

CARSON CITY BOARD OF SUPERVISORS
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A regular session of the Carson City Board of Supervisors was held on Thursday, June 20, 1991, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT:	Marv Teixeira	Mayor
	Tom Feticc	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
	Ted P. Thornton	Treasurer
	Pam Case	Automation Director
	Jack Fralinger	Health Director
	Judie Fisher	Personnel Director
	Charles P. Cockerill	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 6/20/91 Tape 1-0030)	

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-Recorders 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. Supervisor Feticc lead the Pledge of Allegiance. Rev. Elaine Horgan of St. Peters Episcopal Church gave the Invocation. Roll call was taken and a quorum present although Supervisor Tatro had not yet arrived.

APPROVAL OF MINUTES - May 2, 1991, Regular Session and May 7, 8, and 14, 1991, Special Meetings (1-0075) - Supervisor Bennett moved to approve as presented. Supervisor Smith seconded the motion. Motion carried 4-0.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0085) - None.

1. SPECIAL PRESENTATION - PERSONNEL MANAGER - Judie Fisher - ACTION ON RESOLUTION OF COMMENDATION FOR RETIREMENT FOR ROY G. GIURLANI (1-0090) - Following Ms. Fisher's introduction, Mayor Teixeira commended Mr. Giurlani on his dedication and presented him with a plaque. Supervisor Feticc moved that the Board adopt Resolution No. 1991-R-34, a RESOLUTION COMMENDING RETIREMENT, and read the Resolution into the record. Supervisor Bennett seconded the motion. Motion carried 4-0. Mr. Giurlani explained his retirement plans.

2. SPECIAL PRESENTATION - STATE DEPARTMENT OF TRANSPORTATION - DISCUSSION AND POSSIBLE ACTION REGARDING THE ANNUAL WORK PROGRAM (1-0178) - NDOT Assistant Director for Engineering Mike McFall introduced NDOT Area District Engineer Rick Nelson. Mr. McFall then outlined the area projects and responded to Board questions related to the projects, their costs, and locations. An NDOT Board meeting is scheduled June 27th and the Supervisors and public were invited to attend. The status of the 395 By-Pass and its funding were discussed. Mr. Berkich was directed to supply the Board with a copy of the report. NDOT Director Garth Dull was attending a legislative session on gas taxes and sent his apology for his absence.

LIQUOR AND ENTERTAINMENT BOARD - Mayor Teixeira recessed the Board of Supervisors and immediately reconvened the session as the Liquor and Entertainment Board. A quorum was present although

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Members McGrath and Tatro were absent.

3. TREASURER - Ted P. Thornton.

A. ACTION ON AN ENTERTAINMENT PERMIT FOR THE FRIENDS OF AMERICAN INDIAN DANCE THEATER FOR THEIR VARIOUS ACTIVITIES ON THE FOURTH OF JULY AT FUJI PARK (JULY 4-6, 1991) ALONG WITH A REQUEST FOR WAIVER OF THE APPLICATION AND PERMIT FEE (1-0415) - The insurance certificate had not been received. If approved by the Board today, the license would be held until the certificate is received. (During Mr. Thornton's introduction, Member Tatro arrived--9:25 a.m. A quorum was present as noted.) Spencer Mendivil explained the Committee's membership, the event's sponsorship, groups and individuals who would be performing/participating at the event, and reasons of having it. Member Fettic moved that the Board approve the Entertainment Permit for the Friends of American Indian Dance Theatre for various activities on the Fourth of July at Fuji Park for the period July 4 through 6, 1991, along with a waiver of the application and permit fees in the amount of \$100 and \$300 respectively subject to the insurance verification being presented to the Carson City Business License Division. Member Smith seconded the motion. Motion carried 5-0.

B. ACTION ON A BUSINESS SHORT-TERM PERMIT FOR THE FRIENDS OF AMERICAN INDIAN DANCE THEATRE FOR THEIR FOURTH OF JULY POW WOW AT FUJI PARK (JULY 4-6, 1991) ALONG WITH A REQUEST FOR WAIVER OF FEES FOR PROMOTION PERMIT (1-0691) - Mr. Thornton reminded the Board that the \$50 promotion fee could be waived, however, the \$5 a day booth fee could not be waived. He also noted that this was the first time he could remember an entertainment event which would not be selling alcoholic beverages. Mr. Mendivil explained that this is a family event, therefore, alcoholic beverages would be prohibited. Member Bennett moved that the Board approve a Business Short-Term Permit for Friends of American Indian Dance Theatre for their July Fourth Pow Wow to be held at Fuji Park July 4 through 6, 1991, along with a waiver of the fees for the promotion permit in the amount of \$50 per day. Member Smith seconded the motion. Motion carried 5-0. Chairperson Teixeira wished him well with his endeavors and expressed the hope that he would work with other Fourth of July organizations and eliminate competition if possible. Mr. Mendivil noted that he had been working with that organization and would participate in its parade.

There being no other Liquor and Entertainment matters for consideration, Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors. The entire Board was present constituting a quorum.

PETITIONS AND COMMUNICATIONS - ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

AGENDA MODIFICATIONS - None.

4. ASSESSOR - Kit Weaver - **ACTION ON CORRECTION OF 1991-92 TAX ROLL (1-0757)** - Discussion ensued among the Board and Mr. Weaver concerning reasons for removal of the Sierra Pacific Power Company property and properties acquired for the 395 By-Pass. If Sierra Pacific sells the parcels, they would return to the tax rolls. Tax exemptions for vehicles and properties were explained. Supervisor Smith moved that the Board approve the changes to the tax roll as recommended by the Assessor. Supervisor Bennett seconded the motion. Motion carried 5-0.

5. PURCHASING AGENT - John Iratcabal and Office Supervisor Cheryl Adams.

A. ACTION ON AWARD OF CONTRACT 9091-217 - NEW EMPIRE SEWER EXPANSION PROJECT, PHASE I (1-0898) - The bids were below the engineer's estimate and within the budget. Supervisor Tatro moved that the Board accept the Purchasing Agent's recommendation and award Contract 9091-217 to Bidder No. 6, Q and D Construction of Reno, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of \$293,403 and accept a

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contingency amount of \$29,340.30, with a funding source of 510-000 for fiscal year 1991-92 and 1992-93. Supervisor Feticc seconded the motion. Motion carried 5-0.

B. ACTION ON AWARD OF CONTRACT 9192-280 - CHIP SEAL CONTRACT (1-0956) - Discussion ensued on possible reasons only one bid was received, whether the City should purchase its chip seal with the State and compared the State chip seal types. Due to the need to determine the feasibility of this proposal, a ten minute recess was taken at 9:40 a.m. When the meeting reconvened at 9:50 a.m. the entire Board was present constituting a quorum. The State chip seal contract was for four different types. It was not feasible for the City to join the State on this contract. Only the amount of material required by Streets would be procured. Supervisor Tatro moved that the Board accept the Acting Purchasing Agent's recommendation and award Contract 9019-280 to T. E. Bertagnolli and Associates of Carson City as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for an amount not to exceed \$100,000 with the funding source of the Fuel Tax Issue and Street Repair Maintenance Fund. Supervisor Bennett seconded the motion. Supervisor Tatro noted for the record that although he works for State Purchasing, he is not involved with this specific contract. He would not receive any benefits from either the State contract or the City's contract. Motion carried 5-0.

C. ACTION ON AWARD OF CONTRACT 9192-0001 - TANK-WAGON FUEL CONTRACT (1-1125) - Supervisor Tatro moved that the Board accept the Acting Purchasing Agent's recommendation and award Contract 9192-0001 to Carson Valley Oil, Carson City, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 with base unit prices as indicated in the bid report. Supervisor Bennett seconded the motion. Supervisor Tatro amended his motion to include with various funding sources. Supervisor Bennett did not state whether she would accept the amendment before the motion was voted and carried 5-0.

