

CARSON CITY REGIONAL TRANSPORTATION COMMISSION
Minutes of the August 12, 2009 Meeting

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A regular meeting of the Carson City Regional Transportation Commission was scheduled to begin following adjournment of the Carson Area Metropolitan Planning Organization on Wednesday, August 12, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Shelly Aldean
Vice Chairperson Russell Carpenter
Commissioner Robert Crowell
Commissioner Charles Des Jardins
Commissioner James Mallery

STAFF: Larry Werner, City Manager
Kim Belt, Capital Projects Manager
Joel Benton, Senior Deputy District Attorney
Andrew Burnham, Public Works Department Director
Dan Doenges, Transportation Planner
Kathleen King, Recording Secretary
Patrick Pittenger, Transportation Manager
Darren Schulz, Deputy Public Works Director - Engineering

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. These materials are available, in the Clerk-Recorder's Office, for review during regular business hours.

A. CALL TO ORDER AND DETERMINATION OF QUORUM (6:01:46) - Chairperson Aldean called the meeting to order at 6:01 p.m. Roll was called; a quorum was present.

B. ACTION ON APPROVAL OF MINUTES - July 8, 2009 (6:02:05) - Commissioner Des Jardins moved to approve the minutes. Vice Chairperson Carpenter seconded the motion. Motion carried 5-0.

C. MODIFICATION OF AGENDA (6:02:32) - Mr. Pittenger acknowledged a revision to the agenda to designate item F-3 as "information only." He advised that item F-11 would be deferred to a future meeting.

D. PUBLIC COMMENT (6:03:06) - Tom Keeton referred to a recent *Nevada Appeal* article which indicated an increase in JAC ridership to 12,900, and that 3,900 of those "rode for free." He inquired as to whether providing free rides for 30 percent of a transit system's ridership is common and, if so, suggested "that's too many ..." Mr. Pittenger acknowledged that no fare was paid by senior citizens, and explained "that is only the case because we have a grant from the Division of Aging Services through the tobacco settlement that ... provides financial support for the service that is actually in excess of what we would have received if they would have paid and actually allows the City to receive more federal funding than we would have had the fares been paid." Chairperson Aldean called for additional public comment; however, none was forthcoming.

E. DISCLOSURES (6:05:27) - None.

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F. PUBLIC MEETING ITEMS:

F-1. REVIEW AND RECOMMENDATION OF APPROVAL BY THE BOARD OF SUPERVISORS OF AN AGREEMENT WITH THE NEVADA DEPARTMENT OF TRANSPORTATION THAT WILL RESULT IN THE CONSTRUCTION OF A PORTION OF THE CARSON CITY FREEWAY PHASE 2B, INCLUDING THE STRUCTURES AT KOONTZ LANE AND CLEARVIEW DRIVE AND THE EDMONDS DRAINAGE CHANNEL (6:05:41) - Chairperson Aldean introduced this item, and Mr. Schulz reviewed replacement exhibits which were distributed to the commissioners and staff prior to the start of the meeting. He reviewed the agenda report. In response to a question, Mr. Schulz advised that the subject structures will be maintained by NDOT. Mr. Burnham provided additional clarification by reviewing Exhibit "B". In reference to Article I, paragraph 3 of the Cooperative Agreement included in the agenda materials, he acknowledged there was no reason for a "visual depiction" in the form of an exhibit, since the maintenance responsibilities are delineated.

Chairperson Aldean expressed concern that the language of Article II, paragraph 12, presupposes the City "won't have any issues." Mr. Benton acknowledged the concern, but noted the language was standard to NDOT contracts. He agreed with Chairperson Aldean's suggestion to change the language of the second sentence to read, "A response shall be made within five (5) working days ..." He noted the requirement to submit the suggested revision to NDOT.

Chairperson Aldean opened this item to public comment. (6:10:41) Chas Macquarrie advised of not having had the opportunity to review the Cooperative Agreement, but recalled preliminary design of the two structures indicated the possibility that a multi-use path might be precluded on the east side of the freeway along the utility corridor. He requested City staff to keep this in mind, and reminded the commission of an agreement between the City and NDOT that, although NDOT would not construct a path, they would not preclude its future construction. Chairperson Aldean advised of a "line on a map which was done for that express purpose" to not eliminate the potential of a multi-use pathway in the area.

