

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 21, 1991, Meeting after 10 a.m.
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A regularly session of the Carson City Board of Supervisors was held on Thursday, November 21, 1991, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT:	Marv 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
	Charles P. Cockerill	Chief Deputy District Attorney
	Ted Berrum	Division Chief
	Katherine McLaughlin	Recording Secretary (after 10 a.m.)

(B.O.S. 11/21/91 Tape 2-0001)

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. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

5. FIRE CHIEF - Division Chief Ted Berrum - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE TO AMEND CARSON CITY MUNICIPAL CODE SECTION 14.04.070 TO REVISE CERTAIN DISTRICT LIMITS FOR THE GROUND STORAGE OF FLAMMABLE LIQUIDS IN THE PUBLIC ZONING DISTRICT - Supervisor Smith moved that the Board introduce on first reading Bill No. 164, AN ORDINANCE AMENDING SECTION 14.04.070 (DISTRICT LIMITS--STORAGE OF FLAMMABLE LIQUIDS) OF THE CARSON CITY MUNICIPAL CODE. Supervisor Bennett seconded the motion. Motion carried 5-0.

6. CLERK-RECORDER - Kiyoshi Nishikawa

A. ACTION ON APPOINTMENT TO THE CHARTER REVIEW COMMITTEE (2-0035) - Supervisor Tatro nominated May Ruth French as his appointee. Clarification indicated Assemblymen Dini's and Elliot's nominees had withdrawn. Their appointments would be made at the next meeting. Supervisor Tatro moved to appoint Joan Andreas, Marie Wolfe, Don Carlson, May Ruth French, Gale Thomssen, Steve Hartman, Pat Jackson, Don Amodei, and Tom Perkins to the Charter Review Commission. Supervisor Fettic seconded the motion. Motion carried 5-0.

B. ACTION ON REQUEST TO AUTHORIZE LEAVE WITHOUT PAY FOR PATRICIA BARNES (2-0078) - Ms. Barnes was requesting a leave without pay until the end of the year. Supervisor Smith moved that the Board approve an extended leave of absence without pay for Patricia Barnes. Supervisor Tatro seconded the motion. Motion carried 5-0.

7. COMMUNITY DEVELOPMENT DIRECTOR - Principal Planner Rob Joiner and Senior

Planner Juan Guzman

A. PLANNING COMMISSION REVIEW AND APPEAL MATTERS

i. ACTION ON U-91/92-17 REGARDING A SPECIAL USE PERMIT APPLICATION FROM BETHLEHEM LUTHERAN CHURCH TO ALLOW CONSTRUCTION OF A 15,300 +/- SQUARE FOOT ELEMENTARY EDUCATION BUILDING WITH ADDITIONAL PARKING AND PLAYGROUND AREAS ON PROPERTY ZONED SINGLE FAMILY 6000 (SF6000), LOCATED AT 1837 MOUNTAIN STREET (APN 1-111-27); AND TO ALLOW THE RELOCATION OF A BUILDING FROM 1837 MOUNTAIN STREET (APN 1-111-27) TO THE SOUTHWEST CORNER OF IVY STREET (ON APN'S 1-111-28, 30, 31, AND 32) - PLANNING COMMISSION APPROVED 6-0-1-0) (2-0110) - Scheduled for 1:30 p.m.

BREAK: At 10:10 a.m. a five minute recess was taken. When the meeting reconvened at 10:15 a.m. the entire Board was present constituting a quorum.

ii. ACTION ON M-91/92-5 REGARDING AN ABANDONMENT REQUEST FROM MAX AND MARY MCCOMB TO ABANDON TWO PUBLIC UTILITY EASEMENTS, EACH APPROXIMATELY FIVE FEET BY 120+/- FEET, LOCATED AT 481 HOT SPRINGS ROAD (BETWEEN APN'S 2-071-36 AND 37) - PLANNING COMMISSION APPROVED 7-0-0-0 (2-0145) - Supervisor Fettic moved that the Board uphold the Planning Commission decision to approve M-91/92-5, Request for Abandonment of Utility Easements. Supervisor Tatro seconded the motion. Motion carried 5-0.

iii. ACTION ON M-91/92-6 REGARDING AN ABANDONMENT REQUEST FROM EAGLE VALLEY CONSTRUCTION COMPANY TO ABANDON TWO PUBLIC UTILITY EASEMENTS, EACH APPROXIMATELY FIVE FEET BY 402.5 FEET LOCATED ON THE NORTHEAST CORNER OF DEER RUN ROAD AND SHEEP DRIVE (BETWEEN APN'S 8-521-43 AND 44) - PLANNING COMMISSION APPROVED 7-0-0-0 (2-0175) - Supervisor Tatro moved to uphold the Planning Commission recommendation to approve M-91/92-6, a request for abandonment of utility easements. Supervisor Smith seconded the motion. Motion carried 5-0.

