.

It should be noted that the ordinance incorporates by reference the terms and conditions of the proposed franchise agreement between the City and Valley Communications, Inc. Thus, this ordinance should be adopted subsequent to the approval of that agreement by the City Council and the authorization of the Mayor to execute the same. Both of these actions may take place at the meeting of the City Council which will be held on Wednesday, June 4, 1986.

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 - J

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 1

MAYOR BRIARE:

Public hearing on the granting of Misco a franchise to operate a community antenna television system in the City of Las Vegas. The representatives of Misco will have 15 minutes in which to present what they want to present to us for our consideration.

COUNCILMAN LEVY:

Mr. Mayor, we've had the proponents -- I was wondering if we could kind of take them out of order and get into the one ordinance regarding the -- the latest ordinance because some of the homebuilders were here to talk about it and everybody else rather than getting -- I'm sure they're not interested in hearing that fight?

MAYOR BRIARE:

Are there representatives from the Homebuilders industry here?

COUNCILMAN LEVY:

The gentleman here and he's had a group of people here since 8:30.

MAYOR BRIARE:

Is there anyone else besides the one gentleman?

COUNCILMAN LEVY:

They were here.

MAYOR BRIARE:

Unless the Council wants to move differently, we're going to follow the procedure that we've set up before. Misco is next.

COUNCILMAN LEVY:

Alright.

MAYOR BRIARE:

The Homebuilders are with us at all times, thank goodness. Gentlemen, we're going to be informal with respect to the manner in whatever it is you want to bring up. You're going to get your full 15 minutes, hopefully uninterrupted. After that, there'll be questions from -- if there are any questions by the Council members, they will ask you at that time and then following the questions, you will be asked to be seated and we're going to listen to anyone that wants to speak in objection to what you did. Then questions will be allowed and the end of the public hearing will be called.

ERIC TAYLOR, ATTY.:

Your Honor, before we commence, might I ask the sense of the Council. I think it would be rather difficult to try and decide our application now when apparently the ordinance is going to still be addressed on Monday. I don't quite know if you intend to decide under the present ordinance and

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 2

ERIC TAYLOR, ATTY.:

then reconsider it when there's a new ordinance adopted, if it is adopted, or if you would prefer to simply delay it until the new ordinance is addressed.

COUNCILMAN LEVY:

One of the major issues, of course, is the fact that -- what are they going to address and what are they -- you know, if we change our ordinance to say that they're going to have part of the area, they're going to -- it's a complete different presentation. I agree with you.

MILTON SCHWARTZ:

That's right, but by Monday night at 8:30, we can have a map of the area that we want to build, on a Front Boy map.

COUNCILMAN LEVY:

You'd rather hold it off until Monday evening is what you're indicating. I kind of agree with you, Mr. Schwartz.

MILTON SCHWARTZ:

If what I understand the Council wants to do is if they're going to award specific areas to a cable company, which I wholeheartedly approve of -- a situation of overbuilding is ridiculous. It guarantees bankruptcy to any companies that are in the area. So if I understood Councilman Bunker correctly and if the Council agrees with that, then I want to be prepared -- Monday night at 8:30 with a map saying, this is the area we want and this is why we want it.

MAYOR BRIARE:

Well --

COUNCILMAN BUNKER:

But does that give every other company sufficient time to prepare proposals for the same area so we can make a valued judgement on who can best serve the citizens? I agree with Counsel. Today is not the time to act on these franchises and I would not vote for a franchise until I have a new ordinance and I'm going to need more than just a Front Boy map with a red line around it.

ERIC TAYLOR, ATTY.:

If there's some reasonable time that can be set Monday when our application -- excuse me, Councilman, I mean on Monday we will set a reasonable time when it will be heard that would be fine with us. I don't think it's necessary to hear it Monday if we can --

CITY ATTORNEY OGILVIE:

Are there -- Mr. Mayor, the only time crunch we're up against is on the ordinance. The hearings on the franchises could be postponed to later in the week or -- the only time crunch refers to the ordinance

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 3

CITY ATTORNEY OGILVIE:

and that can be acted upon and then at the applicant's convenience, hear the rest of it, except we should set a time certain for those today because an ordinance -- a resolution was adopted months ago setting a time certain and they've been carried forward to time certain, so to avoid an adoption of another resolution we should set a time certain.

MAYOR BRIARE:

I don't know, counselor, as far as I'm concerned I'd like to hear what you have to say right now and I'd like to hear from anybody that's opposed to what you're saying because -- we're struggling here to try to get this business on the record and be for our consideration. I'm not saying that we're going to take any action on a granting of a franchise to either of the two applicants that we have before us today and I would like to see a vote on the ordinance prior to granting such franchises.

COUNCILMAN NOLEN:

I would have to say, Your Honor.

MAYOR BRIARE:

In the event any applicant wants to, he can always withdraw his application if he's not happy with whatever the Council does on the ordinance come Monday night. Councilman Nolen.

COUNCILMAN NOLEN:

I'd have to say it'd be quite difficult for me if I was in the position of the applicants to argue in favor of granting me a franchise when I don't know what the ordinance is going to be and that's the situation that we've actually placed him in.

MILTON SCHWARTZ:

And that's exactly the way we feel. We'd --

MAYOR BRIARE:

Well they got a pretty good clue.

COUNCILMAN LEVY:

Well, should they fight for --

COUNCILMAN NOLEN:

We might do a lot more changing Monday-

COUNCILMAN LEVY:

Should they fight for a particular area or should they make a presentation of how good they are period. I mean, it's not fair to you.

MILTON SCHWARTZ:

Until we see the ordinance, we can't make a presentation.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 4

COUNCILMAN LEVY: That's right.

ERIC TAYLOR, ATTY.: How could anyone oppose that for a certain area?

COUNCILMAN LEVY: How can they oppose you?

COUNCILMAN NOLEN: I'd just as soon get it over with too, but I don't think we can put them in a bad situation.

COUNCILMAN LURIE: Wait for the ordinance to be adopted and then you come in and apply for a franchise.

COUNCILMAN LEVY: And you apply under the new ordinance.

MILTON SCHWARTZ: Well, no, we've applied. We want to keep the application alive. We want a date certain if that can be done at some reasonable time after the ordinance is --

COUNCILMAN LEVY: Or amend your application I guess is the best approach.

ERIC TAYLOR, ATTY.: Whatever might be necessary.

MAYOR BRIARE: What do you think, Mr. Bauchman? Don't get up, sit right there.

COUNCILMAN LEVY: Just yell.

MARY ALICE BAUCHMAN: We agree that we can't make a presentation now.

MAYOR BRIARE: Okay. You've answered the question. Thank you. Now you gave me two succinct answers, Mrs. Bauchman, Miss Bauchman. Mr. Greenspun, you're going to oppose them one way or the other, agree with them.

BRIAN GREENSPUN: No, I have some procedural questions to ask. One of the major questions is what happens Monday night if there are new amendments or other amendments and it takes you past the Wednesday just because of the difficulty, you then have a time problem again.

COUNCILMAN LURIE: It dies. The ordinance will just die then.

BRIAN GREENSPUN: And it seems to me you're rushing to do this thing within this timeframe and without the full opportunity to, you know, in our own minds to accept whatever reasonable amendments may or may not be brought forth Monday night. After that, it seems to me that the

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 5

BRIAN GREENSPUN:

ordinance that you do pass, whatever it is, should contain the procedural requirements to handle a situation just like you're grappling with right now. What happens under the ordinance? How do you file it? How much time do the people have to get that filing and respond to it at a hearing because theoretically, we could show up two weeks and see the application for the first time and hear the oral arguments and not have any time to respond to those oral arguments by going out and getting the information, the factual information to present to this Council to either refute or enhance or whatever. So --

MAYOR BRIARE:

I happen to agree with you, but I'm struggling in my mind with the fact that you are the present exclusive -- well, excuse me, you're the present franchisee and the more it goes on and the more it's delayed, then your benefits keep accruing, accruing and accruing, that's the only problem I have with it and I'm trying to be quite frank in stating them and that's -- but I agree with you.

BRIAN GREENSPUN:

You're correct.

MAYOR BRIARE:

You know, we've got an awful lot of things going -- we've got an awful lot of things going here. It's just -- I made the comment a moment ago. Why are we rushing this thing? If it dies on Wednesday, that's just fine with me. We'll just be able to pick up with some fresh paper and so forth and go from there.

BRIAN GREENSPUN:

And start over and do it the right way.

COUNCILMAN BUNKER:

Your Honor, if the presentation is made today, the only alternative I have is to vote against the franchise. We do not have a specific application for a specific area. It's a general city-wide application.

MAYOR BRIARE:

Under our existing law.

COUNCILMAN BUNKER:

Under our existing ordinance and --

COUNCILMAN LEVY:

It's a complete different application.

COUNCILMAN BUNKER:

It's -- I just don't see any benefit to discuss it any further today.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 6

MAYOR BRIARE: If we had three equal applicants, equal of stature or equal standing, that would be different but we got a real peculiar situation.

COUNCILMAN LEVY: But we don't.

BRIAN GREENSPUN: I'm not disagreeing, Mr. Bunker.

COUNCILMAN LEVY: He agrees with you.

BRIAN GREENSPUN: All I'm saying is along with what you're saying is we need some kind of procedural process that we have to follow.

COUNCILMAN LEVY: Absolutely.

COUNCILMAN LURIE: What we're actually saying, what the committee has said and that's why we referred it back to the full board is that we came to an impasse and if the time of the ordinance runs out, let it run out. We got the ordinance on the books and if we have to rewrite it with the amendments and reintroduce it, then the time will start at that point and that's exactly why we're here today.

MAYOR BRIARE: If we could turn the clock back, which we're not handy at doing, we could go ahead and discuss this and on the possibility of introducing an ordinance which would allow possibly new franchises, we could take all the time.

BRIAN GREENSPUN: Well, that was the only suggestion I was going to make. As long as the applicants agree with you that they should put over their hearing until after you resolve this ordinance, why rush to this eleventh hour? Why not re-notice it for 30 days and take that 30 days and come in with these issues so that we all know what the procedures are when you go forward with it.

COUNCILMAN LEVY: We're talking about the ordinance.

CITY ATTORNEY OGILVIE: Mr. Mayor.

COUNCILMAN LEVY: The 85 or 86-22. We'll worry about that Monday night and then after we get everything worked out, and put exactly what everybody wants, then we're going to say, okay, Mr. Schwartz, make your application and bring it in with these rules.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 7

CITY ATTORNEY OGILVIE:

Mr. Mayor, if I could make a suggestion? We could set a time for the applicants public hearing far enough in advance that the applicants can provide copies of their amended applications to Mr. Greenspun, say 10 days in advance of that hearing, if -- maybe 10 days is more than he needs, but we could set it up some way along those lines so both the purposes of the applicants and the purposes of the franchisee would be --

MAYOR BRIARE:

So what we would do is -- what we would do is hold or table the applications that are before us from Misco and from Valley and then Monday night act upon, just act upon the ordinance itself.

COUNCILMAN LEVY:

That's all we're going to do and then we're going --

COUNCILMAN LURIE:

The problem we have --

COUNCILMAN LEVY:

Monday night -- I agree with Brian. We've got to lay out the procedures and I'm sure you're well -- you agree too.

MAYOR BRIARE:

You got to realize that this -- that this whole matter when we had it before us and the Council members that were there at the time will recall that we had a Supreme Court tell us what we were to do with respect to awarding a franchise. We had never awarded one before. We didn't do anything. We just more or less struggled and bumped into each other trying to figure out how to do it. We did it. Now we're faced with the same thing again. We've never done this before so it's understandable why there would be confusion. We have an Open Meeting law which prohibits our discussions and negotiations or anything of that nature or to be speaking in what we feel is in the best interests of the people that live in the City of Las Vegas. We have not been able to do that. We are discussing this as a group for the first time this morning. So if we act confused or we look confused --

COUNCILMAN LEVY:

We are.

MAYOR BRIARE:

It's because we are and I'm open to any suggestions and help from the professional people who have been in other states. We have a new ordinance that's been given to us from -- new to our eyes -- by the

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 8

MAYOR BRIARE: representatives from Valley, from Dade County, Florida, which seems to be an excellent ordinance and I'm sure if it fits your needs, it's an excellent ordinance and it might not be an excellent ordinance in the eyes of Mr. Schwartz or somebody. Mr. -- Councilman.

COUNCILMAN LURIE: What I was going to say is that the ordinance should have never been published and we shouldn't be under this time constraint and that all of these procedural policies should have been addressed and being addressed at the present time and then when the ordinance is ready, it should have been presented and published and then the clock starts and that's the problem. I, for one, would just say let the ordinance just die, live under the existing ordinance, make the amendments and then reintroduce it, that would clarify all of the concerns that many of us have on adopting a new ordinance.

MAYOR BRIARE: These are far reaching things that we're talking about. Another six months or two months or whatever it's going to take for us to get everything lined up in some kind of more logical sequence I think is going to be good for all of us. I would sure --

MILTON SCHWARTZ: Mr. Mayor.

MAYOR BRIARE: Mr. Schwartz.

MILTON SCHWARTZ: As the clock runs, the existing franchisee has an unfair advantage. They are building in the areas that we want to build. As Miss Bauchman said, 8 months ago, 10 months ago when she made her application and when we made our application almost a year ago, the areas that we wanted to build we can no longer build because Dimension keeps building in those areas. So the word "rushing" is ludicrous in this context.

ERIC TAYLOR, ATTY.: We've been extremely patient in waiting for a determination on our franchise and --

MAYOR BRIARE: Counselor, listen, we've been extremely patient as well.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 9

ERIC TAYLOR, ATTY.: I understand that. We've been waiting since September.

MAYOR BRIARE: Your patience, quite frankly, Counselor, means absolutely nothing to me. The patience of the community of the City of Las Vegas is what counts.

ERIC TAYLOR, ATTY.: I understand and as -- also people seeking to provide a service for people in Las Vegas, I think it's important that we be able to move as quickly as possible. I don't think there's a problem with going forward as already scheduled for Monday night. I think that would be the best way to do it and I would propose that we -- I would urge that the Council vote to do that.

COUNCILMAN LEVY: We already voted.

ERIC TAYLOR, ATTY.: That's great.

COUNCILMAN BUNKER: That is to go ahead with the ordinance on Monday night. I'm not prepared on Monday night to examine an application.

ERIC TAYLOR, ATTY.: That's correct. We're not asking for it. We're not asking for that. We're just --

COUNCILMAN LEVY: You did. You did just about two minutes ago.

ERIC TAYLOR, ATTY.: No, no.

MAYOR BRIARE: No, no, he's right. They're right. We're communicating.

ERIC TAYLOR, ATTY.: We don't want it to go forward.

COUNCILMAN LURIE: But we're also saying if --

COUNCILMAN LEVY: Mr. Schwartz said he's going to bring the map in Monday night.

MAYOR BRIARE: No, no, no. He didn't realize --

MILTON SCHWARTZ: Oh, I'm prepared to do that if you want to move Monday night, but --

MAYOR BRIARE: As a matter of fact, it would be very simple to see what the Council's feeling is right now. Does anyone wish to make a motion that we hold in abeyance the applications of Misco and Valley Communications

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 10

MAYOR BRIARE: until such time as the ordinance has been acted upon or longer?

CITY ATTORNEY OGILVIE: It should be set for a time certain, otherwise we'll have to readopt the resolution.

COUNCILMAN LEVY: I think they need to be readopted and re -- and basically reapplied or amended would be the same thing because I think our -- what we're aiming and looks like the direction we're going is the application that they have before us, I'm sure, won't make sense at all. So I could care less if their applications are dropped or withdrawn or whatever because they're going to have to -- Milton has indicated and so has Mr. Bauchman that --

MILTON SCHWARTZ: No, we're not going to withdraw our application.

COUNCILMAN LEVY: I don't mean withdraw.

MAYOR BRIARE: No, no.

COUNCILMAN LEVY: But you're going to have to amend it so much, it's almost like reapplying.

MILTON SCHWARTZ: No, we're not.

MAYOR BRIARE: Mr. Ogilvie, the time -- it would be a recess. It would -- this meeting would continue until Monday night at which time, depending on what we do on the ordinance, we could set a time certain --

CITY ATTORNEY OGILVIE: That's correct.

MAYOR BRIARE: For the hearing on Misco and --

CITY ATTORNEY OGILVIE: I would suggest, for the purpose of continuing the process, that the public hearings on the two applicant -- applications be set for 8:30 Monday night and then at that time, set them for a further time certain,

MAYOR BRIARE: Right.

COUNCILMAN LEVY: So moved.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 11

CITY ATTORNEY OGILVIE: Which will give time for Brian to review their amended applications.

MAYOR BRIARE: I would say that it's pretty certain that Monday night the -- a time will be set for the hearings on the granting of franchises.

JAY RICKS, ATTY.: Mr. Mayor, if I could --

MAYOR BRIARE: On advice of our counsel -- if our counsel does not object to the advice that's just been given to us, we will let it be known Monday as to the postponement time.

JAY RICKS, ATTY.: If I could just make one observation, sir? We quickly read the Dade County franchise and I would agree with the folks that proposed it for your consideration, there are many provisions in that that frankly are superior to that which is proposed in your -- in your current ordinance that is before you and there are also some provisions in the franchise that I understand was provided to the Council by Times Mirror before it left the community and I really urge -- I know that there is certain suspicion and anything that Community is suggesting that might extend the process out, but I would honestly urge you to take a look at the various proposals that have been made. One, the Dade County proposal, one that you have advertised, one that Times Mirror put in and there are -- you will get a better franchise if you pick and choose the best of each of them than if you simply adopt the one that is before you. Frankly, in my judgement, there are real deficiencies in the ordinance that is before you and if we have an opportunity to put in specific amendments, I think we can deal with the thing that Miss Clark mentioned about the mobile homes and others. You will end up with a better ordinance for the future that would govern, not only the existing operation, but all those that are renewed and any additional ones that you determine in your best judgement to award.

MAYOR BRIARE: What is the pleasure of the Board with respect to the -- we need a motion -- we still have another hearing today.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 12

COUNCILMAN LEVY: I move that we recess the applications, the two applications -- I don't know what their numbers are --

MAYOR BRIARE: And the Ordinance 86-22 to Monday night at 8:30.

COUNCILMAN LEVY: Right. But don't be prepared Monday night --

MAYOR BRIARE: Are there comments or questions? Have we already voted? We haven't voted on the postponement of these items.

CITY ATTORNEY OGILVIE: No, but before you do, if Mr. Ricks wishes to submit any -- to my office --

MAYOR BRIARE: Yes.

CITY ATTORNEY OGILVIE: I would request that it be in there by 5 o'clock this evening.

MAYOR BRIARE: Right. You bet. Mr. Ricks is that -- Mr. Ricks, did you hear that?

COUNCILMAN LEVY: He did.

JAY HICKS, ATTY.: We can submit the sections that we already have submitted and, of course, the Dade County.

CITY ATTORNEY OGILVIE: I don't need to look over that because I've gone through what you've already submitted with a fine toothed comb and I picked out, as you probably noticed, a lot of things that you put in there and the things that you didn't put in there, I think were rejected advisedly. Councilman Nolen and I spent a full half day going over that proposal. So you don't need to resubmit that, but if you have any new suggestions, I'll be willing to consider them if you get them in by 5 o'clock.

COUNCILMAN LURIE: Well, George, I think because you and Councilman Nolen went over them I think some of those items are germane to what we're discussing here and possibly just want to bring those up and vote on those items Monday night as additional amendments.

