

CARSON CITY BOARD OF SUPERVISORS

Minutes of the April 3, 2003, Meeting

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, April 3, 2003, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

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

STAFF PRESENT: Andrew Burnham Acting City Manager
 Alan Glover Clerk-Recorder
 Ken Furlong Sheriff
 Al Kramer Treasurer
 David Heath Finance Director
 Ann Beck Humane Resources Director
 Mark Forsberg Chief Deputy District Attorney
 Cheryl Adams Chief Deputy Purchasing Director
 Steve Albertsen Undersheriff
 Katherine McLaughlin Recording Secretary
 Justice Chambers Contracts Coordinator
(B.O.S. 4/3/03 Tape 1-0010)

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, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Rev. Ken Haskins of the First Christian Church gave the Invocation. Mayor Masayko led the Pledge of Allegiance.

CITIZEN COMMENTS (1-0035) - Mayor Masayko indicated that the Scottish Clan Bag Pipe Player had not yet arrived. When he/she does, the Board will return to this item in order to recognize April 6, which is Tartan Day.

1. APPROVAL OF MINUTES - 11/7/02 AND 1/2/03 (1-0039) - Supervisor Staub moved to approve the Minutes for the November 17, 2002, and January 2, 2003, meetings. Supervisors Livermore and Williamson second the motion. Mayor Masayko indicated that Supervisor Aldean would abstain as she was not a Board member at the time of this meeting. The motion was voted and carried 4-0-1 with Supervisor Aldean abstaining.

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2. **AGENDA MODIFICATIONS (1-0059) - None.**

LIQUOR AND ENTERTAINMENT BOARD (1-0063) - Mayor Masayko recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. The entire Board was present, including Sheriff Ken Furlong, constituting a quorum.

3. **TREASURER - Al Kramer**

A. ACTION TO APPROVE A PACKAGED LIQUOR LICENSE FOR MAPP ENTERPRISES, INC., LOCATED AT 1017 NORTH CARSON STREET, WITH BECHARA VICTOR HONEIN, MARY-ROSE HONEIN AND PATRICIA BOUNDADER AS THE LIQUOR MANAGERS (1-0065) - Chairperson Masayko reminded the applicants that having a liquor license is considered a privilege. Chairperson Masayko indicated for the record that Bechara Victor Honein, Mary-Rose Honein, and Patricia Boundader had committed to upholding the laws and to adequately train their employees. Chairperson Masayko explained the requirement that law enforcement have access to the premises at all reasonable times. Member Furlong noted the favorable Sheriff's Investigative Reports. Member Aldean moved to approve a packaged liquor license for Mapp Enterprises, Inc., located at 1017 North Carson Street, with Bechara Victor Honein, Mary-Rose Honein, and Patricia Boundader as the Liquor Managers under CCMC 4.13, fiscal impact is \$1,000 original new fee, \$650 investigation fee, and a \$200 quarterly liquor fee. Member Livermore seconded the motion. Member Williamson thanked them for their investment and noted the improvements that they had made to the facility. Board discussion explained the location. Motion carried 6-0.

B. ACTION TO APPROVE A FULL BAR LIQUOR LICENSE FOR ADOLFO GALINDO MARTINEZ DOING BUSINESS AS MICHUACAN MEXICAN FOOD, LOCATED AT 933 WOODSIDE DRIVE NO. 102 (1-0160) - Adolfo. Martinez and his interpreter and General Manager Louis Alvarado introduced themselves. Chairperson Masayko reminded them not to serve minors or intoxicated individuals. Mr. Martinez indicated, through his interpreter, that he understood the Liquor Laws and that he would adequately train his employees. Chairperson Masayko explained the requirement that the Sheriff's office and law enforcement have access to the business at all reasonable times. Chairperson Masayko asked that the record show that Mr. Martinez' interpreter had translated and he had responded yes to all of the questions. Member Furlong explained the favorable Sheriff's Investigative Report. Following discussion of the address, Chairperson Masayko directed that the record show that the 3227 Gordonia is the residence address for Mr. Martinez and is not the business address. The business address is 933 Woodside Drive #102. Member Aldean moved to approve a full bar liquor license for Adolfo Galindo Martinez, doing business as Michuacan Mexican Food, located at 933 Woodside Drive No. 102, and that the fiscal impact is \$1,000 original new fee, \$500 investigation fee, and \$200 quarterly liquor fee. Supervisor Williamson seconded the motion. The motion was voted and carried 6-0.

C. ACTION TO APPROVE A CHANGE IN LIQUOR LICENSE MANAGERS FOR DECADES BAR AND GRILL LOCATED AT 1475 HOT SPRINGS ROAD WITH JENNIFER FOX AS THE NEW LIQUOR MANAGER (1-0295) - Jennifer Fox indicated she would comply with the City and State Liquor Laws. She also indicated that she understood the Code requirement allowing law enforcement access at all reasonable times. Member Furlong noted the favorable Sheriff's Investigative Report. Member Williamson

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referenced a previous legal issue encountered with the license for this location. Member Furlong requested that the record show that the owners and operators are comfortable with Ms. Fox and her position. A copy of the court agreement stipulating to the change was included in the supporting documents. Additional comments were solicited but none given. Member Staub moved to approve a change in Liquor License Managers for the Decades Bar and Grill located at 1475 Hot Springs Road with Jennifer Fox as the new Liquor Manager; fiscal impact is \$75. Member Livermore seconded the motion. Motion was voted and carried 6-0.

D. ACTION TO APPROVE A BEER AND WINE LICENSE FOR JOSE SEGURA DOING BUSINESS AS TACOS JALISCO II, LOCATED AT 557 SOUTH SALIMAN ROAD (3-0362) - An unknown individual explained that Mr. Segura was tied up in traffic and should arrive shortly. Chairperson Masayko indicated that Citizens Comments would be accepted at this time.

BOARD OF SUPERVISORS (1-0364) - Chairperson Masayko recessed the Liquor and Entertainment Board and immediately reconvened Board of Supervisors session. The entire Board was present, constituting a quorum.

CITIZEN COMMENTS - CONTINUED (1-0365) - Mayor Masayko read a proclamation into the record that described Tartan Day and the reasons it is recognized. Pat Polacek of the Nevada Society and Tartan Day Committee introduced Commander of the Scottish American Military Society for the area Bill Glen, Robert Blescoe, and Joe Lodorado from the Sierra Highlander Pipe Band. Ms Polacek reviewed the history of the establishment of Scotland, its rebellion against England, and the use of its declaration by United States. Mr. Lodorado played the bag pipes.

LIQUOR AND ENTERTAINMENT BOARD (1-0506) - Mayor Masayko again recessed the Board of Supervisors session and immediately reconvened the Liquor and Entertainment Board. The entire Board was present, including Sheriff Furlong, constituting a quorum.

D. ACTION TO APPROVE A BEER AND WINE LICENSE FOR JOSE SEGURA DOING BUSINESS AS TACOS JALISCO II, LOCATED AT 557 SOUTH SALIMAN ROAD (1-0508) - Chairperson Masayko explained to Jose Segura the reasons he was required to attend the meeting. Mr. Segura committed to adhering to the Liquor Laws and regulations and to training his employees in those laws. Chairperson Masayko explained the Ordinance mandating that he allow the Sheriff's Department to have access to his business at all reasonable hours. Mr. Segura indicated that he understood the requirement. Member Furlong noted the favorable Sheriff's Investigative Report. Discussion indicated that Mr. Seguro did not intend to sell liquor at the drive-up window. Member Livermore directed that the record include his commitment to not use the drive-up for liquor sales. Chairperson Masayko explained that to do so would require an off-premise liquor license. Mr. Kramer also indicated that the application did not include packaged liquor and that open containers are not allowed in vehicles. Only on-site liquor sales will be allowed. Member Livermore moved to approve a beer and wine license for Jose Segura, doing business as Tacos Jalisco II located at 557 South Saliman Road under CCMC 4.13, fiscal impact is \$500 original fee, \$500 investigative fee, and \$150 quarterly liquor fee. Member Williamson seconded the motion and thanked Mr. Segura for his investment in the community. Motion was voted and carried 5-0.

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BOARD OF SUPERVISORS - There being no other matters for consideration by the Liquor and Entertainment Board, Mayor Masayko adjourned it and immediately reconvened the session as the Board of Supervisors. The entire Board was present, constituting a quorum.