iv. ACTION ON S-91/92-2 REGARDING A REQUEST FROM RICHARD SCOTT TO AMEND THE CONDITIONS OF APPROVAL PLACED ON A PREVIOUSLY APPROVED TENTATIVE SUBDIVISION APPLICATION, S-91/92-2 (EMPIRE TERRACE) ON PROPERTY ZONED GENERAL COMMERCIAL (GC) LOCATED APPROXIMATELY 185 FEET EAST OF THE INTERSECTION OF SHERMAN LANE AND PANAMINT DRIVE (APN 8-795-19) - PLANNING COMMISSION APPROVED 7-0-0-0 (2-0200) - Mr. Joiner explained the misunderstanding concerning the project contractor. Clarification indicated the developer would still be subject to conditions and plans as approved. As the economy would not allow construction of the entire project at one time, it would be phased. The site plan would have to be utilized by any future developer. The amendment would allow for construction by others. Supervisor Smith moved that the Board uphold the Planning Commission's decision to approve S-91/92-2 to amend conditions of a tentative subdivision application. Supervisor Tatro seconded the motion. Motion carried 5-0.

v. ACTION ON MPA-91/92-6 REGARDING A MASTER PLAN AMENDMENT REQUEST FROM RICHARD SCOTT (PROPERTY OWNER: AUDREY BELL VINCENT) TO AMEND THE MASTER PLAN LAND USE DESIGNATION FROM INDUSTRIAL AND AGRICULTURE TO HIGH DENSITY

RESIDENTIAL ON APPROXIMATELY 7.5 ACRES OF LAND ZONED MULTI-FAMILY APARTMENT (MFA) AND SINGLE FAMILY 21000 (SF21000) LOCATED SOUTH OF PHEASANT DRIVE, EST OF NORTH EDMONDS DRIVE, AND NORTH OF LEPIRE DRIVE (PORTION OF APN 10-032-24) - PLANNING COMMISSION DENIED 7-0-0-0

vi. ACTION ON Z-91/92-6 REGARDING A CHANGE OF LAND USE REQUEST FROM RICHARD SCOTT (PROPERTY OWNER: AUDREY BELL VINCENT) TO REZONE APPROXIMATELY 7.5 ACRES OF LAND FROM SINGLE FAMILY 21000(SF21000) TO MULTI-FAMILY APARTMENT (MFA) LOCATED SOUTH OF PHEASANT DRIVE, EAST OF NORTH EDMONDS DRIVE AND NORTH OF LEPIRE DRIVE (APN 10-032-24) - PLANNING COMMISSION 7-0-0-0 (2-0305) - Supervisor Smith explained his ownership of property in this vicinity and his inactive membership in one of the Associations opposing the project. He did not feel that this would present a conflict for him to vote on the issue. (2-0355) Dick Scott used a map to detail the zoning, the master plan designations, and his reasons for requesting a change. His comments noted the opposition from residents was due to their feeling that the zoning was SF21000 which had not considered the fact that a majority of the property was zoned multi-family apartment. Attempts to reach a compromise with the neighbors had been to no avail. He urged the Board to bring the zoning on the seven acres into conformance with the master plan. He would then request the Board to delete the portion of the application dealing with rezoning the master plan designation on the remaining portion of the property. Clarification by staff indicated his presentation was similar to that made to the Planning Commission. His proposal merely left out the agricultural and industrial areas. Staff also explained the current zoning and the master plan zoning. The agricultural area is developable although its terrain would cause some problems.

(2-0765) May Ruth French opposed any increased density and urged the Board to stay with the original 21000 square foot zoning. She questioned the value of master plan currently being used by the City due to the constant changes being made to it. She felt City services were stretched to their limit now and that any increase in density would benefit low income families but provided additional income to the builder. Supervisor Bennett responded by noting that firms considering relocation to an area needed to consider the housing availability for its employees as part of the criteria utilized in this evaluation of areas. The lack of apartments available for rent in the City was noted to justify the extension of the apartment corridor found along Edmonds. She also felt that the proposal supported the need to update the master plan and urged the Commission to consider this issue as early in 1992 as possible. Residential opposition was outlined by Mr. Joiner. He, too, supported updating the master plan and suggested the possibility of having a business park in this vicinity.

(2-0975) Richard Waiton noted Jim Watts' letter to the Editor in yesterday's Nevada Appeal and expressed his feeling that the original master plan restricted commercial development to the northeast area of the City. The current program appeared to disregard this commitment and was in fact piecemealing commercial zoning throughout the City. The lack of adequate space in the elementary school was also noted as a reason to deny the request.

Supervisor Fettic moved that the Board uphold the Planning Commission decision to deny Z-91/92-6 regarding a change of land use under specific Section 18.02.053(1a) and 18.05.093(4) as the proposal is not in keeping with Objective I, Recommendation 1; Objective II, Recommendation 10 because the proposed amendment could sacrifice the character and qualities of the City and could create potential conflicts with the adjacent land uses; Section 18.02.053(b) as the proposed change of land use master plan amendment could create an area of high population that could impact on the social well being of the immediate neighborhood; Section 18.02.053(1c) as the proposed project would create a unacceptable level of noise, dust, and traffic congestion in the area; and Section 18.02.053(1d) as the proposal will be inconsistent in nature with the existing improvements in the area and will have a long standing negative impact on the immediate neighborhood. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Ayes - Tatro, Fettic, Bennett, Smith, and Mayor Teixeira. Nays - None. Motion carried 5-0.

