A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, September 19, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 10 a.m.

PRESENT: Greg Smith Mayor Pro-Tem

Janice Ayres Supervisor, Ward 2

Tom Tatro Supervisor, Ward 3

Kay Bennett Supervisor, Ward 4

STAFF PRESENT: John Berkich City Manager

Alan Glover Clerk-Recorder

Rod Banister Sheriff

Al Kramer Treasurer Gary Kulikowski Internal Auditor

Steve Kastens Parks and Recreation Director

Judie Fisher Personnel Director
Jay Aldean Public Works Director
Basil "Butch" Moreto Purchasing & Contrs. Director
Dorothy Timian-Palmer Utilities Director

Paul Lipparelli Deputy District Attorney
Tim Homann Deputy Public Works Director

Jay Ahrens Deputy Utilities Director

John Mayes Risk Manager
Katherine McLaughlin Recording Secretary

(B.O.S. 9/19/96 Tape 1-0001.5)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE, AND ROLL CALL - Mayor Pro-Tem Smith convened the meeting at 10 a.m. Rev. Lary Rothchild of the Capital Baptist Church gave the Invocation. Supervisor Ayres lead the Pledge of Allegiance. Roll call was taken. A quorum was present although Mayor Teixeira was absent.

PUBLIC ANNOUNCEMENTS (1-0015.5) - Mayor Pro-Tem Smith explained the Nevada Department of Transportation Board of Directors' action approving Carson City's proposal/plan to commence construction of the freeway contingent upon the Carson City Board of Supervisors enactment of the five cent gas tax. His comments indicated that the Directors had expressed regret at Mayor Teixeira's absence due to his dedication and efforts to get it started.

1. ACTION ON APPROVAL OF MINUTES - Regular Sessions of August 15 and September 5, 1996 and Special Sessions of May 7, and July 11, 1996 (1-0028.5) - Supervisor Tatro moved to approve and Supervisor Ayres seconded the motion. Motion carried 4-0.

CITIZEN COMMENTS (1-0035.5) - None.

2. SPECIAL PRESENTATION - PRESENTATION OF CITIZEN ACHIEVEMENT AWARD TO BILL DESORMIER, FORMER MEMBER OF THE CARSON RIVER ADVISORY COMMITTEE (1-0038.5) - Supervisor Bennett explained Mr. Desormier's dedication and service on the Carson River Advisory Committee. She presented him with Citizen's Commendation Award. Mr. Desormier thanked Supervisor Bennett,

the Board, CRAC Chairperson Quilici, staff, and the community for their support. He felt that the River plan is a worthwhile first step toward preserving the River for the present and future.

LIQUOR AND ENTERTAINMENT BOARD - Mayor Pro-Tem Smith then recessed the Board of Supervisors and immediately reconvened the session as the Liquor and Entertainment Board. A quorum of the Board was present including Sheriff Banister although Chairperson Teixeira was absent.

- 3. LIQUOR AND ENTERTAINMENT BOARD CONSENT AGENDA TREASURER Al Kramer
- A. ACTION ON A SPECIAL SHORT-TERM BUSINESS PERMIT WITH WAIVER OF THE PROMOTER FEE FOR SEELIGER ELEMENTARY PTA'S PUMPKIN PATCH AND CRAFT FAIR
- B. ACTION ON A SPECIAL SHORT-TERM BUSINESS PERMIT WITH WAIVER OF THE PROMOTER FEE FOR CARSON HIGH SCHOOL PARENT/TEACHER/STUDENT ASSOCIATION
- C. ACTION ON AN ENTERTAINMENT PERMIT WITH WAIVER OF THE APPLICATION AND PERMIT FEES FOR THE NEVADA DAY COMMITTEE, LTD. None were pulled for discussion. Member Tatro moved that the Liquor and Entertainment Board approve the Consent Agenda as presented. Member Ayres seconded the motion. Motion carried 5-0.
- 4. LIQUOR AND ENTERTAINMENT BOARD TREASURER Al Kramer ACTION ON A BEER AND WINE LICENSE FOR FERMIN R. PEREZ, DOING BUSINESS AS FERMIN'S MEXICAN KITCHEN (1-0083.5) Vice Chairperson Smith urged Mr. Perez to take the Liquor Laws seriously. Mr. Perez indicated he would. Member Ayres moved that the Liquor and Entertainment Board approve a beer and wine license for Fermin R. Perez, doing business as Fermin's Mexican Kitchen, fiscal impact \$500 new fee, \$500 investigation fee, and \$150 per quarter fee, and funding source is the Liquor License revenue. Member Tatro seconded the motion. Motion carried 5-0.

Vice Chairperson Smith explained the action taken under the Consent Agenda.

CITIZEN COMMENTS (1-0116.5) - Nevada Day Committee Chairperson Ed Blanchard explained the Nevada Day Activities. (1-0138.5) Brewery Arts Center Executive Director Carl Dahlen explained his career change and thanked the Board for its support. Vice Chairperson Smith congratulated him, thanked him for his dedication and efforts over the years, and wished him success in his future endeavor.

BOARD OF SUPERVISORS - There being no other matters for consideration as the Liquor and Entertainment Board, Vice Chairperson Smith adjourned the Liquor and Entertainment Board and reconvened the session as the Board of Supervisors. A quorum was present although Mayor Teixeira was absent.

