A regularly scheduled Board of Supervisors session was held on Thursday, May 6, 1993, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT: Mary Teixeira Mayor

Kay Bennett Supervisor, Ward 4
Greg Smith Supervisor, Ward 1
Janice Ayres Supervisor, Ward 2

Tom Tatro Supervisor, Ward 3

STAFF PRESENT: John Berkich City Manager

Kiyoshi Nishikawa Clerk-Recorder

Noel Waters District Attorney (evening only)

Ted P. Thornton Treasurer

Judie Fisher Personnel Manager

Mike Suglia Deputy Dist. Atty. (afternoon only)
Paul Lipparelli Deputy Dist. Atty. (morning only)

Katherine McLaughlin Recording Secretary

(B.O.S. 5/6/93 Tape 1-0001)

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. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during the normal business hours.

Mayor Teixeira called the meeting to order at 9:05 a.m. Rev. Ken De Lyser of the First Baptist Church invited everyone to attend a National Day of Prayer Service to be held on the Capitol Building steps at 12 noon. He then gave the Invocation. Supervisor Bennett lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

**1. APPROVAL OF MINUTES - March 18 and April 1, 1993 (1-0045) -** Supervisor Smith moved to approve as presented. Supervisor Bennett seconded the motion. Motion carried 5-0.

#### SPECIAL PRESENTATIONS

- 2. **PERSONNEL MANAGER** Judie Fisher
- **A.** ACTION ON RETIREMENT RESOLUTION FOR ROBERT McCULLOCH (1-0049) Mayor Teixeira presented Mr. McCulloch with a plaque, commended him on his dedication to the City, and wished him well in his future endeavors. Supervisor Bennett moved to adopt Resolution No. 1993-R-39, RESOLUTION COMMENDING RETIREMENT and read the entire Resolution into the record. Supervisor Smith seconded the motion. Motion carried 5-0.
- **B. ACTION ON RETIREMENT RESOLUTION FOR JEANETTE SULLIVAN (1-0138)** Supervisor Ayres noted her experience with Ms. Sullivan over the years, moved to adopt Resolution No. 1993-R-40, RESOLUTION COMMENDING RETIREMENT, and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Mr. Berkich and Mayor Teixeira expressed their gratitude for her assistance during their tenures. The motion to adopt Resolution No. 1993-R-40 was voted and carried unanimously.

**LIQUOR AND ENTERTAINMENT BOARD MATTERS -** Mayor Teixeira recessed the Board of Supervisors

session and immediately reconvened the session as the Liquor and Entertainment Board. A quorum was present including Member McGrath.

- **1. TREASURER** Ted P. Thornton.
- A. ACTION ON LIQUOR LICENSE FOR THOMAS LYSKOSKI, DOING BUSINESS AS SALSA'S, LOCATED AT 1946 HIGHWAY 50 EAST (BEER AND WINE ONLY) (1-0243) As the Applicant was not present, the item was continued. (1-0408) Mr. Thornton was requested to contact the Applicant as the Board could consider the request later in the meeting.
- B. ACTION ON LIQUOR LICENSE FOR LILY TSENG, DOING BUSINESS AS CHINA KITCHEN, LOCATED AT 1936 NORTH CARSON STREET (1-0268) Ms. Tseng indicated she understood the Liquor Laws. She had been working at this location for over a year without any problems. All Departmental reports had been returned favorable including the Sheriff's. Member Smith moved to approve the Liquor License for Lily Tseng and her business China kitchen located at 1936 North Carson Street. Member Bennett seconded the motion. Motion carried 6-0.
- C. ACTION ON ENTERTAINMENT PERMIT FOR THE FOURTH ANNUAL DOWNTOWN A-FAIR HELD BY THE CARSON CITY MAINSTREET GROUP ON 6/5/93 ALONG WITH A REQUEST FOR WAIVER OF THE APPLICATION FEE OF \$100 AND THE PERMIT FEE OF \$100 (1-0325) The Certificate of Insurance will be provided prior to the event. Member Bennett moved that the Board of Supervisors approve an Entertainment Permit for the Fourth Annual Downtown A-Fair to be held by the Carson City Mainstreet on June 5, 1993, along with a waiver of the \$100 Application Fee and \$100 Permit Fee. Member Tatro seconded the motion. Motion carried 6-0.
- D. ACTION ON A SHORT-TERM BUSINESS PERMIT FOR CARSON CITY MAINSTREET GROUP FOR THE CONCESSION STANDS FOR THE FOURTH ANNUAL DOWNTOWN A-FAIR ON 6/5/93 ALONG WITH A REQUEST FOR WAIVER OF THE PERMIT FEE OF \$50 (1-0385) Member Bennett moved that the Board of Supervisors approve a Short-Term Permit for the Carson City Mainstreet Group for its concession stands for the Fourth Annual Downtown A-Fair to be held on June 5, 1993, at two downtown locations along with a waiver of the Permit Fees of \$50.00. Member McGrath seconded the motion. Motion carried 6-0.

There being no other matters for consideration by the Liquor and Entertainment Board at this time, Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present as previously noted.

**CITIZEN COMMENTS - None.** 

**AGENDA MODIFICATIONS** (1-0422) (4-0362) - Item 16. City Manager - C. Request to Withdraw an Offer for the Sale of Land Previously Accepted by the Board of Supervisors and Submission of a New Offer for the Same Property Located in the Carson Air Industrial Park, Identified as Lot 24A, APN 8-403-18, had been pulled.

- **4. CONSENT AGENDA (1-0434)**
- A. TREASURER ACTION ON THE CARSON CITY TREASURER'S FINANCIAL REPORT FOR THE MONTH OF MARCH 1993

- B. HEALTH MANAGER ACTION ON REQUEST FOR APPROVAL OF DISINTERNMENT OF BODY FOR OUT-OF-STATE RE-BURIAL
- C. PARKS AND RECREATION DIRECTOR ACTION ON CRITERIA FOR NAMES TO BE PLACED ON MONUMENT WALL IN MILLS PARK
  - D. PUBLIC WORKS DIRECTOR
- i. ACTION ON AGREEMENT BETWEEN THOMAS JOHNSON AND CARSON CITY FOR THE PAVING OF THE PARKING LOT AT 300 HOT SPRINGS ROAD
- ii. ACTION ON (1) FINAL PAYMENT AND (2) CHANGE ORDER NO. 1 TO CONTRACT NO. 9293-008 FOR THE CARSON CITY STREET OVERLAY PROJECT
- iii. ACTION ON DEDICATION OF STREET RIGHT-OF-WAY ON FERMI ROAD AT ITS INTERSECTION WITH GONI ROAD FROM THE BUREAU OF LAND MANAGEMENT TO CARSON CITY
  - E. PURCHASING AGENT
- i. ACTION ON CONTRACT NO. 9293-147 ROADWAY IMPROVEMENTS ON SNYDER AVENUE
  - ii. ACTION ON CONTRACT NO. 9293-164 COMPOSTING BINS
  - iii. ACTION ON CONTRACT NO. 9293-159 JUVENILE LAN COMPUTER
  - iv. ACTION ON CONTRACT NO. 9293-175 INDOOR POOL REPLASTERING
  - v. ACTION ON CONTRACT NO. 9293-21 MILLS PARK PAVILION
- vi. ACTION ON CONTRACT NO. 9293-83 EAGLE VALLEY GOLF COURSE MAINTENANCE BUILDING INTERIOR CONSTRUCTION There being no request from either the Board or public to consider any of these items separately, Supervisor Tatro moved to adopt the Consent Agenda. Supervisor Ayres seconded the motion. Motion carried 5-0.
- 5. PURCHASING AGENT Basil "Butch" Moreto.
- **A.** ACTION ON CONTRACT NO. 9293-99 CARSON CITY HEADQUARTERS FIRE STATION (RE-BID) (1-0465) Design Consultant Jack Sheehan expressed his feeling that the bids were valid and recommended acceptance as indicated. He did not feel that there should be any change orders based on the three low bid ranges. Discussion ensued among Mr. Berkich, Mr. O'Brien, and Supervisor Smith on the line item "internal charges". Mr. Sheehan reviewed the timetable. Mr. O'Brien detailed the budget summary and reasons the budget was spread over two years. Supervisor Smith moved that the Board accept the Purchasing Department's recommendation and award Contract No. 9293-99 to Bidder No. 6, Sierra Building Systems, Inc., doing business as Sierra Builders of Nevada, 500 Glendale Avenue, Sparks, Nevada 89431, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of \$2,014,050 and a contingency amount of \$50,000; funding source is the Fire Station Bond as provided for in Fiscal Year 9293; total amount will be \$2,064,050. Supervisor Bennett seconded the motion. Discussion ensued on the

amount. Supervisor Smith then corrected his motion to be for a contract amount of \$1,964,050 plus a contingency amount of \$50,000 to show a total contract price of \$2,014,050. Supervisor Bennett continued her second. The motion carried 5-0.