Supervisor Fettic moved that the Board of Supervisors uphold the Planning Commission decision to deny MPA 91/92-6 regarding a Master Plan Amendment request based on the findings spelled forth in the denial of the zoning application. Supervisor Tatro seconded the motion. Following Mr. Cockerill's request for an amendment, Supervisor Fettic amended his motion to include the following findings, pursuant to NRS requirements that the master plan amendment will be in conflict with the objectives and recommendations of the master plan: Objective I, Recommendation 1 and 3: The proposed master plan amendment would sacrifice the character and qualities identified with Carson City and does not make adequate consideration in the allocation of the City's land resources or consider the potential for land use conflicts; and Objective II, Recommendations 1, 2, and 9: the proposed project does not advocate a mixture of land use that is compatible or adds to the economic and social diversity of the City and is not consistent with the objectives of the master plan pursuant to NRS 278.0272(8). Supervisor Bennett seconded the amended motion. Supervisor Fettic continued his motion that the proposed master plan amendment could create land use conflicts which would not be in the best interest of the people of Carson City and create a living situation unacceptable to the people living in the immediate vicinity. Supervisor Bennett continued her second. Motion was voted by roll call with the following result: Ayes - Smith, Tatro, Fettic, Bennett, and Mayor Teixeira. Nays - None. Motion carried 5-0.

B. ORDINANCE - FIRST READING - ACTION ON A-91/92-5 REGARDING A REQUEST FROM CARSON CITY TO AMEND CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY SECTION 18.06.059 TO ALLOW BED AND BREAKFAST INNS AS A CONDITIONAL USE IN THE SINGLE FAMILY 6,000 (SF6000) DISTRICT WITHIN THE HISTORIC DISTRICT - PLANNING COMMISSION APPROVED 7-0-0-0 (2-1185) - Supervisor Tatro moved that the Board introduce Bill No. 165 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 18.06.059 (CONDITIONAL USES) BY ADDING BED AND BREAKFAST AS A LIMITED CONDITIONAL USE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

C. OTHER MATTERS

i. ACTION ON A RESOLUTION INCORPORATING PROPERTIES INTO THE CARSON CITY HISTORIC DISTRICT (2-1230) - Mr. Joiner's introduction noted Dr. Baggett's opposition to the proposal. Historic Architectural Review Committee Chairperson John Copoulos read the findings made to support the Resolution. His comments emphasized that inclusion of the District would not restrict or prohibit the owner's right to develop the property or building utilization. The Committee would only review the building design to determine its massing to scale and character of the structure. Discussion ensued among staff, Mr. Copoulos, Senior Planner Juan Guzman, and the Board on HARC's review and items of consideration in the expansion plans, impact of a historical designation on the market value, the buildings adjacent to Dr. Baggett's property, pros and cons of having these parcels in the District, the District's boundary line, and the 1987 Ordinance including these parcels in the District. Dr. Rex Baggett introduced his partner Nancy Soong and noted that he, Ms. Soong and Colin Soong own the property. He then explained his opposition to being included in the District. He stated that he would have opposed the proposal had he been aware of it in 1987. He felt that Mountain and Washington should be maintained as the boundary for the Historic District and the medical district. He felt that the one building recently developed under HARC had not been the "peaches and cream" inferred. Dr. Baggett felt that another layer of bureaucracy was not warranted. Discussion among the Board and staff ensued on reasons for including his site in the District, reasons a medical zone was no longer in the Code, and offered a compromise which removed Dr. Baggett's site from the District. (2-2025) Richard Waiton expressed his feeling that the Historic Society should not be allowed to dictate utilization of the area. Mayor Teixeira explained that this had not been the intent of the Committee. The desire had been to have integrity in future development so that it would blend with its surroundings. Supervisor Smith moved that the Board adopt Resolution 1991-R-60, A RESOLUTION INCORPORATING PROPERTIES INTO THE CARSON CITY HISTORIC DISTRICT as proposed with the exception of Assessor's Parcel No. 1-201-11. Supervisor Feticc seconded the motion. Motion carried 5-0.

ii. DISCUSSION AND POSSIBLE ACTION ON THE CONDITIONS, APPEARANCE AND MAINTENANCE OF BUSINESSES LOCATED ON HIGHWAY 50 (2-2095) - Mayor Teixeira explained his tour along Highway 50 and his concern about its appearance. Supervisor Bennett explained TRPA's aesthetic ordinances and the role of a consultant in the program. Mr. Joiner further explained this program. This is a lengthy process which could begin only with cooperation from the businesses. Some of the problems could be addressed through Code enforcement. Mayor Teixeira's comments stressed the need to work with the Chamber of Commerce to resolve the situation. Carson City Chamber of Commerce Executive Vice President Larry Osborne acknowledged the need to address the situation and expressed his willingness to work with the Board. He urged the Board to utilize ordinances already on the books to address some of the problems and to exercise caution when considering TRPA procedures. (2-2522) Ron Knecht urged the Board to implement the ordinances already on the books before proceeding. Landscaping was needed. Once the enforcement begins, the businesses would fall in line. TRPA procedures would be prohibitive along the highway. Board consensus supported directing staff to proceed to mitigate those issues already in the Code and to work with the business community and the Chamber to address the balance. A report is to be

made to the Board in 30 days. No formal action was taken.

iii. DISCUSSION AND POSSIBLE ACTION ON OUTSIDE STORAGE CONDITIONS IN CARSON CITY (2-2665) - Mayor Teixeira then explained his tour of the rest of the City and cited several storage areas which he felt needed to be addressed. He suggested screening such sites. Mr. Waiton suggested the old cars in front of and in the yards be addressed. Mayor Teixeira explained that he had not toured neighborhoods. Clarification indicated that the old cars were being addressed under a separate procedure. Mr. Waiton felt that Public Works employees should locate these situations while performing their normal duties around the City. Mr. Berkich noted the Neighborhood Beautification Council's efforts to establish a standard on the number of vehicles allowed at a residence. Ms. French expressed her feeling that decorative walls and fences be utilized instead of landscaping due to the drought conditions. Supervisor Tatro expressed his support for additional trees due to the oxygen needs of the planet. He then expressed a concern about the location of outside sales areas in parking lots and the pedestrian hazards he has seen with such sales. He felt such areas should be roped off from the parking lot which could eliminate a portion of these conflicts. Clarification noted the Supply One issue would be addressed at the next Planning Commission meeting. No formal action was taken.

