A regular meeting of the Carson City Board of Supervisors was held at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, on Thursday, October 19, 1989, beginning at 9 a.m.

PRESENT: Mary Teixeira Mayor

Ron Swirczek Supervisor, Ward 1 Tom Fettic Supervisor, Ward 2

Tom Tatro Supervisor, Ward 3

Kay Bennett Supervisor, Ward 4

STAFF: Mike Rody Acting City Manager

Alan Glover Clerk-Recorder

Paul McGrath Sheriff
Ted P. Thornton Treasurer
Gary Kulikowski Internal Auditor
Mary Walker Finance Director

Bob Auer Deputy District Attorney

Katherine McLaughlin Recording Secretary

(B.O.S. 10/19/89 Tape 1-0001)

Mayor Marv Teixeira called the meeting to order at 9 a.m. Capitol Assembly of God Pastor Bruce Murray gave the Invocation. A moment of silence was observed for the residents of the San Francisco/San Jose earthquake area. Supervisor Kay Bennett led the Pledge of Allegiance. Roll call was taken and a quorum was present.

APPROVAL OF MINUTES (1-0025) - **Special Meeting of October 5, September 21, October 4 and 5, and Regular Sessions of July 17, 1989 - Following Clerk-Recorder Alan Glover's introduction, Supervisor Swirczek moved to approve the Minutes as presented. Supervisor Fettic seconded the motion. Motion carried unanimously.**

LIQUOR AND ENTERTAINMENT BOARD MATTERS (1-0065)

Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. A quorum was present including Sheriff Paul McGrath.

1. TREASURER - DISCUSSION OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 4.13 OF THE CARSON CITY MUNICIPAL CODE PERTAINING TO LIQUOR LICENSES (1-0071) - Treasurer Ted Thornton explained the purpose of the Ordinance and the changes it would make to the Code. The fees were compared with several other entities/counties. Revenue generated by the current and proposed fees were also explained and discussed with Mr. Thornton. Chairperson Teixeira explained the letter which would be sent to all licensees advising of the increases. Due to the December 1 billing deadline, Mr. Thornton urged the Board to adopt the Ordinance. The Liquor and Entertainment Board should discuss the Ordinance, however, only the Board of Supervisors should adopt the Ordinance. It was felt that the Treasurer should automatically refund the application fee if the license is denied. Public comments were solicited, however, none were made. There being no other comments on the proposed Ordinance, Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present as noted.

2. TREASURER (1-0698)

ORDINANCE - FIRST READING

ACTION ON AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 4.13 OF

THE CARSON CITY MUNICIPAL CODE PERTAINING TO LIQUOR LICENSES - Supervisor Swirczek moved to introduce on first reading Bill No. 142, AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 4.13 OF THE CARSON CITY MUNICIPAL CODE (LIQUOR LICENSES) CHANGING CERTAIN DEFINITIONS, CHANGING CERTAIN CLASSIFICATIONS, IMPOSING NEW PRIVILEGE FEES, CHANGING AND INCREASING OTHER FEES, DELETING INCONSISTENT TIME LIMIT PROVISIONS, AND OTHER MATTERS PROPERLY RELATED THERETO as amended on Page 7 to read: "Should the Liquor License be denied for any reason, this fee will be refunded by the Office of the Treasurer." Supervisor Bennett seconded the motion. Motion carried 5-0.

ACTION ON AN ORDINANCE AMENDING SECTIONS 4.04.020, 4.04.031, 4.04.040, AND 4.04.050 OF THE CARSON CITY MUNICIPAL CODE INCREASING BUSINESS LICENSE FEES AND OTHER MATTERS PROPERLY RELATED THERETO (1-0739) - Following Mr. Thornton's introduction, Supervisor Swirczek moved to introduce Bill No. 141, AN ORDINANCE AMENDING SECTIONS 4.04.020, 4.04.031, 4.04.040, AND 4.04.050 OF THE CARSON CITY MUNICIPAL CODE INCREASING BUSINESS LICENSE FEES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

ACTION ON TREASURER'S FINANCIAL REPORT FOR THE MONTH OF SEPTEMBER 1989 (1-0815) - Following Mr. Thornton's introduction, Supervisor Bennett moved that the Board accept the Treasurer's Monthly Statement for the month of September 1989. Supervisor Swirczek seconded the motion. Motion carried unanimously.

3. SHERIFF - ACTION ON AGREEMENTS FOR PATHOLOGY SERVICES (1-0925)

AGREEMENT FOR AUTOPSY SERVICES BETWEEN CARSON CITY AND ELIZABETH A. JACK, M.D.

AGREEMENT FOR FORENSIC PATHOLOGY SERVICES BETWEEN CARSON CITY AND SIERRA PATHOLOGY ASSOCIATES, INC. - Following Sheriff McGrath's explanation of agreements, Supervisor Bennett explained that some of the services are performed at Carson-Tahoe Hospital and the desire for as many as possible to continue to be provided there. Supervisor Fettic moved that the Board approve the agreement for autopsy services and medical exams with Dr. Elizabeth A. Jack and authorize the Mayor to sign same. Supervisor Swirczek seconded the motion. Motion carried 5-0.

Supervisor Fettic then moved that the Board approve the agreement with Sierra Pathology Associates to forensic pathology services and authorize the Mayor to sign same. Supervisor Swirczek seconded the motion. Motion carried 5-0.

6. PURCHASING AGENT (1-1005)

ACTION ON AWARD OF CONTRACT 8990-79 FOR TYPE I AMBULANCE - Purchasing Agent Ron Wilson explained the request and recommendation. He then introduced the Collins Ambulance Corporation Regional Manager Jerry Grinstead and Representative Ray Lock. Mr. Grinstead explained the delivery period. Supervisor Swirczek moved that the Board accept the Purchasing Agent's recommendation and award Contract 8990-79 for a Type I Ambulance to Bidder No. 2, Collins Ambulance Corporation, 499 Nibus Street, Suit A, Brea, California, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, in an amount not to exceed \$58,441.14, funding source 260 Capital Acquisition. Supervisor Bennett seconded the motion. Motion carried unanimously.

ACTION ON AWARD OF CONTRACT 8889-220 FOR SENIOR CITIZEN'S CENTER KITCHEN EQUIPMENT (1-1145) - Purchasing Assistant John Iratcabal explained the recommendation to reject Bintz Distributing Co. bid and award the contract to Francovich and Co. Francovich's bid was for a side-by-side

oven which will require a Change Order due to the desire to place the ovens over/under each other. Discussion ensued on the statutory requirement that the bidder be the licensed contract and Bintz's failure to meet this requirement. Senior Center Executive Director Pat Blake explained the funding, how the estimate had been reached, and progress on the new building. At this time, the June 1 completion date does not appear to be a problem. Supervisor Bennett commended Ms. Blake on her ability to eliminate problems with the project and stay on top of it. Supervisor Bennett then moved that the Board reject the bid of Bintz Distributing Co. on Contract No. 8889-220, Senior Citizens Center Kitchen Equipment, as being in violation of Nevada Revised Statutes 338 and 624, that being, not holding a valid Nevada Contractor's License and further to accept the Purchasing Agent's recommendation and award this contract to the second lowest responsive and responsible bidder that being the Francovich and Co., 708 North Center Street, Reno, Nevada, in the amount not to exceed \$119,046, funding source Senior Citizen Center Bond Issue. Supervisor Tatro seconded the motion. Mr. Iratcabal explained that Imperial Insulation is not a subsidiary of Bintz. The motion to reject Bintz's bid and award the contract to Francovich was voted and carried 5-0.

ACTION ON AWARD OF CONTRACT 8990-102 FOR EDMONDS PARK SEWER EXTENSION (1-1425) - Mr. Iratcabal explained the recommendation. Discussion noted the wide spread in the bids and that staff did not foresee any change orders at this time. Supervisor Swirczek moved that the Board accept the Purchasing Assistant's recommendation and award Contract 8990-102 for the Edmonds Park Sewer Extension to Marv McQueary Excavating, Inc., P. O. Box 1841, Carson City, as the lowest responsive and responsible bidder pursuant to NRS Chapter 332 and authorize the Mayor to execute same in an amount not to exceed \$27,980.30, funding source the Park Bond Issue. Supervisor Bennett seconded the motion. Motion carried 5-0.

