A regular session of the Carson City Board of Supervisors was held on Thursday, April 2, 1992, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT: Mary Teixeira Mayor

Tom Fettic Supervisor, Ward 2 Greg Smith Supervisor, Ward 1

Tom Tatro Supervisor, Ward 3

Kay Bennett Supervisor, Ward 4

STAFF PRESENT: John Berkich City Manager

Kiyoshi Nishikawa Clerk-Recorder

Paul McGrath Sheriff
Ted P. Thornton Treasurer
Basil "Butch" Moreto Purchasing Agent

Mike Suglia Deputy District Attorney Katherine McLaughlin Recording Secretary

(B.O.S. 4/2/92 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 9:00 a.m. Rev. Bruce Murray of the Assembly of God Church gave the Invocation. Mr. Suglia lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

APPROVAL OF MINUTES - February 6, 1992 (1-0050) - Supervisor Bennett moved to approve the Minutes. Supervisor Tatro seconded the motion. Discussion noted the January 30 Minutes had been approved on March 19. Motion carried 5-0.

CITIZENS COMMENTS (1-0065) - May Ruth French stressed her feeling that the public should be cognizant of the items in small print, specifically referring to a paid advertisement "Letter". She then outlined the costs incurred by the City on the Curry Street Trolley fiasco. She questioned the expenditures on the Mills Park Events Center and reasons for their expenditure. She felt this was an inappropriate expenditure of funds during a period when fiscal responsibility was necessary. She then questioned the reasons a high school was built over a sewerline, why the bonds were for twenty years and had been used to remove the installation at the high school. Mayor Teixeira reminded her that the Board of Supervisors had no jurisdiction over the School District. Ms. French continued her comments by questioning the reasons TCI was not funding PATCOM and stressing her support for PATCOM. She additionally urged the Board to give all of the TCI franchise fees to PATCOM.

LIQUOR AND ENTERTAINMENT BOARD MATTERS (1-0203) - Mayor Teixeira recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. A quorum was present including Sheriff McGrath.

1. TREASURER - Ted P. Thornton.

A. ACTION ON LIQUOR LICENSE FOR GREGORY WADE STIMPSON, DOING BUSINESS AS CARSON CITY MINI MARKET AT 1017 NORTH CARSON STREET, CARSON CITY -

Gregory Wade Stimpson responded to Board questions on his experience, knowledge of Liquor Laws, and acquisition plans. Member McGrath noted the Sheriff's report was favorable. Mr. Stimpson then responded to Member Bennett's questions about his references. Mr. Thornton and Member McGrath explained their criteria for references. Member McGrath explained the Sheriff's investigative procedures. Member Smith moved that the Liquor and Entertainment Board approve a Liquor License for Gregory Wade Stimpson for his business Carson City Mini Market located at 1017 North Carson Street. Member Fettic seconded the motion. Motion carried 6-0.

- B. ACTION ON LIQUOR LICENSE FOR RALPH ALVARADO, DOING BUSINESS AS ALVARADO'S COSINA AT 2188 HIGHWAY 50 EAST (1-0378) Ralph Alvarado responded to Board questions on his business, his experience in the liquor business, and knowledge of the identification process. Member McGrath noted the favorable Sheriff's investigation. Member Tatro moved that the Board approve a Liquor License for Ralph Alvarado, doing business as Alvarado's Cosino, located at 2188 East Highway 50. Member Smith seconded the motion. motion carried 6-0.
- C. ACTION ON ENTERTAINMENT PERMIT FOR RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR THEIR ANNUAL SPRING FUN FAIR EVENTS AT MILLS PARK 4/29/92 THROUGH 5/3/92 ALONG WITH A WAIVER OF THE \$100 APPLICATION FEE AND \$200 PERMIT FEE (1-0435) All necessary reports have been completed. A copy of the insurance rider is in the file. Ms. Ayres was present to responded to questions. Member Smith moved that the Board approve an Entertainment Permit for the Retired Senior Volunteer Program for their annual Spring Fun Fair Events at Mills Park for 4/29/92 through 5/3/92 and a waiver of the \$100 application fee and \$200 permit fee. Member Bennett seconded the motion. Motion carried 6-0.
- D. ACTION ON SHORT-TERM BUSINESS PERMIT FOR RSVP FOR THEIR ANNUAL SPRING FUN FAIR EVENTS AT MILLS PARK 4/29/92 THROUGH 5/3/92 ALONG WITH A WAIVER OF THE \$50 PROMOTION FEE (1-0489) Member Smith moved that the Board approve a short-term business permit for the Retired Senior Volunteer Program for concessions at the annual RSVP Spring Fund Fair Event at Mills Parks for 4/29/92 through 5/3/92 along with a waiver of the \$50 promotion fee. Member Tatro seconded the motion. Motion carried 6-0.
- E. ACTION ON SHORT-TERM BUSINESS PERMIT FOR RSVP AND ROYAL WEST AMUSEMENTS, INC., CARNIVAL AT MILLS PARK 4/29/92 THROUGH 5/3/92 ALONG WITH A WAIVER OF MR. REED WILLIAMS APPEARANCE (1-0510) Member Smith moved that the Board approve a short-term business permit for the Retired Senior Volunteer Program for the Royal West Amusements, Inc., carnival being used for their annual RSVP Spring Fun Fair at Mills Park for 4/29/92 through 5/3/92 along with a waiver of Mr. Reed Williams' appearance. Member Tatro seconded the motion.
- F. ACTION ON ENTERTAINMENT PERMIT FOR RSVP ANNUAL NEVADA DAY CELEBRATION EVENTS AT MILLS PARK 10/28/92 THROUGH 11/1/92 ALONG WITH A WAIVER OF THE APPLICATION AND PERMIT FEES (1-0539) A copy of the agreement between RSVP and the Nevada Day Committee was on file at the Treasurer's office. Member Smith moved that the Board approve an Entertainment Permit for the Retired Senior Volunteer Program for their annual Nevada Day celebration events at Mills Park 10/28/92 through 11/1/92 along with a waiver of the application and permit fees. Member Tatro seconded the motion. Motion carried 6-0.
- G. ACTION ON SHORT-TERM BUSINESS PERMIT FOR RSVP ANNUAL NEVADA DAY CELEBRATION EVENTS AT MILLS PARK 10/28/92 THROUGH 11/1/92 ALONG WITH WAIVER OF PROMOTION FEE (1-0560) Member Smith moved that the Board approve a short-term business permit for the Retired Senior Volunteer Program concession stands at their annual Nevada Day Celebration Event at Mills Park

10/28/92 through 11/1/92 along with a waiver of the promotion fee. Member Bennett seconded the motion. Motion carried 6-0.