BREAK: A lunch recess was taken at 11:45 a.m. When the meeting reconvened at 1:30 p.m., a quorum of the Board was present although Supervisor Bennett was absent.

A. i. ACTION ON M-91/92-5 REGARDING AN ABANDONMENT REQUEST FROM MAX AND MARY MCCOMB TO ABANDON TWO PUBLIC UTILITY EASEMENTS, EACH APPROXIMATELY FIVE FEET BY 120+/- FEET, LOCATED AT 481 HOT SPRINGS ROAD (BETWEEN APN'S 2-071-36 AND 37) - PLANNING COMMISSION APPROVED 7-0-0-0 (3-0032) - Mayor Teixeira explained the rescheduling of this issue and apologized for the delay. Mr. Joiner explained the request and responded to the Board questions about presentations being made to the Board which had not been submitted to the Commission. As this was not new information from the Application, the Board could hear the appeals. Opposition was based on the increased traffic and pedestrian hazards created by the school expansion.

(3-0150) Sylvia Branstetter used a copy of an article in the Nevada Appeal which she felt was indicative of the traffic volume which would be created by the projected student and day care enrollment. She questioned whether the Church parking lot could accommodate all of the cars. Utilization of the Fritsch Elementary School and its related traffic volume emphasized her concerns about the proposed school's influx in traffic. She felt the Traffic Engineer's count at 4 and 5 p.m. was not during the peak period. She urged the Board to require an impact study by a qualified traffic engineering firm before each expansion is constructed. Mitigation measures could then be required. (3-0275) Ronald Branstetter advised the Board that in 1991 - 73 citations had been issued and five accidents had occurred on Mountain Street. He felt the majority of the traffic problem surrounded the school and noted the Church's history of needing to expand. (3-0310) William J. Murphy questioned whether the Baptist Church would be allowed to expand and add a school on its site at Bath and Mountain. (Supervisor Bennett arrived at 1:45

p.m. A quorum was present.) (3-0335) Kelly Johnson was concerned about the children's safety due to the traffic volume. She felt that the truck traffic required to supply the Church's lunch program had not been included in the volume. Trucks are double parking to unload supplies now. (30364) Ralph Phillips expressed his feeling that an adequate traffic study had not been completed. (3-0395) Jenny Blank expressed her safety concerns when attempting to leave her driveway as well as for the children. She also stressed her feeling that an additional school would further negatively impact her single family residence.

City Engineer Tim Homann responded by explaining issues considered in his evaluation of the traffic. He did not feel that the increased volume would negatively impact its level of service. He acknowledged the street's utilization as a collector which created an impact on the residents. His traffic count supported his assessment that the level of service would not be dropped substantially. If directed by the Board, he would accept a traffic study.

(3-0565) Bethlehem Lutheran Church Representative John Copoulos and School Principal John Gamble responded to the Board's questions on its expansion plans, projected school enrollment, present pre-school figures, development plans, traffic flows, and School District plans to transfer some of the Fritsch School students to other schools which may reduce the traffic impact on the area.

(3-0901) Mrs. Branstetter responded by expressing her feeling that Mr. Homann's 24 hour traffic study was not addressing her traffic concerns which is the peak hour of 7:30 a.m. to 8:30 a.m. Traffic generated by the college was also noted. Mayor Teixeira expressed the hope that when Graves Lane is opened, it would mitigate some of this traffic. He also stressed his view that this is one more justification for the By-Pass. Ms. Branstetter continued to stress her concerns related to the traffic.

Supervisor Tatro then expressed his sympathy for the residents created by the traffic problems, however, felt that an increase in the school already located at the site would not change this situation. He, too, felt that the By-Pass was the only answer to this situation. He preferred to have the Church construct the new schools rather than the School District as the church did not burden the taxpayers. Supervisor Tatro then moved that the Board of Supervisors uphold the Planning Commission's decision to award Special Use Permit U-91/92-17 to the Bethlehem Lutheran Church to allow construction of 15,300 square foot elementary education building with additional parking and playground areas on properties zoned single family 6000 located at 1837 Mountain Street, Assessor's Parcel No. 1-111-27 and to allow the relocation of a building from 1837 Mountain Street, Assessor's Parcel No. 1-111-27, to the southwest corner of Ivy on Assessor's Parcel No. 1-111-28, 30, 31, and 32. Supervisor Bennett seconded the motion. Comments were solicited but none made. Motion was voted by roll call with the following result: Ayes - Smith, Bennett, Fetic, Tatro, and Mayor Teixeira. Nays - None. Motion carried 5-0.

Mayor Teixeira then acknowledged the concerns expressed by the residents and explained the Board's efforts to mitigate same. He noted the Board's

responsibility to weigh the entire community's benefits even though it impacted those present. He commended all on their presentations.