- 5. **CONSENT AGENDA (1-0172.5)**
 - A. TREASURER
 - i. ACTION ON TREASURER REPORT FOR THE MONTH OF AUGUST 1996
 - ii. ACTION ON REINSTATEMENT OF REVOKED BUSINESS LICENSES
 - **B. PURCHASING DIRECTOR**
- i. ACTION ON CONTRACT NO. 9697-81 1997 JUNIOR SKI PROGRAM RESORT (RENEWAL)
- ii. ACTION ON CONTRACT NO. 9697-96 VAN PURCHASE FOR RECREATION DIVISION
- iii. ACTION ON CONTRACT NO. 9697-36 BREWERY ARTS CENTER PHASE IIA RE-BID (AWARD)
- C. PUBLIC WORKS DIRECTOR ACTION ON A RESOLUTION TO PROHIBIT TRUCK TRAFFIC ON DEER RUN ROAD, SOUTH OF THE DEER RUN ROAD BRIDGE TO THE TERMINUS OF THE ROAD Supervisor Ayres pulled Item C. Supervisor Tatro moved that the Board of Supervisors approve the Consent Agenda as presented with the deletion of the Item under Public Works Director Action on a

Resolution to prohibit truck traffic on Deer Run Road. Supervisor Bennett seconded the motion. Motion was voted and carried 40.

- **C.** (1-0185.5) Discussion following Public Works Director Jay Aldean's introduction noted Tom Quigley's involvement with this issue and indicated he had been aware of the meeting today and this item. Supervisor Ayres moved that the Board adopt Resolution No. 1996-R-55, A RESOLUTION TO PROHIBIT TRUCK TRAFFIC ON DEER RUN ROAD, SOUTH OF THE DEER RUN ROAD BRIDGE TO THE TERMINUS OF THE ROAD. Supervisor Bennett seconded the motion. Motion was voted and carried 4-0.
- 6. RISK MANAGER John Mayes ACTION TO APPROVE THE SETTLEMENT REGARDING THE ROBINSON VERSUS CARSON CITY/TED THORNTON AND MERLENE ALT SUIT (1-0211.5) Mr. Mayes introduced Legal Consultant George Allison. Mr. Allison did not speak. Supervisor Bennett moved that the Board of Supervisors approve the settlement regarding the Robinson versus Carson City/Ted Thornton and Merlene Alt suit as presented, fiscal impact is \$54,640, funding source is the Insurance Fund. Supervisor Ayres seconded the motion. Motion carried 4-0.
- 7. PERSONNEL DIRECTOR Judie Fisher ACTION ON AMENDING ORDINANCE SECTION 2.04.400 (PUBLIC OFFICERS) OF THE CARSON CITY MUNICIPAL CODE BY ADDING TWO POSITIONS STREET SUPERINTENDENT AND UTILITIES WASTEWATER SUPERINTENDENT (1-0238.5) Ms. Fisher distributed a new title page. Supervisor Ayres moved that the Board introduce on first reading Bill No. 151, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) ADDING STREET SUPERINTENDENT AND UTILITIES WASTEWATER SUPERINTENDENT, fiscal impact: funding is available in the fiscal year 96-97 budget and the employees retirement there will not be any additional cost. Supervisor Tatro seconded the motion. Motion carried 4-0.
- PUBLIC WORKS DIRECTOR Jay Aldean AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND WESTERN NEVADA COMMUNITY COLLEGE, REGARDING ASSESSOR'S PARCEL NO. 07-091-83 LOCATED AT 2201 WEST COLLEGE PARKWAY, CARSON CITY, NEVADA (1-0285.5) - Mr. Aldean distributed corrected copies to the Board and Clerk and explained the status of the report on development agreements previously approved by the Board. Western Nevada Community College Assistant to the President Bill Davies and Mr. Aldean discussed the development agreement with the Board. Mr. Davies described the improvements which were proposed and reasons for recommending delaying the street improvements to Combs Canyon until such time as additional development occurs. Supervisor Bennett urged him to include landscaping/beautification in these improvements when constructed. Mr. Aldean felt that the Code may be modified to mandate these improvements before construction occurs. Deputy District Attorney Lipparelli was unsure whether these Code modifications could be required at the time construction occurs without inclusion in agreement. Supervisor Bennett suggested this agreement be postponed until the standards are adopted. Mr. Aldean explained that if the agreement is not approved, all of the street improvements would have to be constructed immediately. Mr. Aldean was willing to modify the agreement to include street beautification. Mr. Lipparelli indicated that the Board could modify its policy to allow a developer to postpone these improvements. Supervisor Bennett explained her concern and reasons for wishing to include beautification standards in the agreement. Supervisor Tatro explained his support for development agreements as the required improvements would develop a small portion of roadway which would not connect to an existing roadway. He felt that Condition 5 of the agreement, which he read, would address Supervisor Bennett's concerns. Discussion also pointed out that the applicant must understand that if the improvements are delayed, there could be additional standards required at the time of construction. Mr. Davies then explained the project and its construction timetable. He emphasized that the College's landscaping plans were beyond that required. He pointed out the impact the bond issue would have on the road's construction schedule. He agreed with the need to develop Combs Canyon roadway when additional development along it occurs. Supervisor Ayres moved to introduce Bill 152 on first reading, AN ORDINANCE APPRÒVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND WESTERN NEVADA COMMUNITY COLLEGE, REGARDING ASSESSOR'S PARCEL NO. 07-091-83 LOCATED AT 2201 WEST COLLEGE PARKWAY, CARSON CITY, NEVADA, fiscal impact - None. Supervisor Tatro seconded the

motion. Motion carried 4-0.