Mr. Berkich asked the Board to schedule the ground breaking ceremony. Mr. O'Brien noted that the alternatives had not been included in the project due to the lack of funding, including the arch. If additional funding is secured, the alternatives could be added during construction.

- **B.** ACTION ON CONTRACT NO. 9192-227 UNDERGROUND STORAGE TANK MANAGEMENT SERVICES (1-0832) Following Mr. Moreto's introduction, comments were solicited but none made. Supervisor Bennett then moved that the Board accept the Purchasing Agent's recommendation and approve Amendment No. 4 to Task Order No. 4 to Contract No. 9192-227 to Kleinfelder, Inc., pursuant to the requirements of NRS Chapter 332 for \$6,250; funding source is the Health Department Professional Services; and as represented the State Insurance Plan will reimburse Carson City \$5,250 and Carson City will pay \$1,000. Supervisor Tatro seconded the motion. Motion carried 5-0.
- **8. DISTRICT ATTORNEY -** Deputy District Attorney Paul Lipparelli
- B. ACTION ON RESOLUTION CERTIFYING THE NEED FOR A SECOND DEPARTMENT OF THE CARSON CITY JUSTICE COURT (1-0915) Judge Robey Willis discussed with the Board and Mr. Lipparelli the need for a second justice court, plans for both courts to utilize a common staff and the need for the resolution to include designation as a junior/senior judge. Consensus directed, if legally possible, Mr. Lipparelli to draft another resolution. Supervisor Smith moved that the Board adopt Resolution No. 1993-R-41, A RESOLUTION CERTIFYING THE NEED FOR A SECOND DEPARTMENT OF THE CARSON CITY JUSTICE COURT. Supervisor Bennett seconded the motion. Motion carried 5-0. Clarification indicated the next Primary Election Ballot would contain Departments 1 and 2.
- 6. FIRE CHIEF Battalion Chief Steve Mihelic ORDINANCE FIRST READING ACTION ON AN ORDINANCE AMENDING TITLE 14 OF THE CARSON CITY MUNICIPAL CODE TO ADOPT THE 1991 UNIFORM FIRE CODE, TO MAKE VARIOUS AMENDMENTS TO THAT CODE AND ITS APPENDICES, TO AMEND SECTION 14.04.070 REGARDING FUEL TANK CAPACITY IN THE (LI) DISTRICT, TO AMEND 14.04.150 TO REQUIRE AUTHORITY FROM THE UTILITY DEPARTMENT FOR USE OF FIRE HYDRANTS, TO MAKE OTHER CHANGES TO CHAPTER 14.04 RESULTING FROM THE NEW PROVISIONS OF THE UNIFORM FIRE CODE AS AMENDED, TO AMEND CHAPTER 14.08 TO PROHIBIT BONFIRES AND TO MAKE OTHER CHANGES TO CHANGER 14.08 RESULTING FROM THE NEW PROVISIONS OF THE UNIFORM FIRE CODE AS AMENDED AND OTHER MATTERS PROPERLY RELATED THERETO (1-1250) Division Chief and current Fire Marshal Steve Mihelic discussed with the Board of Appeals; elimination of the sprinkler system requirements for residences; desire to return the Fire Code portion of the Board of Appeals to the Board of Supervisors; mandated fire response times particularly for remote areas; the thumb turn door lock issue; exit sign color and other emergency requirements; Code enforcement procedures for new regulations; and the entire appeal process.
- (1-2235) Virginia Orcutt iterated her feeling that the Board of Appeals as currently comprised could not give a fair ruling and explained the composition of other Board of Appeals in adjacent areas. She felt that the emergency exit sign requirements mandating a change to green should be disallowed. She then explained her reasons for feeling that her thumb turn lock was legal and should be allowed. In response to questions, Ms. Orcutt expressed her feeling that she would never be able to have another building constructed in Carson City based on the opposition she had received from City staff in her fight to get her current building and its thumb lock approved. Mayor

Teixeira noted that her issue was not agendized and Supervisor Bennett requested that it be agendized for a future meeting.

Division Chief Mihelic then explained that his research indicated the thumb locks are not allowed in Colorado and Southern California and that there is a liability concern associated with the use of these locks. One-and-three-quarter inch turns are allowed in Carson City. Turning difficulties with smaller locks were delineated. The different exit requirements between the examples cited by Ms. Orcutt and her building were explained. Discussion ensued between Supervisor Smith and Division Chief Mihelic on the other exit requirements mandated for her building which stressed the need during panic situations. Supervisor Smith also explained his exploration of her lock and objection to the Code based on the lock requirements. He felt that one-and-a-quarter inch lock turns are adequate. Mr. Lipparelli expressed concern about the continued discussion of Ms. Orcutt's case due to the pending litigation. The amendment to the Fire Code would not apply to Ms. Orcutt as it would be effective after the decision by the Board of Appeals which the court issue considers. The Code would only impact new buildings and inspections of current buildings. The Code would not change the current violation.

Supervisor Smith then moved that the Board introduce Bill 122 on first reading, AN ORDINANCE AMENDING TITLE 14 OF THE CARSON CITY MUNICIPAL CODE TO ADOPT THE 1991 UNIFORM FIRE CODE, TO MAKE VARIOUS AMENDMENTS TO THAT UNIFORM CODE AND ITS APPENDICES, TO AMEND SECTION 14.04.070 REGARDING FUEL TANK CAPACITY IN THE (LI) DISTRICT, TO AMEND 14.04.150 TO REQUIRE AUTHORITY FROM THE UTILITY DEPARTMENT FOR USE OF FIRE HYDRANTS, TO MAKE OTHER CHANGES TO CHAPTER 14.04 RESULTING FROM THE NEW PROVISIONS OF THE UNIFORM FIRE CODE AS AMENDED, TO AMEND CHAPTER 14.08 TO PROHIBIT BONFIRES AND TO MAKE OTHER CHANGES TO CHAPTER 14.08 RESULTING FROM THE NEW PROVISIONS OF THE UNIFORM FIRE CODE AS AMENDED AND OTHER MATTERS PROPERLY RELATED THERETO, with a change on Page 12, Line 11, the following to read "1-1/4 inches in length" instead of "1-3/4 inches in length". Supervisor Ayres seconded the motion. Discussion noted that if the motion failed, a second motion could be made. The motion to introduce Bill No. 122 as amended was voted by roll call with the following results: Bennett - No; Tatro - No; Ayres - Yes; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 3-2.

### **8. DISTRICT ATTORNEY -** Deputy District Attorney Paul Lipparelli

A. ACTION ON APPROVAL OF A LAND PURCHASE AGREEMENT BETWEEN CARSON CITY ON BEHALF OF THE CARSON CITY AIRPORT AUTHORITY AND MR. AND MS. LANGSTON (2-0086) - Airport Authority Member Steve Tackes explained the Authority's desire to purchase the property, its location, and the funding. Discussion among Supervisor Bennett, Airport Authority Chairperson Sullivan, Member Tackes, and Mr. Langston clarified the location and that the acquisition was not related to the property which NDOT is acquiring. Supervisor Tatro moved that the Board approve the land purchase agreement between Carson City and Richard and Michele Langston to purchase 17.4 acres of real property at an approximate cost of \$870,000; funding source is the Airport Authority Funds for six percent and FAA Grant for 94 percent of the purchase price; the agreement that is presented in the staff report, which he noted for the record, contains the contingencies that the transaction is subject to approval of the FAA grant and subject to the appraisal coming in at the anticipated amount. Supervisor Bennett seconded the motion. Mr. Lipparelli noted that the agreement also provided through the escrow process that all the taxes and debts on the property be paid. The motion to approve the purchase as outlined was voted and carried 5-0.