Chairperson Aldean called for additional public comment and, when none was forthcoming, entertained a motion. **Vice Chairperson Carpenter moved to recommend approval by the Board of Supervisors of an agreement with the Nevada Department of Transportation that will result in the construction of a portion of the Carson City freeway, phase 2B, including the structures at Koontz Lane and Clearview Drive and the Edmonds drainage channel; fiscal impact is an estimated cost of construction contract at \$17 million.** Chairperson Aldean noted the previously-suggested revision, and suggested an additional revision to page 1, sixth paragraph, to add the words (in italics) "... from the intersection of South Carson Street *and Highway 50 West* to Fairview Drive." **Vice Chairperson Carpenter amended his motion to include the additional suggested revision.** Mr. Benton acknowledged the suggested revision. **Commissioner Mallery seconded the motion. Motion carried 5-0.**

F-2. REVIEW AND APPROVAL OF AMENDMENT NO. 3 WITH NDOT REGARDING PHASE 2 FUNDING OF THE CARSON CITY FREEWAY (6:13:36) - Chairperson Aldean introduced this item. Mr. Burnham reviewed the agenda report and the provisions of the proposed amendment included in the agenda materials. He acknowledged the value to the City of the proposed amendment is equivalent to approximately 30 years of maintenance. He responded to

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additional questions of clarification, and provided historic information on the City's involvement in the freeway project. In response to a further question, he explained that refusing transfer of the streets listed in Attachments A and B to the proposed amendment would result in the City's obligation, beginning July 1, 2009, to pay NDOT \$0.03 "of our collective gas tax which is about \$1.1 million per year." The effect would "bring to a screeching halt" our RTC improvement program.

Chairperson Aldean provided an overview of comments made by NDOT Director Susan Martinovich, at a recent commission meeting, indicating that NDOT has less funding than in the past and that, as a result, maintenance quality will decline. In response to a question, Mr. Burnham advised that the \$7.8 million figure, delineated in the staff report, included "1.5 percent inflation." He reiterated that \$0.03 equates to approximately \$1.1 million. "It's probably a little less now because we're actually collecting a little less. Maybe it's more like \$1 million. So thirty years of that is about \$30 million. Some of that's going to go into new roadway construction and, obviously, maintenance" of existing roadways and the roadways to be transferred from NDOT. "RTC gets \$0.09 and then we also have the street funding as well." Mr. Burnham advised that, as street maintenance costs have increased, subsidization of the street maintenance fund "from RTC" has been necessary. He provided background information on the legislation providing for said subsidy. He noted Carson City's unique position of "knowing its build out." There are not "a lot of new roads to build." In the future, existing roads will be rebuilt. Mr. Burnham anticipates that, over time, "we should be okay." He acknowledged that the formula will change; as the City takes responsibility for additional roadway miles, an increased share of gas tax revenues will be allocated to the City.

Chairperson Aldean opened this item to public comment; however, none was forthcoming. In reference to a question regarding Section I, Paragraph 3 of the proposed amendment included in the agenda materials, Mr. Burnham advised NDOT has committed to provide encroachment information. Chairperson Aldean suggested a revision to Section I, Paragraph 8, to read, "... within eighteen (18) months of the opening of Phase 2 of the Carson City freeway project to traffic." She noted the proposed revision would be consistent with NDOT's previous commitments.

In response to a comment, she provided historic information on development of the proposed amendment and the increasing frequency by which NDOT is transferring responsibility for local roadways to local jurisdictions. She commended City staff on "looking out for Carson City's best interests ... regarding the need for a life-cycle cost analysis ..." In reference to Chairperson Aldean's suggested revision to Section I, Paragraph 8, Commissioner Crowell suggested a similar revision to Paragraph 7. Discussion took place regarding the intent of the language of Paragraph 8, and the public's interest in NDOT's relinquishment of the roadways listed in Attachments A and B to the proposed amendment. Mr. Burnham advised that the proposed amendment will be forwarded to the Board of Supervisors.