H. ACTION ON SHORT-TERM BUSINESS PERMIT FOR RSVP AND SAM JOHNSTON FOR MIDWAY OF FUN CARNIVAL AT MILLS PARK 10/28/92 THROUGH 11/1/92 (1-0484) - Discussion noted the City's five year history with Mr. Johnston. Member McGrath noted the request he had received from RSVP to waive the Sheriff's investigation fee. Discussion noted the matter was not agendized for consideration, however, there is adequate time to address the situation prior to the October event. Member Smith moved that the Board approve the short-term business permit for the Retired Senior Volunteer Program for the Sam Johnston Midway of Fun Carnival for the Annual Nevada Day Celebration for 10/28/92 through 11/1/92. Member Fettic seconded the motion. Chairperson Teixeira explained the procedure required to allow a waiver of the fingerprinting ordinance fee. Motion to approve the short-term business permit as indicated carried 6-0.

Chairperson Teixeira wished Ms. Ayres well on her endeavors and commended her on their activities. He then adjourned the Liquor and Entertainment Board and reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

- 2. PURCHASING AGENT Basil "Butch" Moreto
- A. ACTION ON THE AWARD OF CONTRACT NO. 9192-237 ROAD BASE AGGREGATE (1-0705) Discussion between Mr. Moreto, Public Works Director Dan O'Brien, and the Board noted problems with Mr. Bertagnolli's Special Use Permit, status of the Saliman Road project, and procedures to eliminate a bidder from future projects. Supervisor Bennett moved that the Board of Supervisors accept the Purchasing Agent's recommendation and award Contract No. 9192-237 to Bidder No. 1, T. E. Bertagnolli and Associates, P. O. Box 2577, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 with a purchase amount of \$6.50 per ton. Supervisor Smith seconded the motion. Motion carried 5-0.
- B. ACTION ON THE AWARD OF CONTRACT NO. 9192-222 NEW EMPIRE SEWER EXPANSION PHASE III (1-0877) Mr. Moreto's introduction included the funding allocation and savings which would occur due to the good bids received. Discussion between Richard Waiton and Utility Manager Dorothy Timian-Palmer indicated grant funds would not be expended on this project. Supervisor Bennett moved that the Board accept the Purchasing Agent's recommendation and award Contract 9192-222 to Mike's Trenching at 3725 Lyon Lane, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$159,900 and a contingency amount of \$15,990. Supervisor Smith seconded the motion. Supervisor Bennett continued the motion to include that the funding source is 515-0000. Supervisor Smith continued his second. Motion carried 5-0.
- 3. INTERNAL AUDITOR Gary Kulikowski ACTION ON FEBRUARY 1992 CHECK DISBURSEMENT REGISTER (1-0982) Mr. Kulikowski explained his review of the check disbursement register. He and Mr. Berkich responded to Board questions on the four exceptions and procedures implemented to correct these problems. Supervisor Tatro moved that the Board approve the February 1992 Check Disbursement Register. Supervisor Smith seconded the motion. Motion carried 5-0.
- **4. CLERK-RECORDER** Kiyoshi Nishikawa **ACTION TO DIRECT THE PUBLIC ADMINISTRATOR TO INVESTIGATE THE NEED FOR A GUARDIAN FOR GWENDOLYN ELEVIER** (1-1225) State Department of Human Resources, Welfare Division, Social Worker Stephen Brann explained the request. Discussion noted the funding augmentation requested. Supervisor Smith moved that the Board authorize the Public Administrator to investigate the need for and the appropriate person to serve as guardian. Supervisor Fettic seconded the motion. Following discussion on whether the individual could be identified, Supervisor Smith

continued his motion to include for Gwendolyn Elevier. Supervisor Fettic seconded the motion. Following discussion of the need to include the fiscal impact, Supervisor Smith again amended the motion to include a fiscal impact of \$900, funding source to be the General Fund. Supervisor Fettic continued his second. Motion carried 5-0.

5. SHERIFF - Paul McGrath - ACTION ON AUTHORIZATION TO PURCHASE EIGHT VEHICLES (1-1375) - Sheriff McGrath expounded on his reasons for recommending purchasing the vehicles at this time. He responded to Board questions on the State purchasing procedures and color of the vehicles if acquired through these procedures. Mr. Berkich then explained his review of the vehicles which were to be replaced and the proposal which would allow the Board to verify the condition of the cars planned to be replaced. He also explained the negatives found in the research on leasing vehicles, the State Purchasing comments on the current market and whether this was the appropriate time to acquire vehicles, and his position that the vehicles should not be replaced at this time. Sheriff McGrath explained the reasons he wished to replace the eight vehicles. Sheriff McGrath responded to Board questions on police vehicle leasing programs. Fleet Manager Don Davis elaborated on the condition of the vehicles and reasons for recommending they be replaced. Discussion ensued between Supervisor Tatro and Sheriff McGrath on the reasons police departments do not like front wheel drive vehicles and the State Purchasing Division's bids on Ford Taurus Vehicles. Sheriff McGrath also noted factory vehicles which he was willing to accept. Mr. Davis felt that the full sized vehicles were not needed for administrative purposes. Supervisor Bennett suggested that the number be reduced to six and included in the normal budget process. Sheriff McGrath suggested that, if the Board did not wish to acquire the vehicles at this time, he be removed from the vehicle replacement program. Discussion indicated the 92-93 budget process would begin in two weeks. Mayor Teixeira expounded on his objection to the manner in which the request was being presented. Supervisor Tatro moved that the Board table the item indefinitely. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Bennett - No; Fettic - Yes; Smith - Yes; Tatro - Yes; and Mayor Teixeira -Yes. Motion carried 4-1.