**3.** LIQUOR AND ENTERTAINMENT BOARD - CONTINUED (2-0257) - Mayor Teixeira recessed the Board of Supervisors and immediately reconvened the Liquor and Entertainment Board. A quorum was present although Member McGrath was absent.

A. ACTION ON LIQUOR LICENSE FOR THOMAS LYSKOSKI, DOING BUSINESS AS SALSA'S LOCATED AT 1946 HIGHWAY 50 EAST (BEER AND WINE ONLY) - Mr. Thornton introduced the request and noted that the Health Department report was still outstanding. Member McGrath had noted previously the Sheriff's Report was favorable. Mr. Lyskoski responded to Board questions concerning his experience in the liquor industry. Chairperson Teixeira reminded him of the Board's concern about the sale of liquor to minors. Member Smith moved that the Board approve a Liquor License for Thomas Lyskoski for his business "Salsa's" located at 1946 Highway 50 East for beer and wine only. Member Tatro seconded the motion. Motion carried 5-0.

Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

- 7. EMERGENCY MANAGEMENT Coordinator Sheila Clement ORDINANCE SECOND READING -ACTION ON BILL NO. 120 - AN ORDINANCE MAKING A MAJOR REVISION TO TITLE 6 BY REVOKING THE EXISTING PROVISIONS OF TITLE 6 OF THE CARSON CITY MUNICIPAL CODE (EMERGENCY OPERATIONS) AND ADDING A NEW TITLE 6 (EMERGENCY MANAGEMENT) TO PROVIDE FOR DECLARATION OF AN EMERGENCY OR A DISASTER; USE OF EMERGENCY POWERS AND CONTINUITY OF GOVERNMENT; CREATION OF EMERGENCY MANAGEMENT COORDINATOR AND DUTIES; INCORPORATION OF STATE LAW IMMUNITY EXEMPTIONS FROM LICENSING; ESTABLISHMENT OF CURFEWS, RATIONING AND SUSPENSION OF ORDINANCES; REMOVAL OF STRUCTURES, DEBRIS AND OTHER HAZARDS; PROTECTION OF CITY DOCUMENTS AND OTHER MATTERS PROPERLY RELATED THERETO (2-0317) - Comments were solicited but none made. Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1993-19, AN ORDINANCE MAKING A MAJOR REVISION TO TITLE 6 BY REVOKING THE EXISTING PROVISIONS OF TITLE 6 OF THE CARSON CITY MUNICIPAL CODE (EMERGENCY OPERATIONS) AND ADDING A NEW TITLE 6 (EMERGENCY MANAGEMENT) TO PROVIDE FOR DECLARATION OF AN EMERGENCY OR A DISASTER; USE OF EMERGENCY POWERS AND CONTINUITY OF GOVERNMENT CREATION OF EMERGENCY MANAGEMENT COORDINATOR AND DUTIES; INCORPORATION OF STATE LAW IMMUNITY AND EXEMPTIONS FROM LICENSING; ESTABLISHMENT OF CURFEWS, RATIONING AND SUSPENSION OF ORDINANCES; REMOVAL OF STRUCTURES, DEBRIS AND OTHER HAZARDS; PROTECTION OF CITY DOCUMENTS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion carried 5-0.
- 8. C. ORDINANCE FIRST READING ACTION ON AN ORDINANCE AMENDING SECTION 8.12.010 (DISCHARGE OF FIREARM UNLAWFUL--BONFIRES AT NIGHT) TO DELETE REFERENCE TO BONFIRES AND OTHER MATTERS PROPERLY RELATED THERETO (2-0355) Comments were solicited but none made. Supervisor Tatro moved to introduce on first reading Bill No. 123, AN ORDINANCE AMENDING SECTION 8.12.010 (DISCHARGE OF FIREARMS UNLAWFUL--BONFIRES AT NIGHT) TO DELETE REFERENCE TO BONFIRES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion carried 5-0.
- D. ORDINANCE SECOND READING ACTION ON BILL NO. 121 AN ORDINANCE AMENDING SECTION 2.34.100 OF THE CARSON CITY MUNICIPAL CODE TO PROVIDE FOR REMOVAL FROM OFFICE OF ELECTED OFFICIALS IN THE PROCEDURE ESTABLISHED BY STATE LAW (2-0385) Supervisor Bennett thanked Mr. Lipparelli for including supporting information in the packets. Supervisor Tatro moved to adopt on second reading Ordinance No. 1993-20, AN ORDINANCE AMENDING SECTION 2.34.100 OF THE CARSON CITY MUNICIPAL CODE TO PROVIDE FOR REMOVAL FROM OFFICE OF ELECTED OFFICIALS IN THE PROCEDURE ESTABLISHED IN STATE LAW (NRS 283.300 TO NRS 283.430 INCLUSIVE) AND OTHER MATTERS PROPERLY RELATED

THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.

### 9. PARKS AND RECREATION DIRECTOR - Steve Kastens

**A. ACTION ON POLICY FOR RENTAL OF CHAIRS AND TABLES AT THE FAIRGROUNDS EXHIBIT HALL (2-0412) -** Supervisor Smith moved that the Board approve the Policy recommendation of the Parks and Recreation Commission concerning the rental of chairs and tables at the Fairgrounds Exhibit Hall, which is that they can only be rented at the Fairgrounds. Supervisor Tatro seconded the motion. Following a request for amendment, Supervisor Smith amended his motion to include Policy No. 1993-P-4. Supervisor Tatro continued his second. Discussion clarified the need for the policy and the policy concerning rental of the tables and chairs found at the Community Center. The motion to adopt Policy 1993-P-4 as indicated was voted by roll call with the following results: Tatro - Yes; Bennett - Yes; Ayres - No; Smith - Yes; and Mayor Teixeira - No. Motion carried 3-2.

- B. ACTION ON AMENDMENT TO RESOLUTION 1993-R-2 ESTABLISHING NEW PARK FEES TO INCLUDE FEES FOR CHAIRS AND TABLES AT THE FAIRGOUNDS (2-0470) Supervisor Smith moved that the Board approve the Parks and Recreation Commission's recommendation to amend Resolution No. 1993-R-2 to include fees for the chairs and tables at the Fairgrounds pursuant to the attached document. Following request for amendment, Supervisor Smith amended his motion to include and adoption of Resolution No. 1993-R-42, A RESOLUTION ESTABLISHING NEW PARK FEES. Supervisor Tatro seconded the motion. Supervisor Bennett explained that her no vote would be due to her feeling that the rental fees should include the replacement costs. Supervisor Smith explained the Commission's discussion had include inclusion of a set number of table(s) and chairs. The need for additional chairs and table(s) was addressed in the resolution. Discussion included whether the last increase in the hall rental fees had included the replacement costs. Clarification again noted that the motion included the resolution number and title. Supervisor Tatro continued his second. The motion was voted and carried 3-2 with Supervisors Bennett and Ayres voting Naye.
- C. ORDINANCE FIRST READING ACTION ON AN ORDINANCE AMENDING TITLE 2 OF THE CARSON CITY MUNICIPAL CODE ADDING CHAPTER 2.18, A CHAPTER ESTABLISHING THE CARSON CITY SHADE TREE COUNCIL AND OTHER MATTERS RELATING THERETO (2-0577) Supervisor Tatro moved to introduce Bill No. 124 on first reading, AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE CARSON CITY MUNICIPAL CODE ADDING CHAPTER 2.18 A CHAPTER ESTABLISHING THE CARSON CITY SHADE TREE COUNCIL AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A five minute recess was declared at 10:53 a.m. When the meeting reconvened at 10:58 a.m. the entire Board was present, constituting a quorum.

