

CARSON CITY PARKS AND RECREATION COMMISSION

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A meeting of the Carson City Parks and Recreation Commission was scheduled for 5:30 p.m. on Tuesday, February 19, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna Curtis
Vice Chairperson Pete Livermore
Charles Adams
Tom Keeton
Steve Lasco
John McKenna
James Smolenski
Todd Westergard

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Will Geddes, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

CALL TO ORDER AND DETERMINATION OF QUORUM (5:33:03) - Chairperson Curtis called the meeting to order at 5:33 p.m. Roll was called; a quorum was present. Commissioner Shabi was absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (5:33:31) - None.

1. ACTION ON APPROVAL OF MINUTES - January 15, 2008 (5:33:39) - Commissioner Smolenski moved to approve the minutes. Vice Chairperson Livermore seconded the motion. Motion carried 8-0.

2. MODIFICATIONS TO THE AGENDA (5:33:55) - None.

3. STAFF UPDATES

3-A. UPDATE REGARDING THE SELECTION OF A CONSTRUCTION MANAGEMENT FIRM TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE PROPOSED INDOOR RECREATION CENTER (5:34:06) - Chairperson Curtis introduced this item. Mr. Moellendorf provided background information on the selection process, which included a request for proposals / qualifications process. He advised of having received qualifications from seven different construction management firms which were reviewed and assessed by staff of the Parks and Recreation and Public Works Departments. Three of the firms were invited to interview, two of which are Carson City based. Mr. Moellendorf advised that Metcalf Builders, Inc. ("MBI") will be recommended to the Board of Supervisors at their March 6th meeting. He acknowledged that MBI is currently working with the Boys and Girls Clubs of Western Nevada and is serving as the construction manager for the Sheriff's Department administrative building. He further acknowledged that the role of the construction management firm is not to build the project but to manage contractors, which bid on portions of the project. He provided additional explanation of the construction management approach. Commissioner McKenna explained the method by

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which the School District uses construction managers. In response to a question, Mr. Moellendorf advised that a Public Works Department engineer will be considered the builder. Commissioner McKenna expressed concern over “a non-parks and recreation person” overseeing the construction project, and expressed a preference for Mr. Moellendorf to do so.

3-B. UPDATE REGARDING GRANT APPLICATIONS (5:39:14) - Mr. Moellendorf advised that the Land and Water Conservation Fund will award grants to the City in the total amount of \$260,000. \$58,500 will be allocated to the BMX Track lighting project; \$100,000 will be allocated to the Morgan Mill Road river access project; and \$100,000 will be allocated to the Fuji Park urban fishing pond project. Mr. Moellendorf advised that Mr. Krahn was attending a concurrent meeting of Trout Unlimited at which a decision will be made regarding whether to donate funding toward the urban fishing pond project. In response to a question, Mr. Moellendorf advised that the funding allocated toward the BMX Track lighting project “puts us right about where we need to be.” He reviewed available funding for the project.

3-C. COMMISSION GOAL SETTING SESSION (5:40:43) - Mr. Moellendorf reminded the commissioners of the workshop scheduled for Saturday, February 23rd at 8:00 a.m. in the Community Center Tahoe Room. He advised of having distributed copies of the workshop agenda, and requested the commissioners to review the same. Chairperson Curtis requested the commissioners to bring to the workshop their copies of the parks and recreation master plan element.

4. NON-ACTION ITEMS:

4-A. DISCUSSION ONLY REGARDING THE PARKS AND RECREATION FACILITIES TOUR CONDUCTED FEBRUARY 9, 2008 (5:43:36) - Chairperson Curtis introduced this item, and provided an overview of the tour. She thanked Mr. Moellendorf, Parks and Recreation Director of Operations Scott Fahrenbruch, Open Space / Property Manager Juan Guzman, Park Planner Vern Krahn, and Community Center and Recreation Division staff for their involvement in the tour. Commissioner Smolenski expressed appreciation for the tour, and thanked Parks and Recreation Department staff. Commissioner Lasco agreed and described the tour as “outstanding.” He noted the importance of the citizens being aware of the effective, qualified, and dedicated Parks and Recreation Department employees.

