



the items will be considered just before the lunch recess.

**3. SPECIAL PRESENTATIONS - PROCLAMATION FOR RECREATION AND PARKS MONTH, JULY 2000 (1-0106)** - Parks and Recreation Director Steve Kastens - Mayor Masayko read the proclamation into the record. No action was required or taken.

**LIQUOR AND ENTERTAINMENT BOARD (1-0160)** - Mayor Masayko recessed the Board of Supervisors session and immediately convened the meeting as the Liquor and Entertainment Board. A quorum of the Board was present including Sheriff's Representative Raymont Saylo. Member Williamson was absent.

**4. TREASURER - Al Kramer**

**A. ACTION ON A FULL BAR LIQUOR LICENSE FOR LESTER AND CATHY JONES, DOING BUSINESS AS BULL TACO AND BBQ, LOCATED AT 725 BASQUE WAY 31, CARSON CITY, NEVADA (1-0160)** - Lester and Cathy Jones indicated they were familiar with the beer and wine laws. They promised they would enforce the Liquor Laws and provide appropriate training for their employees. Member Saylo noted the favorable Sheriff's Report. Discussion pointed out that the original application had been for a beer and wine license which the Applicants upgraded to a full bar license during the investigation. Member Bennett explained the seriousness with which the Board considers granting of liquor licenses and, specifically, the serving of minors. Member Plank moved to approve a full bar liquor license for Lester and Cathy Jones, doing business as Bull Taco and BBQ located at 725 Basque Way No. 1, Carson City, Nevada, under Carson City Municipal Code 4.13; fiscal impact is a \$200 quarterly fee, \$575 investigation fee, and \$1,000 original new fee. Member Livermore seconded the motion. Motion carried 5-0.

**B. ACTION ON A REQUEST FOR AN OUTDOOR EVENT WITH A STREET CLOSURE AND LIVE BAND ON SPRING STREET ON JULY 8, 2000 (1-0265)** - Mr. Kramer's introduction included the reasons he had agendized the request. Mark Kingsley described the activity which occurs between 4 and 10 p.m. The street is closed between 3 and 11 p.m. Member Livermore noted the uniqueness of the neighborhood and his personal attendance at the celebration. He applauded them for their work to promote harmony among the neighborhood while supporting a good cause. Comments were solicited but none given. Member Livermore moved to approve an outdoor event with a street closure and live band for Spring Creek on July 8, 2000; the event to take place from 4 to 10 p.m. with the street closure between 3 and 11 p.m.; no fiscal impact. Member Plank seconded the motion. Motion carried 5-0.

Mr. Kramer explained the notification provided to the Sheriff's and Fire Departments. Any complaints made to the Sheriff's Office will be considered when the next application is made. Chairperson Masayko supported his procedure.

**BOARD OF SUPERVISORS (1-0410)** - There being no other matters for consideration, Chairperson Masayko adjourned the Liquor and Entertainment Board and reconvened the Board of Supervisors session. A quorum of the Board was present although Supervisor Williamson was absent.

**5. CONSENT AGENDA (1-0412)**

- A. TREASURER - ACTION ON TREASURER REPORT FOR THE MONTH OF MAY 2000**
- B. CITY MANAGER - ACTION TO RATIFY THE CITY MANAGER'S EXECUTION OF A CONTINUING AGREEMENT OF INDEMNITY FOR MISCELLANEOUS SURETY BONDS WITH WESTERN INSURANCE COMPANY**
- C. DEVELOPMENT SERVICES**
  - i. ACTION ON CONTRACT NO. 9697-182 - WASTEWATER TREATMENT PLANT MECHANICAL SLUDGE DEWATERING AND DAF THICKENER DESIGN, ENGINEERING SERVICES, AMENDMENT NO. 2, AND REQUEST FOR AUTHORIZATION TO ISSUE ADDITIONAL AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$1000**

ii. ACTION ON CONTRACT NO. 9900-277 - REQUEST FOR CONTRACT APPROVAL, CONSTRUCTION ENGINEERING FOR THE NORTHWEST DRAINAGE PROJECT AGREEMENT AND REQUEST FOR AUTHORIZATION TO ISSUE ADDITIONAL AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$5000

iii. ACTION ON CONTRACT NO. 9900-126 - 1999 TEST WELL DRILLING AND PRODUCTION WELL INSTALLATION, REQUEST FOR FINAL PAYMENT

iv. ACTION ON A NOTICE OF SATISFACTION OF DEVELOPMENT AGREEMENT FOR CARSON CITY (WINNIE) LLC, ASSESSOR'S PARCEL NO. 001-091-09 LOCATED AT 1980 NORTH CARSON STREET

v. ACTION ON A GRANT OF EASEMENT TO WELLS FARGO BANK, FOR THE PURPOSE OF INGRESS AND EGRESS OVER A THIRTY (30) FOOT STRIP OF CITY PROPERTY (APN 08-521-87), CONTAINING APPROXIMATELY 9,106 SQUARE FEET, LOCATED BETWEEN DRAKO WAY AND THE EXISTING RESIDENCE AT 6301 HIGHWAY 50 EAST

vi. ACTION ON DEDICATION OF STREET RIGHT-OF-WAY FOR THE WIDENING OF COLLEGE PARKWAY, CONSISTING OF A STRIP OF LAND CONTAINING APPROXIMATELY 9,547 SQUARE FEET, ALONG THE COLLEGE PARKWAY FRONTAGE OF APN 07-461-06, LOCATED AT THE NORTHWEST CORNER OF WEST COLLEGE PARKWAY AND NORTH CARSON STREET, FROM C & A INVESTMENTS, LLC

vii. ACTION ON IMPROVEMENT AGREEMENT FOR PARCEL MAP CONTROL #S 1551 AND 1552 ON APN 09-311-48 AND 49 FOR EUGENE LEPIRE, JR., AND WILLIAM KUGLER, LOCATED ON CENTER DRIVE SOUTH OF RABE WAY, CARSON CITY, NEVADA

viii. ACTION ON THE DEDICATION OF TWO (2) SEWER LINE EASEMENTS FOR THE INSTALLATION AND PERPETUAL MAINTENANCE OF SEWER LINES AND ALL ITEMS APPURTENANT OR INCIDENTAL THERETO FROM RJS PROPERTIES, INC., ON APN 4-055-12, AND FLAHERTY FAMILY TRUST, ON APN 4-011-04, LOCATED BETWEEN CARSON STATION GRILL AND THE SOUTH PLAZA PROFESSIONAL CENTER

D. FIRE DEPARTMENT - ACTION TO APPROVE THE EXCHANGE OF RESCUE 23 FOR ONE OF THE AMBULANCES TO BE SOLD

E. PURCHASING DEPARTMENT

i. ACTION ON AMENDMENT #2 FOR CONTRACT NO. 9798-260 WITH IBM CORPORATION TO PROVIDE HARDWARE MAINTENANCE

ii. ACTION ON CONTRACT NO. 0001-002 - AGREEMENT WITH DR. GARY DANKWORTH TO PROVIDE PROFESSIONAL SERVICES FOR THE HEALTH, JUVENILE AND SHERIFF DEPARTMENTS

iii. ACTION ON CONTRACT NO. 0001-003 - AGREEMENT WITH FORENSIC PATHOLOGY SERVICES, A DIVISION OF SIERRA PATHOLOGY ASSOCIATES, INC., TO PROVIDE FORENSIC PATHOLOGY AUTOPSY SERVICES FOR THE SHERIFF'S DEPARTMENT

iv. ACTION ON CONTRACT NO. 0001-004 - AGREEMENT WITH A AND H INSURANCE, INC., TO BE THE BROKER/CONSULTANT FOR THE CITY'S PROPERTY/LIABILITY AND BOND PROGRAM

v. ACTION ON CONTRACT NO. 0001-006 - FIRST AMENDMENT TO AGREEMENT WITH CDS OF NEVADA TO BE THE 2000-2001 WORKERS' COMPENSATION CLAIMS ADMINISTRATOR - Supervisor Bennett pulled Items B and D for discussion. Supervisor Plank moved to approve the Consent Agenda as presented absent the discussion of the item under the City Manager and the Fire Department. Supervisor Livermore seconded the motion. Motion carried 4-0.