D. ACTION ON REQUEST FOR CONTRACT APPROVAL FOR CONTRACT 9091-308 - AS 400 UPGRADE (1-1154) - Automation Services Director Pam Case outlined the funding sources and the capacity provided by the upgrade. Supervisor Smith moved that the Board approve the request and authorize the Acting Purchasing Agent to issue a purchase order to IBM for an amount not to exceed \$48,000, funding source to be Account 260, Capitol Acquisition Account, not to exceed \$48,000. Supervisor Bennett seconded the motion. Motion carried 5-0.

E. ACTION ON CONTRACT AND ACCEPTANCE OF CONTRACT 9192-006 - PHYSICIAN'S AGREEMENT WITH DR. GARY DANKWORTH (1-1275) - Supervisor Bennett suggested that staff explore the possibility of having this contract and the Health and Wellness Program combined. Supervisor Smith moved that the Board approve the Acting Purchasing Agent's recommendation and award this contract pursuant to the requirements of NRS Chapter 332 for a monthly contract amount of \$2,100; funding source Sheriff's Department 101-211 Lab Fees Only, Juvenile Department 101-446 Lab Fees Only, and Health Department 101-668 Monthly Contract Fees. Supervisor Bennett seconded the motion. Motion carried 5-0.

6. HEALTH DIRECTOR - Jack Fralinger.

A. ACTION ON COOPERATIVE AGREEMENT BETWEEN CARSON CITY AND STATE OF NEVADA FOR PUBLIC HEALTH NURSING PROGRAM (1-1375) - Mr. Fralinger introduced State Health Representative Sandra Fairborne. Ms. Fairborne noted that the contract included the increased County contribution as discussed during the budget session. Supervisor Bennett moved that the Board approve the agreement between Carson City and the State of Nevada for the Public Health Nursing Program with the \$40,000 requested contribution coming from the funding as approved in the 1992 budget, fiscal impact \$40,000 from the General Fund. Supervisor Smith seconded the motion. Motion carried 5-0. Ms. Fairborne then noted that the contract was for a two year term with a contribution rate of \$40,000 for each year.

B. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING CARSON CITY

MUNICIPAL CODE 9.06 BY AMENDING SECTION 9.06.086 (WOODSTOVE EMISSIONS) AND ADDING SECTION 9.06.121 (ASBESTOS CONTROL) (1-1455) - Discussion indicated that this would bring the Carson City standards in line with Washoe and Douglas Counties and would be in compliance with the Federal EPA standards. The Washoe County 1992 replacement requirements were noted. The asbestos requirements were discussed. Supervisor Fettic moved that the Board introduce in first reading Bill No. 125, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 9.06 (AIR POLLUTION REGULATIONS) BY AMENDING SECTION 9.06.086 (WOODSTOVE/FIREPLACE INSERTS EMISSIONS) ADDING SECTION 9.06.121 (ASBESTOS CONTROL). Supervisor Bennett seconded the motion. Discussion ensued concerning its effective date, an asbestos violation, current control, increased renovation costs and procedures. (1-1780) Mr. Fralinger explained for Richard Waiton that the proposal would not restrict the residential use of fireplaces. (1-1816) Western Regional Fire Management Officer Jim Rhinehardt explained that Washoe County has banned fireplaces in certain areas of Truckee Meadows. The motion to introduce Bill 125 was voted and carried 5-0.

7. SHERIFF - Undersheriff Vic Freeman - A. ACTION ON AN AGREEMENT BETWEEN CARSON CITY AND ELIZABETH G. JACK, M. D. FOR AUTOPSY SERVICES; AND B. ACTION ON AN AGREEMENT BETWEEN CARSON CITY AND SIERRA PATHOLOGY ASSOCIATES, INC., FOR FORENSIC PATHOLOGY SERVICES (1-1845) - Discussion noted Dr. Jack's contract restrictions and the fee increases. Supervisor Fettic moved that the Board approve the contract for Autopsy Services between Carson City and Sierra Pathology Associates and Dr. Elizabeth A. Jack, M. D. Supervisor Bennett seconded the motion. Following Mr. Cockerill's request to correct the motion, Supervisor Fettic withdrew his motion. Supervisor Bennett withdrew her second. Supervisor Fettic moved that the Board approve the agreement for autopsy services between Carson City and Sierra Pathology Associates. Supervisor Bennett seconded the Motion. Motion carried 5-0. Supervisor Fettic then moved that the Board approve the agreement for autopsy services between Carson City and Elizabeth A. Jack, M.D. Supervisor Bennett seconded the motion. Motion carried 5-0.

16. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (1-1965)

D. SUPERVISOR TATRO - Gave a copy of a June 18 news article on recycling telephone books to each of the other Board members but not to the Clerk. Suggested that Carson City adopt a similar program. An article on residential curbside recycling in San Francisco was noted. A memo to all State employees concerning parking, an NDOT non-urban transportation meeting and a related memo were explained. Copies of the memo were distributed to the Board but not the Clerk.

E. SUPERVISOR BENNETT - DISCUSSION AND POSSIBLE ACTION REGARDING FORMATION OF A TASK FORCE TO STUDY MASS TRANSPORTATION NEEDS (1-2156) - Explained her request and feeling that a committee needed to review the transportation needs due to the State study and indicated public need. Mr. Berkich explained his activities to date on this need and willingness to form a task force if the Board desired. Supervisor Tatro noted that the State study would not include Reno, Sparks, or Las Vegas. Items under evaluation by the State were explained including funding potentials and the ratio of non-drivers in Carson City. Board comments urged the staff and the community to become pro-active on this endeavor and directed the City Manager to form the appropriate task force.

C. SUPERVISOR SMITH (1-2545) - Parks and Recreation Commission's meeting including bureaucratic problems encountered by the Go Kart Racers were noted. Urged staff to develop a "road map" for such individuals. Board discussion noted this was one of Supervisor Tatro's goals and objectives and supported his proposal. Mr. Berkich explained that a committee had met on this matter and determined that Code modifications should be made before the pamphlet is drafted. Supervisor Smith then outlined his concerns about the condition of the parks and suggested a Board tour be conducted. The Board direct a tour of all parks be held.

B. MAYOR TEIXEIRA AND D. SUPERVISOR FETTIC (8-1490) - None.

8. PERSONNEL DIRECTOR - Judy Fisher - ACTION ON ADOPTION OF DRUG FREE WORKPLACE

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POLICY (2-0085) - The City and Associations as well as their Attorneys have reviewed the policy and supported the concept. Supervisor Feticc moved that the Board approve the Drug Free Workplace Policy as presented, Policy No. 1991-P-1. Supervisor Bennett seconded the motion. Motion carried 5-0.

9. ADMINISTRATIVE SERVICES DIRECTOR - Mary Walker.

E. ACTION ON APPROVAL OF PROPOSAL FOR WORKER'S COMPENSATION CLAIMS ADMINISTRATOR SERVICES (2-0208) - Deferred. (2-1135) - It may take two months to determine whether this is an item which should be negotiated with the Employee Associations. As the Associations feel it should be, the matter is being deferred.