STAFF COMMENTS - Mr. Aldean then commended the Board on its action to embrace the concept of using the five cent gas tax for the Bypass. He expressed the desire to see the entire Bypass constructed and explained his dedication toward making sure this occurs. Discussion followed on the status of the development agreement report and reasons why it is taking so long to complete. Mr. Aldean felt that it should be ready by the end of December.

9. UTILITIES DIRECTOR

A. ORDINANCE - SECOND READING

- ii. ACTION ON BILL NO. 150 AN ORDINANCE AMENDING CHAPTER 12.06 OF THE CARSON CITY MUNICIPAL CODE TO PROVIDE FOR THE REGULATING OF INDUSTRIAL BUSINESS INDIVIDUAL SEWAGE DISPOSAL SYSTEMS; ESTABLISH NEW WASTEWATER DISCHARGE LIMITS; AND OTHER MATTERS PROPERLY RELATED THERETO (1-0595.5) Environmental Control Manager Ken Arnold Supervisor Tatro moved to adopt Bill No. 150 on second reading, Ordinance No. 1996-48, AN ORDINANCE AMENDING CHAPTER 12.06 OF THE CARSON CITY MUNICIPAL CODE TO PROVIDE FOR THE REGULATING OF INDUSTRIAL BUSINESS INDIVIDUAL SEWAGE DISPOSAL SYSTEMS; ESTABLISH NEW WASTEWATER DISCHARGE LIMITS; AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 4-0.
- i. ACTION ON BILL NO. 149 AN ORDINANCE AMENDING SECTION 12.05.020 OF THE CARSON CITY MUNICIPAL CODE, CONNECTION TO MUNICIPAL SEWER SYSTEM REQUIRED, TO ALLOW EXCEPTIONS TO THE CONNECTION REQUIREMENT FOR PARCEL LESS THAN THREE ACRES WHEN UTILIZING SPECIALIZED INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AND OTHER MATTERS PROPERLY RELATED THERETO (1-0618.5) Deputy Utilities Director Jay Ahrens Mr. Ahrens' introduction included the status of the monitoring program. Supervisor Ayres moved that the Board of Supervisors adopt on second reading Ordinance No. 1996-49, AN ORDINANCE AMENDING SECTION 12.05.020 OF THE CARSON CITY MUNICIPAL CODE, CONNECTION TO MUNICIPAL SEWER SYSTEM REQUIRED, TO ALLOW EXCEPTIONS TO THE CONNECTION REQUIREMENT FOR PARCEL LESS THAN THREE ACRES WHEN UTILIZING SPECIALIZED INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 4-0.
- ORDINANCE FIRST READING ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY, SILVER OAK DEVELOPMENT CO., A LIMITED PARTNERSHIP, AND THE STATE OF NEVADA PUBLIC WORKS BOARD, REGARDING THE SILVER OAK PLANNED UNIT DEVELOPMENT, ASSESSOR'S PARCEL NO. 8-061-64, AND THE WESTERN NEVADA COMMUNITY COLLEGE, ASSESSOR'S PARCEL NO. 7-091-82, LOCATED IN CARSON CITY, NEVADA, FOR WATER MAIN EXTENSION (1-0648.5) - Deputy Utilities Director Jay Ahrens and Utilities Director Dorothy Timian-Palmer - Discussion explained the agreement and necessary improvements to the system. The storage tank will be addressed in a second development agreement. The impact created by the high school has not been analyzed although Ms. Timian-Palmer felt that the storage tank could provide the necessary storage. The booster pump and mainline could not handle the required volume. Supervisor Ayres moved that the Board of Supervisors introduce Bill No. 153 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY, SILVER OAK DEVELOPMENT CO., A LIMITED PARTNERSHIP, AND THE STATE OF NEVADA PUBLIC WORKS BOARD, REGARDING THE SILVER OAK PLANNED UNIT DEVELOPMENT, ASSESSOR'S PARCEL NO. 8-061-64, AND THE WESTERN NEVADA COMMUNITY COLLEGE, ASSESSOR'S PARCEL NO. 7-091-82, LOCATED IN CARSON CITY, NEVADA, FOR WATER MAIN EXTENSION, fiscal impact is \$7,292, funding source is 520 - Participation/Transmission Line. Supervisor Bennett seconded the motion. Motion carried 4-0.