4. CONSENT AGENDA

4-1. TREASURER - ACTION TO APPROVE AN INCREASE TO THE TREASURER'S DEBT RECOVERY DIVISION PETTY CASH FUND FROM \$700 TO \$1,100

4-2. DEVELOPMENT SERVICES - ENGINEERING

A. ACTION TO APPROVE AN AGREEMENT BETWEEN TIMOTHY C.

MCFARREN AND SANDRA KOCH MCFARREN, TRUSTEES OF THE MCFARREN FAMILY TRUST, AND CARSON CITY WHEREBY TIMOTHY C. MCFARREN AND SANDRA KOCH MCFARREN AGREE TO GRANT A TEMPORARY EASEMENT AND RIGHT-OF-WAY FOR THE CONSTRUCTION OF A BICYCLE/PEDESTRIAN PATH UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBERS 7-101-45 AND 46

B. ACTION TO APPROVE AN AGREEMENT BETWEEN THE BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA ON BEHALF OF WESTERN NEVADA COMMUNITY COLLEGE AND CARSON CITY WHEREBY THE BOARD OF REGENTS AGREES TO GRANT A PERMANENT EASEMENT AND RIGHT-OF-WAY FOR THE CONSTRUCTION OF A BICYCLE/PEDESTRIAN PATH UPON, OVER AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 7-091-82

C. ACTION TO APPROVE AN AGREEMENT BETWEEN THE BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA ON BEHALF OF WESTERN NEVADA COMMUNITY COLLEGE AND CARSON CITY WHEREBY THE BOARD OF REGENTS AGREES TO 1. CONVEY ALL THAT CERTAIN REAL PROPERTY DESCRIBED AS PARCELS C, D, AND G, AND 2. TO GRANT A PERMANENT EASEMENT AND RIGHT-OF-WAY UPON, OVER AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS PARCELS A, E, AND F, ASSESSOR'S PARCEL NUMBERS 7-091-82, 83, AND 84, FOR THE PURPOSES OF CONSTRUCTION, OPERATION, AND MAINTENANCE OF STORM DRAINAGE FACILITIES

D. ACTION TO APPROVE AN AGREEMENT BETWEEN THE BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA ON BEHALF OF WESTERN NEVADA COMMUNITY COLLEGE AND CARSON CITY WHEREBY THE BOARD OF REGENTS AGREES TO 1. CONVEY ALL THAT CERTAIN REAL PROPERTY DESCRIBED AS PARCEL H AND 2. TO GRANT A PERMANENT EASEMENT AND RIGHT-OF-WAY UPON, OVER AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS PARCEL I, ASSESSOR'S PARCEL NUMBER 7-091-82, FOR THE PURPOSES OF CONSTRUCTION, OPERATION, AND MAINTENANCE OF STORM DRAINAGE FACILITIES, PUBLIC UTILITIES AND APPURTENANCES

4-3. DEVELOPMENT SERVICES - CONTRACTS

A. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON THE 2000/2001 SEWER AND WATER REPLACEMENT PROJECT, CONTRACT NO. 2001-121 AS SUBMITTED BY DEVELOPMENT SERVICES TO WEST

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COAST CONTRACTORS OF NEVADA, INC., 7785 WHITE FIR STREET, RENO, NV 89523, FOR A FINAL PAYMENT AMOUNT OF \$66,002.12 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED

B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON EAGLE CREEK FLOOD CONTROL STRUCTURE DESIGN, CONTRACT NO. 9900-062 AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO RESOURCE CONCEPTS, INC., 340 NORTH MINNESOTA STREET, CARSON CITY, NEVADA 89703-4152 FOR AN AMENDMENT NO. 4 LUMP SUM AMOUNT OF \$5,000 AND AMENDMENT NO. 5 NOT TO EXCEED AMOUNT OF \$6,900

C. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON DIAMOND BRIT POOL RESURFACING SOLE SOURCE CONTRACT, CONTRACT NO. 2002-111 AND AUTHORIZE THE PARKS DEPARTMENT TO ISSUE PAYMENTS TO JACOBIN PLASTERING AND TILE FOR A CONTRACT AMOUNT OF \$22,500 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$500

D. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON EXPLORATORY DRILLING FOR EAST FIFTH STREET PRODUCTION WELL SITE - PROFESSIONAL SERVICES AGREEMENT, CONTRACT NO. 2002-112 AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO BROWN AND CALDWELL, 3488 GONI ROAD, SUITE 142, CARSON CITY, NV 89706 FOR A CONTRACT AMOUNT OF \$89,469 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$5,000

4-4. PURCHASING AND CONTRACTS

A. ACTION TO APPROVE CONTRACT NO. 0203-122 A REQUEST FOR THE PURCHASE OF A WIRELESS HAZARD DETECTION SYSTEM WITH SOFTWARE AND ACCESSORIES FROM RAE SYSTEMS, A SOLE SOURCE PROVIDER, FOR A NOT TO EXCEED COST OF \$189,200

B. ACTION TO APPROVE CONTRACT NO. 0203-128 A REQUEST FOR THE PURCHASE OF A NICOLET AVATAR 370 FT-IR SPECTROMETER SYSTEM FROM THERMO ELECTRON CORPORATION, A SOLE SOURCE PROVIDER, FOR A NOT TO EXCEED COST OF \$35,305.32

4-5. ENVIRONMENTAL HEALTH - ACTION TO APPROVE A GRANT AWARD IN THE AMOUNT OF \$30,000 FROM THE NEVADA DEPARTMENT OF HUMAN RESOURCES, HEALTH DIVISION TO DEVELOP A COMPREHENSIVE PLAN TO INTEGRATE HIV PREVENTION ACTIVITIES INTO THE PUBLIC HEALTH SERVICE SYSTEM IN CARSON CITY

4-6. FINANCE

A. ACTION TO APPROVE A RESOLUTION CREATING A TRUST FUND TO STABILIZE OPERATION OF LOCAL GOVERNMENT AND MITIGATE EFFECTS OF NATURAL DISASTER

B. ACTION TO RATIFY THE EXPENDITURE APPROVAL LISTING FOR THE MONTH OF MARCH 2003

4-7. PARKS AND RECREATION - ACTION TO SUPPORT THE CARSON CITY SHADE TREE COUNCIL'S REQUEST TO SUBMIT AN URBAN AND COMMUNITY FORESTRY GRANT

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APPLICATION TO THE NEVADA DIVISION OF FORESTRY TO PLANT 15 TREES AT MILLS PARK ARBORETUM

4-8. DISTRICT ATTORNEY - ACTION TO APPROVE AN AGREEMENT BETWEEN THE CONSOLIDATED MUNICIPALITY OF CARSON CITY AND MAXIMUS JUSTICE SOLUTIONS, INC., FOR THE PURPOSE OF CONVERTING EXISTING CRIMINAL AND CIVIL CASE DATA OF THE CARSON CITY DISTRICT COURTS FROM AUTOMATED GOVERNMENT SYSTEMS (AGS) DATA STRUCTURES AND DATA TO MAXIMUS JUSTICE SOLUTIONS' COURT VIEW SYSTEMS (1-0589) - Item 4-6A was pulled for discussion. Supervisor Staub moved to approve the remaining 15 items on the Consent Agenda and added Resolution No. 2003-R-12 to the Resolution increasing the Treasurer's Debt Recover Division Petty Cash Fund from \$700 to \$1100. Supervisor Livermore seconded the motion. Motion carried 5-0.

4-6A. (1-0621) - Finance Director David Heath explained the fund's purpose. Its funding and uses will be determined by the Board at a future meeting. Mayor Masayko indicated that the fund will draw resources from the current stabilization fund and the \$2 million reserve funds. The proposal only establishes the fund. The Board will consider the final budget for approval on the third Monday in May. The fund reserves monies for natural disasters and to address economic concerns. A State governmental provision allows for the establishment and dedication of funds. The money cannot be used for any other purposes. Public comments were solicited but none were given. Supervisor Williamson moved to adopt Resolution No. 2003-R-13, A RESOLUTION CREATING A TRUST FUND TO STABILIZE OPERATIONS OF LOCAL GOVERNMENT AND MITIGATE EFFECTS OF NATURAL DISASTERS. Supervisor Aldean seconded the motion. Motion carried 5-0.