JUL 18 1986

00305

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
PUBLIC HEARINGS - MISCO, VALLEY COMMUNICATIONS - FRANCHISE AGREEMENTS -
BILL NO. 86-23 & BILL NO. 86-24

PAGE 13

CITY ATTORNEY OGILVIE: The proposal that Mr. Ricks refers to --

COUNCILMAN LURIE: I read the proposal. I have a copy of that ordinance and I think some of them are pertinent to what we're discussing here. I don't particularly think that -- you know, you don't have a vote on this. The Board has a vote on it.

CITY ATTORNEY OGILVIE: I'm not suggesting that. I'm not suggesting you can't consider those, but I'm suggesting you --

COUNCILMAN LURIE: You made it sound like you and Bob discussed it and this Board doesn't have an opportunity to vote on it. I want to vote on it.

CITY ATTORNEY OGILVIE: I'm just saying that I have considered his proposal and I don't need to look at it again. Now I'm not saying that the Council can't consider it, that's why it's furnished to you.

COUNCILMAN LURIE: Okay.

COUNCILMAN LEVY: I would suggest, sir, Mr. Ricks, you submit whatever you like.

JAY RICKS, ATTY.: Alright. I just want to make the point that --

MAYOR BRIARE: But do it by 5 o'clock.

JAY RICKS, ATTY.: That the proposal that Councilman Bunker made, in our judgement, makes a lot of sense. It combines the various sections of the ordinance so that there is a determination that can be made of the public interest. That is a substantial change in the concept that you had and I think there are other improvements you could probably make as well. We'll do the best we can under those time constraints, but I think we'd be able to help you more if we had longer time.

MAYOR BRIARE: Is the Council ready for the vote? Cast your vote. Post. The motion is approved. (The motion carried unanimously.)

/s/

END OF DISCUSSION

AGENDA

LAS VEGAS CITY JUL 18 1986
COUNCIL MINUTES

City of Las Vegas

00306

RECESSED MEETING
July 18, 1986

Page 6

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

ITEM

Council Action

Department Action

REPORTS FROM RECOMMENDING COMMITTEES

8. BILL NO. 86-36 - AMENDS SUBDIVISION ORDINANCE TO REQUIRE DEVELOPERS TO PROVIDE ACCESS FOR CATV FRANCHISEES DURING CONSTRUCTION.

Committee: Councilmen Nolen and Levy

First Publication: NONE

Committee Recommendation:

No recommendation. Committee instructed Clerk to add this Bill to the Recessed Agenda of the City Council at their meeting of Friday, July 18, beginning at 8:30 A.M. in order to consolidate all matter relating to the Cable Television industry on one agenda.

Levy -
Motion to refer to
Recommending
Committee as per
First Amendment
carried unanimously.

7/28/86 Recommending
Committee Meeting
Agenda

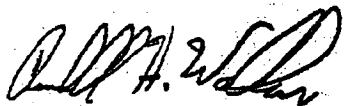
Allan LaRoche,
Southern Nevada
Homebuilders
appeared

Brian Greenspun
appeared

NOTE: Verbatim transcript made part
of Final Minutes

MEETING RECESSED AT 11:17 A.M.

APPROVED AGENDA ITEM



TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
BILL NO. 86-36

PAGE 1

MAYOR BRIARE:

We will now go to Bill No. 86-36 which amends the Subdivision Ordinance to require developers to provide access for CATV franchises during construction. Councilman Nolen. This is just to get the matter before us.

COUNCILMAN LEVY:

Councilman Nolen.

MAYOR BRIARE:

Bob, do you want to get it read?

COUNCILMAN NOLEN:

Yeah, I'd like it read. Get it out.

CITY CLERK CAROL HAWLEY:

It's been read.

MAYOR BRIARE:

Oh, has this already been read?

CITY CLERK CAROL HAWLEY:

Yes. Mayor, this is still in the recommending Committee stage. It's been read once and I have not even published it yet awaiting that committee recommendation.

COUNCILMAN NOLEN:

This came out of the Recommending Committee, referred to the whole Council for consideration because it coincides with the other things that we were doing today. We -- Councilman Levy and I held a public hearing on it, I believe last Monday, and then referred it over to here.

MAYOR BRIARE:

So it's not before us today for adoption?

COUNCILMAN NOLEN:

No, sir.

CITY CLERK CAROL HAWLEY:

That's correct.

COUNCILMAN LEVY:

But it is here for comments.

MAYOR BRIARE:

Exactly.

COUNCILMAN NOLEN:

Public hearing.

MAYOR BRIARE:

Exactly. Well, in other words, there's going to be no vote on this at this meeting. Councilman.

COUNCILMAN LURIE:

The question I have is, usually when we have an ordinance introduced like this and there's some controversy between say, the cable television people and say the homebuilders who you're representing -- have you had an opportunity to sit down and discuss these issues in this ordinance before discussing it in front of us?

ALLAN LaROCHE:

Councilman, what we've done -- well, my name is Allan LaRoche, A.L. Enterprises, representing Southern Nevada Homebuilders. We have discussed this thing for three and a half years with cable TV companies and that's primarily Community. Misco has never come to any of our meetings in those three and a half years. What we have come up with is a workable plan that is in operation right now. That is, that the access to the Community Cable TV Company happens to be the sole franchise is working out quite fine. They are notified through the improvement plan process by the civil engineers and at the present time, is a -- cooperation between builders and the cable tv people getting the lines into the streets. We understand the grant of the easements. We have no problem with that. We understand our customers do want this service, not 100% want the service, please I want to make that quite clear. It's hook up factor -- even by their own standards, 30-40%, but it is a selling feature to our houses and we try to put it in and -- any price range of homes so you understand that. What we do object to in this particular ordinance is here is blanket access. We do not want as a Homebuilder Association to get in the middle of three, in this particular instance, three competing firms, if the ordinance is approved, and this is what is happening -- what we're feeling is happening right now. It is causing conflict between the three of them being tried to be resolved by the City and the builder. What we would like to do and what we'd like to see is the present system to go ahead. That is, I can give you some suggestions of what we'd like to see and, Councilman Nolen, this is what I'd -- I had half information what was going on with the ordinance prior to this piece. All we saw was this piece last week. The improvement plans are the greatest notification to -- I'll approach this three ways. First of all, I'll go right down by the ordinance as it's proposed by the sections. In 1.A, it's requiring written notice by the developers to the franchisees, all of them. This is almost an impossible task to do and keep track of it. This is registered mail. If you slip up, there's no way to do this up. My suggestion is, maintain the present system. All franchisees are notified by the improvement plans when they're submitted to the City and to the various entities, that is gas, water, sewer, by the civil engineers. That is the notification.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
BILL NO. 86-36

PAGE 3

ALLAN LaROCHE:

There is a -- we would like to see a specific area and all the franchisees keep talking about various pockets, lucrative pockets, in a new construction, would like to see if it's going to be granted. Granted to the pockets. I don't know how you would determine that through your staffs, but that is allow one franchisee into one pocket. We can't have numerous cables in the same trench. It's an impossible task and as you've heard here from Misco that is self defeating in the long run anyways. And finally on the first item in A is, keep the burden on the individual company, whoever the franchisee in this pocket is, to maintain their contact with the construction. There is a good system and the gas company uses it, the power company uses it, the water company uses it. They watch the final map recording. Very public information. When a developer records a final map, 99% of the time he's going to go ahead and build immediately if not already starting the grading operation. So there is the notification of the construction progress. In section B, if the -- what it proposes right now is if the individual developer misses this section A somehow on the writing of this, the -- it's the subdivider's expense and this is what the cable companies have been trying to do is eventually get this expense of installing this system to the developer. Well, this does it here. If something slips up, 30 days we have to put it in and the cost. I suggest we just omit this whole section because they are an individual company. If the gas company misses it, they pay for it, but usually they don't. They have a system of checks and balances and finally the last -- in Section C, we find the projection is the opening of the trenches for five days for them. Nevada Power does not even allow us to open them up for one day. As soon as those cables are laid we have to shade it and start going up, that is power goes in the bottom, then it comes up to gas, telephone and up cable tv. The City of Las Vegas has already worked out a system in the trenches where the wires go and the process being. The present system is working just fine. The developers are getting together with Community Cable TV. They are getting out in those trenches without any hassle. They are getting in those place and getting it covered and that's the key, covered. Councilman, you seem to --

COUNCILMAN NOLEN:

Yes, I have a problem with the present system inasmuch as it allows the homebuilder to only allow one person in there and block anybody else from getting through there.

ALLAN LaROCHE:

That's correct.

COUNCILMAN NOLEN:

Well, I disagree with that. I don't think you should have that right to deny anybody that's going to move into that area the right to make a choice between two systems and that's what you want to do. You want to sell it off to the highest bidder and then -- and kick that over to the --

ALLAN LaROCHE:

Negative. That is not correct, Councilman.

COUNCILMAN NOLEN:

No homebuilder's ever done that?

ALLAN LaROCHE:

We haven't. We have a sole franchise system.

COUNCILMAN NOLEN:

And you can block -- no, not in this whole community. There's people who have access to other areas in the County. Blocking one franchisee to another franchisee is wrong.

ALLAN LaROCHE:

Since you brought it up, I'll have to use the example of Green Valley. Now I'll just use developers down in that area. It's a good example. Two competing systems, that's Community and Misco -- the developer I'm thinking offhand right now, Stanton Construction, has contacted both. At the time when that system was to go in, he contacted Misco and relayed -- he talked to Mr. Schwartz personally -- that he relayed to him that he wasn't really interested in putting that thing in. He said he did, but he never made the physical movements to go ahead. They did not know that Community Cable TV was in the area. that was the big hassle down there with the City of Henderson. When he did find out and contacted Community Cable TV, they moved right along and that system is now in place, operating and people subscribing to it. This -- the breakdown is the communication with the various cable companies and the builder. Yes, there are some financial benefits on some of these systems to the builders, but not that great. It's in advertising. Now, you're hearing from one side. You see, what's happened is here, you're caught between two companies again as we are. The same conflict. Who's getting in the trench? Who's going to install and who's going

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
BILL NO. 86-36

PAGE 5

ALLAN LaROCHE:

to pay for it and what happens is, we treat the Community Cable TV company just like the gas company. It's the option of the builder to install it. I don't think you're aware of the gas situation. It is voluntary. They install it at 100% of their own cost and they work at it to get that business. Now we find it beneficial. We don't get any -- we get the same thing, the advertising. It comes back -- no cash is exchanged. It comes back in advertising credits. That happens there. It happens with Nevada Power. It happens with all of them. So there's nothing unusual. Nothing under the table, but what the problem is, the Cable tv companies are creating conflict using yourselves and ourselves as a group to solve their problems. They can't seem to agree because they are competing companies. We don't mind, but we'd like to have a system. Right now, the way this is proposed if you had six franchisees -- I'm using the extreme, granted to go in there, you could put six cables in there. We'd have to go this thing here. If there was a slip out with any of them, the builder's liable, total cost. We would be willing to work out a system. The present system is working. I can't figure out what is the problem. There are some builders who do not want cable and you'll never be able to convince them. The majority of them do have cable and are installing it.

MAYOR BRIARE:

I'm not as familiar with the installation, the actual installation of cable tv as I would be as far as power and other utilities. I gather that the -- there is no access once the trench is covered, there's no access to the conduit?

ALLAN LaROCHE:

They are not -- it's not a true conduit situation. Sometimes there is a slipup or there is a subsequent decision to put it into an area. There are backup systems. That is, normally they will put it in the roadway prior to putting the blacktop down. There is a backup system of getting to that trench. We have not found a major problem of getting cable tv in. The biggest thing and it's put the burden on the builder and especially the superintendent of putting those off-sites in, is to get that cable in prior to covering it over because we do want it down the 36 inches, actually 24 for the cable tv. It's the highest one. So there isn't that problem. What this ordinance is saying is it's trying to put the burden on the builder to cover all coordination and

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
BILL NO. 86-36

PAGE 6

ALLAN LaROCHE: installation, if you really read what it says.

COUNCILMAN NOLEN: I have no problem with what you're saying with respect to A and B. I think the burden should be on the franchisee to go out and do it himself, but I do have a problem with you allowing or anybody else saying only one franchisee can put a cable in that trench.

COUNCILMAN LEVY: We're going to make that decision, aren't we, Bob?

COUNCILMAN NOLEN: No, not if they've got the hole open and they only let somebody do it.

COUNCILMAN LEVY: But if we're going to make the decision who's going to be in that area --

COUNCILMAN NOLEN: We could make a decision to grant two franchisees in one area. In addition to that, what if someone's here and there's another development up here and they've got to go all the way around it because they only allow one it. You're talking about blocking again.

ALLAN LaROCHE: We don't have anything to say, Councilman. That's a dedicated right-of-way and by law, they're allowed to go into it.

COUNCILMAN NOLEN: Yes, once you've closed it up, we're not going to allow them to reopen it and --

ALLAN LaROCHE: That's correct.

COUNCILMAN NOLEN: That's -- why not allow them to put it in while you've got it open?

ALLAN LaROCHE: That is the whole point. That is the whole point.

COUNCILMAN NOLEN: Why not allow them to put it in while you've got it open?

ALLAN LaROCHE: Let's go back to the gas company.

COUNCILMAN NOLEN: Well, wait a minute, answer me. Why not allow them to put it in while it's open?

ALLAN LaROCHE: We'd like to have one put it in.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
BILL NO. 86-36

PAGE 7

COUNCILMAN NOLEN: Why not allow all of them, anybody that's properly licensed to put it in while it's open?

ALLAN LaROCHE: That sounds very fine here, Councilman.

COUNCILMAN NOLEN: Why not?

COUNCILMAN LEVY: At their burden, not yours.

ALLAN LaROCHE: At their total burden and their total coordination effort, we have no problem.

COUNCILMAN NOLEN: Okay, that's the whole thing. I have no problem with putting the burden on them.

ALLAN LaROCHE: That's what I'm saying is, this particular ordinance puts the burden of getting that line in, excuse me, Councilman, it does.

COUNCILMAN NOLEN: No, I have no problem with what you're saying there. I just said that as far as A and B, I have no problem with that. Let them use the system that's in place now. I have no problem with that. The five days, I don't find that unreasonable to leave the hole open five days. You know, I don't think that's unreasonable at all, but I don't think you as a developer should decide only one person can put a cable in and no one else because then you deny --

ALLAN LaROCHE: We are looking at the coordination and the conflict problem going through our experience up to this point. It sounds simple here in the Chambers.

COUNCILMAN LEVY: But I think it should be the burden on the cable company.

ALLAN LaROCHE: Yes.

COUNCILMAN NOLEN: Yes, but all of them should have access to it, not just one and whoever you decide.

COUNCILMAN LEVY: He has no problem with that too and I think that's what we're --

ALLAN LaROCHE: That's -- what we're having the problem is -- let's say that there's three companies applying here -- we have one now, possibly two if the ordinance passes.

COUNCILMAN LEVY: Three.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
BILL NO. 86-36

PAGE 8

ALLAN LaROCHE: Which would make it three companies. Technically by this ordinance, or this amendment here, all three could go in that trench to service each individual residence in that tract.

COUNCILMAN LEVY: That's right.

ALLAN LaROCHE: That's right.

COUNCILMAN LEVY: If we approve it.

ALLAN LaROCHE: That's right.

COUNCILMAN LEVY: That's not your decision. It's going to be our decision.

ALLAN LaROCHE: That's correct.

COUNCILMAN LEVY: But I think it should be on their -- it's going to be on the burden of the cable companies to make sure that they have contacted you builders.

ALLAN LaROCHE: That's why I suggested these things. They do have a contact system that is very public and the other --

COUNCILMAN LEVY: George, can you make that basically where it's the burden of the franchisee to make sure that they're available?

CITY ATTORNEY OGILVIE: Yes, I think it's a good point.

COUNCILMAN LEVY: Alright.

CITY ATTORNEY OGILVIE: If the other utilities can get that information off the filing of the map, the franchisees can too.

COUNCILMAN LEVY: Fine.

MAYOR BRIARE: Did you have anything else? This is a committee of the whole meeting for the purpose of taking any testimony on the proposed ordinance 86-36. Does anyone else wish to be heard? Then the Committee -- Mr. Greenspun, on Bill 86-36.

BRIAN GREENSPUN: Are you going to close the public hearing on that at this point then?

MAYOR BRIARE: Well, unless there's anybody else. This was the time set for the public hearing on Bill 86-36, a committee hearing. Then the Committee must recommend to the City Council as you can see.

BRIAN GREENSPUN:

The only concern I have is, you know, it's a small part -- not to the homebuilders, of course, it's a small part of this overall ordinance and the franchise. It's real difficult to get specific. I can't disagree with the points he's brought up. I mean, it's working. We have a way to work it. It's a way of codifying that relationship, but it's hard to be specific until you know what the whole overall picture's going to look like.

COUNCILMAN LEVY:

But it's not going to reflect -- it's not going to really reflect on the whole ordinance.

BRIAN GREENSPUN:

Well, it may if there's another franchisee.

COUNCILMAN LEVY:

Well, if it does, then that's what we're looking at. If there is another franchisee, Mr. Greenspun, it's going to be up to both you guys to watch when he starts building.

BRIAN GREENSPUN:

We don't have a problem with that, sir.

COUNCILMAN LEVY:

That's all we're talking about.

BRIAN GREENSPUN:

Our only concern is to make sure that if there are two franchisees, we both have the access to.

COUNCILMAN NOLEN:

That's exactly what we --

COUNCILMAN LEVY:

And that's what we're making sure too.

MAYOR BRIARE:

Now we are sitting as a committee.

COUNCILMAN LEVY:

That's correct.

MAYOR BRIARE:

Discussing Bill 86-36.

COUNCILMAN LEVY:

Mr. Nolen, it'll be my -- why don't we recommend to the full City Council that we approve this bill, subject to getting the area worked out, the major area worked out, amended to make sure that it'll be the burden of the franchisees to, not the burden of the homeowner.

COUNCILMAN NOLEN:

Basically use the system that's in place now is what you're suggesting.

BRIAN GREENSPUN:

That's right. We have no problem with that.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
BILL NO. 86-36

PAGE 10

CITY ATTORNEY OGILVIE: Except that it will provide that any franchisee in that area will have equal access to the trench and that the trench will be left open for five days.

COUNCILMAN LEVY: Five days?

ALLAN LaROCHE: Well, the five days, that's what I'm saying, if it is worked up with the franchisee some agreement, even if there's all three franchisees, agree with the builder to work out a communciation. It's very difficult to leave a trench open for five days.

COUNCILMAN LEVY: I think five days is out of line.

MAYOR BRIARE: Yes.

ALLAN LaROCHE: You're looking at not five days, usually nine days before you finish.

CITY ATTORNEY OGILVIE: What if we provided five days or sooner that the builder and the franchisees agree upon.

ALLAN LaROCHE: A reasonable construction period is -- covers it. I mean it's --

COUNCILMAN LEVY: I use that terminology.

ALLAN LaROCHE: The gas company -- all of them have to get in and get out and that's --

COUNCILMAN LEVY: The builder will want the best deal for his sales portion.

ALLAN LaROCHE: Our liability insurance is running and we want it covered quickly.

COUNCILMAN LEVY: But he also wants the best deal for his customers too.

ALLAN LaROCHE: That's exactly correct.

