

CARSON CITY BOARD OF SUPERVISORS
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, May 19, 2005, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Ken Furlong	Sheriff
	Al Kramer	Treasurer
	Daren Winkelman	Health Director
	Roger Moellendorf	Parks and Recreation Director
	Larry Werner	City Engineer
	Melanie Bruketta	Chief Deputy District Attorney
	Tom Hoffert	Public Works Operations Manager
	Juan Guzman	Open Space Manager
	Katherine McLaughlin	Recording Secretary
	Justine Chambers	Contracts Coordinator

(B.O.S. 5/19/05 Tape 1-0015)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE AND INVOCATION - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Supervisor Staub led the Pledge of Allegiance. Rev. Dick Campbell of the Presbyterian Church gave the Invocation.

CITIZEN COMMENTS (1-0049) - None.

1. **APPROVAL OF MINUTES (1-0051) (1-0390)** - Brewery Arts Center Executive Director John Prococcini introduced himself and explained the opportunities that are available to the Center and the use of the facilities. Examples of programs he plans to introduce were described. He thanked the Board for its support of the Center and looked forward to contributing to the community and its growth in the future.
2. **AGENDA MODIFICATIONS (1-0053)** - Development Services' Item 11 was deferred.
3. **SPECIAL PRESENTATIONS**
 - A. **PROCLAMATION IN SUPPORT OF THE 2005 MS (MULTIPLE SCLEROSIS)**

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SOCIETY) WALKS AND DECLARATION THAT MAY IS MS AWARENESS MONTH (1-0058)-

President of the Great Basin Chapter of the Multiple Sclerosis Society Linda Voit announced the Annual Walk to be held on Saturday and invited the public and Board to attend and participate. Mayor Teixeira read the Proclamation into the record. No formal action was required or taken.

B. PROCLAMATION ACKNOWLEDGING MAY AS NATIONAL HISTORIC PRESERVATION MONTH (1-0107) -

State Historic Preservation Officer Ron James, Historic Resources Commission Chairperson Michael Drews - Mr. James thanked the Board and community for their historic preservation efforts and noted its successful 20 year program. He acknowledged that there had been a few "losses" during this period. The program had unsuccessfully attempted to preserve those structures. Chairperson Drews explained the awards. Mayor Teixeira read the Proclamation into the record and complimented Messrs. James and Drews on their dedication and efforts. No formal action was required or taken.

C. A PRESENTATION TO THE BOARD OF SUPERVISORS FROM THE HISTORIC RESOURCES COMMISSION (HRC) ON THE HISTORIC PRESERVATION AWARDS PROGRAM AND THE PRESENTATION OF AWARDS TO JENNIFER VERIVE AND GARY CAIN, BRET AND DANI ANDREAS, MICHAEL STEWART AND SCOTT JOHNSON, AND ARTHUR HANNAFIN (1-0153) -

Chairperson Drews explained each award, the structure, and location. He introduced the recipients and presented the awards. Dani Andreas thanked the Commission and Redevelopment for their assistance. Art Hannafin indicated his intent to continue to maintain his low profile in redevelopment activities and thanked the Commission and Board for the recognition. Michael Stewart's father thanked the Commission and City staff for their assistance. A job fair will be held this weekend. They plan to open in three weeks. It had been a major project as the structure was in bad shape when they started. It will be a great asset to the community and have the respect it deserves. He appreciated the award. Chairperson Drews thanked the Board for the recognitions and solicited nominees for next year's awards. Discussion indicated that the house across the street from the Olcovich House received an award last year. The building will soon be available for weddings, seminars, and special events. It will be a bed and breakfast with special events capabilities. Mr. James, as a State representative, again thanked the Board for its recognition. He then described some of the historic preservation programs that had already occurred during the month. The National Historic Preservation Office had expanded the activities to cover an entire month without notifying the State Historic Preservation Offices until it was too late to schedule and announce other activities. Mr. James hoped to have a month of activities next year. It will allow activities to be held in the southern portion of the State during early May and the northern portion during the later part of May. No formal action was required or taken.

LIQUOR AND ENTERTAINMENT BOARD - Mayor Teixeira recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder.

BOARD OF SUPERVISORS (1-0410) - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

5. CONSENT AGENDA

5-1. CLERK/RECORDER -PRESENTATION OF THE ANNUAL REPORT OF THE CARSON CITY RECORDER PER NRS 247.305

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5-2. DEVELOPMENT SERVICES - CONTRACTS

A. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE WATERFALL FIRE - BOUNDARY MARKING PROJECT, CONTRACT #2004-74 AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO TRI STATE SURVEYING, LTD., 4825 CONVAIR DRIVE, CARSON CITY, NV 89706, AN AMENDMENT NO.1 AMOUNT OF \$3,157

B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE CARSON CITY FREEWAY UTILITY RELOCATION, PHASE 1-B (LOMPA) CONSTRUCTION INSPECTION SERVICES PROJECT, CONTRACT #2003-009 AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO STANTEC CONSULTING, INC., 6980 SIERRA CENTER PARKWAY, SUITE 100, RENO, NEVADA 89511, FOR AN AMENDMENT NO. 2 AMOUNT OF \$72,000

C. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE CARSON CITY HALL EXPANSION ARCHITECTURAL/SERVICES TO ISSUE PAYMENTS TO GANTHNER MELBY LLC, 5190 NEIL ROAD, SUITE 231, RENO, NV 89502 FOR AN AMENDMENT NO. 1 AMOUNT OF \$7,000 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$3,000

D. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND ACCEPT THE CONTRACT ISSUED BY DEVELOPMENT SERVICES FOR THE EMERGENCY PURCHASE OF CARSON CITY SUPPLIED MAASS PITLESS ADAPTERS FOR NEW WELL PROJECTS, CONTRACT #2004-124 TO R SUPPLY, P.O. BOX 2877, RENO, NV 89505 FOR A CONTRACT AMOUNT NOT TO EXCEED OF \$75,000

5-3. DEVELOPMENT SERVICES - PUBLIC WORKS - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE COOPERATIVE AGREEMENT BETWEEN PUBLIC AGENCIES; STATE OF NEVADA, DEPARTMENT OF ADMINISTRATION, DIVISION OF BUILDINGS AND GROUNDS, CARSON CITY AND CARSON WATER SUBCONSERVANCY DISTRICT WHICH ADDRESSES FUNDING FOR PRELIMINARY ENGINEERING, ENVIRONMENTAL STUDIES AND DESIGN OF IMPROVEMENTS TO THE MARLETTE LAKE WATER SYSTEM

5-4. DEVELOPMENT SERVICES - ADMINISTRATION - ACTION TO AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS TO PURCHASE THE CARSON REHABILITATION CENTER AT 900 LONG STREET FROM CARSON-TAHOE HOSPITAL

5-5. ALTERNATIVE SENTENCING - ACTION TO APPROVE THE APPOINTMENT OF KEVIN E. FIELD AS CHIEF OF THE DEPARTMENT OF ALTERNATIVE SENTENCING, EFFECTIVE MAY 9, 2005 - Item 5-4 was pulled for discussion. Supervisor Livermore moved to approve the Consent Agenda consisting one (item) from the Clerk-Recorder, four (items) from Development Services - Contracts; one (item) from Development Services - Public Works and one (item) from Alternative Sentencing; for a total of seven items, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

5-4. (1-0434) Supervisor Livermore read into the record a prepared statement declaring his potential conflict of interest due to the Hospital Board of Trustees positions he holds and a stipend he receives as a result of those positions and the potential benefit the sale/conveyance of the property would have to the Hospital. He indicated that he will abstain from voting on this item. City Manager Linda Ritter introduced the item. Discussion explained that the acquisition will include a release by the Hospital of all claims to the

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property to the east of the Rehab Center on which the Senior Center wishes to build senior housing. Supervisor Aldean moved to authorize staff to enter into negotiations to purchase the Carson Rehabilitation Center at 900 Long Street from Carson-Tahoe Hospital; possible fiscal impact is \$4.5 million. Supervisor Williamson seconded the motion. Motion carried 4-0-1 with Supervisor Livermore abstaining.