BREAK: A five minute recess was declared at 10:20 a.m. When the meeting reconvened at 10:25 a.m. a quorum was present although Supervisor Bennett was absent.

7. PRESENTATION BY CARL NEATHAMMER REGARDING "GANGS" (1-2446) - Mr. Neathammer explained several gang problems he had in his area and stressed his feeling that it was time the Board addressed the situation. He had meant with various staff members, Board members, and school officials. (During his comments Supervisor Bennett returned--10:28 a.m. A quorum was present as noted previously.) He felt that he was being passed from one individual/group to another. He urged the Board to establish a cooperative effort via a written agreement which would indicate a "zero tolerance attitude toward gangs". This team concept would expedite the procedures. He urged Juvenile Probation to allocate one officer to gang identification and to work on the members. The Courts and Juvenile Probation should then mandate attendance of any gang members and their parents at an in-house course of instruction covering: Emotional wellness training, anger control, occupational skills awareness, social skills, educational assistance, job placement assistance, etc. Failure to complete the program would mandate repeating the course. Probation would include unannounced, random checks to verify that all conditions are being maintained. Failure to satisfactorily complete the program would mandate a prison sentence. He felt that the community could attempt to reach the eight and nine year olds with social services and activities, however, offenders should be addressed in harsh terms on a coordinated front. He felt that the Code was not being enforced and questioned how a City staff member could be unaware of the child supervision laws, which he detailed. He could not speak on the Sheriff's proposed CPN (Citizens for Peaceful Neighborhoods) program. This program would not be successful unless the public is educated about it and it is relentlessly pursued. Gang activities in his neighborhood were noted. He felt that the Sheriff should be in constant contact with Federal and State law enforcement including the Immigrations and Naturalization Service. Revenue from fines paid by the parents of gang members should be used for these activities. PAT35 should be used by the City and School to

present the gang problem. Procedures were detailed outlining how PAT35 could be utilized to address same. Comments he had heard relating to his personality and attempts to secure action were noted, however, he was willing to suffer such in an attempt to call attention to the problems. If he had offended anyone in these attempts, he apologized. He felt that there was a lot of work facing the community as a whole. Discussion ensued between the Board and Mr. Neathammer on the need for a formalized, cooperative, zero tolerance approach; the need to present such a program to the court system; the need to enforce the parental responsibility laws; problems in attempting to reach INS personnel; the youth reclamation project and its community support. Mr. Neathammer continued to stress the need for a cooperative, zero tolerance program and a hard-line against the offenders. Mayor Teixeira thanked him for his presentation. He supported a multifaceted approach, however, felt that the "wheel should not be reinvented". Mr. Neathammer volunteered to serve wherever needed.

WORKS -PUBLIC O'Brien -ACTION ON **FUTURE** STATUS, 6. Dan RECONSTRUCTION, OR DEMOLITION OF BRUNSWICK CANYON BRIDGE (1-0510) - Mr. O'Brien showed slides of the bridge and explained its history, ownership, maintenance needs as indicated by the State's inspection team, City maintenance, and the bridge's purpose. The State wished to replace the bridge in fiscal year 93-94 at a cost of \$1 million, of which the State would fund 80 percent. Discussion ensued on the Sledge Road access to Brunswick Canyon and Reservoir and safety concerns if a fire should occur in the area. A cooperative agreement with the State Forest Service (Lodi Smith) and Bureau of Land Management was suggested by Supervisor Bennett as a potential funding source to maintain the bridge until it could be replaced. Supervisor Smith felt that there were other funding concerns which would be utilized by more of the public. Mr. O'Brien elaborated on the maintenance problems. He could not provide a guesstimate on the life of the bridge if maintenance is continued. Mayor Teixeira requested a meeting with NDOT to determine the alternatives, life expectancy of the bridge, and whether a reduction in usage could extend the life. Street Superintendent Bill Barker agreed to supply information on the last time the City crews repaired the bridge. NDOT recommended replacing the entire deck. His crew does not have this expertise. Retaining a contractor would be expensive. Mr. O'Brien felt that the City had replaced timbers two years ago. Supervisor Bennett explained her reasons for feeling that the City should consider the alternatives and support improving it. Mr. O'Brien explained his research which indicates the City has always owned the bridge and would incur any liability for it. The bridge would be agendized for another meeting and the appropriate State agencies will be contacted. Supervisor Bennett moved that the Board postpone direction to Public Works regarding the Brunswick Canyon Bridge until such time as the Board has more information from the various Agencies involved. Supervisor Tatro seconded the motion. Motion carried 5-0.

8. UTILITY DEPARTMENT DIRECTOR - Dorothy Timian-Palmer

A. ORDINANCE - SECOND READING - ACTION ON BILL NO. 117 - AN ORDINANCE ESTABLISHING CHAPTER 12.12 OF THE CARSON CITY MUNICIPAL CODE REGARDING THE MANAGEMENT OF SOLID WASTE IN CARSON CITY (2-1285) - Supervisor Bennett acknowledged Bert Baker's efforts to have the City correct the illegal dumping at Butterfield Country. She thanked him for his time and dedication which culminated in the new ordinance. Supervisor Bennett then moved that the Board adopt on second reading Ordinance No. 1992-17, AN ORDINANCE ADDING CHAPTER 12.12 OF THE CARSON CITY MUNICIPAL CODE REGARDING SOLID WASTE MANAGEMENT WHICH ESTABLISHES ADMINISTRATIVE, CIVIL AND CRIMINAL PENALTIES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.

B. OTHER ITEMS (2-1348)

i. ACTION ON THE ADOPTION OF A RESOLUTION PURSUANT TO SECTION 12.01.130 OF THE CARSON CITY MUNICIPAL CODE EXTENDING THE NON-WATERING TIME PERIODS FOR THE SUMMER OF 1992 - Discussion ensued between the Board and Ms. Timian-Palmer on

the City's water supply, the drought, procedures for an exemption to the requirements, benefits of the program, whether the conservation measures should be delayed until June, and the Carson River flow. Supervisor Smith moved that the Board adopt Resolution No. 1992-R-16, A RESOLUTION EXTENDING THE NON-WATERING PERIOD FOR THE SUMMER OF 1992. Supervisor Tatro seconded the motion. Motion carried 5-0.