B. (1-0444) - Discussion explained the purpose of the bond as being to provide a performance bond for a 2-1/2 acre Forest Service site. The proposal extends the term of the bond. Redevelopment will be responsible for payment. Supervisor Bennett moved that the Board ratify the City's Manager's execution of a continuing agreement of indemnity for miscellaneous surety bonds with Western Insurance Company. Supervisor Livermore seconded the motion. Motion carried 4-0.

**D. (1-0495)** - Fire Chief Louis Buckley explained the exchange request. The vehicle which the City will receive will be surplus by the City and sold. Warren Engine Company President Don Blanchard delineated the agreement between the City and the volunteers regarding the vehicle. The vehicle which will be traded to the volunteers is an upgrade from the current model. Supervisor Bennett moved to approve the exchange of Rescue 23 for one of the ambulances to be sold. Supervisor Livermore seconded the motion. Motion carried 4-0.

## **6. BOARD OF SUPERVISORS**

**A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0560)** - Supervisor Bennett reported on her meeting with the Legislative Oversight Committee. Supervisor Livermore reported on his attendance at the Farmers Market and Carson Rendezvous. He reported on meetings of/with/on the Convention and Visitors Bureau; Fire Chief Buckley; and the Carson-Tahoe Hospital. He displayed a copy of the Convention and Visitors Bureau advertisement, which had been included in Tuesday Nevada Appeal, called the "Carson City Explorer". The activities listed in it were highlighted. He also noted the Bureau's business guide. Mayor Masayko explained his contact with Mr. Midlin at the Bureau meeting regarding the community's need for airline service. He suggested that NACO or the nine surrounding counties participate in formulating a position on how to protect and develop air services for the area. Reno's air service needs are 80 percent leisure and 20 percent business. Whereas, the other Counties may have 20 percent leisure and 80 percent business. He had volunteered to facilitate the meeting. It may be that WNDD, NNDA, and the various chamber of commerces' business and manufacturing committees may be interested in participating. Supervisor Bennett suggested the "One Region, One Vision" Committee be invited. Mayor Masayko also indicated that the City airport was involved. He then reported on meetings with/at the Senior Citizens Center; the Carson-Tahoe Hospital Auxiliary fundraiser; Development Services on freeway drainage; Community Service Awards event; the U.S. Conference of Mayors seminar; and the Rendezvous. He reminded the Board of their invitations to participate in the "Meals on Wheels" activities on June 22. Supervisor Bennett reported on the Health Smart program which had occurred during the Rendezvous. Mayor Masayko continued his report with the Business Bank's groundbreaking ceremony and the Flag Day activities. Supervisor Plank reported on meetings with/regarding the Parks and Recreation Commission including Parks and Recreation's budget needs for facility improvements; a Category 4 Special Feature Award given to Carson City by the Parks and Recreation Society of Nevada; a possibility of using a donated building for the Cemetery Office; a settlement hearing in Reno; Western Nevada Development District's annual meeting; the roundabout; Regional Transportation Commission; Chief Buckley; and his viewing of the Convention and Visitors Bureau's televised meeting. Mayor Masayko noted a news article indicating that Washoe County is going to have a roundabout. Discussion indicated that the contractor on the Fifth and Edmonds roundabout had installed a four-way stop when he started work on it. Staff immediately began receiving telephone calls demanding the roundabout be reconstructed as quickly as possible. Mayor Masayko then reported on Airport Authority meeting. Supervisor Bennett reported on the Regional Transportation Commission's discussion on becoming an MPO and indicated that the Board would be asked to make a decision shortly concerning who would be appointed to be the MPO. Supervisor Plank explained his feeling that the RTC should be assigned to be the MPO. An NDOT representative also needs to be assigned to the RTC when the community becomes an MPO. Supervisor Bennett stressed the need for the group assigned the duties to commence work immediately. No formal action was required or taken.

**B. STAFF COMMENTS (1-1260)** - Discussion noted Mr. Kastens was Acting City Manager during Mr. Berkich's absence.

**7. REDEVELOPMENT DIRECTOR - ORDINANCE - SECOND READING - ACTION ON BILL NO. 122 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE NORMAN AND BETTY METCALF FAMILY TRUST RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO. 4-055-09 LOCATED IN CARSON CITY, NEVADA (1-1277)** - Supervisor Livermore moved to adopt on second reading Bill No. 122, Ordinance No. 2000-22, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE NORMAN AND BETTY METCALF FAMILY TRUST RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO.

4-055-09 LOCATED IN CARSON CITY, NEVADA; fiscal impact is \$42,000 and the funding source is the Redevelopment Authority. Supervisor Plank seconded the motion. Motion carried 4-0.

**8. CARSON CITY CHARTER REVIEW COMMITTEE - Chairperson Shelly Aldean**

**A. ACTION ON A RESOLUTION BY THE CARSON CITY CHARTER REVIEW COMMITTEE RECOMMENDING TO THE BOARD OF SUPERVISORS TO RECOMMEND TO THE NEVADA STATE LEGISLATURE THAT THE CARSON CITY CHARTER BE AMENDED TO ADD SECTION 3.140 WHICH WILL END AN ELECTED OFFICIALS SERVICE ON A PUBLIC BOARD, WHICH POSITION HE OBTAINED BY VIRTUE OF HIS ELECTED OFFICE, AFTER HIS TERM IN OFFICE HAS EXPIRED (1-1350)** - Mayor Masayko thanked the Charter members for their dedication and service. He also indicated that the Board could accept and approve the Charter resolutions as presented. Staff will then draft the formal documents for presentation to the Legislature. Discussion explained the purpose of this resolution. Chairperson Aldean read the names of the members and thanked them for their time and efforts. Comments also acknowledged Mr. Glover and Recording Secretary King's roles. Mayor Masayko pointed out that if this proposal is approved, it may be necessary to modify the Board's appointment to the Airport Authority which had been established under a Statute. Clarification indicated that the concept would not change the TRPA interim appointment process. Supervisor Bennett indicated that a number of individuals have asked her to remain on the TRPA after her elected term ends. The Board must make a decision on the appointment at the appropriate time. Supervisor Bennett expressed the hope that nothing the Board does in regard to this proposal would impede her ability to remain on the TRPA Board. Supervisor Livermore pointed out that Janice Ayres is serving on the V&T Railway Advisory Board although no longer in office. He also noted the appointments to the Subconservancy District have not always been active Board members. The concept addresses these situations if the Board so desires to make changes. Mayor Masayko pointed out that the Board had been establishing the term lengths. As long as this policy is followed, a problem should not arise. TRPA does not require its members to be an elected official. Public comments were solicited but none given. Supervisor Livermore moved to approve the resolution by the Carson City Charter Review Committee recommending to the Board of Supervisors to recommend to the Nevada State Legislature that the Carson City Charter be amended to add Section 3.140, or the appropriate one as Ms. Aldean had referred to, which will end an elected officials service on a public board, which position he obtained by virtue of his elected office, after his term in office has expired. Supervisor Plank seconded the motion. Motion carried 4-0.