Chairperson Aldean entertained a motion. **Vice Chairperson Carpenter moved to approve Amendment No. 3 to Highway Agreement No. R159-97-060, as amended by Highway Agreement No. R386-04-002, as amended. Commissioner Crowell seconded the motion,** and discussed the importance of ensuring the City is not assuming an obligation which will create issues "down the road." Chairperson Aldean called for a vote on the pending motion; **motion carried 5-0.**

F-3. ACTION TO APPROVE THE PROPOSED JAC ASSIST ADA PARATRANSIT POLICY (6:30:40) - Chairperson Aldean reiterated that this item had been changed to informational.

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Mr. Pittenger explained the reason, and reviewed the agenda report. In response to a question, he offered to research the possibility of selling advertising space on the backs of ID cards. In response to a further question, he reviewed the locations considered for the recertification process and advised that certified JAC Assist patrons will be provided rides to the City's corporate yard to complete the process.

Chairperson Aldean opened this item to public comment; however, none was forthcoming. She noted a number of revisions to the draft JAC Assist ADA Paratransit Policy and Procedures included in the agenda materials. She suggested that Mr. Pittenger review Part A, Personal / Contact Information; Part B, Professional Verification; and the Disclosure of Protected Health Information Authorization Form to ensure consistency throughout the document, and reviewed various corrections. Mr. Pittenger acknowledged that the draft policy will be resubmitted as part of the September commission agenda.

F-4. ACTION TO ADOPT A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE STOREY COUNTY REGIONAL TRANSPORTATION COMMISSION TO PROVIDE "INTERCITY" SERVICE BETWEEN THE TWO COUNTIES (6:38:46) - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the agenda report. He introduced Storey County Transportation Planner Austin Osborne. (6:41:25) Mr. Osborne discussed the priority of the interlocal agreement, and expressed appreciation to Mr. Pittenger and Transit Coordinator Keith Pearson for their assistance in drafting the agreement. Mr. Osborne acknowledged the need for intercity service was established based on survey results. He provided background information with regard to the same, and discussion ensued. Mr. Osborne discussed the plan to provide service on one day per week "in ... a test to see what the ridership would be." The service will be evaluated within a year to determine the possibility of expansion. In response to a question, Mr. Pittenger provided background information on the availability of the bus to be used to provide the service. Chairperson Aldean thanked Mr. Osborne for his attendance and participation, and entertained public comment.

(6:52:55) Tom Keeton expressed opposition to public transit "unless it makes money or at least breaks even." He expressed concern that the intercity service will "mostly benefit Storey County," and that the service represents "another bit of money going dribbling down the drain ..." He requested the commissioners to consider "putting a limit on what this can do," and inquired as to the funding sources. Chairperson Aldean provided an overview of the funding sources, and advised that Storey County is providing the local match. In response to a further question, Mr. Pittenger advised of "more than enough federal dollars available through CAMPO ..." He acknowledged that the funding will be used for Storey County. Mr. Keeton expressed a preference "to be very certain that that's the most we're going to spend on this. If we run out of the \$20,000, everything quits right then and there." He expressed opposition to automatically renewing the interlocal agreement, and requested the commissioners to carefully consider the worthiness of the service after the one-year trial.

(6:56:04) Howard Riedl advised of the availability of "CMAC funding" for a three-year period "to fully fund service." Mr. Pittenger explained that the CAMPO is not eligible for CMAC funding "because we are not over 200,000 persons in our ... urbanized area and we are not out of compliance with air quality regulations." Chairperson Aldean thanked Mr. Riedl for the suggestion.

In response to Mr. Keeton's comments, Commissioner Mallery explained that the concept and structure of a metropolitan planning organization is to provide regionalized service. He advised that Storey County is part of the Carson Area Metropolitan Planning Organization, and discussed the logic behind

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reaching out “to Douglas County and Storey County to try to provide some service.” In reference to Mr. Keeton’s opposition to transit services that “don’t break even,” he advised, “none of them do.” Commissioner Mallery explained that the “transit community ... goes to great lengths to provide livable communities and to provide service for people that don’t have cars and don’t want to drive ...” He expressed the opinion, “there’s a value to the community that goes ... beyond what we look at each as an individual tax payer.” He advised that the American Public Transit Association has “published numbers for years and years that say for every one local dollar that’s put into local public transportation, the community gets back \$6 from all kinds of different sources.” He disagreed that the transit service is a “drain on the economy,” and advised it provides a value to the community.