F. ACTION ON RESOLUTION ESTABLISHING CITY-WIDE SMOKING POLICY (2-0215) - Ms. Walker explained the Board's previous review of this program, the Statutes and AB 313. The Senior Public Officer in the building is to establish a smoking area. Mr. Cockerill explained the Statutes mandate all City occupied buildings to be non-smoking as of October 1. Supervisor Smith expressed concern that the only designated area would become outside the office. Motor vehicles would be smoke free if anyone in the vehicle requested it or if the Board policy directed it. Supervisor Smith then explained a survey he had conducted with smokers and reiterated his concern about smoking outside the building. Mr. Berkich noted that a separate room is to be utilized as the law stipulates it. Departments which had implemented the program were noted. Supervisor Bennett explained her involvement as a Registered Nurse and as the former Chairperson and a Member of the Board of the American Cancer Society and distributed pamphlets on reducing smoking in the workplace. The cost and effects of smoking in the workplace were then outlined. She felt that smokers should have a designated area in which to smoke as well as provide non-smokers with a smokefree environment. Supervisor Feticc moved that the Board approve Resolution No. 1991-R-35, A RESOLUTION ADOPTING A NON-SMOKING POLICY FOR THE CONSOLIDATED MUNICIPALITY OF CARSON CITY. Supervisor Bennett seconded the motion. Mr. Thornton then expressed his opposition to the loss of his freedom to choose to smoke and right to smoke in his office if so desired. He felt that the current program should be continued as it allows the Department Head to determine the policy. Supervisor Feticc felt that there would be an office allocated and reasons for supporting the policy even though he was a smoker. Judy Berge read a letter into the record supporting the program and signed by 30 employees. (The letter was given to the Clerk.) Discussion noted that the law mandates that a designated smoking area would be established which is not accessible to the public. Supervisor Smith felt that designated plans for the areas should be indicated. The motion to adopt Resolution No. 1991-R-35 was voted by roll call with the following result: Bennett - Yes; Tatro - Yes; Feticc - Yes; Smith - No; and Mayor Teixeira - Yes. Motion carried 4-1.

A. ACTION ON A RESOLUTION SETTING TAX RATE FOR COUNTY COOPERATIVE EXTENSION FOR THE FISCAL YEAR 1991-92 (2-0827) - Supervisor Feticc moved that the Board approve Resolution No. 1991-R-35, A RESOLUTION SETTING THE TAX RATE FOR COUNTY COOPERATIVE EXTENSION FOR THE FISCAL YEAR 1991-92. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON APPROVAL OF SIERRA FIRE DISTRICT CARSON CITY BUDGET FOR FISCAL YEAR 1991-92 (2-0827) - An amended budget will be presented in July. Supervisor Bennett moved that the Board approve the Sierra Fire District Carson City budget for fiscal year 91-92. Supervisor Smith seconded the motion. Motion carried 5-0.

C. ACTION ON APPROVAL OF CARSON CITY FINAL BUDGET FOR FISCAL YEAR 1991-92 (2-0885) - Discussion noted the changes and pending legislative matters. The final would be reconsidered in July. Supervisor Feticc moved that the Board approve the Carson City Final Budget for Fiscal Year 91-92. Supervisor Bennett seconded the motion. Clarification indicated that no new positions were being authorized beyond those already acted upon by the Board and were all contained in the Enterprise Accounts. Supervisor Tatro stressed his desire to have staff maintain the status quo and not expend funds until all the final hearings have been conducted in July. Both Mr. Berkich and Ms. Walker agreed. Ms. Walker also noted that the base budget was at the same

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service level as previously budgeted. Capitol Acquisition and Capital Projects were frozen with the exception of the Building Maintenance Accounts. Mayor Teixeira stressed that those accounts could be reopened. The request was to meet a "very fluid" State timetable. The motion to approve the budget for fiscal year 91-92 was voted and carried 5-0.

D. ACTION ON APPROVAL OF BUDGET AUGMENTATION FOR THE CAPITAL ACQUISITION FUND FOR FISCAL YEAR 1990-91 (2-1040) - The budget augmentations and acquisitions were noted. The V & T stones were stored at the Corporate Yard. Supervisor Smith moved that the Board approve the final budget augmentations for the Capital Acquisition Fund for Fiscal Year 1990-91 in the amount of \$870,443. Supervisor Tatro seconded the motion. Motion carried 5-0. (2-1180) Following discussion of the status of Item E., which has been deferred, staff noted that a Resolution needed to be adopted concerning this matter. Supervisor Smith then moved that the Board adopt Resolution No. 1991-R-37, A RESOLUTION TO AUGMENT AND AMEND THE 1990-91 BUDGET FOR THE CITY OF CARSON CITY, STATE OF NEVADA. Supervisor Tatro seconded the motion. Motion carried 5-0.

10. FIRE CHIEF - Louis Buckley.

A. ACTION ON COST OF LIVING INCREASE (4%) FOR FIRE MID-MANAGEMENT FOR FISCAL YEAR 1991-92 (2-1201) - Questions included the cost of living given to the classified, the amount budgeted, whether granting the four percent would affect the negotiation process, and benefits given to the City in return for the increase. Supervisor Feticc moved that the Board approve the cost of living for four percent for the Fire Mid-Management for the fiscal year 1991-92 effective July 1, 1991. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Tatro - Yes; Feticc - Yes; Bennett - No; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

B. ORDINANCE - FIRST READING

i. ACTION ON AN ORDINANCE AMENDING SECTION 5.18.040 (FEES AND RATES) OF THE CARSON CITY MUNICIPAL CODE TO INCREASE FEES AND RATES AND TO ALLOW FOR FEE DISCOUNTS TO CARSON-TAHOE HOSPITAL FOR IN PATIENT/MEDICARE TRANSFERS (2-1407) - Reasons for having annual increases rather than occasional large increases, the fee discounts, the pros and cons of using a five percent cost-of-living figure were noted. The effective date was changed to August 1. Supervisor Smith moved to introduce on first reading Bill No. 126, AN ORDINANCE AMENDING SECTION 5.18.040 (FEES AND RATES) OF THE CARSON CITY MUNICIPAL CODE TO INCREASE FEES AND RATES AND ALLOW FOR FEE DISCOUNT TO CARSON-TAHOE HOSPITAL FOR IN-PATIENT/MEDICARE TRANSFERS to be effective August 1, 1991. Supervisor Bennett seconded the motion.

(2-1603) Richard Waiton expressed his feeling that the residents could not afford a five percent cost of living increase. Supervisor Tatro noted that the City's costs to provide the service had increased and the fee increases were merely passing on this cost. Discussion noted that the collection rate for the ambulance service was higher than originally projected which reduced the General Fund support.

Chief Buckley explained a hospital practice which would transfer the patients from inpatient to outpatient status and force the patient to provide his own transportation. This practice eliminated the need for an ambulance and reduced the ambulance's revenue below the amount of the proposed discount. Supervisor Bennett also noted that many of the ambulance supplies are purchased from the hospital. Chief Buckley agreed that the current relationship with the hospital is very good. The motion to introduce Bill 126 on first reading was voted and carried 5-0.

ii. ACTION ON AN ORDINANCE AMENDING SECTION 14.04.100 OF THE CARSON CITY MUNICIPAL CODE BY DELETING THE REQUIREMENT FOR AN AUTOMATIC SPRINKLER SYSTEM FOR GROUP A OCCUPANCIES THAT HAVE MORE THAN 7500 SQUARE FEET FLOOR

AREA AND OTHER MATTERS PROPERLY RELATED THERETO (2-1795) - Discussion noted that the modification was being made for all buildings over 7500 square feet and not just the proposed Events Center. Chief Buckley stressed his feeling that the square footage of the building should not be the primary reason for mandating a sprinkler system. Other criteria which should assist in the determination of a need for sprinklers as noted. Chief Buckley stressed that he had not yet seen the plans for the Events Center. Comments noted that the requirement was not found under the Uniform Building Code or Uniform Fire Code. It was merely a City ordinance outside of those Codes. Sprinkler systems are not required in buildings of 11,999 if a 20 foot wide fire lane around the building is constructed. Exceptions to the City Code were not allowed. Supervisor Smith then explained his support for the modification and stressed that the Events Center had not been drafted. Supervisor Feticc then moved that the Board introduce on first reading Bill No. 127, AN ORDINANCE AMENDING SECTION 14.04.100 OF THE CARSON CITY MUNICIPAL CODE BY DELETING THE REQUIREMENT FOR AN AUTOMATIC SPRINKLER SYSTEM FOR GROUP A OCCUPANCIES THAT HAVE MORE THAN 7,500 SQUARE FEET OF FLOOR AREA AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Smith - Yes; Feticc - Yes; Tatro - Yes; Bennett - A cautious Yes; and Mayor Teixeira - An emphatic Yes. Motion carried 5-0.