5. BOARD OF SUPERVISORS

A. DISCUSSION AND POSSIBLE ACTION ON LEGISLATIVE MATTERS (1-0685) -

Supervisor Williamson referenced memos she had purportedly given to the Board regarding the status of the NACO bills as of March 19th and the Monday meeting of the Tri-County Legislative Coalition. (Copies were not given to the Clerk.) She then explained SB 328, a Western Nevada Development District (NNDD) Bill, allegedly seeking legal standing from the State in order to receive Federal and State affordable housing funds. Currently WNDD must work through Lyon County, as the conduit, to obtain funding for the low down payment assistance program and other affordable housing funding programs. The concerns relate to the last two paragraphs on Page 8. Paragraph 1 lists the Counties who are eligible to be members of the district. It was felt that this paragraph mandated membership in the district. The purpose of the bill is spelled in the second paragraph. Different legal opinions have been provided indicating that the bill is permissive and not mandatory. Concerns have been expressed that the listing of the Counties will mandate their funding for the district. Board comments questioned the funding requirements that would be expected of Carson City. Supervisor Williamson indicated that the Counties who are members of the district had been listed to establish the geographical area. Supervisor Livermore felt that each County should have the ability to decide annually whether to participate in the district. The City/Counties should have the ability to withdraw if other options materialize. Mayor Masayko suggested that the legislation be permissive and that the Counties should have the ability to participate or not as desired based on available options. The need to wordsmith Paragraph 1 to allow this ability was indicated. WNDD is not the only economic development district in the area. Supervisor Aldean felt that membership could not be made compulsory. Discussion pointed to TRPA to illustrate that membership could

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be made compulsory. Supervisor Aldean also explained her concern about the interchangeable use of the terms "region" and "district". She had already notified Lobbyist Mary Walker regarding this concern. She felt that the City could approve the concept if the ability to withdraw from WNDD is provided. Discussion explained the original purpose of WNDD and the City's membership in it. Supervisor Aldean pointed out that Paragraph 2 of Section 14 allows the members to form another district for the purpose of developing and providing affordable housing programs. Section 19 obligates the Governor to designate the State Agency to make grants to the regional development district from appropriations made to the Agency. She felt that local governments, who may be members of the district, should not be denied the opportunity to receive the funding on their own even if they are a member of the district. Mayor Masayko felt that this section did not mandate that the funds must be allocated to the regional district. He also indicated that it may be that Carson City may in the future remove its membership from WNDD and, as an entitlement community, become its own district.

Treasurer Al Kramer explained the original purpose of the Home Consortium. At the time it was established Carson City's membership was required in order to meet the necessary population figures. If Carson City and Douglas County withdraw from the consortium, its purpose will no longer be valid. He also pointed out that the members determine where the funds will be allocated. Both Washoe and Clark Counties determine where their allocations are to be spent. The State determines the funding allocations for the smaller rural counties. Mayor Masayko concurred with his definition. Mr. Kramer also indicated that WNDD had recognized that its funding is based on need rather than share. Supervisor Williamson also indicated that Carson City had benefitted from the program and from working under the WNDD umbrella. The members are required to remain in the Home Consortium due to the need for the district to be contiguous. She reiterated that the purpose of the Bill is to enable the District to receive the funds rather than require the use of Lyon County as a conduit.

Mayor Masayko and Supervisor Livermore indicated that they could support the bill if the mandatory membership requirement is removed. No formal action was taken.

Mayor Masayko then indicated that eight of the ten Carson City supported bills have been introduced. He urged the Board members to be cognizant of the possibility that they can be amended and urged them to participate whenever deemed appropriate. This included the WNDD bill if it does not harm Carson City.

Discussion/action on these bills did not occur.

B. DISCUSSION AND POSSIBLE ACTION REGARDING THE SELECTION OF A NEW CITY MANAGER (1-1022) - Human Resources Director Ann Beck explained that the panels had winnowed of the applicants to seven, who were interviewed. Mayor Masayko indicated that the top four candidates should be interviewed by the Board. The panels top two candidates were evident, however, candidates 3 and 4 had tied. They should both be interviewed by Board. There was a clear line between the candidates ranked as 3 and 4 and the one ranked number 5. Although the Board had originally indicated that it would interview only three candidates, Mayor Masayko was not stuck on that number. Supervisor Aldean explained the contact she had received from the panels and her desire to include Mr. Williams in the group to be interviewed by the Board. Ms. Beck limned the panels' difference of opinion regarding several unnamed candidates. A consensus of the panels had supported the top four individuals. Discussion ensued concerning the reasons the "exit" panel interviews felt that Fraser "did not fit well" and its elimination of Mr. Williams. Supervisor Livermore supported having the Board

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interview the top three candidates. Mayor Masayko felt that the Board should only interview the top two candidates. Supervisors Staub and Aldean supported inclusion of Mr. Williams as one of the applicants to be interviewed by the Board. Discussion noted the quality of the applicants and the difficulty in drawing the line at the number which should be considered as finalists for the Board's interviews. Supervisor Livermore pointed out that Mr. Williams had been eliminated due to his inability to report for work for 90 days. The desire is to have a new City Manager on board in 30 days. Board comments complimented the panels, Ms. Beck, and her staff on their dedication and efforts to obtain and select the best candidates for the position. Mayor Masayko disclosed his personal discussion with Mr. Fraser and knowledge of Ms. Ritter. He also expressed his feeling that they should not consider Mr. Williams if he is not able to report to work for 90 days. **Supervisor Livermore moved that the Board of Supervisors take the Committees' recommendation of the combined City Committee that is on Page 3 of the information before the Board and take the recommendation of the City/County panel and invite Candidate Palenik, Candidate Ritter, and Candidate Fraser as the three candidates for interviews for the City Manager position. Supervisor Williamson seconded the motion.** (The Clerk did not have a copy of the referenced information.) Mayor Masayko indicated that the interviews will be conducted in two weeks. **The motion was voted and carried 5-0.**

Supervisor Aldean explained that Mr. Morrison had not appeared for the panel interviews. The candidates had included a lot of talent. She felt that adding Mr. Williams to the list of applicants for the Board interviews would add a contrast as Mr. Fraser is rather young. Mayor Masayko explained that the City is responsible for the expenses incurred by the candidates who appear for the final interview. He did not wish to miss any candidates, however, additional applicants could be interviewed if a selection is not made from the three already selected candidates. The larger the selection pool, the more difficult the selection becomes. Supervisor Aldean moved to invite Applicants Ritter, Palenik, Fraser and----. Mayor Masayko indicated that the motion did not have to include a restatement of these applicants. **Supervisor Aldean then moved to include Applicant Bruce Williams as the fourth candidate. Supervisor Staub seconded the motion.** His reasons for supporting the motion were based on Mr. Williams economic background, his connection to Nevada, and his panel scores with the exception of the category good fit/bad fit. He felt that he should not be eliminated from the process based merely on personality. The process should include his experience and background. Supervisor Williamson indicated that she had originally supported Mr. Williams based on his background and experience, however, the comments she had received from the panels regarding "his fit" indicated a strong dislike and feelings of inexperience with bargaining units. He had appeared to be "tan, slick, and very smooth". He likes to play golf. His ability and need to establish immediate rapport had been emphasized. He had purportedly been "busted" several times as a result of challenging authority. There were three good candidates. Mayor Masayko noted Mr. Williams tenure at Lake Havasu City. Supervisor Livermore felt that he had always sought compromises. It was felt that it would cost less than \$1,000 to bring him to Carson City plus an hour for the interview. Supervisor Livermore then indicated that he would support the motion to have four candidates. **The motion to include Bruce Williams as the fourth candidate was voted and carried 3-2 with Supervisor Williamson and Mayor Masayko voting Naye.**

Discussion ensued concerning when to schedule the interviews. The Board's direction indicated that they should be scheduled for the next Board meeting's afternoon session and that no other items should be included for that period. There should be structured questions posed to each individual with the other candidates out of the room. The question period should last between 45 and 60 minutes per candidate. Negotiations on the contract terms should

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then occur. This process will develop the rough parameters for the contract. A second meeting may be agenzized for the next day to complete the negotiations. Discussion indicated that the Board should/could review the PTAC tapes of the panel interviews. Board comments also indicated a desire to invite the spouse come with the candidates. Discussion supported the concept of having a reception/luncheon with the candidates and their spouses. The need to adhere to the Open Meeting Law was pointed out by Chief Deputy District Attorney Mark Forsberg. If a process is developed that allows an informal reception/luncheon and involves public participation in the process, consensus supported having it. Board comments also cautioned against interviewing the applicants and formulating an opinion. It was felt that the process will allow the Board to observe the applicants' abilities to interact with others in a social setting. Mr. Forsberg indicated that he would issue a legal opinion on the concept. Mayor Masayko indicated that based on this opinion and its structure he would schedule the reception/luncheon. He also indicated that the Board should be prepared to hold a 9 a.m. meeting on Friday to complete the negotiations with the successful candidate.