ACTION ON AWARD OF CONTRACT 8990-83 FOR DOWNTOWN PEDESTRIAN FACILITIES IMPROVEMENTS (1-1493) - Mr. Iratcabal explained the bidding process which required all potential bidders to appear for a walk through the project area and the submittal of bids at a different date and time. Due to a mix-up, the only contractor who appeared for the walk through failed to submit a bid on the date required. Under a different bidding process, advertisements are placed in the local newspaper soliciting bidders. If any interested bidders respond, the process is to be rebid. If no one responds, negotiations could be undertaken with the original interested bidder. The request was for authorization to advertise and proceed under this process. Discussion ensued on the reasons for the lack of interest. Supervisor Swirczek moved that the Board authorize the Purchasing Agent to proceed under Nevada Revised Statutes to give legal notice in the local newspaper to interested contractors and authorize the negotiation of a contract n regard to the Downtown Pedestrian Facilities Improvements relating to Contract No. 8990-083. Supervisor Bennett seconded the motion. Motion carried 5-0.

- **4. CLERK-RECORDER - ACTION ON RANDOM SELECTION OF SEQUENCE OF NUMBERS FOR THE 1990 JURY VENIRE** (1-1638) Clerk-Recorder Alan Glover introduced Elections Clerk Anne Clancy and explained the procedure which would be followed to select the sequence of numbers. Each Supervisor and the Mayor drew one dice as follows: Bennett 1, Tatro 2, Mayor Teixeira 2, Fettic 5, and Swirczek 3. Drawing in order 1 through 5, the following sequence was selected: 9, 0, 1, 5, 6, 7, 8, 2, 4, and 3. This is to be the middle number in the identification number on the Jury Venire printout. Three thousand names will be selected using this order.
- 5. FINANCE DIRECTOR ACTION ON CHECK DISBURSEMENT REGISTER FOR THE MONTH OF SEPTEMBER 1989 (1-0807) Internal Auditor Gary Kulikowski explained his audit, problems he had discovered, and recommended approval. Mayor Teixeira suggested that, as a copy of the register is available at the Internal Finance office and the Finance Office, only one copy was needed in the City Manager's office rather than a copy for each of the Supervisors. Mr. Kulikowski explained that steps had been taken to correct the problems he had discovered in the August Register. Supervisor Swirczek moved to approve the Check Disbursement Register for September 1989. Supervisor Bennett seconded the motion. Motion carried 5-0.

- **9. COMMUNITY DEVELOPMENT DIRECTOR** DISCUSSION AND POSSIBLE ACTION ON CONSTRUCTION WITHIN CITY RIGHT-OF-WAY BY EUGENE LEPIRE AT 610 EAST PROCTOR STREET was scheduled for the afternoon session following the Animal Control and RSVP discussions.
- **7. DISTRICT ATTORNEY** (1-1945)

ORDINANCES - SECOND READING

ACTION ON BILL NO. 137 - AN ORDINANCE AMENDING PORTIONS OF CHAPTER 8.04 (PUBLIC PEACE, SAFETY, AND MORALS) TO DELETE OBSOLETE PROVISIONS, AND NEW SECTIONS CONSISTENT WITH NEVADA LAW, AND RAISE THE MONETARY THRESHOLD FOR CERTAIN CRIMES AGAINST PROPERTY - Following Mr. Auer's introduction, Supervisor Fettic moved to adopt on second reading Ordinance No. 1989-32, AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 8.04 OF THE MUNICIPAL CODE, DELETING CERTAIN OBSOLETE PROVISIONS, ADDING NEW SECTIONS COMPORTING WITH NEVADA REVISED STATUTES, RAISING THE MONETARY THRESHOLD FOR CERTAIN CRIMES AGAINST PROPERTY, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. Supervisor Bennett seconded the motion. Discussion noted that there were Ordinances covering loitering and parking vehicles overnight. Motion to adopt Ordinance 1989-32 was voted and carried 5-0.

ACTION ON BILL NO. 138 - AN ORDINANCE AMENDING CHAPTER 10.22 (PERSONS UNDER THE INFLUENCE) TO CHANGE CERTAIN DEFINITIONS FOR DRIVING WITH A 0.10 PERCENT OR MORE OF ALCOHOL IN THE BLOOD OR BREATH, ALLOWING CONDITIONS FOR A SUSPENDED SENTENCE FOR D.U.I., AND AUTHORIZING THE USE OF AFFIDAVITS SPECIFYING THE QUANTITY OF ALCOHOL IN A DEFENDANT'S BLOOD, BREATH, OR URINE (1-2035) - Following Mr. Auer's introduction, Supervisor Tatro moved to adopt on second reading Ordinance No. 1989-33, AN ORDINANCE TO AMEND CHAPTER 10.22 OF THE CARSON CITY MUNICIPAL CODE TO COMPORT WITH NEVADA REVISED STATUTES, CHANGING CERTAIN DEFINITIONS FOR DRIVING WITH A 0.10 PERCENT OR MORE BY WEIGHT OF ALCOHOL IN THE BLOOD OR THE BREATH, ALLOWING THE IMPOSITION OF A SUSPENDED SENTENCE FOR D.U.I. GREATER THAN THE MINIMUM PENALTY REQUIRED BY NEVADA LAW, AUTHORIZING THE USE OF AFFIDAVITS SPECIFYING THE QUANTITY OF ALCOHOL OR CONTROLLED SUBSTANCES IN THE BLOOD, BREATH, OR URINE, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Swirczek seconded the motion. Motion carried 5-0.

ACTION ON BILL NO. 139 - AN ORDINANCE ADDING CHAPTER 10.25 (SPECIAL RESPONSIBILITIES OF VEHICLE DRIVERS AND OWNERS) TO THE CARSON CITY MUNICIPAL CODE (1-2091) - Following Mr. Auer's introduction, Supervisor Bennett moved to adopt on second reading Ordinance No. 1989-34, AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 10 OF THE CARSON CITY MUNICIPAL CODE, SPECIFYING CERTAIN DUTIES OF DRIVERS INVOLVED IN TRAFFIC ACCIDENTS, REQUIRING OWNERS OF MOTOR VEHICLES TO PROVIDE INSURANCE FOR THE PAYMENT OF LIABILITIES ARISING FROM MAINTENANCE OR USE OF VEHICLES, PROHIBITING THE OPERATION OF MOTOR VEHICLES BY UNLICENSED DRIVERS OR A DRIVER WHOSE LICENSE TO DRIVE HAS BEEN CANCELED, SUSPENDED OR REVOKED, CREATING CRIMINAL PENALTIES FOR VIOLATIONS THEREOF, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

8. PARKS AND RECREATION DIRECTOR (1-2179)

ACTION ON YOUTH ACTIVITIES GRANT - Recreation Director Barbara Singer explained the grant

she had received, the activities on which she wished to use it, and responded to Board questions on the advertisement. Supervisor Swirczek commended her on her efforts and moved that the Board approve the City's acceptance of the State of Nevada Department of Human Resources Bureau of Alcohol and Drug Abuse Grant in the amount of \$26,000 which is to be used to intensify intervention services for high risk youth activities and seminars. Supervisor Tatro seconded the motion. Mr. Auer reminded the Board of the Federal Grant anti-age, sex, and race discrimination requirements. The motion to accept the grant was voted and carried 5-0.

ACTION ON APPROVAL OF USE AGREEMENT BETWEEN CARSON CITY AND THE CAPITAL CITY GUN CLUB FOR TRAP AND SKEET FACILITIES (1-2320) - Parks and Recreation Commission Chairperson Pete Livermore explained the recommendation of approval for the use agreement. Discussion noted the resolution supporting the facility. Peter Dickerson explained the need to have an agreement on the facility to obtain Federal grant funds. Supervisor Bennett noted the cooperation received from the Club in attempting to keep the facility at is present location. Supervisor Bennett then moved that the Board approve the Use Agreement between Carson City and the Carson City Gun Club for the Trap and Skeet Facility. Supervisor Swirczek seconded the motion. Motion carried 5-0.