CITY ATTORNEY OGILVIE: How about a reasonable time is worked out between the builder and the franchisees not to exceed five days, is that fine?

COUNCILMAN LEVY: Fine. That'll be our recommendation to the full Board.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
BILL NO. 86-36

PAGE 11

MAYOR BRIARE: In the event of the passage of this proposal, it is then referred to the City Council at our regular normal way.

COUNCILMAN LEVY: Yes.

MAYOR BRIARE: When does the clock start running?

CITY CLERK CAROL HAWLEY: Mayor, I would assume then that I would proceed to publish this as soon as possible and it could be adopted as early as the --

MAYOR BRIARE: No, I'm not saying it in the sense of rushing it. I'm just trying -- just as long as we, you know --

COUNCILMAN LEVY: We've got plenty of time because there's nothing going to happen tomorrow.

MAYOR BRIARE: There's no urgency to this?

CITY CLERK CAROL HAWLEY: Would you prefer to have this for adoption on the 20th?

COUNCILMAN NOLEN: Just do it in normal course.

MAYOR BRIARE: Whatever the normal course is.

ALLAN LaROCHE: Mayor, I have a suggestion. I don't know the procedure legally but, through your attorney, is that we refer it back to the homebuilders and let's just work it out and bring it back in a written form that you can look at it and accept it.

MAYOR BRIARE: I like that.

COUNCILMAN LURIE: That's what should have been done in the first place.

MAYOR BRIARE: That's what should be done -- that should have been what was done with all the stuff we've heard for the last several hours.

ALLAN LaROCHE: Because it is -- this thing is confusing and needs to be reworded.

COUNCILMAN LURIE: Let George rework it and then give it to the homebuilders for their comments and then bring it back.

CITY CLERK CAROL HAWLEY: Do you want it brought back on a Recommending Committee meeting?

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
BILL NO. 86-36

PAGE 12

MAYOR BRIARE: This is -- Councilman --

COUNCILMAN LEVY: Bring it back to Recommending Committee.

MAYOR BRIARE: Bob, this is your -- yes. Alright, then --

COUNCILMAN NOLEN: Fine.

MAYOR BRIARE: If I understand what the Council's desires are, this matter is now referred back to the original committee consisting of Councilman Nolen and Councilman Levy. That is going to assist you in looking at the whole thing. So it won't be -- it won't come before the City Council until some time as determined --

COUNCILMAN NOLEN: Bring it back to the next Recommending Committee.

MAYOR BRIARE: It's back before the Recommending Committee. Cast your votes on that. Post. The motion's approved. (The motion carried unanimously.)

ALLAN LaROCHE: Thank you for your understanding.

MAYOR BRIARE: Thank you, sir. Is there any other business for us? Then we're going to be in recess until 8:30 Monday night.

END OF DISCUSSION

/s/

AGENDA

City of Las Vegas

RECESSED MEETING
July 21, 1986
Page 1

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

ITEM

Council Action

Department Action

2018

1. BILL NO. 86-22 - AMENDS THE CABLE TV
ORDINANCE (THIRD AMENDMENT).
Committee: Councilmen Nolen and Lurie

First Publication: Review-Journal - 6/23/86

Committee Recommendation:

Held in abeyance at the July 18, 1986
Recessed meeting.

PRESENT: Mayor Briare, Councilmen
Levy, Lurie, Nolen and City Attorney
George Ogilvie.
EXCUSED: Councilman Bunker

NO ACTION TAKEN
BILL DIED

See Transcript for
appearances.

NOTE: Verbatim transcript of entire
meeting made part of Final Minutes.

AGENDA DOCUMENTATION

Date: April 30, 1986

TO: The City Council

FROM: *John Edward Roethel*
John Edward Roethel
Chief Civil Deputy Attorney

SUBJECT:

Bill No. 86-22: Amends the Cable TV Ordinance

PURPOSE/BACKGROUND

The Nevada Legislature, during its 1983 session, significantly altered the regulatory scheme governing Community Antenna Television (CATV) systems. Prior to July 1, 1983, the Nevada Public Service Commission regulated the operation of CATV systems through certificates of public convenience and necessity; the City of Las Vegas was only authorized to issue CATV franchises for use of the public rights-of-way.

The 1983 Nevada Legislature removed the authority of the PSC to regulate CATV systems. A city was authorized to "grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of city property or that portion of the city dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture." NRS 711.190(1).

Chapter 6.20 of the Las Vegas Municipal Code, as it currently exists, sets out the CATV franchise regulation in the pre-1983 context relating to the use by CATV systems of the public rights-of-way. Since, until recently, there had been no applicants for a CATV franchise, other than the franchise which was granted by the City prior to 1983, there was no need to amend the City's ordinance.

However, two applications for CATV franchises have recently been filed with the City, and it is therefore appropriate that the City's ordinance be amended to effect the legislative intent that regulation of CATV systems be performed at the local level. Bill No. 86-22 is designed to accomplish this objective, and, if it is adopted, will amend the existing ordinance in the following respects:

1. Section 1 - The definitions have been modified to track current State law - NRS Ch. 711. The definition of Community Antenna Television System [6.20.010(B)] is identical to State law. Note the two exemptions in Paragraphs (1) and (2). The

-- Continued --

FISCAL IMPACT

Due to the State law definition of gross receipts, the revenue generated from the franchise fee may decline.

RECOMMENDATIONS

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

DISPOSITION

Approved ☐
Disapproved ☐
Held ☐

Status Due: _____

Agenda Item

VI - H

AGENDA DOCUMENTATION

Date: April 30, 1986

Page -2-

definition of Gross Annual Receipts [6.20.010(F)] also follows State law. This definition is less inclusive than the old definition and the change in State law may reduce the amount of franchise fee that we collect.

2. Section 2 - Anyone who operates a Community Antenna Television System as defined in 6.20.010(B) must obtain a franchise and a business license. Anyone who engages in the business of providing cable service, but is not technically required to obtain a franchise, must only obtain a business license and pay the normal gross receipts fee.

3. Section 3 - 6.20.040 sets out the information required in the franchise application. The current requirement relating to rates and charges to subscribers has been deleted because current Federal law does not allow the City to regulate rates charged for cable television.

4. Section 4 - A new section (6.20.045) has been added to set out the factors that the Council must consider in determining whether to grant a franchise. These enumerated factors are specified by State law, NRS 711.230. This section also provides that all franchises shall be granted on a substantially equal basis unless special circumstances are found.

5. Sections 5 and 8 - The current ordinance goes into some detail regarding the manner in which cable TV facilities are to be installed. Since the original adoption of the cable TV ordinance in 1968, the City has adopted its underground utility ordinance, Ch. 13.52 of the Las Vegas Municipal Code. Thus, the proposed amendments delete all the old requirements and merely refer to Ch. 13.52 for the regulations for installing cable TV facilities.

6. Section 6 - The proposed ordinance scheme contemplates that each applicant for a franchise will originally apply for a grant to serve the entire City, or at least a large portion of the City. We appreciate that it is not feasible for a franchisee to build the entire franchise area at one time. LVMC 6.20.130 has been amended to set out a procedure whereby a franchisee will give written notice to the City of the franchisee's intent to exercise its franchise in a specific area. The franchisee must then proceed with due diligence to provide service to that specified area or risk having its franchise terminated.

7. Section 7 - 6.20.140 has been amended to clarify that a franchisee is also required to obtain a business license. Also, the amount of the franchise fee is related to the amount permitted by Federal and State law. However, any business license fee actually paid may be credited against the franchise fee.

8. Section 9 - This is an entirely new provision modeled after the Clark County ordinance. A cable franchise granted by the City will permit a franchisee to utilize public rights-of-way or public or utility easements to install its facilities. In some parts of the City, the public right-of-way or public or utility easement actually includes area that the abutting property owner maintains as his yard. A franchisee can legally enter into these areas to install cable facilities because the area is part of the public right-of-way or public or utility easement. Section 9 requires, in this event, that the franchisee restore the abutting property owner's yard to its pre-installation condition. Details are included to provide the City with a basis to enforce this provision.

MAYOR BRIARE:

Good morning, ladies and gentlemen. Because of the complexity of the variety of matters that we have on the agenda today, certain ground rules have to be established. Today's meeting, incidentally, is the recessed meeting of July 2nd. At our meeting of July 16, I think it was, yes, July 16, in order to prepare for today's meeting we did a lot of studying through the City Attorney's Office, the City Manager's Office and the Council members individually on setting up some sort of a time schedule so that everyone would have an equal amount of time to discuss the particular interests they have this morning, but at the same time it has to be divided evenly so that everybody who wishes to can have an opportunity to be heard. The first item is the consideration of Bill 86-22, which it might be proper to refer to as an Enabling Act. Without that then the rest of the morning is of no value, so the first item that we're going to discuss is this Enabling Act, 86-22, with regard to amending the cable TV ordinance. We're going to allow one-half hour for discussion. All of these items -- it's my understanding there's been six or more meetings on these items. Transcripts have been kept and they are available -- they've already been made available to the Council members and whether any of you folks here have those transcripts or not you can judge later as to whether they are of any value to you. This half-hour will be for general discussion by anyone that wishes to be heard. The next item then would be the consideration of a franchise for Misco, Incorporated, followed by consideration of a franchise for Valley Communications. Each of those will be given a half-hour by the applicant and then at the end a half-hour for those that wish to speak in opposition to the consideration of granting a franchise and then depending on what all the hearing has gathered, or the testimony that's been gathered during that time, Ordinance 86-23 and Ordinance 86-24 will -- all the discussion will have already been had by the time we get to those two ordinances. The last ordinance, which is certainly related, but it's of a little different flavor, is an ordinance that is to consider providing access. Well, there again, depending on what happens before is going to determine what kind of time should be allocated for that last ordinance. We're not going to talk so much about the last ordinance at this moment. We're going to see how the rest of the stuff goes. I'm going to ask Mr. Ogilvie to make a couple of opening remarks and then ask each Council member if

MAYOR BRIARE:

they wish to make any opening remarks. Our City Clerk, Mrs. Hawley, has a digital clock here that she is going to be very strict in the amount of time that's being spent talking on each one of these items and I'm going to ask, right now, as a matter of fact, before we hear from Mr. Ogilvie, how many are here to speak on the consideration of Bill 86-22, which is amending the cable TV ordinance, which I referred to as an Enabling Act. Incidentally -- I would rather have you -- if you're representing a company, the whole company is going to get the time, not each individual person. Well, there's about three or four here and three or four there. That time has to be divided up, Mrs. Hawley, between about eight people. This is not a court of law and we're not going to conduct it as a court of law. We're going to conduct it as a hearing body. Mr. Ogilvie.

CITY ATTORNEY OGILVIE:

Before you start, Mr. Mayor, I think it might be helpful if I recited some of the history behind this ordinance. Starting clear back in the mid, early or mid '60's, the City was presented with two applications, one from the Greenspun family and one from the Donrey media group. In order to accomplish those, accommodate those applications, the City adopted its first cable TV ordinance. At that time the regulation of cable TV was under the complete jurisdiction, or almost complete jurisdiction, of the Nevada Public Service Commission. The only jurisdiction that local governments had at that time was to more or less lease the public rights-of-way, other public grounds for the stringing of the cables. The -- in mid or late 1970's after extensive hearings and struggles before the Nevada Public Service Commission, Community Cable TV, which was owned at that time by the Greenspun family and Jack Edcott was granted a certificate of public convenience and necessity to operate county-wide in Clark County. In order to accommodate that situation, in 1979 the City amended its ordinance that it had adopted in early or mid '60's to update and to correspond with what the Public Service Commission had finally done and at the same time granted Community Cable TV a franchise to operate within the corporate boundaries of the city. The status remained as such until 1983 when that session of the legislature deregulated, so to speak, the cable TV industry in Clark County, and perhaps Washoe, I'm not sure if the statute also applies to Washoe, but anyway, it deregulated with respect to Clark County the industry and authorized local governments to step

CITY ATTORNEY OGILVIE:

into the void created by that deregulation. The ordinance that's before you this morning could have been considered at that time because the ordinance -- the first ordinance, Bill No. 86-22, merely is intended to fill the void that was created when the State retreated from regulating cable TV in Clark County. There was no action taken at that time by the City Council because there was no need for it. The Community Cable TV was the only franchisee and there were no additional applicants on the horizon. However, last fall the City was presented with two additional applications for franchises, one from Misco, Incorporated and one from Valley Communications, Incorporated. It became apparent that some action should be taken with respect to the existing ordinance because it was enacted during a time that most of the regulation was under the jurisdiction of the Public Service Commission and with the deregulation that that void was created. Therefore, Bill No. 86-22 was prepared to, in some manner, fill in that void. It does not go nearly as far as the former Public Service Commission regulations went. It was the guidance that our office received that the City was not of a mind to encompass the whole field of TV regulation, but wanted some means of protecting its citizens and its public rights-of-way and public places, so that's the genesis of Bill No. 86-22. I think it's important for you to realize that even if Bill No. 86-22 is not adopted, that does not preclude the City Council from granting additional franchises. It is not -- the adoption of Bill 86-22 is not a prerequisite to granting additional franchises. The franchises, or the proposed franchises that you will consider later on this morning comply, and also the applicants for those franchises, applications for those franchises, comply both with the existing ordinance and with Bill 86-22, if it is adopted. The adoption of Bill 86-22 is somewhat connected, however, with the granting of additional franchises. Unlike the franchise that is held by Community Cable TV, which was granted prior to deregulation, and in my opinion, would be subject to any additional regulations that the City Council would impose to fill the void created by deregulation, the new applications for franchises, if franchises are granted, would not be subject to any new regulation imposed by the City Council, if the ordinance opposing those regulations came subsequent to the granting of those applications, so while the two are connected and, in my opinion, the adoption of

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 4

CITY ATTORNEY OGILVIE: Bill 86-22 should come before new franchises are granted, there's no necessity that that be the case, but I want to emphasize that the adoption of Bill 86-22 is not a pre-requisite. There's nothing in the existing ordinance that would prevent the granting of additional franchises, if that's the Council's desire.

MAYOR BRIARE: Any comments by the Council members? Incidentally, questions or comments by Council members, or questions and the answers that would come from the people in the audience to Council members' questions, will not be included in the timeframe.

COUNCILMAN LURIE: I have one.

MAYOR BRIARE: This is -- oh, excuse me.

COUNCILMAN LURIE: I just had one clarification I wanted from George on 86-22. If it's not adopted, he's saying that we could still approve a franchise?

CITY ATTORNEY OGILVIE: Yes.

COUNCILMAN LURIE: Under the old one.

CITY ATTORNEY OGILVIE: Under the existing ordinance, yes.

COUNCILMAN LURIE: The existing one that we have, okay.

MAYOR BRIARE: Councilman Levy. This is not a congressional type hearing for those of you who have had an opportunity to testify at congressional hearings where we ask for your written comments first and then you can elaborate on them a little later. Sometimes that's good, in my personal opinion, and sometimes it's bad, but we haven't done it. However, I would say this, I've already indicated to you that we have transcripts of the -- of a number of meetings that have already come into the consideration of these questions today, so keep that in mind that if you have gone indepth into material in previous meetings that you're only going to be using up time of others if you begin to reiterate what you've already said at one of the previous meetings. This particular ordinance is of interest to the general public and we're going to conduct it in that way. The other two as far as the hearings on the applicants, we're going to pay a little more attention to the formalities of allowing the applicant to make his comments and then listen to anyone that's in objection thereto, so this is a general meeting on Bill No. 86-22. Who would like to be first? Don't be bashful.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 5

THELMA CLARK: Nobody wants to be first?

MAYOR BRIARE: Come right up, ma'am, good for you. Incidentally, we've got to be sure that we keep a tab on everyone, meaning your name and your home address and if you're affiliated with an organization, by all means, that too.

THELMA CLARK: Okay. My name is Thelma Clark. I'm Vice President of the Mobile Homeowners League of the Silver State, Incorporated, 2038 Palm Street, Space 253, Las Vegas, 89104. Council members and staff, as you know, we have had severe problems in mobile home parks when the park owner installs the cable TV system and owns it himself. Park managers are lacking in maintenance skills and as a result the reception in the parks is very poor. Now there are only two parks right now in the city that have installed their own systems, but not comes Three Crowns, that's another one. I have some suggested amendments here that I'm going to give you a copy of and I thought 86-16 was on the agenda, it is not, but I'm going to give them to you anyway for further consideration.

MAYOR BRIARE: Just a minute, Mrs. Clark. What is 86-16?

CITY ATTORNEY OGILVIE: 86-16 has already been adopted. It's an ordinance that provides for the licensing of, what are referred to as SMATV, Satellie Master Antenna Systems, which are the little neighborhood dishes that may serve a housing development or an apartment house or a trailer park.

MAYOR BRIARE: Is it germane to these ordinances this morning?

CITY ATTORNEY OGILVIE: 86-16 probably is more germane to Mrs. Clark's problem than is 86-22; 86-16 has already been adopted, as I say.

COUNCILMAN LURIE: If she wants to just give us those changes she has, we can refer them --

THELMA CLARK: I had the same wording for both ordinances.

COUNCILMAN LEVY: Mrs. Clark, I'll be more than happy to take it, since I was the one who sponsored 86-16; I'll be more than happy to look at your amendment. I understand your problem and if there's a good way to work it out, I'm certainly interested. Mayor, that was the ordinance to -- these guys were going into apartment houses and mobile home parks and selling them and -- with no licenses and we weren't getting our -- everything was wrong.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 6

MAYOR BRIARE:

Okay, well, Mrs. Clark, then if you could proceed then just on this item because we can't allow too much time to talk about 86-16.

THELMA CLARK:

Okay. The amendments for 86-16 and 22 are the same amendments and the same wording and I'll give you a copy here, if I can find one. You can use as many as you want. We'll start with 86-22, since you have that before you and we feel these amendments would not affect apartments, hotels or motels, and I have added to the definition of CATV, SMAS and Subscriber. I've also added a definition for mobile home parks. However, there may need to be other changes to accomplish the purpose in this ordinance that I haven't noticed. We are here to tell you we need help. There's no other entity that can help us until the Legislature meets and we would appreciate anything you can do to help us.

MAYOR BRIARE:

Thank you very much, Mrs. Clark.

THELMA CLARK:

Now the bottom of that page, the second page, on page 3 of 22, I would like --

MAYOR BRIARE:

You have given it to us in writing now. You don't have to go over it again once you give it to us in writing.

THELMA CLARK:

And also the -- I want to tell you though, the definition of mobile home park that I have given you comes out of Nevada State Statute, Nevada Revised Statute, NRS 118 B, and that's the mobile home statute. I assume that it should be the same definition in all the statutes and ordinances. It is now a County ordinance and I couldn't find it in the mobile home ordinance, the City ordinance, so I used the one out of the State Statute.

MAYOR BRIARE:

We appreciate that. These are going to become a part of the record this morning and we'll certainly have them ready for our consideration.

THELMA CLARK:

Thank you.

MAYOR BRIARE:

Who would be next?

COUNCILMAN LEVY:

Mr. Mayor, let me ask a question of George while they're coming up.

THELMA CLARK:

Did you get a copy, Mr. Levy?

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22

PAGE 7

COUNCILMAN LEVY: Oh, I sure do. George, --

CITY ATTORNEY OGILVIE: Yes?

COUNCILMAN LEVY: What is the difference between our existing cable ordinance and what is being proposed today, basically?

CITY ATTORNEY OGILVIE: If we --

COUNCILMAN LEVY: You've indicated that if we did nothing.