10. **COMMUNITY DEVELOPMENT DIRECTOR -** Walter Sullivan

A. PLANNING COMMISSION REVIEW AND APPEAL

- ACTION ON AB-96/97-2 AN ABANDONMENT REQUEST FROM HANS HANKE (PROPERTY OWNER: HAUTEKEET FAMILY TRUST) TO ABANDON AN APPROXIMATELY 8 FOOT BY 183 FOOT PORTION ALONG NORTH CURRY STREET; AND AN APPROXIMATELY 8 FOOT BY 86 FOOT PORTION ALONG SOPHIA STREET ON PROPERTY ZONED DOWNTOWN COMMERCIAL (DC), LOCATED ON THE EAST SIDE OF NORTH CURRY STREET BETWEEN WILLIAM AND SOPHIA STREETS; AND ON THE NORTH SIDE OF SOPHIA STREET, BETWEEN CURRY AND CARSON STREETS, ADJACENT TO APN'S 1-184-01 AND 03 (1-0750.5) - Senior Planner Juan Guzman, Public Works Director Jay Aldean, Laureen Hautekeet - Clarification indicated the property had been dedicated at no cost to the City. Therefore, the abandonment would not require the applicant to purchase the right-of-way. Mr. Aldean explained his reasons for recommending abandonment were based on the inability to use Curry as a major arterial. Supervisor Tatro also explained other impediments created by encroachment into the right-of-way. Mr. Aldean also indicated that Curry Street is not part of the proposed Bike Master Plan. Ms. Hautekeet explained her project and desire to save as many of the old Elm trees as possible. Supervisor Bennett moved that the Board of Supervisors approve an abandonment request from Hans Hanke, property owner: Hautekeet Family Trust, to abandon an approximately eight foot by 183 foot portion along North Curry Street and an approximately eight foot by 86 foot portion along Sophia Street on property zoned Downtown Commercial, located on the east side of North Curry Street between William and Sophia Streets and on the north side of Sophia Street between Curry and Carson Streets, adjacent to APN's 1-184-01 and 03. Supervisor Ayres seconded the motion. Motion carried 4-0.
- ACTION ON S-96/97-1 A SUBDIVISION MAP REQUEST FROM COLLEGE PARKWAY ASSOCIATES (PROPERTY OWNERS: JAMES BRYANT, ET AL.) TO DEVELOP A 15-LOT 67-UNIT APARTMENT PROJECT (COLLEGE PARK VILLAGE) ON APPROXIMATELY 3.59 ACRES OF LAND PRESENTLY ZONED MULTI-FAMILY APARTMENT (MFA), LOCATED ON THE WEST SIDE OF NORTH ROOP STREET, BETWEEN HOT SPRINGS ROAD AND EAST COLLEGE PARKWAY, APN 8-127-01 (1-0904.5) - Senior Planner Guzman, Applicant's Representative Rob Loveberg, Public Works Director Aldean, Virginia Orcutt, Community Development Director Sullivan - Mr. Loveberg expressed a willingness to work with the City and develop resolutions to the sidewalk, right-of-way, and bike lane issues. The conditions recommended by the Planning Commission were acceptable. He then briefly reviewed the project by use of the parcel map and architectural renderings. Mayor Pro-Tem Smith expressed his concern about the lack of an on-site play area. Mr. Loveberg responded by explaining public recreational areas proposed for this purpose. The CC&Rs require adherence to the architectural design established for the project. The CC&Rs also provide for landscape maintenance. The units could be constructed by different entities on the different lots although they could also be constructed by the developer. Control mechanisms forcing a right-in, right-out turning movement on Hot Springs Road were discussed. One alternative would construct an island in the driveway forcing this turning movement. Another alternative would require construction of an extended median in Hot Springs Supervisor Bennett's concerns that the traffic would use Pine Street as a turnaround were discussed. Reasons for not requiring the developer to provide access/egress to Pine Street were noted. Mr. Loveberg urged the Board to allow him to work with staff and develop a mechanism to solve this problem. Mr. Aldean felt that Roop Street would be the major access/egress route. Mr. Aldean requested any suggestions or alternatives. He explained the condition mandating the applicant work with staff to develop a feasible resolution. Mr. Loveberg responded to Supervisor Ayres question that they were happy with the conditions and the notice of decision. He expressed a desire to work things out with City staff. He had reviewed all of the Department requirements. Mr. Loveberg also agreed to provide one of the maps for the Mayor's signature which would indicate that the project had been approved. He also indicated for the record that there would be an emergency access onto College Parkway and that its final design has not been developed. Supervisor Ayres moved that the Board of Supervisors approve a subdivision map request from College Parkway Associates, property owners: James Bryant, et al., to develop a 15-lot, 67-unit apartment project, College Park Village, on approximately 3.59

acres of land presently zoned Multi-Family Apartment, located on the west side of North Roop Street between Hot Springs Road and East College Parkway, APN 8-127-01. Supervisor Tatro seconded the motion.

Ms. Orcutt urged the Board to require a signal at College Parkway and Roop Street. Mr. Aldean indicated that College and Hot Springs are signalized. He agreed to analyze College and Roop. Board comments suggested the developer participate in the cost of the signal via the development of a participation agreement. Discussion indicated that a traffic report had been performed which indicated the level of service at that intersection would not be impacted substantially. Ms. Orcutt also indicated that the Board had already approved an apartment complex across the street from this project which would also impact this intersection. Discussion also pointed out the impact which would be created by the Bypass on the traffic patterns in this area. Supervisor Bennett continued to stress the need to provide for the cumulative impact of all projects. Mr. Sullivan explained the State Department of Transportation's ownership of College Parkway and its requirements which may include participation in a signal light. Supervisor Bennett urged staff to develop the participation agreement. Mr. Aldean read the traffic study's recommendation concerning this intersection. He also explained that the Clearview and 395 intersection will continue to be analyzed and modified as additional development occurs in this area. Staff had not foreseen the use of Clearview and Edmonds to bypass the City. This usage is not required to be addressed by a developer. He then requested that his statement indicating that the developers in this vicinity had paid their fair share of the costs for upgrading this signal be included in the record. The traffic report had been prepared by Lumos and Associates who are considered experts in this field. The report clearly indicates there is no impact, therefore, there is no mitigation required. Supervisor Bennett continued to stress the need to consider the cumulative impact of all developments. Mr. Aldean then indicated that all developments impact to a degree the streets. The Board's policy to date has been to require that development which changes the level of service to provide the upgrade to the facility. A special assessment district has not been established to provide for an upgrade of this type. If the Board wished to do so, the procedure could be established. Reno has had this type of assessment district, however, it has recently been abandoned. Discussion between Supervisor Tatro and Mr. Aldean indicated the City could develop a participation agreement which would require the developer to foot his proportionate share of the cost for street improvements. Mr. Loveberg felt that the participation cost would be small based on the small impact which would be created by the development. He was willing to continue to work with staff on this issue as indicated by the amount of right-of-way being dedicated along Roop Street. Mr. Aldean then explained the right-of-way being dedicated including the bicycle lane. Supervisor Bennett reiterated her request that the applicant agree to the additional condition. The motion was read. Supervisor Bennett then requested the motion include a condition mandating the development of participatory agreement. Mr. Lipparelli indicated that this is new information which had not been considered/required by the Planning Commission. The Board's policy is to return such applications to the Commission when new information is presented for its recommendation. The Board could impose reasonable conditions on any subdivisions. If the condition is reasonable and based upon facts as presented, it could be done. He suggested that the applicant be questioned about accepting this condition. Mayor Pro-Tem Smith felt that the Quail Run Subdivision, which had had a similar condition, was larger and its traffic study indicated the intersection would be impacted by a certain percentage. Signals normally cost between \$120 to \$150,000. He felt that the cost would be between \$1 to \$2,000. This amount may not make or break the project. Mr. Loveberg was hesitant to accept this condition as the owner had not authorized him to do so and due to the lack of information concerning the actual cost. He felt that the applicant would be willing to work with the City on this issue as he had done on several other issues. Mr. Loveberg felt that the applicant should not be forced to participate in