5-5. (1-0473) Supervisor Aldean acknowledged Kevin Field's presence and appointment to the Chief of Alternative Sentencing position. Mr. Field introduced himself. The Board congratulated him on his appointment. Mr. Field expressed an intent to work within the resources provided and described a program he wished to implement. Mayor Teixeira indicated that the Division is involved with the methamphetamine program. He also expressed a hope that the Division's caseload will decrease even though other sources have indicated a continual growth will occur. No formal action was required on this discussion beyond that taken previously as part of the Consent Agenda.

6. HEALTH - Director Daren Winkelman - ACTION TO FIND THAT JOHN BOWER, M.D., IS QUALIFIED TO SERVE AS THE CARSON CITY HEALTH OFFICER AND TO APPOINT JOHN BOWER, M.D., AS THE CARSON CITY HEALTH OFFICER PER NRS 439.290 AND PER NRS 439.300, TO SET THE COMPENSATION OF THE HEALTH OFFICER AT A NOT TO EXCEED AMOUNT OF \$15,000 PER YEAR (1-0503) - Justification for the appointment and the RFP process used to seek applicants for the position were explained. The previous Health Officer, Dr. Heard, allegedly supported Dr. Bowers' appointment. Supervisor Livermore briefly described Dr. Heard's involvement with the Mental Health Coalition and thanked him for his service to the community. He indicated that Dr. Bower is well thought of in the health industry. Mr. Winkelman concurred with his comments and indicated that the Department will continue to work with Dr. Heard and his clinic as a resource. Dr. Bower indicated that he had discussed the appointment with both Mr. Winkelman and Chief Deputy District Attorney Melanie Bruketta at length. His experience was briefly described. Mayor Teixeira thanked him for his offer. Supervisor Livermore moved to find that John Bower, M.D., is qualified to serve as the Carson City Health Officer and to appoint John Bower, M.D., as the Carson City Health Officer per Nevada Revised Statute 439.290 and per Nevada Revised Statute 439.300, to set the compensation of the Health Officer at a not to exceed amount of \$15,000 per year. Supervisor Williamson seconded the motion. Motion carried 5-0.

BOARD OF HEALTH - Mayor Teixeira recessed the Board of Supervisors session and passed the gavel to Chairperson John Bowers who immediately convened the Board of Health. For Minutes of the Board of Health, see its folder.

BOARD OF SUPERVISORS - Following adjournment of the Board of Health, Chairperson Bower returned the gavel to Mayor Teixeira who reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

7. NEVADA SMALL BUSINESS DEVELOPMENT CENTER - ACTION ON A FUNDING REQUEST FROM THE NEVADA SMALL BUSINESS DEVELOPMENT CENTER (NSBDC) IN THE AMOUNT OF \$15,000 TO HELP SUPPORT ITS ACTIVITIES IN CARSON CITY, INCLUDING BUSINESS COUNSELING AND TRAINING, BUSINESS RESEARCH, AND ENVIRONMENTAL AND SAFETY ASSISTANCE (1-0764) (1-0802) - NSBDC Director Sam Hale, Business Consultant Kathy Halbardier, City Manager Linda Ritter - Justification for seeking funding from the City was provided. Other jurisdictions are being asked to support the program in their communities. Purportedly,

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\$10,000 has been verbally approved by Douglas County. Douglas County has historically given the agency \$5,000. Carson City has never provided any ongoing support. Discussion explained that the firm had worked with UNR to develop the lost retail revenue study conducted several years ago. A fee is not assessed against the business for their services. Historical information and national studies indicate that approximately 80% of the new businesses are gone in five years for a variety of reasons. Use of the NSBDC's services reduces this number by almost 50%. A description of various services it provides was given. Board comments suggested that if the City provides \$15,000 in revenue, a priority position above Douglas County should be provided. Mr. Hale felt that the funding would allow NSBDC to maintain its current service level. Supervisor Williamson explained for the record that at one time Ms. Halbardier was contracted by the Redevelopment Authority to provide training for downtown businesses, however, the proprietors were unable to establish a time to get together. Ms. Halbardier had been prepared and was ready to meet her commitment. Ms. Halbardier explained the quarterly reports she provides to the Chamber of Commerce. A copy of this report is to be provided to the City. Justification for requesting the report was provided. Mr. Hale explained his reasons for feeling that it is a reasonable request and could be accommodated. Supervisor Livermore explained his knowledge of Redevelopment/Economic Development Manager Joe McCarthy's use of the information. He also indicated his knowledge of the reports that are provided to the Chamber of Commerce and its Manufacturers Association. He then explained his belief that the traffic analysis that is used in some of these reports needed to be updated. Mr. Hale explained the reporting delay and agreed to update the information. Supervisor Livermore also explained the need to update the traffic patterns and analysis for the North Douglas County area. Mr. Hale concurred and indicated that he would work with Mr. McCarthy to provide more current information. Supervisor Williamson explained her support of the funding request. Ms. Ritter indicated that the funding source would be Mr. McCarthy's budget and suggested that it could be in the increased funding level provided for his consultants or from one-shot funding. Supervisor Williamson then moved to approve the funding request in the amount of \$15,000 for the Nevada Small Business Development Center with the funding source being the Economic Development. Supervisor Livermore seconded the motion. Following Supervisor Staub's request for an amendment, Supervisor Williamson concurred with amending the motion to require at least quarterly reporting regarding their activities and training back to Economic Development. Supervisor Livermore concurred. Motion carried 5-0.

8. REDEVELOPMENT/ECONOMIC DEVELOPMENT - Manager Joe McCarthy - ACTION TO ADOPT ON SECOND READING, BILL NO. 110, AN ORDINANCE BY THE CARSON CITY BOARD OF SUPERVISORS TO AMEND THE REDEVELOPMENT PLAN FOR PROJECT AREA NO. 1 BY ADDING TWO PARCELS OF REAL PROPERTY LOCATED AT THE CARSON MALL, APN'S 004-011-01 AND 004-011-04, TO THE EXISTING REDEVELOPMENT PLAN AREA AND CAUSING NO MATERIAL DEVIATION TO THE PLAN OR ANY SUBSTANTIAL CHANGE TO THE COMMUNITY'S MASTER PLAN, PURSUANT TO NRS 279.608 (1-0771) - Supervisor Williamson moved to adopt on second reading Bill No. 110, Ordinance No. 2005-9, AN ORDINANCE BY THE CARSON CITY BOARD OF SUPERVISORS TO AMEND THE REDEVELOPMENT PLAN FOR PROJECT AREA NO. 1 BY ADDING TWO PARCELS OF REAL PROPERTY LOCATED AT THE CARSON MALL, ASSESSOR'S PARCEL NUMBERS 004-011-01 AND 004-011-04, TO THE EXISTING REDEVELOPMENT PLAN AREA AND CAUSING NO MATERIAL DEVIATION TO THE PLAN OR ANY SUBSTANTIAL CHANGE TO THE COMMUNITY'S MASTER PLAN, PURSUANT TO NRS 279.608; and no fiscal impact. Supervisors Staub and Aldean seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 9:23 a.m. The entire Board was present when Mayor Teixeira reconvened

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the meeting at 9:30 a.m., constituting a quorum.