ACTION ON CONVERTING THE PART-TIME CUSTODIAN POSITION AT THE RECREATION DIVISION TO FULL-TIME (1-2522) - Parks and Recreation Foreman Fred Schaefer explained the need for a part-time custodian at the Water Maintenance and Wastewater Treatment Offices. The proposal was for the present part-time employee at the Recreation Center to become a full-time employee. As this employee would be working during the time when other custodians are not, there would be vehicles available for his use. Discussion among the Board and Mr. Schaefer included the cost of employee benefits, the hourly salary for the individual, and what was felt to be a fair representation of the cost to contract these services. The Board directed that bids be obtained for this work for a comparison against the cost for an employee. The Board also directed Parks to seek the bids rather than have Purchasing do it.

9. **COMMUNITY DEVELOPMENT DIRECTOR** (1-2839)

ACTION ON ACCEPTANCE OF FUNDING AGREEMENTS FOR 1989-90 - Community Development Director Walt Sullivan explained the Federal grants which would be matched by City services.

BREAK: At 10:30 a.m., a five minute recess was taken. When the meeting reconvened at 10:35 a.m., the entire Board was present, constituting a quorum.

Mr. Sullivan continued to explain the grants, their proposed uses, and match by City services. Supervisor Swirczek moved that the Board accept funding agreements for the two Federal grants totalling \$10,000 and noted that, as a condition of accepting the cash award, it will be matched by staff and volunteer in-kind services and the specific agreements refer to Historic Properties Funding, Project No. 32-89-40113B(CLG-2), and Carson City CLG Survey Planning Project No. 32-89-40114B(CLG-2). Supervisor Fettic seconded the motion. Clarification explained that the locations would not be determined until the grants are secured. Motion to approve the grants carried 5-0.

DISCUSSION AND POSSIBLE ACTION ON CONSTRUCTION WITHIN CITY RIGHT-OF-WAY BY EUGENE LEPIRE AT 610 EAST PROCTOR STREET - Continued until later as noticed earlier.

PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL MATTERS

ACTION ON MISCELLANEOUS M-89/90-1 - REQUEST FROM GEORGE L. FULLER, JR., TO ABANDON 267 FEET OF A 25 FOOT WIDE RIGHT-OF-WAY APPROXIMATELY 629 FEET SOUTH OF FAIRVIEW DRIVE BETWEEN EDMONDS AND LOMPA LANE - PLANNING

COMMISSION APPROVED 7-0-0-0 (2-0038) - Mr. Sullivan explained the request, the location, and the Planning Commission recommendation and conditions. Attorney Ted Stokes, representing Mr. Fuller, was present to answer any questions. Neither the Board nor the audience responded to Mayor Teixeira's request for comments/questions. Supervisor Fettic moved that the Board approve M-89/90-1, a request to abandon 267 feet of a 25-foot wide right-of-way approximately 629 feet south of Fairview Drive between Edmonds and Lompa Lane. Supervisor Tatro seconded the motion. Motion carried unanimously.

ACTION ON MISCELLANEOUS M-88/89-9 - REQUEST FROM THE STATE OF NEVADA FOR ABANDONMENT OF A PORTION OF FOURTH STREET BETWEEN FALL AND STEWART STREETS - PLANNING COMMISSION APPROVED 7-0-0-0 (2-0076) - Mr. Sullivan explained the request, location, and Planning Commission recommendation and conditions. Discussion indicated the cooperation between the City and State and need to reroute traffic during construction. A decision will be made later by State Public Lands and City staff on how and where to relocate the public utilities. Supervisor Bennett expressed her feeling that the State should be responsible for the cost to relocate the infrastructure. Supervisor Fettic moved that the Board uphold the Planning Commission recommendation and approve M-88/89-9, a request from the State of Nevada for abandonment of a portion of Fourth Street between Fall and Stewart Streets. Supervisor Bennett seconded the motion. Motion carried unanimously.

ACTION ON MISCELLANEOUS M-88/89-10 - REQUEST FROM THE STATE OF NEVADA FOR ABANDONMENT OF A PORTION OF SECOND STREET BETWEEN FALL AND STEWART STREETS - PLANNING COMMISSION APPROVED 7-0-0-0 (2-0153) - Following Mr. Sullivan's explanation of the request and Planning Commission recommendation and conditions, Supervisor Bennett moved that the Board of Supervisors uphold the Planning Commission recommendation and approve abandonment request on M-88/89-10, Request from the State of Nevada for abandonment of a portion of Second Street between Fall and Stewart Streets. Supervisor Swirczek seconded the motion. Motion carried unanimously.

Supervisor Bennett requested the record reflect her feeling that any expense incurred for relocation of the infrastructure of existing utilities be borne by the State.

ACTION ON MASTER PLAN AMENDMENT MPA-89/90-1 - REQUEST FROM CARSON CITY TO CHANGE THE MASTER PLAN LAND USE DESIGNATION FROM PUBLIC (P) TO NEIGHBORHOOD BUSINESS (NB) ON PROPERTY LOCATED AT 1851 MOODY STREET (APN 2-111-07) - PLANNING COMMISSION APPROVED 6-1-0-0 (2-0206) - Mr. Sullivan explained the staff recommendation, location, and Planning Commission recommendation. Discussion noted the ingress/egress restrictions. Supervisor Swirczek moved that the Board uphold the Planning Commission recommendation to approve the request to change the Master Plan Land Use designation from Public (P) to Neighborhood Business (NB) on property located at 1851 Moody Street, APN 2-111-07, Planning Commission designation MPA-89/90-1. Supervisor Bennett seconded the motion. Motion carried unanimously.

ORDINANCE - SECOND READING (2-0288)

ACTION ON BILL NO. 131 - AN ORDINANCE CHANGING THE LAND USE DESIGNATIONS ON PLANNED UNIT DEVELOPMENTS LOCATED AT SPRING MEADOWS, LAKE GLEN MANOR, TIMBERLINE, WESTWOOD, CARRIAGE SQUARE, CARSON VILLAS NO. 1, AND CARSON VILLAS NO. 2 TO ACCURATELY REFLECT THE PUD NATURE AND DENSITY OF THESE PROJECTS AS SHOWN ON THE CITY'S OFFICIAL ZONING MAP (Z-88/89-9) - Following Mr. Sullivan's introduction, Supervisor Fettic moved to adopt on second reading Ordinance No. 1989-35, AN ORDINANCE CHANGING THE LAND USE DESIGNATIONS ON PLANNED UNIT DEVELOPMENTS LOCATED AT SPRING MEADOWS, LAKE GLEN MANOR, TIMBERLINE, WESTWOOD, CARRIAGE SQUARE, CARSON VILLAS #1 AND CARSON VILLAS #2

TO ACCURATELY REFLECT THE PUD NATURE AND DENSITY OF THESE PROJECTS AS SHOWN ON THE CITY'S OFFICIAL ZONING MAP. Supervisor Bennett seconded the motion. Motion carried 5-0.

ACTION ON BILL NO. 135 - AN ORDINANCE CHANCING THE LAND USE DESIGNATION ON PLANNED UNIT DEVELOPMENTS LOCATED AT CARSON PARK CONDOMINIUMS, STAFFORD GREENS, LONG STREET TOWNHOUSES, TANGLEWOOD, RIVER KNOLLS, EAGLE HIGHLANDS, FIFTH AVENUE TOWNHOUSES, RIVERVIEW, LOMPA PARK ESTATES 1 AND 2, AND THE MEADOWS TO ACCURATELY REFLECT THE PUD NATURE AND DENSITY OF THESE PROJECTS AS SHOWN ON THE CITY'S OFFICIAL ZONING MAP (Z-88/89-9) (2-0312) - Following Mr. Sullivan's introduction, Supervisor Bennett moved to adopt on second reading Ordinance No. 1998-36, AN ORDINANCE CHANGING THE LAND USE DESIGNATIONS ON PLANNED UNIT DEVELOPMENTS KNOWN AS CARSON PARK CONDOMINIUMS, STAFFORD GREEN, LONG STREET TOWNHOUSES, TANGLEWOOD, BRUSHWOOD (RIVER KNOLLS) EAGLE HIGHLANDS, FIFTH AVENUE TOWNHOUSES, RIVERVIEW, LOMPA PARK ESTATES 1, LOMPA PARK ESTATES 2, AND THE MEADOWS TO ACCURATELY REFLECT THE PUD NATURE AND DENSITY OF THESE PROJECTS AS SHOWN ON THE OFFICIAL ZONING MAP. Supervisor Swirczek seconded the motion. Motion carried unanimously.