Ms. Beck read the list of panel members and thanked them for their assistance and dedication to the process. She also indicated that she would prepare a letter for the Mayor's signature to these individuals formally thanking them. She also indicated that she will determine what the earliest start date will be for each of the candidates. Mayor Masayko thanked her, her staff, and the panel members for their participation in the process. Discussion noted the Employees' luncheon and questioned whether the individual who is selected as the new City Manager should attend.

RECESS: A recess was declared at 10:18 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:29 a.m., constituting a quorum.

C. NON-ACTION ITEMS-INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS AND D. STAFF COMMENTS AND STATUS REPORTS (1-1862) - Continued.

6. CARSON CITY MUNICIPAL GOLF CORPORATION - ACTION TO APPROVE THE AUTHORIZATION OF EAGLE VALLEY GOLF TO PURSUE NEVADA DIVISION OF FORESTRY 2003 URBAN AND COMMUNITY FORESTRY GRANT FUNDING AND TO AUTHORIZE SIGNATURE ON LETTER OF SUPPORT FOR EAGLE VALLEY GOLF TREE PLANTING PROGRAM (1-1865) -

Golf Corporation Executive Secretary Jean Bondiett explained the grant they were seeking for 50 trees to replace the ones that were damaged/destroyed in December by the wind and the need for a letter of support from the Board. A revised letter of support was distributed and explained. (A copy is in the file.) The proposal will connect the trees to a potable water line as they do not do well on the recycled water which is used to irrigate the grass. The letter of support will be used for grants from the Nevada Division of Forestry and other agencies. Supervisor Livermore pointed out the proposal to have a tree planting at the Golf Course on April 25 as part of the City's National Arbor Day celebration. Trees are considered an integral part of the City's open space. He encouraged the Board/public to participate in the ceremony. The Golf Course location of the ceremony was described. The Shade Tree Council's role in the ceremony was noted. Discussion also indicated that there are five other trees that the Street Department plans to help relocate. Street Operations Manager John Flansberg explained the present location of these trees, the proposed location where the trees will be placed and the irrigation plan for them was limned. Supervisor Staub moved to authorize Eagle Valley Golf Corporation to pursue Nevada Division of Forestry 2003 Urban and Community Forestry Grant Funding and authorize the letter of support for Eagle Valley Golf Tree Planting Program

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and provided further that the Board had discussed the Eagle Valley Golf Tree Program on April 3, 2003, and endorsed its Tree Program and authorized the planting of trees on the East Course as adopted by the Board today. Supervisor Livermore seconded the motion. Motion carried 5-0.

7. FIRE - ACTION TO ADOPT ON SECOND READING BILL NO. 107, AN ORDINANCE AMENDING CHAPTER 5.18 (AMBULANCE SERVICES), SECTION 5.18.040 (FEES AND RATES) BY INCREASING THE FEE AND RATE SCHEDULE 7.5 PERCENT FOR EXISTING SERVICES AND OTHER MATTERS PROPERLY RELATED THERETO (1-2085) - EMS Battalion Chief Vince Pirozzi
- A business impact statement is not required. The ordinance will increase the ambulance fees by two percent overall. Mayor Masayko indicated for the record that he had not received any comments either pro or con on the ordinance since the first reading and that the 7-1/2 percent rate increase will generate approximately two percent in additional revenue for the ambulance service after consideration of the Medicare rules and regulations and uncollectables. This is an estimated revenue of \$35,000. Supervisor Livermore moved to adopt Ordinance No. 2003-8, Bill No. 107, on second reading, AN ORDINANCE AMENDING CHAPTER 5.18 (AMBULANCE SERVICES), SECTION 5.18.040 (FEES AND RATES) BY INCREASING THE FEE AND RATE SCHEDULE 7.5 PERCENT FOR EXISTING SERVICES AND OTHER MATTERS PROPERLY RELATED THERETO; fiscal impact is an increase in revenues of approximately \$35,500. Supervisor Williamson seconded the motion. Motion carried 5-0.

8. FINANCE - ACTION TO ADOPT A RESOLUTION PERTAINING TO THE ISSUANCE OF REFUNDING BONDS BY CARSON CITY, NEVADA; AUTHORIZING THE DIRECTOR OF FINANCE OR HIS DESIGNEE TO ARRANGE FOR THE SALE OF REFUNDING BONDS FOR THE PURPOSE OF DEFRAYING WHOLLY OR IN PART THE COST OF REFUNDING OUTSTANDING BONDS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH (1-2165) - Finance Director David Heath - Discussion indicated that financing costs will be added to the bond, however, refinancing will not extend its term. It was felt that the interest rates are the lowest they will be. The savings generated by refinancing was noted. Mayor Masayko and Mr. Heath indicated for the record that the Public Safety Bonds were in the neighborhood of \$15 million. Supervisor Livermore moved to adopt Resolution No. 2003-R-14, A RESOLUTION PERTAINING TO THE ISSUANCE OF REFUNDING BONDS BY CARSON CITY, NEVADA; AUTHORIZING THE DIRECTOR OF FINANCE OR HIS DESIGNEE TO ARRANGE FOR THE SALE OF REFUNDING BONDS FOR THE PURPOSE OF DEFRAYING WHOLLY OR IN PART THE COST OF REFUNDING OUTSTANDING BONDS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. Supervisor Williamson seconded the motion. Motion carried 5-0.

9. DEVELOPMENT SERVICES - LANDFILL OPERATIONS - STATUS REPORT ON LAND-FILL OPERATIONS FROM JULY 1, 2001, THROUGH DECEMBER 31, 2002 (1-2250) - Street Operations Manager John Flansberg, Environmental Manager Ken Arnold, Marnell Heinz - A copy of the slides that were shown and highlighted is included in the file. The compaction rate is 1426 lbs. per cubic yard which is above the original target of 1250 lbs. per cubic yard. Mayor Masayko explained for the record that the operation had been put out to bid and that the Street Department had received the service. Mr. Flansberg explained the use of funds to recover airspace which extended the life of the landfill and reduced the fire potential. Reasons explaining why the area that is being used is being covered with a tarp on a daily basis were provided. Future plans for the landfill were

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limned including a proposal to develop a master plan within two years. The current biomass program converts wood chips and transports them to Loyalton for cogeneration. Even though the recycling program presently is costing the City, it is the beginning of a program that will be supported by the Federal healthy forest initiative and the urban interface clearance of hazardous fuels. The City is working with the Nevada State Council, BLM and the Forest Service to create a biomass program. With participation from the Alternative Fuels Economic Coalition, a request for proposals (RFP) for a biomass program has been advertised. It is hoped that it will provide a beneficial reuse program. Aggressive metal and wood recycling programs will save landfill space. The inspection report from the Nevada Department of Environmental Protection (NDEP) was limned. Both of the items noted on it have been corrected. NDEP is planning to have a solid waste seminar for the Northern Nevada Great Basin Chapter in Carson City with a tour of the landfill and demonstrations. The rates will remain stable, however, the rates for the out-of-county users need to be reviewed. Staff was encouraged to look at the competitive market for this service. This revenue source could be used to reduce the service charges for residents. Mr. Flansberg then explained the reasons for feeling that the processes were extending the life of the landfill. At the present time it was felt that there are at least 25 years of life left at the site. NDEP will not allow the wood chips/materials to be burned at the landfill even though other areas allow it. The RFP is soliciting all proposals for recycling and burning. All options will be analyzed. Supervisor Staub complimented Mr. Flansberg on his efforts at the landfill and explained his personal visit of the site. It presently looks good and is efficient. Dust is controlled. Mr. Heinz explained that receipts are no longer being given unless requested in an attempt to reduce litter caused by people throwing them away. A copy of all receipts is kept at the landfill. Supervisor Williamson also complimented them on their dedication and services. She noted that originally it was felt that the landfill had a remaining life span of 12 years. Mr. Flansberg explained that the success of the landfill last year had allowed them to make up a large deficiency in the fund to handle the post closure costs. The new life expectancy of the landfill should provide adequate funding for this process in the future. Public comments were solicited but none were provided. No formal action was required or taken.