CITIZEN COMMENTS (2-2265) - John Degenkob explained his involvement with Fire Codes and construction. He opposed the Board's allowing a fire retardant treated fabric as a cloth covering for the Events Center. He did not oppose the removal of a sprinkler system as it would be ineffectual in a "wall-less" structure. He felt that the fabric should be non-combustible--teflon and fiberglass. Additionally the Uniform Building Code required a minimum Class B material, which is not flame retardant fabric. He requested an affidavit from the Parks Department indicating that sidewalls would not be constructed or permit exhibitions, displays, trade shows, etc., unless the building is sprinkled. He then read from the Nevada State Fire Marshall's regulations allowing more stringent municipal ordinances to prevail.

Clarification noted that the Events Center was now ready for construction bids. Supervisor Bennett requested a status report as soon as possible.

BREAK: At 11:55 a.m. a lunch recess was taken. When the meeting reconvened at 1:05 p.m. a quorum was present although Supervisor Bennett was not present.

11. PUBLIC WORKS DIRECTOR - Dan O'Brien.

A. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR CHROMALLOY CHROMIZING COMPANY DIVISION LOCATED AT 715 INDUSTRIAL PARK DRIVE (2-2457) - Clarification indicated there is currently adequate parking for the present employees. (During Mr. O'Brien's introduction, Supervisor Bennett arrived--1:08 p.m. A quorum was present as noted.) Supervisor Smith moved that the Board introduce on first reading Bill No. 128, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CHROMALLOY CHROMIZING COMPANY DIVISION REGARDING ASSESSOR'S PARCEL NO. 9-088-01, LOCATED AT 715 INDUSTRIAL PARK DRIVE, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. OTHER ITEMS (2-2585)

i. ACTION TO ACCEPT AN OFFER OF DEDICATION OF WATER AND SANITARY SEWER EASEMENTS LOCATED AT CARSON CITY HIGH SCHOOL - Supervisor Smith moved that the Board of Supervisors accept the dedication of blanket water and sanitary sewer easements from the Carson City School District as presented and authorize the Mayor to sign the dedications for the easements. Supervisor Bennett seconded the motion. Motion carried 5-0.

ii. ACTION TO ACCEPT AN OFFER OF DEDICATION OF A SANITARY SEWER EASEMENT

(SIERRA PACIFIC POWER COMPANY) LOCATED 80 FEET NORTH OF HAMILTON AVENUE BEGINNING NEAR CARRIAGE CREST DRIVE (EXTENDED) AND RUNNING APPROXIMATELY 1,100 FEET EAST (2-2637) - Supervisor Smith moved that the Board accept the dedication of the sanitary sewer easement from Sierra Pacific Power Company as presented and authorize the Mayor to sign the dedication for easement. Supervisor Feticc seconded the motion. Motion carried 5-0.

C. REGIONAL TRANSPORTATION COMMISSION ITEMS (2-2688)

i. ACTION ON CHANGE ORDER NO. 1 TO CONTRACT NO. 9091-107 - LOMPA LANE IMPROVEMENTS - Supervisor Bennett moved that the Board approve Change Order No. 1 to Contract 9091-107, Lompa Lane Improvements, in the amount of \$7,329.37, funding source RTC Construction 250-250-534-34520, fiscal impact is \$7,329.37. Supervisor Smith seconded the motion. Clarification ensued on the reason the Change Order was brought to the Board. The motion to approve Change Order 1 was voted and carried 5-0.

ii. ACTION ON CHANGE ORDER NO. 2 TO CONTRACT 9091-107, LOMPA LANE IMPROVEMENTS (2-2774) - Discussion ensued concerning the amount of core testing conducted and differences between the low bidder and the next low bidder. Supervisor Bennett requested staff provide a written report comparing these bids. Supervisor Bennett moved that the Board approve Change Order No. 2 to Contract 9091-107, Lompa Lane Improvements, in the amount of \$44,507.64, funding source RTC Construction 250-250-534-34520, fiscal impact will increase the approved contract of \$512,824.37 by \$44,507.64 for a total amount of \$557,332.01. Supervisor Smith seconded the motion. Motion carried 5-0.

D. UTILITY DIVISION ITEMS - Utility Manager Dorothy Timian-Palmer.

i. ACTION ON THE BUREAU OF LAND MANAGEMENT RIGHT-OF-WAY APPLICATION BY CARSON CITY FOR THE INSTALLATION OF EAGLE VALLEY PRODUCTION SOURCE, WELL NO. 45 (3-0062) - The site selection process and the generic form used by BLM were discussed. Supervisor Feticc moved that the Board approve and authorize the Mayor to sign the Bureau of Land Management's Right-of-Way Application allowing for the installation of Eagle Valley Production Source Well No. 45, fiscal impact none. Supervisor Tatro seconded the motion. Motion carried 5-0.

ii. ACTION ON RECOMMENDATIONS TO STATE ENGINEER REGARDING CHANGE OF USE AND PLACE OF USE APPLICATIONS NUMBERS 55532, 55551 THROUGH 55557, AND 55707 THROUGH 55721 (3-0112) - Clarification noted that by taking no action on Application 55532 the City was in effect telling the State it was aware of the application and not opposing it at this time. Supervisor Smith moved that the Board make no recommendation to the State Engineer regarding Change of Use and Place of Use for Application No. 55532. Supervisor Tatro seconded the motion. Motion carried 5-0.

Options available and lack of knowledge about Eco-Vision's planned usage in Carson City were discussed. Supervisor Tatro moved that the Board of Supervisors make no recommendation to the State Engineer regarding Change of Use and Place of Use on Applications numbered 55551 through 55574 and 55707 through 55721. Supervisor Smith seconded the motion. Motion carried 5-0.

E. WASTEWATER TREATMENT AND DISPOSAL FACILITIES - Dorothy Timian-Palmer - **ACTION ON CHANGE ORDER NO. 1 TO CONTRACT W-5 OF THE CARSON CITY WASTEWATER TREATMENT AND DISPOSAL FACILITIES (3-0286)** - The price of signage was questioned. Supervisor Tatro moved that the Board accept Change Order No. 1 to Contract W-5, Secondary Clarifier and Return Sludge Pump Station, a deduction in the amount of \$2,387.76, and authorize the Mayor to sign, fiscal impact funding source Federal share of eligible costs \$1,022.52 and the City's share \$1,685.84. Supervisor Feticc seconded the motion. Motion carried 5-0.

BREAK: At 1:30 p.m. a ten minute recess was taken. When the meeting reconvened at 1:40 p.m. the entire Board

was present constituting a quorum.

12. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan.

A. PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL ITEMS (3-0387)

i. ACTION ON M-90/91-23 REGARDING A REQUEST FROM STANTON PARK DEVELOPMENT TO ABANDON A PUBLIC UTILITY AND DRAINAGE EASEMENT ON PROPERTY LOCATED ON THE NORTHEAST CORNER OF AIRPORT ROAD AND DESATOYA - PLANNING COMMISSION APPROVED 6-0-1-0 - Supervisor Feticc moved that the Board of Supervisors uphold the Planning Commission's recommendation to approve the abandonment request on M-90/91-23. Supervisor Smith seconded the motion. Motion carried 5-0.