- Teixeira read the second paragraph of a letter from the State Department of Conservation to the Carson City Water Department stating: "Many of the requirements of S.B. 360 came from what you were already doing with respect to water conservation in your area. The documentation of your water conservation plan, including a drought contingency plan, will be helpful to other entities in the State. Due to the success of your water conservation efforts, I would be grateful if you could include in your plan case studies of water conservation practices implemented and the resulting amount of water saved in your area." He then commended her and her staff on their efforts. Ms. Timian-Palmer reviewed the requirements of the Bill. These requirements would necessitate the composition of one document containing all the various ordinances, codes, policies, etc. Comments noted the benefits of having a long term drought plan. Discussion enumerated the criteria contained in long range planning and that quality staff changes should not effect the implementation and progress of the plan. A draft of the plan should be ready for Board consideration at the next meeting. Supervisor Bennett suggested a packet be kept at the City Manager's office for public review. No formal action on taken.
- iii. DISCUSSION OF WATER AND SEWER UTILITY GOALS AND OBJECTIVES (2-2046) Discussion indicated Ms. Timian-Palmer's desire to include the water and sewer goals and objectives as chapter one of the water conservation document. Mayor Teixeira felt that a chart of the rates over the last ten years should also be included in the document and, if possible, include statewide rates, total acreage of water rights available ten years ago as well as now, and production capabilities. Ms. Timian-Palmer then reviewed her criteria utilized in the establishing the goals and objectives. Discussion indicated the feeling that the objectives should be contained in the report before the goals. The rate differences between residential and commercial users were discussed. No formal action was taken on this item.
- iv. ACTION ON CHANGE ORDER NO. 1 TO CONTRACT NO. 9192-191, WELL REHABILITATION OF WELL NO. 11 AND ACTION ON CHANGE ORDER NO 1 TO CONTRACT NO. 9192-192, WELL REHABILITATION OF WELL NO. 4 (2-2502) Water Supervisor Tom Hoffert displayed photographs of Well 11. Discussion explained the location of Well 11, reasons for the problem with Well 4, and commended Ms. Timian-Palmer on the information supplied in her Board Action Reports. Supervisor Smith moved that the Board approve and authorize the Mayor to sign Change Order No. 1 to Contract No. 9192-191, Well Rehabilitation of Well No. 11, in the amount of \$6,034, resulting in a total of all three phases in the amount of \$14,293.90. Supervisor Bennett seconded the motion. Following a request for an amendment Supervisor Smith continued the motion to include funding source is the Well Rehabilitation Account 250-3505-435-73-04. Supervisor Bennett continued her second. Motion carried 5-0.

Supervisor Smith moved that the Board approve and authorize the Mayor to sign Change Order No. 1 to Contract No. 9192-192, Well Rehabilitation of Well No. 4, in the amount of \$3,162, resulting in a total of all three phases in the amount of \$19,056.23, funding source is Well Rehabilitation Account No. 520-3505-435-73-04. Supervisor Tatro seconded the motion. Motion carried 5-0.

9. DEPUTY CITY MANAGER - Pat Sorenson - ACTION ON REQUEST TO INCREASE BAR PRICES BY ARA AT EAGLE VALLEY GOLF COURSE (3-0081) - In response to Supervisor Smith's question, ARA Area Services Manager Denny Walsh expressed his feeling that the review procedure followed on the request had worked well. Supervisor Bennett moved that the Board approve ARA's request to increase bar

prices as described in the attachment supplied to the Board. Supervisor Smith seconded the motion. Motion carried 5-0. Discussion ensued between the Board and Mr. Walsh on his services, fixtures, and improvements he was making at the course. Rumors on several neighboring courses were also discussed. The Board commended him on his and his staff's efforts.

11. DETERMINATION/ANNOUNCEMENT OF FUTURE MEETING DATES AND TIMES - ACTION ON DESIGNATION OF SPECIAL BOARD MEETING ON APRIL 14, 1992 AT 12:15 P.M. AT THE COMMUNITY CENTER SIERRA ROOM (3-0340) - Mayor Teixeira detailed the request. Mr. Berkich outlined the tentative budgets which needed to be approved. Supervisor Tatro moved that the Board designate April 14 at 12:15 p.m. at the Community Center Sierra Room as the time and location for a special meeting to adopt the tentative budget as required by the NRS. Supervisor Fettic seconded the motion. Motion carried 5-0.

10. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (3-0378)

- A. Franchise with T.C.I. OF NEVADA, INC. No report.
- **B. HISPANIC COUNCIL -** Mr. Berkich outlined the progress on the committee, potential funding sources, potential funding for low income housing, recreational programs, PATCOM announcement, and a resource pamphlet.
 - **C. CHANGEMASTERS** No report.
- **D. MAINTENANCE OF CLEAR CREEK ROAD (3-0471) NDOT's analysis should be available soon.**

12. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS - ISSUES REQUESTED BY MEMBERS OF THE BOARD OF SUPERVISORS (3-0485)

- **E. SUPERVISOR BENNETT -** Requested Mr. Berkich provide a report at the next meeting about the American Clean Communities Committee meeting. Requested notification of the Northern Nevada Development Authority meetings. Mr. Berkich explained that there had not been a newsletter for a couple of months. One was received a couple of weeks ago and he would make certain she received a copy. TRPA is doing well.
- **D. SUPERVISOR TATRO** (3-0518) Announced his membership on the Boys and Girls Club of Western Nevada Board of Directors, the opening of Carson City's facilities, and its golf tournament fund raiser on May 17. Progress on the Virginia and Truckee Railroad Reconstruction Project was detailed. He hoped to have a draft agreement before the Board at its first meeting in May. He indicated a desire to attend a Convention and Visitors Center meeting the first part of June.
 - C. SUPERVISOR FETTIC (3-0655) None.
- **B.** SUPERVISOR SMITH (3-0570) Iterated his feeling that there had been a huge improvement at the golf course. He then expressed his concern about the lack of a utility sink in the new golf cart building. Discussion indicated there are few battery operated carts on the course. Mr. Berkich expressed a desire to have the Safety/Loss Coordinator check into the situation.
- A. MAYOR TEIXEIRA (3-0738) Requested Board comments be provided to him about the formation of a City Complex Projects Advisory Board. He outlined his feeling that it should be subject to the Open Meeting Law and composed of residential members having financial, construction, real estate, and

engineering backgrounds.