10. INTERNAL AUDITOR - INTERNAL AUDIT QUARTERLY STATUS REPORT FOR FIRST QUARTER 2003 (1-2800) - Internal Auditor I. Steve Wolkomir - A copy of his quarterly report highlights is in the file. Discussion indicated that once the final auditor report is submitted to the Board and discussed or acted upon it could be placed on the website/released to the public. Mr. Wolkomir's report should include the Department Head's responses. Mr. Wolkomir emphasized that the Sheriff had been cooperative and responsive to his requests throughout his audit. He then explained his need to relocate his family to the area and his lack of vacation time to do so. He requested a variance from the normal requirement for using vacation time. He did not feel that it would take a great deal of time for him to accomplish the relocation. The time he had taken, at the Board's suggestion, to meet with the Department Heads and to tour the City offices had been worthwhile. The status and time commitment spent on his projects were limned. The City has a lot of issues which he is learning. He felt that he is a quick learner and provides for networking. He supported the concept of using the internet as it both provides and allows the dispensing of a lot of useful information. Discussion indicated that his audit report is due in approximately 60 days. He suggested reconsideration of having an audit committee. He referenced a letter he had given to the Board which Mayor Masayko indicated would be dealt with on Monday during the Budget Session. (The Clerk did not have a copy of this letter.) Mr. Wolkomir had not yet received the Sheriff's responses to his audit. He felt that this audit had been quite informative and had provided an opportunity for both the patrol deputies and the detention deputies to learn about each others functions as well as for the detectives and Investigation Divisions to learn about the other functions. Mayor Masayko asked that this information be included in his status report along with the annual plan.

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He suggested that the website also be used as a repository for the monthly reports and information from the internal customers. This allows everyone to know what he is doing. He also suggested that the City Manager's administrative staff be utilized to perform the less confidential and more routine activities for Mr. Wolkomir. Mr. Burnham agreed. Mr. Wolkomir indicated that the staff was already performing these duties. No formal action was required or taken.

11. CITY MANAGER

A. DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORIZATION OF SIX TEMPORARY POSITIONS IN THE PARKS DIVISION (1-3395) - City Manager Andrew Burnham, Parks and Recreation Director Steve Kastens, Park Operations Director Scott Fahrenbruch - The Internal Finance Committee had reviewed the temporary staffing positions and had supported hiring 13 of the requested 25 temporary positions. Mr. Burnham then approved an additional six based on the fact that the positions are paid for from enterprise funds or were self-funded. The Board's direction regarding the remaining six was solicited. The impact created by not having the six individuals and the estimated cost were discussed in depth in Mr. Fahrenbruch's memo. Mayor Masayko pointed out that the request is out of sync with the budget process which will be discussed next week. Mr. Kastens explained that half of the estimated cost is incurred in this fiscal year as the individuals are hired on April 1 and terminated on October 30. The need to hire the individuals now was stressed. Mayor Masayko indicated that the Department would be required to present a three percent cut across the board in next year's budget regardless of the action taken by the Board today. Mr. Kastens indicated that this had already been provided by his Department. The six remaining positions are not part of the savings program that had been developed to meet the mandatory three percent reduction. Discussion indicated that the individuals' assignments had not been indicated in Mr. Fahrenbruch's memo.

Supervisor Livermore disclosed his involvement with the Youth Sports Association (YSA) and its funding for three individuals to maintain the parks for their activities. Mr. Kastens indicated that the reduction had been across the board and had not identified which neighborhood parks will be impacted. Staff had not reduced the service levels at the neighborhood parks, the Edmonds Sports Complex, or Fuji Park. Supervisor Livermore explained that the memo addresses the service levels at the parks and that Mode 2 is not what he felt staff had been directed to do. He also felt that there were other options available which needed to be analyzed and that more information would be available after next week's budget sessions. YSA should not have been identified as creating an impact on the City budget as it provides funding for staff and assists with the maintenance of the facilities that they use. He felt that the Internal Finance Committee should have looked at the General Fund staff.

Clarification by Mr. Burnham corrected the staff report to indicate that the service mode would be going from number one to number two. Mr. Kastens indicated that if only one or two employees are eliminated, the mode of operation will not change. The mode operational program was described to illustrate the impact of a staff reduction. The direction given to staff, the Departmental budget review process, and the justification for closing the aquatic facility on Sundays were limned. This review had developed the necessary \$150,000 in cuts. It was felt that such reductions would have little impact on the community. All of the recommended cuts were provided in the first round of reductions. Discussion pointed out that the Department provides a lot of services to the special events. With the reductions, they will not be able to continue to provide this level of service. Mayor Masayko felt that the special

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event users should pay for the services they receive and that a menu of services with appropriate charges should be offered. This will allow the users to determine what they need and are willing to pay. Mr. Kastens agreed to try to work on this basis. Discussion explained how the staffing levels impact the service modes. (2-0230) Clarification indicated that if there is a reduction of six temporary positions, YSA should cut its usage by 25 percent. This will allow the quality of the facilities to be maintained. It was also hoped that YSA and the users will assist the staff with maintenance. Mayor Masayko felt that the information is missing a connection between the operational modes and the staffing and facility uses. Without a reduction in usage, the quality of the facilities will deteriorate and create a negative impact on the residents and users. Short term reduction in staffing should not create such a huge impact on the facilities. Staff had felt that the staff reduction may last a minimum of two years when it had developed the programs. Mayor Masayko expressed the hope that budget year 03-04 will not be as dire as predicted and that a turnaround will occur thereafter.

Supervisor Williamson explained the support she had always received from the Department. The facilities are the best in Northern Nevada. YSA had always been supportive and protective of the fields. It tries to meet the demand for the fields without creating over use of them. She felt that it is not acceptable to close the restroom facilities on the weekends nor to reduce the programs by 25 percent. She volunteered to work with the Department to develop fees for special event usage and suggested that the overall fees be reconsidered. She also explained her consistent vote against the waiver of fees for special events due to her belief that the services that were being provided cost more to provide than the fee assessed. These users should increase their fees to cover the services. The users should understand the needs and be educated about the impacts. This would provide maintenance and protection of the facilities while allowing the recreational programs to flourish.

Mr. Kastens explained that the memo had been misinterpreted. It was not meant to be a threat but more of a statement of reality regarding the impact a staff reduction will have. They had not meant it as a threat against YSA or its programs. He had worked with them his entire life. Flex staffing has been implemented to provide service over the weekends and keep the restrooms open during YSA activities and other special events. Safety concerns created when Mode 3 is implemented were limned. There are facilities in the surrounding area that are presently operating at this service level. Mr. Fahrenbruch had discussed the service modes with YSA last Wednesday. Mr. Kastens was willing to meet the service level that the Board wanted to do.

Supervisor Staub explained his support for Supervisor Williamson's comments that the users should pay for the services they receive, however, some small organizations may not be able to do so. This is the reason the Board had waived fees for small nonprofit organizations. Special events bring people to the community. These people spend money in the community. He questioned whether they had or should consider privatizing the service. This option may free up staff for other services/areas. Mr. Fahrenbruch explained that the North-ridge Linear Park is privatized and that Silver Oaks is being considered for privatization. They had analyzed and privatizing some of the pesticide programs. A lot of the times it is cheaper for them to use temporary seasonal employees to do the service than it is to hire a firm to perform the work. Nine other privatization attempts have been unsuccessfully made. The urban forester program has been the only successful privatization effort. The Long Ranch Estates area is being considered for privatization. Mayor Masayko felt that the Board had rejected these proposals due to the lack of savings.

Supervisor Livermore then expressed his feeling that Mr. Kastens and Mr. Fahrenbruch were dedicated employees.

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Both he and Mr. Kastens had been involved in the financial crunch of the 1980s. At that time a turf management committee had been established to address the facilities and provide staff with the appropriate training to improve them. The Board had not directed staff to cut the service levels. They had asked the Internal Finance Committee to analyze the need for seasonal workers but not to cut the service levels. Closing the aquatic facility on Sundays creates a small impact. Reducing the YSA program by 25 percent will have a huge impact on the community. The cost to provide Juvenile Probation/Detention for fewer children was noted. Visitors are always remarking about the quality of our facilities. Awards won by the City in recognition of them were cited. He felt that the fees for service should be used to provide the \$60,000 needed to fund the six seasonal employees. He also felt that out-of-town users should pay more to use the facilities and cited examples to illustrate and support his recommendation. He also explained that AYSO had given the City \$20,000 for park improvements at Edmonds. The groups should be asked to provide additional support. He volunteered to assist in a crusade to provide additional funding. He also felt that it is a return to the 1980s when budgets were slashed. He urged staff to look elsewhere to find the \$60,000.

Mr. Fahrenbruch explained the need to cut 25 percent across the board and that there "is no fat in the Department". The seasonal employees are needed to make the program work. They had repeatedly asked for additional permanent full time employees since 1994 due to impact growth has created on the Department. The seasonal part-time employees have kept the Department afloat. Supervisor Livermore felt that the Internal Finance Committee had lacked information regarding the impact when it had made its recommendation.