**B. ACTION ON A RESOLUTION BY THE CARSON CITY CHARTER REVIEW COMMITTEE RECOMMENDING TO THE BOARD OF SUPERVISORS TO RECOMMEND TO THE NEVADA STATE LEGISLATURE THAT THE CARSON CITY CHARTER SECTION 3.077 BE AMENDED TO MAKE THE OFFICE OF PURCHASING AND CONTRACTS DIRECTOR AT THE DISCRETION OF THE CITY MANAGER OR BOARD OF SUPERVISORS (1-1632)** - Discussion supported the reorganization proposed by the City Manager during the budget process. The revision provides a method of accomplishing it. Although Mayor Masayko felt it should be at the discretion of the City Manager or Board, he was willing to accept the term "may" as indicated in the Charter resolution. Supervisor Livermore moved to approve the resolution by the Carson City Charter Review Committee recommending to the Board of Supervisors to recommend to the Nevada State Legislature that the Carson City Charter Section 3.077 be amended to make the office of purchasing and contracts director at the discretion of the City Manager or Board of Supervisors. Supervisor Plank seconded the motion. Motion carried 4-0.

**C. ACTION ON A RESOLUTION BY THE CARSON CITY CHARTER REVIEW COMMITTEE RECOMMENDING TO THE BOARD OF SUPERVISORS TO RECOMMEND TO THE NEVADA STATE LEGISLATURE THAT THE CARSON CITY CHARTER SECTION 2.010(4) BE AMENDED TO ALLOW THE BOARD, UPON PASSING OF AN ORDINANCE, TO CHANGE THE METHOD IN WHICH SUPERVISORS ARE ELECTED (1-1684)** - Chairperson Aldean's introduction included an explanation of litigation in Los Angeles based on the perception that minorities had been disenfranchised by its selection process. The concept would allow the Board to determine if and when the current

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process should be revised rather than wait until a similar suit is filed before a reaction occurs. Surrounding areas elect their Commissioners at the ward level. The ordinance adoption process will allow adequate opportunity for the public to provide input. Mayor Masayko's comments indicated the concept would allow "home rule" to decide when and if the process should be changed. Supervisor Livermore felt that the concept did not go far enough in providing local control. Election procedures in other areas were cited to illustrate his point, i.e., elimination of the Mayor's position and use of a five ward system. He questioned the number of times the ordinance would be reconsidered--every other year, every election, every ten years? The electorate could change the process repeatedly. Chairperson Aldean indicated that the capital investment required to change the process may eliminate the reconsideration concern. Comments indicated that this is another reason for considering the concept seriously. It could also eliminate the need for a runoff in the general election as more than 50 percent could be obtained in the general without a large turnout. In response Chairperson Aldean noted that the candidates often are unaware of the need to campaign citywide. She felt that a larger turnout would occur if the selection is made at the ward level. Supervisor Livermore also pointed out that constitutional changes are lengthy, time consuming processes. An ordinance change does not have this same validity. He understood the concept and reasons the Committee had submitted the resolution. He also felt that the program was not broken and questioned the need to fix it.

Committee Member Donna Kuester felt that there is a lot of material which could be brought forward for discussion. It is a major concern in other areas. She agreed that some people support the change while others reject the change. She hoped that the concept would give the District Attorney's office an opportunity to research the process.

Chairperson Aldean agreed that the Committee had been split on the concept. Some preferred to stay with the current process. Some wanted to change it. Others felt it should be considered by the electorate. The compromise was offered in an attempt to give the Board the latitude and ability to respond quickly if a legal concern arises.

Member Kuester explained that the Committee had also discussed the selection of five supervisors who would select the chair. The Committee had rejected this concept.

Chairperson Aldean felt that the Committee supported the strong mayoral representation which the City currently has. Mayor Masayko responded by expressing his feeling that the City's current mayoral representation is weak and could be strengthened. Supervisor Bennett supported his comments by explaining her feeling that the Charter provides for a strong City Manager form of government. There is an equal distribution of authority among the Board members which is lead by a strong City Manager.

Discussion ensued on the presentation made to the Committee by Don Carlson concerning the Los Angeles lawsuit.

Supervisor Bennett pointed out the City's uniqueness as a consolidated municipality and its geographic confinement. The concept would require the Board to incur a large fiscal responsibility. She did not believe that the current process could disenfranchise minority groups based on the number of committees/commissions working on various governmental business issues and activities. This affords any and all citizens an opportunity to participate in government. There had never been anyone excluded from the process. She herself is considered a minority. The process is available to others within the community as it had been to her. Once an individual is elected, he/she is responsible for all of the residents within the community and not just the ward. This is the strength of the Board--the ability to respond to concerns from throughout the community. Los Angeles is a different situation than Carson City as indicated by its population and geographical area. She agreed with Supervisor Livermore. It is not broke and does not need fixed. She thanked the Committee for its work.

Chairperson Aldean reiterated that the change would not occur until the Board acts to do so. The concept merely gives the Board the ability to expeditiously respond if so desired.

Supervisor Plank voiced his support for being able to manage the community's own destiny. The methodology is too easy to manipulate in a short period of time particularly if emotions are involved. For this reason he could not

support the concept. The current ward representation includes all economic and ethnic scales. All of the wards commence in the middle of the downtown area and work their way out. This distributes the economics and ethnic groups equally throughout which is not the case in Los Angeles.

Mayor Masayko agreed that it may be too easy to change from one process to another; however, it is difficult to maintain the equality and diversity in economic and ethnic scales. If the equality and diversity is not established in the wards, litigation may arise. Should an imbalance arise, it is difficult to modify the wards.

Supervisor Livermore pointed out that the establishment of wards is conducted every decade after the census has been taken. The Board will have an opportunity to vote on the boundaries. The Board is elected on a non-partisanship basis. The Legislators may be selected according to party affiliation. This process is elaborate and takes a great deal of time. The ordinance concept is too easy to manipulate. Additional public comments were solicited but none given. Mayor Masayko then requested a motion and indicated that if the vote is split, the issue will be reagendaized when a full Board can be present.

Supervisor Livermore moved that the Carson City Board of Supervisors not accept the Charter Review Committee's recommendation to recommend to the State Legislature that the Carson City Charter Section 2.010(4) be amended to allow the Board, upon passing of an ordinance, to change the method in which the Supervisors are elected. Supervisors Bennett and Plank seconded the motion. Motion was voted and carried 3-0-1-1 with Mayor Masayko abstaining and Supervisor Williamson absent.