- **10. PUBLIC WORKS DIRECTOR** Public Works Director Dan O'Brien, City Engineer Tim Homann, and Senior Engineer Harvey Brotzman
- A. PRESENTATION, DISCUSSION, AND ACTION ON WEST GRAVES LANE HYDROLOGY STUDY (2-0621) S.E.A. Engineers Representative Frank Alverson reviewed the study of the first 900 feet of West Graves Lane with the use of a map. His review included detailing the FEMA flood plains, projected impact of Graves Lane, possible means of addressing this impact, and Federal requirements placed on the City in addressing the impact. The recommendation was for the City to build Graves Lane to provide for a ten year flood and for any larger floods to flow over the roadway. Maintenance problems with and the cost of culverts were also noted. Comments were solicited but none made. Supervisor Smith then moved that the Board accept the West Graves Lane Hydrology Study as presented by S. E. A. Engineers and direct the street design standards for the

West Graves Lane project to be modified as necessary to accommodate the storm drainage requirements. Supervisor Ayres seconded the motion. Motion carried 5-0.

- B. DISCUSSION AND POSSIBLE ACTION REGARDING SCHOOL CROSSING FACILITY ON SOUTH EDMONDS DRIVE (2-0977) Mr. O'Brien gave a slide presentation outlining the various options the City may wish to consider. Board direction at the last hearing was reviewed. ADA requirements for each of the options were noted. Patty Pruitt used a video to explain traffic flows and crossing problems encountered at the intersection and in the school zone. A Highway Patrolperson, who lives in the area, has been ticketing in the area on his way home from work. Discussion between the Board, Ms. Pruitt, Mr. O'Brien, and Mr. Brotzman included the lack of patrol by the Sheriff's Department, length of the school zone, potential costs and effectiveness of an overpass, a potential signal for pedestrian crossing, signal criteria, cost for the signal, the appropriate number and adequacy of flashers/signs needed for the area, need for additional enforcement in the area, volume of tourist and commercial/truck traffic, need for a loop detector if the signal is installed, improvements which were made after the last discussion, changes which Mayor Teixeira had also requested, and school crossing colors dictated by the grants. Supervisor Smith requested, as a member of the Regional Transportation Commission, that its next agenda include discussion of this item. Mayor Teixeira thanked Ms. Pruitt for her presentation. Supervisor Smith requested Ms. Pruitt be notified of the next RTC meeting. No formal action was taken on this item.
- C. ACTION ON A RESOLUTION ON STREET LIGHTING INSTALLATION FOR RETROFITING EXISTING DEVELOPMENTS (2-2178) Discussion ensued among the Board and Mr. O'Brien on the projected annual electrical costs, estimated number of lights to be installed annually, the petition procedure, number of resident signatures required, and pros and cons of the tenants' versus landlords' signatures. Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1993-R-43, A RESOLUTION ESTABLISHING A POLICY OF CARSON CITY FOR THE STREET LIGHTING INSTALLATION FOR RETROFITTING EXISTING DEVELOPMENTS IN CARSON CITY. Supervisor Ayres seconded the motion. Additional discussion ensued concerning whether to have the occupant or owner sign the petition form. As the motion had not modified the recommended permit, it was to remain as recommended by staff. The motion to adopt Resolution No. 1993-R-43 was voted by roll call with the following results: Tatro No; Smith No; Ayres No; Bennett Yes; and Mayor Teixeira Yes. Motion failed 2-3.

Supervisor Bennett then moved that the Board adopt Resolution No. 1993-R-43, A RESOLUTION ESTABLISHING A POLICY OF CARSON CITY FOR THE STREET LIGHTING INSTALLATION FOR RETROFITTING EXISTING DEVELOPMENTS IN CARSON CITY with a change of wording on Line 15 to require 51 percent of the owners from each address or parcel within a district. Supervisor Ayres seconded the motion. Motion was voted by roll call with the following results: Smith - Yes; Tatro - No; Ayres - Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

Mr. O'Brien noted that his office had already received three petitions.

**D. DISCUSSION AND ACTION ON THE HOUSING PROGRAM** (2-2615) - Building Official Karen Goddard and Housing Inspector James Henry reviewed the inspection program. Mr. Henry iterated his desire for the program to become a pro-active. Discussion ensued among Mayor Teixeira and Mr. Henry on when a site may be inspected, reasons some facilities become rundown, corrective procedures for such facilities, and tenant involvement and responsibilities. Discussion between Supervisor Smith and Mr. Lipparelli indicated a business license is required for apartment owners and outlined the enabling authority which allows the City to inspect apartments. Mr. O'Brien noted that tenants had welcomed the inspection. (3-0085) Discussion ensued among Mr. Lipparelli, Mr. Henry, and the Board concerning the need for either onsite managers or local owners and notification procedures and time restrictions. Mr. Henry indicated that he would be drafting an ordinance amendment mandating an onsite manager for apartment complexes over a certain number. Mr. Henry's

involvement with the Hispanic Council and efforts to become bilingual were noted. Mayor Teixeira commended him on these efforts but urged him to enroll in a program to become proficient in Spanish due to feeling that it was most important. Both Mr. Henry and Mayor Teixeira continued to stress the need for Mr. Henry to be bilingual. Supervisor Bennett commended Mr. Henry on his efforts. Mr. O'Brien explained a special training program Mr. Henry had attended in Wisconsin and benefits from it. Mayor Teixeira noted the need for an appropriate paper trail. Both Mr. O'Brien and Supervisor Smith were happy to see the program work. Monthly reports will be provided to the Board. No formal action was taken.

### E. ORDINANCES - FIRST READING

- i. ACTION ON AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR JENNY BACIGALUPI, JOHN UHART, AND DEBORAH UHART REGARDING PARCEL "A" OF RECORD PLAT NUMBER 533, LOCATED ON WEST WINNIE LANE (3-0272) Supervisor Tatro moved that the Board introduce Bill No. 125 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND JENNY BACIGALUPI, JOHN UHART AND DEBORAH UHART REGARDING PARCEL "A" OF RECORD PLAT NUMBER 553 LOCATED ON THE SOUTH SIDE OF WEST WINNIE LANE IMMEDIATELY WEST OF CARRIAGE SQUARE SUBDIVISION, CARSON CITY, NEVADA. Supervisor Ayres seconded the motion. Motion carried 5-0.
- ii. ACTION ON AN ORDINANCE AMENDING CHAPTER 15.05 OF THE CARSON CITY MUNICIPAL CODE ADOPTING THE 1991 UNIFORM BUILDING CODE AND RELATED CODES AND PROVIDING AMENDMENTS (3-0325) During Building Official Goddard's introduction, Supervisor Bennett stepped from the room--12:15 a.m. (A quorum was still present.) Discussion ensued between Mayor Teixeira and Ms. Goddard on the other communities which had adopted this Code and Carson City amendments. Clarification indicated the original Code relating to swimming pools and spas was being adopted as drafted. Supervisor Smith moved to introduce on first reading Bill No. 126, AN ORDINANCE AMENDING CHAPTER 15.05 OF THE CARSON CITY MUNICIPAL CODE ADOPTING THE 1991 UNIFORM BUILDING CODE

AND RELATED CODES PROVIDING AMENDMENTS THERETO APPLICABLE IN CARSON CITY AND OTHER MATTERS PROPERLY RELATED THERETO, with a change on Page 17, Line 14, where it reads "one-and-three-quarters inches in length" to "one-and-one-quarter inches in length". Supervisor Ayres seconded the motion. Motion carried 4-0-1 with Supervisor Bennett absent.

- iii. ACTION ON AN ORDINANCE AMENDING CHAPTER 15.09 OF THE CARSON CITY MUNICIPAL CODE ADOPTING THE 1991 UNIFORM PLUMBING CODE AND RELATED CODES AND PROVIDING AMENDMENTS (3-0422) Discussion ensued between Mayor Teixeira and Building Official Goddard concerning the back flow prevention requirements. Supervisor Smith moved that the Board introduce Bill No. 127 on first reading, AN ORDINANCE AMENDING CHAPTER 15.09 OF THE CARSON CITY MUNICIPAL CODE ADOPTING THE 1991 UNIFORM PLUMBING CODE AND PROVIDING AMENDMENTS THERETO APPLICABLE IN CARSON CITY, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 4-0.
- iv. ACTION ON AN ORDINANCE AMENDING CHAPTER 15.16 OF THE CARSON CITY MUNICIPAL CODE ADOPTING THE 1991 UNIFORM MECHANICAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (3-0502) Supervisor Smith moved that the Board introduce on first reading Bill No. 128, AN ORDINANCE AMENDING CHAPTER 15.06 OF THE CARSON CITY MUNICIPAL CODE ADOPTING THE 1991 EDITION OF THE UNIFORM MECHANICAL CODE; AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion and requested a correction to the motion. Supervisor Smith corrected his motion to be for Chapter 15.16. Supervisor Tatro continued his second. Motion carried 4-0.