9. FIRE - EMS Battalion Chief Vince Pirozzi, Fire Chief Stacy Giomi - ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CHAPTER 5.18 (AMBULANCE SERVICES), SECTION 5.18.040 (FEES AND RATES) BY INCREASING THE FEE AND RATE SCHEDULE 10% FOR EXISTING SERVICES, ADDING A NEW SERVICE, BASIC LIFE SUPPORT, AND A RATE OF \$770.00 FOR THAT SERVICE AND OTHER MATTERS PROPERLY RELATED THERETO (1-1085) - Discussion explained the status of the successful CC Cares Program. Mayor Teixeira pointed out that the City had been subsidizing the ambulance service for eight years. Finance Director Minton had been able to change this program. Reasons the City's service could not be compared with any of the surrounding jurisdictions were provided. It also pointed out that the City's program provides the highest level of medical service possible. The rates are comparable to the surrounding jurisdictions'. Sixty percent of the City's ambulance service is provided to Medicare and Medicaid patients. The other jurisdictions do not have that many Medicare and Medicaid patients. The CC Cares program is not impacted by the rate increase. Discussion also explained the amount of ambulance transport required within the City and to the Washoe County hospitals. Reasons for transporting these patients at the high paramedic level were provided. The staffing and ambulances used for transport were described. The support provided by surrounding jurisdictions when a high volume of transports are required was explained. Supervisor Livermore explained that the Carson-Tahoe Hospital had given the City ambulance service an exclusive service agreement. It cannot call another provider to transport its patients for that reason. Wheelchair patients use Med Express for transportation as the City does not provide this service. Supervisor Aldean moved to introduce on first reading Bill No. 111, AN ORDINANCE AMENDING CHAPTER 5.18, AMBULANCE SERVICES, SECTION 5.18.040, FEES AND RATES, BY INCREASING THE FEE AND RATE SCHEDULE 10% FOR EXISTING SERVICES, ADDING A NEW SERVICE, BASIC LIFE SUPPORT, AND A RATE OF \$770.00 FOR THAT SERVICE AND OTHER MATTERS PROPERLY RELATED THERETO. Following discussion of the fiscal impact amount, Supervisor Aldean amended her motion to include fiscal impact of two percent of the current accessible funding level. Supervisor Williamson seconded the motion. Motion carried 5-0.

10. FINANCE - Director Tom Minton

A. ACTION TO ADOPT BILL NO.108, ON SECOND READING, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE "2005 DRAINAGE BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) DRAINAGE BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005B; IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,000,000; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND AND THE HANDLING OF FUNDS; AND PROVIDING OTHER MATTERS RELATING THERETO (1-1284) - Supervisor Williamson moved to adopt Ordinance No. 2005-10, Bill No. 108, on second reading, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE "2005 DRAINAGE BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION, LIMITED TAX, DRAINAGE BONDS, ADDITIONALLY SECURED BY PLEDGED REVENUES, SERIES 2005B; IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,000,000; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE

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PAYMENT OF SAID BOND AND THE HANDLING OF FUNDS; AND PROVIDING OTHER MATTERS RELATING THERETO with a fiscal impact of \$11,233,962 and the funding source is Stormwater Fund Service Charges. Supervisor Aldean seconded the motion. Motion carried 5-0.

B. ACTION TO ADOPT BILL NO. 109, ON SECOND READING, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE "2005 WATER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005A; IN THE MAXIMUM PRINCIPAL AMOUNT OF \$9,000,000; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS; AND PROVIDING OTHER MATTERS RELATED THERETO (1-1315) - Supervisor Staub moved to adopt Bill No. 109, Ordinance No. 2005-11, on second reading, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE "2005 WATER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION, LIMITED TAX, WATER BONDS, ADDITIONALLY SECURED BY PLEDGED REVENUES, SERIES 2005A; IN THE MAXIMUM PRINCIPAL AMOUNT OF \$9,000,000; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS; AND PROVIDING OTHER MATTERS RELATED THERETO with a fiscal impact of \$14,443,666 including principal and interest. Supervisor Livermore seconded the motion. Motion carried 5-0.

11. DEVELOPMENT SERVICES - CONTRACTS - ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE SALIMAN/ROOP RCW MATERIALS PURCHASE PROJECT, CONTRACT #2004-125 TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER (1-0053) - Deferred.

12. DEVELOPMENT SERVICES - PUBLIC WORKS - Operations Manager Tom Hoffert

A. ACTION TO ADOPT ON SECOND READING, BILL NO.107, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 12.01 WATER CONNECTION CHARGES AND USE RATES, SECTION 12.01.270 PENALTIES, BY ADDING A VERBAL WARNING TO THE FIRST OFFENSE, CHANGING THE SECOND OFFENSE TO A WRITTEN WARNING, CHANGING THE THIRD OFFENSE TO A FEE ASSESSMENT OF FIFTY DOLLARS, ADDING A FOURTH OFFENSE FEE ASSESSMENT OF ONE HUNDRED DOLLARS, ADDING A FIFTH OFFENSE AS A MISDEMEANOR; ADDING FEE ASSESSMENTS SHALL BE ASSESSED ON THE UTILITY BILLS WITH NOTIFICATION VIA CERTIFIED MAIL; ADDING LANGUAGE FOR PROTESTS AND OTHER MATTERS PROPERLY RELATED THERETO (1-1336) -Mr. Hoffert indicated that he had not received any comments or telephone calls regarding this ordinance. Supervisor Livermore moved to adopt on second reading Bill No. 107, Ordinance No. 2005-12, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 12.01 WATER CONNECTION CHARGES AND USE RATES, SECTION 12.01.270 PENALTIES, BY ADDING A VERBAL WARNING TO THE FIRST OFFENSE, CHANGING THE SECOND OFFENSE TO A WRITTEN WARNING, CHANGING THE THIRD OFFENSE TO A FEE ASSESSMENT OF FIFTY DOLLARS, ADDING A FOURTH OFFENSE FEE ASSESSMENT OF ONE HUNDRED DOLLARS, ADDING A FIFTH OFFENSE AS A MISDEMEANOR; ADDING FEE ASSESSMENTS SHALL BE ASSESSED ON THE UTILITY BILLS

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WITH NOTIFICATION VIA CERTIFIED MAIL; ADDING LANGUAGE FOR PROTESTS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Staub seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE PUBLIC WORKS OPERATIONS DIVISIONS 2005

IRRIGATION CONTROLLER REBATE PROGRAM (1-1366) - Lee Radtke - Discussion explained that the funding will be dispersed on a first come, first served basis. When all of funds are spent, no more rebates will be provided. It was felt that the funds will accommodate 200 residences. The rebate amount will range from \$20 to \$80 for a system that will handle up to eight stations. A controller handling more than eight stations can cost more than \$1,000. Supervisor Staub explained his belief that the proposed program as written will open Pandora's box. He suggested that an income level be added to the criteria as it would then assist residents who cannot afford to replace the controller. Discussion explained the controllers are available locally, the irrigation dates, and the research that was conducted on the program. Income levels are used for several other programs and could be appended to the program. Mr. Hoffert believed that it may be possible to work with the local dealers to obtain a reduced price for Carson City residents. The discount should not be considered as a replacement for the rebate program. Staff will assist the residents who need help installing the controller. A mandatory field inspection will be required to obtain the rebate. This provides an ideal time to distribute other information and provide training on proper irrigation techniques. The proposed program also included using the fines assessed against violators for continuing the rebate program. Supervisor Staub suggested that the rebate program include the income level criteria and provide a sliding scale for rebates similar to that provided by the Redevelopment incentive program. This would spread the funding further. Supervisor Williamson voiced concerns about the cost to administer the rebate program. She felt that a termination date for seeking a rebate should be included. Mr. Hoffert suggested that a revised ordinance be drafted and presented to the Board at the next meeting. He also indicated that receipts will be required. The new irrigation program commences on June 1. Residents will have to make the modifications to be in compliance with the program on that date.

Mr. Radtke explained that his system requires two controllers. One will not meet the revised irrigation schedule. He had worked with the staff and adjusted one of the controllers to meet the new schedule. He felt that the City should be obligated to replace the controllers as they had been installed in compliance with the original Code. He felt that seniors who are living on a fixed income could not afford to make the switch. Mayor Teixeira thanked him for voicing his concerns for other individuals.