Supervisor Bennett requested the City Manager compile a list of dates when the Board would discuss the various City budgets as soon as possible.

Mayor Teixeira then explained the reasons a personnel session was scheduled for 5:30 p.m.

BREAK: There being no other matters for discussion at this time, Mayor Teixeira recessed the meeting until 5:30 p.m. When Mayor Teixeira reconvened the meeting at 5:30 p.m. the entire Board was present, constituting a quorum. Staff members present were: City Manager Berkich, Clerk-Recorder Nishikawa, Deputy District Attorney Suglia, Division Fire Chief Coleman, and Recording Secretary McLaughlin. (3-0864)

13. CLOSED SESSION - ACTION ON MOTION TO RECESS TO CLOSED SESSION PURSUANT TO NRS 288.220 TO DISCUSS WITH GOVERNMENT MANAGEMENT REPRESENTATIVE THE STATUS OF COLLECTIVE BARGAINING (3-0866) - Supervisor Bennett moved that the Board of Supervisors move into closed session. Supervisor Smith seconded the motion. Supervisor Bennett continued her motion to discuss with management representatives the status of collective bargaining. Supervisor Smith continued his second. Motion was voted and carried 5-0.

BREAK: Mayor Teixeira reconvened the Open Session and immediately declared a five minute recess. When the meeting reconvened at 6:10 p.m. the entire Board was present constituting a quorum.

- 14. COMMUNITY DEVELOPMENT DIRECTOR Walter Sullivan and Principal Planner Rob Joiner.
- PLANNING COMMISSIONER REFERRALS APPEAL AND REVIEW MATTERS -ACTION ON U-91/92-30 REGARDING A SPECIAL USE PERMIT APPLICATION RECEIVED FROM STATE OF NEVADA TO REMODEL THE EXISTING OLD SUPREME COURT BUILDING, CONNECT SAID BUILDING WITH THE HEROES MEMORIAL BUILDING AND CONSTRUCT A THREE-STORY, 7,480 SQUARE FOOT STRUCTURE TO FORM A NEW ATTORNEY GENERAL'S OFFICE COMPLEX ON PROPERTY ZONED PUBLIC (P) LOCATED AT 100 NORTH CARSON STREET (APN 3-218-02) PURSUANT TO THE REQUIREMENTS OF THE CARSON CITY MUNICIPAL CODE - PLANNING COMMISSION APPROVED 7-0 (3-1127) - Mr. Sullivan's introduction corrected the Planning Commission's vote recommending the application to 4-3. Mr. Joiner reviewed the request, lack of parking on site, and the Planning Commission's recommendation including the changes in parking in the immediate area. Considerable discussion ensued among the Board and staff on the lack of parking in the area, the number of State employees being transferred to the new Supreme Court facility, projected increase in Attorney General employees, reasons State employees were not utilizing the State parking facilities on the east side of Carson Street, and size of the State parking facilities which are all located on the east side of Carson Street. Architect John Hancock elaborated on the size of the meeting room. State Public Works Board Manager Bob Ferrari was present to answer questions.
- (3-1552) Mainstreet President Rick Davis iterated his opposition to the project based on the lack of adequate parking in the area. As a minimum, he felt that no construction should occur before the City's parking lot at Musser and Nevada is completed. Mr. Homann then responded to Board questions concerning the completion date for the Musser and Nevada lot as well as the proposed parking lot at Second and Curry. He also explained his conditions on the State's construction plans and feeling that construction would utilize the designated parking area now utilized by the Supreme Court Judges. Discussion included whether and when the two hour parking zones would be re-established on Nevada and King. Mr. Ferrari then responded to Board questions on the status and

projected construction program, the transfer of Supreme Court employees and facilities, and construction staging areas.

(3-2252) Gail Klette, John Anderson, Tom Givens, and (3-2553) William Jenkins iterated their opposition to the project based on the current lack of adequate parking in the area and failure to foresee an improvement in this situation after the Supreme Court is relocated. Discussion ensued with the Board on their feeling that construction crews would utilize the parking now being used by State employees and would not utilize the new lot on Nevada and Musser. Mr. Berkich indicated Mr. Ferrari's willingness to delay the major construction project until after the two parking lots are on line. Mr. Ferrari clarified his statement as being that there would not be a delay in the asbestos removal and reroofing projects. The other portion of the project would commence after August 1. (3-2801) Mr. Homann explained the encroachment permit requirements which would allow utilization of the parking area for construction staging. At this point the proposed fencing of this area had not been authorized due to the need for an adequate traffic lane. Mr. Homann also felt that it may cost \$1 to \$2,000 to create angle parking between Second and Musser on Curry. Mr. Sullivan indicated that this cost could be imposed as a condition of the State's project. Mr. Ferrari agreed to add this to the State contract if the City would provide the plans. He also He would add the construction parking agreed to commence the interior construction after August 1. requirements, however, could not enforce it. (4-0022) Bud Klette expounded on the misinformation and misunderstandings he had encountered with the project. He, too, felt the project would negatively impact his business based on the inadequacy of parking in the immediate area particularly if the staging area is fenced.

(4-0105) John Hancock used a schematic of the State's master plan to explain the proposed plan. His comments included the State parking facilities which had been constructed during the last three years and use of the Heroes Memorial Building for Veterans' meetings. Discussion ensued among the Board Mr. Hancock, and Mr. Ferrari on the projected number of State employees at the site, number of visitors at the facility and whether the State Capitol Complex Financing Committee would consider a memo of understanding requiring State involvement in a parking facility on the west side of Carson Street.