Chairperson Aldean noted that the transit service reduces wear and tear on the City’s streets. She noted a clerical correction to the interlocal agreement included in the agenda materials. She entertained additional public comment; however, none was forthcoming. Commissioner Des Jardins advised that the interlocal agreement includes a provision to review the service after one year, and suggested including said provision in the motion. Chairperson Aldean read pertinent language from paragraph 5, page 3, into the record. Vice Chairperson Carpenter read pertinent language from paragraph 2, page 3, into the record, and noted assurances “that the agreement will last until a year from now and then it’ll be revisited.” He suggested this was reasonable in consideration of starting a new service, and noted the importance of incorporating advertising on the bus. Commissioner Crowell summarized the provisions of the interlocal agreement. In response to a question, Mr. Pittenger advised that the “\$50 per hour” figure is “the gross rate before any federal reductions, before any fare reductions ... to operate the service.” Mr. Pittenger acknowledged that the figure represents coverage of the costs Carson City would incur in providing the service on an hourly basis. In response to a question, Mr. Pittenger advised that the \$50 per hour figure was calculated to ensure Carson City is not subsidizing the intercity service. He further acknowledged that Storey County will be subsidizing the service, and that four trips, once a week, can be provided for \$20,000 at \$50 per hour. In response to a further question, Mr. Pittenger explained that “the only way we could go over is if we didn’t have any holidays that fell on Wednesdays and we do have holidays that fall on Wednesdays.”

Chairperson Aldean entertained a motion. **Commissioner Crowell moved to adopt a resolution approving an interlocal agreement with the Storey County Regional Transportation Commission, newly formed, to provide intercity service between the two counties.** In response to a question, he agreed to add **the service will be re-evaluated at the end of the contract period.** **Commissioner Mallery seconded the motion. Motion carried 5-0.**

F-5. INFORMATION REGARDING THE POTENTIAL CLOSURE OF OLD CLEAR CREEK ROAD IN CARSON CITY AND DOUGLAS COUNTY (7:04:56) - Chairperson Aldean introduced and provided background information on this item. Mr. Pittenger reviewed the agenda report, and noted the August 10, 2009 letter from the Washoe Tribe of Nevada and California (the “Washoe Tribe”) which was distributed to the commissioners and staff prior to the start of the meeting. Mr. Werner provided historic information on the subject item, and background information on the Washoe Tribe’s letter. In response to a question, Mr. Werner advised that the State has “refused any recognition of ownership of Old Clear Creek Road.” With regard to a State-owned parcel along Old Clear Creek Road, he explained that the State “would be treated like a private property owner” with continued access. In reference to a previous proposal to form a limited improvement district, he advised that State Buildings and Grounds representatives had, at one time, discussed the possibility of a “couple hundred thousand dollar contribution if the rest of the property owners would kick in ...” Mr.

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Werner advised that the construction cost estimate included in the agenda materials had not been reduced by NDOT improvements to Highway 50 West. “All these were costs that were strictly on Old Clear Creek and it was to get it to the point that it was passable. It did not meet our minimum standards by any stretch of the imagination. It would not meet minimum widths; it would just be to the point that we’d have a glorified driveway ... is the best way to describe it.” In response to a question, Mr. Werner advised that NDOT improvements to Highway 50 West “had nothing to do with ... Old Clear Creek Road itself.” Mr. Burnham advised of projects planned by NDOT to resolve the drainage issues. He further advised of an agreement with Douglas County and NDOT for maintenance of “the small piece of the overpass ... [which] goes through Carson City and the small piece of roadway which goes through that state property.” He reminded the commissioners that said agreement had been approved within the last two years.

In response to a question, Mr. Benton advised of having been asked to research the City’s interest in keeping the road open. “It appears that, based upon the procedure of the abandonment, that’s when the City could have ... taken over maintenance of the road.” That was over sixty years ago and, currently, the City has no legally-enforceable interest in keeping the road open. Chairperson Aldean noted allegations of prescriptive rights of use. Mr. Benton explained that the District Attorney’s Civil Division provides legal advice to the City, but is precluded from providing advice regarding individual rights. In response to a question, Mr. Werner advised that the members of Clear Creek, LLC have not indicated the type of access they intend to control.