Supervisor Staub suggested that the ordinance be revised to limit the rebate to a not to exceed amount of \$50 and \$75 and that a maximum rebate be set at 20% of the receipt price. This will allow more residents to participate. **Supervisor Staub moved to approve the Public Works Operations Divisions 2005 Irrigation (Controller) Rebate Program with the following amendment: That the program allow water utility customers in good standing to receive an amount not to exceed 20% of their purchase price, however, the rebate shall not exceed \$50 for a four to eight station controller and \$75 for a nine station or more controller; fiscal impact is \$10,000. Supervisor Livermore seconded the motion.** Discussion indicated that the controller prices range between \$50 and \$75 although there are controllers in the \$20 to \$25 range. The price depends on the individual's purpose. Supervisor Williamson pointed out that it will cost the City more than \$4 to issue a check to these individuals. Supervisor Aldean suggested a revision to Paragraph 4 that only irrigation controllers purchased and installed between May 1, 2005, and December 31, 2005, are eligible. Mayor Teixeira pointed out that he had been mute on the issue. The City had changed the irrigation

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program from odd and even dates. This created a cost for the residents. The proposed program includes \$10,000 in hard cash for rebates. The program's administration will be \$150,000 due to the inspection requirements. The residents should have some obligations. It should be a simple program with \$10,000 available on a first come, first served basis that provides a 50% rebate regardless of whether the controller is installed or not. If they do not irrigate according to the restrictions, they will be fined. The City should not be in the business of installing them and checking. Supervisor Livermore explained his personal need to replace the clock on his controller. It cost approximately \$70. The replacement is a two week system. He is still "dealing" with it due to its complexities. Supervisor Aldean pointed out that there is more involved than just verifying the installation. It provides an opportunity to educate the residents on methods of conserving water which is the primary goal. This makes the residents better water users. **The motion was voted by roll call with the following results: Supervisor Aldean - Yes; Supervisor Williamson - No; Supervisor Livermore - Yes; Supervisor Staub - Yes; and Mayor Teixeira - No. Motion carried 3-2.**

13. DEVELOPMENT SERVICES - ENGINEERING - City Engineer Larry Werner

A. ACTION ON A MOTION FINDING THAT THE PROPOSED ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 12 WATER, SEWERAGE, AND DRAINAGE, SECTION 12.17.040 SERVICE CHARGE RATES, WHICH INCREASES THE CHARGE FOR EACH PROPERTY BASED ON ZONING CLASSIFICATION DOES IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS, THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, ACCEPTED, AND IS ON FILE WITH THE BOARD OF SUPERVISORS AND THAT THE REQUIREMENTS OF CHAPTER 237 OF THE NEVADA REVISED STATUTES HAVE BEEN MET BY STAFF'S ACTION (1-1780) - Clarification indicated that the monthly revenue increase is \$33,166. The total revenue generated per month will be \$80,000.00. Supervisor Staub moved to find that a proposed ordinance amending Carson City Municipal Code Title 12 Water, Sewerage, and Drainage, Section 12.17.040 Service Charge Rates, which increases the charge for each property based on zoning classification does impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business, that a business impact statement has been prepared, accepted, and is on file with the Board of Supervisors and that the requirements of Chapter 237 of the Nevada Revised Statutes have been met by staff's action. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 12 WATER, SEWERAGE, AND DRAINAGE BY AMENDING SECTION 12.17.040 SERVICE CHARGE RATES WHICH INCREASES THE CHARGE FOR EACH PROPERTY BASED ON ZONING CLASSIFICATION AND OTHER MATTERS PROPERLY RELATED THERETO (1-1845) - Chamber of Commerce Chief Executive Officer Larry Osborne - Discussion indicated the increase is 72% and is across the board. Mr. Osborne indicated that the Chamber supports the ordinance although they do not like higher rates. The Chamber has worked with the City on the program, is aware of the needs, and had worked on and supported the ballot question. When the ballot question failed, the Chamber recognized the need for a rate increase. Mayor Teixeira pointed out that the increase will be hard on the small businesses. He acknowledged the complexity of using a different method. Supervisor Williamson moved to introduce Bill No. 112 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 12 WATER, SEWERAGE, AND

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DRAINAGE BY AMENDING SECTION 12.17.040 SERVICE CHARGE RATES WHICH INCREASES THE CHARGE FOR EACH PROPERTY BASED ON ZONING CLASSIFICATION AND OTHER MATTERS PROPERLY RELATED THERETO; fiscal impact is \$398,000 in additional revenue to the Stormwater Utility Fund. Supervisor Livermore seconded the motion. Motion carried 4-1 with Mayor Teixeira voting Naye.

14. CITY MANAGER - Linda Ritter

A. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 2.31, INFORMATION SERVICES DEPARTMENT, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1898) - Discussion explained that Information Services Director Kevin Haggerty reports to City Manager Ritter. Supervisor Aldean moved to introduce on first reading Bill No. 113, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 2.31, INFORMATION SERVICES DEPARTMENT, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Williamson seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE A POLICY PLAN IN RESPONSE TO SPECIFIC RECOMMENDATIONS MADE BY THE INTERNAL AUDIT REGARDING THE OPERATION OF ADVISORY BOARDS, COMMITTEES AND COMMISSIONS (1-1963) - Supervisor Livermore complimented Ms. Ritter on her frank discussions with the various Boards, Committees, and Commissions on rules and their need to fit into the Board's strategic goals and work plan. He endorsed her action plan wholeheartedly. Public comments were solicited but none was given. Supervisor Livermore moved to approve a policy plan in response to specific recommendations made by the Internal Audit regarding the operation of advisory Boards, Committees and Commissions. Supervisor Aldean seconded the motion. Motion carried 5-0.

C. ACTION TO SET FUNDING LEVELS FOR COMMUNITY SUPPORT SERVICE AGENCIES FOR FISCAL YEAR 2005/2006 (1-2087) - Discussion noted representatives of the agencies were not present. The list of agencies included those who made presentations and those who submitted applications. The list also included the amount of previous funding, the requested amount for this year, and the staff's recommended funding level. The Board had not established the funding level and should.

RECESS: A recess was declared at 10:40 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:48 a.m., constituting a quorum.

Supervisor Williamson moved to approve the ongoing funding of \$190,000 that was in last year's 2004-2005 budget and to carry it over to the 2005-2006 budget for a total of \$190,000. Supervisor Livermore seconded the motion. Motion carried 5-0.

The Board then used its round robin process to select the agencies and the funding level from its \$100,000 one-shot discretionary funds. This process established the following funding levels: Community Council on Youth - \$38,500; Brewery Arts Center - \$7,500; HealthSmart - 7,500; Nevada Hispanic Services - \$5,000; Nevada Day Foundation - \$8,000; RSVP - \$8,500; Community Counseling Center - \$12,000; GROW - \$8,000; Nevada Tahoe Conservation District - \$2,000; Carson Valley Conservation District - \$2,000; and Carson City Symphony - \$1,000. Supervisor Aldean moved to approve the allocations as listed. Supervisor

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Williamson seconded the motion. Motion carried 5-0.

15. BOARD OF SUPERVISORS - NONACTION ITEMS

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-2575) -

Supervisor Aldean reported on her attendance at the Adelante dinner, a master plan workshop, and her participation in a video production at the Montesorri School. She thanked the School for inviting her and allowing her to participate. Supervisor Williamson reported on her vacation and the "C" Hill Flag Dedication Ceremony. She thanked all of the participants on their efforts. She indicated that she had attended a lot of meetings on economic development and that things are happening. She then reported on the Subconservancy's meeting. She reminded the public and Board of the Saturday MS Walk and the Wild West Tours and urged them to attend. Supervisor Aldean announced that May 28 is Elected Officials Volunteer Day in Dayton for CAHI and urged the Board to participate. Supervisor Staub reported on the RTC meeting; the media coverage on the Community Council on Youth; and that the Airport donut shop is open for business. He also announced the Airport Authority meeting scheduled for this evening. Supervisor Livermore reported on his participation in the welcoming of the Nevada Women's Bowling Association at Carson Lanes; the WNCC *Beauty and the Beast* program; the Parks and Recreation Commission meeting; and a helicopter tour of the Waterfall Fire's burn area. Mayor Teixeira thanked Supervisors Williamson and Livermore for their coverage of events when his attendance is required at Legislative sessions. He was glad to see that people are now fighting to use the Pony Express Pavilion. When it was constructed it was felt that it was a "white elephant" and would not be used. A report on the Legislature's actions will be included on the next agenda. He felt that it had been a good session.