BREAK: A ten minute recess was taken at 2:10 p.m. When the meeting reconvened the entire Board was present constituting a quorum.

8. PUBLIC WORKS - Director Dan O'Brien and City Engineer Tim Homann.

A. STATE OF NEVADA DEPARTMENT OF TRANSPORTATION - ACTION ON PRESENTATION OF THE NEVADA DEPARTMENT OF TRANSPORTATION THREE TO TEN YEAR PLAN (3-1125) - Mr. O'Brien introduced Nevada Department of Transportation District Engineer Richard J. Nelson and Director Ron Hill. Mr. Hill introduced Assistant Director for Planning Pete McKey. He then reviewed the plan. Expressway 2000 was added to the plan. His comments stressed the need for Congress to re-authorize the Federal Highway Act. The two bills in Congress were outlined. Written comments were solicited for presentation to the Commission as well as an invitation to attend. Mayor Teixeira explained the attendance at Expressway 2000 meeting, the need for the By-Pass, and its Regional support. Discussion ensued among the Board, Mr. Hill, Mr. Homann, and Mr. O'Brien on Graves Lane, the status of the signal intertie program, streets included in this program, status of 395 and Winnie Lane intersection left turn lane, Stewart and 395 improvements, Graves Lane and 395 signalization, increased utilization of Hot Springs and Nye Lane, status of the By-Pass right-of-way acquisition, Congressional funding for the By-Pass acquisition, and the 14 cent Federal gas tax fund. Mr. Berkich requested the report reflect the new concept--an at-grade expressway--for the By-Pass rather than the original plan for a "freeway". Mr. Hill agreed to change it. Mayor Teixeira and Supervisors Fettic and Bennett commended him and his staff on their cooperative efforts and the report. No formal action was taken by the Board.

B. ADMINISTRATIVE MATTER - ACTION ON APPOINTMENT OF DANIEL A. LECK, MAI, TO PERFORM APPRAISAL WORK FOR ARROWHEAD DRIVE EASEMENTS (3-1875) - Mr. O'Brien showed a map indicating the area to be surveyed. Mr. Berkich then explained the negotiation process with Mr. Serpa, the resulting agreement on the selection of Mr. Leck, and the procedure to be utilized in the appraisal. Supervisor Smith moved that the Board appoint Daniel A. Leck, MAI, as the appraiser for the Arrowhead Drive Easements and to direct the Purchasing Department to prepare and execute the appropriate agreement for services, fiscal impact \$5500, funding source is account 101-3005-430-03-09. Supervisor Fettic seconded the motion. Motion carried 5-0. Mr. O'Brien noted that Mr. Serpa would reimburse the City half of the fee.

C. REGIONAL TRANSPORTATION COMMISSION MATTERS - Mr. Homann explained that RTC had reviewed and recommended each of the following items.

i. ACTION TO AMEND AGREEMENT NO. P/R 138-91-010, THE COOPERATIVE AND INTERLOCAL AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE NEVADA DEPARTMENT OF TRANSPORTATION, CARSON CITY, AND J.H.K. ASSOCIATES FOR THE CARSON CITY VEHICLE MANAGEMENT STUDY (3-1985) - Mr. Homann's introduction included NDOT's role and reasons for the amendment. Supervisor Bennett moved that the Board

of Supervisors accept the Regional Transportation Commission's recommendation to approve Amendment No. One to Agreement No. P/R 138-91-10, the Cooperative and Interlocal Agreement for Engineering Service between The Nevada Department of Transportation, Carson City, and J.H.K. Associates for the Carson City Vehicle Management Study, funding source: RTC Funds - \$3500, Account No. 250-3035-431-77-63. Supervisor Tatro seconded the motion. Motion carried 5-0.

ii. ACTION TO APPROVE CHANGE ORDER NO. 1 TO CONTRACT NO. 9091-304, SALIMAN ROAD IMPROVEMENTS (3-2092) - Discussion ensued concerning staff's allocation of a portion of the cost to RTC for work done on the Water Utility facilities. Supervisor Fettic moved that the Board approve and authorize the Mayor to sign Change Order No. 1 to Contract No. 9091-304, Saliman Road Improvements, in the amount of \$8,567.77, funding source is RTC Funds. Supervisor Tatro seconded the motion. Motion carried 5-0.

iii. ACTION TO APPROVE CHANGE ORDER NO. 2 TO CONTRACT NO. 9091-304, SALIMAN ROAD IMPROVEMENTS (3-2301) - The allocation of a portion of the cost for the Sewer Utility telemetry cable relocation to the RTC project was discussed at length. Supervisor Bennett moved that the Board reconsider the recommendation of the Regional Transportation Commission and deny authorization of Change Order No. 2 to Contract No. 9091-304, Saliman Road improvements, for an increase of \$10,752, as she did not feel that there was any problem with the \$1,220, which was a legitimate area, that the \$10,752 was for a telemetry relocation on the Saliman Road improvements, and direct the Utility Department to absorb that cost. Clarification indicated that Supervisor Bennett's motion would authorize the payment of \$1,220 by RTC and the payment of \$10,752 by the Sewer Utility. Motion died for lack of a second. Supervisor Smith then moved that the Board approve and authorize the Mayor to sign Change Order No. 2 to Contract No. 9091-304, Saliman Road Improvements, for an increase in the amount of \$11,792, funding source is RTC Construction Funds. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Bennett - No; Fettic - Yes; Tatro - Yes; Smith - Yes, and Mayor Teixeira - Yes. Motion carried 4-1.

