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A regularly scheduled meeting of the Carson City Regional Transportation Commission was held on Wednesday, April 12, 2000, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, commencing at 5:30 p.m..

PRESENT: Chairperson Jon Plank, Vice Chairperson Steve Reynolds, and

Commissioners Kay Bennett, Bob Kennedy, and Marv Teixeira

STAFF PRESENT: Street Operations Manager John Flansberg, Deputy District

Attorney Melanie Bruketta, RTC Engineer Harvey Brotzman, and Recording RTC 4/12/00 Tane 1-0001)

Secretary Katherine McLaughlin (RTC 4/12/00 Tape 1-0001)

- **A. ROLL CALL AND DETERMINATION OF A QUORUM -** Chairperson Plank convened the meeting at 5:30 p.m. Roll call was taken. A quorum was present although Supervisor Bennett had not yet arrived.
- **B.** APPROVAL OF MINUTES 2/9/00 and 3/8/00 (1-0008) Commissioner Reynolds moved to approve both sets of Minutes. Commissioners Teixeira and Kennedy seconded the motion. Motion carried 4-0. (Commissioner Bennett arrived following the vote--5:33 p.m. The entire Commission was present constituting a quorum.)
- C. AGENDA MODIFICATION (1-0020) None.
- **D. PUBLIC COMMENTS (1-0025) (1-0801)** Commissioner Teixeira pointed out that if the Commission had taken another course of action at its special meeting last week, there would not have been any funds available for the Weikel request. He iterated his belief that the Commissions had acted correctly in exercising their fiduciary responsibilities at that meeting. He thanked the Commission for its support on that item.
- (1-0915) Commissioner Reynolds pointed out that the first the Commission heard about the Weikel matter was during a public meeting. He felt that the Commission should have known about it earlier. He also expressed his feeling that the documentation should have been provided before the meeting to allow time to study it. Discussion supported these points. Comments also expressed the feeling that staff members should acknowledge receipt of written correspondence. Failure to do so is against good business etiquette and sound business practices. Staff responded by highlighting City correspondences which had acknowledged the correspondence albeit in a delayed manner. Discussion

 then indicated that the Sonoma project would be forwarded to the Board and would return to the Commission for funding of the signal. Discussion then noted the delay in constructing the College Parkway sound wall between Northgate and Imperial.
- (1-0996) Mr. Brotzman gave an oral status report on the Goni Road widening project, which was on schedule. Commissioner Teixeira felt that if this information had been available in the packet the media could have informed the public. Mr. Brotzman then explained the bid opening for the roundabout at Fifth and Edmonds and the status of the College Parkway soundwall.
- **E. DISCLOSURES** (1-0030) Chairperson Plank disclosed an anonymous telephone conversation from an individual regarding the agendized item. The individual was to send him a letter. Unfortunately, the letter had not arrived. Commissioner Teixeira indicated he had received a telephone call from Finance Director Heath.
- F. DISCUSSION AND POSSIBLE ACTION ON PRIORITIZATION OF FUNDING FOR THE CHALLENGER WAY EXTENSION PER THE MEMORANDUM FROM DEPUTY CITY MANAGER DAN ST. JOHN (1-0044) Mr. Flansberg summarized Mr. St. John's report. Engineering Manager Andy Burnham concurred with the information in the report. Mr. Brotzman explained the reasons the Weikel property had not been included in the private assessment district. The Board of Supervisors had approved the assessment district as some of the City property had been included in it. The City had not established the district. The

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drainage improvements were described. Mr. Brotzman indicated that he had only a small amount of the paperwork involved with the district. Mr. Brotzman's and the RTC's involvement was very limited and had occurred only after the district was formed and when Mrs. Weikel had written to the City about the extension of Challenger Way.