Supervisor Aldean suggested that they employ four part-time seasonal employees and save \$20,000. The suggestion provides a symbolic impact which is important during the current fiscal crisis. Mayor Masayko also felt that there were other options which had not been considered. It had appeared as though it was all or nothing. They must work together and save money everywhere. Supervisor Williamson supported his comments and expressed her intent to approach the Internal Finance Committee on Monday. Mr. Kastens indicated that a solution will be found. Mayor Masayko also felt that the message should be that the Board is the arbiter of last resort. Mr. Kastens felt that the discussion had been beneficial. He also agreed to itemize the services being requested for special events. Supervisor Livermore volunteered to personally provide \$5,000 to help cover the \$20,000 shortfall. He also encouraged him to approach YSA and the other recre-ational users to see if additional funding could be found. Mr. Kastens explained that Mr. Fahrenbruch had pointed out that the volunteers' work days that had formerly been used to maintain the parks had not been used for many years. He felt that this alternative should be reimplemented. Mayor Masayko also indicated that the message should not be that services are being cut but to find methods where savings can be generated. This could be done by deferring the hiring until the summer season. He did not want to consider increases outside the normal budget process. Mayor Masayko then ruled the item deferred/tabled. No formal action was taken.

B. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO THE NEVADA OPEN MEETING LAW, NRS 241.015(B)(2) FOR THE PURPOSE OF RECEIVING INFORMATION REGARDING A POTENTIAL OR EXISTING LITIGATION FROM AN ATTORNEY EMPLOYED OR RETAINED BY THE CITY, AND/OR DELIBERATING TOWARD A DECISION (2-0772) - Acting City Manager Andrew Burnham indicated that there is a "series of positive things going on related to the item" and recommended deferring the item for two weeks. Mayor Masayko indicated for the record that the item is deferred.

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RECESS: A recess was declared at 12:20 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 1:37 p.m.

12. HUMAN RESOURCES - ACTION TO APPOINT ONE MEMBER TO THE CARSON CITY PLANNING COMMISSION WITH THE TERM EXPIRING JUNE 2003 (2-0775) - Human Resource Personnel Analyst Trainee Mary McAlister - Board discussion indicated that the successful applicant is to be appointed to fill the remaining term of office. He/She should apply for reappointment. The Board then interviewed: (2-0870) Deborah Bunch; (2-1119) Robert D. Coop; (2-1393) Richard George; (2-1910) Barbara Gurney; (2-2193) Shon Morton; (2-2794) Donald (Craig) Mullet; Rob Potter; (3-0120) Frederick Schlottman; (3-0266) Roy Semmens; (3-0447) Fred Stanio; (3-0608) John Wagner; and (3-0758) Gilbert Yanuck. During the interview each candidate was thanked for applying. Board comments acknowledged the quantity of the applicants. It was felt that it was unfortunate that only one candidate could be chosen. The Board was polled which resulted in a tie between Semmens and Mullet. A poll was again taken with Semmens receiving three votes and Mullet receiving two. Supervisor Staub moved to appoint Roy Semmens to be seated as the newest member of the Regional Planning Commission. Supervisor Livermore seconded the motion. Mayor Masayko indicated that "Mr. Semmens' initial term will expire on June 30, 2003, subject to reappointment for a full four year term in June of 03". The motion was voted and carried 5-0. Mayor Masayko congratulated Mr. Semmens and thanked the other candidates for attending.

RECESS: A recess was declared at 4:33 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 4:42 p.m., constituting a quorum.

13. COMMUNITY DEVELOPMENT - Director Walter Sullivan

A. ACTION TO INCORPORATE A COOPERATIVE DEVELOPMENT AGREEMENT BETWEEN SILVER OAK DEVELOPMENT COMPANY AND SHALLENBERGER, LLC, INTO THE SILVER OAK PLANNED UNIT DEVELOPMENT FILE FOR PLANNING AND GROWTH MANAGEMENT PURPOSES (3-1072) - Mayor Masayko explained the reason additional chairs could not be added to the room. Following Mr. Sullivan's introduction, public comments were solicited but none were given. Supervisor Williamson moved to incorporate the Cooperative Development Agreement between Silver Oak Development Company and Shallenberger, LLC, into the Silver Oak Planned Unit Development file for planning and growth management purposes with no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE P-02/03-2 AMENDING THE SILVER OAK PUD (P-93/94-1) TO CHANGE THE CITY'S LAND USE ELEMENT MASTER PLAN DESIGNATION FROM PUBLIC NEIGHBORHOOD (PN) TO COMMERCIAL (C), AND TO INTRODUCE, ON FIRST READING, AN ORDINANCE TO CHANGE THE ZONING FROM SINGLE FAMILY 12,000-PLANNED UNIT DEVELOPMENT (SF12-P) TO NEIGHBORHOOD BUSINESS-PLANNED UNIT DEVELOPMENT (NB-P), ON A 3.03 ACRE PARCEL LOCATED ON THE SOUTHWEST CORNER OF WEST COLLEGE PARKWAY AND OAK RIDGE DRIVE, APN 8-061-77 (FILE NO. P-02/03-2) (3-1127) - Principal Planner Lee Plemel, Chief Deputy District Attorney Mark Forsberg, Parks and Recreation

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Director Steve Kastens, Applicant's representative and Lumos and Associate Director of Planning Carol Dotson, Boys and Girls Club Board Members Marv Teixeira and Roger Williams, David Loomis, Silver Oak Development Representative Julio Sandoval, Carl Hasty, Glen Tierney, Glen Larson, Norman Tashman, Norman Solvatski, Duke Davis, Richard Rossi, Darcy Houghton, Marianne Covey, Carol Tashman, Meridith Dunlap - Mayor Masayko explained the hearing process, the Board options, and the protocol for the hearing. He also asked the audience to be reasonable and courteous to the speakers. Mr. Plemel's introduction included an indication that there will be a three acre developed park on a portion of the parcel adjacent to the school parcel. A traffic count was conducted after the Planning Commission meeting. The estimated traffic count for College Parkway indicates there will be approximately 3,000 vehicles a day on the street once the planned unit development (PUD) is built out in 2005. It was felt that the project will have a small impact to Oakridge. Discussion pointed out that this information was not available at the time of the Planning Commission meeting. The current transportation plan does not include an access from College Parkway to the parcel. Access is from Oakridge Drive or through the adjacent group care facility. Reasons for the restricted access were noted. The traffic report also included a recommendation that at the time of development a more detailed traffic analysis be developed. At that time the access routes could be realigned. Mr. Plemel also explained that the zone change should not be made based on monetary considerations which may benefit the applicant. The findings require the zone change to be based on benefits, which includes economic development, for the neighborhood and not just for the property owner. He requested that the Board make findings if it wishes to approve the zone change. Staff had prepared findings which could be used if desired. He also limned the notification requirements and referenced a District Attorney's opinion to explain the reasons the entire PUD had not been noticed. The Planning Commission had recommended the zone change on a 6-1 vote.

Mr. Sullivan disclosed that he is a resident of University Heights. He was not available for the Planning Commission meeting and had not participated in the process. Had he been at the meeting, he would have recused himself.

Mayor Masayko then indicated for the record that a letter dated April 2 from Silver Oak Development Company President Garth Richards was delivered to him by Acting City Manager Andrew Burnham. He also disclosed that he had met with Boys and Girls Club Representatives Williams and Haney, Silver Oak President Richards and his Engineer Julio Sandoval, and had received several telephone calls from the residents and Mr. Loomis. Supervisor Aldean disclosed that she had met with various members on both sides of the issue including Mr. Teixeira, Ms. Haney and Mr. Williams, and Silver Oak homeowners Kent Lauren and Tom Bibb. She had received a copy of Mr. Richards' letter but had not had an opportunity to read it. Supervisor Williamson disclosed that she had met with Boys and Girls Club Representatives Teixeira, Haney, and Williams as well as Chief Deputy District Attorney Mark Forsberg, Principal Planner Plemel, and Silver Oak residents Loomis and Crandall. Supervisor Staub disclosed that he had several meetings with Boys and Girls Club Representatives Haney, Williams, and Jim Cavilla on this issue. He had not had any conversations with any residents of Silver Oak. Supervisor Livermore disclosed that he had met with Boys and Girls Club Representatives Teixeira, Haney, and Williams and had discussions with two residents of Silver Oak. He had not had time to read Mr. Richards letter but had a copy of it. Mayor Masayko explained that he had picked up his copy of the letter at the City Manager's office. He then disclosed that he had conversations on this matter during the last month with the District Attorney's office and with Mr. Sullivan regarding legal and procedural matters.