B. STAFF COMMENTS AND STATUS REPORT - None.

RECESS: A recess was declared at 11:19 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 1:35 p.m., constituting a quorum.

16. DEVELOPMENT SERVICES - PLANNING AND ZONING - Community Development Director Walter Sullivan and Principal Planner Lee Plemel

A. ACTION TO APPROVE A MASTER PLAN AMENDMENT REQUEST FROM PEAK CONSULTING ENGINEERS, LLC, TO CHANGE THE MASTER PLAN DESIGNATION FROM INDUSTRIAL TO COMMERCIAL, ON PROPERTY LOCATED AT LEPIRE DRIVE AND NORTH EDMONDS DRIVE, APN'S 010-351-92, 93, 03, 06, 07, 10, 14, 15, 16, 18, 90, AND 04 (MPA 05-033); AND B. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE TO APPROVE A ZONING MAP AMENDMENT REQUEST FROM PEAK CONSULTING ENGINEERS, LLC, TO CHANGE THE ZONING DESIGNATION FROM GENERAL INDUSTRIAL (GI) TO GENERAL COMMERCIAL (GC), ON PROPERTY LOCATED AT LEPIRE DRIVE AND NORTH EDMONDS DRIVE, APN'S 010-351-92, 93, 03, 06, 07, 10, 14, 15, 16, 18, 90, AND 04 (ZMA 05-034) (1-2885) - Kel Aiken, Applicant's Representative Keith Shaffer, Applicant Mark Funk, Applicant Christian Funk, Sherry Funk, Mr. Wisinski - Discussion between the Board and staff explained that the parcel used for storage of rock material will be allowed to continue the nonconforming use unless the usage is terminated for one year. If the usage is terminated for more than a year, the use will have to conform to Code requirements for commercial property. Mr. Aiken was the only property owner who had responded to the notification. He did

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not wish to have his zoning changed. The applicant had purportedly talked to two of the other property owners who allegedly concurred with the zone change. A distribution center could not be located in a commercial zone. The General Commercial (GC) zone has 30 foot setbacks and is a less intensive use than that for a General Industrial (GI) zone.

Mr. Aiken explained that his building contains 23,000 square feet. It cannot readily be converted to commercial uses. The parking area is not adequate to meet the parking requirements for commercial uses. Industrial zoning allows him to have a large pool of potential tenants. Tenants who want heavy uses must obtain a special use permit. He agreed with the Planning Commission to leave the properties alone and to grant the zone changes requested by the Applicant on the other parcels. Clarification by Mr. Aiken indicated that the property owner across Lepire Drive from his parcel may also want to keep his current zoning.

Mr. Shaffer reviewed his Applicants' history of development in the vicinity and reasons for bringing the proposed changes to the Board. He also indicated that the topography of the area may not blend itself to developing the property as currently zoned. He believed that the Applicant's proposed plan is good for the area and could be developed before the end of the year. Discussion explained that the GC uses are allowed in the GI zone and could be done without the master plan amendment. The change will limit the uses that are allowed. GC zoning requires only a 30 foot setback. GI zoning requires a 50 foot setback.

Mr. M. Funk explained his reasons for wanting to change the zoning due to his belief that the topography and lack of infrastructure will make it expensive to develop GI uses. (2-0022) Discussion indicated that his residential development is almost builtout. He suggested that condominiums be constructed on the sites involved in the master plan amendment. Justification for this usage was provided.

Mr. C. Funk explained the price of the homes and indicated that there is a waiting list of individuals who want similar homes. He explained his response to potential buyers who want to know what will happen to the GI area. The master plan amendment and zone change will allow higher end condos to be constructed on the site. He felt that some of the property owners in the vicinity would rather have that type of use than the GI usage that is currently allowed.

Ms. Funk explained that an adjacent property owner wanted to have the GC zoning on his/her property. She pointed to the site on the slide illustrating the parcels. He/she had allegedly sent a letter to Mr. Sullivan regarding the desire to change the zoning.

Discussion indicated that the entire area had been noticed. The Board could modify the action taken by the Planning Commission, if desired. Mr. Plemel limned the current uses on the parcels and indicated whether they would be continued if the zoning is changed. If the parcel with manufacturing is sold, the usage will be eliminated. Mayor Teixeira voiced his objection to changing the zoning on this parcel without having a discussion with the property owner. He also objected to having options provided that were different from the Commission's recommendation.

Mr. M. Funk indicated that Mr. Wisinski,, who owns the parcel with manufacturing, allegedly wants two of the parcels rezoned. Mr. Wisinski explained that he was not prepared to speak. The parcels he owns were indicated. He has rented one parcel to a plating firm and an auto painter. Clarification by Mr. Sullivan indicated that Mr. Wisinski could sell this parcel and the buyer would be able to continue the current uses,

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however, if the use is not continued for a year, it will no longer be allowed. Mr. Wisinski then indicated that he wanted to change the zoning designations on Parcels 010-351-03 and 04. His brother, who owns 010-351-14, also wants its zoning changed to commercial. He did not want to change the zoning on Parcel 010-351-10. Mayor Teixeira asked if any of the other property owners were present. No one spoke.

Supervisor Aldean moved to introduce on first reading Bill No. 114, AN ORDINANCE TO APPROVE ZMA-05-034, A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM GENERAL INDUSTRIAL TO GENERAL COMMERCIAL FOR PARCELS GENERALLY LOCATED IN THE LEPIRE DRIVE AND NORTH EDMONDS DRIVE VICINITY, APNS 010-351-92, 93, 03, 06, 07, 14, 15, 18, 90 AND 04 EXCLUDING APN 010-351-16 AND 10. Supervisors Williamson and Livermore second the motion. Motion carried 5-0. Following discussion regarding the ordinance and the need to have one for a master plan amendment, Supervisor Aldean indicated that she retracted her motion. (No action was taken to rescind the motion.)

Mr. Sullivan recommended that the Board adopt the ordinance as recommended by the Planning Commission and leave in the two parcels that had been excluded. The master plan does not change the zoning but allows the zone change to occur in the future. Supervisor Aldean moved to approve MPA-05-033, a Master Plan Amendment request from Peak Consulting Engineers, LLC, to change the Master Plan designation from Industrial to Commercial on property located at Lepire Drive and North Edmonds Drive, APNS 010-351-92, 93, 03, 06, 07, 10, 14, 15, 16, 18, 90 and 04. Supervisor Livermore seconded the motion. Motion carried 5-0.

Supervisor Aldean moved to introduce on first reading Bill No. 115, AN ORDINANCE TO APPROVE ZMA-05-034, A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM GENERAL INDUSTRIAL TO GENERAL COMMERCIAL FOR PARCELS GENERALLY LOCATED IN THE LEPIRE DRIVE AND NORTH EDMONDS DRIVE VICINITY, APNS 010-351-90, 93, 03, 06, 07, 14, 15, 16, 19, AND 04I ON PROPERTY LOCATED AT LEPIRE DRIVE AND NORTH EDMONDS DRIVE, APNS 010-351-92, 93, 03, 06, 07, 14, 15, 18, 90, AND 04 EXCLUDING APNS 010-351-16 AND 10. Supervisor Livermore seconded the motion. Discussion ensued on the need to have an ordinance for the Master Plan amendment and the bill number. Supervisor Aldean indicated that she had numbered this Bill 115. Motion carried 5-0.

D. ACTION TO APPROVE A FINAL INDUSTRIAL SUBDIVISION MAP TO ALLOW THE SUBDIVISION OF INDUSTRIAL CONDOMINIUM LOTS (12 LOTS RANGING FROM 2,425 SQUARE FEET TO 2,500 SQUARE FEET AND ONE 65,579 SQUARE FEET COMMON AREA LOT) TOTALING 13 LOTS, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT 5225 GRUMMAN DRIVE, APN 008-816-65, BASED ON THE FINDINGS AND SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT PURSUANT TO THE REQUIREMENTS OF THE CARSON CITY MUNICIPAL CODE (FSM-05-069 AND TSM-04-168) (2-0325) - Project Manager David Crook - Discussion explained the size of the condominiums. Supervisor Livermore moved to approve a Final Industrial Subdivision Map, FSM-05-069, to allow the subdivision of industrial condominium lots, 12 lots ranging from 2,425 square feet to 2,500 square feet and one 65,579 square feet common area lot, totaling 13 lots, on property zoned Limited Industrial located at 5225 Grumman Drive, APN 008-816-65, based on the findings and subject to the recommended conditions of approval contained in the staff report pursuant to the requirements of the Carson City Municipal Code. Supervisor Aldean seconded the motion. Motion carried 5-0.