ACTION ON BILL NO. 136 - AN ORDINANCE AMENDING SECTION 18.02.050 OF THE CARSON CITY MUNICIPAL CODE TO CHANGE THE APPLICATION SUBMITTAL DATE; AND SUBCHAPTERS 18.05.060 (18.05.061 - 18.05.065), 18.05.080 (18.05.081 - 18.05.085), AND 18.05.090 (18.05.091 - 18.05.095) OF THE CARSON CITY MUNICIPAL CODE CHANGING REVIEW PROCEDURES AND FINDINGS REQUIRED, AND APPLICATION RECORD PROPERTY OWNER AND TO MODIFY LANGUAGE TO CONFORM WITH CHANGES IN POLICY DIRECTION OF THE BOARD OF SUPERVISORS AND REGIONAL PLANNING COMMISSION CONCERNING COMPLETE APPLICATIONS; AND OTHER MATTERS **PROPERLY RELATED THERETO** (A-88/89-6) (2-0359) - Mr. Sullivan explained the purpose of the Ordinance and his meeting with Builders Association of Western Nevada Executive Officer Denise Hammond and correspondence. (2-0390) Ms. Hammond noted the changes which were made due to her concern. Supervisor Tatro elaborated on his concerns which the Planning Commission had not accepted. It was explained that in order to make his suggested change, the Ordinance would have to begin the entire process over. Reasons for the clause spelling out the limitations on granting a variance were discussed at length. Supervisor Tatro stated his desire to address this when the entire Code is reviewed at some future date. Supervisor Tatro then moved to adopt on second reading Ordinance No. 1989-37, AN ORDINANCE AMENDING SECTION 1802.050 OF THE CARSON CITY MUNICIPAL CODE TO CHANGE THE APPLICATION SUBMITTAL DATE; AND SUBCHAPTERS 18.05.060 (SECTIONS 18.05.061 -18.05.065), 18.05.080 (SECTIONS 18.05.081 - 18.05.085), AND 18.05.090 (SECTIONS 18.05.091 -18.05.095) OF THE CARSON CITY MUNICIPAL CODE CHANGING REVIEW PROCEDURES AND FINDINGS REQUIRED, AND APPLICATION STANDARDS TO REQUIRE THE SIGNATURE OF AT LEAST ONE RECORD PROPERTY OWNER AND TO MODIFY LANGUAGE TO CONFORM WITH CHANGES IN POLICY DIRECTION OF THE BOARD OF SUPERVISORS AND REGIONAL PLANNING COMMISSION CONCERNING COMPLETE APPLICATIONS; AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Fettic seconded the motion. Motion carried unanimously.

HISTORIC ARCHITECTURE REVIEW COMMITTEE MATTER - ACTION ON H-88/89-2 - APPEAL BY RICHARD BORTOLIN OF HISTORIC ARCHITECTURE REVIEW COMMITTEE'S RECOMMENDATION (2-0601) - Mr. Sullivan explained Mr. Bortolin's installation of a wrought iron fence which did not meet HARC specifications for the District. The fence had not been reviewed by HARC before construction. Mr. Bortolin appealed HARC's decision. Staff negotiated with Mrs. Bortolin, HARC Chairperson and one other HARC Member in an attempt to reach a compromise. The scrolls located on the

top of the fence are not in compliance with the District's specifications. The compromise would remove one-half of the scrolls, however, the scrolls at the corners and center would remain. HARC reviewed this compromise, however, denied it. Alternatives for the Board were outlined.

(2-0700) HARC Member Joan Wright explained HARC's membership and elaborated on the Commission's position that the design of the scrolls was not that which had been found in the Historic District. She felt that the entire situation could have been avoided if Mr. Bortolin had submitted his plan before construction. Purportedly, Mr. Bortolin had been active in the creation of the District and should have been aware of the requirement that the fence be reviewed by the Commission. Problems communicating between Mr. Bortolin and HARC were outlined at length. The committee felt that all of the scrolls should be removed as a compromise to the original plan, however, due to Mr. Bortolin's uncompromising stand, the Committee had to deny the request. She urged the Board to stand firm and deny the request based on the desire to maintain the integrity of the District. She also expressed her feeling that the Board would not uphold the Commission's position on his matter. This feeling was based on the Board's failure to uphold the Riley Beckett denial many years ago. The compromise had not been considered by the Committee. Mr. Sullivan explained that the compromise had been reviewed by the Committee, that Mr. Bortolin was willing to accept staff's compromise, however, the Committee had maintained its original stand. Ms. Wright then explained that the fence without the scrolls would be a compromise as the entire fence was not in keeping with the history of the District. Under the Secretary of the Interior's guidelines, the Committee could not support the fence in any fashion. She urged the Board to deny the appeal and support the Committee's position.

(2-1022) Richard Bortolin apologized for his failure to submit an application for the fence, explained his involvement with the original HARC, and employment of J.B. Iron to construct the fence. J.B. Iron was to be responsible for all permits, etc. He had been on active duty in Idaho and had been unable to attend the HARC meeting. His wife attended the meeting and was most distraught by it. Another meeting was scheduled later, which he attended, and was purportedly for the sole purpose of informing staff and HARC on how the fence would be modified. He then presented to the Board photographs of all wrought iron fences within five blocks of this building and explained each. Purportedly, the reason the fence was denied was based on the fact that the scrolls had not existed 100 years ago or had not been in existence in Carson City. One of the examples was that of the building used by Ms. Wright's law firm. He felt that Ms. Wright, having expressed a dislike for the fence, should have disqualified herself as his friend, John Copoulos, had. He felt that his agreement to remove some of the scrolls had been a bona fide compromise. He then elaborated on his reasons for feeling that two of the individuals on the Committee should be removed as they: (1) Have served more than two terms in violation of the Ordinance; and, (2) The Committee's failure to provide him with written standards indicating the violation. He used the Committee's "Carson City Historic District Design Guidelines", page 26, to show that the fence guidelines were for "wood" only and lacked any reference to iron. Problems maintaining the wood fence were outlined. He then read the Secretary of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historical Buildings" Number 9. He explained his application for a vacant HARC position as an attempt to support this guideline/standard. He felt that the lack of wrought iron in Carson City was due to its cost. He felt that in order to have the puristic view demanded by HARC "outhouses, split rails, etc." would have to be rebuilt in the district. He urged the Board to allow property owners to develop their properties to the fullest potential. He expressed his desire to end the conflict, willingness to accept any reasonable compromise, and urged the Board to make sure no one again serves more than two terms on this Committee, any conflict of financial interest be eliminated from the Membership, require Carson City residency to be a member, and that redress be provided in the Ordinance. Upon Supervisor Swirczek's request, Mr. Bortolin reread Standard/Guideline No. 9.

Supervisor Swirczek then expressed his feeling that if the Committee held such strict guidelines, Art Hannafin's West Side Court project may not have been approved due to the materials, etc., used. Ms. Wright responded by expressing her feeling that it was not a question of materials but rather the design. Wrought iron fences are found throughout the District. The problem was the design. Her office building would have

failed the standards as well. Ms. Wright and Mr. Bortolin exchanged remarks concerning the style and the various designs found in the District. Supervisor Swirczek expressed his feeling that HARC had been overly restrictive in its decision on this matter based on the Secretary of Interior's Guidelines/Standards and his knowledge of the District. Ms. Wright elaborated on the position taken by the Committee Member who is a historian that scrolls are not historic in this District but had been added later. According to the Guidelines and the Committee's stance, all scrolls will eventually be eliminated. Mr. Bortolin felt that if all the scrolls are removed, some of the historic value of the District would be hurt and cited examples to support his position.