CITY ATTORNEY OGILVIE: What?

COUNCILMAN LEVY: You've indicated that if we did nothing, to let this ordinance die --

CITY ATTORNEY OGILVIE: I'm sorry, I didn't catch your question.

COUNCILMAN LEVY: If we -- you indicated to us if we would let this ordinance die, the one we're having here proposed this morning, what is the difference between that ordinance and what we have on the books today?

CITY ATTORNEY OGILVIE: There are a lot more regulations and standards that a cable TV company would have to comply with in the new ordinance that they would not have to comply with if they were granted a franchise under the old ordinance.

COUNCILMAN LEVY: That's all?

CITY ATTORNEY OGILVIE: Well, yes, but there are a lot of additional regulations. I think the ordinance is some 22 pages long and there are a lot of -- one that comes to mind and one that perhaps you might be particularly concerned with is a requirement that the operator, if he disturbs the front yard area of any homes, there's a requirement that he has to go in and restore it. There's provision in there for notice to homeowners when the operator intends to disturb the front yards.

COUNCILMAN LEVY: I don't think anybody is complaining about those issues. I don't think there's a difference between -- I think that's only fair and right that we should have some, but I'm talking about, what is the difference between what we're trying to get. We do have a difficulty going on right now. I want to know why from you, from Councilman Lurie.

COUNCILMAN LURIE:

I'm just going to tell you one item that is kind of an impass that I feel is very important of a section that's being deleted from the original ordinance that I have a problem with and that's over on page 8, section B, line 12. I personally believe that anyone applying for a franchise has to tell us at the time they apply for the franchise what they are going to build, how they're going to build it, and the description, and that paragraph has been taken out so that if a person applies for a franchise and is granted one, they can come back in in six months and tell us what they're going to do and I personally have a problem with that and I think the new paragraph's on page 13, line 29, section A, and that's, I think, when the discussion started out, that's where they're going to start, that paragraph.

COUNCILMAN LEVY:

Which one, 13 A?

COUNCILMAN LURIE:

Yes.

COUNCILMAN LEVY:

The right number in the blank, 16?

MAYOR BRIARE:

Line 29.

COUNCILMAN LURIE:

Line 29.

COUNCILMAN LEVY:

Oh, excuse me.

COUNCILMAN LURIE:

Okay, that's the new language. The language that's being taken out is over on page 8, that's being deleted, that has to do with telling us exactly what the franchisees are going to do. They want to wait six months and I personally believe that we should know at the time they apply for a franchise.

COUNCILMAN LEVY:

Alright. What else, Ron?

COUNCILMAN LURIE:

That's the biggest thing. If we can overcome that hurdle, I think the other parts are relatively easy. We'll let the companies explain.

CITY ATTORNEY OGILVIE:

I think that's correct, Councilman Lurie. The old ordinance, or the existing ordinance, contemplates that a franchise would be granted for the whole city and that all of the information to which Councilman Lurie alludes is required at the time the franchise is applied for. The proposed ordinance contemplates that an applicant could apply for all or any part of the city and

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 9

CITY ATTORNEY OGILVIE:

what parts that he builds and is authorized to build in would be governed by the permit process. They could come in anytime within six months. I believe there's a requirement that he has to get a permit within the first six months after his franchise is granted, but the permit does not have to include or encompass the whole area for which he is franchised. It could be the whole area or any part of the area and it's at that time that the information to which Councilman Lurie alludes comes into play and is required. Instead of a one-step process as presently exists, this ordinance, which one-step being the franchise and thereafter the franchisee goes to work; under the proposed ordinance it's a two-step process, the franchise and then the permit process, and it's under the permit that the franchisee goes to work or all or any part of the franchise area.

COUNCILMAN LEVY:

Thank you.

MAYOR BRIARE:

Any other comments? Start the clock again, Mrs. Hawley.

COUNCILMAN NOLEN:

We started about him five minutes ago when he came up.

BRIAN GREENSPUN:

Mr. Mayor, Councilmen, my name is Brian Greenspun from Community Cable TV, 900 South Commerce. You've all either heard me or I assume read me in the transcript, so my purpose is to just introduce the next gentleman who will speak on behalf of Community Cable TV. I'm a little sorry, Mr. Mayor, that you imposed the half hour; I understand why because we brought this gentleman from Washington, D. C. where he is a Senior Partner with the law firm of Hogan & Hartson, which is, if not the premiere communications law firm in Washington, one of the two or three top ones. He himself is recognized as an expert in the field. He's testified in court hearings, represented practically every major cable company in the United States, as well as the National Cable Television Association. We brought him out here in an attempt to give the Council, those who were at the Recommending hearings and those who, of course, weren't, to give them an overview of what the cable industry, the franchising process, is about, and basically, while he's representing us, to give you people an opportunity to use him as a resource for information. Certainly he's done this many times. He's very very knowledgeable to the franchising process.

JUL 18 1986

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22

00331

PAGE 10

COUNCILMAN LEVY:

He knows our -- he knows what's proposed today?

BRIAN GREENSPUN:

He's familiar, yes, sir. He's had those proposed franchises. He can speak specifically to those. He can speak generally to the cable industry what similar Council's in similar cities across the country are looking for, have been looking for, how it's changed, how it's progressed and evolved, so rather take up any of that time, I'd like to introduce Mr. Jay Ricks, who is a Senior Partner with Hogan & Hartson and then you can take it from there with him.

MAYOR BRIARE:

Mr. Greenspun, while Mr. Ricks is coming up he can probably do just the reverse of what I indicated in congressional hearings, coming from Washington. I'm sure that he's familiar with what I'm saying. Instead of giving us his lengthy prepared remarks in advance and then condensing it, we'll let him condense it first and give us the lengthy remarks in writing later.

ATTY. JAY RICKS:

Thank you, Mr. Mayor. My address is 815 Connecticut Avenue, Washington, D. C. As I understand the purpose of the hearing and Mr. Ogilvie's remarks were very helpful. You wish to fill the void that has been created by the deregulation of cable and as I understand the process that proceeded that deregulation, the Public Service Commission in this state made a public-interest finding as to who was best qualified to provide cable television service in a community and thereafter the community granted a permit or franchise to allow that entity to use the public rights-of-way and now it is your intent to fill the void and to include both the permit to use the public rights-of-way and the public interest finding in a single comprehensive form of regulation, which is what most communities around the country that have not had the overlayer of the State have done in fact, either through an action by the City or through a delegation from the State Legislature and I understand that Community Cable supports that endeavor. The point I wish to make in the areas I wish to cover relate in some degree to the multiple franchise issue which, of course, is tied to this proposal and I think it is one that there is a great deal of mis-information about and I would like to address a few remarks. First of all, there is the question of whether a community is required by law to entertain and to grant a franchise to all those who are superficially and legally qualified to be a cable television permittee and there has been a very recent Supreme Court case which addresses that issue, although it

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 11

ATTY. JAY RICKS:

does decide it. The case that I'm referring to is the Preferred Communications case against the City of Los Angeles. In that situation the City of Los Angeles sought to auction off a franchise to make an exclusive franchise to the high bidder and one applicant who wished to operate in the City of Los Angeles, but did not wish to participate in that bidding contest took the City to court and without giving that person an opportunity really to be heard, the court dismissed the Complaint and it got up to the Supreme Court and the Supreme Court held that the Complaint should not have been dismissed. The Supreme Court held that cable television does have implications -- the First Amendment, but the Supreme Court said, there must be a balancing and it didn't go into the details of this because the hearing was never held in Los Angeles, but the balancing that is required, is to determine whether the public interest would be better served by having more than one franchisee against the interests of the community for a number of areas, which I would like to identify. First of all, as you know, cable television is a system of wires, amplifiers, and cables that resembles quite closely a telephone system. In fact, it is very difficult to distinguish when you look on a pole which is the telephone and which is the cable television. It goes over public rights-of-way and as you noted, Mr. Ogilvie noted, and Councilman Nolen noted, or Lurie noted, it also goes on private rights-of-way as well. The attachment of the cable television facility to the utility pole impairs to some extent the ability of the utility to provide its primary service. The cable television is always the lowest wire. The telephone goes 12 inches above that and the secondary power lines go 40 inches above that and the primary power lines go above that. Whatever the power company wishes to work on its facility, it has to go around both the cable television and the telephone and power utility witnesses would attest and confirm that the more facilities you have on the pole the greater the cost of servicing the primary power lines, and so forth, and the same thing is true of the telephone lines and if you want to have multiple cables on a pole, you frequently have to put in a longer pole, and the money that's spent for that and the time that's spent for that is not productive in the sense of providing utility services, so there is an interest to the

ATTY. JAY RICKS:

community in reducing the extent to which the pole is used for something other than its primary purpose and there is the aesthetic point that was raised in the Preferred case by the City of Los Angeles saying that every wire you have above ground has a certain aesthetic impact. If you have three or four telephone companies on the line, you would find an undesirable aesthetic appearance from them. They also noted that cable systems go underground where the utilities go underground. It means digging up the streets. As the City of Boulder, Colorado noted at one point, there are a number of -- there are only so many times that the residents of a community should have to endure the inconvenience of having the streets torn up, so that that was a balancing factor. And then there is the point of view of the private homeowner. The private homeowner has his yards dug up. Even when the cable system goes underground, it is only the cables that go underground. The electronics are above ground in pedestals and I'm sure that you've seen if you live in an area subdivision where utilities are underground. Every quarter mile or so or maybe even every block there are pedestals that come above ground that are used to service the cable television facility. If you have multiple cable systems serving a community, each of the systems will have its own pedestals coming up so you have these things sticking all over the ground like -- all over the place like mushrooms. These are the things that you must balance when you determine whether or not you wish to have more than one cable system serving the same geographic area in a community. Then there is the point that was noted of Universal Service. Do you want to have a cable service that is available on a non-discriminatory basis to all the residents of the community or do you want to permit what is called "cream skinning" for someone to come in and try to pick the most lucrative area and build only that and let other areas of the community go without service if they cannot support it. Now that balancing act is all supposedly to achieve for you whatever benefits there are in competition and whatever benefits there are in diversity of media. Well, the few communities that have tried to encourage competition of cable television has found that it simply doesn't work, that cable television has the characteristics of a natural monopoly and that the investment is such to serve the people that you have economies of scale, but you cannot achieve those economies if you have duplicate systems. The investment is the same for

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 13

ATTY. JAY RICKS:

each one. The City of Minneapolis granted multiple franchises, a store of communications, a very large company, Rogers Communications, a very large Canadian company, both built in the City of Minneapolis. Three years later there were two virtually bankrupt cable systems. They merged and now they have one financially-troubled system, which is asking the City of Minneapolis to relieve it of its franchise obligations. The City of Phoenix, Arizona did the same thing. Times Mirror was one of the companies that built there and I believe against George Communications. They ended up with two financially-troubled systems. They finally merged and after the merger they now have one financially-troubled system. In Phoenix the Department of Justice reviewed what was happening concerned about a merger of supposed competitors and came to the conclusion that it made sense that they merge because it was uneconomical to have two cable systems and decided that the City Councils in the United States are the best bodies to determine whether in that particular city under those circumstances there should be multiple cable systems in the community. so we get to the point of, on the one hand all the factors that I have recited that you would want to consider as to whether or not the public interest would be served by having more than one cable system. Then you come to the other end of the balancing act, which is what benefits do I get from it. At least those communities that have tried it have found that there were no benefits at all and ended up with one cable system, only it was financially troubled. Now the balancing act is one that should be contemplated in the statute. Your statute has a -- or your proposed ordinance, has a provision that nothing in that chapter would require the City Council to grant a franchise when in its opinion found it would not be in the public interest. Now, I would submit to you that it is impossible to make that determination unless you have before you all the information that -- as to where the entity wishes to build. Do they wish to overbuild the entire city of Las Vegas? Do they wish to build in certain pockets? Is there some portion of the community where the existing operator has done a bad job and where the citizens would be better served by having someone new come in? Is that person qualified to build a system? Have they demonstrated their ability in other areas where they've shown they can render a superior service than the existing operator has done? And incidentally, I just might add that it's somewhat unprecedented in the history of cable television for a community to encourage a multiple system where the

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 14

ATTY. JAY RICKS:

existing operator is doing a reasonably good job and where the existing operator has built facilities to provide a responsive service to all those who wish to have it, which I understand is the situation in this community, so it would be our view, and a very strong view, that in adopting a regulatory scheme for cable television you would not wish to address the situation of adopting a second, third, or more permittees, or cable television franchisees, until you had first made a determination that where the person wished to build was in need of service or whether they wished to overbuild the entire city, whether that was going to meet some interests of the public. Whether in balancing these things, disruption of the public streets, the connecting of additional wires, whatever, would meet some public interest and then, and only then, would you make the determination to grant a second franchise.

MAYOR BRIARE:

Will you be testifying at the hearing on the possible granting of a franchise for the two that we have before us today?

ATTY. JAY RICKS:

Yes. Yes, we will, Mr. Mayor.

MAYOR BRIARE:

Some of those kinds of remarks might be properly made at that time, also.

ATTY. JAY RICKS:

Yes. And the points that I wish to leave with you on kind of a background of this is that I think it is unprecedented in -- as far as I know, in the cable television industry among the 6,600 communities that have granted cable television franchises, is to have the type of two-step process that the proposed ordinance involves, which is to award someone a franchise, in effect, create in them a legal expectancy that they have some rights because now they are a permittee and then at a later time they come in and they say, "And here's where I wish to build." You make a second finding at that time. Rather the balancing act I have described, as far as the impact on the community and the benefits to the community, really ought to be done at the time the person asks for a franchise in the very first instance, so I would suggest that the statute be consolidated into a single hearing as to what they propose to do, what are their qualifications, and so forth. I guess finally the point that I wish to make is that in 1984 Congress passed the Cable Policy Act that creates a national policy among all of the states and all of the communities, and the purpose was to

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 15

ATTY. JAY RICKS:

encourage the growth of cable and to encourage its responsiveness to the communities around the United States. That Act specifically states that a community can grant one or more franchises as it believes will fulfill the public interest. And again, it is this body which must look at the public interest, not the private interest, and might honor the private interest of any applicant, but to determine where will the consumer benefit through this action, and as I say, through the some 6,600 communities that have done it they have decided that those that should be granted a franchise should be qualified, their qualifications should be determined at a public hearing. Their proposal should be the subject of a public hearing. Then and only then should they be given the status of a franchisee and if the franchisee who has been chosen by the community has done a good job and the community is being well served, it would seem that the great body of sentiment in the United States is that through the oversight of the governing body on that body, the public interest is best served through that oversight process, rather than by a process of simply granting subsequent franchises to try to create some little pockets of competition.

MAYOR BRIARE:

Thank you, Mr. Hicks. You have been very helpful to us. We'll be hearing from you again a little later this morning. Someone from this side of the room, perhaps?

STEPHEN BAUCHMAN:

It takes a while to get up here.

MAYOR BRIARE:

This is on your time. Please speak into the microphone and don't tell us what happened. Tell us what you have in mind for us today.

STEPHEN BAUCHMAN:

I'd rather not tell you what happened, that's much easier. Stephen Bauchman.

MAYOR BRIARE:

You're playing on our sympathies, you know that, don't you? Perhaps only the nice looking lady next to you would be more impressive.

STEPHEN BAUCHMAN:

She's my support, moral and otherwise. I'm Stephen Bauchman, Valley Communications. In the early 1980's there was a big question of what was going to transpire with the deregulation of the telephone industry. There was a lot of publicity and the one big question was addressed

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 16

STEPHEN BAUCHMAN:

at that particular time is, what is going to happen with the universal services affecting the country today? The thought at that particular time and most of the opponents of deregulation, the telephone industry, says that we're going to experience a demise of service and an increase in rates. In 1984 Congress instituted the Cable Communications Act. Opponents today are for telling the same thing that occurred in the early '80's with regards to the telephone industry. What's going to happen with the deregulation of cable TV industry? Are we going to experience a demise in the quality of service? Are we going to lose the idea of universal service to the subscribers? Are we going to incur an increase in rates? What we have, between the two, if you would draw an analogy, is that we have a situation where we had two basic monopolies that started out. I think with the other gentleman that spoke before me, they have given a pretty good history on the cable TV industry, but what they have failed to point out is that initially when franchises were granted, they were granted on an exclusive basis. The communities would take applicants from various suitable parties. They would take and file their plans with them. They would tell exactly what their rates were going to be. They gave an indication of the type of service. The community has -- and in the case of Nevada, the Public Service Commission then made a ruling as to which party they thought was most suitable. Suitable in terms of their capabilities, suitable with regards to their financial strengths. In 1984 the FCC came out with an idea of deregulation and the Cable Communications Act from Congress came out and says, what we're interested in is providing the benefits of deregulation and competition to subscribers for video services. It is our belief -- it is what we have pretended that competition is something good. I believe most people believe that. The question has been brought up in the previous meetings, the questions have been brought up over the course of these discussions is, what is going to happen to the community, what is going to happen to the individual subscribers? The idea of competition is how do we balance it out. How do we balance out what the needs are of the individuals that want to compete and the subscribers themselves. Inside the ordinance which we have we talked about the questions of standards. I think all of us are in favor of standards. The standards we put forth here and which is regulated inside of it gives the ability to the City in this particular case to take

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 17

STEPHEN BAUCHMAN:

and determine whether or not the individual who is going to build the system is suitable. It allows them to take and review whether or not the performance meets certain standards. Those standards as dictated by the current ordinance today addressed the question of FCC. The FCC has a set of standards whereby they give minimum operating levels for all individuals. The other performance standard is what type of response do you get from your subscribers? What time -- response do you get from the citizens of the community and whether or not your construction standards are, as the previous gentleman pointed out, are detrimental to the community as a whole, or whether they are actually servicing their purpose. As the ordinance is put forth today and as proposed today, it addresses the question that if each of the individuals, after they are awarded a franchise, does not perform to suitability, then their operation can be stopped. The questions come up as, well, in the past that numerous communities, or 6,600, if I may use the previous gentleman's figures, has indicated that they have found that a single entity, which really has been the noted case -- most recently there has been only a few communities that have addressed the question of multiple cable operators. He addressed the question of the two, such as Phoenix, where, what they did is they opened up to cable operators and said "Gentlemen, you may go ahead and proceed to build and once you service an area, then that's your particular service area. If you decide to overbuild, that's up to you." In Dade County, which is now facing the same particular situation as what the City and also Clark County is faced with, they were faced with a situation where they initially awarded a franchise to one individual. They subsequently went through and awarded additional franchise for people to take and provide service, but as this ordinance provides today, they indicated that prior to the providing of that particular service, that the construction plan or service plan, would then be submitted and whether this service plan would benefit the citizens of the particular community and exactly whether the construction would severely impact them. It is not unprecedented today, or maybe I should use it, it is preceded today to find a situation where you have multiple operators. This is something that is occurring as a result of only the deregulation, of only the change in the Communication Act. Other communities today we're going to be faced with the same situation. As to whether or not competition is good or bad,

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 18

STEPHEN BAUCHMAN:

there is some question as whether or not one particular area will be serviced and the rates will decrease as a result of competition and other non-service areas, the rates will increase. As a small cable operator in Idaho, we sold our system out to TCI. TCI is one of the major MSO's, Multiple System Operators. After the purchase of our system by TCI, TCI instituted some rate increases overall. As a result of those particular rate increases, MTCI has now discovered that their percentage of subscribers has decreased dramatically and they are now having to take a look to see exactly whether or not they are dealing with the service that is price sensitive. It is our belief that competition is in the best interests of the community as a whole. We believe that it is in the best interests of the community as a whole to provide standards to insure that the quality of the service is being delivered to the client is there. We believe in the best interests of the subscribers that exactly the construction methods are governed and they are determined. We believe that the Bill before the City today addresses these needs. We believe that there is a situation which you are faced with, which other communities have faced and been able to deal with and we believe the adoption would be in the best interests of all the citizens of Las Vegas.