iv. ACTION TO APPROVE CHANGE ORDER NO. 1 TO CONTRACT NO. 9192-20, DORI WAY IMPROVEMENTS (3-2707) - Supervisor Smith moved that the Board approve and authorize the Mayor to sign Change Order No. 1 to Contract No. 9192-20, Dori Way Improvements, for an increase in the amount of \$6,578.90, funding source to RTC Funds. Supervisor Fettic seconded the motion. Motion carried 5-0.

v. ACTION TO APPROVE CHANGE ORDER NO. 2 TO CONTRACT NO. 9091-219, FAIRVIEW DRIVE IMPROVEMENTS (3-2862) - The delay in bringing the matter to the Board was included in the introduction. Supervisor Tatro moved that the Board approve and authorize the Mayor to sign Change Order No. 2 to Contract 9091-219, Fairview Drive Improvements, in the amount of \$15,500.30. Supervisor Smith seconded the motion. Motion carried 5-0.

Mr. O'Brien commended Mr. Brotzman on his efforts in trying to solve the issues and work with the residents on Dori Way and Saliman.

D. ORDINANCES - SECOND READING

i. **ACTION ON BILL NO. 160, AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR SNAP-ON-TOOLS, LOCATED AT 1880 FAIRVIEW DRIVE (3-3091)** - Supervisor Tatro moved that the Board adopt Ordinance No. 1991-58 on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SNAP-ON-TOOLS REGARDING ASSESSOR'S PARCEL NO.S 10-051-12 AND 10-051-13 LOCATED AT 1880 FAIRVIEW DRIVE, CARSON CITY, NEVADA. Supervisor Fettic seconded the motion. Motion carried 5-0.

ii. **ACTION ON BILL NO. 161, A SEWER MAIN REIMBURSEMENT ORDINANCE AND AGREEMENT FOR WILLIAM L. REEVES, LOCATED AT GONI ROAD AND HOT SPRINGS ROAD (APN'S 8-131-28, 29, AND 30 AND 8-131-40) (4-0040)** - Supervisor Tatro moved that the Board adopt Ordinance No. 1991-59 on second reading, AN ORDINANCE APPROVING A SEWER MAIN REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND WILLIAM L. REEVES REGARDING ASSESSOR'S PARCEL NO. 8-131-28, 8-131-29, 8-131-30 AND 8-131-40, LOCATED ON GONI ROAD, CARSON CITY, NEVADA. Supervisor Fettic seconded the motion. Motion carried 5-0.

iii. **ACTION ON BILL NO. 162, AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR THE FIRST UNITED METHODIST CHURCH FOR PROPERTY LOCATED AT 212 NORTH DIVISION STREET (APN 3-302-02) (4-0060)** - Supervisor Tatro moved that the Board adopt Ordinance No. 1991-60 on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE FIRST UNITED METHODIST CHURCH REGARDING ASSESSOR'S PARCEL NO. 3-202-02, LOCATED AT 212 NORTH DIVISION STREET, CARSON CITY, NEVADA. Supervisor Fettic seconded the motion. Motion carried 5-0. Supervisor Bennett commended staff for working with the Church and assisting them in reaching their ultimate goal.

9. DISTRICT ATTORNEY - Chief Deputy District Attorney Charles P. Cockerill.

A. ACTION ON APPOINTMENT OF ATTORNEY GENERAL TO BE SPECIAL PROSECUTOR FOR CARSON CITY DISTRICT ATTORNEY (4-0091) - Supervisor Smith moved that the Board adopt Resolution No. 1991-R-61, A RESOLUTION APPOINTING NEVADA ATTORNEY GENERAL TO ASSIST THE CARSON CITY DISTRICT ATTORNEY. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ORDINANCES - SECOND READING

i. **ACTION ON BILL NO. 158, AN ORDINANCE ADDING SECTION 11.25 TO TITLE 11, STREETS AND HIGHWAYS, REQUIRING CONSENT OF THE VOTERS PRIOR TO INSTALLATION OF RAILROAD TRACKS IN CARSON CITY (4-0135)** - Supervisor Fettic moved to adopt on second reading Ordinance No. 1991-61, AN ORDINANCE ADDING SECTION 11.25 TO TITLE 11, STREETS AND HIGHWAYS, REQUIRING CONSENT OF THE VOTERS PRIOR TO INSTALLATION OF RAILROAD TRACKS IN CARSON CITY, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.

ii. **ACTION ON BILL NO. 159, AN ORDINANCE AMENDING SECTION 4.08.140 OF THE CARSON CITY MUNICIPAL CODE BY ADDING A PROVISION ALLOWING THE TOURISM AUTHORITY TO SUBPOENA BOOKS, PAPERS, AND RECORDS (4-0155)** - Supervisor Tatro

explained that Tourism has adopted a resolution supporting the amendment. Supervisor Tatro then moved to adopt Ordinance NO. 1991-62 on second reading, AN ORDINANCE AMENDING SECTION 4.08.140 OF THE CARSON CITY MUNICIPAL CODE BY ADDING A PROVISION ALLOWING THE BOARD TO SUBPOENA BOOKS, PAPERS AND RECORDS. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Smith - No; Tatro - Yes; Fettic - Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

BREAK: A ten minute recess was taken at 3:10 p.m. When the meeting reconvened at 3:20 p.m., the entire Board was present constituting a quorum.