E. ORDINANCE - SECOND READING - ACTION ON BILL NO. 118 - A WATERLINE REIMBURSEMENT ORDINANCE AND AGREEMENT FOR JOSE CERVANTES, JR., ON APN 8-293-03 (2319 DARLA WAY) (3-0522) - Supervisor Smith moved to adopt on second reading Ordinance No. 1993-21, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND JOSE CERVANTES, JR., REGARDING ASSESSOR'S PARCEL NO. 08-293-3 LOCATED AT 2319 DARLA WAY, CARSON CITY, NEVADA. Supervisor Tatro seconded the motion. Motion carried 4-0.

BREAK: At 12:20 p.m. a lunch recess was declared. When the meeting reconvened at 1:30 p.m. the entire Board was present constituting a quorum.

11. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - ORDINANCE - SECOND READING - ACTION ON BILL NO. 119 - AN ORDINANCE AMENDING SECTION 18.05.022 OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (3-0545) - Comments were solicited following Mr. Sullivan's introduction, however, none were made. Supervisor Smith then moved to adopt Ordinance No. 1993-22 on second reading, AN ORDINANCE AMENDING SECTION 18.05.022 OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

### 15. BOARD OF SUPERVISORS

- B. ACTION ITEMS RESOLUTIONS, PROCLAMATIONS, AND OTHER ACTION ITEMS REQUESTED BY MEMBERS OF THE BOARD OF SUPERVISORS:
- ii. MAYOR TEIXEIRA DISCUSSION AND ACTION ON ESTABLISHING A SISTER CITY RELATIONSHIP WITH LAEM CHABANG, THAILAND (3-0578) Mayor Teixeira introduced Tom Parker and Shane Del Cohan and briefly explained his request. Mr. Parker and Ms. Del Cohan detailed the program and responded to Board questions concerning the benefits, costs, and the Sister Cities International Program. Mayor Teixeira then explained his reasons for supporting the program. He also explained that the Board could not act on the request to join Sister Cities International. This will be agendized for the next meeting. Supervisor Ayres explained her previous working relationship with Ms. Del Cohan. Supervisor Ayres then moved that Carson City go forward and establish a sister city relationship with Laem Chabang. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira explained that he would contact Ms. Del Cohan and Mr. Parker when the item is agendized. He also explained that a delegation would be traveling to Laem Chabang on July 22.
- **12. UTILITY DIRECTOR** Environmental Control Supervisor Ken Arnold and Associate Engineer Mark Brethauer
- A. ACTION ON MEMORANDUM OF UNDERSTANDING BETWEEN CARSON CITY AND DUANE MYERS REGARDING CARETAKER'S QUARTERS AT THE CARSON CITY CORPORATE YARD (3-0949) Supervisor Smith noted that this would formalize a verbal agreement and moved that the Board authorize the Mayor to sign the Memorandum of Understanding between Carson City and Duane Myers, Senior Sewer Utility Technician, regarding caretaker's quarters at the Carson City Corporate Yard. Supervisor Tatro seconded the motion. Motion carried 5-0.
- B. ACTION ON AN AGREEMENT BETWEEN THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION AND THE CITY OF CARSON CITY (3-0942) Following Mr. Brethauer's introduction, comments were solicited but none made. Supervisor Tatro moved that the Board approve and authorize the Mayor to sign the Agreement between the State of Nevada Department of Transportation and the City of Carson City as presented in the staff report. Supervisor Ayres seconded the motion. Following Mr.

Suglia's request for an amendment, Supervisor Tatro amended his motion to include the estimated fiscal impact for the Water Division of \$209,248.38 and Sewer Division of \$54,878.86; funding sources to be 510 Sewer Replacement and 520 Water Replacement; funding provided in the Fiscal Year 9293 Budget. Supervisor Ayres continued her second. Motion carried 5-0.

C. VIEWING OF 30-SECOND COMMERCIAL REGARDING RECYCLING IN CARSON CITY (3-1045) - Following the video, Mr. Arnold explained that the video would be shown on Cable TV beginning May 17. Supervisor Bennett commended Carson City residents on their acceptance of the program. She then expressed her dismay at the fact that Lyon County garbage, through the use of Capital Sanitation's services, were utilizing Carson City's landfill and not recycling. She requested this item be agendized for a future meeting. Clarification indicated that the video would also be available on PATCOM. No formal action was required nor taken on this item.

#### 13. PERSONNEL MANAGER - Judie Fisher

- A. ACTION ON A RESOLUTION ESTABLISHING A NEW METHOD FOR THE APPOINTMENT OF MEMBERS OF CERTAIN BOARDS AND COMMISSIONS (3-1152) - Mayor Teixeira noted previous Board discussion on this proposal and reasons for modifying the current procedure. Mr. Suglia noted the Statute authorizing the General Obligation Bond Commission to appoint its own members and suggested a revision to the Resolution. Supervisor Tatro then expounded on his reasons for feeling that either the status quo should be maintained or a Board subcommittee be established to interview the applicants and make a recommendation. Discussion among the Board and staff indicated there would be a "lot of vacancies" beginning in June, added the Airport Authority and Golf Course Committee to the list which would be interviewed, the number of committees which the Board has, and history of the interview process. Mayor Teixeira again reiterated his reasons for feeling that the committees listed in the proposed resolution should be appointed after an interview by the Board. Mayor Teixeira then passed the gavel and moved that the Board adopt Resolution No. 1993-R-44, A RESOLUTION ESTABLISHING A NEW METHOD FOR THE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS, and, on Page 4, add "unless otherwise provided by the Statutes" after the Board of Supervisors at approximately Line 7. Motion died for lack of a second and Mayor Teixeira took back the gavel. Mayor Teixeira then requested another motion. Hearing none, Mayor Teixeira went to the next agenda item. No formal action was taken.
- **B.** ACTION TO REAPPOINT MEMBERS TO THE CONVENTION AND VISITORS' BUREAU BOARD (3-1737) Direction from the Board concerning this vacancy was requested. The Bureau recommended reappointment of Mr. Bilyeu. Discussion ensued among the Board and Ms. Fisher on its reappointment policy and Mr. Bilyeu's dedication to the Bureau. Supervisor Bennett then moved to reappoint Steve Bilyeu to the Convention and Visitors' Bureau. Mayor Teixeira passed the gavel and seconded the motion. Motion was voted by roll call with the following results: Ayres Yes; Tatro No; Smith Yes; Mayor Teixeira Yes; and Mayor Pro-Tem Bennett Yes. Motion carried 4-1.
- C. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) BY DELETING UTILITY MANAGER, ADMINISTRATIVE SERVICES DIRECTOR/CONTROLLER, DEPUTY CITY MANAGER, AND SEWER UTILITY SUPERINTENDENT AND ADDING PUBLIC UTILITIES DIRECTOR, DEPUTY PUBLIC UTILITIES DIRECTOR, DIRECTOR OF FINANCE/CONTROLLER AND REDEVELOPMENT, AND ASSISTANT TO THE CITY MANAGER (3-1865) Discussion ensued among the Board and staff on the reasons for making these modifications. The only fiscal impact would be for the Sewer Superintendent, who will become the Deputy Public Utilities Director. A savings will occur with the elimination of the Deputy City Manager position and replacement with the Assistant to the City Manager. Supervisor Tatro moved to introduce on first reading Bill No. 129, AN

ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) BY DELETING UTILITY MANAGER, ADMINISTRATIVE SERVICES DIRECTOR/CONTROLLER, DEPUTY CITY MANAGER AND SEWER UTILITY SUPERINTENDENT AND ADDING PUBLIC UTILITIES DIRECTOR, DEPUTY PUBLIC UTILITIES DIRECTOR, DIRECTOR OF FINANCE/CONTROLLER AND REDEVELOPMENT AND ASSISTANT TO THE CITY MANAGER. Supervisor Bennett seconded the motion. Motion carried 5-0.