COUNCILMAN LEVY:

How is it going to do better service for my home? I'm in an old developed community. It's been here 15 to 20 years. How am I going to get better service or my neighbors going to get better service or prices or anything else? Can I ask you that?

STEPHEN BAUCHMAN:

I'll answer this by referring to an article. There is a particular journal --, it's called Cable Television Business. Inside of it it addresses the question, in 1986, as to what is a subscriber looking for in terms of service? In the past the basic premise that cable operators existed upon was the idea that I was going to provide multiple channels, numerous channels. That was the basis whereby I would get that particular service. Today the feeling among most MSO operators is that if you provide an option to the subscriber as to his choice of service and the price for that particular service.

COUNCILMAN LEVY:

But do I have a choice? Will I have a choice if

COUNCILMAN LEVY: I grant you a franchise today?

STEPHEN BAUCHMAN: Yes, you do.

COUNCILMAN LEVY: How am I going to have your service and drop the one I've got? I'm in an existing neighborhood.

STEPHEN BAUCHMAN: You have multiple choices. You have a choice that is directly related to the service you have there. You have the choice, should another cable operator come in and build your area?

COUNCILMAN LEVY: How can you build in my area? I mean, in other words, are you going to tear up my streets again?

STEPHEN BAUCHMAN: That depends on the particular area you're in.

COUNCILMAN LEVY: I'm in a neighborhood. I'm in a tract neighborhood.

STEPHEN BAUCHMAN: Are you served by aerial or by buried services?

COUNCILMAN LEVY: I think -- I'm not sure, probably, I think, it's burial. Now are you going to tear up my streets again?

STEPHEN BAUCHMAN: In some cases, no.

COUNCILMAN LEVY: So in other words, you're not going to be able to service my area. See, I'm looking, my -- I'm going to be getting real selfish. My district, what I represent, is basically not growing at all. In fact, I have to take on some of the other Councilman's area because their areas are growing. My area is established homes that have been here, have been part of Las Vegas from day one and they are all serviced basically right now by one television, by this one company; I mean, it's all been done and everything is put in and it's sitting there. Now, am I going to be able to have an opportunity to have one of you -- if we approve these two franchises today, allow those two companies to come in and compete? Will I get part of that competition, my neighbors and myself?

STEPHEN BAUCHMAN: Councilman Levy, that's difficult for me to answer because I don't know where you live.

COUNCILMAN LEVY: I live in McNeil.

STEPHEN BAUCHMAN: Yes, it does to some degree because the question was brought up where we will serve. When I came and applied to the City eight months ago and what my initial proposed service plan was at that particular time and what my proposed service plan

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 20

STEPHEN BAUCHMAN: will be today will change.

COUNCILMAN LEVY: I live in McNeil.

STEPHEN BAUCHMAN: Please?

COUNCILMAN LEVY: I live in the McNeil area.

COUNCILMAN LURIE: Charleston and Oakey, Rancho, Valley View area.

MARY ALICE BAUCHMAN: If I may address that question. My name is Mary Alice Bauchman, representing Valley Communications. In all probability, we will not overbuild a major area of the city.

COUNCILMAN LEVY: So basically what you're telling me is that I will still have the same company?

MARY ALICE BAUCHMAN: That's correct. You will still have the same company servicing you, but I believe what Stephen is trying to address is the fact that if there is competition in areas of the city, that should affect the existing areas in the sense that there are standards that the public will become aware of. If you decide that your service is not what you think it should be, then you have other choices. You have the choice of purchasing a satellite dish or video services that you can get from a VCR and the market will not allow companies to price themselves over and above what the consumer is willing to pay. There are other choices.

COUNCILMAN LEVY: But let me just get back to what my line of thinking. You gave me choices I have today anyway --

MARY ALICE BAUCHMAN: Right.

COUNCILMAN LEVY: --without this. To weaken the existing franchisee is not going to help and by weakening it and going into new areas, non-existing areas today, where everybody is going to be competing, if I'm not mistaken, is basically the Husite properties, Peccole, we can name them. There are new areas that are opening up is where your main interests and I'm sure all the other companies main interests are going to be because that's going to be the major future of our community in expansion rather than the existing franchises, so what we're going to do by you going into these new areas, lowering the prices or competing, or whatever your way of competing is, and winning some of them, you've

COUNCILMAN LEVY: got to weaken the existing franchise company.

MARY ALICE BAUCHMAN: You are in a Catch 22 situation, I understand that. However, --

COUNCILMAN LEVY: Yet I don't want to see them make an overabundance amount of money either.

MARY ALICE BAUCHMAN: That's what you're faced with is the fact that --

COUNCILMAN LEVY: Maybe we should regulate the prices.

MARY ALICE BAUCHMAN: You can't do that, though.

COUNCILMAN BUNKER: It's against the law.

COUNCILMAN LEVY: That's against the law. I mean, you know, there's got to be, you know --

STEPHEN BAUCHMAN: The problem you've got is you now have before you is a community. The question of First Amendment rights. The question of how far you can go to regulate it. As the gentleman before you -- before me, indicated to you, you can determine whether I am suitable. You can determine whether or not it is in the best interests of you as a community as a whole, but you are not in the position, basically, where you can stop somebody from coming in and competing if they can demonstrate that there is not an overall impact to the community. You cannot sit down and take and govern prices. The idea of the Act was an attempt to foster competition that would then provide the basis for the pricing and provide the basis for the quality and the service you get. What you have here is you're faced with a situation, as a community, you must enact some type of a Bill that was going to take and allow you to determine how to control your particular interests and whether or not myself, as an individual, or any other individual is suited to buy that service.

COUNCILMAN LEVY: But you haven't answered my question, sir.

MARY ALICE BAUCHMAN: I think our understanding of what competition will do, that although it may not lower your rates in the area you are in, it may keep them from increasing and what I mean by that is that if we go out and we are competitive in a new area of the city where we keep an existing operator or another new operator from raising their rates because we are offering comparable or better service at a lower rate, it will

MARY ALICE BAUCHMAN: reflect on the existing areas.

COUNCILMAN LEVY: How? They don't have to give me the same rates they are giving the new area, do they?

MARY ALICE BAUCHMAN: No, they don't.

COUNCILMAN LEVY: And you think they will?

MARY ALICE BAUCHMAN: Yes.

MAYOR BRIARE: I think -- I wish that Councilman Levy could get an answer to his specific question, or at least, if not to his satisfaction, to the satisfaction of others. We are using this question and answer quite a bit to extend your remarks and you're not being charged for this particular time.

COUNCILMAN LEVY: But I think it's important.

MAYOR BRIARE: Councilman Levy is being charged.

COUNCILMAN LEVY: This has been on my mind the whole time.

MAYOR BRIARE: He's absolutely right. It's a darn good question and it's certainly appropriate that it be responded to, but I think that we're not getting a response, and quite frankly, I think the young lady nailed it right on the head and as far as I am concerned, your answer is, you're in a Catch 22 situation and there is no answer.

COUNCILMAN LURIE: The answer is that granting a franchise where they can go out and cherry-pick a particular area is not going to benefit the existing service and that's exactly what we've been faced with at all these meetings is that granting an additional franchise is not going to help my district because my district already is serviced and you're not going to service my district, which means that the competition is not going to lower my rates or give me any better service than I presently have and that's one problem that -- this Board has always believed in competition and free enterprise and I believe in that, but again, when you get into existing service, you say you don't want to overbuild, but you're not providing my district any additional service where my people in my district can take advantage of better service or lower rates.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 23

COUNCILMAN LEVY:

And all you're doing is basically weakening and probably the worst thing is, in a round about way, you're weakening the company that is servicing our area. To me this reminds me a great deal of our ambulance situation that we had here a few years ago that we had disagreements on this Board on how to respond to it. To put in two or three ambulance companies in this community would not lower and improve the quality. It would create -- it would be ambulance chasers and three ambulances showing up. We had quite a fight and there was no right or wrong in it either and it was quite a discussion and it was always a 3/2 situation. It was almost the same type of tones. We were able to get some experience from some other communities that had more than one ambulance community. I am a free enterprise person, but it did prove that by having more than one, or two ambulance companies, all you did was create a higher rate and a poorer service and that's what I don't want to get into. I do not want to get us into a position where we got higher rates and poorer service.

MAYOR BRIARE:

We might be able to wrestle with this a little later.

COUNCILMAN LURIE:

Can I answer my question? I just have one other question and I don't -- I heard this, but when you were -- your company or the other company that were asking the County for a franchise, that question was asked, are you going to build a system if you're given a franchise? Now what was your answer to that? I should ask you, if you're granted a franchise, are you going to build a system in the city?

STEPHEN BAUCHMAN:

Yes.

COUNCILMAN LURIE:

Was it the same answer in the County?

STEPHEN BAUCHMAN:

Yes. We've already built.

MARY ALICE BAUCHMAN:

We've already built in the County.

STEPHEN BAUCHMAN:

We've also proposed to build in the City.

MAYOR BRIARE:

Thank you, Mr. and Mrs. Bauchman.

COUNCILMAN LEVY:

Ms. Bauchman.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 24

MAYOR BRIARE:

Pardon me?

COUNCILMAN LEVY:

That's Ms. Bauchman, that's his sister.

MAYOR BRIARE:

You're brother and sister? Did you do that to him?

COUNCILMAN LEVY:

Yes.

MARY ALICE BAUCHMAN:

I have a black eye.

MAYOR BRIARE:

I was hoping that the representative from Misco would come forward now. According to the stop watch, you have four minutes, but you're going to have more than that because I wanted -- after you make your comments, I want to hear from members who are not financially interested in any of the companies that are here today, which, so far, is all we've heard from. However, I think we're going to be -- I want the general public to realize we will more than likely be deducting the excess time in the beginning parts of this meeting from somewhere down the line because we're still -- we still have time constraints.

STEPHEN BAUCHMAN:

Thank you, Mr. Mayor.

MILTON SCHWARTZ:

I just want to say, Mr. Mayor, we're very happy to exceed positively to your hope and we are here.

ATTY. ERIC TAYLOR:

My name is Eric Taylor. I'm an attorney representing Misco. If we might address first of all the issue of competition, I appreciate the comments of the Council for Community Cable, but as I understand it, the position Community Cable is taking now is that competition is bad. This is an amazing reversal from their position a few years ago before the State Legislature when Mr. Greenspun spoke of the value of competition. At that time Misco had the only franchise in Green Valley. Since then, due to the State change, particularly N.R.S. 11.230, they have come in and they are competing, that is, Community Cable is competing in Green Valley. Now, in Green Valley we find that the rates are the same where there is competition as where there is no competition in other parts of the county. From what we have seen in our experience, if there is competition in new areas, we will have the same rates in those new areas as old areas, so there is an indirect benefit to those old areas, areas in established parts of the city. Not only through competition

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 25

ATTY. ERIC TAYLOR:

in price, but through competition for service. In other words, there might be additional channels provided. Other types of the service we're trying to distinguish or keep up with the competitors in new areas. That's the benefit to old areas. The benefits to new areas are more readily apparent and the problem with keeping out Misco or keeping out any competitor means that not only are the old areas denied the indirect benefits there would be from competition, but the new areas also get no benefits that might accrue from competition. I am particularly concerned in this area when we consider that at one time Community Cable espoused competition when they wanted to go into an area already served. Now, when they want to prevent us from competing with them, they tell of the detriments they perceive in it. The State Legislature -- we've been told that it's unprecedented that a City would encourage competition. Well, that is simply not the case. Particularly not the case where the State of Nevada has encouraged competition through the recent statutory changes. Indeed in N.R.S. 7.11.230 it is delineated the specific considerations in granting a franchise. First of all, the suitability of the applicant. Second, financial responsibility of the applicant, and third, the ability of the applicant to perform efficiently the service for which the authority is requested. I didn't hear in there anywhere, fear of competition. That was not the consideration that the State said we ought to be using. Now, I am also interested in the comments that were indicated, the evils, or perhaps the factors that should be used in determining whether a new franchise should come in. It was mentioned there would be poles that would have to perhaps be increased in height, or there would be digging up of streets, and finally, that there would be pedestals that would pop up like mushrooms. First of all, laws are available now that can be put at surface level, so there will not be mushrooming pedestals. Second, it is the digging up of streets and poles and we've already discussed and gone over it repeatedly that economically we need to try and service first the new areas that will not require digging up the streets, that will not require poles, and as I've already explained, that still gives an indirect benefit to the old areas.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 26

COUNCILMAN LEVY: I don't see how you can tell me what prices everybody is going to charge there, sir.

ATTY. ERIC TAYLOR: Well, all we can look is what's happened in the past.

COUNCILMAN LEVY: Let's talk about what's happened. Let's talk about a little more about Green Valley. I have no idea what's happened. You both -- there are two companies servicing Green Valley?

ATTY. ERIC TAYLOR: Originally, the PSC granted a certificate.

COUNCILMAN LEVY: No, I know, but are you both servicing Green Valley today?

ATTY. ERIC TAYLOR: Yes.

COUNCILMAN LEVY: You're both going down the same streets with your cables?

ATTY. ERIC TAYLOR: Yes, and in fact, in some of those areas, as I understand it, Community Cable overbuilt; that is, they didn't go into existing trenches and it was still --

COUNCILMAN LEVY: I just want to know a couple of things, can I, are you -- well, I'll wait for your presentation.

ATTY. ERIC TAYLOR: That's fine. Why don't you ask the questions and perhaps Mr. Schwartz can answer some of these.

COUNCILMAN LEVY: Alright, let's talk about Green Valley because I have no idea what's going on.

MAYOR BRIARE: Does that mean, sir, that you've concluded your remarks to us?

ATTY. ERIC TAYLOR: Address what you have, Mr. Schwartz.

MAYOR BRIARE: Well, the reason I say it is because if there is going to be questions in back of what you already -- I thought you just inferred that the questions should come now.

ATTY. ERIC TAYLOR: That's fine. I think Mr. Schwartz had a few comments to add and then we'll be happy to field any questions.

MAYOR BRIARE: Let's finish your presentation and then we'll get to the questions.

MILTON SCHWARTZ: Okay. I'd like to make a short presentation and then address your question, Al, at the end.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 27

COUNCILMAN LEVY: You haven't heard my question.

MILTON SCHWARTZ: Well, I've heard your question to Mary Alice.

MAYOR BRIARE: You are on your time now, Mr. Schwartz. You had better move on.

MILTON SCHWARTZ: Misco is in the cable business since 1978. We have served probably 50,000 subscribers satisfactorily in Utah and in Nevada because of customers who disconnect because they cannot afford to pay it or because they moved, we never served 50,000 customers at one time. I think the maximum amount was about 11,000 subscribers at one time. We are qualified professional cable companies. We've built approximately twenty systems in cities like -- well, many cities in Utah and in a place called Conda, Idaho. In 1982, I believe, the Public Service Commission in a competitive hearing between Times Mirror, Community Cable and Misco awarded Misco the franchise in a specific area.

MAYOR BRIARE: Please forgive me for interrupting you. This is going to be deducted from your time at the public hearing that's coming up. We're talking about this ordinance. I think what you are trying to do is give us testimony that you want to save. You want to do this a little later; you don't want to do this right now.

MILTON SCHWARTZ: Okay.

MAYOR BRIARE: Do you understand what I'm trying to do. I'm trying to be helpful to you because otherwise this definitely should be deducted from the time that you're going to have in the next ten minutes or so.

MILTON SCHWARTZ: Appreciate it.

MAYOR BRIARE: Stay on this ordinance.

MILTON SCHWARTZ: On the ordinance we have cooperated with the members of the Committee of the Council with the City Attorney. We have contributed to the extent that we could such knowledge that we had in the ordinance that's before you. We have waited almost a year for this meeting that I hope will take place positively today. The fact that we received the Public Service Commission approval in 1982, I submit is the reason that you in your area has not gotten an increase in

MILTON SCHWARTZ:

basic since then. In other areas where there was not competition, Times Mirror has increased their prices. The very fact that we're there keeps your prices set. Even though we are not in your area, it is almost impossible for Community Cable, who serves your area to charge you one price and someone else another price. Because we are there your price is lower, since we are lower than they are in their price. Now they are slightly dissimilar services, but because we're there, your price is lower, has remained the same. You've got no increases as far as I know and that other -- the competition keeps your price down. The service that we have to provide because Dimension is there to try to show our customers that we have equal or better service, keeps your service quality high. We are competing price-wise and technologically. We have to do it because we don't have a monopoly. In the newer -- we wouldn't dream of overbuilding Dimension. As the attorney from Washington said, "All it would do was create two troubled companies." I hope my father didn't make stupid children and I'm not going to try to overbuild Dimension Cable, but in new areas that's where the competition will come in, where builders will accept our company, where we have been able to convince them that we have a better service and that we're more flexible because we're a smaller company and that our prices are more competitive. If they let us in, I don't think that Dimension would be stupid enough to just overbuild us just because we're there; I don't know, I don't think so. It isn't good business and nobody makes a profit in an overbuilt situation. In Green Valley we have very few areas where we both serve the same customers simply because it doesn't make sense, that's it.

MAYOR BRIARE:

Thank you, Mr. Schwartz. And Counselor, I can understand why it's difficult to stay on one subject when you're so intricately involved with both the ordinances and the public hearing as to whether a franchise will be granted. That being the case, unless you have something that is dynamite as far as the ordinance is concerned, I'm going to ask if there's anyone else in the audience that wishes to be heard in the manner in which Mrs. Clark started off the meeting as a representative of someone who is not financially interested in a cable system company because I know, Counselor, that you're going to be involved in the discussions that we have and the public

LAS VEGAS CITY JUL 18 1986
COUNCIL MINUTES

00350

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 29

MAYOR BRIARE:

hearings to come and I can tell it's going to be impossible for me to prevent comments that are being made that apply to both uses, so why don't you let the general public have any comments they might want to make and we'll credit you on the time during your presentation of whether a franchise should be granted to you. Would that be agreeable?

ATTY. ERIC TAYLOR:

That's fine.

MAYOR BRIARE:

Is that a -- I hope it's a --

COUNCILMAN LEVY:

I'm just trying to find out, I guess what bothers me the most, Mayor, is I'm trying to find out where there is more than one cable company in a community, even as small as Green Valley, or some other large cities, what has been the experience and that's what I'm trying to find out so that I can make some decisions because I'll tell you, you sit here and you say, you know, you're trying to be a future gazer, you know, trying to figure out what's going to happen if I went this way or we went that way. I'd like to hear from experience of past, you know, so that we don't have to make the same mistake twice and --

MAYOR BRIARE:

That's why Mr. Hicks or someone else representing the Community Cable would be able to assist you when they come to speak in opposition to the people who are here to be granted a franchise. Let's see how it goes.

COUNCILMAN LEVY:

That's my whole problem.

MAYOR BRIARE:

Is there anyone else in the audience that wishes to be heard on ordinance, proposed ordinance, Bill No. 86-22 other than someone who is in the cable television business? No one else? Then have the record reflect that there was no one else in the audience to speak on Bill No. 86-22.