ii. ACTION ON M-90/91-24 REGARDING A REQUEST FROM THE NEVADA COMMUNITY FEDERAL CREDIT UNION TO ABANDON A PORTION OF A PUBLIC RIGHT-OF-WAY (MID BLOCK ALLEYWAY) LOCATED ON THE BLOCK BOUNDED BY PRATT, HARBIN, SECOND, AND FIFTH STREETS (APN 4-092-04) - PLANNING COMMISSION APPROVED 4-2-1-1 (3-0435) - Code requirements prohibit satellite parking facilities. The alleyway would separate the two parking lots. Nevada Community Federal Credit Union President Marsha Burgess explained the need for expanded parking facilities. They had discussed the request with Southwest Gas. Even though the recommendation was that the City abandon the alleyway, the Credit Union would be required to keep it open for public utilization. Supervisor Smith moved that the Board of Supervisors approve M-90/91-24, an abandonment of a public right-of-way located midblock between Pratt Avenue and Harbin Avenue from the intersection of said alleyway on Second Street to midblock, approximately a distance of 300 feet, subject to the conditions of the staff report and with the understanding that any acknowledgements to the Commission by the Applicant may be considered as further stipulations of conditions of approval on the application. Following clarification of the need for direction to the District Attorney, Supervisor Smith amended his motion to include and direct the District Attorney to prepare the order of abandonment and direct the Assessor to determine the value of the property. Supervisor Bennett seconded the motion. Motion carried 5-0.

iii. ACTION ON V-86-28 REGARDING AN AMENDMENT TO CONDITIONS OF APPROVAL OF A PREVIOUSLY APPROVED VARIANCE APPLICATION FOR JIMMIE DEAN POPHAM ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED AT 99 ARROWHEAD DRIVE (APN 8-094-02) - PLANNING COMMISSION DENIED 5-1-0-1 (3-0710) - Mr. Sullivan's introduction included the previous parcel map conditions, concerns that the Applicant had not actively pursued the parcel map, and the District Attorney's opinion. Applicant's attorney David Nielsen expressed a willingness to accept the staff's conditions and recommendations as well as reasons for the request. Discussion noted the property had been placed on the market in November 1990. Jimmie Dean Popham explained the 30 foot drainage easement on the back of the property mandated for Tipple's Shenandoah Heights problem, his acquisition of the property, his feeling that he had cooperated with the City throughout the years, and had met all the conditions. He was willing to construct single family one story houses as conditioned in the following matter even though there are two story homes in the area. (3-1205) Chris Fleintjes distributed copies of his remarks and petition to the Board. Mr. Fleintjes expressed his feeling that only Mr. Popham was involved with the request and not any potential buyers. He urged the Board to remain unbiased even though Charlie Joerg may be involved with development of the property. He then expounded on his reasons for feeling that the request should be denied including Mr. Popham's failure to develop the property to date, his failure to record the accepted parcel map, delay in negotiating the drainage easement, the Code stipulations on developments and variance permits, and reasons for feeling that Mr. Popham did not intend to develop the property. (3-1460) Archie Cook distributed copies of a map of the area to the Board and Clerk. He then expressed his feeling that approving the variance would allow additional variance encroachments into the area. He felt that cul-de-sacs create a parking nightmare which results in "warring neighborhoods". (3-1530) Eugene Swartz expressed his feeling that the six homes would create an additional traffic burden and need for a traffic light at the intersection. (3-1671) Mr. Nielsen noted that the parcel design had

been approved by the Planning Department, that the request before the Board was for an amendment to the original variance, the sale conditions, that whom the developer is has no bearing on the request and reasons for Mr. Popham's application as owner. Supervisor Smith expressed his feeling that the variance was an added enhancement to the property's value. Mr. Nielsen responded by explaining further the reasons for needing the variance and that the sale of the property had no bearing on the variance. Mr. Cockerill explained the reasons for the request, the District Attorney's opinion, and staff's position. Discussion ensued on the Commission's recommendation, the condition stipulating that Parcel Map 787 be recorded, and intent to complete the parcel map. The District Attorney's opinion indicated that this number was not mandatory and this was not the primary motivation behind the request. Mr. Kleintjes expressed his feeling that the parcel map had expired and that the last extension was not valid. Mr. Cockerill reiterated the reasons for the District Attorney's opinion and supported staff's position. Mr. Sullivan explained his reasons for allowing the original extension. Discussion ensued concerning whether the Applicant had in fact intended to develop the property, the lack of follow through by the Applicant, and reasons for the request. BREAK: At 2:35 p.m. a five minute recess was taken. The entire Board was present when the meeting reconvened constituting a quorum. Supervisor Bennett explained her reasons for supporting the Applicant, e.g. the District Attorney's opinion that the variance is still valid and that Condition No. 3 is only technically deficient. Supervisor Bennett then moved that the Board approve the Amendment which should be worded accordingly, "The recording of parcel maps is substantially in accord with the development plan and completion of all conditions of approval regarding the parcel maps be upheld" and that those are the changes to Condition No. 3 which is before us today. Supervisor Feticc seconded the motion. Motion was voted by roll call with the following result: Smith - No; Tatro - Yes; Feticc - Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

iii. ACTION ON V-90/91-11 REGARDING A VARIANCE APPLICATION FROM JIMMIE DEAN POPHAM TO VARY FROM THE FRONT, SIDE, AND SIDESTREET SETBACK REQUIREMENTS ON PROPERTY ZONED SINGLE FAMILY ON ACRE (SF1A) LOCATED AT 99 ARROWHEAD DRIVE (APN 8-094-02) - PLANNING COMMISSION DENIED 6-1-0-0 (3-2384) - Following Mr. Sullivan's introduction, Mr. Nielsen explained the proposed lot sizes, development plans, and reasons for needing the variances. Discussion noted that the cul-de-sac would provide on-street parking spaces, are found in many other communities, City cul-de-sac sizes, turning radius required by the Fire Department, the one story building condition, concerns about locating the building adjacent to the storm channel, and Public Works' desire to fence or pipe the channel. Public Works Director Dan O'Brien explained the present storm drain channel, his plans regarding its future fencing/piping, and the fencing liability. Discussion ensued with Mr. Sullivan concerning surrounding zoning and location of the proposed freeway by-pass. (3-2995) Archie Cook questioned the location of the front and back of the lots. Chris Klientjes then expressed his feeling that the channel should be fenced, (4-0001) questioned the hardship involved with the request, and that the variance would be prejudiced against the surrounding residents. He suggested the number of lots be reduced. He urged the City to install the pipeline before lots 3 and 4A are constructed or the houses on these lots would be against the channel. The Applicant should be required to construct the channel. As a taxpayer he was opposed to having to pay for something the Applicant had willingly agreed to do several years ago. (4-0095) Mr. Nielsen pointed out that the channel is not required for the development of these lots. Mr. Popham had dedicated 30 feet of the property for drainage. The width of the easement had been considered the safety concerns. Mr. Nielsen, staff, and the Board discussed further the channel on Lots 3 and 4A, the safety factors mandating extra the setback requirements on the rear of the lot, safety concerns about the location of a building adjacent to the channel, the improvement review process, that all the buildings would face the cul-de-sac, original drainage channel financing, current channel financing, the present and proposed channel, piping plans and costs, Mr. Popham's original channel commitment, procedures utilized in obtaining easements, the current drainage system on this parcel, the 1986 drainage ditch, impact of the 30 foot easement, ownership of the easement, potential uses which the residents may implement, and the City's access needs. Mayor Teixeira expressed his feeling that if the lots are enlarged by eliminating one, the issues would be moot while the property values increased. Mr. O'Brien felt that as the previous variance request had been approved, there were now six lots, however, could support Mayor Teixeira's proposal. Clarification indicated the location of the channel including the piped area and the open area. Lot line adjustments could be made without Board approval. Supervisor Smith supported Mayor Teixeira's suggestion. Mr. Nielsen explained

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that the adjacent zoning was for 6,000 square foot lots and if the Board did not approve the variances, the configuration would be changed and six lots developed. Discussion ensued on the pros and cons of Mayor Teixeira's proposal. (4-0755) Eugene Schwartz felt that if the access is from Arrowhead only two homes could be constructed. He then asked if he could parcel his acre and was told to check with staff. (4-0785) Joyce Swenson expressed her feeling that the Planning Commission had indicated the request was spot zoning. She felt that only three homes should be allowed on the site which would eliminate the setback problems, parking problems, as well as potential problems with the Fire Department and neighbors. She then asked if she could develop her 2-1/2 acres as residential office. She did not feel that five homes would fit on the parcel.