C. ACTION ON GOLF PRO AGREEMENT BETWEEN CARSON CITY AND GARY BUSHMAN (4-0205) - Discussion ensued among the Board, Mr. Cockerill, and Mr. Berkich concerning the Board's desire to have the Golf Committee involved in the process and terms prohibiting players from bringing, consuming, or selling beverages on the course. (4-0745) Clarification for May Ruth French ensued on the benefactor of such sales. She felt that the City has adequate laws to control the sale of liquor to minors without this inclusion in the Golf Pro's contract. Mr. Cockerill continued his explanation of the terms of the contract. Discussion ensued on the application of the CPI to the fee paid for the pro shop; desire to have Mr. Bushman include the City's drug-free policy as part of his employment requirements; his requirement that all of his employees have Sheriff workcards; his bond; the utilities assessed to ARA; Mr. Berkich's assignment as an arbitrator between ARA and Mr. Bushman should any problems arise; Bond Counsel's reasons for the three year contract limit including IRS regulations on GOBC bonds; the annual non-appropriation clause; and the \$3 per player tournament charge for prizes and the gift certificate for pro shop items. Mr. Berkich then explained his fiscal report on the agreement, commended Mr. Bushman and Mr. Pavlakis on their willingness to negotiate, and explained his recommendation of approval. Mayor Teixeira supported the agreement and wished Mr. Bushman well in his endeavors. Other comments were solicited but none made. Supervisor Smith moved that the Board of Supervisors approve the 1991 to 1994 Golf Professional Agreement between Carson City and Gary Bushman with the deletion on Page 5, paragraph 0, the entire paragraph. Supervisor Fettic seconded the motion. Motion was voted by roll call with the following result: Tatro - Yes; Bennett - No, I think we have come a long way in negotiating the contract with Mr. Bushman, I am going to stand by the position that I took early on, I feel that this contract should have gone out for public bid even though I think we have come a long way, and I wish you well, my vote is still no, I hope you understand that; Smith - Yes; Fettic - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

BREAK: A five minute recess was taken at 4:10 p.m. When the meeting reconvened at 4:15 p.m. the entire Board was present constituting a quorum.

10. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES

A. ACTION ON APPROVAL OF RESOLUTION IN SUPPORT OF THE APPLICATION OF SIERRA NEVADA BUS LINE TO ESTABLISH COMMUTER BUS SERVICE BETWEEN RENO, CARSON CITY, AND MINDEN (4-1775) - Supervisor Tatro moved that the Board adopt

Resolution 1991-R-62, RESOLUTION IN SUPPORT OF THE APPLICATION OF SIERRA NEVADA STAGE LINES TO ESTABLISH COMMUTER BUS SERVICE BETWEEN RENO, CARSON CITY, AND MINDEN. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. STATUS REPORTS (4-1810) - Pulled.

11. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-1828)

D. SUPERVISOR TATRO - Convention and Visitors Bureau Marketing Plan for fiscal year 92-93 was considered at its last meeting. When it is adopted he would provide the Board with a copy. He then announced a Chamber of Commerce luncheon scheduled for Friday which was on a "paper" prepared for the Nevada Children's Cabinet on Youth Gangs in Nevada.

E. SUPERVISOR BENNETT (4-1890) - Carson-Tahoe Hospital Board of Trustees had accepted Trustee David Small's resignation. A copy would be placed in the Supervisors' boxes. Progress on the 1991 TRPA Evaluation was outlined. TRPA's environmentally sensitive calendar was outlined. She had requested this matter be agendized for Board discussion in December. She encouraged the residents to clean the gutters and bag the leaves. She requested City consideration of an extension of the normal period utilized to pickup the leaves and encouraged more use of the City street sweepers.

B. SUPERVISOR SMITH (4-2000) - The Hispanic Council meetings and its participants were noted. Parks and Recreation Commission Tuesday's meeting on fee increases was outlined.

C. SUPERVISOR FETTIC (4-2051) - None.

A. MAYOR TEIXEIRA (4-2052) - Announced the "TRILODGE" dinner on December 7 at 6:30 p.m. Funds would be utilized for playground equipment for Parks and Recreation. Discussion noted this was a social event and would not require noticing if the entire Board attends.

Mr. Berkich then commended Mr. Cockerill on his efforts to keep the Board and City out of legal entanglements and for his efforts to negotiate agreements.

12. HISTORICAL COMMISSION - ACTION ON APPOINTMENT OF MEMBER TO THE CARSON CITY HISTORICAL COMMISSION (4-2125) - Supervisor Smith moved that the Board appoint Margaret Herleman a voting member of the Carson City Historical Commission. Supervisor Tatro seconded the motion. Motion carried 5-0.

BREAK: A recess was taken at 4:30 p.m. When the meeting reconvened at 5:30 p.m. the entire Board was present constituting a quorum. Staff present included City Manager Berkich, Clerk-Recorder Nishikawa, Chief Deputy District Attorney Cockerill, and Recording Secretary McLaughlin. (4-2168)

CITIZEN COMMENTS - "Ken" Carl Edward Neathammer explained his belief that the Board of Supervisors were elected officials chosen to provide services in accordance with the will of the people. He then expounded on his belief that the public was adamant in its demand that something be done to address the

gang problem. He urged the Board to reconsider its earlier action on traffic enforcement and for golf course improvements and utilize this funding for more patrolpersons to attack the gang situation by strict enforcement of the curfew and graffiti laws, health and safety laws to force absentee landowners to maintain their facilities in an acceptable fashion, closing the high school campus, locker checks at the schools for weapons, and to target known gang hangouts.