Supervisor Tatro expressed his inability to accept Mr. Bortolin's statement of ignorance for failing to apply for the permit and supported the Committee's recommendation which would prohibit individuals from being exempt of the process due to such ignorance. Mr. Sullivan then explained the Committee's denial of the compromise reached with Mr. Bortolin and two of the Committee Members. He also elaborated on his December memo regarding the necessary findings and need to balance individual tastes with property rights. He felt that the scrolls neither detracted from the District nor intruded upon it.

Supervisor Fettic expressed his desire to accept the compromise, however, urged that a strong message be relayed that failure to follow procedures was not acceptable. Supervisor Swirczek then expressed his feeling that the Board of Supervisors was the appellant for the Commissions/Committees, that the question was one on the merits of the fence rather than its construction without valid permits, and that other Commission/Committee recommendations had been supported. Supervisor Swirczek felt that the only consideration should be that of the Secretary of the Interior's guidelines. Supervisor Swirczek then moved that the Board, based on the Secretary of the Interior's Guidelines as read into the record, accept the fence in its present condition with no additional conditions. The motion died for lack of a second.

Supervisor Fettic then moved that the Board accept the fence with the compromise as worked by Community Development with minor modifications to the fence. Supervisor Bennett seconded the motion. Discussion ensued concerning the need for a deadline for making the modifications. Due to Mr. Bortolin's inability to predict when the company could modify the fence, Supervisor Fettic modified his motion to accept the fence with the compromise as worked out by Community Development to make modifications to the fence within a reasonable amount of time. Supervisor Bennett continued her second. The motion was voted by roll call with the following result: Fettic - Yes; Bennett - Yes; Swirczek - No, for the reasons so stated; Tatro - No; and Mayor Teixeira - Yes. Motion carried 3-2.

10. PUBLIC WORKS DIRECTOR (2-2420)

DISCUSSION AND POSSIBLE ACTION ON DRAKOS WAY EASEMENT DEDICATION (TWO DOCUMENTS) OFFER BY BUNKOWSKI AND LANTRY - Public Works Director Dan O'Brien explained the dedication, location, and conditions of dedication. Supervisor Tatro explained that his wife works for the attorney representing the Drakos, however, did not feel this would pose a conflict of interest for him. The City had been blading this road on an occasional basis. Supervisor Tatro explained the Planning Commission's concern that the City would be entering into the conflict over ownership of the road if the dedication was accepted, however, at this time, the conflict appears to be resolved. When the City determines that the road should be paved, the City could do so or future developers may be required to do so. The projected cost was \$30,000, however, curbs and gutters would not be required. Supervisor Fettic moved that the Board accept the roadway easement known as Drakos Way with the understanding that Carson City is not obligated to a given level of maintenance for the portion offered until same is paved to at least minimum Public Works standards and the remaining fee title interest is offered to and accepted by Carson City and that approval of this motion does not infer that the City will accept the responsibility of paving that roadway. Supervisor Tatro seconded the motion. Motion carried 5-0.

WASTEWATER TREATMENT AND DISPOSAL FACILITIES MATTER - ACTION ON

APPROVAL OF CHANGE ORDER NO. 2 TO CONTRACT W-4 WITH PACIFIC MECHANICAL CORPORATION (2-2802) - Mr. O'Brien explained the Change Order, funding, an reasons for requiring the additional work. Supervisor Bennett moved that the Board approve Change Order 2 to Contract W-4 with Pacific Mechanical Corp., to sign same, funding source - Sewer Fund 510 with a portion to be reimbursed by EPA Grant monies. Supervisor Swirczek seconded the motion. Motion carried 5-0.

WATER MANAGER MATTERS 92-2938)

ACTION ON 1989 DARLING WATER AGREEMENT EXTENSION - Water Manager Dorothy Timian-Palmer explained the agreement and reasons for needing the extension. Supervisor Fettic moved that the Board approve and authorize the Mayor to sign the 1989 Darling Water Agreement. Supervisor Swirczek seconded the motion. Mr. O'Brien noted that a similar agreement would be presented for next year soon. The motion to approve the agreement was voted and carried 5-0.

ACTION ON STANTON PARK ADDENDUM TO WATER AGREEMENT (2-3009) - Ms. Timian-Palmer explained the original agreement and need to amend that agreement as Stanton Park had failed to develop a well meeting City water quality standards and production requirements. Therefore, construction had not been allowed. The well rehabilitation program and its success was also explained. The terms of the addendum were then outlined and discussed with the Board. Concern was expressed that this proposal was setting a dangerous precedence which would allow development without adequate water resources. Stanton Park had provided the water rights, however, four attempts to provide a well had been to no avail. Supervisor Tatro moved that the Board approve and authorize the Mayor to sign the First Addendum to the Water Agreement by and between Carson City and Stanton Park, Inc. Supervisor Fettic seconded the motion. Motion was voted by roll call with the following result: Ayes - Tatro, Fettic, Swirczek, Bennett, and Mayor Teixeira. Nayes - None. Motion carried 5-0.

ACTION ON BID AWARD FOR THE DAYTON VALLEY AND CARSON VALLEY TEST WELLS UNDER THE CARSON CITY COMPREHENSIVE WATER PROGRAM (3-0171) - Ms. Timian-Palmer explained the recommendation to award the contract to Humboldt Drilling and Pump. Problems encountered with the bid were explained. These were felt to be minor infractions. Supervisor Fettic moved that the Board approve the recommendation of the Public Works Department and award Contract 1988-003 to the lowest responsible and responsive bidder pursuant to Nevada Revised Statutes Chapters 332, 338, 339, and 624, that being bidder number 2, Humboldt Drilling and Pump, Brad L. Santucci. Upon Mr. O'Brien's request for an amendment, Supervisor Fettic amended the motion to include and waive the informalities as they relate to the disassembly of the project bid manual and acknowledgment of the Addendum No. 1 as it is in the best interest of Carson City. Supervisor Bennett seconded the motion. Motion carried 5-0.

ACTION ON AGREEMENT BETWEEN THE STATE OF NEVADA AND CARSON CITY FOR IMPROVEMENTS TO CITY MUNICIPAL AND STATE WATER DISTRIBUTION SYSTEMS (3-0255) - Ms. Timian-Palmer explained the agreement. Construction is to begin in the Spring of 1990. Supervisor Fettic moved that the Board approve and authorize the Mayor to sign the agreement between the State of Nevada and Carson City for improvements to the Municipal and State Water Distribution System. Supervisor Bennett seconded the motion. Upon request for an amendment, Supervisor Fettic continued his motion to include in the amount not to exceed \$177,769. Supervisor Bennett continued her second. Motion carried 5-0. Mr. O'Brien expressed his feeling that the cooperative attitude being experienced by the State was a direct result of Ms. Timian-Palmer's work.

ACTION ON TASK ORDER NUMBER 21 TO CONTRACT 1986-021 WITH CARSON CITY WATER CONSORTIUM FOR STATE AND CITY WATER SYSTEM DESIGN AND CONSTRUCTION SERVICES (3-0338) - Ms. Timian-Palmer explained the purpose of the Task Order and cost. Construction should be completed by July of "next year." Supervisor Swirczek moved that the

Board approve and authorize the Mayor to sign Task Order No. 21 to Contract 1986-021, State/City Water System Design and Construction Services, by and between Carson City Water Consortium and Carson City for an amount not to exceed \$24,000, funding source 420. Supervisor Bennett seconded the motion. Motion carried unanimously.