**D. ACTION ON A RESOLUTION BY THE CARSON CITY CHARTER REVIEW COMMITTEE RECOMMENDING TO THE BOARD OF SUPERVISORS TO RECOMMEND TO THE NEVADA STATE LEGISLATURE THAT THE CARSON CITY CHARTER SECTION 2.320 BE AMENDED TO ALLOW ONLY RESIDENTS OF CARSON CITY TO SIT ON CARSON CITY'S ADVISORY BOARDS (1-2335)** - Deputy District Attorney Melanie Bruketta, Neil Weaver - Discussion noted that the Board currently includes a similar condition in the enabling resolution. Supervisor Plank suggested that the resolution include a requirement that the individual be an active registered voter. His personal verification of an individual's registration and residency was noted. Ms. Bruketta opined that it could legally be required as the Board had required it on other Committees/Commissions.

Mr. Weaver thanked the Committee for its work and expressed his reservation about requiring Carson City citizenship. This could eliminate the best qualified individual from serving. City employees are not required to live in Carson City, e.g., emergency services personnel. The Carson City Airport Authority could be impacted by the restriction. Other examples were provided to support his contention that it would prohibit the City from having the best, most qualified individual serve on its committees and commissions. Additional public comments were solicited but none given.

Supervisor Plank pointed out that the Public Transit Advisory Committee (PTAC) had two members who are not residents serving on it right now. He agreed that the proposal may limit the applicants, however, if the residency is restricted then the individuals should also be active registered voters. Mayor Masayko felt that it would not limit the pool of applicants. Supervisor Bennett felt that responsible citizens of the community should be willing to participate on the committees/commissions. Policy decisions should be made on behalf of the community of Carson City. This may mean that PTAC must change and that the Board/staff must actively recruit individuals for the positions. The restriction would provide a prospective only a resident can have. She also supported Supervisor Plank's suggestion that they be active registered voters. Supervisor Livermore explained his personal recruitment of individuals with diverse opinions when issues were brought to his committee/commission. The committees/commissions understand that their recommendations are advisory only and that the Board must receive testimony which could be adverse to their recommendations. Other committees/commissions, such as the Regional Transportation Commission, have regulatory powers. Its decisions do not come to the Board for review. Appointees to such committees/commissions should be residents. He felt that the residents have always been able

to approach their elected officials including the Governors, Legislators, etc. He also supported the registered voter requirement and the Committee's recommendation. Mayor Masayko pointed out that the Board is the ultimate decision maker for the community and as such its members must maintain residency in Carson City. The same should be required of the committee/commission members. He was also willing to accept the recommended revision adding active registered voter. Ms. Bruketta opined that the motion should direct staff to prepare the appropriate document and reagentize the request. Supervisor Plank indicated for the record that when the matter comes back for official Board action, the requirement that the person be an active registered voter in Carson City will be added and moved to support the resolution by the Carson City Charter Review Committee recommending to the Board of Supervisors to recommend to the Nevada State Legislature that the Carson City Charter Section 2.320 be amended to allow only residents of Carson City to sit on Carson City's advisory boards. Supervisor Livermore seconded the motion. Motion carried 4-0.

Mayor Masayko again thanked the Committee for its time, efforts, and expertise. Supervisor Plank pointed out that the remaining issue had provided additional discussion for consideration the next time.

BREAK: A recess was declared at 10:55 a.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 11:05 a.m. Supervisor Williamson was absent as indicated.

**9. PURCHASING DEPARTMENT - Finance Director David Heath - ACTION ON CONTRACT NO. 0001-005 - REQUEST TO RENEW CONTRACT WITH NEVADA PUBLIC AGENCY INSURANCE POOL FOR 2000-2001 PROPERTY, LIABILITY, CRIME, AND BOILER AND MACHINERY INSURANCE (1-2702) - Carol Ingalls, Deputy Controller Tom Minton - Ms. Ingalls provided an overview of the current marketplace. When the investment field drops, as had been occurring, premiums are increased. Consolidation of carriers also impacts the rates and reduces the number of bids. The insurance pool had sought bids on its coverages. This had also impacted the number of bidders. There are 66 members in the pool. Carson City is the largest member of the pool. The Hospital is not a member. She then described the coverage provided by the pool. An increased retention amount had been implemented which reduced the premium. The premium had increased by four percent over last year's. Five million dollars worth of earthquake insurance is the maximum provided. The proposed and previous retention schedules were discussed. Ms. Ingalls offered to, with the Board's permission, reopen the bids next year in an attempt to reduce the costs. The policy had only been bid for one year. Policies could be requested for more than one year, however, the carriers would include a repricing clause at the end of the first and second years. The losses experienced the last two years were discussed. Mr. Minton indicated that the City did not have double coverage on its boilers and mechanical equipment. Economic factors used in determining the amount of coverage were noted. Clarification indicated that the coverage is for replacement costs and justified the economics of providing such coverage rather than higher values. Supervisor Livermore moved to accept the Purchasing and Contracts Department and Risk Management Department recommendation on Contract No. 0001-005 to renew the contract with Nevada Public Agency Insurance Pool, 308 North Curry Street, Carson City, Nevada 89703, for a total premium of \$358,930 for the property, liability, crime, and boiler and machinery insurance coverages for 2000-2000 year; budget allocation is \$358,930 with insurance premiums as provided for in 0001. Supervisor Plank seconded the motion. Following a request for a correction, Supervisor Livermore amended the motion to be for 2000-2001. Supervisor Plank concurred. Motion was voted and carried 4-0.**

**10. ENVIRONMENTAL HEALTH - Human Services Manager Kathy Wolfe - ACTION TO SUPPORT RECOMMENDATIONS OF SENATE COMMITTEE REPORT 4, AN INTERIM STUDY REGARDING LONG TERM CARE SERVICES WHICH PROVIDE QUALITY MULTI-LEVEL LONG TERM CARE FOR INDIVIDUALS REQUIRING THESE SERVICES, IN A DIGNIFIED, COST EFFECTIVE MANNER (1-3158) - Ms. Wolfe's introduction included indicating the support provided by other Counties. The position paper is a request that the State provide more support for long-term care. Concerns were expressed that funding may be lost if this does not occur. Discussion explained the local and State funding, the need to have a funding source for catastrophic events which Ms. Wolfe agreed to propose to the committee, and the desire for the State to look at methods of alternative/more flexible types of care. Supervisor Bennett moved that the Board of Supervisors support the recommendations of Senate Committee Report 4, an interim study regarding long term**

care services which provide quality multi-level long term care for individuals requiring these services in a dignified, cost effective manner. Supervisor Plank seconded the motion. The motion carried 4-0.