5. ACTION ITEMS:

5-A. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE MEMORANDUM OF UNDERSTANDING FOR THE DEVELOPMENT, CONSTRUCTION, AND OPERATION OF (1) A MULTIPURPOSE INDOOR RECREATION CENTER BETWEEN CARSON CITY AND THE BOYS AND GIRLS CLUBS OF WESTERN NEVADA; (2) A CLUBHOUSE; AND (3) ATHLETIC FIELDS (5:46:18) - Chairperson Curtis introduced this item. Mr. Moellendorf reviewed the staff report. Mr. Geddes discussed the purpose of the memorandum of understanding (“MOU”) to serve as a “gateway document” to memorialize the intent of the parties to move forward and execute other contracts. He explained that the MOU is corralling the project in a certain direction to require certain subsequent action. He provided background information on the recreation center project, and a detailed review of the draft MOU, version 4, which was distributed to the commissioners and staff prior to the start of the meeting. He reiterated the purpose of the MOU to memorialize the intent of the parties, as stated at paragraph 21.

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At Chairperson Curtis' request, Mr. Moellendorf recognized Boys and Girls Clubs of Western Nevada, Inc. Chief Professional Officer Hal Hansen and Board of Directors President Jason Woodbury. Mr. Moellendorf emphasized the purpose of the MOU to state the intent of the parties in moving forward with the partnership. He advised that a joint use agreement will be developed as the project progresses to the building design phase.

In response to a question, Mr. Geddes reviewed the differences between draft MOU versions 3 and 4. Commissioner Westergard expressed the opinion that, if paragraph 21 is to remain in the document, it should be stated at the beginning. He expressed concern over investing a great deal of effort and resources without some sort of binding commitment. He didn't see a need for paragraph 21 if the nature of the MOU is primarily to memorialize intent. In response to a comment, Mr. Geddes discussed the importance of memorializing the intent of the parties at this stage in light of the potential for contract ambiguity in the future. Commissioner Westergard expressed concern over the lack of stated intent regarding ongoing maintenance, lighting, parking, etc.

(6:08:44) Mr. Woodbury advised that paragraph 21 was requested by Boys and Girls Clubs ("BGC") representatives with the purpose of conveying its intent. He explained that paragraph 21 protects both parties while, at the same time, providing "in some manner a living document that we can use as a basic structure" for the project without binding the parties. He discussed possible scenarios associated with the BGC's sale of parcel D, as an example. He advised that the MOU serves as a general framework of the project in order for this commission and the Board of Supervisors to provide input.

Commissioner Westergard expressed support for a partnership between the City and the BGC. He pointed out that "intentions are one thing; actuality is another." He requested assurance that the City won't be spending a great deal of resources and time in the interim between entering into the MOU and entering into binding agreements. Mr. Geddes advised that the MOU envisions such things as property maintenance will be elaborately developed in the binding joint use agreement. Discussions, to date, have included that maintenance would be paid for on a cost per square foot basis. Commissioner Westergard suggested a revision to paragraph 17.

In response to a question, Mr. Woodbury advised that the BGC is "committed to giving the City what it needs for parcel B." He advised of an expectation that parcel D will be no larger than four acres. The parcel has been previously marketed, with some interest; however, none of it has been beyond four acres. If additional acreage was requested, Mr. Woodbury expected that it would be taken from parcel C. He advised that the BGC recognizes parcel B as "what the City needs to make this project make sense." "... if ... it doesn't make sense for the City, then it doesn't make sense for the Boys and Girls Club." Mr. Woodbury emphasized the benefit of the project for the BGC and the desire to move forward.

(6:17:58) Mr. Hansen advised that the BGC currently has two acres for athletic fields at its existing site. He further advised that four acres are not necessary, and that the associated maintenance costs have been determined to be prohibitive. In response to a question, Mr. Woodbury noted the timeline established in paragraph 20 of the MOU, and discussed the requirement for the BGC to develop a parcel map.

In response to a question, Mr. Geddes provided background information on, and an explanation of, paragraph 17. He acknowledged that in addition to agreements which bind the parties to convey certain property and the development agreement, the joint use agreement will specify operational details between

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the BGC and the City. In reference to paragraph 18, Commissioner McKenna suggested considering a “mutual mechanism” by which the City could also abandon the property giving the BGC first right of refusal. He suggested including, in a future agreement, language for one or both parties to terminate the contract. He further suggested considering language providing for conveyance of one or both parties’ rights to a successor organization. In reference to paragraph 20.1.2, Commissioner McKenna suggested considering possible differences between City and BGC construction standards. He emphasized the importance of considering safety and security for the BGC members. Mr. Moellendorf and Mr. Geddes acknowledged Commissioner McKenna’s comments and advised that his concerns would be addressed in future agreements.