Supervisor Smith then moved that the Board uphold the Planning Commission's recommendation to deny the request for V-90/91-11 regarding a variance application from Jimmie Dean Popham to vary from front, side, and street side setback requirements on property zoned single family one acre located at 99 Arrowhead Drive on Assessor's Parcel No. 8-094-02. Following Mr. Cockerill's request for amendment, Supervisor Smith continued his motion to included based on the testimony given today, the facts before us, and the findings made at the Planning Commission meeting. When a second was not made, Mayor Teixeira passed the gavel to Mayor Pro-Tem Feticc and seconded the motion. Discussion ensued concerning the options available to Mr. Popham if the request was denied. By changing the configuration, six homes could still be constructed, however the single story condition would no longer be required. The motion to uphold the Planning Commission's recommended denial was voted by roll call with the following result: Bennett - Expressed her desire to allow the Applicant to reduce the number of parcels and avoid the setback variances and wish to keep the single story requirement. Mr. Cockerill explained that the only issue for consideration pursuant to the motion was to deny the setback variances. Supervisor Bennett then noted that if the Commission recommendation is upheld, the Applicant could still put in six homes due to the zoning and would not be conditioned to single story homes, therefore, she could not support the motion--No; Mayor Teixeira - Yes; Tatro - No; Smith - Yes; and Mayor Pro-Tem Feticc - No. Motion was defeated 3-2.

Mayor Pro-Tem Feticc then passed the gavel back to Mayor Teixeira. Supervisor Feticc then explained his desire to keep the one story condition and the setback alignments. Supervisor Feticc then moved that the Board approve V-90/91-11, a request from Jimmie Dean Popham to vary from front, side, and street side setback requirements on property zoned single family one acre located at 99 Arrowhead drive, APN 8-094-02, with the following conditions: 1. That all development shall be substantially in accordance with the attached site development plan; 2. All on and off site improvements shall conform to City standards and requirements; 3. The use for which this permit is approved shall commence within twelve months of the date of final approval and a building permit be issued within twelve months as well; an extension of time must be requested in writing to the Community Development Department 30 days prior to the one year expiration date; 4. Construction of dwelling units on the subject property shall be limited to one story construction; 5. The applicant must sign and return the acknowledgement of conditions for approval within ten days of receipt of notification; if the acknowledgement is not signed and returned within ten days, then the item will be rescheduled for the next Planning Commission meeting for further consideration; 6. That Parcels 3 and 4A in addition to the 30 feet drainage and public utility easement that no building shall be allowed within ten feet of that 30 foot drainage and public utility easement. Following Mr. Cockerill's request for amendment, Supervisor Feticc continued his motion to include the following findings that: 1. The proposed variance will further the objectives of the master plan: Objective 1, Recommendation 1 because of all the setback variance requests will be on property lines which either adjoin public streets or other lots within the proposed development and a 30 foot setback will be maintained along the common property lines adjoining parcels not within this development. Clarification ensued on the number of findings necessary. Supervisor Feticc continued his motion to include further development is provided without sacrificing the character and qualities identified with Carson City; Objective II, Recommendation 3 is met in that the Single Family One Acre, 30 foot rear yard setback requirement is maintained adjacent to the Single Family One Acre properties thereby integrating the older existing structures in the acre with the new development; 2. Section 18.05.081 requires the applicant to prove that granting the variance is necessary to do justice to the applicant because the current setback requirements placed upon the subject site are far more restrictive than those placed on similar sized parcels and it will make developing the property in the usual manner difficult; 3. Section

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18.02.081(1b) and Section 18.05.081 provide that the effect of the proposed variance will not be detrimental to the immediate vicinity; the proposed variance and resulting development will not produce any objectionable noise, vibrations, fumes, dust, glare or physical activity detrimental to the neighboring properties since the required 40 foot rear yard setback adjacent to the one acre parcels will be maintained; 4. Section 18.082.0539(1d) requires sufficient consideration by the developer in adopting the project to the vicinity; in the City's review of the Applicants parcel maps, several improvement conditions were placed on said map to meet City Code requirements and as such adapts the project to the vicinity's characteristics; and Condition 7. That all homes will be fronted on the cul-de-sac identified as Dean Court. Supervisor Bennett seconded the motion. Following Mr. Sullivan's request for amendment, Supervisor Feticc added to his motion that the development plans indicate a maximum of six lots but the Applicant could come in with fewer lots, which would be acceptable. Supervisor Bennett continued her second. The motion was voted by roll call with the following result: Smith - No; Tatro - Yes; Feticc - Yes; Bennett - Yes with a strong recommendation that the Applicant come back to the Planning Department with a reduced number of lots to be developed as has been strongly recommended by the Board; and Mayor Teixeira - No. Motion carried 3-2.

BREAK: A 22 minute recess was taken at 3:20 p.m. When the meeting reconvened at 3:42 p.m. the entire Board was present constituting a quorum.

B. ORDINANCE - FIRST READING (4-1147)

i. ACTION ON Z-90/91-12 REGARDING A CHANGE OF LAND USE REQUEST FROM WILLIAM AND RITA REEVES TO REZONE THREE ACRES FROM LIMITED INDUSTRIAL (LI) TO GENERAL INDUSTRIAL (GI) ON PROPERTY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF GONI ROAD AND HOTSPRINGS ROAD (APN 8-131-40) - PLANNING COMMISSION APPROVED 6-0-1-0 - The Board, staff, and Mr. Reeves discussed his plans for the site, the zoning, the navigation easement, the site location, and proposed by-pass route. Supervisor Smith moved that the Board introduce on first reading Bill No. 129, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBER 8-131-40, SAID PARCEL BEING A THREE ACRE LOT LOCATED ON THE NORTHWEST CORNER OF HOT SPRINGS ROAD AND GONI ROAD IN CARSON CITY, NEVADA, FROM LIGHT INDUSTRIAL (LI) TO GENERAL INDUSTRIAL (GI) ZONING. Supervisor Feticc seconded the motion. Motion carried 5-0.

ii. ACTION ON A-90/91-2 REGARDING A REQUEST FROM CARSON CITY TO AMEND CARSON CITY MUNICIPAL CODE SECTION 18.04.029 (ZONING) RELATIVE TO PARKING LOT LANDSCAPING STANDARDS - PLANNING COMMISSION APPROVED 5-0-2-0 (4-1420) - Mr. Sullivan and Principal Planner Rob Joiner explained the modifications, a change on Page 7, Section 8C to refer back to Section 3 which had originally been typed Section 2, and responded to Board questions concerning the amount of landscaping required and the point system. Supervisor Tatro explained a memo he had received from the State concerning its parking garage and a proposed parking lot. He questioned the landscaping requirements for it. Mr. Joiner had met with the State and they could meet the new requirements. Discussion ensued on several examples of the proposed Code requirements, mobile home park standards, maintenance enforcement, and the beautification committee's support of the proposal. Supervisor Feticc moved that the Board introduce on first reading Bill No. 130, AN ORDINANCE AMENDING SECTION 18.05.029 (PARKING LOT LANDSCAPING STANDARDS) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. (4-1830) Casey Jones explained his desire to review the right-of-way landscaping requirements with staff. He felt that if the developer was required to install and maintain the landscaping in the right-of-way, he should receive some credit for it. Mr. Joiner explained that the City and State were willing to allow landscaping in the right-of-way, however, when streets/roads are widened, the developer may not be able to meet the minimum landscaping requirement. He suggested that 20 percent could be allowed for this area and that only shrubs and ground coverings be included. Supervisor Feticc withdrew his motion and Supervisor Tatro withdrew his second. The State will not allow trees or free standing structures in their right-of-way. Discussion ensued on the proposal and allowance which should be given. Supervisor Feticc moved that the

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Board introduce on first reading Bill No. 130, AN ORDINANCE AMENDING SECTION 18.05.029 (PARKING LOT LANDSCAPING STANDARDS) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO, and correct the language on Page 7, Line 10, that Section 2 be changed to Section 3, and that Page 9 at Line 10 that language be added to landscaping plans shall not be credited more than 25 percent toward the required points. Following Mr. Joiner's request for an additional correction, Supervisor Feticc continued his motion to correct Page 8, Line 9, Section 2 be changed to Section 3. Supervisor Tatro seconded the motion. Motion carried 5-0.

Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Feticc. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Feticc passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.

13. ACTION ON APPROVAL ON CARSON CITY REDEVELOPMENT AUTHORITY FINAL BUDGET FOR FISCAL YEAR 1991-92 (4-2982) - Supervisor Bennett moved that the Board approve the Carson City Redevelopment Authority Agency Final Budget for Fiscal Year 91-92 subject to the comments indicated by the Redevelopment Authority. Supervisor Feticc seconded the motion. Motion carried 5-0.

14. ACTION ON REQUEST FROM CARSON CITY MAINSTREET TO RELEASE ALLOCATED FUNDS (4-3025) - Supervisor Bennett moved that the Board of Supervisors approve the request from Carson City Mainstreet to release allocated funds. Supervisor Feticc seconded the motion. Following Mayor Teixeira's request for amendment, Supervisor Bennett continued her motion to include in the amount of \$20,000. Supervisor Feticc continued his second. Motion carried 5-0.

15. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (4-3055 AND 7-1485)

A. STATUS REPORT AND POSSIBLE ACTION REGARDING CITY STAFF'S ABILITY TO COMMUNICATE IN SPANISH

B. STATUS REPORT AND POSSIBLE ACTION REGARDING THE CARSON-TRUCKEE WATER SUBCONSERVANCY DISTRICT AND CARSON CITY'S NOMINEES

D. STATUS REPORTS REGARDING: BOARD MEETING CHAMBERS PUBLIC ANNOUNCEMENT SYSTEM; PAYMENT PROGRAM FOR UTILITY CONNECTION FEES; PRO-ACTIVE HOUSING INSPECTION PROGRAM; CITY AGREEMENT WITH KLEINFELDER, INC., FOR A SOLID WASTE MANAGEMENT PLAN; INTEREST FREE LOANS FOR RENTAL UNITS; PROCEDURES FOR TAKING OF PURCHASE DISCOUNTS; CONSTRUCTION OF DOWNTOWN SUPER PARKING LOT; AND, CITY COLLECTION POLICIES AND PROCEDURES - All continued.

C. STATUS REPORT AND POSSIBLE ACTION REGARDING MAINTENANCE AND ON-GOING CAPITAL PROJECTS AT EAGLE VALLEY GOLF COURSES (5-0001) - Deputy City Manager Pat Sorenson introduced Consultant Bob Townsend, whose contract would terminate at the end of July. Discussion ensued among Mr. Sorenson, Mr. Townsend, Mr. Berkich, and the Board on the number of rounds played this year; the condition of the grass, sand traps, and cart paths; cart traffic control rebar status; hours of play and maintenance; status of the equipment replacement program and completion of the maintenance building; funding for cart paths; paving the clubhouse staging area; upgrading the east course irrigation system; status of the reserve account, and need for a winter play program and an equipment inventory. Supervisor Smith then expressed his feeling that the Board needed to discuss the type of management desired at the course so that bids could be sought for a Golf Pro. Discussion ensued on the broadness of Supervisor Smith's original agenda item and the direction given to the City Manager's office on that wording by the District Attorney's office.

BREAK: At 4:45 p.m. a recess was called. When the meeting reconvened at 5:30 p.m. the entire Board was

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present constituting a quorum. Staff present included City Manager John Berkich, Clerk-Recorder Nishikawa, Community Development Director Sullivan, Chief Deputy District Attorney Cockerill, City Engineer Homann, and Recording Secretary McLaughlin.

17. COMMUNITY DEVELOPMENT DIRECTOR - PLANNING COMMISSION REFERRAL - APPEAL AND REVIEW MATTERS - ACTION ON Z-90/91-8 REGARDING A CHANGE OF LAND USE FROM KINGS CANYON PARTNERSHIP TO REZONE APPROXIMATELY 4.5 ACRES OF PROPERTY FROM SINGLE FAMILY 12000 CONSERVATION RESERVE (SF12000/CR) TO SINGLE FAMILY 12000 (SF12000) LOCATED ON THE SOUTH SIDE OF KINGS CANYON ROAD APPROXIMATELY 1500 FEET WEST OF ORMSBY BOULEVARD (APN'S 7-321-01, 05/07, 09/13, 16/17, AND 9-014-21/23) - PLANNING COMMISSION DENIED 5-1-1-0 (5-0491) - Mr. Sullivan's introduction included the zoning since 1965 and reasons for the staff recommendation to approve the request. Mr. Joiner summarized the Commission's reasons for its recommendation. Discussion noted the zoning on the north side and degree of slope on the north side. (5-0829) Attorney Bill Shaw expressed his feeling that the area had been zoned SF12000 for more than 30 years. Therefore, he felt it inappropriate for the Planning Commission to have referenced its denial on the City's master plan as it would not be required to follow the master plan amendment process. Via the use of an overhead projector he explained the parcel and its zoning. The 51 unit subdivision as well as a possible development which is allowable under the zoning were then explained. The 51 unit subdivision would have three lots totally and 15 lots partially encroach on the CR zoning. Reasons for the proposed 51 unit subdivision were outlined including the topography, the original master plan, and the commitment to deed an area which could not be advantageously developed to the City or place deed restrictions upon the area. Reasons for his feeling that the master plan had no control over the proposal were outlined. Discussion ensued on split zoning, responsibility for the divided lots, procedures for developing such lots, actual number of lots being proposed for the development, the subdivision's slope, the reasons for the Planning Commission denial, the emotional issues concerning the area, status of the subdivision map, environmental concerns, Soil Conservation District comments which had been included in the conditions of approval, and the status of the hillside ordinance. Supervisor Smith expressed his concern about the slope, scarring, and hillside development. Mr. Shaw felt that the owners were offering a compromise by reducing the number of homes and avoid the topographic problems. Additionally, the conditions would address Supervisor Smith's other concerns.

(5-2190) Dick Reavis questioned the slope and grade. His concern related to the storm runoff, scarring, amount of grading required for development, erosion, and opposed the proposed plan. (5-2272) Ron Silva felt the proposal compromised his area. He felt the development would negatively impact the Kings Canyon residents. He urged moderation in developing the area buffering the national forest. He felt the area supported a large portion of the City's taxes but lacked City services to justify the rate. The development indicated poor planning and was irresponsible. His property values would decrease and he would refuse to pay the taxes at the present rate. He urged the Board to prohibit the development and explained his knowledge of an area in San Francisco which became a park rather than a huge development. He felt that the Long's logging proposal had been accepted as a mean of allowing them to function even though it had not been in the best interest of the residents. He compared "C" Hill to Slide Mountain. He felt the site was a recreational benefit. Mr. Silva then expressed his surprise that the area had been zoned SF12000. He felt that his request merely denied the development as not being in the best interest of the City and would not force the City to procure it. (5-2850) May Ruth French expressed her feeling that the schools and City services could not support the increased development. She urged the Board to develop it as "country mountain" if absolutely necessary. Development should not be allowed until the hillside ordinance has been adopted. (5-2993) Jim Robertson explained where he resides, flooding problems occurring in his area, and concern about the storm drainage. Supervisor Feticc noted that the storm drainage would be an issue the developer would have to address before construction occurs. Mr. Robertson stated that until the storm drainage is improved, he would oppose the project. (6-0028) Betty Ihfe explained her residency in Carson City and opposition to the proposal as well as other canyon development. She urged the Board to visit the site and visualize the development. Her poll of the audience indicated the majority opposed the proposal. Clarification noted that the zone change affected only a small portion of the area. She felt that a committee should be established to work with the owners on the development plans which would be more beneficial to the community. Discussion ensued between Mr.