- **14. REDEVELOPMENT AUTHORITY -** Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.
- 15. A. NON-ACTION ITEMS: INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS CORRESPONDENCE TO THE BOARD OF SUPERVISORS, STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD (3-2228) None.
- B. i. MAYOR TEIXEIRA DISCUSSION AND ACTION ON A TELEPHONE ANSWERING PROCEDURE FOR ALL CITY LOCATIONS (3-2245) Following Mayor Teixeira's explanation of his proposed procedure for answering telephones, discussion ensued with Supervisor Smith on implementation procedures. Comments indicated, if adopted, the procedure should be in effect within 30 days. Mayor Teixeira then passed the gavel to Mayor Pro-Tem Bennett and moved that the Board of Supervisors direct the City Manager to implement telephone answering procedures that does the three following things: A greeting of "Good Morning-Good Afternoon", identification of the department, and identification of the person answering the phone which could be in the form of the first or first and last name and that it be consistently applied to all locations in the City. Supervisor Ayres seconded the motion. Mayor Pro-Tem Bennett expressed her amazement that such action was required. Motion carried 5-0. Mayor Pro-Tem Bennett returned the gavel to Mayor Teixeira.
- 16. CITY MANAGER John Berkich and Deputy City Manager Pat Sorensen
- A. ACTION ON AMENDMENT TO GOLF PROFESSIONAL CONTRACT TO EXTEND EXISTING CONTRACT AND INCREASE COMPENSATION LEVELS (3-2428) Mr. Sorensen's introduction included the disagreement between staff and Mr. Bushman and his Attorney Pavlakis about the effective date of the contract and the effective date for eliminating the \$3 charge per player for a tournament prize fund. District Attorney Noel Waters explained the differences between his and Mr. Pavlakis' agreements were the effective date of the contract and elimination of the \$3 charge. Additional modifications to the contract related to terminology of extension and the right of cancellation clauses, which had been agreed to previously. Supervisor Tatro explained that the rationale for his motion had been based on the exchange of the \$3 charges and that fees for previously booked tournaments would be honored. The effective date for other tournaments was the same as the fee increase.
- (3-2765) Gary Bushman agreed that the fee increase was not to effect previously booked tournaments. Mr. Bushman felt that any contacts he had had for tournaments should be given the previous rate also until January 1994. Mayor Teixeira expressed his feeling that any booked tournaments should have the old rates honored, however, any new bookings should be assessed the \$3 increase. Supervisor Smith stated that this was his understanding.
- (3-2885) Mr. Pavlakis elaborated on the issues considered by the Board at the last discussion and the reasons for wishing to continue \$3 prize fee until January 1994. Unless this fee is continued, he did not feel that the level of

demand for the pro shop merchandise would remain stable nor increase. Mayor Teixeira pointed out that a majority of the tournaments which are held at the courses had already been booked. There are not many dates open for additional tournaments. Mr. Pavlakis explained the desire to collect both the new rate and retain the \$3 prize charge. Mayor Teixeira explained that this was not what had originally been the Board's motion. The booked tournaments were to remain at the old rate with Mr. Bushman collecting the \$3 prize fee. All new bookings were to be at the new rate and without the \$3 prize fee.

Mr. Waters then reviewed the draft, which was labeled as "A",and pointed out that on Page 2, Paragraph 4, third line from the bottom of the page, states "Effective upon execution of this amendment on May 6, 1993, and except with respect to tournament bookings made prior to that date, section 2(a) of the Agreement is hereby amended to delete the following language:". Discussion ensued clarifying the reasons more than one draft was included in the Board's packet and which one was labeled "A".

Supervisor Smith then moved that the Board approve the document designated as Amendment A as terms discussed and agreed to by the Board of Supervisors at its April 15, 1993, meeting. Supervisor Tatro seconded the motion and requested the effective date of the amendment. Clarification indicated the amendment would be effective on May 6. The motion to approve Amendment A as indicated was voted and carried 5-0.

B. ACTION TO APPROVE AN AGREEMENT WITH EAGLE SCORING SYSTEMS TO BUILD AND MAINTAIN A SCORE BOARD AT EAGLE VALLEY GOLF COURSE (4-0141) - Eagle Scoring Systems President Eugene Creech responded to Board questions on the courses which have the systems, term of the agreement, advertisement allowed on the sign, and size of the sign. Landscaping would not be included with the sign. Mr. Bushman explained the proposed site and expressed a willingness to have a sign on the reverse side indicating "Eagle Valley Golf Course". Mr. Creech displayed a prototype of the sign and explained it for the Board. He was also willing to contribute 15 percent of the gross sales, approximately \$900 annually, with a renewal at the end of the fourth year. Discussion indicated this contribution was not included in the agreement provided in the Board packet. Supervisor Smith then moved that the Board approve the placement agreement between Eagle Scoring Systems, Reno, Nevada, and the City of Carson City. Supervisor Bennett seconded the motion. Following a request for an amendment, Supervisor Smith amended his motion to include the 15 percent gross sales derived from the sale of advertising space. Supervisor Bennett continued her second. The motion carried 5-0.

**D.** ACTION ON THE 1992-93 WESTERN NEVADA DEVELOPMENT DISTRICT OVERALL ECONOMIC DEVELOPMENT PLAN UPDATE/IDENTIFICATION OF PRIORITY PROJECTS (4-0352) - Supervisor Bennett indicated the goals had been discussed and accepted at WNDD's Wednesday meeting. Supervisor Tatro then moved that the Board ratify the WNDD determination of Carson City goals for the Western Nevada Development District Overall Economic Development Plan Update/Identification of Priority Projects as listed in the staff report. Supervisor Bennett seconded the motion. Motion carried 5-0.

E. ACTION TO SET SALARIES AND BENEFITS OF UNCLASSIFIED EMPLOYEES AND TO DIRECT THE CITY MANAGER TO PREPARE A RESOLUTION FOR BOARD APPROVAL (4-0408) - Discussion among the Board and Mr. Berkich included the management leave policy of paying the employees for any unused portion, the Board's desire to change the policy to one of "use or lose", the annual leave liability, a proposal to allow management leave to accrue, the Committee's recommendation, and need for additional time for the Committee to complete a comprehensive study of the entire compensation program. Supervisor Smith expressed his reluctance to continue to prolong action on the management leave but urged the Committee to continue to address the compensation issues. Mr. Suglia explained his memo urging the Board to make any changes through the Resolution process. Clarification ensued on the current payment schedule for unused

management leave which is from the 92-93 budget. If the management leave program is changed, funding will not be included in the 93-94 budget.

District Attorney Waters supported Mr. Berkich and the Committee's recommendation that no change be made at this time. While he understood the Board's concern with the concept, he was concerned about the appearance of treating one class of employees differently from another. He also felt that to remove the payment program without providing another program would in effect reduce the employee's compensation by two-and-a-half percent. Research would find alternatives. He suggested a timeline be established for the research.

<4-1042) Clerk-Recorder Nishikawa expressed his concern that the issue appeared as if the Board was attempting to save money but only taking from a few employees. He suggested that when a new unclassified person leaves the City, the replacement not be given the management leave. This was based on his feeling that when the employees were hired, the leave was indicated as one of the benefits. Changing the program in the middle of the stream was not fair to them.

(4-1082) Deputy District Attorney Egan Walker explained his feelings were as an unclassified employee and that he was representing only himself. He found irony in the fact this issue followed increasing the golf pro's salary. He questioned whether the "benefits" received by the City from the employees would outweigh the financial gain achieved. While he does not "manage" others, he felt it compensated him for his lost weekends and overtime. He urged the Board to look at the amount of compensation given to classified employees who receive money for their overtime and the compensation given the golf pro. He indicated that the unclassified employees may feel they have no alternative but to organize which would require the Board to negotiate with another organization. He also explained his feeling that due to the current compensation level, the District Attorney's office was becoming a training ground for attorneys. This turnover rate is costly for the City. Perhaps, the current compensation program did not provide an incentive for retaining current management employees. He urged the Board to support Mr. Berkich's recommendation and evaluate the entire program.