Commissioner Lasco inquired as to the possibility of the BGC subdividing and selling parcel D as two or more parcels. Mr. Woodbury advised that this possibility had not been contemplated or marketed. He noted this as the reason for a non-binding agreement at this stage. He assured the commission that, in such a situation, the BGC would be “up front with the City.” In response to a question regarding parcel D, Mr. Geddes referenced paragraph 11 and noted the language “approximately two to four acres in size ...” Mr. Moellendorf noted the importance of flexibility in the MOU “for all the reasons ... brought up, all the different scenarios ... We don’t want to tie it down so rigidly that we have very little room to move in case some opportunities that we haven’t thought of collectively present themselves.” Vice Chairperson Livermore discussed the requirement to submit parcel maps to the Planning Commission according to the City’s master plan amendment schedule. With regard to the MOU, he expressed confidence in the City’s legal counsel. He commented on the professional and cooperative relationship between City and BGC representatives.

Mr. Woodbury acknowledged there had been interest in parcel D. Commissioner Smolenski read paragraph 2 of the General Discussion portion of the staff report into the record, and suggested that it summarized the purpose of the MOU. He advised of having personally known Mr. Hansen for a number of years, and expressed appreciation for his work at the BGC. He encouraged the commissioners to visit the BGC. In response to a question, Mr. Woodbury anticipates the zoning on parcel D will eventually be multi-family. Mr. Hansen advised that the parcel cannot be designated for commercial development. “It’ll fit right in” with the adjacent properties. He reiterated the importance of a minimum two acres for the BGC athletic fields.

Chairperson Curtis called for additional questions or comments and, when none were forthcoming, entertained a motion. **Commissioner Smolenski moved to recommend to the Board of Supervisors the approval of the Memorandum of Understanding for the development, construction, and operation of a multi-purpose, indoor recreation center between Carson City and the Boys and Girls Club of Western Nevada, a clubhouse, and athletic fields. Vice Chairperson Livermore seconded the motion.** At Chairperson Curtis’ request, **Commissioner Smolenski amended his motion to indicate approval of the Memorandum of Understanding with the revisions discussed at this meeting. Vice Chairperson Livermore continued his second. Motion carried 7-1.** Chairperson Curtis thanked Mr. Woodbury and Mr. Hansen for their attendance and participation.

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5-B. ACTION TO ADOPT AN AMENDMENT TO THE BYLAWS PROVIDING FOR AN OFFICER OF THE COMMISSION TO RESIGN HIS / HER OFFICE (6:40:00) - Chairperson Curtis introduced and provided background information on this item, and responded to questions regarding the origin of the proposed amendment. **Commissioner McKenna moved to adopt the amendment to the bylaws that provides language allowing an officer of the commission to resign his or her office. Commissioner Smolenski seconded the motion. Motion carried 8-0.**

6. COMMISSIONERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (6:41:46) - Chairperson Curtis reminded the commissioners of the workshop scheduled for Saturday, February 23rd. Commissioner McKenna advised of having recently sighted large coyotes at Riverview Park, and cautioned the public regarding small pets. Vice Chairperson Livermore advised of having recently received a letter complaining about dogs off leash at Riverview Park bothering the nesting ducks. He further advised of having turned the letter over to Mr. Moellendorf for a response. Chairperson Curtis discussed Friends of Silver Saddle Ranch President Nancy Santos' concerns over nesting birds and ducks at Riverview Park and Silver Saddle Ranch during certain times of the year. In response to a comment, Commissioner McKenna advised there are three signs posted near the marsh area.

7. FUTURE AGENDA ITEMS (6:46:04) - Chairperson Curtis referred to the table of future agenda items included in the agenda materials. Mr. Moellendorf acknowledged that the joint use agreement between the City and the Boys and Girls Clubs will be presented to the commission.

8. ACTION ON ADJOURNMENT (6:46:31) - Commissioner Smolenski moved to adjourn the meeting at 6:46 p.m. Commissioner Lasco seconded the motion. Motion carried 8-0.

The Minutes of the February 19, 2008 Carson City Parks and Recreation Commission meeting are so approved this 6th day of May, 2008.

DONNA J. CURTIS, Chair