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E. ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION'S DECISION OF DENIAL OF A SPECIAL USE PERMIT APPLICATION FROM JOHN MICHAEL AND MAGGIE M. SERRANO TO ALLOW THE CONSTRUCTION OF A DUPLEX AS A CONDITIONAL USE ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 3444 U.S. HIGHWAY 50 EAST, ASSESSOR'S PARCEL NUMBER 008-271-13, BASED ON ONE FINDING. FILE SUP-04-215 (2-0380) - John Michael Serrano asked that the item be returned to the Planning Commission for consideration of Single Family uses. Supervisor Aldean moved to remand Special Use Permit, SUP-04-215, back to the Planning Commission in order for John Michael and Maggie M. Serrano to revise their application for review of the Single Family dwelling as a Conditional Use in a General Commercial zone, located at 3444 Highway 50 East, APN 008-271-13. Supervisor Williamson seconded the motion. Motion carried 5-0.

C) ACTION TO APPROVE MPA-05-044, THE SCHULZ RANCH SPECIFIC PLAN AREA, INCLUDING A MASTER PLAN AMENDMENT REQUEST TO CHANGE THE MASTER PLAN DESIGNATION AND ZONING OF APN'S 009-311-003, 14, 15, 08, 09, 10 AND 47 FROM SUBURBAN RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, AND MOBILE HOME ONE ACRE (MH1A) AND SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 6,000 (SF6), RESPECTIVELY, AND TO CHANGE THE MASTER PLAN DESIGNATION AND ZONING OF APN'S 009-711-01, 02, 03, 04, 05, APN'S 009-712-01, 02, 03, 04, 05, 06, 07, APN'S 009-713-01, 02, 03, 04, 05, 06, 07, 08, 09, APN'S 009-311-04, 06, 27, 34, 41, 42, APN'S 009-321-01, 02, 05, 06, APN'S 009-323-01, 02, 03, 04, APN'S 009-322-12, 13, 14, APN'S 009-311-12, 16, 20, 21, 22, 29, 30, 31 AND 46, FROM SUBURBAN RESIDENTIAL TO LOW DENSITY RESIDENTIAL, AND MOBILE HOME ONE ACRE (MH1A) AND SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 21,000 (SF21), RESPECTIVELY, INCLUDING SPECIFIC DEVELOPMENT STANDARDS, GUIDELINES AND POLICIES, FOR THE DEVELOPMENT OF A RESIDENTIAL SUBDIVISION, ON PROPERTY GENERALLY LOCATED IN THE VICINITY OF RACE TRACK ROAD BETWEEN CENTER DRIVE AND SCHULZ DRIVE. (MPA 05-044) (2-0407) - Applicants' Representative Mark Rotter, Kenneth Morton, Ben Kennedy, William Kugler, Steve Luschar, Shane Cowan, Steve Luschar's brother, Development Services Director Andrew Burnham, Juli McKean, Lynn Robey, Washoe Tribe of Nevada and California Chairperson Brian Wallace, General Counsel for the Washoe Tribe Tim Seward, Chief Deputy District Attorney Melanie Bruketta, Stewart Indian Community Chairwoman Wanda Batchelor, Phyllis Bateman, Debbie Lasanbee, Pete Bachstadt, William Farris, Joseph Motorollie, Kent Steele, Dion Montolarre, Betty Farris, Bob Bateman, Carlene Rader - Discussion between Mayor Teixeira and Mr. Sullivan explained that the traffic noise and density issues are not addressed at this time. They will be considered as part of the subdivision and tentative map processes. The Planning Commission recommendations are forwarded to the Board, who has the final say on the subdivision, tentative and final maps. The traffic, water, trails, parks, etc., are considered in these map processes. The Parks and Recreation Commission and the Carson River Advisory Committee's roles in the review process were noted. The Board is the final authority over the entire process. The application was noticed correctly. The Board can act on it. The Commission's denial of the master plan amendment was based on the failure to have a super majority vote. The Board could approve, deny or modify the recommended motion.

Mr. Plemel's introduction explained Mr. Cavilia's request that his clients' (Tim and Rene Knorzer) property to be included in Part A of the proposed Specific Plan Area (SPA). It must be returned to the Commission for consideration. The Board should act on the remaining portion of the SPA's Part A. Discussion explained

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the reasons their property could not be included in the SPA at this time; why the project could not be developed as a Planned Unit Development and become a gated community; and the need for the trails and parks to provide connectivity to the City's other parks and trails.

Mr. Rotter explained who the applicants are; the area included in the SPA; and the abutting uses. He acknowledged that the SPA will create a major change in the area. He then described the reasons for considering a SPA for the area; the concerns raised at the neighborhood meetings; and the commitments that were made to mitigate those concerns. The commitments included bringing City water to the area and extending Topsy Lane as a major access to the area. Discussion at the neighborhood meetings had included the flood plain areas, sewer, traffic, and density issues. Reasons the development had not considered single family one acre uses were limited. He then described the SPA project including the proposed buffer against the developed single family one acre area(s); the connection to Topsy Lane and 395, the second access from Bigelow; and why traffic cannot go south into Douglas County on Bigelow at this time. A conceptual photo-simulation illustrating the project was displayed. He then continued his description of the project including the bicycle lanes; the linear park facility; their connectivity to Carson City facilities; the detention basin located in the designated flood plain; the park amenities; the plan to have approximately 500 units or four units per acre; the reasons different designs were offered, and emphasized that the plan is conceptual at this time. Illustrations of other projects developed by the Applicants were shown. The project will provide affordable housing. (2-1150) Clarification indicated that the prices for the homes may start in the high \$200,000 range although the "six pack" may be in the mid-\$200,000 range. Mr. Rotter again acknowledged that the project will change the area. The flood plain has been identified. The importance of extending Topsy Lane to reduce the traffic impact to Center and Bigelow was explained. He acknowledged that a change in the Bigelow and Center Streets traffic that will be created by the development. The cultural issues must be mitigated in accordance with State laws. The runoff will meet State and Federal Clean Water Act requirements before being discharged into the creek. The issues regarding Center and Bigelow right-of-ways are continuing to be researched. The City has and does maintain these roadways.

Discussion between the Board and staff indicated that the Planning Commission had not recommended rezoning Area B, which is the location of the one acre developed lots. The Board, however, could rezone it if desired. Mr. Rotter explained the reasons for zoning that area SF21. He indicated that he is willing to revise the concept if the neighbors want to subdivide, however, some of the property owners had indicated a desire to keep their rural lifestyles. Mr. Rotter explained the belief that equestrian uses will not cross Highway 395. They will, however, continue to use the area to the east of the project. He had been invited to go horse back riding with Parks Planner Vern Krahn and will discuss the trails and routes that are needed.

Supervisor Livermore explained his personal experience in his neighborhood with the encroachment of SF6 lots and development. He hoped that the plan works better than it had in his area. Discussion indicated that the park development will occur when half of the project is constructed. The tentative map and the development agreement will include this requirement and its construction period(s). Supervisor Livermore directed that the specific development time be clearly delineated to avoid a repeat of the problems with Silver Oaks park(s).

Supervisor Aldean indicated that Area B could not be acted upon until after Area A is. Her support for having CC&Rs was explained. Mr. Rotter explained that discussions have indicated that if CC&Rs can be done without a homeowners association, it may occur. At this time there is no plan to have a homeowners

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association or to create a privately done subdivision. Park maintenance agreements may be used to reduce the impact on City staff's maintenance of the SPA parks. Mr. Rotter then stipulated that the developers will install maintenance districts so that every house will be assessed for maintaining the parks.