a "open ended requirement for an unknown time in the future". He felt that the development agreement could provide a mechanism for addressing the proposal, however, this would be at an additional cost. The traffic analysis does not support this requirement. The improvements and dedications already provided exceed the proportionate share of the development's impact. He suggested that a condition allowing the applicant to work with the staff similar to other issues would be acceptable if the cost to determine the proportionate cost is not placed upon the applicant. Supervisor Tatro then pointed out that the administrative costs for such an agreement would be more the suggested proportionate cost. He, too, felt that the proportionate share of the signal's impact would be minuscular. He urged staff to mindful during negotiations with the developer to be sure that a value in street improvements is received to compensate for this impact. He opposed establishing a new process at this time.

Supervisor Ayres rejected the suggested amendment.

The motion to approve the subdivision map as indicated was voted by roll call with the following result: Ayes - Bennett, Tatro, Mayor Pro-Tem Smith, and Ayres. Nayes - None. Absent - Mayor Teixeira. Motion carried 4-0. (NOTE FOR THE RECORD: Mr. Guzman took the parcel maps which Mr. Loveberg had used.)

- iii. ACTION ON U-93/94-6 AND 6A A STATUS REPORT OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM JOE HOPPER/SUPER KMART (PROPERTY OWNER: FIRST SECURITY BANK OF UTAH), SPECIFICALLY CONDITION NO. 26 REGARDING LANDSCAPING, ON PROPERTY ZONED RETAIL **COMMERCIAL-PLANNED UNIT** DEVELOPMENT (RC-PUD), LOCATED AT 3456 NORTH CARSON STREET, APN 8-061-33 (1-1782.5) -Mr. Sullivan, Mr. Guzman, City Consulting Arborist Molly Sinnott, and Kmart Maintenance Division Facilities Manager Shant Chobanian - Mr. Guzman and Ms. Sinnott explained the landscaping problems. Concern was stressed that the landscaping may not survive or be maintained. Reasons for the delay in replacing the trees/shrubs were explained. Examples of the landscapers failure to be cognizant of proper maintenance/planting procedures were provided. Staff felt that the Special Use Permit process provided appropriate mechanisms to enforce replacement and maintenance of the landscaping. Supervisor Bennett urged staff to develop a financial incentive to force the applicant to bring his permit into compliance, i.e., establish a fine at a daily rate. Mr. Sullivan stressed the staff's efforts to be reasonable in enforcement of the permit conditions. It does take approximately 60 to 90 days to complete the process. He also pointed out that Kmart has a substantial investment in the landscaping and his feeling that the replacement costs would provide an additional incentive. Mr. Chobanian indicated that the new landscaper is "really good" and is getting things done. Supervisor Bennett then explained her reasons for recommending establishing a fine process or a different method of dealing with non-compliance issues. Mayor Pro-Tem Smith felt that this issue should be agendized. He also indicated his feeling that the facility should be a "point of pride". He urged Mr. Chobanian to continue working toward this end. He also pointed out that there had been progress made recently on the detail items. Ms. Sinnott felt that there had been improvements, however, the landscaper needed training. Mr. Guzman explained the training Ms. Sinnott had given him and thanked her for her expertise. Mr. Sullivan also felt that her efforts had been beneficial to Kmart and its maintenance program. Supervisor Ayres moved that the Board of Supervisors commend everyone first for all their work on the report and that the Board accept the report with thanks. Supervisor Bennett seconded the motion. Motion was voted and carried 4-0.
- B. ORDINANCE FIRST READING ACTION ON Z-96/97-1 AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY .62 ACRES FROM SINGLE FAMILY ONE ACRE (SF1A) INTO RETAIL COMMERCIAL (RC) ON PROPERTY LOCATED NORTH OF ROVENTINI WAY, SOUTH OF CLEARVIEW DRIVE AND WEST OF COCHISE STREET, ASSESSOR'S PARCEL NUMBER 9-261-03, AND OTHER MATTERS PROPERLY RELATED THERETO (1-2125.5) Messrs. Sullivan, Guzman, and Aldean; Applicant's Representative Art Hannafin; Jim McGee; AM/PM General Manager Steve McEntyre; Bob Bondiett; Elaine McGee; Albert Reese Mr. Guzman displayed a colored parcel map delineating the property. (This map was given to the Clerk after the meeting.) Mayor Pro-Tem Smith explained his concerns with the 395 and Clearview intersection and the impact the change would have on it. He agreed that the small strip mall would not have that large of an impact, however, the request would be the first time the Board had actively approved a change of zoning which would create an impact. He acknowledged that the mall appears to be a nice design. Mr. Aldean indicated that any upgrades to the intersection would be done at the time of the development. He felt that the intersection was functioning better since the upgrade made by Albertson's.
- (1-2272.5) Mr. Hannafin reviewed the zoning which splits the one acre parcel. Neither zoning is usable unless the entire parcel is utilized. He did not feel that it would be feasible to have a single family residence on the one acre parcel as it would be across the street from Albertson's. He also noted the previous proposal to have a Costco on the parcel to the north. He then explained the agreement which had been reached with the neighbors that would prohibit 24 hour operations and provide retaining walls and heavy landscaping. He agreed that the intersection is