Discussion between Mr. Plemel, the Board, and Mr. Forsberg indicated that conditions cannot be placed on zone

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changes. The Neighborhood Business zoning could be conditioned through the PUD process but not as agenzied for today's meeting. A proposal to zone the parcel for office uses was abandoned due to the belief that it would be spot zoning. The Neighborhood Business zoning had been suggested by staff as an alternative based on surrounding uses which were described. The Boys and Girls Club could use the site if it is zoned Single Family 6,000. The lot is currently zoned Single Family 12,000. A special use permit would be required for this use. Mr. Kastens explained the original concept was to have the Club, a school, and a park located on approximately 18 acres. Discussion by both Mr. Forsberg and Mayor Masayko indicated for the record that in order to have located either the Club or the school at the site, a special use permit is required.

Ms. Dotson introduced various members of the Club's Board of Directors who were present including Marv Teixeira and Executive Director Kathy Blankenship. She explained the application, the history of the site's zoning, the process used to develop the proposed zoning, and a residential agreement which prevents its use as residential. The office zoning would have allowed a structure that's height is two times that allowed in a Neighborhood Business zone. The office spot zoning issues were noted. The zoning should be consistent with surrounding uses. The site meets the criteria for a Neighborhood Business zone and has both pedestrian and bicycle access. It is consistent with the Master Plan and is a logical extension of the current and adjacent uses. The Neighborhood Business zone will establish a land use equal to surrounding uses.

Mr. Teixeira indicated that he would restrict his comments to those that had been made at the Planning Commission and requested an opportunity to rebut any comments. He felt that the Board had read their letter. Mayor Masayko urged the Board to look at the record including the Planning Commission's action and to listen to the residents' comments to determine if the proposal is the best solution. Mr. Teixeira then introduced all of the individuals present who represented the Club. He reviewed the history of the site and the reasons the Club abandoned the site. He felt that the original proposal had been for the site to be zoned General Office as it would be the highest and best use of the land. Silver Oak had concurred with this proposal. The February Planning Commission meeting had noted the letter of support from Garth Richards and Randy Kuckenmeister. The Planning Commission, however, rejected the proposal to zone the property as General Office. It did support the Neighborhood Business zone on a 6-1 vote. He understood the reasons the District Attorney's office did not want to condition the zoning. Mayor Masayko pointed out that the conditions he was discussing were part of an agreement between two private parties and were part of the land use restrictions created by the Planned Unit Development (PUD) process which had been used to create Silver Oak. The City had not imposed the restriction. Mr. Teixeira indicated that the Club could stipulate to the conditions, however, it would not be based on the District Attorney's opinion.

(3-2065) Mr. Williams indicated that he is both a Silver Oak property owner and a Club Board member. He owns a professional office building across the street and north of the assisted living facility and is within 100 yards of the Club's three acre site. Construction of his building was limned to illustrate the intent to make the building a center piece for Silver Oak. He felt that it is a significant investment in the area and one that sets the bar for all future investors. The three acre parcel should be subject to the same conditions and investment commitment as his property. The CC&Rs and the quality of their investment must be maintained. The magnitude of the investment will limit some uses. The Planning Commission's requirement that the uses be consistent with those of the neighborhood will eliminate other uses. As a Board member he had supported the Club Executive Director's decisions to restrict other uses. His pride and support of the Club were limned. Its success was described. Its growth had created the need to expand to other areas or a larger site. He acknowledged the concerns about the zoning and future uses that

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could occur at the site. The Board wished to mitigate as many of those concerns as is possible. All 24 of the Club's Board Members had purportedly committed to permanently restricting the type of Neighborhood Business activities that will be allowed on the site prior to marketing and selling the property. He read into the record the Board's formal statement indicating the type of restrictions which would be prohibited on the site. The Board and City Engineer Larry Werner are looking into the possibility of having a second access to the site from College Parkway. He thanked the Board for its support and asked for a favorable vote on the Planning Commission's recommendation.

Mayor Masayko reiterated the request that the speakers be courteous and brief in their statements. Public comments were then requested. Mr. Loomis explained his background. He felt that it is possible for the residents and the Club to work together to find a workable compromise which would be supported by all. The meeting will allow the venting necessary to help the process occur. He submitted a petition to the Board (later given to the Clerk) opposing the use of the property for any purpose other than a school and park. It had purportedly been signed by 240 residents of Silver Oak. The zone change will increase the value of the property to the benefit of the Club and detriment of the neighborhood. It will reduce the park and open space area of the PUD by one-quarter. They had paid a premium for this open space. A better funding mechanism for a charity should be found. Wise land use planning for the community as it reaches buildout was stressed. At this time he did not have a solution to what the Club should do with the property but felt that his offer for the neighborhood to work with the Club would create an acceptable compromise for all. Supervisor Staub pointed out that the process has been going on for two years without a successful resolution. Mr. Loomis explained that the neighborhood felt the noticing of these meetings had been lacking. Therefore, they had not been aware of the meetings and were not involved. Supervisor Aldean explained her personal experience with homeowners associations which indicated that consensus building is difficult. She had received two letters of opposition and one supporting the Club, which illustrated her point. She questioned who would have the authority to negotiate and bind the homeowners. Mr. Loomis indicated that legal binding imposition could not be promised. Supervisor Aldean questioned what would be accomplished by a protracted discussion. Mr. Loomis felt that by noticing the entire PUD they would be able to engage all of the affected entities and residents. Supervisor Livermore pointed out that the noticing had complied with the legal requirements. Mr. Loomis explained the residents' belief that noticing in PUDs should be for the entire development. This is more than that currently required. Supervisor Livermore explained that to notice the entire PUD would be more than that required by the Statutes and reasons for not doing so. Mr. Loomis felt that the City should go beyond the minimum required in the Statutes. Mr. Sullivan explained the advice he had been given by the District Attorney's office to notice to the letter of the law and to not go beyond that. By meeting the letter of the law, favoritism is not provided for any applicant. To go beyond the law may create a constitutional violation. Discussion indicated that Mr. Loomis was asking that the entire PUD be noticed which is beyond what the City is required to do.

(3-2694) Mr. Sandoval asked the Board to quiz the residents regarding friction zoning. It is a tough issue. The surrounding uses were described to illustrate the frictions between uses already found in the area. There is a difference between the CC&Rs for the commercial business establishments and those required of the residents. Mr. Williams' CC&Rs do not apply to the subject lot. Individuals who had attended the various meetings regarding the property were listed. The conveyance of the parcel was always predicated upon having the parcel be an entry point for Silver Oak. It was to be an assisted living facility similar to the one on the adjacent lot or a professional office. The issues can be resolved but it takes time. A study of the traffic impact takes time. He urged the Board to return

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the item to the Planning Commission to work out an acceptable solution as there is time. The process will be the same as when Silver Oak was originally approved as a PUD. The parcel is not yet on the market. He supported having General Office on the site. With deed restrictions and application of the CC&Rs, he was certain that an acceptable solution could be found. Yesterday he and Silver Oak employees had noticed the entire area by posting flyers at each home. The City could do the same thing. If it needed help, he was certain that Silver Oak would participate. Mr. Richards had purportedly supported the Club but there is a huge investment in the area which also needs to be protected. If the parcel must be zoned Neighborhood Business, building restrictions should be recorded to protect the neighborhood. A sale is not pending. Therefore, there is no rush to complete the process. Time should be taken to do it correctly and to be a good neighbor. The parcel should generate between \$7,000 and \$9,000. A development agreement could be drafted that will make the restrictions enforceable.

Mr. Sandoval indicated to Supervisor Aldean that Mr. Richards had been aware of the request to raise the zoning but had wanted more than deed restrictions on the property. Supervisor Aldean referenced the February 24 letter to explain that the letter had not indicated a desire to have more restrictions. Her problem with the presentation is that Mr. Richards had attempted to deed the property to them in the beginning. The homeowners did not want the Club to be located there and asked that another location be found. Mr. Richards should have noticed the residents before deeding the property. This would have avoided the present problem. Mr. Sandoval felt that the alternative is to abandon the 13 acre site and leave as it currently is. The Club should have noticed all of the residents and had a meeting regarding the intent. Supervisor Aldean explained a Boys and Girls Club notice that had been posted on all residences in the Silver Oak area notifying them about a meeting on Wednesday, February 23, 2000, at 6 p.m. regarding the intent to sell the property and perhaps change the use. Mr. Sandoval indicated that he did not receive one of the notices. Supervisor Aldean explained that there had been at least three School Board meetings, a Parks and Recreation Commission meeting, in addition to an amendment of the development agreement by the Board of Supervisors that required two readings - all without any public comments. Mr. Sandoval felt that the reason the public is now voicing its objection is due to the intent to change the zoning to Neighborhood Business. Supervisor Aldean pointed out that the use could have been even more onerous than Neighborhood Business, i.e., General Commercial. Mr. Sandoval felt that this was due to the lack of notice on the proposed use.