Supervisor Staub explained his belief that a majority of the residents will not use Topsy Lane and 395 to access Carson City. He also indicated his belief that Carson City residents may use Topsy Lane to access the Walmart shopping center. He suggested that Topsy Lane be engineered and developed as a four lane thoroughfare and that "serious improvements" be made to Center and Bigelow. Mr. Rotter explained that he had discussed these issues with Deputy City Engineer John Flansberg and that they will consider these issues when the traffic analysis is developed.

Discussion ensued between Supervisor Livermore and Mr. Sullivan regarding the emergency 911 system and the problems the residents in the SPA vicinity have in receiving emergency services due to the different telephone companies in their areas. Fire Chief Giomi allegedly is working with the telephone companies in an effort to resolve this problem. Mayor Teixeira expressed his belief that it is a life and safety issue and that the telephone companies should voluntarily correct the situation. He directed City Manager Ritter to assist Fire Chief Giomi with resolving this issue. Ms. Ritter explained that she is working with Fire Chief Giomi on the issue. Mr. Sullivan explained his immediate response to Juli McKean's comments at the Planning Commission's meeting and awareness of Ms. Ritter and Fire Chief Giomi's efforts to resolve the issue. Supervisor Livermore then explained his awareness of the same problem in the Mexican Dam area and as their Supervisor he asked that the area also be included in the correction. Public comments on the project were then solicited.

Mr. Morton indicated that he represented his parents. Mr. Kennedy explained that he is a member of the Allison, MacKenzie law firm and that he represents Tim and Renee Knorz. Messrs. Morton, Kennedy, Luschar and Cowan supported the zone change to SF6 for Area B and asked that their properties be included in it. Mr. Plemel explained that these areas must be considered by the Planning Commission. Mr. Kuglar explained that he and his partner, Gene Lepire, had discussed the project with the developers and have agreed to the buffer to their property. He agreed that the time is right to make the change. Mr. Luschar felt that the change will also address property line issues in his area. Steve Luschar's brother explained the need for a buffer with any development on the Douglas County side of his property. He indicated that he had letters from his neighbors allegedly supporting the zone change. Discussion indicated that all but one property owner in his area had agreed to the zone change.

Discussion between the Board and Mr. Sullivan indicated that the Board could act on Area A, should refer Area B back to the Planning Commission for consideration, and noted other motion options that the Board could take.

Discussion between the Board and Mr. Rotter described the proposal to extend the City's sewer service to the area. Mr. Rotter also indicated that the Washoe Tribe is interested in having City sewer service in its area. At the current time, their area is not serviced by City utilities. Mr. Sullivan indicated that if the zone change is approved and development of the lots as SF6 occurs, connection to the sewer utility will be mandatory. Mr. Burnham explained the problems encountered with providing service to the Tribal area. Meetings have been scheduled to continue these discussions.

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RECESS: A recess was declared at 3:33 p.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 3:40 p.m., constituting a quorum.

Ms. McKean opposed the zone change due to the desire to maintain her current lifestyle and to keep her horses and riding locations. She had allegedly asked that Area B be removed from the SPA at the last meeting and was disappointed that it had been left in the project. She also felt that the Area A will create a negative impact on the Tribal area. She then explained her difficulty in obtaining emergency services. She also expressed concerns regarding the increased traffic, the lack of maintenance on Bigelow and Center Streets, and the increased density. She asked that the property remain zoned Single Family One Acre (SF1A).

Ms. Robey elaborated on the difficulties encountered when attempting to obtain emergency services. Mayor Teixeira indicated that staff will work on the problem immediately. Ms. Robey opposed the zone change and asked that the SF1A zoning remain without mobile home parks, business, and industry. She encouraged extending the water and sewer services to the area. She was also concerned about the impact increased density will have on the underground water table.

Washoe Tribe Chairman Wallace strenuously objected to the SPA due to the number of unresolved issues including public health, safety, human rights, and welfare items. He stressed the importance of the Clear Creek watershed and its cultural sites to his Tribe and its community. He felt that there were errors in the master plan which should not be used to justify the change. The freeway will channel the traffic through their community, i.e., onto Center Street. His concerns included: additional illegal dumping, motor vehicle trespassing specifically along the Clear Creek, lack of protection for the watershed area, need for water quality controls, protection of the cultural areas, storm water issues including the location of the detention basin, potential sewerage spills, lack of City sewer services and problems encountered in attempting to obtain this service, lack of Federal involvement in the process, the density level, the belief that the Tribe is being forced out of its area, destruction of Tribal burial sites, traffic, and the safety of their women and children. (A petition was given to the Board and later to the Clerk.)

Mr. Seward expressed concerns related to the impacts on the Tribal community and procedural questions related to the Planning Commission's denial and the subsequent appeal to the Board of Supervisors. Ms. Bruketta explained that the Carson City Municipal Code requires the Board to consider the application regardless of the Planning Commission's decision. The Planning Commission is an advisory board to the Board of Supervisors. Mr. Seward then expressed concerns regarding the compatibility of the project; the traffic impacts; health, safety, and welfare issues; his inability to make the necessary findings related to these issues; and the lack of a buffer against the Tribes' cultural site(s). Discussion clarified the trespass issues along Clear Creek and the indicated a belief that the development will increase these illegal uses. Mr. Seward then explained the concerns regarding the safety of the children going to the Latch Key and Head Start Program on Center Street and the lack of a finding related to it. The NDOT decision to not cul-de-sac Center and to allow it to continue south of the freeway will make it a major arterial once Topsy Lane is extended. Concerns regarding Center, Bigelow, and Snyder Streets, their ownership, and maintenance were indicated. Documentation regarding them has been requested but not yet provided. He cautioned the Board against making any improvements to them without the proper right-of-way. He then sited cultural resources which he believed should be recognized and repeated his concern about the impact to them. Discussion commenced regarding the billboards located on Tribal property along Highway 50 West. Mayor Teixeira pointed out that

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this is not part of the agenized item. Mr. Seward indicated that the Tribe is working to restore and return Clear Creek to its natural stream bed. Mayor Teixeira asked that he summarize his comments as others wished to speak. Mr. Seward thanked the Board for their time and asked the Board to not approve the application.

Stewart Indian Community Chairwoman Batchelor explained that she had letters from 50 residents of the Stewart Community. (A copy was given to the Clerk later in the meeting.) She described the locations of their Community Center, their Latch Key facility, and the Head Start program, the use of these facilities, and their safety concerns created by the potential traffic volume that will be using Center Street as a result of the SPA. Other programs that are located in the area were also limned to stress the need for increased pedestrian safety. She also opposed the development due to the lack of hard data regarding the negative impact on the surrounding community which includes the Tribal lands. She believed that Dat-So-La-Lee Way will also be negatively impacted by the increased traffic. The freeway will eliminate their community residents ability to see the fireworks in Carson City during holiday celebrations.

Ms. Bateman asked that the zoning be kept as it presently is. She explained the research that was conducted when she purchased her property and belief that the master plan should protect her property. She asked the Board to deny the request and maintain her rural lifestyle.

Ms. Lasanbee asked that the race track be kept. She urged the Board to deny the application based on the environment and cultural concerns as well as the damage that could occur to Clear Creek and the wildlife. She was also concerned about the location of residential homes near the prison, the lack of adequate water and power, the traffic impacts, and destruction of the rural lifestyle.

Mr. Bachstadt explained his reasons for not being at Board meetings more often. He then explained his acquisition of property on Rabe Way and its water rights, the loss of the ground water table, and growth's encroachment on the area. He felt that the SF1A zoning was acceptable, however, the proposal is too dense and will further impact the water table. Mayor Teixeira explained that the Legislature had enacted a bill that will allow the subdivision to assess a maintenance fee for the park. Mr. Bachstadt should not be included in that assessment district. Mayor Teixeira then promised Mr. Bachstadt that the developer would not receive any perks or incentives for doing the development as Mr. Bachstadt alleged had occurred when apartments were constructed on College Parkway. Mr. Bachstadt urged the Board to buffer his area with SF1A lots. He also indicated that his lot will be buffering for Area B.