Mrs. Weikel's attorney Scott Heaton distributed packets to the Commission. (A copy was not given to the Clerk.) A copy of his documents had purportedly been given to Mr. St. John and were to have been included in the Commission's packets. Allegedly, the Weikels had not been invited to participate in the assessment district nor were they told that Hot Springs Road was to be a deadend. The Weikels became involved when the City requested a drainage easement. The map illustrating the drainage channel included the extension of Hot Springs Road into East Graves Lane, which was later named College Parkway. Therefore, Mrs. Weikel granted the drainage easement in 1993. In 1994, however, the City made Hot Springs Road a deadend street without any notice or discussion with Mrs. Weikel. Mr. Heaton then provided personal information regarding the Weikels' reasons for moving to Carson City, their business, and real estate holdings in that area. Without an access to College Parkway, Mrs. Weikel had been limited in her ability to develop her parcel. A map purportedly presented by Paul Lumos delineating the road designs for her area was displayed and described. Under that concept, Hot Springs Road was to be abandoned and Challenger was to be extended to Goni Road. Mrs. Weikel's 1995 written communication with the City on this concept was read into the record indicating that she began her search for a solution from the City and specifically the access promised in 1993 when the drainage easement was provided. Photographs of the traffic/safety problems at the end of Hot Springs Road were provided to illustrate her safety concerns. (The photographs were given to the Recording Secretary after the meeting and are in the file.) Former Public Works Director Jay Aldean's response had expressed a willingness to submit her request to the RTC and Board for funding consideration. Mrs. Weikel expended her own funds in an effort to work with Mr. Lumos, however, that approach had been too expensive due to the need to relocate the utilities. Mr. Lumos had written to City Manager Berkich on 9/9/97 that he did not have any written notification to Mrs. Weikel regarding the termination of the connectors. Mr. Heaton then read from a draft document purportedly prepared in 1997 by former Chief Deputy District Attorney Paul Lipparelli indicating that the City would be responsible for reimbursement of all costs incurred for the improvements which extended of Challenger Way to Goni. The abandonment of Hot Springs had not been included in that agreement. Mr. Heaton had responded on 4/16/97 accepting the draft agreement. In April 1999 Mr. Heaton had also drafted another agreement relating to Hot Springs Road which was allegedly similar to the document the Commission had approved in February. As Mr. Lipparelli was leaving the City, Mr. Heaton had followed up on his letter in May 1999 asking who would takeover Mr. Lipparelli's duties related to the Weikel agreement. This did not occur. The next communication was from Community Development Director Walter Sullivan describing the abandonment process for Hot Springs Road and that if it had not been dedicated by the property owner, Mrs. Weikel would be required to purchase the right-of-way. Mr. Heaton's August 18, 1999, correspondence to Mr. Sullivan was described. Chief Deputy District Attorney Mark Forsberg then became involved. On September 27 Mr. Heaton wrote to him asking what was happening. Mr. St. John then entered the picture and agendized the matter for the Commission's consideration. A January 19th meeting was held which established a program, however, the amount had not been finalized. Mrs. Weikel had at that time a prospective buyer for a portion of her property, however, without the street issue being resolved, it will not occur. Due to the length of time involved in resolving the issue, that individual has withdrawn her/his offer. Mr. Heaton then indicated that Mrs. Weikel had never agreed to \$50,000. She had always indicated that the total amount would be requested from the City. The cost estimates range from \$120 and \$130,000. They were willing to accept the \$120,000 bid. Mrs. Weikel had spend over \$35,000 for engineering and attorney services during the six year period involved with this issue. The last draft agreement had been revised as indicated in his February 9th letter. His February 15th letter had reiterated their intent to seek the minimum amount for the connection. His March 6th letter to Dan St. John had included the three estimates and their willingness to accept the low bid. He then indicated for the record that any cost over-runs would be bore by his client. Mrs. Weikel was willing to pay the costs upfront and be reimbursed by the City upon the City's acceptance of the street. He then described the purpose of the March 8 letter to Mr. St. John and introduced Johnnie Weikel, Mrs. Weikel's daughter.