(4-0601) Supervisor Fettic moved that the Board approve U-91/92-30 as recommended by the Planning Commission with the following conditions: 1. That the State be responsible to provide stripping and signage for angle parking on the east side of Curry Street between Second Street and King; and 2. To insure that the existing parking spaces on the west side of Curry remain usable during the construction period and that one traffic lane be left open at all times. He then commented on Mr. Ferrari's statement that construction would not occur before August 1. Supervisor Smith seconded the motion. Supervisor Fettic clarified his comment that the construction would not commence until August 1 as not being part of his motion.

Mr. Davis indicated his feeling that there were additional public comments. Mayor Teixeira again asked for comments on the question. (4-0655) Carson City Mainstreet Representative Shelley Turner acknowledged the importance of the State in the downtown area. Mr. Sullivan then explained for her that the employee parking on the east side of Carson Street stipulation/condition agreed to at the Planning Commission was included in the requirements. (4-0715) Scott Klette noted that the two hour parking had not been included in the motion. He then expressed his feeling that contractors would not abide with the stipulation that they and their employees park away from the Supreme Court building. He felt that they would merely purchase temporary parking on the street. He then questioned the City's rate of growth, whether the City had maximized its two hour parking, and the adequacy of the parking enforcement program. He then outlined his membership on HARC and that, although HARC had approved the project, it had no authority over the parking issue. Mr. Homann outlined the construction parking permit process and its cost. His comments stressed his feeling that the Board had clearly indicated the desire to mitigate the business parking problems as much as possible. Mr. Davis felt that more than one business would be hurt and that rules were different for businesses than being imposed on the State. He requested the motion be

"killed". (4-0955) Rudolph Rule commended the Board on its dilemma. (4-0970) Gail Klette questioned where the stripping was to occur. Supervisors Fettic and Smith explained the reasons for directing that the east side be restripped. She felt that the west side could handle the angle parking better as it had the "island" parks. (4-1005) Supervisor Fettic then explained for Ilene Summa of Victoria Wedding Chapel that the stripping would occur after the construction occurs.

The motion to approve the Special Use Permit as conditioned was voted by roll call with the following result: Bennett - Yes; Tatro - Yes; Smith - Yes; Fettic - Yes; and Mayor Teixeira - Yes with the comment that while he did not like the comment "No pain, no gain", the attempt was being made to mitigate the impact that the ten month construction period would have on the surrounding businesses, the key was that the intent was one thing while implementation was a second, he was not so naive as to think that there would not be "bumps" over the next ten months, he hoped the "bumps" are at a minimum and the impact is not as great as it may be at its worse point, you must understand what we have and what must be considered when we look at the new Supreme Court, what an asset it is to the community, and the pain that we are going through right now with the Nevada State Library and all the parking that it has taken up that had been there originally, specifically in and around the Carson City Nugget, yes, the impact does hurt, and we want to minimize the fiscal impact upon the area the best that we can. He then thanked all for attending. Motion carried 5-0.

BREAK: A five minute recess was taken at 7:35 p.m. When the meeting reconvened at 7:40 p.m. the entire Board was present constituting a quorum.

D. PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL MATTERS (4-1067)

- i. ACTION ON MPA-91/92-02 REGARDING A MASTER PLAN AMENDMENT REQUEST FROM HAROLD JACOBSEN, GERALDINE LEDYARD D'ANJOU, ANTHONY O'SHAUGHNESSY AND PHILIP WEINBERT TO AMEND THE MASTER PLAN LAND USE DESIGNATION FROM SUBURBAN RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON APPROXIMATELY 40.9 ACRES OF LAND ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED EAST OF SILVER SAGE DRIVE, NORTH OF KOONTZ LANE, AND WEST OF HILLVIEW DRIVE (APN'S 9-133-02, 03, 05, 06, 10, 11; 9-131-02, 03; AND 9-121-25) (4-1067)
- ORDINANCE FIRST READING ACTION ON Z-91/92-02 REGARDING A CHANGE OF LAND USE REQUEST FROM HAROLD JACOBSEN, GERALDINE LEDYARD D'ANJOU, ANTHONY O'SHAUGHNESSY AND PHILIP WEINBERT TO AMEND THE MASTER PLAN LAND USE DESIGNATION FROM SUBURBAN RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON APPROXIMATELY 40.9 ACRES OF LAND ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED EAST OF SILVER SAGE DRIVE, NORTH OF KOONTZ LANE, AND WEST OF HILLVIEW DRIVE (APN'S 9-133-02, 03, 05, 06, 10, 11; 9-131-02, 03; AND 9-121-25) SUBJECT TO A RESOLUTION OF INTENT - PLANNING COMMISSION DENIED 3-1-2-1 - Mr. Sullivan explained the request including the supporting documentation, previous Board direction on this request, the proposed resolution of intent, the Planning Commission's recommendation, Mr. O'Shaughnessy's letter supporting the requests, Mary Koontz' letter of withdrawal, Mr. Jacobsen's letter, Marion L. Rovetti's letter of opposition--a copy of her letter was distributed to the Board and Clerk--and George and Leona Wood, Wallace and Norma Hessey, Charlene Shettler, and Bob L. Wright's letters of opposition. He then responded to Board questions concerning the whether resolution of intent was enforceable. He then explained the location, ownership, zoning of the surrounding properties, and detailed the resolution of intent. Mr. O'Shaughnessy had not indicated his acceptance/rejection of the resolution of intent. Clarification ensued on the parcels included in the request and the timetables included in the resolution of intent. Mr. Sullivan stressed the need for all of the properties to complete the requirements of the