Mayor Teixeira explained that the Board could not respond to the comments. Some of the suggestions could be addressed and would work while others could not. He thanked him for his presentation.

13. PRESENTATION BY CARSON ACCESS TELEVISION FOUNDATION ON COMMUNITY ACCESS TELEVISION (4-2510) - Carson Access Television Foundation (CATF) President and Trustee Glen Nelson explained the purpose of the presentation and introduced Board of Trustees Member Ellen Nelson. Mrs. Nelson explained the incorporation of CATF and its purpose. She then reviewed the informational documents previously presented to the Board. (Included in the Board packet.) She then explained CATF role in airing the Board's meetings and other programs. She felt that the Public Access Education and Government (PAEG) Channel was not living up to its full potential as a public access channel. The need for additional public information, easier access, and more involvement was outlined. Changes mandated to make in the CATF role more responsive to this need included production of community programming; have PAT35 remain open to all users and accessible for all forms of public expression, community information, and debate on public issues on a nondiscriminatory, first-come, first-served basis; remain free of censorship not under FCC regulations or other relevant laws; act as an advocate group for volunteer producers, promote public access cable casting in the area served; and assist in fund raising for public access cable casting. She then noted a funding mechanism provided under the franchise agreement with TCI and explained her reasons for feeling that the City needed a true public access channel to represent the populace. She requested the Board act to establish CATF as the operator/owner of PAT35. She felt that its current operation was a waste of time, energy, money, and a valuable resource. She then introduced CATF Trustee James Kirk. (5-0025) Mr. Kirk then explained why he moved to Carson City, and his involvement with PAT35, PATCOM, and founding of CATF. Reasons for the Board to divest itself of PAT35 were explained as being due to the liability concerns. He then outlined its original funding and its growing need for a permanent funding source, additional equipment, and support personnel. Contacts with the National Federation of Cable Local Programs (NFCLP) and its purpose were explained. His comments stressed the liability reasons for having a non-profit organization operate PAT35. Programs undertaken by CATF were cited as examples of work the Foundation was capable of doing. Millard Realty had provided an office. The non-profit foundation had been established in accordance with federal regulations. A possible three year contract and its funding source from TCI were outlined. The NFCLP seminar, Ron E. Cooper's letter supporting CATF's concept, Reno's Sierra Nevada Community Access Television program (SNCAT), its contract, and its funding source were explained. He then introduced Kit Clemmons of Redding, California. (5-0725) Mr. Clemmons compared Redding and its program with the proposal and emphasized the need for a public access program,

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funding via the cable franchise, and justified reasons for having a non-profit foundation handle the operation. He urged the Board to extend a five year contract to CATF with appropriate funding. He offered to provide the Board with any information desired. (5-0945) Sierra Nevada Community Access Television Board Representative and Sparks Daily Tribune Columnist Andrew Barbano explained and responded to Board questions concerning federal legislation providing a funding mechanism for CATF, Reno's funding of SNCAT, court cases supporting the funding of non-profit access channels with cable franchise fees, and emphasized the need to negotiate this funding with TCI and to have a non-profit organization address the liability concerns. (5-1240) CATF Trustee David Morgan urged the Board to support CATF's request for assignment of the PAT35 activities and funding.

Mayor Teixeira then explained his commitment at another function. He then outlined how PATCOM evolved, its original funding, public involvement and dedication, and its growth. Mrs. Nelson and Mayor Teixeira debated the lack of action by the Board on CATF funding, support, sanctioning of PATCOM activities, and PATCOM's inability to meet federal regulations. Mayor Teixeira attempted to explain that it was not a City channel but rather the public's channel. Mrs. Nelson felt that PATCOM efforts had failed to advise the public of its availability and that without CATF little would be accomplished. Mayor Teixeira responded by emphasizing the positive accomplishments and expressed a desire to cooperate with both entities. He then apologized for his need to leave, commended all on their presentations, passed the gavel to Mayor Pro-Tem Fettic, and left the meeting at 6:45 p.m. (A quorum was still present.)

(5-1695) The Board, Mr. Kirk, and Mrs. Nelson continued to discuss the need for funding; the difference between PATCOM, PAT35, and CATF; the original purpose of the evening session; and desire to have the public access channel be successful. Mayor Pro-Tem Fettic suggested that City Manager Berkich be directed to attempt to determine the issues and report back to the Board at a future meeting. Supervisor Bennett suggested that the eleven issues included in Mr. Nelson's letter to Supervisor Smith be included in the items/issues for Mr. Berkich to resolve. Mr. Berkich noted that his comments were in the process of being evaluated at this time by staff. A report would be made to the Board at its second meeting in December. No other action was taken by the Board.

Supervisor Bennett then moved to adjourn. Supervisor Smith seconded the motion. Motion carried 4-0. Mayor Pro-Tem Fettic adjourned the meeting at 6:50 p.m.

The Minutes of the November 21, 1991, Carson City Board of Supervisors meeting

ARE SO APPROVED ON December 19, 1991.

/s/
Marv Teixeira, Mayor

ATTEST:

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_____/s/_____
Kiyoshi Nishikawa, Clerk-Recorder