Chairperson Aldean entertained public comment. (7:14:53) Howard Riedl disclosed that he is a member of the Carson City Open Space Advisory Committee, but advised he was providing public comment as a private citizen. He further advised of having been made aware last Friday of the potential closure of Old Clear Creek Road. He expressed shock over “some of the comments” published in recent *Nevada Appeal* articles. He expressed opposition to the property owners being allowed to install a gate based on “clear, historic, substantial, and continual public access on Clear Creek Road.” He further expressed disagreement “that they have a right to gate it.” He advised of having conducted research which indicated that Clear Creek Road was constructed in 1875, as an alternate route to the Lake Biglar Toll Road “aka Kings Canyon.” He reviewed historic information pertinent to Old Clear Creek Road. He acknowledged that NDOT abandoned the right-of-way many years ago, but noted that public use continued. “There was no ... bona fide effort to restrict access.” Mr. Riedl advised of having used Old Clear Creek Road for recreational purposes over the past 18 years, “even before many of the residents were up there.” He further advised that Chas Macquarrie conducted research which indicates that “eight of the twelve parcel maps ... recorded do allow public access on Clear Creek Road. These are eight of the twelve that ... have formed the LLC.” “Given the facts that use of the roadway was established and has been continual well before Clear Creek, LLC was formed,” Mr. Riedl urged Carson City “to prohibit them from blocking access.” He advised that he would be addressing the Douglas County Commissioners as well, in acknowledgment of the jurisdictional issues. He further urged “Carson City to conduct public hearings in accordance with NRS 405.191 and 405.195.” He expressed the opinion “this is easily done in determination of the access rights.” He advised evidence is readily available “that it is a private road but open for public use of which Carson City would have no maintenance responsibility or liability” He requested the commissioners’ consideration.

(7:19:02) Chas Macquarrie expressed concern over the nature of the proposed road closure. He noted the Washoe Tribe’s objection to construction traffic, and pointed out that their letter indicates no

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objection to public recreational use. Mr. Macquarrie expressed “no objection to a gate per se for vehicular traffic, but it is an important trail access to the public lands in the hills above Carson City.” He expressed support for maintaining the recreational access. He pointed out that the “issue is not maintenance. That was resolved, at least thus far, some years ago ... The issue is public access. ... It wouldn’t be a liability for the City or Douglas County to maintain it.” In reference to Mr. Riedl’s comments, Mr. Macquarrie advised that there is “legal public access across eight of the twelve parcels within Carson City via the parcel maps that created them.” He clarified that the public access is not continuous “because the access on the other four parcels is somewhat grey.” He urged the City to “keep tabs on this and direct staff to further investigate the issue of maintaining public access to the public lands.” He advised that the new interchange will not help public access because the road off the interchange is privately owned by Clear Creek, LLC.

Commissioner Mallery inquired as to the number of people who use Old Clear Creek Road on an annual basis for “any kind of recreation.” Mr. Riedl advised that he uses the road frequently, and acknowledged a willingness to work with the property owners to provide assurances that recreational users would respect the private property. He advised that the Open Space Advisory Committee sponsors clean up days, a recent one of which was specific to Old Clear Creek Road. Commissioner Mallery discussed the “quality” added to a community by bicycle / pedestrian trails. He noted that the flume trail, which is difficult to access, has over 50,000 users annually. Mr. Riedl advised that he usually encounters approximately ten people “in the 45 minutes that I jet down there from the top ...” He further advised that “a lot of elderly and young people use that because it’s such a gentle roadway.” He expressed concern over a statement in a *Nevada Appeal* article that the “road is not safe.” He acknowledged potholes and curves in the road, but noted “there’s not a lot of traffic on it. There are aspects of that roadway that make people slow down ...” He suggested that diverting bicyclists and pedestrians to Highway 50 West would be much more dangerous.

Chairperson Aldean suggested liability is a primary concern of the Clear Creek, LLC members. Mr. Riedl referred to NRS 405, and acknowledged the road is “indeed ... private.” He clarified that he is not an attorney, and discussed similar issues addressed in other counties as well as in Carson City. He reiterated his willingness to work together with the property owners. In reference to NRS 405, Mr. Werner provided historic information on Kings Canyon Road. He advised that, under state law, roads that existed on the “old BLM plats in 1845 ... automatically became county roads.” He further advised “this road did not exist in 1845 ...” He noted that the homeowners have not had a property tax exemption from this roadway. Staff has considered all these factors and “came to the same conclusion. And the information by the RTC and the Board of Supervisors was not to declare it a public, open roadway.”