Commissioner Teixeira agreed that the documents clearly indicate there would be a connection and that the street would not deadend. His confusion concerning the amount was described. Mr. Heaton limned the reasons Mrs. Weikel was firm about requiring reimbursement for the cost of the low bid. For this reason she was not willing to

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accept either the \$50,000 or \$83,000 offers which had been discussed during early negotiations.

Mr. Burnham indicated next year's RTC budget for this project is \$50,000. Some time ago there had been a budget for this project of \$100,000. He felt certain that it had been contemplated that the City would be involved in this project. Staff did not have a problem with the proposed Challenger connection. Commission direction on how to resolve the issue was requested.

Both Commissioner Teixeira and Kennedy felt that Mr. Heaton's documentation was accurate and that it had been unfortunate that he had to provide the City with the information. The staff turnover had complicated the process which was most unfortunate for Mrs. Weikel. Commissioner Kennedy expressed his willingness to accept the low estimate.

Mr. Flansberg agreed that the funds would be taken from another project but was uncertain which one. There is a small amount of contingency funding which may be available for a portion of the cost. The impact may hit in 2003 or 2004 when the Curry Street project is undertaken. Mr. Burnham felt that, as \$50,000 had already been budgeted for this project, the contingency fund could handle the remaining \$70,000.

Mr. Heaton explained that the agreement called for reimbursement within 30 days of completion. If this is not done, the amount would bear interest of 12 percent until it is paid. Elucidation indicated that Mrs. Weikel would build and pay for the construction. It should be completed within one year. This may put the project in the next fiscal year. The Commission/staff should be able to find the funds by then.

Commissioner Teixeira moved that the Carson City Regional Transportation Commission appropriate an additional \$70,000 out of the Contingency Fund to bring the amount up to the minimal bid for the Challenger Way extension as presented by the Weikels. Commissioner Kennedy seconded the motion. Commissioner Bennett concurred with Commissioners Teixeira and Kennedy and stressed the need for everyone to pay more attention to the matter. It was an unfortunate incident and that she hoped they could move forward. Chairperson Plank expressed his feeling that the City should not harm individuals in its project process nor should the City enrich anyone as a result of a project. The proposal fits his criteria for correcting a situation. The \$70,000 may not be required within this fiscal year. The Contingency should be identified as the funding source so that if the project is completed within the 2000-2001 budget, it could be paid. The Commission could also deal with it if it is completed in fiscal year 2001-2002. Commissioner Reynolds pointed out that if the problem had been solved when originally broached in 93, 94, or 95 it would have been substantially less expensive. Chairperson Plank indicated that it was inappropriate to place the blame at this time. It was more important that the situation be corrected. He hoped that there are no more situations like this out there somewhere. Commissioner Bennett asked that the Commission be cognizant of its role and not paint future Commissions or the City into a corner in the future. Public comments were solicited but none given. The motion to appropriate the additional \$70,000 from the Contingency Fund for this project was voted and carried 5-0. Chairperson Plank thanked Mr. Heaton for the presentation and Mrs. Weikel for her patience.

- G. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS INCLUDING FUTURE AGENDA ITEMS (1-0801) (1-0825) Commissioner Teixeira asked staff to agendize the budget and a status report on all projects for every meeting. Justification for this request was provided. He also requested that any memoranda on RTC projects issued to the Board of Supervisors also be copied to the Commission. This request was predicated upon the media and public's contact with him when RTC problems arise. Mr. Burnham felt that the Capital Projects report could be expanded for the Commission's benefit. Commission comments indicated the report should be a synopsis and not a dissertation.
- **H. ADJOURNMENT** (1-1032) Commissioners Bennett and Kennedy moved to adjourn. Commissioner Teixeira seconded the motion. Motion carried 5-0. Chairperson Plank adjourned the meeting at 6:35 p.m.

A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review

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and inspection during normal business hours.

The Minutes of the April 12, 2000, Carson City Regional Transportation Commission meeting		
	ARE SO APPROVED ON_August 9, 200	0.

/s/ Jon Plank, Chairperson