ORDINANCE - SECOND READING (3-0402)

ACTION ON BILL NUMBER 134 - REVIEW AND APPROVAL OF WATERLINE REIMBURSEMENT ORDINANCE AND AGREEMENT FOR PETE RASNER (APN 9-137-14) AT 1020 VALLEY VIEW DRIVE - Following Mr. O'Brien's introduction, Supervisor Fettic moved to adopt on second reading Ordinance No. 1989-38, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND PETE RASNER, REGARDING ASSESSOR'S PARCEL NO. 9-137-14, LOCATED AT 1020 VALLEY VIEW DRIVE, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

ACTION ON BILL NUMBER 140 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 8.32.010 AND 8.32.030 ADDING PROVISIONS PROHIBITING THE UNLAWFUL DISPOSAL OF CHEMICALS, PETROLEUM PRODUCTS, AND MEDICAL WASTE (3-0420) - Following Mr. O'Brien's introduction, Supervisor Fettic moved to adopt on second reading Ordinance No. 1989-39, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 8.32.010 AND SECTION 8.32.030 PROHIBITING UNLAWFUL DISPOSAL OF CHEMICALS, PETROLEUM PRODUCTS AND MEDICAL WASTE. Supervisor Swirczek seconded the motion. Motion carried 5-0.

CITIZEN COMMENTS (3-0439) - None.

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

11. PURCHASING AGENT - DISCUSSION, DIRECTION, AND POSSIBLE ACTION RELATIVE TO PROCEEDING WITH THE CONTRACT FOR PRIVATIZATION OF ANIMAL SERVICES IN CARSON CITY (3-0445) - Following Mayor Teixeira's introduction, Acting City Manager Mike Rody explained the proposal to seek RF&P for animal services, procedures used to establish the RF&P, and response to that request. The ad hoc committee's and Finance's recommendations were explained. Sixteen requests for bids had been mailed but only one replied - Mike Conklin. The present employees at Animal Control are aware of the proposal and the benefits which they would lose if the service is privatized. They plan on resigning if the service is privatized. Assistant Purchasing Agent John Iratcabal expressed his feeling that the lack of responses had been due to the size of the operation.

Supervisor Swirzek requested that the record indicate his feeling that the information which had been provided to the Board was flawed as his concerns and requests made over a year ago had never been answered. He had requested information from Mr. Conklin concerning privatizing animal control in other areas as well as Clark County and the pros and cons of such action. He pointed out that the local vets had not been notified of the proposal even though they could provide many of the services which Mr. Conklin had proposed.

(3-0705) Ad Hoc Committee Member Pete Bachstadt read a portion of the Reason Foundation's third annual report on the concept of privatization and supporting continued privatization in all governmental phases possible. He then explained his limited knowledge of the Clark County operation and cited other examples of privatization to support the proposal.

(3-0838) Dr. Euse explained that he had only just learned of the proposal and questioned how a contractor

could practice medicine without having a veterinarian on staff. His explanation included requirements of the "Veterinary Practice Act." Attorney David Nielsen, representing Animal Services Management Systems (A.S.M.S.), responded by explaining that a licensed veterinarian would handle these portions of the contract. Dr. Euse felt that this would mean that a veterinarian would be on staff all the time and was an acceptable procedure. He did not feel that spaying/neutering should be mandatory. Mr. Conklin explained that this would be an option as is currently available to anyone adopting an animal. He also agreed that the firm would be licensed the same as other businesses in the City. The Northern Nevada Humane Society would perform any necessary inspections and that the firm would not board animals.

- (3-0973) In response to Dr. John Margolin's question on whether A.S.M.S. would spay/neuter only those animals which were "wards of Animal Control", Mr. Conklin felt that the public could utilize the service if so desired. He then explained the intent to retain the services of a vet and could not respond to the question regarding the type of vaccinations which would be provided. Mr. Conklin then responded to Board questions by explaining his feeling that the present animal population problems were not being addressed by low cost spay/neutering clinics. He would not compete with the veterinarian hospitals. His only desires were to have the animals vaccinated for public health/safety purposes and to address the over population problem. Mayor Teixeira explained Dr. Ailes' concerns that the service be restricted to only spay/neutering and vaccinations. Dr. Ailes was also concerned about the financial viability of the proposal.
- (3-1158) Dan Flammer expressed his support for privatization and recommended that standards be established for the care of animals. He cautioned the Board to also consider the services presently being offered in the community and how this proposal may affect them.
- (3-1275) National Animal Protection Association Member Thelma Calhoun read a letter from Mark McGuire of the Nevada Humane Society to the Board. She then provided a copy of that letter to the Board and Clerk. She personally supported the proposal.
- (3-1330) Carson City Resident Agent for the National Animal Protection Association Unilda Marshall commended the Board for initiating the program as well as the staff and management of Animal Control for its dedication. She supported privatizing the service and awarding the contract to A.S.M.S. Her comments included reasons for these recommendations. She then expressed her feeling that Clark County's services should not be considered in the establishment of Carson City's program. Supervisor Swirczek explained his reasons for feeling that they were a leader in the area of having the spay/neutering services provided as part of the animal control program. Ms. Marshall felt that the only way to address the over population problem was through an educational program and that Las Vegas had received a large grant for this program. (3-1650) Ms. Marshall distributed a copy of her statement to the Board and Clerk.
- Mr. Conklin responded to Board questions concerning the veterinarian services and his ability to offer the services at a reduced rate.
- (3-1665) Chuck Burn, (3-1712) Ursula Carlson, and (3-1796) Ad Hoc Committee Member Dr. Don Hittenmiller explained their support for privatization of Animal Control Services.
- Mr. Conklin then explained his proposal to educate the public which would be subsidized by the National Animal Protection Association. His program would be similar to the ones now offered by the Sheriff and Fire Departments. His current staffing level would not allow time to provide this service. An estimate for spaying/neutering was unavailable as a vet has not signed a contract with Mr. Conklin. Ms. Marshall explained that, if funds are available, NAPA would be willing to cover the cost of spaying/neutering when individuals are unable to pay. She also questioned the wisdom of having an animal if one cannot afford the cost for spaying/neutering.
- (3-2056) Heinz Pauls expressed his feeling that free medicines were available from Terra Pharmaceuticals

for spaying/neutering and other services offered by private animal control organizations.

(3-2100) Dr. Euse expressed his feeling that A.S.M.S. would not be "fair competition" as he (Dr. Euse) would be competing with the City. He felt the City would be subsidizing A.S.M.S. Low cost rabies vaccination clinics had been occurring on a regular basis and were meeting the need. He had been paying his business licenses and taxes and should not have to compete with a subsidized business. Ten percent of his business was dedicated to spaying/neutering.

Mr. Neilsen responded by explaining that the City would not be subsidizing the services as there would be a commercial lease and business license fees and taxes would be paid the same as any other firm. Vehicles and equipment would be procured. Supervisor Swirczek reiterated his original feeling that the Las Vegas operation should be evaluated.

Supervisor Fettic pointed out that the suggested motion was to direct the City to notify the employees of the proposal to privatize the service and to begin negotiations with A.S.M.S. Discussion ensued with Mr. Conklin on how the proposal would improve the present level of service. A performance bond would be provided under the proposal at an amount not yet established to guarantee that the operation would be viable.

Each of the Supervisors and the Mayor stated his/her feeling on the proposal. Concern was expressed about the failure to notify the Employees' Association of the City's intent and the impact the Teamster's association with the Employees' Association may have had on the number of bids which were received. Ms. Walker elaborated on how the financial viability of the proposal had been evaluated, however, stressed that many of the figures presented could not be verified.

(4-0061) Supervisor Fettic then moved that the Board allow the Acting City Manager to enter into negotiations with Animal Services Management Systems for the development of a potential contract. Mr. Auer then explained the need to notify the Employees' Association prior to negotiations. Supervisor Fettic then continued the motion to include and to direct the Acting City Manager to notify the Carson City Employees Association of the possibility of privatization of the Animal Control Services. When a second was not made, Mayor Teixeira passed the gavel and seconded the motion. Mayor Pro-Tem Swirczek reiterated his position on the information he felt was needed to evaluate the proposal. Mayor Teixeira noted that the proposal had been in the mill for some time and his reasons for feeling that the one bid was valid and should be given the opportunity to prove itself. Supervisor Tatro reiterated his comments concerning the reason only one bid had been received. Supervisor Bennett also expressed her opposition to this proposal even though she supported the concept. The motion to allow the Acting City Manager to enter into negotiations with A.S.M.S. and notify the Employees' Association was voted by roll call with the following result: Fettic - Yes; Mayor Teixeira - Yes; Bennett - No; Tatro - No; Mayor Pro-Tem Swirczek - No. Motion failed 3-2.