**11. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON APPROVAL OF THE BUREAU OF LAND MANAGEMENT'S PROPOSED PLAN IN THE DRAFT INTERDISCIPLINARY MANAGEMENT PLAN FOR THE SILVER SADDLE RANCH AND THE AMBROSE CARSON RIVER NATURAL AREA (1-3413) - BLM Representative Chris Miller -** Ms. Miller explained that the three alternatives had been developed by the task force and reasons for adding the Ambrose Carson River Natural Area. Slides were used to illustrate the area. The public's desire to maintain a green belt will require irrigation which the City may have to provide on the 80 acres set aside for the green belt area. Plan A included trails, trailheads on the east side of the River, maintaining the core area as a cultural resource, and restricted motorized access. Plan B is not the most expensive but allows the most recreational opportunity of the three plans. Additional motorized access will be provided in addition to the hiking trails. All of the plans include a caretaker, who may be a volunteer in the beginning, and a park ranger. Access will be locked at night. Justification for the park ranger was provided. Response by both the Sheriff and Fire Departments has been good as illustrated by her example. (2-0018) Discussion explained the irrigation program now being used and the BLM Wildlife Biologist wishes to maintain the wetland areas. Concerns were expressed about noxious weeds. The intent is to maintain half of the wetlands and to work with the Anderson property to keep the wildlife. The City's contracted grazing program utilized last year was described. This program will be continued as it reimburses the City for the water and is an attempt to make the project self-sustaining. BLM also proposes to establish a reservation fee similar to the City's for use of the picnic area. Long range plans call for the development of a foundation which will be responsible for managing the Silver Saddle Ranch. This program is similar to the City's program for the Roberts and Wungnema Houses. Supervisor Bennett felt that the Silver Saddle Ranch may be the location for a fairgrounds at some future date. At this time the committee's desire is to maintain the ranch as a rural setting and not develop it as a fairgrounds or for heavy use. The current plan is to have a small parking lot and development would be similar to North Washoe Lake which averages 36,000 people per year. Both Carson River Advisory Committee and Open Space Advisory Committee had opposed a walk-in fee. Parking fees may be assessed. Mr. Kastens agreed to research whether the Question 18 funds could be used for maintenance of the Silver Saddle Ranch, which is owned by BLM and could be removed from any agreement by BLM. Ms. Miller indicated that there had been no public support for Alternative A although there had been suggestions that the buildings be razed and the entire area maintained as green open space. Other individuals had supported the concept of having a concessionaire operate the ranch as a tourist attraction with a fee for touring the ranch. This was the most expensive alternative. The third concept would be for it to be an educational camp. This would keep the public out of a portion of the park due to liability concerns. The proposed plan allows for environmental educational programs and camping for these activities. No other camping will be allowed. Wildlife and irrigation plans were highlighted. Only two new trails will be established. It is a five year plan. The trailhead will be for all users groups--equestrian, bicycle, and hiking. Wheelchair access was described. No ATVs will be allowed. Motorized bicycles will only be allowed on the east side. The access plan for the Pinenuts is being developed by others at BLM. The Ambrose Carson River Natural Area plan was described including the bridge which ties it to the Silver Saddle Ranch. The current use of the Ambrose area was explained. Concern was voiced about charging a fee to browse through the area. Comments supported a group/reservation fee. Mayor Masayko supported having the area open as much as possible with fees as low and reasonable as the possible. The public should be encouraged to use the facility as their funds had supported it. Mr. Kastens expressed his reluctance to have to police a fee structure. The estimated costs were \$23,000 for a seasonal law enforcement officer and \$4,000 for irrigation. Clarification indicated the park ranger cost was split with BLM. Comments stressed that the program was a City/BLM partnership which should be seamless, accessible, and free to the public unless a large group program is proposed. Board comments supported having operate like Mills Park. The Parks and Recreation Commission had supported the concept. Supervisor Livermore moved to approve the Bureau of Land Management's proposed plan and the Draft Interdisciplinary Management Plan for the Silver Saddle Ranch and Ambrose Carson River Natural Area as presented. Supervisor Plank seconded the motion. Motion carried 4-0.

**12. BOARD OF SUPERVISORS - ACTION ON A REQUEST FROM DAVID WALDRIP, RIVER**

**KNOLLS CHARITY COMMITTEE, FOR A RENTAL FEE WAIVER FOR USE OF THE COMMUNITY CENTER PORTABLE STAGE (2-0457)** - David Waldrip, Parks and Recreation Director Steve Kastens - The minimum donation to the Girl Scouts is \$500. Each resident is assessed a \$25 participation fee which is used to cover expenses. Last year's fee for the portable stage was \$100 and pays for the overtime costs as setup and takedown occurs on Saturday. Supervisor Plank moved that we provide the portable theater to the River Knolls Charity Committee for the River Knolls Charity Block Party which will take place on Saturday, July 8, with a rental fee of \$100 and a refundable fee of \$250 provided by the citizens charity. Supervisor Livermore seconded the motion. Motion carried 4-0.

**BREAK:** A lunch recess was declared at 12:20 p.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 1:35 p.m. although Supervisor Williamson was absent.

**13. PERSONNEL MANAGER - Judie Fisher**

**A. ACTION TO APPOINT ONE APPLICANT TO THE REGIONAL PLANNING COMMISSION (2-0582)** - Mayor Masayko thanked each applicant for applying. The Board interviewed Laura Adler, (2-0801) John Peery, (2-1051) Michael Jensen, and (2-1247) Isabel Young. Richard Wipfli's letter, staff's memo, and Commission Chairperson Christianson's recommendation were noted. Board discussion noted the caliber of the applicants and thanked them for volunteering their services. Mr. Wipfli's service on the Planning Commission was described. Discussion explored Mr. Mally's terms on the Commission and the Board's reappointment policy. Comments included reasons for supporting the reappointment of Mr. Wipfli or appointment of others. Mr. Peery's application had not been included with the applications for the Board of Appeals due to the occupational requirements for it. Supervisor Livermore encouraged Messrs. Peery and Jensen to apply for other Committees/Commissions. Supervisor Livermore moved that the Board of Supervisors accept the application for reappointment for Richard Wipfli for a second term of appointment to the membership of the Regional Planning Commission. Supervisor Plank seconded. Motion carried 4-0.

**B. ACTION TO APPOINT APPLICANTS TO CIVIL/STRUCTURE ENGINEER, GENERAL CONTRACTOR, ELECTRICAL ENGINEER AND MECHANICAL ENGINEER OPENINGS ON THE BOARD OF APPEALS (2-1655)** - Discussion noted that Mr. Moore was a Douglas County resident, however, his business is located in Carson City. The policy prohibiting appointment of non-residents had not yet been adopted by the Board. The Board had been meeting once a year and when appeals arise. Mr. Moore had been a contributing member. Supervisor Plank moved to reappoint Tom Card as a Civil/Structural Engineer; Steve Moore as a General Contractor; and Gary Barrett as the Electrical Engineer to the Board of Appeals for Carson City. Mayor Masayko indicated that the appointments are for a maximum of two years. Supervisor Livermore seconded the motion. Supervisor Livermore explained that, although he had supported the Charter Review Committee's recommendation concerning non-residents, he would have supported that recommendation in this case if there had been more than one applicant for the position. He suggested consideration be given to making it a requirement on the application. Ms. Fisher agreed to add the requirement to the packet. Supervisor Plank suggested that the terminology encourage the applicants to be from/preferred residents of Carson City. The motion was voted and carried 4-0.

(2-1774) Mayor Masayko thanked Scott Breeding for applying. He was interviewed by the Board. Dean Borges was not present for his interview. He had served three terms. Mayor Masayko explained his personal knowledge of Mr. Borges and his employment. Problems encountered obtaining applicants for the Board were noted. Supervisor Plank moved to appoint Scott M. Breeding, a resident of Carson City and a mechanical engineer to the Board of Appeals for Carson City under the category of mechanical engineer. Supervisor Livermore seconded the motion. Motion carried 4-0. Mayor Masayko again thanked Mr. Breeding for applying and Mr. Borges for his services.