one of the worst in the City. The proposal would create a small impact. The applicant was willing to participate in the mitigation process, however, not to the tune of \$100,000. It would be a good project and the applicant would be a good neighbor.

(1-2345.5) Mr. McGee presented the Board with a bag of trash which he had purportedly picked up at the corner of Roventini and Clearview. This problem allegedly had not occurred until after Albertson's opened. The proposal would magnify this problem. He opposed the request due to the current traffic problem at Clearview and 395; the dust problem created by traffic using Curry Street to exit the City; increased traffic which would be created by the mall; noise pollution from the air conditioners, etc.; drainage problems which were described; reasons the neighbors did not feel that the applicant is a good neighbor; questioned whether the landscaping would be maintained; and his feeling that his property value would be negatively impacted by the commercial development. He felt that the applicant had been aware of the zoning when he acquired the property and should maintain it. He questioned whether a new buyer would be obligated by any agreements made by the applicant. He felt that there is adequate zoning for this type of use available throughout the City.

(1-2538.5) Mr. McEntyre expressed his concerns about the drainage and urged the Board to require an upgrade.

(1-2581.5) Mr. Bondiett expressed his concern about the increased traffic and dust which would be created. He felt that paving should be required to mitigate the dust. He was also concerned about the noise, loss of the rural atmosphere, impact on the view, truck traffic, and drainage problems. Discussion among Mr. Bondiett, Mr. McGee, and the Board explained the proposed Costco site, the proposed traffic pattern for that facility, and mitigation measures which had been required for it. Mr. Sullivan indicated that the property had been zoned retail commercial in 1977. Mr. Bondiett and Mr. McGee continued to stress their concerns about the visual, dust, and noise impacts which would be created by the mall.

Supervisor Ayres questioned the reasons there had been no response to the 22 notices mailed by Community Development. Mr. McGee explained the reasons he had not stayed for the Planning Commission hearing. Mr. Guzman explained the noticing. He felt that it is normal to receive comments from only one or two individuals concerning an item. He had contacted the Assessor concerning the impact on property values and had been informed that there would not be any. The noise can be mitigated to a degree and landscaping will be required. He did not feel that the dust and drainage problems will be resolved until the area is developed. He then explained that the change of land use could not be contingent upon any potential development plans. He urged the Board to only consider whether the zoning should be granted for the site. The agreement with the neighbors could not be considered nor potential road improvements, drainage improvements, etc. All of these issues had been considered by staff. He acknowledged that it is a difficult issue for the Board to decide.

(1-2875.5) Ms. McGee claimed that Mr. McEntyre had not been notified of the proposal. She felt that the 300 foot noticing requirement had only reached the three property owners who were present. She then explained the use of her driveway by Albertson's employees for a turnaround. Another commercial center would increase this impact. She questioned the benefits to her private residential area. Attempts to obtain Albertson's assistance in modifying the employees' habit had been unsuccessful. (Supervisor Tatro stepped from the room--12:33 p.m. A quorum was still present.)

(1-2925.5) Mr. Reese indicated that he had purchased his property adjacent to the parcel five years ago. He had extended the waterline to his property. He felt that the property would become commercial at some time. Today there is a demand for for additional parking and stores. Landscaping would be required of any project. He indicated that he would eventually be reimbursed by the property owners for their share of the waterline extension. He had paid for the extension on the hope that eventually he would be able to develop his property as retail commercial. This will eliminate the fire hazard created by the sagebrush and the trash problems. Albertson's has proven his point. He felt that the project would upgrade this portion of the City. The Costco project is waiting for more businesses and people. The 395 and Clearview intersection will eventually take care of itself when adequate business and money are generated. He agreed that it is an inconvenience and safety hazard now. (Supervisor Tatro returned at 12:38 p.m. A quorum was present as indicated.) He did not feel that the noise

created by the street sweeper or trucks at Albertson's was intolerable. He urged the Board to grant the request.