BREAK: At 2:50 p.m., a five-minute break was taken. When the meeting reconvened at 2:55 p.m., the entire Board was present constituting a quorum.

12. PUBLIC WORKS DIRECTOR - ACTION ON APPEAL BY JANICE R. AYRES (R.S.V.P.) OF DENIAL OF APPLICATION BY THE PUBLIC WORKS DIRECTOR OF THE HELICOPTER RIDES AT MILLS PARK DURING THE NEVADA DAY CELEBRATION (4-0236) - Mr. O'Brien explained the appeal, the concerns expressed by the Fire and Sheriff Departments, and Parks and Recreation Commission's denial. R.S.V.P. Executive Director Janice Ayres explained her feeling that the process had been extremely lengthy, that the application had intended to have rides all along even though staff felt it was for an exhibit only, that her application had been unfairly denied by the Commission in spite of the concessions which had been suggested, and that advertisements have already been made advising of the rides. (4-0595) Chairperson to the Advisory Council of the Retired Senior Volunteer Program Tim Morsani expressed his feeling that the helicopter, which would be used for the rides, was quite and pointed out the

Sheriff's support for the proposal. Ms. Ayres further expounded on the dance and band activities which would be occurring in the evening was far noisier than the helicopter. She felt that the recommendations that the helicopter be relocated to Fuji Park or to the Airport were unreasonable. She reiterated her feeling that a time schedule for applications should be established. (She then presented to the Board a breakdown on the services provided by RSVP. None to the Clerk.)

(4-0704) Parks and Recreation Commission Chairperson Pete Livermore explained the reasons for the time needed to process the application and the Commission's position that the application should be denied based on the pilot's lack of experience for this type of activity, the projected number of landings and takeoffs, and lack of information on the operation plan. Public opposition was also explained.

Board discussion with staff indicated the feeling that Mills Park would have approximately 5 to 6,000 celebrants during the activities. Public health and safety concerns created by the helicopter rides in Mills Park were explained in depth. Ms. Ayres felt that Fuji Park was a good illustration that this type of service could be provided in a park. She reiterated her feeling that the time taken to make a decision should be addressed. Supervisor Tatro then moved that the Board deny the appeal by Janice Ayres for helicopter rides in Mills Park as part of the Nevada Day Celebrations. Supervisor Bennett seconded the motion. Motion carried 5-0.

COMMUNITY DEVELOPMENT DIRECTOR (4-1098)

DISCUSSION AND POSSIBLE ACTION ON CONSTRUCTION WITHIN CITY RIGHT-OF-WAY BY EUGENE LEPIRE AT 610 EAST PROCTOR STREET - Mr. Sullivan explained the request. Mr. O'Brien explained the supporting documents, reasons he could not support the request, and alternatives for the Board. Gene Lepire explained his desire to purchase the property if at all possible. There are no public utilities underground. Mr. O'Brien supported the sale if an encroachment permit is authorized until the sale is finalized. Adjacent property owner Thelma Calhoun did not oppose the proposal. The sale and encroachment processes were explained by staff. Supervisor Tatro moved that the Board of Supervisors approve the request for an encroachment permit pending completion of the abandonment of the property located at 610 East Proctor Street; property is an 8 foot by 85 foot parcel adjacent to Anderson Street. Supervisor Fettic seconded the motion. Mr. O'Brien further elaborated on the process. Motion carried 5-0.

- 13. ACTING CITY MANAGER ACTION ON INTERLOCAL AGREEMENT RELATIVE TO COUNTY LONG-TERM CARE PATIENTS (4-1497) Following Mr. Rody's introduction, including estimated cost, and introduction of Lorie from NACO, Supervisor Swirczek moved that the Board authorize the Mayor to sign the interlocal agreement on behalf of Carson City for long term county health care patients. Supervisor Tatro seconded the motion. Motion carried 5-0.
- **14.** BOARD OF SUPERVISORS REPORTS, RESOLUTIONS AND PROCLAMATIONS (4-1547)

THE BOARD OF SUPERVISORS TO THE CARSON CITY PARKS AND RECREATION COMMISSION - Supervisor Bennett had resigned from this position. Supervisor Swirczek moved that the Board appoint Supervisor Tatro as the Board representative to the Carson City Parks and Recreation Commission. Supervisor Fettic seconded the motion. Motion carried unanimously.

MAYOR TEIXEIRA - DISCUSSION, DIRECTION, AND POSSIBLE ACTION RELATIVE TO PATCOM 35 (COMMUNITY ACCESS TELEVISION CHANNEL) (4-1573) - Following Mayor Teixeira's introduction, Supervisor Swirczek moved that the Board direct the District Attorney's Office to prepare the appropriate ordinances relative to the community access channel. Supervisor Fettic seconded the motion. Motion carried 5-0.

SUPERVISOR BENNETT - DISCUSSION AND POSSIBLE ACTION ON PROPOSED AIR PARADE IN CONJUNCTION WITH THE NEVADA DAY ACTIVITIES (4-1636) - Supervisor Bennett explained a proposed "air parade" which would fly over the Nevada Day Parade route and several health, safety, and welfare concerns about these acts. Under temporary flight restrictions of the Federal Aviation Regulations, the City could petition the FAA requesting restricting the flight path. She did not feel that the proposal to close the airport from 9 a.m. to 3 p.m. on that day was acceptable. (4-1835) Gail Thomssen expressed her concerns which supported Supervisor Bennett's request. Supervisor Bennett moved that the Board petition the FAA to invoke rule FAA Part 133, Temporary Flight Restrictions, over the Nevada Day Parade route and further move that the airport not be closed on Nevada Day. Supervisor Fettic seconded the motion. Motion carried 5-0. Discussion noted that FAA would have the final say of this matter.

15. APPOINTMENT OF ALTERNATE CARSON CITY REPRESENTATIVE (4-1909) - POSSIBLE ACTION ON APPOINTMENT OF ALTERNATE REPRESENTATIVE FROM CARSON CITY TO TAHOE REGIONAL PLANNING AGENCY - Supervisor Bennett moved that the Board approve appointing an alternate for the Tahoe Regional Planning Commission, Mr. Eric Toll, in the event she is unable to attend this month's meeting. Supervisor Fettic seconded the motion. Discussion noted that Mr. Toll would remain with the City on a part-time basis until the end of the month. Due to a problem with his not being a full-time employee, Supervisor Bennett withdrew her motion and requested the matter be tabled.

16. FIRE CHIEF (4-1947)

DISCUSSION AND POSSIBLE ACTION ON LEVEL OF SERVICES PROVIDED BY THE FIRE DEPARTMENT - Fire Chief Bernie Sease reviewed previous Board direction on this issue. He felt that the best course of action at this time, unless additional funding is provided, is to move the ambulance service to Fire Station 1, and place all the fire trucks at the other two stations. Discussion ensued among the Board, Chief Sease, and Mr. Auer concerning the State requirements, manning requirements as required by the employee contract, and response time if the fire trucks come from the other stations. Projected maximum cost to bring the level of personnel needed for paramedics/firefighters up to the State requirement was \$183,432. The various options were discussed at length. Discussion indicated the feeling that the fire stations are currently located at sites not in the best interest of the community. The type of personnel, time needed to hire additional personnel, and manning back costs were also discussed.