**15. CARSON CITY AIRPORT AUTHORITY** - Supervisor Bennett recused herself. Mayor Masayko indicated the reason for her recusion as being due to her involvement with the airport at Silver Springs. Supervisor

Bennett left the room. A quorum was still present although Supervisor Williamson was absent.

**A. ACTION TO APPROVE THE AMENDMENT OF THE 1999-2000 FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT GRANT TO CONDUCT RUNWAY REPAIR RATHER THAN REPLACEMENT; REDUCTION OF GRANT FUNDS FROM \$3,450,000 TO \$393,750; MATCHING FUNDS FROM AIRPORT AUTHORITY IN THE AMOUNT OF \$26,250 (2-1976)** - Airport Authority Legal Counsel Steve Tackes and Airport Engineer Jim Clagg - Discussion amended the amounts to be: a total of \$610,000 with the FAA's share being \$571,875 and the Airport Authority's share being \$38,125. The Airport Authority had recognized the revision in its motion recommending approval. The Airport Authority is subject to the Davis-Bacon Laws. Supervisor Plank explained that the Airport's share of the funds is paid from revenue generated at the Airport and is not tax funds. Mayor Masayko explained that he represents the Board on the Authority, his attendance at its meetings, and his knowledge that the monies are available within the Airport Authority funds. Supervisor Livermore requested that future Airport requests include this information with the requesting documents. Mayor Masayko felt that the information had not been ready as the meeting was conducted last week. The desire to fast track the request had been based on the need to meet construction requirements for this season/year. Supervisor Plank moved that the Board of Supervisors approve the Amendment of the 1999-2000 Federal Aviation Administration Airport Improvement Grant as approved by the Carson City Airport Authority on June 8, 2000 in the dollar amount of \$610,000 with the FAA's share being 83.75 percent or \$571,875 and the sponsor's, which is obviously the Airport Authority, share being \$38,125 which is 16.25 percent; which also covers the fiscal impact. Supervisor Livermore seconded the motion. Discussion indicated the intent to apply for the other funds later in the year and construction to occur within two years. The application will be submitted to the Board. Supervisor Livermore explained that if the plan had been to remove the improvements sooner, he would have questioned the wisdom of doing the work at this time. The grant will apply a bandaid until later. There are no assurances that a federal grant will be available in two years. The motion to approve the amended grant was voted and carried 3-0 with Supervisor Bennett abstaining and Supervisor Williamson absent.

**B. ACTION TO APPROVE THE REPLACEMENT LEASE BETWEEN AT&T, CARSON CITY AIRPORT AUTHORITY, AND CARSON CITY REGARDING PLACEMENT OF CELLULAR TELEPHONE ANTENNA EQUIPMENT AND EQUIPMENT BUILDING ON THE CARSON CITY AIRPORT (2-2205)** - Terms of the lease require AT&T to construct a tower of adequate strength to support its needs as well as the Airport's if the current structure is inadequate. An escalation clause of three percent is included in the terms. Reasons AT&T wanted to use the Airport for its structure were noted. The Airport Authority had approved the lease. Mr. Tackes agreed to provide the Minutes with future requests. Supervisor Plank moved that the Carson City Board of Supervisors approve the replacement lease between AT&T, the Airport Authority, and Carson City as approved by the Airport Authority on May 18, 2000. Supervisor Livermore seconded the motion. Motion carried 3-0-1-1 with Supervisor Bennett abstaining and Supervisor Williamson absent.

**14. CARSON WATER SUBCONSERVANCY DISTRICT - General Manager Ed James - ACTION TO SUPPORT A JOINT RESOLUTION BY THE CARSON WATER SUBCONSERVANCY DISTRICT, A NEVADA WATER SUBCONSERVANCY DISTRICT, AND ALPINE COUNTY, A COUNTY OF THE STATE OF CALIFORNIA (2-2318)** - Supervisor Bennett returned during Mr. James' introduction. (A quorum was present although Supervisor Williamson was absent.) A revised resolution was presented to the Board and Clerk. Mr. James emphasized that the concept would not impact the Alpine Decree and that the Subconservancy District is not a regulatory agency. The individual Counties will perform these functions. These restrictions are included in the resolution. The concept does not require Congressional approval as it is merely Counties joining together on a local level. The importance of Alpine County's participation was pointed out as it is the headwaters for the Carson River. Supervisor Bennett felt that the concept will eventually develop the intracounty water distribution system which will be needed in 10 to 15 years. Mr. James presented a document to the Board and Mr. Kastens. (A copy was not given to the Clerk.) Discussion ensued on the process and time required to complete it. Although Alpine County is interested, the reception by the California Legislature is unknown. As Alpine County is also the headwaters for three California rivers, the necessity to protect them is important. Therefore, it was felt

that the California Legislature may be interested in the concept. Contact with the Nevada Legislators was noted. Public comments were solicited but none given. Supervisor Bennett moved that the Board of Supervisors approve the joint resolution of the Board of Supervisors of the County of Alpine, State of California, and the Carson Water Subconservancy District, a Nevada Water Subconservancy District. Supervisor Plank seconded the motion. Following a request for an amendment, Supervisor Bennett amended her motion to approve the resolution in concept. Supervisor Plank concurred. Motion carried 4-0.

**16. REDEVELOPMENT AUTHORITY (2-2636)** - Mayor Masayko indicated these items are to be considered during the evening session when Chairperson Williamson will participate via telephone.

**BREAK:** A recess was declared at 3:20 p.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 3:35 p.m. although Supervisor Williamson was absent as indicated.

**17. FINANCE DIRECTOR - David Heath**

**B. ACTION TO APPROVE A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FISCAL YEAR 99-00 BUDGET IN THE AMOUNT OF \$1,261,646 (2-2685)** - Parks and Recreation Director Steve Kastens - Mr. Heath highlighted the augmentations including the contingency expenditures. The \$15,000 for the Mentoring Program was taken from the contingency. Mr. Heath indicated that the corrected contingency expenditures would be provided to the Board tomorrow. (A copy was also given to the Clerk and is included in the file.) Discussion indicated the corrections were to include the Mentoring Program; \$30,000 for Conflict Counseling; and \$25,000 for Justice Court. Discussion also explained the grants for the Sheriff's Office; street maintenance of \$5,000; the \$25,000 required for irrigating the parks; and requested clarification of the \$5,000 which had been added to the \$25,000 for irrigation. Mr. Heath indicated that he would provide the information during the evening session. Additional discussion explained group medical funding, cemetery funding, the \$350,000 ambulance augmentation and its \$1.9 million revenue. Mayor Masayko requested a one or two page document describing the purpose of the augmentations. Additional comments were solicited but none given. Supervisor Plank moved to adopt Resolution No. 2000-R-29, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FISCAL YEAR 99-00 BUDGET IN THE AMOUNT OF \$1,261,646. Supervisor Livermore seconded the motion. Motion carried 4-0.