Mayor Pro-Tem Smith passed the gavel to Supervisor Bennett and moved to deny Z-96/97-1, an ordinance on first reading effecting a change of land use on approximately .62 acres from Single Family One Acre to Retail Commercial on property located north of Roventini Way, south of Clearview Drive and west of Cochise Street, Assessor's Parcel Number 9-261-03 based on the following findings: the proposal could be detrimental to the immediate vicinity, specifically, the one acre family area/district adjacent to the north, west, and south; the proposal will necessitate implementation of mitigation measures in order to assure compatibility with the residential district; the intrusion of the commercial zoning into the single family one acre district will be detrimental to the adjacent residential uses since it will cause additional noise, physical activity, and traffic into an area presently zoned for residential use; the proposal will result in the development of commercial property which generates additional traffic creating negative impacts into an already impacted intersection of Clearview Drive and U.S. 395. Supervisor Tatro seconded the motion for discussion. Supervisor Ayres expressed her confusion on the reasons why the Board should deny the application as staff and the Commission had recommended approval. Mr. Guzman explained that the Commission had discussed many of the same issues and had not found the issues to be as convincing as the presentation before the Board. Mr. Hannafin explained the plan to construct an 18,000 square foot commercial building which was illustrated on the plans in the packet. It would be a single floor building. The roof line would be lower than the neighbors line of sight. Mr. Hannafin explained the drainage requirements which the project would have to meet including the detention. This will not mitigate the entire problem. Mr. Aldean further elaborated on the requirements. Any runoff would be required to be "clean", i.e., mud will have to be removed. Costco would have addressed a lot of the drainage problem if constructed. He emphasized that the drainage will be better, however, not totally addressed. Mr. Guzman responded to Acting Mayor Pro-Tem Bennett's question that his recommendation had been based on staff's ability to mitigate the conflict issues found between retail commercial property and residential one acre property. The Master Plan had included studying such friction areas and established design guidelines. Acting Mayor Pro-Tem Bennett then noted that the northern property is zoned multi-family apartment. Development of this area would create a significant impact on the area. She felt that the property owners needed to be aware of this potential. Mr. Guzman felt that the Master Plan's design guidelines had started the mitigation process which includes buffering. He then explained the design guidelines contained in the staff report which illustrated the mitigation measures. Supervisor Ayres then outlined the zoning surrounding the parcel. The Board had allowed the retail commercial zoning with the development of stores in that district. She could not understand the motion to deny the request. She could empathize with the residential property owners. Supervisor Smith agreed that Costco or a similar business may occupy the one site. The residents were aware of Albertson's and that multi-family zoning is there. He felt that the question was whether the residents minded rezoning a little bit more right next to the neighbors' back fences. He indicated he was willing to take the applicant at his word. He knew Mr. Hannafin and had met Sid Williams. He felt certain that the applicant would comply with all of the requirements and it would be a quality project. Supervisor Ayres felt that the converse was also true, that the applicant was being told that the other commercial businesses could be allowed but not his. Supervisor Smith felt that the difference was that the Board had not rezoned anything to allow the other commercial businesses in. Both agreed that it is a tough question. The motion to deny Z-96/97-1 based on the findings as indicated was voted by roll call with the following result: Smith - Yes; Ayres - No; Tatro -Yes because the request is for a change of land use, changing the land uses changes the property rights, and I have for several years consistently not voted on a change of property rights based on what is basically a promise to do a nice product, and the limitation of size, limitation of height, and limitation of operational hours do not transfer with the motion, an approval of the change of land use, if you use them for the basis of your decision, do not become a requirement on the property; Acting Mayor Pro-Tem Bennett - No. Motion failed on a 2-2 vote.

Acting Mayor Pro-Tem Bennett returned the gavel to Mayor Pro-Tem Smith. Discussion indicated the applicant was entitled to a decision from the Board. The motion failed on a 2-2 vote which denies the request. Supervisor Ayres then moved that the Board of Supervisors introduce on first reading Bill No. 154, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY .62 ACRES FROM SINGLE FAMILY ONE ACRE INTO RETAIL COMMERCIAL ON PROPERTY LOCATED NORTH OF ROVENTINI

WAY, SOUTH OF CLEARVIEW DRIVE AND WEST OF COCHISE STREET, ASSESSOR"S PARCEL NUMBER 9-261-03 AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Following Mr. Lipparelli's request for an amendment, Supervisor Ayres amended her motion to include all of the findings as brought forth under the decision of the Regional Planning Commission on July 31, 1996. Supervisor Bennett continued her second. The motion was voted by roll call with the following result: Ayres - Yes; Bennett - Yes; Mayor Pro-Tem Smith - No; and Tatro - No. Motion failed on a 2-2 vote.

Discussion ensued on the action required in order to have the issue considered by a full Board and issues which must be considered for a change of land use. (2-0007.5) Mr. Hannafin then requested a continuance. Procedures which would allow consideration of his request were explained. Mr. Hannafin indicated there would be new information provided at that hearing. Mayor Pro-Tem Smith explained his desire to have the matter considered by a full Board. Supervisor Bennett moved that the Board of Supervisors reconsider the motions which had been made and postpone final possible action regarding first reading of the ordinance effecting the change of land use until there is an opportunity for a full Board to be present. Supervisor Ayres seconded the motion. Mayor Pro-Tem Smith indicated that this action is being taken in view of the tied votes. He then asked the McGees and other residents their feeling on this motion. Mr. McGee voiced his feeling that the matter had been time consuming and his desire to have a final resolution today. He felt that a decision had been made and things should remain at the status quo. Mayor Pro-Tem Smith committed to requesting Mayor Teixeira agendize the request as a time specific item so that he would not be required to wait for an extended period. Mr. Sullivan agreed to contact all of the speakers. The motion to reconsider the motions and to postpone action on the change of land use until a full Board can be present was voted and carried 4-0.