COUNCILMAN BUNKER:

Someone's coming forward.

THELMA CLARK:

I've already spoken, but we have some mobile homeowners here that are interested.

MAYOR BRIARE:

You bet, I can imagine, Mrs. Clark.

COUNCILMAN LEVY:

I'd like to ask Councilman Nolen or Lurie. Did you ever reach out to the other cities to find out

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 30

COUNCILMAN LEVY: any experiences, Ron, Bob?

COUNCILMAN LURIE: We have some other ordinances. That one was delivered to me yesterday from Valley Communications --

COUNCILMAN LEVY: Dade County.

COUNCILMAN LURIE: -- got me the copy from Dade County. I haven't had a chance -- I read it last night, but I haven't had a chance to --

COUNCILMAN LEVY: I don't mean an ordinance. I'm talking about some experience; I mean, I guess that's what I'm looking for.

COUNCILMAN LURIE: No.

MAYOR BRIARE: Are you asking?

COUNCILMAN LEVY: Sure, that's fine.

MARY ALICE BAUCHMAN: I'm Mary Alice with Valley Communications again. The Dade County ordinance does address that because there are presently ten companies operating in Dade County and I apologize that it was not able -- I was not able to deliver it to you sooner so you could carouse it in depth, but --

COUNCILMAN LEVY: I'm not looking for an ordinance. I'm looking for some actualities.

MARY ALICE BAUCHMAN: It would be the ordinance and the Rules and Regulations that were adopted as a result of their being a multiple franchise do address that because they were confronted with a situation where there was one cable company initially and then several other franchises were awarded throughout the course of time and through their experience they found out that they had to adopt a separate set of Rules and Regulations as an amendment to the ordinance for the operation of several companies.

COUNCILMAN LEVY: What is the date of the ordinance?

MARY ALICE BAUCHMAN: I'm not exactly sure. I believe it's '76. The Rules and Regulations were adopted in '82, which are the legal sized attachments behind the ordinance itself.

COUNCILMAN LEVY:

What is the history? What's happening in Dade County?

MARY ALICE BAUCHMAN:

What has happened is they have ten cable companies that essentially have a franchise for Dade County and they are assigned priority service areas. They are required to build this priority service area that they submit and once they have built that area they can build areas either contiguous to it by notification to the County Manager's Office, their plans to do so, or if there are not contiguous areas that warrant service to their priority service area, they can apply for a permit to service an area non-contiguous to that area. What it's essentially done is there is some overbuilding in Dade County, but there is not really -- I don't believe there are any situations where there are three cable companies.

COUNCILMAN LEVY:

But the County plays God on this. They decide which one you're going to have, which one he's going to have, which one everybody else is going to have.

MARY ALICE BAUCHMAN:

Yes.

MAYOR BRIARE:

That was a distinct answer to a question for the first time this morning. Thank you very much. Do you have a question of Mr. Schwartz?

COUNCILMAN LEVY:

Well, I think he wants to answer that, too.

MAYOR BRIARE:

Do any of the Councilmen have a question of Mr. Schwartz at this time? Do you have an answer to your question, Councilman Levy? Then we're going to invite someone else to come up and answer Mr. Levy's question if -- do you want an answer from Mr. Schwartz?

COUNCILMAN LEVY:

Yes.

MAYOR BRIARE:

Mr. Schwartz, please answer his question.

MILTON SCHWARTZ:

I concur with what Mary Alice said.

MAYOR BRIARE:

Then the answer is, yes.

MILTON SCHWARTZ:

In the city -- you also asked for those two parts for experience. In the cities of Chicago, Pittsburgh, New York, the City has granted several franchises to different areas of the town. In areas where they were overbuilt, both companies lost money all over the country.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 32

MAYOR BRIARE:

Thank you.

COUNCILMAN LEVY:

Brian wants to answer this one, too. He's going to give me some other cities.

MAYOR BRIARE:

We're going to have three answers to the question.

COUNCILMAN LEVY:

Alright, that's fine. I expected you'd comment.

BRIAN GREENSPUN:

Well, I'd like to, when you ask a question, Councilman, I'd like to give a complete answer and an accurate answer. In the City of New York I think it hit all the newspapers. They divided the city up among the five burroughs, if I'm not mistaken. They didn't put two cable companies in one burrough. Each cable company was given a burrough or a specific geographic area to build. They discouraged, specifically discouraged overbuilding. In the Dade County area it was the same type of program. They said "You build this area. You build this area." And I'm sure the overbuilt situation says, when you're done with this, if you have a contiguous area, it was to make sure that everything filled in. If somebody didn't want to build another area, it was open for the -- so that it would fill in. I mean, it's totally different and irrelevant to the situation that exists here, but to answer to your question about Green Valley. Very very briefly you asked the question, what's the experience. We have an experience in Clark County and Henderson and Green Valley. Misco was granted an exclusive franchise which ultimately lasted one year. They had a full year to build all by themselves. They built nothing. Community Cable went in and built Green Valley in 1984. What exists there now is predominantly Community Cable service. I wasn't frankly aware of any Green Valley residents who were subscribers to Misco. What does exist out there, though, are a number of pockets that cannot be served by any cable. They cannot be served by any cable television company because Misco put cable in the trenches, or in the conduit, that go nowhere; I mean, twenty feet of cable that block cul-de-sacs and many blocks of service areas, so if Community Cable can't get through the conduit to serve those people, the cable that's in there that Misco put in serves no one and so what you have is the classic situation of a partial overbuilt that doesn't go anywhere. You've got people who cannot get service because we can't go in and dig up the streets and go around it because there's a five-year no cut policy, or there is in the City of Henderson, so you've got people without service,

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 33

BRIAN GREENSPUN:

so now you've got the classic situation of the guy with the cable in the ground going nowhere saying "Hey, if you want me to pull my cable, this is what it will cost." Ultimately that costs everybody and it makes for a very poor service area and area of operation. We cannot serve people in our franchise area who want cable, no one else will, and that's -- I don't think that's the way to run a cable system.

MAYOR BRIARE:

Mr. Greenspun, did you think the procedure used in New York with respect to the dividing amongst the burroughs is a good idea?

BRIAN GREENSPUN:

Mr. Mayor, yes. It's the same idea that was done in Clark County and Las Vegas and Henderson many years ago. New York is just getting around to cabling New York and they basically have the same inquiry and the same situation that the Public Service Commission had back in the late '60's and early '70's here in Clark County. They said -- they invited a number of people in and they said, "Who -- we're going to make a determination who or what companies are best equipped or suited to serve these areas." They made that determination. New York made that determination, if I'm not mistaken, Mr. Ricks, over the last two or three years of hearings, so, no, I can't quarrel with that. What they ultimately said was, "This company is best suited for Brooklyn. This company is best suited for Manhattan. This one for the Bronx," but only one.

ATTY. JAY RICKS:

Could I also make a -- the capitol undertaking in each of those burroughs was so large that they did not believe that any one company could conceivably move forward to get the financing and that was a very accurate thing.

MAYOR BRIARE:

Mr. -- is it Mr. Ricks, or Mr. Hicks?

ATTY. JAY RICKS:

Ricks, R-I-C-K-S. And the same thing was true in Chicago. In Chicago the City Council decided that the capitol undertaking was simply beyond the means of any existing cable company and they divided the city into five discreet parts.

COUNCILMAN LEVY:

Do you have any other experienced cities? I mean, don't just give me -- try and be -- give me a fair break, will you?

ATTY. JAY RICKS:

There was a situation in Albuquerque. The -- it was almost identical to this. The City of Albuquerque was built by Tribune Cable, which is a division of the Tribune Company in

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 34

ATTY. JAY RICKS:

Chicago. There was a small area of new development where someone sought a franchise and the City authorized them to go ahead and build and they built the area. Almost exactly the same thing happened that Mr. Greenspun identified. It was not an economically viable operation and the citizens in that community wanted to have available to them the services of existing operator -- there was a certain amount of blockage that was involved. The -- first, the second fellow was going broke and under a great deal of pressure from the City the Tribune acquired the second one. It simply didn't work and it won't work anywhere unless the City carves out, if you will, a large enough spot to be economically viable and I don't think you could make that kind of determination unless you had the type of hearing that I discussed. I don't think the community is afraid of competition. I think they want a level playing field so the rules are the same. When they got their franchise, they were obliged by the Public Service Commission to build the bad and the good. They had to build the entire city and I think their view is, if you're going to have a procedure for multiple franchises, it ought to contemplate a full hearing in which you can make the determinations that are involved in that.

MAYOR BRIARE:

Mr. Ricks, having concluded our discussions then on Bill 86-22, we're going to take a little recess, but I want to ask you, Mr. Ricks, are you going to be speaking in opposition to the -- at the public hearing to the granting of a franchise to Misco, Inc.?

ATTY. JAY RICKS:

Yes, we will, Mr. Mayor.

MAYOR BRIARE:

And will you be speaking in opposition on the granting of a franchise to Valley Communications?

ATTY. JAY RICKS:

Yes, for the reasons I've described we think that's premature.

MAYOR BRIARE:

I just wanted to know that so that we can get a little timeframe involved. We'll be in recess for about three minutes. Gentlemen, never once have I heard from day one on the cable TV -- it goes back a good number of years that this is an easy job. This is not an easy job at all. In fact, the dilemma we're faced with right now that even before we go into a public hearing on the advisability of granting any additional franchises that the interests of the City would be best served

JUL 18 1986

00356

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 35

MAYOR BRIARE:

that the Council right now at this Recessed Meeting determine what action they should take on this particular ordinance and so it is not with the thought that this ordinance has to be acted on one way or the other before we continue the other public hearings, it's on the basis that this ordinance is not going to prevent anyone from applying for a franchise, and furthermore, the ordinances that we have on the book are written in such a way that franchises can be considered and we can just keep right on going and doing business as we have been for the last several years. Mr. Ogilvie, in order to make it a little easier on the City Council, would it be your advice that we proceed now on the Council with the consideration of the adoption of 86-22?

CITY ATTORNEY OGILVIE:

That would be my preference. I won't say it's my recommendation because I don't think it's essential that you do, but I would prefer that you did.

MAYOR BRIARE:

There have been in the days previous, and certainly as a result of meetings that have been held, questions my Council members and concerns by Council members on 86-22. Now would be the time to let us hear what those might be. Let's start at the end, Mr. Bunker.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 36

COUNCILMAN BUNKER:

I think it was Mr. Lurie first today mentioned on page 8 beginning with line 12, which is in brackets, which indicates that all the way down to line 29, from 12 to 29, would be deleted. I personally am opposed to the two-stage procedure and I am opposed to deleting that part and if that part remains in this ordinance, then you do have to go to 13 because then it's inconsistent with the second stage which is after six months then they go out and decide. I am in favor of competition, but I want a chance to have a public hearing on each application on a specific area and a specific plan and with competing companies being able to present before us whether they can do a better job in that area than someone else. To just to be able to grant a second franchise, city-wide, and then give them six months to decide what they're going to do, I just am not in favor of that type of procedure. I think that we should have competing companies competing for areas as they develop and we select at that time the company that can best serve the interests of the citizens of the community.

MAYOR BRIARE:

Mr. Ogilvie, in the event that Councilman Bunker were to move that the ordinance be adopted to accomplish what he has just said, would that be something that could be readily typed up and made available to put into this ordinance?

CITY ATTORNEY OGILVIE:

It depends on what you consider, readily. I don't think I can do it here to make the necessary changes while we're sitting here. I could --

COUNCILMAN BUNKER:

Isn't it true that if this ordinance dies today for lack of action and that we do go back to the ordinance that's now in the books and that does require -- there's no monopoly in this city. That does require new companies to come forth with a plan for a specific area and we could act on it individually with public hearings in that regard, is that correct?

CITY ATTORNEY OGILVIE:

That is essentially correct, Councilman Bunker, except I would point out that the two applications on file are for the whole city and they are not for specific areas and they have incorporated in there plans, perhaps not very detailed plans, but at least plans for servicing the whole city. With respect to the Mayor's question, I could probably have it -- something this afternoon or at least by Monday, which would still meet the time limit on this ordinance.

MAYOR BRIARE:

Which is the 23rd.

CITY ATTORNEY OGILVIE:

It has to be adopted by the 23rd or it dies.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 37

COUNCILMAN NOLEN: I won't be here Monday.

COUNCILMAN LURIE: We'll have to do it Tuesday. Recess this meeting until Tuesday and then get the ordinance --

COUNCILMAN BUNKER: I wonder if there's enough interest in having it. How do we know whether it's --

MAYOR BRIARE: Well, I'm trying to do first --

COUNCILMAN BUNKER: I'm only expressing, obviously, my own opinion.

MAYOR BRIARE: But that's come out by two other members during the course of the proceedings earlier.

CITY ATTORNEY OGILVIE: Councilman Bunker, if I may inquire. It's your desire that the franchise application detail the area of the city that the applicant wishes to serve and not the whole city, is that correct?

COUNCILMAN BUNKER: Unless he intends to service the whole city. If he intends to service, then we'll have a public hearing on it and we'll decide whether they are capable and if it's in the best interests of the city for them to serve the whole city and if they have the capability of doing it. Otherwise, it's got to be specific to the specific geographical area that they do intend to serve. That's my --

MAYOR BRIARE: Are there any questions?

COUNCILMAN LEVY: And then we're going to give somebody -- basically, give one particular franchisee that particular area.

COUNCILMAN BUNKER: I guess we decide it at the time. If there's more than one competing and it turns out to be for the best interest that two be given for the same area, I think we can determine that at that time. I can't foresee whether it would be in the best interest not without the facts.

MAYOR BRIARE: Are there comments by the Council members on Councilman Bunker's proposal?

COUNCILMAN BUNKER: I guess it's my proposal then to recess the meeting and --

MAYOR BRIARE: No, not yet. Would it be appropriate to have a motion then, Mr. Ogilvie, by Mr. Bunker to draw such an amendment to be included and then we'll hear -- there might be some other changes by other Council members and then indicate that the final adoption of the ordinance be at a later time prior to July 23?

CITY ATTORNEY OGILVIE: I think that would be appropriate, Mr. Mayor.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 38

MAYOR BRIARE: Then Mr. Bunker would you make such a motion -- just so move.

COUNCILMAN BUNKER: I WOULD SO MOVE.

MAYOR BRIARE: Are there questions on the intent and the concept of the ordinance that Councilman Bunker has just moved?

COUNCILMAN LURIE: Are we going to make any other changes at this time?

MAYOR BRIARE: Well, it would be open. If you wanted to go ahead and act on this one, then we'll consider the ordinance for further amendment. Do you want to go further on it?

COUNCILMAN LURIE: I have one other.

MAYOR BRIARE: Let's take care of this one first, unless it's in conflict with what you --

COUNCILMAN LURIE: No.

MAYOR BRIARE: Alright. Then if you're ready to vote on Councilman Bunker's motion. Any other comments? Cast your votes. Post. The motion is APPROVED. Councilman Lurie.

COUNCILMAN LURIE: I have two items. One is on the franchise fee. In reading some of these other ordinances, I think Dade County, they get 4%. I think we should discuss that and the other item I think we should discuss is the applicant must furnish with this proposal a filing fee. We show \$200. Some of the other cities go from \$1,000 to \$5,000 on an initial fee. I think that fee is quite low and that we should at least get our fee up to at least \$1,000.

MAYOR BRIARE: So let's talk about your fee first. Is there -- I see -- the first reference I just thumbed at here, Mr. Ogilvie, about these fees, it doesn't specify the 3%. Somewhere in here it says 3%. Do you know where that would be?

CITY ATTORNEY OGILVIE: I think it's toward the end.

COUNCILMAN LEVY: No.

CITY ATTORNEY
While I'm looking for it, I would like to point out that Community Cable TV has a franchise that provides for 3% that is good until 1999 I believe and if we increase the franchise fee as to the new applicants, it would only apply to new franchisees. If memory serves me, Mr. Mayor, in answer to your question I don't believe that the ordinance itself provides for a franchise fee. I think it's in the franchise itself.

COUNCILMAN LURIE: I was looking for it, but I know I made a note of that when I was reviewing this again last night and in looking at some of the other ordinances, I think that the time that we have to look at fees is the time these ordinances come before us and not after the fact where we have to increase, especially with our, you know, budget restraints that we have with caps from the legislature, the Gramm-Rudman Bill and different items that curtail us from increasing the fees at certain times that now's the time to look at those types of things.

MAYOR BRIARE: Of course, on the bottom of page 16 and carrying over to page 17 is the portion I've discovered that spot means.

CITY ATTORNEY OGILVIE: That's right. It refers to the -- it refers you to the franchise agreement.

MAYOR BRIARE: Yes.

CITY ATTORNEY OGILVIE: As I say, the Community Cable TV franchise provides for 3% so in the proposed franchises for Misco and Valley Communications, that 3% was carried forward. You can change the 3% as it applies to Misco and Valley Communications, but you cannot change Community Cable's 3% until its franchise --

COUNCILMAN LEVY: Well, I'd be against that.

MAYOR BRIARE: Without getting into -- without having the benefit of something else that I can study, my immediate reaction would be that the 3% should certainly remain as is because I doubt that there's going to be an opportunity to change the existing franchise

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 40

MAYOR BRIARE:

to something greater than 3%, but what we're really doing is just taxing our own citizens because obviously that 3% is going to be passed on to the -- to the user. On the other hand, as far as an application fee is concerned though, I think it's already been demonstrated that what we have right now that it's very expensive in terms of legal work in your office, Mr. Ogilvie, and certainly in administrative offices as far as putting these things together, these applications together, there's certainly room to increase substantially the application fee. As far as the monthly or as far as the gross receipts fee, I'm afraid we're just taxing our own people and I don't think we want to do that.

COUNCILMAN LEVY:

Well, we've already set a policy on that.

MAYOR BRIARE:

George --

COUNCILMAN LURIE:

I'd like to recommend then on page 10, line or item I, that the non refundable filing fee should be increased to the amount of \$2500.

MAYOR BRIARE:

What line were you on, Ron?

COUNCILMAN LURIE:

I'm on line 26.

COUNCILMAN LEVY:

27.

COUNCILMAN LURIE:

And then it'll have to be changed on the next page also. Is that correct, George, if it's approved, that both those lines have to be changed?

CITY ATTORNEY OGILVIE:

Just a moment. Yes. Yes, in the event that the City's cost in investigating the applicant exceeds \$250, that should also be changed to \$2500.

COUNCILMAN LURIE:

Okay. That would be my motion, Mayor, an amendment.

MAYOR BRIARE:

Mr. Ogilvie, on page 10 if that word "investigating" was changed to processing, is that going to --

CITY ATTORNEY OGILVIE:

No, that -- to be frank, where this language came from was out of the gaming license.

MAYOR BRIARE:

Investigating is the right word?

CITY ATTORNEY OGILVIE:

But it can be processing. There's nothing -- there's nothing to prevent that. I just for ease of drafting curbed the language out of the gaming license investigating fee.

MAYOR BRIARE:

Now, are there comments or questions about --

COUNCILMAN NOLEN:

Would it be satisfactory to just amend it, that particular phase of it, to investigating and/or processing the application?

CITY ATTORNEY OGILVIE:

That's fine.

COUNCILMAN LURIE:

Okay.

COUNCILMAN NOLEN:

Do you want it as part of your motion?

COUNCILMAN LURIE:

I would accept that as part of the motion.