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Sullivan and Supervisor Bennett concerning the need to update the master plan. Ms. Ihfe expressed her desire to have written commitments concerning the type of development which would be allowed. She, as well as many other residents, was surprised to learn that the property was not zoned agricultural. Mr. Shaw then explained that they were willing to consider any CC&R's proposed, however, noted that none of the other Canyon residents have them. The impact created upon the Longs when Ms. Ihfe constructed in the area was also noted. CC&R's at this stage were felt to be very premature. Mr. Sullivan explained that the master plan had continued to carry this area as SF12000 and if density is changed, it is done through the master plan process. When the master plan considering changing the area to SF7000, a compromise was reached between those wishing to keep it CR and the SF12000 zoning was adopted along the valley/meadow and arterials. He had also been surprised at the 1965 SF12000 zoning. Supervisor Bennett then stated that the master plan process would be the time when the residents should provide their input on how the area should be developed. Discussion ensued concerning the current zoning on the master plan. (6-0452) Nancy Dreyer expressed her feeling that the City was being forced to live with a 30 year old environmental mistake. She felt the land was environmentally sensitive and urged the Board to deny the request based on the environmental impact development would create. There are other "flat lands" which should be developed. Supervisor Feticc felt that the public had the misconception that the Board as a whole wanted the development. He felt that each individual Board member had his own reasons for not wanting to see the area developed, however, the only way the Board could retain the present usage would be to purchase it. Ms. Dreyer felt this was the appropriate measure to be taken. Supervisor Feticc then explained that this rationale could be used for the remainder of the City and that the City did not have the funding to do it. Ms. Dreyer felt that to allow the development merely perpetuated a mistake. (6-0595) Bill Vance felt that the denial could be based on traffic and drainage, which were a large problem for the area. The original one area development plan should be followed. He felt that staff had failed to prove when the property was rezoned to E-1, which is now SF12000. Mr. Sullivan responded by explaining the adoption of 1969 rezoning map which had indicated the property was SF12000. His original research request had been only concerning the 1978 zoning action, which he displayed. Mr. Cockerill explained the 1978 ordinance adopting the zoning map and the statutory restrictions on challenges to zone changes. Therefore, the 1978 zoning is valid and should be upheld. Mr. Vance felt that the people who had resided in the area for more than 40 years had never been notified of the zoning change. He suggested that it had been drawn on the map and accepted as the case without any legal basis or vote. He felt that as there has been development of one acre lots, such zoning should be upheld and the request for split zoning denied. He felt that the proposal indicated all of the lots were buildable whereas reality indicated otherwise. He urged the Board to deny any rezoning of the mountain based on the topographical problems related thereto and lack of two subdivision accesses. He could not understand how the staff could recommend an item denied by its Commission. (6-0976) Calvin Jones expressed his feeling that the development was half acre tracts. He felt that the developer should be allowed to utilize the CR area if it reduces the number of homes. He felt the topography was not as steep as visually indicated from the street. Mr. Sullivan explained the parcel maps on the area abutting Kings Canyon Road which are for one acre parcels. The procedures to change that area were explained. Mr. Shaw explained the reasons the parcels had not been developed. Mr. Sullivan then explained reasons for supporting the SF12000 zoning. (6-1263) Gigi Carlson presented some area photographs to the Board (later given to the Clerk for the record). She then expressed her concern that not all the information required at the Planning Commission had been submitted. She felt that it was necessary to have the CC&R's with the application in order to know how the area would be developed. "C" Hill is a prominent historical site which should not be scarred for the benefit of the developer. Even though the zoning had been created 30 years ago, the mistake should not be perpetuated. Clarification noted that the condominiums were not a portion of the request. Only 51 lots were being proposed. If the request is denied, 60 homes could be constructed. Ms. Carlson felt that if the City did not have adequate hillside ordinances, construction may occur on lots which should not support it. Access concerns were also noted. (6-1441) Sherry Jones explained her knowledge of zoning and zoning issues. She agreed that the slope from the top of the area which would be developed is not as severe as indicated from the street. She felt that the proposed zoning and development was not compatible with her site. She also commented on the ad valorem taxes paid in the area, need for CC&R's, and the two access requirement. She supported the request to change the five areas. (6-1612) Mr. Shaw responded by expressing his feeling that individuals had been trespassing on the property of years, had developed their sites and now wanted all future development stopped, and reasons for the development plans. He offered to sell the property to anyone including Mr. Silva or in accordance with his proposal. The lot

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sizes were elaborated. (6-1752) Mr. Silva responded by expressing his feeling that the City should not have to purchase the property as the Longs should "read the writing on the wall" and "give up".

(6-1826) Supervisor Smith acknowledged that he may have been trespassing when he walked the site, the issue under discussion, and reasons he could not support the proposal. Supervisor Bennett then expressed her feeling about the issue under consideration and the need for a slope ordinance. Supervisor Tatro expressed his feeling that the change of land use and the subdivision plans were to have been submitted together. He could support a trade for five acres in the SF12000 zone for five acres in CR but could not support the proposal to merely remove five acres from the CR. Mr. Cockerill noted that the trade was not a part of the proposal. Mayor Teixeira expressed his feeling that the original "trade" had been for a larger area, his shock at learning the zoning, reluctance to see the steep five acres developed, and that the developer would not develop the steep five acres.

Mr. Shaw responded by expressing his willingness to continue the matter. The map and zone change had been discussed by the Planning Commission. The map had been withheld pending the final decision on the zone change due to the costs related to bringing it forward. He was willing to continue the matter and bring back the map. Reasons for his recommendation and its merits were discussed. Mayor Teixeira felt the CC&R's should be included with the package.

Supervisor Feticc moved that the matter be continued until the first regular meeting in July at which time the request to the land use change will be presented before the Board as well as the preliminary maps and drawings of the proposed project. Discussion ensued concerning whether this was adequate time and the next meeting date. Supervisor Feticc then withdrew his motion.

(6-2525) Ms. Ifhe expressed her feeling that the zoning change and subdivision map had been discussed by the Planning Commission and the subdivision map had been withdrawn by the Applicant.

Supervisor Tatro reiterated his reasons for wishing to have both issues considered at the same time. Supervisor Tatro then moved to continue Z-90/91-8, a change of land use request, until the tentative subdivision plan for this parcel can be brought back to the Board of Supervisors with the change of land use application. Supervisor Feticc seconded the motion. Mr. Shaw agreed to the stipulation. The motion was then voted and carried 5-0.

BREAK: At 8 p.m. a ten minute recess was declared. When the meeting reconvened at 8:10 p.m. the entire Board was present constituting a quorum.

Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Feticc. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Feticc passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.

18. ACTION ON IMPLEMENTING ONE-WAY OPERATION, PAVEMENT WIDENING, AND PARKING IMPROVEMENTS ON VARIOUS DOWNTOWN CITY STREETS (7-1495) - Following discussion on the need to uphold the Redevelopment Authority's action, Mayor Teixeira passed the gavel to Mayor Pro-Tem Feticc and moved to uphold and carry through the proposal of the Redevelopment Authority as it pertains to the one-way operation. Supervisor Smith seconded the motion. Comment was solicited but none made. Motion carried 4-1 with Supervisor Tatro voting Naye. Mayor Pro-Tem Feticc returned the gavel to Mayor Teixeira.

16. A. DISCUSSION AND POSSIBLE ACTION REGARDING 1991 LEGISLATIVE MATTERS (7-1504) - Mayor Teixeira noted AB 146 passed out of the Assembly and would be heard by the Senate on Saturday.

Supervisor Bennett moved to adjourn. Supervisor Feticc seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 9:10 p.m.

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The Minutes of the June 20, 1991, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 1991

Tom Feticc, Mayor Pro-Tem

ATTEST:

Kiyoshi Nishikawa, Clerk-Recorder