resolution, otherwise none of the property could be changed. The property owners could seek an extension to the one year timetable if one or more of the individuals failed to complete the requirements. The resolution of intent would be a condition on the property and would be included on the deed. The year deadline would remain even if acquired by a new property owner. The final subdivision map, parcel map, and mandatory zoning ordinance change were discussed at length. Comments stressed that if the applicants meant all of the requirements, the Board would have to approve the zoning change. Mr. Sullivan then pointed out the concerns related to the storm drainage, the flood plain designation on Koontz, traffic impact, water and sewer, schools, and fire. A denial of any of the subdivisions based on these items would kill the entire project. Supervisor Fettic stressed his concern with the fact that there are so many property owners involved in the project and if one fails to comply completely with any of the resolution conditions, the zoning would not be completed and the tenuous legality questions which would be created by the entire process. Mr. O'Shaughnessy's acceptance of this situation could not be supported by written documentation. Board comments noted the potential Board composition changes due this being an election year and concern related to whether the "new" Board would support the master plan and zoning changes. Mr. Sullivan explained that as the Planning Commission had not considered the resolution of intent, it could be returned to the Planning as new information and/or the Board could seek further direction from the Planning Commission. Statutory requirements on the Commission's vote for approval of a master plan amendment were discussed. Mr. Suglia explained the change in the application between the Planning Commission's review and the Board's consideration. Supervisor Bennett expressed her feeling that the City needed to review the master plan. Supervisor Smith then moved that the Board of Supervisors refer Z-91/92-2, the Discussion and Possible Action regarding a Change of Land Use request from Harold Jacobsen, Geraldine Ledyard D'Anjou, and Michael O'Shaughnessy to rezone approximately 40.9 acres of land from Single Family One Acre (SF1A) to Single Family 21000 (SF21000) back to the Planning Commission in view of the fact that it has been determined by the District Attorney that new evidence is being presented that the Planning Commission has not had a opportunity to see. Motion died for lack of a second.

(4-2210) Harold Jacobsen expressed his feeling that the procedure was difficult for small property owners and may be discrimination. He then requested that the record include his reasons for feeling that a return to the Planning Commission was inappropriate due to statements from the Chairperson which indicated the Chairperson's desire to not hear his comments. He had been prohibited from making his presentation and had not been given an adequate period to rebut the oppositions' comments. He felt that he had been before the Planning Commission and Board on eight separate occasions on this request. He explained the property ownership, acknowledged the conditions and stipulations being placed against the property, and pointed out the notarized statement from Mr. O'Shaughnessy. He pointed out the lengthy procedures through which he had been. Supervisor Bennett felt that the willingness to proceed through this lengthy process had created a better project. Supervisor Bennett also cautioned him about the need to have a written statement from Mr. O'Shaughnessy before continuing due to the impact a property owner's failure would have on the success of the project. Mr. Jacobsen felt that he could represent Mr. O'Shaughnessy and his desire to seek the change. He acknowledged the need to have a power of attorney from him. He felt that a written agreement would have to drafted between the three property owners prior to the expenditure of any more funds. He agreed to accept a condition so stipulating this agreement. Supervisor Smith then outlined his reasons for his motion to refer the matter back to the Planning Commission and stressed that it had not been to "hassle" Mr. Jacobsen but rather due to the continuing changes which had occurred throughout the procedure. He supported Supervisor Bennett's position that a written statement from Mr. O'Shaughnessy was necessary. Mr. Sullivan indicated his feeling that staff had been given appropriate direction to seek a written statement from Mr. O'Shaughnessy and no formal action was required. Supervisor Bennett clarified her request to be for a written statement from all three individuals. Mr. Jacobsen felt that his intent was clearly stated in his letter. Mr. D'Anjou was present and would make his own comments. Mr. Jacobsen then outlined his October presentation and Board direction given at that time. Mrs. Koontz' withdrawal since that presentation was also noted which supported the contention about the changing property owners.

(4-2892) Milo D'Anjou expressed his wife's desire to proceed with the request and acceptance of the conditions.

He acknowledged that if one applicant's failure to comply with the conditions would negate the entire process. He felt that there was a cooperative team involved with the request. This would reduce the City's expenses as well as the property owners. Supervisor Tatro explained that his comments about the number of public hearings which would be mandated by the procedure had been based on the fact that there had already been eight public hearings on the request none of which had been favorable for the Applicants. If approved this evening, it would need to be approved at eleven additional hearings, which he detailed. He then noted that three Board members' terms would expire before this process would be completed. This could mean that there would be a new Board considering those hearings. Approval at this point could create a liability for the City if the new Board denied the zone change. Mr. D'Anjou felt that this liability could be negated by a waiver which he and Mr. Jacobsen would sign. Mayor Teixeira pointed out the lack of knowledge about Mr. O'Shaughnessy's position. Supervisor Bennett noted that although there are three separate properties and owners, the request was being presented and considered as one entity.

(5-0095) May Ruth French felt this was the first time such a presentation had been made and cautioned the Board about gambling on the intent. She felt the City should not support such a request as public services could not support a higher density. She requested the Board maintain the original plan as indicated for the area. (5-0125) Bob Hughes felt that Mr. O'Shaughnessy's position should be ascertained. He felt that the taxpayers should not support the Board's position if Mr. O'Shaughnessy does not wish to comply with the conditions. Additionally, a new Board may have problems with the proposal. Their denial would create a legal problem for the City. Further, the increased density would merely increase the flood problems already found in the area. (5-0162) Fran McClain opposed the request based on her feeling that it was spot zoning, may not truly be in accordance with Mr. O'Shaughnessy's desires, Mr. D'Anjou's property was not listed on the application, and the application failed to clarify what would occur on the property. (5-0230) Shelly Shaw felt that the number of meetings on this request negatively impacted the residents ability to attend. One no should be adequate. (5-0255) Mike Stalling felt the City sewer system and drainage system could not handle an additional impact. It would negatively impact the rural setting of the neighborhood. He also questioned whether Seelinger could handle the additional students. (5-0305) James Moran questioned whether the City could legally deny the zoning if the conditions are complied with. As the City could be sued, he felt the request should be denied and not have the City accept the risk. He questioned whether the public services could meet the increased demand and cited the flood problem to support his contention. He felt that Koontz had been established as the dividing line for Single Family One Acre zoning and to change the zoning would establish a precedence for future zoning changes.