**C. ACTION TO APPROVE AN APPLICATION TO REMOVE UNCOLLECTIBLE ACCOUNTS RECEIVABLE FROM THE RECORDS OF THE AMBULANCE FUND IN THE AMOUNT OF \$389,291.16 OUT OF BILLINGS THROUGH MAY 31, 2000 OF \$2,022,550 (2-3153)** - EMS Battalion Chief Vince Pirozzi, Fire Chief Louis Buckley - Discussion explained that the collection efforts will continue to be made. No activity has occurred on the accounts for one year. The collection agency receives 30 percent of all collections. Reasons delinquent accounts are not published were explained. Easy and interest free payment programs are used in an effort to encourage payment and avoid having to write the bills off. The list does not include these individuals. The \$50 subscription program eliminates the financial commitment for subscribers. Last year approximately \$33,000 profit was made by the subscription program. This is separate from the insurance program. Chief Buckley explained the ambulance enterprise fund, the necessity to augment it, and the reasons for feeling that the subscription program had generated a profit. Supervisor Plank moved to approve an application to remove uncollectible accounts receivable from the records of the Ambulance Fund in the amount of \$389,291.16 out of billings through May 31, 2000, of \$2,022,550. Supervisor Bennett seconded the motion. Motion carried 4-0.

**D. ACTION TO APPROVE A RESOLUTION ESTABLISHING A SPECIAL REVENUE FUND FOR THE SHERIFF'S COMMISSARY OPERATIONS (2-3583)** - Internal Auditor Gary Kulikowski, Deputy District Attorney Melanie Bruketta - Justification for establishing the fund was provided by Mr. Kulikowski. (3-0015) The program had been discussed with the Sheriff's Department. His personnel had supported the program. The fund balance at the end of Mr. Kulikowski's audit period was \$135,000. The Grand Jury had analyzed this fund and determined that the balance was acceptable. Mr. Kulikowski agreed that the balance could be higher than

necessary. A majority of the funding is generated from the telephone service. The telephone fee is based on the tariff agreement. If the City's share is reduced, the profit for the telephone supplier would be increased proportionately. The Sheriff's Department will be bringing a proposal to the Board for consideration on how to use the funds for the health and welfare of the inmates. Examples were provided to explain this proposal. Mr. Kulikowski indicated that these programs will be presented when the budget for the funds is developed. He was unsure of the date for this presentation. Supervisor Bennett asked Mr. Kulikowski to convey to the Sheriff her desire to see a conclusion before the end of the year. Additional comments were solicited but none given. Supervisor Plank moved that the Board of Supervisors adopt Resolution No. 2000-R-29, A RESOLUTION ESTABLISHING A SPECIAL REVENUE FUND FOR THE SHERIFF'S COMMISSARY OPERATIONS; this resolution is to replace Resolution No. 1988-R-2 in its entirety. Supervisor Livermore seconded the motion. Discussion between Mr. Kulikowski and Ms. Bruketta explained that the effective date of July 1, 1999, would authorize the implementation of the program retroactively. Ms. Bruketta also indicated that it is possible for an individual to be confined for a period longer than one year if cumulative misdemeanor charges are assessed. Mr. Kulikowski indicated that the average stay is two weeks which makes it a short term facility. The motion to adopt Resolution 2000-R-29 was voted and carried 4-0.

BREAK: There being no other matters until 6:00 p.m., Mayor Masayko recessed the meeting at 4:25 p.m. Mayor Masayko reconvened the meeting at 6 p.m. The entire Board was present including Supervisor Williamson, via the telephone. Staff members present included Acting City Manager/Parks and Recreation Director Steve Kastens; Community Development Director Walter Sullivan; Development Services Director Andy Burnham; Chief Deputy District Attorney Mark Forsberg; Redevelopment Director Rob Joiner; and Recording Secretary Katherine McLaughlin.

**16. REDEVELOPMENT AUTHORITY - CONTINUED (3-0244)** - Mayor Masayko reconvened the Board of Supervisors session and explained that the Approval of Redevelopment Minutes would be continued to the next meeting. The Authority and Board will consider the early entry and work agreement for Costco and the resolution to augment and amend the Redevelopment FY 99-00 budget. The Board of Supervisors will hear the budget augmentation matter following those items. A recess will then be taken to allow Mr. Forsberg to brief Supervisor Williamson on the Lepires' settlement agreement offer regarding the appeal of the Planning Commission decision. Board deliberation and action will follow.

Mayor Masayko then recessed the Board of Supervisors session and passed the gavel to Chairperson Williamson who convened the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Mayor Masayko reconvened the Board of Supervisors session. The entire Board was present including Supervisor Williamson via telephone.

**17. FINANCE DIRECTOR - CONTINUED - David Heath**

**A. ACTION TO APPROVE A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FISCAL YEAR 99-00 BUDGET IN THE AMOUNT OF \$8,672 (3-0445)** - Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 2000-R-30, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FISCAL YEAR 99-00 BUDGET IN THE AMOUNT OF \$8,672. Supervisors Livermore and Plank seconded the motion. Motion carried 5-0.

BREAK: Mayor Masayko declared a recess at 6:17 p.m. to allow Chief Deputy District Attorney Forsberg to brief Supervisor Williamson on the status of the agreement. The entire Board was present when Mayor Masayko reconvened the Board meeting at 6:25 p.m. including Supervisor Williamson via telephone.

**18. COMMUNITY DEVELOPMENT DEPARTMENT - ACTION ON U-99/00-26 - AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A SPECIAL USE PERMIT APPLICATION REQUEST FROM COSTCO WHOLESALE COMPANY (PROPERTY OWNERS:**

**CARSON CITY AND THE U. S. FOREST SERVICE) TO ALLOW A STORE EXCEEDING 50,000 SQUARE FEET AND TO INCLUDE A WAREHOUSE SALES FACILITY, A VEHICLE FUELING FACILITY (FOR MEMBERS OF THE STORE ONLY), AND A TIRE INSTALLATION CENTER, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT OLD CLEAR CREEK ROAD, APN'S 9-302-03 AND 9-302-05 (3-0485) -** Costco Legal Counsel Mike Alonzo, Chuck Gove - Mayor Masayko noted the eight page agreement which had been delivered to the Board just prior to the evening session. The agreement had been signed and notarized by the Lepires. It modifies some of the terms of the agreement previously presented to the Board. The Board is not agendized to consider this agreement. He expressed a willingness to defer action on the appeal until the agreement can be reviewed by staff and Costco representatives and a recommendation brought forward to the Board. He also explained that his patience was growing thin with the matter. He wanted the matter settled, as does the community. He suggested that a special meeting be held on Thursday at noon to consider the agreement/staff's recommendation.

Mr. Forsberg explained that he had been involved in the negotiations during the Board meeting. He read into the record a letter which had been drafted by himself, the Lepires' attorney Rick Elmore, and Costco's legal counsel Mike Alonzo. It referenced an agreement which the Lepires had signed. If it is approved, the Lepires will withdraw their appeal of the Planning Commission's decision. The Lepires understand that this agreement will be considered by the Redevelopment Authority and Board of Supervisors at a meeting which will be held as soon as possible. With this understanding, Mr. Elmore authorized Mr. Forsberg to continue the Lepires' appeal until that date.