Supervisor Smith responded by acknowledging that removal of the management leave would not address the overall problem as he sees it. His desire to provide services to the public--health, safety, and welfare issues--were being cut to meet the growing personnel costs. He also felt that this issue had been apparent throughout his tenure and was constantly being delayed. His concern with the committee's composition and its continuing changes was also noted. He then referred to a news article from The Wall Street Journal which indicated government employees have been compensated four times faster than private employees during the 1980's. The pros and cons of this position were then delineated. He questioned whether the increase from 1988 at \$33,000 to 1992 at \$62,000 was appropriate. He felt that the time was right to start the process for change. If no action is taken until December, the same arguments will be brought up about the need to wait until the end of the fiscal year. Purportedly no other governmental entity pays for unused management leave.

Supervisor Ayres explained that she was not opposed to the unclassified employees nor their benefits. She was mainly concerned with the lack of funding available to address supplemental requests of over \$1 million.

Mr. Berkich noted that the comments expressed had reflected the concern found throughout the unclassified employees. In order to prevent polarization, he urged the Board to provide an additional opportunity for the Committee to evaluate all of the compensation plan.

Discussion ensued between Supervisor Bennett and Personnel Manager Fisher indicating that there are an ample number of applications received for each open unclassified position.

Supervisor Smith then moved that the Board direct the City Manager to prepare a resolution to modify the benefit package for unclassified employees as follows: Under the Section marked Unclassified Personnel Fringe Benefits,

the subsection marked "Management Leave" which currently reads--"All unclassified employees shall receive forty hours of management leave during each year and a proportional amount for each incomplete year. Personnel will maintain the leave records. All unused management leave shall be paid to the employee at the beginning of each fiscal year." to eliminate the sentence "All unused management leave shall be paid to the employee at the beginning of each fiscal year." Supervisor Ayres seconded the motion. Comments were solicited but none made. The motion was then voted by roll call with the following results: Tatro - No; Bennett - No, not that I disagree with Supervisor Smith's position but that I feel that there should be a better opportunity for this to have more study but not indefinitely, no; Ayres - Yes, if there is a study that they come back with something more concrete and more in line with what we are talking about and so that it doesn't go on forever; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 3-2. (Supervisor Tatro then left the meeting--4:20 p.m. A quorum was still present.)

(4-1695) Mayor Teixeira then read his prepared statement concerning the need for the Anderson study when he took office in 1989, his feeling that it had already addressed the equity issue, and his concern about whether the City could continue to afford the changes recommended in it as well as the continually changing top of the range. Reasons for this position were detailed in several examples. He urged the Board to authorize a study of these issues and, in the interim, allow the unclassified staff to have a three percent COLA and five percent merit for the next fiscal year. These increases are to be conditioned so that if is the increases go beyond the top range now delineated for any position, the range not be expanded but the person be given the full amount. (A copy of his statement is included in the packet.)

(4-2004) Mr. Waters supported the concept, however, stressed the need to analyze the options carefully. Inequities currently experienced within the classifications and pay ranges were noted to support the need for the study. Justification for continuing to allow the salary range adjustments to meet ongoing cost-of-living expenses was also outlined. In view of the previous action on the employee management leave program, he felt the cost-of-living increase for next year was necessary.

(4-2155) Mr. Walker supported the Mayor's desire to provide an across the board egalitarian program for all employees. He was concerned that the unclassified employees may be taken advantage of as it is easier to do. He was not bothered by the proposal to compare his salary with that of other similarly employed individuals.

(4-2225) Considerable discussion ensued among the Board, Mr. Berkich, and Ms. Fisher on Mayor Teixeira's proposal to increase salaries beyond the current range without expanding the ranges. Under the proposal, any employee currently at the top of the range would not receive the five percent merit, however, the COLA would be given even if it would mean paying the employee more than the current range. If a combination of the two placed the employee over the top, he/she is to receive both. If the current salary is within the range and would allow for both, it is to be given. This would be for this year only and, hopefully, the entire program will be evaluated. Hopefully, all the employee groups and the City will be able to come up with an equitable program which can be supported financially and will cause the City personnel to begin to function as one unit. Clarification also indicated that the unclassified employees would still be under the varied range merit program. Mr. Berkich reiterated his concern that the previous action would indicate to the unclassified employees that they are an easy target.

Mayor Teixeira then passed the gavel to Mayor Pro-Tem Bennett and moved that the Board direct the District Attorney to bring back a resolution that for the fiscal year 1993-94 the unclassifieds be compensated their five percent merit, their three percent COLA, the only difference being that if those payments go beyond the present top range, that that range not be moved at this time. Supervisor Smith seconded the motion. Comments were solicited but none made. The motion was voted by roll call with the following result: Ayres - Yes; Smith - Yes; Mayor Teixeira - Yes; and Mayor Pro-Tem Bennett - Yes. Motion carried 4-0-1 with Supervisor Tatro absent.

Mayor Pro-Tem Bennett returned the gavel to Mayor Teixeira.

F. CLOSED SESSION - ACTION TO RECESS INTO A CLOSED PERSONNEL SESSION PURSUANT TO NRS 241.030 TO DISCUSS THE PROFESSIONAL COMPETENCE OF THE CARSON CITY CITY MANAGER (4-2708) - Supervisor Bennett moved that the Board go into closed personnel session after a two minute recess. Her reasons for requesting a break were noted, however, Mr. Suglia expressed his discomfort at the motion and requested the recess be taken before voting on a closed personnel session. The motion was withdrawn.

BREAK: At 4:08 p.m. a four minute recess was declared. When the meeting reconvened at 4:12 p.m. a quorum was present although Supervisor Tatro was absent as previously noted.

Supervisor Bennett then moved that the Board move into a closed personnel session pursuant to NRS 241.030 to discuss the professional competence of the Carson City City Manager. Supervisor Smith seconded the motion. Motion carried 4-0.

G. ACTION ON APPROVAL OF THIRD ADDENDUM TO THE CITY MANAGER'S 1990 AGREEMENT (5-0012) - When Mayor Teixeira reconvened the open session and reviewed the agreement history on severance pay. The current industry standard was also outlined. Discussion cited examples of when the severance pay would/would not be given. Mayor Teixeira reviewed the other terms in the addendum. Discussion ensued on the proposed terms whereby a second extension would occur. Mayor Teixeira suggested the addendum be amended to have an extension require concurrence of both parties. Supervisor Ayres then moved that the Board approve the third addendum to the City Manager's 1990 agreement with the change in number 2 to reflect the Mayor's suggested amendment. Mr. Suglia requested the motion include the amendment. Supervisor Ayres then withdrew her motion. Mayor Teixeira passed the gavel and moved that the Board approve the third addendum to the City Manager's 1990 agreement except for a revision in Paragraph 4 of Page 2 starting at Line 23, which shall read: "Shall continue thereafter for two year periods with concurrence of both parties." and delete "....unless either party hereto gives 90 days written notice to the other party that the party does not wish to extend this Agreement for an additional two year term...". Supervisor Ayres seconded the motion. Discussion ensued on whether this was an automatic extension for five years. Mr. Suglia explained another revision on Page 2 at Line 17. Mayor Teixeira did not feel that this amendment should be made. Following discussion on this issue, Mayor Teixeira withdrew his motion. Supervisor Ayres withdrew her second. Additional discussion ensued on how to word the motion. Supervisor Smith then moved that the Board of Supervisors approve a third addendum to the City Manager's 1990 Agreement with the following change being on Page 2 of the Addendum, Line 17 strike the words "In addition, in the event written notice is not given by Employee to the Employer 90 days prior to the termination date as hereinafter provided," and on Line 22 at the end of the period where it says "two years" add "upon the consent of both parties"; that line would then read: "This agreement shall be extended on the same terms and conditions as herein provided all for an additional period of two years upon the consent of both parties.". Supervisor Bennett seconded the motion. Motion carried 4-0.

BREAK: A recess was declared at 5:10 p.m. When the meeting reconvened at 6 p.m. the entire Board was present constituting a quorum. Staff members present included: City Manager Berkich, Clerk-Recorder Nishikawa, District Attorney Waters, Chief Juvenile Probation Officer Lewis, Community Services Director Sullivan, and Recording Secretary McLaughlin.