Discussion ensued among the Board and staff on the Tentative and Final Map procedures and issues as well as the Applicants' recourse if denied at these points including whether the resolution could be extended for more than one year. Supervisor Bennett felt that an extension should not be granted even if this meant an ordinance change should be made. Mr. Sullivan indicated other property owners had inquired about the procedures and were waiting until this issue is addressed before coming forward with a similar request. Supervisor Smith expressed his feeling that the Board should consider whether to have Mr. O'Shaughnessy contacted before approving the resolution of intent. Approval of the resolution inferred that the Board consented to the zone change. Mayor Teixeira also felt these were the issues on which direction was need.

(5-0610) Dave Helgren felt that the zone change would establish a precedence for the entire area. There had been eight meetings with the residents urging denial of the change. Encroachment on the neighborhood had already begun the process of changing the rural lifestyle as indicated by an example he illustrated. (5-0710) Mary Holbert questioned why one individual should be allowed to negate the desires of the neighborhood. (5-0750) Laureen Garretson felt that the majority of the neighborhood opposed the change in the rural lifestyle.

(5-0780) Mr. Jacobsen acknowledged his awareness of the master plan and reasons for feeling that the master plan needed to be reconsidered. Mr. D'Anjou's property had been included in his original plan. All but one of the members of the Jacobsen Family Trust were residents of Carson City. He did not feel that the resolution was a

gamble even though the applicants were accepting a large responsibility. The Board could approve issues which would impact future Boards as a Board change potentially occurs every two years. His proposal would serve as a buffer between the mobile home courts and one acre zones. He did not feel that there was much difference in the regulations on a half acre and an acre. Horses could remain. His plan would not create a deadend street but would create cul-de-sacs. These issues could be addressed by the Tentative Map. Large parcels are neglected while half acre parcels are not neglected. Nineteen homes could be constructed on the property now. He would increase it to 38 which would be controlled under the City's three percent growth rate. His buffer was for the betterment of the area. Mr. O'Shaughnessy supported the request. Supervisor Smith felt that this was the reason for needing a written statement from Mr. O'Shaughnessy. Mr. Jacobsen pointed out his agreement to obtain a power of attorney or whatever from Mr. O'Shaughnessy.

Discussion ensued among the Board and staff on the alternatives available including the need to contact Mr. O'Shaughnessy and direction being requested from the Board. Mayor Teixeira elaborated on his concern about the resolution, the passing of a situation to another Board, the procedure which would be established as a precedence, and potential spot zoning created by the resolution. Supervisor Fettic moved that the Board reverse the action of the Planning Commission on MPA 91/92-02 regarding the master plan amendment request from Harold Jacobsen, Geraldine Ledyard D'Anjou, and Anthony O'Shaughnessy. Mr. Sullivan explained that the motion on the master plan amendment should be to continue the matter. Supervisor Fettic explained his reasons for making the motion as indicated. Mr. Sullivan explained the lack of a recommendation by the Planning Commission. Supervisor Fettic then stated his motion as being to approve a master plan amendment to. Mr. Sullivan again explained the need to continue the master plan amendment to the next meeting. A five minute recess was taken at 9:15 p.m. to allow Supervisor Fettic to determine the motion needed supporting his position. When the meeting reconvened at 9:20 p.m. the entire Board was present constituting a quorum. Supervisor Fettic then stated his motion as being that the Board direct the Community Development Director to prepare a resolution for a master plan amendment to be brought to the Board of Supervisor at its next regular meeting concerning MPA-91/92-02. Supervisor Bennett seconded the motion. Supervisor Smith expressed his original support for the proposal, however, due to the feeling that it had been "bent and stretched as far as anything he had ever seen", he could no longer support the request. Supervisor Bennett then expressed her feeling that the master plan needed to be updated and that the proposal merely pieced mealed the process. She could not support the proposal. **The motion** to direct Mr. Sullivan to prepare a resolution for a master plan amendment to be considered by the Board at its next regular meeting was voted by roll call with the following result: Smith - No; Tatro - No; Bennett -Regretfully no, not at this point when we have better opportunity to look at the picture on the whole and we have had plenty of public input when we go to take a look, you bet I'll be there, but I just think it's a square, it's just not acting in the best interest of the entire City at this point; Fettic - I made the motion, my vote is Yes; and Mayor Teixeira - I voted for the project for higher density, it's mute, but I vote Yes. Motion failed 3-2.

Clarification indicated the need for a second motion. Supervisor Tatro moved that the Board deny Z-91/92-2, a change of land use request for Assessor's Parcel Numbers 9-133-02, 03, 05, 06, 10, 11; 9-131-02 and 03; and 9-121-15. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Bennett - Yes; Fettic - No; Smith - Yes; Tatro - Yes; and Mayor Teixeira - No. Motion carried 3-2.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 118 - (A-91/92-2) AN ORDINANCE ADDING CHAPTER 18.09 (CAMPGROUND ORDINANCE) TO TITLE 18 (ZONING) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (5-1501) - Supervisor Fettic moved that the Board adopt on second reading Ordinance No. 1992-18, AN ORDINANCE ADDING CHAPTER 18.09 (CAMPGROUND ORDINANCE) TO TITLE 18 (ZONING) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

C. OTHER ITEM - DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM RICHARD STIEN TO PLACE A TRAVEL TRAILER ON PROPERTY ZONED CONSERVATION RESERVE (CR) DURING CONSTRUCTION OF A RESIDENCE AT 5649 CARSON RIVER ROAD (APN 10-503-36) (5-1545) - Supervisor Smith moved that the Board approve the utilization of a travel trailer for a period not to exceed 120 days on 5649 Carson River Road, APN 10-503-36. Supervisor Fettic seconded the motion. Motion carried 5-0.

There being no other matters for discussion, Supervisor Fettic moved to adjourn. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 9:25 p.m.

The Minutes of the Carson City Board of Supervisors April 2, 1992, Meeting

	ARE SO APPROVED ONJune_4	, 1992.
	/s/ Marv Teixeira, Mayor	
ATTEST:		
_/s/ Kiyoshi Nishikawa Clerk-Recorder	_	