Mr. Farris alleged that a planner had told Douglas County that Center Street will be extended into Douglas County. Ms. Ritter indicated that a copy of the letter from U.S.G.S. regarding the water quality of Clear Creek was in the Board packets. Mr. Farris then voiced his concerns regarding the high density that is proposed and his belief that the proposal is very ambiguous. His belief that more details should be provided was based on his experience and the requirements made of him as a general builder. Mayor Teixeira explained that the drawings were renderings and that additional work will be required before development can occur. Mr. Farris indicated that he would await the traffic, water, and sewer reports.

(3-0034) Mr. Motorollie read a prepared statement into the record. He questioned the justification for the proposed density. He was concerned about the lack of water and felt that the remaining water resource should not be used for this development. He also indicated that the density for the Douglas County portion will

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further impact the residents. Although growth is inevitable, SF6 is too much density. It is pocket zoning and will not be middle income level homes. He felt that the residents in the vicinity do not want the density level. The rural lifestyle should be maintained. He urged the Board to deny the application.

Mr. Steele knew that growth was inevitable. He felt certain that his home on Center Street will be negatively impacted by the traffic and its noise. The current noise level in his garage was limited to explain his concern. The current traffic problems and his projected traffic concerns when the freeway opens were described. Signals and pedestrian crossings/walkways are needed for safety reasons. He asked to see the traffic analysis as the signal will be located within 25 feet of his bedroom window. He presented a petition signed by 37 individuals who reside in his area to the Board. (It was given to the Clerk after the meeting.)

Ms. Montolarre opposed the high density. She urged the Board to restrict the development to one-third acre lots. She had purportedly discussed the traffic with NDOT who allegedly indicated that eight trips a day per home should be used to calculate the traffic volume. This will be a lot of cars.

Ms. Farris read her letter into the record. The letter had been sent to the Planning Commission and is included in the Board packet.

Mr. Bateman felt that no one is against growth but did object to unreasonable increases in density. He described his relocation to the area, construction of his home, and development around his home. He urged the Board to consider the impact that will be created on the schools, police, fire, lifestyles, taxes, etc. The 525 residents will shop in Douglas County. They will not benefit Carson City. There are other areas in the community that should be built out before this location. He alleged to have more than 400 petitions signed by residents from throughout the City. (They were not given to the Clerk or Board.) He alleged that the applicants do not at this time own the property. He did not oppose their ability to make money but felt that it should not be at the expense of the other residents. He also alleged that there had been little communication between the developer/his representatives and the community. He urged the elected officials to consider all aspects of the proposal. Additional comments were solicited.

Ms. Rader supported the comments. She indicated that she had lived there for 25 years. She explained that there are bidding wars for one acre lots and that the homes constructed on them are worth over a million dollars. She also felt that \$250,000 to \$300,000 homes are not entry level housing and that the environment in the area is very fragile.

Mr. Rotter then explained that the race track had become a concern for the area residents. A decision was made to attempt to provide affordable housing. One acre lots are not affordable. Housing under \$300,000 is considered affordable. The BLM area in the vicinity is changing. It is designated as commercial or density development sites. BLM could auction it for development at any time and may do so this fall. The commercial area has already been sold. The area will not remain rural for long. Justification for identifying the proposed location for a SPA and residential development was provided. Mitigation of the one acre sites is provided. Traffic will be analyzed and mitigation of impacts required. He had not had an opportunity to address the petitions as he had only received them on Tuesday. The environmental issues will have to be addressed. A lot of work had been put into the plan to date to ensure that it is a good product and more work will follow.

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Mayor Teixeira pointed out the need to be respectful of property rights and for additional housing within the community. This is the first SPA to come forward. The need for growth was explained. The issues, such as traffic, must be addressed. It is not possible to do the development with septic tanks. The water quality issues for both the creek bed and the ground water table must be considered. One hundred lots will not provide the funding necessary to mitigate these water quality issues. The City sewer line is at the corner of Bigelow and Racetrack. He was uncertain whether the project will “fly” after the studies are completed but an attempt to compete with Douglas County is needed. “Responsibilities” will be required in the future steps in order to develop the site. It will help the City provide a housing market and maintain its economy and service level. People will want to continue living in Carson City and investing here. It will help entice other investors and retailers to come to the area. There are lots of concerns which must be addressed before the development occurs.

An unidentified individual asked that Area B be removed from the SPA. Mayor Teixeira explained that this issue will be determined by the Board’s decision.

Supervisor Williamson thanked the public for attending the meeting and participating. A lot of excellent issues were raised. She had read all of the correspondence and had appreciated it. She supported moving forward with the SPA Area A due to her concern for the children of the community. She did not believe that the City wanted to become a town of California retirees. It needs dynamic, young families to invest and stay here. She did not wish to see them commute from Fernley as it is the only place they can afford. The high school is packed with students, however, enrollment in the elementary and junior high schools are dropping. She hoped that the project will provide a housing mix that will allow improvement to the housing values and dynamics with recreation, a work force, and some retirees. It should not be a drain on social services. Positive vital people are needed which requires a housing project for them to live in Carson City. **Supervisor Williamson moved to approve MPA-05-044, the Schulz Ranch Specific Plan Area including a Master Plan Amendment request to change the Master Plan designation and zoning of Area A only as identified in the Schulz Ranch Specific Plan Area documents. Supervisor Livermore seconded the motion.** Supervisor Aldean expressed her appreciation for the comments and the public’s demeanor. She was not enamored with the process as illustrated by the difference in lot sizes. Her respect for the proponents’ representatives was indicated. She acknowledged that the zoning does not officially change until the tentative map is approved. She had wrestled philosophically with the concept as there needs to be a lot of refinements made to the proposal. She believed that the residents would support a subdivision containing 1/3 acre lots but were afraid of the prospect of having 2500 square foot lots. Additional refinements will make the area more acceptable to the residents even though it may change the character of the neighborhood. She indicated that she would vote against the motion. Supervisor Livermore indicated that he had struggle with the decision for several weeks. It disturbs him that Carson City school teachers must live in Dayton and that Sheriff’s Deputies cannot afford a house in Carson City. He hoped that his grandchildren will be able to afford a home in Carson City as he and his children had been able to do. The increase in property values during the last two to three years was noted to illustrate his concern. Supervisor Staub indicated that he had also struggled with the decision particularly in view of the public participation in the process and attendance at the meetings. He had talked to the developers’ representatives about the project. It is something that Carson City needs. Not everyone wants one acre lots. His mother had sold her home and downsized to a residence that had a waiting list of individuals wanting the homes. It has a small lot. His sister may be downsizing also. Not everyone can afford a house on an acre. The developers have heard the concerns and should take them seriously. He had told them that there must be buffers and care taken with the density. Their clients must also be able to

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make it work. There is a middle ground there that will take communication with give and take to make it work. He will support the motion, however, they must work with the residents to come up with a middle ground that is reasonable. Mayor Teixeira reiterated that the issue, as the Board had stated, is that the community is short on affordable housing. He was not certain that \$300,000 is affordable, however, clustering some of the area and making up for it elsewhere may provide some \$250,000 to \$260,000 housing that will allow a family to get out of an apartment and enjoy the park and other amenities housing provides. The Board is waiting to see how good the developer is at meeting this need. **The motion to approve the SPA for Area A was voted by roll call with the following result: Supervisor Aldean - No; Supervisor Livermore - Yes; Supervisor Staub - Yes; Supervisor Williamson - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.**

Discussion directed staff to look at Area B as part of the Master Plan.

17. ACTION TO ADJOURN (1-0635) - Supervisor Williamson moved to adjourn. Supervisor Staub seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 5:10 p.m.

The Minutes of the May 19, 2005, Carson City Board of Supervisors meeting

ATTEST:

ARE SO APPROVED ON June 16, 2005.

/s/
Alan Glover, Clerk-Recorder

/s/
Marv Teixeira, Mayor