18. DISTRICT ATTORNEY - Noel Waters - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING CHAPTER 8.20 OF THE CARSON CITY MUNICIPAL CODE, PROVIDING FOR CHANGES TO THE MINOR CURFEW AND PARENTAL RESPONSIBILITY PROVISIONS, PROHIBITING PUBLIC LOITERING DURING SCHOOL HOURS BY MINORS WHO ARE TRUANT OR SUSPENDED FROM SCHOOL AND PROVIDING PENALTIES FOR PARENTS OR GUARDIANS WHO PERMIT HABITUAL TRUANCY AND OTHER MATTERS PROPERLY RELATED THERETO (5-0455) - Mayor Teixeira explained the meetings he had had with Judge Willis, District Attorney Waters, Chief

Juvenile Probation Officer Lewis, and School District Superintendent Scott and outlined the purpose of ordinance. Mr. Waters then reviewed the modifications and, with comments from Mayor Teixeira and Mr. Lewis, elaborated on the reasons for same and/or procedures. Discussion among the Board, Mr. Waters, and Mr. Lewis covered notification and detention procedures, costs assessed against the parents when their children are picked up, potential assessment of community service or fines, use of the media to advise parents of the law which will be in Spanish and English, funding for family counseling and assistance programs to help parents who are beginning to experience truancy/control problems with their children, whether a three day absence from school was one violation or three, and the school's discretion in filing truancy charges when excessive absenteeism occurs. Mr. Berkich noted the efforts his office had undertaken to circulate the proposal to various community/youth groups. He had received comments from the Young Volunteers of Nevada Director Linda Lang and Community Council on Youth Director Helaine Jessie supporting the proposal. Additional comments were solicited but none made. Supervisor Tatro then moved that the Board introduce on first reading Bill No. 130, AN ORDINANCE AMENDING CHAPTER 8.20 OF THE CARSON CITY MUNICIPAL CODE, PROVIDING FOR CHANGES TO THE MINOR CURFEW AND PARENTAL RESPONSIBILITY PROVISIONS, PROHIBITING PUBLIC LOITERING DURING SCHOOL HOURS BY MINORS WHO ARE TRUANT OR SUSPENDED FROM SCHOOL AND PROVIDING PENALTIES FOR PARENTS OR GUARDIANS WHO PERMIT HABITUAL TRUANCY AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Mayor Teixeira noted that the proposal was not a reflection on the efforts of Juvenile Probation but rather was an attempt to help his Division. The motion to introduce on first reading Bill 130 as indicated was voted and carried 5-0.

BREAK: A 15 minute recess was declared at 6:50 p.m. When the meeting reconvened at 7:05 p.m. the entire Board was present, constituting a quorum.

19. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan and RTC Engineer Harvey Brotzman - DISCUSSION AND POSSIBLE ACTION TO REVIEW AND ACCEPT THE 1993 TRANSIT STUDY REPORT (5-1985) - Mr. Sullivan's introduction including an explanation of the funding and acknowledged the individuals who had helped with the study. Mr. Brotzman reviewed the procedures utilized for the study and introduced Lee, Scott and Cleary Consultant Gordon Shaw. (5-2069) Mr. Shaw briefly noted his experience and explained the survey and the response received. Carson City's response was purportedly the highest he had seen indicating a desire/need for public transit. He then explained the conflict between this statement and whether the residents would use the system. The procedure utilized to attempt to determine the rider potential was then outlined. His comments stressed the conservative factors utilized in this determination. He then used an overhead projector to explain the various transit alternatives, potential ridership, costs associated with each, handicapped alternatives, the four routes, the recommended four vehicle plan, as well as the advantages and disadvantages of the system. Discussion ensued among the Board and Mr. Shaw on the Las Vegas system and its funding. the type of individuals who may use the system, additional advantages/disadvantages of a system, potential for franchising the service, (6-0230) potential funding mechanisms, the type of vehicles which would be used, and the General Fund subsidy used by the Reno system.

(6-0435) Bill Derrick of Washoe County RTC explained the legislative plan which would enable Washoe County to assess an additional one-quarter cent sales tax to provide additional funding for its transit system. The current ridership and funding were briefly noted. Discussion then ensued between Mayor Teixeira and Mr. Derrick concerning whether the Washoe County had originally projected the need for this additional subsidy. Reno's service has been in operation since 1978 and has grown continually. Mr. Derrick also noted the impact which the recession had had on its budget projections.

(6-0505) Mr. Shaw then responded to Board questions concerning the amount of sales tax needed to support the proposed system, items included in this one-eighth cent tax, possible package for consideration by the electorate,

the growth rate utilized in the study, and possible use by adjacent County residents.

(5-0596) Mr. Brotzman distributed and read Washoe County Regional Transportation Commission's letter to the Board and Clerk. This letter expressed a desire to explore service needs between Reno and Carson City. Potential funding mechanisms, type of service, terms of a contract, and projected costs for this service were noted. The service could commence by Fiscal Year 1995. The letter was not an offer but rather a desire to discuss the potential of a joint system. Mr. Derrick explained that the cost estimates included in the letter were rough estimates and negotiable. Discussion between the Board and Mr. Derrick included the most recent service attempt, the service's need for a subsidy, the need for Carson City to have a system to supplement the service, scheduling needs for non-Reno riders, vehicles needed to meet demand, and potential ridership/market and fee.

(5-0955) Mr. Brotzman noted that the service could be tied to the V&T Railroad project. Discussion ensued among the Board and Mr. Shaw on the current demand, the phases and projected cost, vehicles which the RSVP currently uses to provide service--which corrected figures in the study. Senior Citizens Center Executive Director Pat Blake detailed the service provided by her agency and senior demand for evening/weekend service. Mr. Shaw indicated the vehicles had been included in the study.

Supervisor Bennett then expressed her support for the program, expanding on the need for handicapped service, and applauded all of the participants. Mr. Shaw explained the funding proposed for handicapped service as well as the potential impact the City system may have on the Senior Citizens program. Supervisor Smith supported the short-term plan, however, felt that the responses indicated the long-term plan was wanted but people do not want the taxes increased to pay for it. He felt that a true determination of the program would come when the electorate considers the one-quarter cent sales tax issue. Supervisor Tatro supported Supervisor Smith's feeling. Supervisor Ayres noted the number of studies in which she had been involved. Few had ever been implemented due to the lack of a desire to fund. It was ultimately an issue only the electorate could determine and until that question is asked nothing should be done. Mayor Teixeira also supported this approach. He pointed out that with continued growth the City need would increase. He supported the proposal to link Washoe County to Carson City and welcomed an attempt to work with Washoe County. He encouraged the Board to authorize the \$60,000 to begin these programs and recommended increasing the property tax by one cent to accomplish this. Supervisor Bennett then moved that the Carson City Board of Supervisors accept the 1993 Transit Study Report as present by Lee, Scott, and Cleary. Supervisor Ayres seconded the motion. Motion carried 5-0.

Discussion ensued among the Board on whether the Board was to consider the one cent increase at this time. This proposal will be scheduled for another meeting. Discussion among Supervisor Tatro and Mr. Brotzman indicated the study delineated the procedures to be followed. Mr. Sullivan explained that by accepting the study the Board had indicated a desire to put a ballot question before the electorate on a transit system. Additional "tuning" and studying will be needed. Board comments noted that NDOT had funded the study. As no other action was needed this evening, Mayor Teixeira thanked Mr. Derrick for attending and expressed his desire to work with Washoe County on the program.

There being no other matters for consideration/discussion, Supervisor Ayres moved to adjourn. Supervisor Bennett seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 8:20 p.m.

The Minutes of the May 6, 1993, Carson City Board of Supervisors meeting

ARE SO APPROVED ON\_\_\_\_\_July\_15\_\_\_\_, 1993.

|   | _/s/_<br>Marv Teixeira, Mayor |  |
|---|-------------------------------|--|
| ATTEST:                                   |                               |  |
|   |                               |  |
| _/s/<br>Kiyoshi Nishikawa. Clerk-Recorder |                               |  |