COUNCILMAN BUNKER:

Isn't that --

MAYOR BRIARE:

Councilman Bunker.

COUNCILMAN BUNKER:

Isn't that amount of a fee in excess of some other -- the \$200 is obviously not adequate to, but I'm wondering --

COUNCILMAN LURIE:

I think that a lot of our investigating fees and processing fees were too low and it costs us money. I think we have to start --

COUNCILMAN BUNKER:

I just had in mind maybe \$1,000. I don't think we should make it burdensome on anyone, but I suppose if some are charging as much as 5,000, is that true that some cities charge \$5,000 for such fee? Is there an answer to that?

COUNCILMAN LURIE:

Yes.

CITY ATTORNEY OGILVIE:

On the question of increase, I think we should investigate it with the -- Marvin Leavitt's office whether or not this increase would involve us with any problems --

MAYOR BRIARE:

It might violate the cap.

COUNCILMAN LEVY:

Why don't you leave it until Tuesday then.

CITY ATTORNEY OGILVIE:

We'll investigate it --

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 42

MAYOR BRAIRE: Okay good.

CITY ATTORNEY OGILVIE: -- with Mr. Leavitt.

MAYOR BRIARE: But the intent, the intent is here.

COUNCILMAN LURIE: To recover our costs.

MAYOR BRIARE: Councilman Lurie is willing to wait to fill in the amount, but the intent here should be continued with this motion now? Any comments by the Council members?

COUNCILMAN LURIE: I'll agree to that.

MAYOR BRIARE: Cast your vote. Post. The motion's approved. This proposed amendment will be ready for consideration on a time that we're going to announce momentarily. Do the Council members have any other proposed amendments to this ordinance 86-22? Last call.

THELMA CLARK: Will you not consider my proposal?

MAYOR BRIARE: I beg your pardon.

THELMA CLARK: I'd like you to consider my proposal.

BRIAN GREENSPUN: Mr. Mayor, we have a suggestion on Thelma's proposal if you'd like to hear it.

COUNCILMAN LEVY: I'd like to make Thelma's proposal be part of our --

MAYOR BRIARE: Proposed amendment.

COUNCILMAN LEVY: It'd be my amendment, proposed amendment for the next meeting.

BRIAN GREENSPUN: We have some language.

COUNCILMAN LEVY: Good.

MAYOR BRIARE: You have some what?

COUNCILMAN LEVY: Language.

BRIAN GREENSPUN: An idea for language that would probably --

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 43

COUNCILMAN LEVY: Would you submit that so we could have that all proposed for our meeting?

CITY ATTORNEY OGILVIE: Before you make this a firm part of the proposed amendment, I would like to have some time to look into the legality of what Mrs. Clark has --

COUNCILMAN LEVY: Well, that's exactly what I'm saying. We're going to consider it at our next, but I want it as part of our agreement.

MAYOR BRIARE: We have Mrs. Clark's. Mr. Greenspun's going to make available what you have in mind for language, and then you can be checking this, but you're going to have to do it sometime this afternoon or Monday, because I'm thinking that we're going to have to recess this meeting until either Tuesday or Wednesday. Mr. Greenspun?

BRIAN GREENSPUN: If I may just address Mr. Ogilvie, if it's alright.

MAYOR BRIARE: Would you do that at another time.

BRIAN GREENSPUN: Well, we submitted a proposed ordinance and it's the language in that ordinance that we would submit for the access, the access language.

CITY ATTORNEY OGILVIE: No, Brian, this deals with the problem of mobile home parks furnishing SMATV service to -- as part of the --

BRIAN GREENSPUN: I understand, Mr. Ogilvie, but the access language in our proposed ordinance would give the mobile home owner or renter the opportunity to ask the cable company to come in to the private property and serve it. We had a discussion at one of the Recommending Committee hearings. Mr. Ricks has just informed me that the law is different from the way we thought it was --

CITY ATTORNEY OGILVIE: Yes, that's why we recommended it be deleted.

BRIAN GREENSPUN: No, no, you recommended it be deleted because we thought the law said it couldn't happen. He's advised me that the law says it can happen. You can go on to private property if you have an access law.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 44

CITY ATTORNEY OGILVIE: I think you're confusing the issue, Brian, because --

BRIAN GREENSPUN: No, I don't.

CITY ATTORNEY OGILVIE: Yes, you are.

MAYOR BRIARE: Listen right now --

CITY ATTORNEY OGILVIE: Don't disagree with me because -- let me talk. Thelma's problem is with respect to mobile home parks that own their own systems. Now that's not going to be corrected by letting SMA TV companies come in and serve.

MAYOR BRIARE: Mr. Greenspun, accommodate me on this.

BRIAN GREENSPUN: Anyway, we'll submit the language.

MAYOR BRIARE: Yes.

COUNCILMAN NOLEN: I think also --

MAYOR BRIARE: That's what we asked and Mr. Ogilvie is not going to submit to this Council anything pertaining to what Mrs. Clark first brought up to us and what you're bringing up now, he's not going to give us anything that he can't legally -- that he cannot recommend to us as a legal procedure and a legal language. Right, Mr. Ogilvie?

CITY ATTORNEY OGILVIE: I certainly hope not.

MAYOR BRIARE: And I -- whether you resolve it going back and forth this morning is of no interest to us because we're not going to make a motion on this. You're just going to have it prepared for us for whatever special day. Last time amongst the Council members. Do you have anything else you want to ask Mr. Ogilvie to proceed with on this? Okay, then Mr. Ogilvie knows what he has to do. Now we have to give him a time as when we're going to do it. Monday is out because we won't have a full board. You won't, Mr. Bunker?

COUNCILMAN BUNKER: Tuesday and Wednesday --

MAYOR BRIARE: Okay.

COUNCILMAN LURIE: I can be here Tuesday. Bob, can you be here Tuesday?

MAYOR BRIARE: You're going to be gone all day Monday?

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22

PAGE 45

COUNCILMAN LEVY: I'm going on City business Monday, yes, all day.

COUNCILMAN NOLEN: I understand by ordinance if I'm not here, the Mayor can send the sheriff out to get me.

COUNCILMAN LEVY: And will.

COUNCILMAN NOLEN: Maybe I'd better be here. What time?

COUNCILMAN LEVY: Well, Mayor --

MAYOR BRIARE: It's immaterial and it's alright with --

COUNCILMAN BUNKER: We'd better do it Monday night.

COUNCILMAN LEVY: Fine. Make it 8 o'clock Monday night.

MAYOR BRIARE: What time do you get back?

COUNCILMAN LEVY: Seven.

COUNCILMAN LURIE: You got to do it by the 23rd otherwise --

MAYOR BRIARE: You're going to be gone both all day Tuesday and all day Wednesday?

COUNCILMAN BUNKER: I leave about 10 on Tuesday and I'll get back about 4 on Wednesday.

COUNCILMAN LURIE: Why don't we have a night meeting then on Wednesday night?

MAYOR BRIARE: Wednesday, say 5 o'clock?

COUNCILMAN BUNKER: Super.

MAYOR BRIARE: 5 o'clock Wednesday?

COUNCILMAN LEVY: You got --

MAYOR BRIARE: Bob, 5 o'clock Wednesday?

CITY ATTORNEY OGILVIE: Mr. Mayor, I'm not sure when the clock stops -- starts to run. I would prefer that it be held Tuesday or before because Wednesday might be the 31st day depending on when the clock starts to run.

MAYOR BRIARE: Could it convene Tuesday and then recessed?

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 46

CITY ATTORNEY OGILVIE: No.

COUNCILMAN BUNKER: How about Monday night?

COUNCILMAN LEVY: Monday night.

CITY ATTORNEY OGILVIE: If the clock starts to run on the day of the initial publication, then the 23rd would be the 31st day.

COUNCILMAN NOLEN: George, I have a commitment on Tuesday morning at 9 and 10 so I wouldn't be able to be here on Tuesday morning.

MAYOR BRIARE: It's obvious to the ladies and gentlemen in attendance that this Council is very concerned about these items and it's each of our individual desires to be here to take part and participate in this thing. We're almost -- George, Monday evening?

CITY ATTORNEY OGILVIE: That's fine, that'd be great.

MAYOR BRIARE: Monday you mean?

COUNCILMAN LURIE: Are you going to be here?

COUNCILMAN LEVY: 8 o'clock. I'll be back at 7:15, 7:30.

COUNCILMAN BUNKER: Let's make it 8:30 just to make sure.

COUNCILMAN LEVY: Fine.

MAYOR BRIARE: There's no end to the dedication of duty of this Council. 8:30 Monday night is what we're going to -- when we're through today, we're going to recess this meeting until 8:30 Monday night. The other alternative would be to have less than a full board, which each member of this board is conscientious enough to want to be in attendance at the meeting not just for the purpose of having a majority, but for the purpose of deliberating this important matter and the whole thing would die on sometime on Wednesday if we don't. So it's 8:30 Monday night is when we will convene after this meeting is over.

COUNCILMAN LURIE: Mayor, the only question I have is if we have some technical amendments that come up Monday night, can the City Attorney --

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 18, 1986 - 8:30 A.M.
CABLE TELEVISION - BILL NO. 86-22 PAGE 47

MAYOR BRIARE:

Get them?

COUNCILMAN LURIE:

Do them that night or are we just going to run into a timeframe where we're not going to be able to --

COUNCILMAN LEVY:

With his sturdy staff.

MAYOR BRIARE:

We will have them so that we'll be in a position to then vote on the -- vote on the ordinance as amended.

END OF DISCUSSION

AGENDA

City of Las Vegas

RECESSED MEETING
July 21, 1986

Page 2

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

ITEM

Council Action

Department Action

2. PUBLIC HEARING on advisability of granting Misco, Inc., a franchise to operate a community antenna television system in the City of Las Vegas.

Held in abeyance at the July 18, 1986
Recessed meeting.

NO ACTION TAKEN

NOTE: Verbatim transcript of entire meeting made part of Final Minutes.

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 18 1986

City of Las Vegas

00370

RECESSED MEETING
July 21, 1986

Page 3

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

ITEM

Council Action

Department Action

3. PUBLIC HEARING on advisability of granting Valley Communications, INC., a franchise to operate a community antenna television system in the City of Las Vegas.

Held in abeyance at the July 18, 1986
Recessed meeting.

NO ACTION TAKEN

NOTE: Verbatim transcript of entire meeting made part of Final Minutes.

AGENDA

City of Las Vegas

RECESSED MEETING
July 21, 1986

Page 4

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

ITEM

Council Action

Department Action

4. Approval of Franchise for Misco, Inc., to operate a community antenna television service.

Held in abeyance at the July 18, 1986
Recessed meeting.

NO ACTION TAKEN

5. Approval of Franchise for Valley Communications, Inc., to operate a community antenna service.

Held in abeyance at the July 18, 1986
Recessed meeting.

NO ACTION TAKEN

NOTE: Verbatim transcript of entire meeting made part of Final Minutes.

AGENDA

LAS VEGAS CITY
COUNCIL MINUTES JUL 21 1986

00372

City of Las Vegas

RECESSED MEETING
July 21, 1986
Page 5

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

ITEM

Council Action

Department Action

6. BILL NO. 86-23 - GRANTS MISCO, INC. A
FRANCHISE TO OPERATE A COMMUNITY ANTENNA
TELEVISION SYSTEM.

Committee: Councilmen Nolen and Lurie

First Publication: Review-Journal - 6/23/86

Committee Recommendation:

Held in abeyance at the July 18, 1986
Recessed meeting.

NO ACTION TAKEN
BILL DIED

7. BILL NO. 86-24 - GRANTS VALLEY COMMUNICATIONS
INC., A FRANCISE TO OPERATE A COMMUNITY
ANTENNA TELEVISION SYSTEM.

Committee: Councilmen Nolen and Lurie

First Publication: Review-Journal - 6/23/86

Committee Recommendation:

Held in abeyance at the July 18, 1986
Recessed meeting.

NO ACTION TAKEN
BILL DIED

NOTE: Verbatim transcript of entire
meeting made part of Final Minutes.

MEETING ADJOURNED AT 9:15 P.M.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 1

MAYOR BRIARE:

Good evening, ladies and gentlemen. To those who are here in the interests of a proposed ordinance regarding franchises for cable tv will recall at last week's meeting and then at meetings prior to last week materials came to us and just to show you how confusing these things can get for a group of laymen who are supposed to be able to have the wisdom of Solomon by interpreting the materials that are given to us by you people who are in the business with your very competent legal staffs and advisors and so forth, we have been struggling. Our City Attorney has been doing a monumental job in trying to keep up with everyone, but the bottom line is that in order to pass and to enact a good law, it just makes sense to me, as the Mayor of this city, and I'm going to ask for comments from the Council members that should we go ahead now just for the sake of going ahead so that we can say that we have done something to enable competition and to enable better service, if better service is warranted in this community, and put together a hodge podge law that doesn't make sense to anybody. Incidentally, I wanted to point out at the very first that Councilman Bunker, who was very concerned about being here at this meeting, Councilman Levy has been involved in another City activity all day today, we were all so interested in getting work done on this that we chose to do it at this hour of the evening. It's proof again that our efforts are rushing to a point where we're going to get ourselves into some kind of a legal hassle that we'll never get out of. Mr. Bunker was called away today for an unfortunate situation that was of a personal nature and had nothing to do with the business here. He was very disappointed that he would not be here. However, he left word that in the event the City Council were to take action on this ordinance this evening, that he wanted to be on record as approving certain items which everybody that was here last week is well aware of what Councilman Bunker's wishes were. We do have some proposed amendments to the ordinance and to make even things more interesting, we're not even sure as to whether this meeting is a continuation of the July 2 meeting, or whether it's a continuation of the July 18 meeting, but whatever it is, we're calling it to order now and then I'm going to ask the Council members for questions or comments. We have some additional material that has been given to us. Before our last meeting we had a, what I thought was a rather interesting document handed to us by the Valley Communications, that gave us an ordinance which was apparently hard to come by from

TRANSCRIPT -- RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 2

MAYOR BRIARE:

Dade County, Florida. I know that Councilman Lurie has received ordinances that, in his instance, from other areas. We have a further communication from Dimension TV with respect to a recap and some of the items as they see our new ordinance should provide. Mr. Ogilvie has included a couple of the four points, I believe there were, yes, there were four points. He's included a couple in the draft that we have, which, I don't know, do you have the draft, Mr. Greenspun?

BRIAN GREENSPUN:

We got it this evening.

MAYOR BRIARE:

You got it this evening.

CITY ATTORNEY OGILVIE:

No, I did not include in this draft any of the Dimension's suggestions. The only thing that I included in this draft were the suggestions that came out of the meeting.

MAYOR BRIARE:

Right, well, George, in your cover letter --

CITY ATTORNEY OGILVIE:

Yes, I pointed out --

MAYOR BRIARE:

-- you made note of it. It all indicates to me that to try to take action on this, just for the sake of having an ordinance by -- what is the date, Madam Clerk? Thursday, Wednesday, is not good government, so that being my opinion on this and before we took any more of your valuable time to see whether we should go ahead and proceed with this, and incidentally, Mrs. Clark, I'm not leaving you out, but unfortunately, you were and I think that since you were the first one to speak at our last meeting and you have been referred -- your points were referred to in some of the documentation that we have that's arrived since then, that some of the points you made were very vital and will certainly have a place in this ordinance. My idea is to take no action on this and let it die a natural death and then come back. My last comment along this line, especially for you people who have been involved in legislative proceedings, not only in Carson City, but perhaps in other states, this is an ordinance that came from out into City Hall. This was not a creation of anyone on this Board. Sometimes you do things backward. It would seem to me that right now is the time to put together a good law; that is, because we have actual documentation from elsewhere to use as a guide. We have ideas that have been proposed by the applicants themselves as to how they think the cable industry should be regulated under a City ordinance. Now instead of doing that in the first place, we started out from zero, or at least we started out from what we had relied upon when Community Television got the very first, and still has

MAYOR BRIARE:

the only franchise in the city. If we had had the benefit of those materials way back when these meetings first started, maybe we would be able to proceed now, we can't do it. In my opinion, we just can't do it. Remarks from the Council members. Councilman Lurie.

COUNCILMAN LURIE:

Well, Mayor, I agree with you. After reading all of the material and then getting this ordinance tonight at about 5:30, as mentioned at the last meeting, I don't like to be rushed into passing an ordinance that isn't complete. After reviewing this ordinance tonight, I believe that the ordinance that we're trying to write is close to accomplishing our goals to develop a comprehensive ordinance in governing cable tv. I believe that this ordinance is coming to a situation that has given us the information that we need and I personally would like to see the ordinance just die and reintroduced after we had an opportunity to review George's comments and also some of the other comments we have from the individual applicants and then reintroduce the ordinance and then start the clock. I think the clock started too early and we're being rushed into passing a bill that's not ready yet.

MAYOR BRIARE:

Councilman Nolen, you were one of the co-introducers of the ordinance. Do you want to make a comment?

COUNCILMAN NOLEN:

Not a lot, Your Honor. I'm already on record opposing delay. I feel that it's unfair to whatever competition is there, but I have to agree that getting an ordinance at 5 o'clock this afternoon comprising of some forty, thirty-some pages, is certainly not sufficient time to review it.

MAYOR BRIARE:

That's especially in view of the fact that there are other things that could be read into it. We had -- at our meeting on Thursday -- Friday -- that went on until about noon, we had put a burden on our City Attorney, which was an unfair burden and I'm not quite sure, George, how we expected you to do all of this, but the fact that you don't have -- Mr. Greenspun, you don't have a copy of an ordinance -- and I want to also before I call on Councilman Levy, I want to remind you all of something that was made -- a note was made of and we can't control this. If anybody wants to think this is the way it is, that's your privilege to think whatever you want. We did not -- we are not part of any kind of a tactic or a delay here on the mistaken notion that the existing franchise would benefit as a result of putting this off and putting this off

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 4

MAYOR BRIARE:

and putting this off and even in your letter, Mr. Brian Greenspun, you indicate that is not your purpose and it's not our purpose and there might be others in this room who think it is your purpose and they think it is our purpose, but that's unfortunate. We have no control over that. I would certainly, if I'm going to be a part of passing a law, I'm going to do whatever I can personally to expedite the passage of an ordinance that will serve our city in the city's best interests. Councilman Levy.

COUNCILMAN LEVY:

There's one -- why I want to talk about this ordinance. I just I -- I guess we won't. There was something that there was in the receiving of Mr. Greenspun's letter today -- as you know, I just got off an airplane about ten minutes ago and I haven't had an opportunity to read any of this. I did read the letter and there was something regarding blockage. George, you didn't address that portion did you?

CITY ATTORNEY OGILVIE:

Yes, it is in there.

COUNCILMAN LEVY:

I didn't see it in your letter.

CITY ATTORNEY OGILVIE:

No. I inserted that in the Second Amendment. I will find it for you.

COUNCILMAN LEVY:

Alright. I have to agree.

CITY ATTORNEY OGILVIE:

It's on page -- the bottom of page 20, line 32. "Any property," no, I'm sorry, that's not the one, but anyway it is in here about blockage.

COUNCILMAN LEVY:

It really doesn't matter.

COUNCILMAN NOLEN:

It starts at page 20, line 32 and continues on lines 1, 2, 3 and 4 of --

COUNCILMAN LEVY:

How did you handle it, George? Can you tell me real quickly?

CITY ATTORNEY OGILVIE:

What?

COUNCILMAN LEVY:

How did you handle it?