(7:29:18) In response to a question, Chas Macquarrie read the language from a parcel map into the record, as follows: “Clear Creek Road, Old Highway 50 West, is an 80-foot wide public access drainage and utility easement.” He also read language from the owner’s certificate, as follows: “... that the streets, avenues, and public places shown hereon are dedicated and set apart to be public.” He advised that “the eight out of the twelve ... have wording that is essentially the same as that. It recognizes that it’s a private road, but it also grants public access over the road.”

Commissioner Mallery referred to the development history of the American River Bike Trail in Sacramento, and suggested referring to it in working with the Clear Creek, LLC representatives. He advised that “when that trail was being debated in Sacramento among the city council and all the

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people that were interested in building this trail, one of the objections was ‘we don’t want this trail in our backyard because there’ll be undesirable people ...’” In the last 35 to 40 years, “none of that has occurred and, what’s actually happened, is it’s become a source of pride for the entire Sacramento area and the trail has

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been held up as an example of what a community can do in recreational trails ...” Commissioner Mallery suggested emphasizing that the roadway is “not a liability and it’s not a negative. It can be ... a very great positive, something that the community can be proud of.”

Chairperson Aldean called for additional public comment and for representatives of Clear Creek, LLC or the Washoe Tribe; however, none were forthcoming. She expressed a preference not to invoke the provisions of NRS 405, and for City staff to help facilitate meetings between the recreational users and the members of Clear Creek, LLC. Commissioner Mallery offered to participate, and the commissioners concurred with Chairperson Aldean’s direction. Vice Chairperson Carpenter thanked Chairperson Aldean for agendizing this item; Mr. Riedl and Mr. Macquarrie for their attendance and participation; and Commissioner Mallery for his willingness to participate in the process.

F-6. ACTION TO APPROVE AND AUTHORIZE THE CHAIR TO SIGN AN AGREEMENT, BY AND BETWEEN THE GENEVIEVE FELESINA FAMILY TRUST, PURSUANT TO THE TRUST AGREEMENT DATED SEPTEMBER 24, 1991, AND CARSON CITY, WHEREBY THE GENEVIEVE FELESINA FAMILY TRUST, PURSUANT TO THE TRUST AGREEMENT, DATED SEPTEMBER 24, 1991, AGREES TO: (1) SELL AND CONVEY ALL OF THAT CERTAIN REAL PROPERTY, DESCRIBED AS ASSESSOR’S PARCEL NUMBER 009-051-03, FOR THE PURPOSE OF ROADWAY CONSTRUCTION RELATED TO THE CURRY STREET WIDENING PROJECT (7:33:38) - Chairperson Aldean introduced this item, and Mr. Pittenger referred to the errata sheet which had been distributed to the commissioners and staff prior to the start of the meeting. Ms. Belt reviewed the agenda report and the attached agreement. Mr. Burnham provided background information on negotiations associated with the subject agreement. He advised of the intent to return to the commission and declare, as surplus property, the subject property and a number of properties pertinent to the Stewart Street project “so that we can go through and sell these properties rather quickly and recover a lot of cash ... We need to do that in order to improve our cash flow.” He provided background information on a proposed new bond issue.

Chairperson Aldean noted that the subject right-of-way is critical to completion of the Curry Street widening project. She reviewed the previously-noted errata sheet. Ms. Belt advised of having contacted a Genevieve Felesina Family Trust representative who acknowledged agreement to the revision included in the errata sheet. Mr. Burnham responded to questions regarding sale of the property. Ms. Belt responded to questions regarding the method by which the property was valued.