BREAK: A five minute recess was declared at 1:03 p.m. When the meeting reconvened at 1:08 p.m. a quorum was present although Mayor Teixeira was absent as previously indicated.

11. AIRPORT AUTHORITY - Member George Weeks - ACTION TO APPROVE THE RECEIPT OF A GRANT FROM THE FAA ON BEHALF OF THE CARSON CITY AIRPORT AUTHORITY AND AUTHORIZE THE CITY MANAGER TO SIGN (1-0055.5) - Discussion explained the grant, the projects, and the difference in the size of the Airport's required funding match as compared to several years ago. The Board is required to approve the grant as the FAA still fails to recognize the Authority. Supervisor Ayres commended the Authority on the application. Supervisor Tatro moved that the Board approve in advance of the receipt and the anticipated receipt of a grant from the FAA on behalf of the Carson City Airport Authority and authorize the City Manager to sign. Supervisors Ayres and Bennett seconded the motion. Motion carried 4-0.

13. BOARD OF SUPERVISORS

A. SUPERVISOR BENNETT - ACTION ON A RESOLUTION SUPPORTING EROSION CONTROL, STORMWATER DRAINAGE, AND STREAM ENVIRONMENT ZONE RESTORATION PROJECT BALLOT MEASURES IN CALIFORNIA AND NEVADA (2-0151.5) - Tahoe Regional Planning Agency Representative Pam Drumm explained the resolution and the "Yes on 12" Committee. She gave a slide presentation illustrating the Lake Tahoe contamination/erosion problems and graphs explaining the nutrient load and SECCHI measurements. Private sector improvements are encouraged. Funding is multi-source including governments and private sector. Funding generated by Question 12 will be funneled through Nevada State Lands to local Tahoe Basin governments and the Nevada Department of Transportation. The State property tax rate will not change as a result of Question 12, if approved. The Douglas County Commissioners endorsed the resolution last week. Washoe County Commissioners will consider it next month. Supervisor Bennett thanked her for the presentation and explained how Carson City will benefit from Question 12. She also urged the Board and community to support Question 12. Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1996-R-56, A RESOLUTION SUPPORTING QUESTION 12 IN THE NEVADA GENERAL ELECTION AUTHORIZING THE STATE OF NEVADA TO ISSUE GENERAL OBLIGATION BONDS FOR EROSION CONTROL, STORMWATER DRAINAGE AND STREAM ENVIRONMENT ZONE RESTORATION

PROJECTS FOR LAKE TAHOE, and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 4-0.

- 12. **DISTRICT ATTORNEY -** Deputy District Attorneys Paul Lipparelli and Mark Forsberg
- A. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES (2-0326.5) Supervisor Ayres moved that the Board of Supervisors recess into closed session pursuant to NRS 288.220 to meet with Management Representatives. Supervisor Bennett seconded the motion. Motion carried 4-0. Mayor Pro-Tem Smith recessed the Open Session at 1:28 p.m. Acting Mayor Pro-Tem Bennett reconvened the Open Session at 2:15 p.m. (A quorum was present although Mayor Teixeira and Mayor Pro-Tem Smith were absent.)
- B. ACTION ON THE FIRST ADDENDUM TO 1995-97 COLLECTIVE BARGAINING AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY FIRE DEPARTMENT CLASSIFIED CHIEF OFFICERS ASSOCIATION (2-0368.5) Supervisor Ayres moved that the Board of Supervisors approve the first addendum to the 1995-1997 Collective Bargaining agreement between Carson City and the Carson City Fire Department Classified Chief Officers Association. Supervisor Bennett seconded the motion. Motion carried 2-1 with Supervisor Tatro voting Naye. Supervisor Tatro explained his opposition was based on his belief that this Association should not be recognized. He had voted against the recognition when it was considered and acknowledged the statutorily mandated obligation to recognize an association.
- C. ACTION ON APPROVAL OF AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY SHERIFF'S PROTECTIVE ASSOCIATION FOR THE PERIOD OF THE FIRST FULL PAY PERIOD FOLLOWING RATIFICATION AND APPROVAL TO JUNE 30, 1999 (1-0426.5) Supervisor Tatro moved to approve the collective bargaining agreement between Carson City and the Carson City Sheriff's Protective Association for the period beginning July 1, 1996, and ending June 30, 1996, following a request for modification, ending June 30, 1999, fiscal impact is \$80,730. Supervisor Ayres seconded the motion. Motion carried 3-0. Acting Mayor Pro-Tem Bennett commended Mr. Forsberg on the report and wished him success in the negotiations with the other Associations. Mr. Berkich thanked the teams involved and their commitment to the program.
- 13. NON-ACTION ITEMS INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-0451.5) Board discussion indicated the need to reconsider the Board meeting starting time/agendize a lunch recess. Acting Mayor Pro-Tem Bennett felt that as winter approaches the meetings would grow longer and that a lunch recess should be agendized. Supervisor Tatro specifically requested the matter be agendized. Supervisor Ayres supported his request. There being no other matters for consideration, Supervisor Ayres moved to adjourn. Acting Mayor Pro-Tem Bennett seconded the motion. Motion carried 3-0. Acting Mayor Pro-Tem Bennett adjourned the meeting at 2:25 p.m.

The Minutes of the September 19, 1996, Carson City Board of Supervisors meeting

ARE SO APPROVED ON__October_3____,

1996.

Mary Teixeira, Mayor

ATTEST:

_/s/_____
Alan Glover, Clerk-Recorder