Mayor Masayko and Mr. Forsberg cautioned the Board against asking questions dealing with the settlement offer. Mayor Masayko reiterated his intent to reschedule the matter as soon as possible. The first available date is June 22. Supervisor Plank explained that he would be out-of-town until July 2. Mr. Forsberg opined that the signed agreement would remain effective until the Board considers it. Supervisor Bennett noted commitments which the Board members had made on June 22 and suggested that the meeting time be set at a different time. Mayor Masayko expressed his intent for it to be before 11 a.m. or after 1:30 p.m. Supervisor Bennett expressed her support of the continuance. Supervisor Livermore also supported continuing the matter. Supervisor Williamson expressed her desire to consider the appeal. Due the numerous continuance which had occurred, she lacked faith in Mr. Forsberg's statement that the agreement would be binding and that the appellants could not change their minds again.

Mr. Alonzo indicated that Costco had seen the agreement and had comments on its terms. Purportedly, he had discussed these concerns with Mr. Elmore. Mr. Elmore had allegedly contacted him during the break to inform him that he had not been able to reach the Lepires to clarify those points. Mr. Alonzo wished for the Board to understand their concerns. Mayor Masayko thanked him for his statements which should be on the record.

Public comments were solicited. (3-0680) Mr. Forsberg explained for Mr. Gove that there are assurance from Mr. Elmore that the offer is valid which is outside normal contract terms. Mr. Gove questioned whether the offer would be changed based on his limited knowledge of the Lepires and their contract requests. He also questioned what concessions had been made by the Board outside of the agreement discussions. He felt it was time for the matter to be closed. Everyone wants a Costco. It may be necessary to relocate Fuji Park and put Costco there. This eliminates the Lepires' objections. The third solution would be to allow Costco to go to Douglas County who would receive the tax benefits. He urged the Board to stop "fooling with this guy and get the project done". Additional public comments were solicited but none given.

Mayor Masayko responded by explaining to Mr. Gove that once the document is received by a City official, it becomes a public document and open for the public to review.

Supervisor Bennett also explained for Mr. Gove that the Board was just as weary of the issue as everyone else. The right thing to do is to take the additional time to consider the offer and get it behind us although she did not like the idea either. The consequences of litigation including a potential delay should also be considered. Her

responsibility to the community warrants going the extra mile and attempting to close the matter in an appropriate manner. She assured Mr. Gove that she was just as anxious, if not more so, as everyone else to see dirt turned at the site. She felt that the signed document is the final offer. There will be no changes as one change will start everything all over. It will then be the time to consider the pursuit in another forum.

Supervisor Plank explained his concern that the matter will be continued, and continued, and continued as had occurred with BAR-ONE. He asked that the special meeting agenda provide the ability to uphold or deny the appeal if the agreement is approved or rejected. He, too, felt that he was about at his limit. Mr. Forsberg suggested that the necessity of the appeal be considered first and that the appeal only be considered after deliberations on the agreement had occurred. Consideration of the appeal would have legal ramifications. He was confident that the document now in front of the Board is the one that should be considered. If it isn't, he did not expect the Board to hear it. This approach is the best choice to minimize the risk of litigation. Supervisor Plank expressed his concern that review may create minor technical changes which will give the Lepires an opportunity to reconsider their offer. Mr. Forsberg then explained that the issues under review are ones which pertain only to Costco and the conditions imposed on it by the Planning Commission. This has nothing to do with the agreement between the Lepires and the City. That agreement will not be changed.

Supervisor Williamson also expressed her concern about the amount of time which had lapsed since the verbal agreement had been reached. Last minute changes have placed the Board in an awkward position with small glimmers of hope. Eventually the Board must make a decision. She was prepared to make a decision this evening as agendaed. She did not believe that this decision would preclude the ability to reach a settlement.

Mayor Masayko stated for the record that Costco had been granted an early entry onto the property. Work can begin. Other than the political ramifications and fallout over trying to forge an agreement which leaves many uncrossed "t"s and undotted "i"s and creates the threat of litigation, he was prepared to give it one more chance even though he was also tired of the entire matter. He proposed to agendaize the agreement and, if it is not approved, as a second item, the consideration of the appeal. The Lepires were both present and understood his intent to resolve the issue one way or the other on that date.

Supervisor Livermore indicated that the process is not a matter of capitulation. It is a wise legal move to find a final solution based on legitimate documents with facts and figures which the public can review. He was as frustrated as his colleagues and the public. No one can determine the implications and costs at this time if the appeal is denied. The offer extends a final settlement conclusion which the BAR-ONE matter had never had. He was willing to grant the extra time to allow development of final figures and facts. Although the offer appears costly at this time, three years of litigation could be even more costly as indicated by the court settlement between NDOT and another unnamed property owner. Seven days would not make or break the project.

Supervisor Bennett expressed her feeling that there is no comparison between the BAR-ONE and Costco projects. Mayor Masayko agreed that the geographic location is the main factor in both projects.

Supervisor Plank clarified his remarks to indicate that his comparison had been between the Lepires and BAR-ONE rather than Costco and BAR-ONE. He was prepared to do anything possible to get the Costco project going. He also noted that additional funding could be available from one week of Costco's operation if the agreement requires additional funding. He reiterated his concern regarding the possibility that the delay would provide the Lepires with another opportunity to change their offer. He supported Mayor Masayko's proposed agenda. Mayor Masayko expressed his intent to agendaize the meeting for next Thursday although he understood that Supervisor Plank would not be present. He acknowledged the need to have an open meeting on the matter which may appear to be a "little messy". He supported Supervisor Williamson's statement that the matter will be concluded in week seven and not month seven.

**Supervisor Bennett moved that the Board of Supervisors continue action on U-99/00-26, the appeal of the Planning Commission's decision to approve a Special Use Permit request from Costco Wholesale Company.**

**Supervisor Plank seconded the motion.** Supervisor Bennett stated for the record that it will be the settlement agreement before the Board and this document only which will be considered at that meeting and that the Planning Commission appeal will be considered at that next Board meeting. Mayor Masayko responded that this was his expressed intent. He was uncertain whether this would allow the correction of any typographic error.

Mr. Alonzo expressed his discomfort with the motion as Costco is asking for changes to the agreement and not the Lepires. The issues are for clarification only. "If it is the only agreement under consideration, then---."

**Supervisor Bennett then withdrew her restriction and left the motion as being to act upon the appeal of the Planning Commission's decision on the Special Use Permit from Costco. Supervisor Livermore seconded the motion.** Mayor Masayko indicated the motion is to continue the appeal. Supervisor Williamson indicated her respect for her colleagues and that she would support the motion. She expressed her intent to be patient but only for seven days. Mayor Masayko indicated that this was also his intent. He encouraged Supervisor Williamson to be present at the special meeting; otherwise, three Board members would make the final decision. He was unwilling to schedule around vacations. He directed Mr. Kastens as the Acting City Manager to notice the meeting for the 22nd at 6 p.m. The motion to continue the matter as indicated was voted and carried 5-0. Mayor Masayko reiterated that the meeting would be at 6 p.m. on the 22nd in the Sierra Room unless there are persuasive reasons not to do so.

There being no other matters for consideration, Supervisor Livermore moved to adjourn. Mayor Masayko seconded the motion. Motion carried unanimously. Mayor Masayko adjourned the meeting at 7 p.m.

The Minutes of the June 15, 2000, Carson City Board of Supervisors meeting

2000. ARE SO APPROVED ON \_\_\_October\_5\_\_\_,

\_\_\_\_\_/s/\_\_\_\_\_

Ray Masayko, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Alan Glover, Clerk-Recorder