Chairperson Aldean opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Crowell moved to approve and authorize the chair to sign an agreement between the Genevieve Felesina Family Trust, pursuant to the trust agreement, dated September 24, 1991, and Carson City, whereby the Genevieve Felesina Family Trust, pursuant to the trust agreement, dated September 24, 1991, agrees to sell and convey all of that certain real property described as APN 009-051-03, for the purpose of roadway construction related to the Curry Street Widening Project and to accept the Deed with the criteria as set forth in the errata sheet distributed at this meeting. Commissioner Des Jardins seconded the motion. Motion carried 5-0.**

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F-7. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION TO APPROVE AMENDMENT NO. 1 TO CONTRACT NO. 0809-206 WITH A & K EARTHMOVERS, INC., TITLED "SOUTH CURRY STREET PHASE 1 IMPROVEMENTS" TO EXPAND THE SCOPE OF WORK AND INCREASE THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$282,949.05 FROM THE CURRY STREET PHASE 2 RECONSTRUCTION / EXPANSION FUND, WATER FUND, SEWER FUND, AND STORM WATER FUND, AS PROVIDED FOR IN FY 2008 / 2009 (7:40:34) - Chairperson Aldean introduced this item, and Mr. Schulz reviewed the agenda report. He responded to questions of clarification regarding award of the original contract. Chairperson Aldean opened this item to public comment and, when none was forthcoming, entertained a motion. As amended, Vice Chairperson Carpenter moved to accept Public Works' recommendation to approve Amendment No. 1 to Contract No. 0809-206 with A & K Earthmovers, Inc., South Curry Street Phase I Improvements," to expand the scope of work and increase the contract in an amount not to exceed \$282,949.05 from the Curry Phase 2 Reconstruction / Expansion Fund, Water Fund, Sewer Fund, and Storm Water Fund, as provided for in FY 2008 / 2009. Commissioner Des Jardins seconded the motion. Motion carried 5-0.

F-8. ACTION TO APPROVE AMENDMENT NO. 1 TO CONTRACT NO. 0809-235, 2009 ADA SIDEWALK IMPROVEMENT PROGRAM PHASE II FOR AN AMOUNT NOT TO EXCEED \$30,001.00 FROM THE RTC PEDESTRIAN IMPROVEMENT CITY WIDE ACCOUNT, AS PROVIDED IN FY 2008 / 2009 (7:43:23) - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the agenda report. He responded to questions of clarification regarding the need for the amendment. Chairperson Aldean entertained public comment and, when none was forthcoming, a motion. Commissioner Crowell moved to approve Amendment No. 1 to Contract No. 0809-235, 2009 ADA Sidewalk Improvement Program, Phase II, for an amount not to exceed \$30,001.00 from the RTC Pedestrian Improvement Citywide Account, as provided in FY 2008 / 2009. Commissioner Mallery seconded the motion. Motion carried 5-0.

F-9. ACTION TO DETERMINE THAT A & A CONSTRUCTION, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 0809-251 OLD CLEAR CREEK ROAD FRONTAGE IMPROVEMENTS PROJECT TO A & A CONSTRUCTION, INC. FOR A BID AMOUNT OF \$298,604.78, PLUS A CONTINGENCY AMOUNT NOT TO EXCEED \$29,000.00 TO BE FUNDED FROM THE OLD CLEAR CREEK ROAD FRONTAGE IMPROVEMENTS FUND, AS PROVIDED IN FY 2009 / 2010 (7:45:12) - Chairperson Aldean introduced this item, and Mr. Schulz reviewed the agenda report. He acknowledged that grant funding will be allocated to the project. Chairperson Aldean entertained public comment; however, none was forthcoming. She thanked Ms. Belt and Mr. Benton for their assistance in revising certain language of the standard City contract. She noted a clerical correction to page C-2 of the contract, under the Compensation paragraph.

Chairperson Aldean entertained a motion. **Commissioner Crowell moved to determine that A & A Construction, Inc. is the lowest responsive and responsible bidder, pursuant to NRS Chapter 338, and to award Contract No. 0809-251, Old Clear Creek Road Frontage Improvements Project, to A & A Construction, Inc. for a bid amount of \$298,604.78, plus a contingency amount not to exceed \$29,000.00 to be funded from the Old Clear Creek Road Frontage Improvements fund, as provided in FY 2009 / 2010. Commissioner Des Jardins seconded the motion. Motion carried 5-**

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F-10. ACTION TO DETERMINE THAT INTERMOUNTAIN SLURRY SEAL, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 0910-056, 2009 MICROSURFACE PROJECT TO INTERMOUNTAIN SLURRY SEAL, INC. FOR A BID AMOUNT OF \$243,040.50, PLUS A CONTINGENCY AMOUNT NOT TO EXCEED \$24,000.00 TO BE FUNDED FROM THE STREET OVERLAYS FUND 256-3038-431-0468, AS PROVIDED IN FY 2009 / 2010 (7:48:26) - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the agenda report in conjunction with a displayed map. In response to a question, Mr. Pittenger advised that the intersection of Baker and Colorado Streets will be awarded later this month in a separate contract, less than \$25,000 and, therefore, not subject to commission review.