- (4-2621) Gail Thomssen expressed her opposition to the closure of Fire Station 3 and support for hiring six paramedics and doing the study for centralizing and relocating the fire stations.
- (4-2699) Emergency Room Physician Elam expressed his concern that although the ambulance calls from Station 3 were few, they represented the more serious type of calls. He urged the Board to consider this in the evaluation.
- (4-2734) Stacy Giomi urged the Board to determine the level of service which should be continued throughout the City. He questioned whether the residents wished to reduce the current level. He did not feel that the option supported by Chief Sease was viable. He urged the Board to hire additional personnel who were cross trained rather than only EMT I or IIs.
- (4-2895) Batallion Chief for "B" Shift Chris Coleman explained manning back problems which he had encountered as the individual who normally does the scheduling that had been occurring since the City took over the service. He urged the Board to hire competent individuals to fill the six positions but felt they should not be at the EMT II/Firefighter level. He supported having the ambulances stationed at No. 1 and fire equipment at 2 and 3 by explaining several considerations used in evaluating this proposal. He felt that six more people should be hired as a minimum, however, left the level to management.

The cost of the various levels and where funding is available were discussed with Finance Director Mary Walker. Supervisor Bennett expounded on her reasons for opposing closure of Station 3. Chief Sease felt that the turnover rate was at approximately five percent.

(5-0315) Carson City Firefighters Association President David Parks expressed his feeling that the manning problems explained by Chief Coleman had been due to the lack of paramedics available three of four years ago. He did not feel that there was a manning problem at this time. He urged paramedic/firefighters be hired.

Chief Coleman reiterated his earlier comments and invited anyone wishing to see the statistics to come to his office.

BREAK: At 4:30 p.m., a five minute recess was taken. When the meeting reconvened at 4:35 p.m., the entire Board was present constituting a quorum.

Supervisor Fettic moved that the Board direct or authorize the Mayor to direct staff to prepare a study to investigate fire house locations, the locations which should give the City the maximum protection, and for staff to return with the dollar figures. Discussion ensued concerning the approximate cost for this evaluation. Upon request for clarification, Supervisor Fettic withdrew his motion and moved that the Board allocate funds in the approximate amount of \$26,000 to fund a study to be prepared by an independent person or organization to determine the proper fire house locations for Carson City. Supervisor Swirczek seconded the motion. Motion carried 5-0.

Discussion ensued among the Board and Ms. Walker concerning the cost to man the stations until new personnel could be brought on staff. Ms. Walker explained the additional revenue which the City had been receiving from Gaming. Mr. Giomi elaborated on the type of vehicles and coverage needed if a fire and ambulance call occurred and if a second call then occurred. Chief Sease noted that the ambulance study made prior to the City providing the service indicated that 12 individuals were needed for this service alone. Therefore, six additional personnel were needed. Chief Coleman responded to Mr. Giomi's statements on the number of ambulance runs on fire calls. He felt that the largest problem was with the out of town transfers. He felt that a third ambulance should be used for only this purpose. In response to Supervisor Fettic's question, Chief Sease expressed a feeling that he would need three more persons in the next budget year. Supervisor Fettic felt that he should have increased his current request to nine rather than the requested six. Chief Sease then explained the vacation, holiday, and sick leave coverage needs.

Supervisor Swirczek expounded on his reasons for feeling that additional personnel is needed at this time. Supervisor Swirczek then moved that the Board approve authorizing the Fire Department to hire six additional personnel, which are to be Fire Fighter/Paramedics, and that this year's budget be augmented from projected additional revenues, one of those sources being the greater than anticipated ending fund balance for the fiscal year ending 6/30/89. Supervisor Fettic seconded the motion. Supervisor Bennett explained her opposition to restricting the type of individuals who are to be hired preferring to allow management the ability to choose the level. Mayor Teixeira expressed his feeling that the best possible personnel be hired regardless of the cost. Assistant Fire Chief Ted Berrum explained recruiting problems and requested flexibility in determining the hiring level. Acting City Manager Rody suggested that staff be allowed to hire up to the level of firefighter/paramedics. Chief Sease agreed to not request permanent additional personnel which could not become firefighter/paramedics. He would, however, hire temporary personnel to get the ambulances rolling and solve the problem until other personnel is available. Supervisor Swirczek then amended his motion to include that this would solve the immediate problem of manning the ambulance and take care of the minimum manning, however, would not in any way take away from the three man minimum manning of the fire engines themselves. Supervisor Fettic continued his second. Discussion noted that there was a personnel grievance pending and the effect of this decision may have on that process. Chief Coleman requested the budget be augmented to cover the additional personnel as well as minimum manning which

would also address the grievance. The motion as amended was then voted by roll call with the following result: Ayes - Swirczek, Fettic, Tatro, Bennett, and Mayor Teixeira. Nayes - None. Motion carried 5-0.

Discussion ensued concerning the need to address the immediate staffing. Mayor Teixeira requested a special meeting to be held on Thursday, October 26, at 7 p.m. in the Sierra Room to consider the Emergency Medical Service (ambulance service). Mayor Teixeira directed that manning back or other methods of covering the service be provided to the Board at that time also.

Ms. Walker explained that the augmentation would be presented to the Board in December. There is adequate funding in the budget for manning and overtime until December by which time additional personnel should be on board. Mr. Auer noted the need for the Association to discuss the proceedings with its members and that it may be possible for the grievance to be continued. Mayor Teixeira felt that there was adequate time before October 26 to address these items and notify the Board.

RESPONSE TO JIM PAGE'S AMBULANCE SERVICES STUDY - Pulled.

PERSONNEL SESSION (5-1178)

Discussion ensued on the procedures to be followed as the Acting City Manager, Fire Chief, and Deputy Fire Chief were to be discussed.

EVALUATION OF THE FIRE CHIEF IN ACCORDANCE WITH THE PROVISIONS OF THE NEVADA REVISED STATUTES CHAPTER 241 (5-1255) - Supervisor Swirczek moved that the Board go into closed personnel session to discuss the character, alleged misconduct, professional competence, physical or mental health of the Fire Chief and waive the other two items. When a second was not forthcoming, the motion died. Discussion ensued concerning having an open session to discuss this matter. Supervisor Swirczek expressed his feeling that it was necessary to deal with the employee morale, management, and leadership.

BREAK: At 5 p.m., a ten-minute recess was taken. When the meeting reconvened at 5:10 p.m., the entire Board was present, constituting a quorum.

Supervisor Swirczek explained his reasons for having the Acting City Manager, Fire Chief, and Assistant Fire Chief evaluations due to the employee morale, leadership, and management of the Fire Department be addressed in a constructive manner. This would, hopefully, allow for the operation to continue. Based upon the District Attorney's advice, the Fire Chief could be evaluated with the Acting City Manager in attendance, however, the Acting City Manager's evaluation could not be made. He felt that now was the time to address the problem. Supervisor Swirczek then moved that the Board of Supervisors enter a closed personnel session to evaluate the Fire Chief in accordance with the Nevada Revised Statutes Chapter 244 to consider the character. Upon correction by Mayor Teixeira, Supervisor Swirczek amended the motion to be in accordance with Nevada Revised Statutes 241 to consider the character, alleged misconduct, professional competence, or physical or mental health. Supervisor Fettic seconded the motion. Mr. Auer then explained that the Acting City Manager could remain during the discussion as the Board's administrator, however, a joint personnel session would not be permitted. Policy guidance would have to be done in open session. The motion to close the session for discussion of the Fire Chief was voted and carried 5-0.

EVALUATION OF THE ACTING CITY MANAGER IN ACCORDANCE WITH THE PROVISIONS OF THE NEVADA REVISED STATUTES CHAPTER 241 - Pulled.

EVALUATION OF THE DEPUTY FIRE CHIEF IN ACCORDANCE WITH THE PROVISIONS OF THE NEVADA REVISED STATUTES CHAPTER 241 - Pulled.

Mayor Teixeira reconvened the open session at 6 p.m. The entire Board was present constituting a quorum. Noting the items for discussion at 6 p.m., a five minute recess was taken. (Recording Secretary Berge handled the evening session.)

The Minutes of the October 19, 1989 Carson City Board of Supervisors Day Session

ARE SO APPROVED ON January 18, 1990.

MARV TEIXEIRA, Mayor

ATTEST:

/s/

ALAN GLOVER, Clerk-Recorder