CITY ATTORNEY OGILVIE:

That if there's blockage for a period of 90 days, another franchisee that has authority to serve that area or any homeowner can request that the blocking facilities be removed as long as the competing franchisee agrees to serve. I think, yes, he has to serve, the new franchisee has to go in there not to exceed 90 days after the removal of the blocking

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 5

CITY ATTORNEY OGILVIE: facilities. It's -- line 32 on page 20 and the first ten lines on page 21.

COUNCILMAN LEVY: Along those lines, Mayor, I feel I have to go along with you, also, and get this thing -- especially with Councilman Bunker not here today.

MAYOR BRIARE: I'm confident that there might be a difference of opinion from some of the folks that have remained around and have come here this evening. I'm going to go in the same order as we started before. Mrs. Clark, we've already indicated to you that some of the points that you had brought out in your comments on this proposed ordinance, plus an ordinance that's already in effect, that apparently some of the parts were not included and that should be corrected; at least it should be included for consideration.

CITY ATTORNEY OGILVIE: With respect to Mrs. Clark's proposed amendment, I left out the word "park." I said "a resident of a mobile home" and I should have said "a resident of a mobile home park." That was just an oversight.

COUNCILMAN NOLEN: What page is that on?

CITY ATTORNEY OGILVIE: It's on page 6, I believe.

MAYOR BRIARE: Well, Mr. Ogilvie is aware of the part that --

CITY ATTORNEY OGILVIE: Yes. It's lines -- it's a definition of subscriber, lines 6 through 10 on page 6. On line 8 after the word "home" should be inserted the word "park." "Any resident of a mobile home park" as defined in section --

THELMA CLARK: I still feel like that we should have a definition of mobile home park in here.

COUNCILMAN NOLEN: It's defined in the City Code. As defined in Las Vegas Municipal Code 19.04?

THELMA CLARK: That's what that is, right?

COUNCILMAN NOLEN: Yes. That spells out the definition.

THELMA CLARK: Is that the same definition? I don't have it in my hands. Is that the same definition as in the state law?

CITY ATTORNEY OGILVIE: It's not verbatim, but we can --

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 6

THELMA CLARK: We redid the state law in '85.

COUNCILMAN LEVY: Why don't you look at that. That's probably more important to you.

THELMA CLARK: I gave it to them. I gave it to him on a sheet of paper here verbatim.

CITY ATTORNEY OGILVIE: I think that if the mobile home park is going to be defined, it should be defined in the zoning code and that's -- this-- cross reference this to the zoning code. The definition in the zoning code can be amended to incorporate Thelma's request.

COUNCILMAN LEVY: I would like to ask a question though, George. Have you started the amendments on Bill No. 86-16 I requested?

CITY ATTORNEY OGILVIE: The 86-16 is incorporated into 86-22 and will be superseded by 86-22.

THELMA CLARK: May I ask a question? Are you going to have a committee to work on this?

MAYOR BRIARE: I don't think we know right at the moment, Mrs. Clark.

THELMA CLARK: If you do, I want to be included, please.

MAYOR BRIARE: I understand.

THELMA CLARK: I'm serious because I represent a lot of mobile homeowners. There's 123,000 of us in Nevada and they have just started putting in their own systems in parks, so when one starts, then there they go. Three Crowns is doing it now and I wanted to pamper them in some way, but I don't --

MAYOR BRIARE: I believe the Council is determined to pass a good law and whatever it takes to draw a good law --

THELMA CLARK: I'd like to have the information you have. Could I have copies of that?

MAYOR BRIARE: Yes, sure. Mr. Hall will make those available to you sometime during normal office hours.

COUNCILMAN LEVY: Which is until midnight tonight.

THELMA CLARK: He doesn't want to work until midnight.

MAYOR BRIARE: Thank you, Mrs. Clark.

THELMA CLARK: But if you do have a committee to work on it, I'd like to be on the committee because I represent

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 7

THELMA CLARK: a lot of people.

MAYOR BRIARE: Right, Mrs. Clark. Well, whether we have a committee or not, I'm confident that your counsel and advice will be solicited.

THELMA CLARK: What did you say, Mr. Levy?

COUNCILMAN LEVY: I said you made your point and we certainly support it.

THELMA CLARK: Thank you.

MAYOR BRIARE: I believe, if my memory serves me, that Mr. Greenspun was the next to come forward at that effort that we made last week. Do you wish to make any comment? And then I'm going to ask Mr. Bauchman and Ms. Bauchman if they have any comment and then in the same order that we were before, which was no particular order, we'll call on Mr. Schwartz.

ATTY. JOHN MORAN, JR.: Good evening, Mr. Mayor, Councilmen. John Moran, Jr., appearing on behalf of Dimension Cable with Mr. Greenspun. Basically, we're in full agreement with the concerns that have been illustrated by yourself, Mr. Mayor, and the other Councilmen. Our concerns are basically as yours are for the public themselves. We think a hodge podge, to use your own words, Mr. Mayor, type of a cut and paste ordinance on this late date would be very untimely and wouldn't allow us to in fact review the documentation and so that we could make proposals that would in fact benefit the public. As usual, Mr. Mayor and Councilmen, you've illustrated your concern for the protection of the public interests out there, we concur. We would ask that this matter not proceed, but in fact proceed along the lines that the Council has expressed initially, and other than that, or any questions that the Council or you, Mr. Mayor, may have for us, we would conclude at this juncture. Thank you.

MAYOR BRIARE: Thank you, Mr. Moran. Ms. Bauchman or Mr. Bauchman. How's your leg today? Is it --

STEPHEN BAUCHMAN: It's doing fine.

MAYOR BRIARE: Too bad our ordinance isn't.

STEPHEN BAUCHMAN: Oh, well, we're getting there.

MAYOR BRIARE: How long is it going to take that to heal?

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 8

STEPHEN BAUCHMAN:

I've been in this for a month and I still have another month to go and then I have therapy for another month.

MAYOR BRIARE:

Your comments, Mr. Bauchman.

STEPHEN BAUCHMAN:

Okay. The words that -- I listened to the comments, I should say, that I listened to here. The two items that stand out most are purpose and that which is timely. I think that those two have some bearing on all of us that have approached here. The idea of purpose or -- that was brought up was mentioned that perhaps maybe the idea of delay was to provide some benefit for the current cable company. While -- that may not be the intent and in some cases that may be what has derived from it, our belief that what has occurred as a result of these untimely delays is that it has somewhat of an effect. I think you've heard that before. We'd like to say, though, that we believe it is not in the intent of the current cable company to delay this so that they could restrain us. What we would have to do is point out is our purpose is to provide a service. What we have not indicated so much before is, we're faced with a situation today of that particular purpose is to provide more than video services. As a business and as an organization, we're involved in the video voice and the data business. What happens as a result of the delay of not granting our cable franchise to us, or, to put it this way, the delay in not making a timely awarding of a franchise has a bearing on our business, not only from the standpoint of those video services we want to provide, but also from the standpoint of the data services that we want to provide. Today data service is becoming as important as the video and there's only two mediums that are primarily available for doing it today and one of those is Coaxial and the second one is Fiber. We understand that it's not in the best interests of the community to take and enact an ordinance that does not provide to that community a means in which to take and govern those individuals that you grant a license in which to operate with. I think that's the reason that we have submitted to you the ordinance from Dade County in which, I think, that Mary Alice pointed out we had to pull some strings, I guess, to take and fish this out of Dade County as it was. We believe

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 9

STEPHEN BAUCHMAN:

that what this particular ordinance does, and we would hope you would look at since you're going to go ahead and delay that, is to provide an ordinance that will take and allow you the means to take and control the operation of those companies that want to do business within the city, but also take into account the second word that I brought up in the start of my conversation here and that is the question of timely. If your ordinance does not allow a timely fashion in which an operator such as myself can take and enact those services and provide those services to whatever subscribers, and we use the definition that Mr. Ogilvie has included because it includes subscribers by the terms of data as well as video services. It has an impact. It has an impact on that individual's operator's business. The delays that we have encountered in the past, the delays that we would encounter in the future, in turn could obviate some of those contractual agreements, or some of those contractual relationships or some of those supposed relationships which we attempt to establish, so the idea of timely is an important factor for all of us and I think the rest of the other cable operators will probably touch upon that. From the standpoint of Alec Communications, what we would like to see, yes, get an ordinance that you think you can live with. Get an ordinance that you think that is going to allow you to control the quality of service that you get. Get an ordinance that's going to give you some control and some hand in what type of operators you have, but again, don't seriously impact our business by making this a long drawn out process. Give us an ordinance which will allow us to come before you and to address the concerns of Councilman Levy about how it's going to affect him and what benefits he's going to get. Mr. Bunker about exactly what areas we're going to take and provide. You have before you, I think, which is a good ordinance in Dade County, you have before you some amendments which were proposed by some others. We do not believe that that takes and fits the means of timely. I believe the decision has already been made. We understand that you want to get an ordinance. We will support that. We will take and we will go for the delay, but we do believe that timely is an important item and while it is something that we cannot address now, you know, naturally our question would be to the Council, exactly what is the timeframe to get an ordinance that you can live with and once you have an ordinance, will that ordinance address the question of how timely we will be allowed to go ahead and continue to operate, so that in turn we can go out and continue with our negotiations, which we have currently undertaken and be able to tell our clients

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 10

STEPHEN BAUCHMAN:

and our subscribers exactly what kind of service and when we can provide that service to them.

MAYOR BRIARE:

Thank you very much, Mr. Bauchman. Before I call on Mr. Schwartz or his representative, I want to make another comment that Mr. Bauchman kind of brings up here. When the City of Las Vegas awarded its first and only franchise, it was after how many years were you before the courts? I'm kind of looking at you, Mr. Hank Greenspun. How many years were you before the courts to get to the point where you received a judgement by the State Supreme Court mandating the issuance of a franchise to your company? It was years and years and years and further, ten years, and further this Council is very aware of the efforts made at almost every annual convention by the National League of Cities, and I know at the United States Conference of Mayors there are a lot of very expensive experts that are willing to sell their services to a city or to any other franchise-granting body for very substantial fees, to put you on the right track as to how to award a franchise. Unfortunately, the City of Las Vegas did not have that opportunity and -- but to show when you talk about timeliness, I don't know what your experience has been in other cities as to how fast from day one that you walk into that city and then you, all of a sudden you're in business. We know how long the first one in Las Vegas took to come about and so I don't think that the six or seven months, and maybe almost a year that this City Council has been working at it is neither a waste of time nor is it not as expeditious as we could accomplish what we've at least got to right now in that many months. Maybe we're making remarkable progress to come up with an ordinance that is a good ordinance, so when you say timeliness, I don't want you to look upon it as time in weeks or months. It might even take, all toll, including when this one started, it might take a year. Mr. Schwartz, do you or your representatives wish to make comment?

MILTON SCHWARTZ:

My name is Milton Schwartz. My office address is 9145 Las Vegas Boulevard South. I am disappointed by this delay, but I want to make it clear that under no -- in the deepest recesses of my subconscious mind do I question the integrity of anyone on this Council as far as the delay is concerned.

MAYOR BRIARE:

Thank you, Mr. Schwartz.

MILTON SCHWARTZ:

I do not. I have utmost respect and belief in the integrity of this Council. This is a difficult

MILTON SCHWARTZ:

ordinance. It is true what Mr. Bauchman said. Every moment of delay costs us money. We have already lost areas that hopefully will develop into very lucrative areas as a result of the last year. That's a fact of life. The fact that you have deliberated hard about this ordinance because you want a good bill is a fact and the fact that it's hurt us, that's a fact, too. I want you to understand that. I think you do. We have affidavits which I'm not going to read into the record tonight because there's no point. We're not going forward tonight, obviously. From tens of thousands of people begging for us, Valley and us for the alternatives that we're requesting to the present franchisee because they are dissatisfied with the service. At the appropriate time we will present these affidavits. I assure you that they are here and I have them representing tens of thousands of people who seek alternatives, tens of thousands. They want something different than what they have and I'd like you to address that in your deliberations. As to the timeliness, Mr. Ogilvie and we and Mr. and Ms. Bauchman met with Councilman Nolen, Councilman Lurie, Councilman Levy sat in on at least one meeting. I lobbied Councilman Levy a couple of times. Every Councilman here I came to see to discuss my views from time to time in the last year. I thought quite some time ago we had a good ordinance. It was not thrown together. I think that George Ogilvie did a hell of a good job, but we didn't have all parties to the deliberations. At the last moment Mr. Greenspun and his representatives showed up to offer their views. They didn't come to many meetings for one reason or another. Mr. Ogilvie is here to attest to that or deny what I'm saying is true. It's true! Please call this question for the next legal time so that we can end the acrimony and serve the people of Las Vegas. We want to do what you want to do. You feel you need more time; let's not take more time that's necessary, please. It's hurting us.

MAYOR BRIARE:

We're going to do the best we can, Mr. Schwartz.

MILTON SCHWARTZ:

Thanks very much.

MAYOR BRIARE:

Did your associate want to make a comment? No. Is there anyone else in the audience?

COUNCILMAN LURIE:

I just have one thing to say and I hope you take this in the spirit its meant. You talk about the affidavit with tens of thousands of signatures you have. The people that signed those petitions, if

- COUNCILMAN LURIE: you have them, aren't going to benefit from licensing you because as we discussed previously, in my district and in Al's district who already have service, you're not even going to go into those areas. How is it going to benefit the people that already have the service? You're talking maybe new service where you want to go in and maybe cherrypick an area that's going to give a person an opportunity to choose between three companies. In my area they can't choose; they've already chosen.
- MILTON SCHWARTZ: Not so, sir. These people will benefit immediately. That's a question, I hope it's not rhetorical. The answer to the question is, these people of tens of thousands are private dish owners that want to buy programing and have to buy programing from a franchised operator. By the stroke of a pen we can give them the service and they don't want to buy from Dimension, that's how, and we can't because we have no franchise. Is that the answer?
- COUNCILMAN LURIE: We're talking about some other type of service besides cable.
- MILTON SCHWARTZ: That's cable. They've got dishes and they can't get descrambling and they won't refuse to buy it from Dimension. They don't want Dimension. They don't necessarily want Misco either. They want Misco or Valley, but they don't want Dimension and these people will benefit by the very fact we can work on an ordinance forever. Tomorrow morning they can get literally.
- COUNCILMAN LURIE: That's where we disagree because maybe I don't understand the whole cable industry and talking about cable and talking about dishes --
- MILTON SCHWARTZ: They are scrambled and they can't get descrambled without us having a franchise or some other company.
- COUNCILMAN LURIE: That's why I don't want to rush into this because I think there's more involved to this than meets the surface.
- MAYOR BRIARE: Was there anyone else here that was here for the purpose of making comment on the proposed ordinance that we were thinking about taking up this evening?
- MILTON SCHWARTZ: I think Mr. Metcalf wants to say something, do you?
- DAN METCALF: I would respond to Councilman Lurie's question. Dan Metcalf, General Manager of Misco Cable. The idea as to how the overall citizenry of Las Vegas may benefit from having a competitor that wouldn't serve their

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 13

DAN METCALF: particular area, I think we have addressed that and that is that the presence of more than one cable operator in the city has some automatic benefits. It's been mentioned in these proceedings previous to today that probably the price structure of the existing franchisee has been held where it is because of the existence of competition in the Las Vegas area. Now that's a direct benefit. The market --

COUNCILMAN LURIE: That's a moot point because we can't regulate that.

DAN METCALF: The marketplace will tend to regulate itself and I submit to you that the marketplace is more than a one to one opportunity on the part of every buyer, but the marketplace encompasses the entire area and the presence of competition in that area is going to tend to level out the price. It's a demonstrated fact. There are many other indirect benefits that accrue. A better quality service. If any franchisee knows that there's somebody else in the community that can do a better job or that has a better product or has access to more technology, that's going to affect their operation. There's no question about it. We are --

COUNCILMAN LEVY: Future operation.

DAN METCALF: Yes, present and future.

COUNCILMAN LEVY: I'm talking about my house, it's not going to help, or my neighbors is not going to help.

DAN METCALF: Well, the pictures you receive right now might be as good as they are, partly because there's competition in this valley.

COUNCILMAN LEVY: But I still can't switch.

DAN METCALF: You can buy a dish and one of the delivery methods of cable programming today is via your home dish and the conduit --

COUNCILMAN LEVY: That's another problem.

DAN METCALF: The marketing arm through which that programming comes, at this point in time, are the franchised cable operators. At this point, if you have a dish, your choice for buying cable is basically Dimension.

COUNCILMAN LEVY: If I had a dish, I don't need any of them. I need a descrambler.

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 14

DAN METCALF: You need to be authorized. Your name and number needs to appear on a computer data base so that you can receive programming. If you don't --

COUNCILMAN LEVY: That's what all the cable operators say. A lot of people around town who don't.

DAN METCALF: It's a fact. Anything else that is purported is wrong.

COUNCILMAN LEVY: Well, that's another story.

DAN METCALF: There are some illegal skams that are attempting to get off the ground, but they are not.

COUNCILMAN LEVY: I'll tell you what I'd like to ask. If there's anybody -- I'm asking you Mr. Bauchman, you Mr. Greenspun, and also you Mr. Schwartz in your organization, is there any more ordinances throughout the United States that gets into this multi-franchising of cable; in the multi-franchising of cable companies?

MILTON SCHWARTZ: I didn't understand that, Al.

COUNCILMAN LEVY: I'm looking for more of this Dade County kind of stuff.

MAYOR BRIARE: Another way to put it is, do you have any more Mr. Schwartz that you could offer to this Council which would be an aid to it while it's trying to put together a workable law?

MILTON SCHWARTZ: Up to this date and many meetings with Mr. Ogilvie --

MAYOR BRIARE: No, no. Do you have any more that you could add? Do you have any materials that you might want to submit to the Council for their --

MILTON SCHWARTZ: Not at this moment.

MAYOR BRIARE: Okay, well then, that answers your question.

DAN METCALF: If you'd like, we could look for more, Councilman.

COUNCILMAN LEVY: Pardon?

DAN METCALF: If you'd like, we could submit something at a later time.

MAYOR BRIARE: It would be very helpful because if we're going to

TRANSCRIPT - RECESSED CITY COUNCIL MEETING - JULY 21, 1986 - 8:30 P.M.
CABLE TELEVISION PAGE 15

MAYOR BRIARE:

do this as timely, it could take a long time to have to start soliciting other communities.

DAN METCALF:

Might I make a suggestion that as you look at other ordinances and whatever you look at, you might make a list of key points that you are trying to accomplish and hurdles, if you will, over which prospective franchisees have to jump and, of course, in the interests of the public tests would have to be passed by respective franchisees and come up with a good list that has teeth and expeditiously put it into law, rather than looking at verbage for months and months. Let's get a look list that makes sense and enact it into a law that makes sense here.

COUNCILMAN LEVY:

That's what we're trying to do.

MAYOR BRIARE:

That's we're hopeful of doing. Thank you very much, sir. I asked once before and no one indicated they wanted to be heard so before we recess I want you to -- is Mr. Walker -- Mr. Walker, we have two lovely young ladies that are in the audience. I want you to make sure that you include their names in the record as being present this evening so that we can look back with something of interest here. Councilman Levy.

COUNCILMAN LEVY:

MOVE TO ADJOURN.

MAYOR BRIARE:

Are there any objections? You heard the motion to adjourn. If there's no objections, we're adjourned.

END OF DISCUSSION