Chairperson Aldean entertained a motion. **Commissioner Des Jardins moved to determine that Intermountain Slurry Seal, Inc. is the lowest responsive and responsible bidder, pursuant to NRS Chapter 338, and to award Contract No. 0910-056, 2009 Microsurface Project to Intermountain Slurry Seal, Inc. for a bid of \$243,040.50, plus a contingency amount not to exceed \$24,000.00, to be funded from the Street Overlays Fund 256-3038-431-0468, as provided in FY 2009 / 2010; fiscal impact not to exceed \$267,040.50. Commissioner Mallery seconded the motion. Motion carried 5-0.**

F-11. ACTION TO DETERMINE THAT CONTRACT NO. 0910-060 IS A CONTRACT FOR THE SERVICES OF A PROFESSIONAL ENGINEER; THAT THE SELECTION WAS MADE ON THE BASIS OF THE COMPETENCE AND QUALIFICATIONS OF THE ENGINEER FOR THE TYPE OF SERVICES TO BE PERFORMED AND NOT ON THE BASIS OF COMPETITIVE FEES; AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 625.530, AND TO APPROVE CONTRACT NO. 0910-060 WITH WINSTON ASSOCIATES, INC. TO PROVIDE DESIGN SERVICES FOR CARSON CITY FREEWAY LANDSCAPE PROJECT - PHASE 1 AND NORTH CARSON STREET MEDIANS THROUGH DECEMBER 31, 2010, FOR A NOT-TO-EXCEED COST OF \$234,568 WITH A CONTINGENCY AMOUNT NOT TO EXCEED \$24,000 TO BE FUNDED FROM THE RTC FREEWAY LANDSCAPING PROJECT FUND, AS PROVIDED IN FY 2009 / 2010 (7:51:45) - Chairperson Aldean noted that this item had been deferred to a future meeting, and reviewed necessary corrections to the agenda report and the attached contract. Mr. Burnham advised of ongoing discussions with the selected consultant regarding the City's insurance requirements.

G. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS:

G-1. JAC SETS A NEW MONTHLY RIDERSHIP RECORD (7:54:16) - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the August 12, 2009 memo included in the agenda materials.

G-2. STREET OPERATIONS REPORT (7:54:55) - Chairperson Aldean introduced this item, and referred to the August 12, 2009 memo included in the agenda materials.

G-3. PROJECT STATUS REPORT (7:55:19) - Chairperson Aldean introduced this item. In reference to the Eagle Station / U.S. Highway 395 traffic signal project, Mr. Schulz acknowledged that

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NDOT had accepted the warrant study and that the project is scheduled to proceed in October. Chairperson Aldean entertained additional questions or comments; however, none were forthcoming.

G-4. BANNERS ON FAIRVIEW DRIVE (7:56:05) - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the August 12th memorandum included in the agenda materials. Mr. Burnham acknowledged the objective of the banners is to indicate “this is ... for the time being the way you exit off the freeway onto South Carson Street into downtown.” He further acknowledged that the Office of Business Development is assisting with design; the funding is being allocated from the RTC.

G-5. FUTURE AGENDA ITEMS (7:58:04) - Mr. Pittenger reviewed the tentative September commission agenda. Chairperson Aldean suggested agendaizing, at a future meeting, an informational item to provide further explanation of the storage lane between Washington Street and Beverly Drive. She requested staff to agendaize an additional informational item to revisit the impact on east / west access during the bridge construction on Clearview Drive. Mr. Burnham advised of a NDOT public informational meeting scheduled for August 19th at which “all the closures” will be discussed. Chairperson Aldean provided detailed information on the August 19th meeting.

H. ACTION ON ADJOURNMENT (8:00:02) - Commissioner Des Jardins moved to adjourn the meeting at 8:00 p.m. The motion was seconded and carried unanimously.

The Minutes of the August 12, 2009 Carson City Regional Transportation Commission meeting are so approved this _____ day of September, 2009.

SHELLY ALDEAN, Chair