Mayor Masayko then explained he had not been aware of the need to again amend the development agreement. He was not surprised by the proposal to have a commercial building on the parcel. He did not believe that it was a surprise to Mr. Sandoval, Mr. Richards, or a number of the residents. There may be a concern about the intensity of the use which the neighborhood may have a concern with. He was unsure whether additional restrictions could be added for the one parcel by merely amending the PUD development agreement. He did not doubt the Club's willingness to place deed restrictions on the parcel. The audience needed to be convinced. His mission is to help the residents understand that what had been promised is what will occur. A specific land use had never been mentioned with the parcel. He felt that it was always his perception that it would be used for offices. The residents may have believed that it is to be open space/park and a school. He questioned what had been promised. Mr. Sandoval felt that there had never been any questions on the use, however, after a couple of sales it is difficult to enforce deed restrictions. Mayor Masayko indicated that the land use change will remove all of the restrictions except the CC&Rs. The Club had not been involved with the parcel when the PUD was created. Mr. Plemel was not sure how to amend the PUD to allow the change in uses desired and, at the same, implementing other restrictions on the uses. Mayor Masayko explained that he had always had this concern. Mr. Sandoval reiterated that their

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concern is the use of the parcel after it has been sold several times and the enforcement of the deed restrictions.

Discussion ensued between Supervisor Staub and Mr. Plemel regarding the building height restrictions for Neighborhood Business and General Office uses. Staff had supported the Neighborhood Business as it is a smaller foot print. General Office zoning could also be considered as spot zoning. Clarification indicated that the assisted living facility is also zoned Neighborhood Business. In Mayor Masayko's opinion this tied the City's hands in providing a workable solution for the applicant and the community. Mr. Sandoval indicated that the footprint restriction is per building in the Neighborhood Business district.

(3-3310) Mr. Hasty explained his reasons for buying his home in Silver Oak in 1995-96. He liked having the school and park site as proposed although he found it odd that it is located against the former K-mart. It could not be used for single family residences. A barrier wall would make it acceptable for a park and school site. The Club has laudable goals and provides a valuable service to the City. He felt it was unfortunate that a conflict over the land use had arisen. A PUD can provide good mixed uses. It is possible to develop a consensus supporting the land uses. He was concerned about putting a commercial use adjacent to a school. Schools should abut residential areas. His concerns regarding the findings that had been made were limned. An analysis talking about future uses had not been made. It only discussed present day uses. He also felt that an understanding regarding the proceeds should be provided. The findings included in the staff report justify previous decision and makes the process subject to challenge. There are other options which should be explored such as having a three acre parcel located some place else that is not connected to a school site. He suggested that the developer and the Club trade property and not change the zoning. He also wanted more compatible uses like residential or multi-family uses located at the site. The process had been a good idea with good intentions, however, has become muddled and emotional. He wanted to understand the precedence which would be established by the request if it is granted. He suggested that the City reagenize the item to determine what the community wants to see at the site and in a master zoned area. He indicated that he had a direct stake in the process as he will have to live with whatever is developed on the site. He also recom-mended that new noticing requirements be established for PUDs.

(4-0068) Mr. Tierney felt that rezoning the parcel was a bad idea. The first he knew about the parcel was when the gym was proposed on the site. Its concept was created through collusion between the Club, the developer and City staff. It would have been an economic disaster for the PUD and the property owners. The proposed application is the same thing. It will increase traffic on their residential street as the individuals who want to go to the site must use Oakridge. Mr. Richards had allegedly indicated that traffic issues will be addressed with traffic calming features. Increased traffic will lower the property values. The street is too narrow to park along its sides. Individuals who do "jam traffic". The Club will make more money with the commercial zoning. He suggested that Mr. Richards take back the three acre parcel and give the Club another site. Supervisor Livermore explained that the developer had agreed to construct the park. Mayor Masayko suggested that he be placed on the list to receive Park and Recreation Commission agendas so he could participate in the process. Supervisor Staub pointed out that when Oakridge is cut through to College Parkway, there will be additional traffic on Oakridge. Mr. Tierney agreed but felt that it would not be the volume created by a commercial establishment.

Mr. Larson felt that it is an ethical issue rather than a land use issue. His involvement with the Boys Club and his support for the Boys and Girls Club was noted. His problem with the Planning Commission is its failure to reject any

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application with the exception of the State warehouse. His attendance at their meetings was limned. He was certain that any assurances given regarding the use would not be kept as illustrated by an attempt of a 24-30 foot flat bed truck to make a delivery to Landmark Homes via Oakridge. He had allegedly been assured repeatedly that deliveries would not be made to Landmark Homes via Oakridge. He did not believe it will use the street again. He questioned what will happen with the property. He wanted to see professional offices located there. He was certain that the Board would vote to approve the request even though there are 240 homeowners who oppose it. The traffic study indicating the traffic volume on Oakridge would not increase by the development on the parcel was full of "baloney". He had attended a Planning Commission meeting in 2001 where the Commissioners had failed to listen to the residents about the Landmark proposal. Deputy District Attorney Melanie Bruketta had recused herself from the discussion on this issue. He questioned whether the Board was associated with the Club. He urged them to do what is ethical and moral. He agreed that the Club should get the most money possible for the parcel but they should tell the people what is going to happen there. He also felt that it is not germane to consider the need for 20 foot delivery trucks to take refrigerators to a residence. He had purportedly received the same assurance today that Landmark Homes will not use Oakridge for deliveries.

Mr. Tashman reminded the Board that it is the guardian for everyone. It is the Board's responsibility to protect everyone and not just the Club. Although he wanted to see the Club make the most money possible, his PUD needed to be protected. The three acre parcel should not be allowed to be developed for something that will be detrimental to the homeowners.

Mr. Solvatski explained that the homeowners association had not created the issue. The PUD is at a standstill. The developer has refused to turn over the homeowners association as the PUD is not yet half builtout. The residents failed to show up for the other meetings as they had not been aware of the discussions. People are now becoming active and are aware of the process. If the request is returned TO the Planning Commission, the homeowners will attend and participate. He felt that there are lots of hidden concerns. He reiterated the suggestion that the item be returned to the Planning Commission for a workshop. It was regretful that the Club had obtained a "tainted" gift for which they now wish to obtain a good value. The homeowners had bought into the master plan and want to maintain their value. Without a homeowners association, he was unsure of the course of action to be taken by the residents. He reiterated the recommendation that the item be returned to the Planning Commission.

Mr. Davis felt that it was interesting that the individual who had spoken in favor of the request had conducted the traffic study and is an employee of Lumos and Associates. The Club had accepted the land knowing it was zoned Public. The City had just spent \$750,000 for 40 acres in Kings Canyon for open space. Now they are turning publicly zoned property into commercial property. Buildings in the Neighborhood Business district can be 26 feet in height. The property next to it is also Neighborhood Business. This means that a three-story building could be constructed on the site. Mayor Masayko explained that a special use permit would be required before the building could be constructed. Mr. Davis felt that this could lead to having five buildings and questioned whether the issue would have been considered if Mr. Richards had submitted the request.

Mr. Plemel explained for Mr. Rossi that the estimate of 3,000 cars per day had been when the project is completely builtout, which is in 2005. Supervisor Williamson explained that this traffic count is generated by the commercial buildings at the former K-mart site on College Parkway. Mr. Plemel explained that the Lumos and Associates traffic

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study for the site indicates that the proposed change of use will increase the traffic volume by one-half of a percent. The City's traffic engineer agreed with the estimate. Mayor Masayko explained that when the PUD is fully constructed and the street is extended, the land use will have a negligible impact on Oakridge. Oakridge is a collector street and will be used by the residents within the PUD. Mr. Plemel indicated that College Parkway's current vehicle count is less than 3,000 per day. Mr. Rossi felt that the traffic volume was too much for a street that is only 33 feet wide. Mr. Plemel indicated his belief that the College Parkway 2005 traffic count is estimated at 8,000 vehicles a day. Mr. Rossi felt that this is due to the college and development above Silver Oak. Mayor Masayko indicated that this topic is a subject for a different setting.

Ms. Houghton explained that she is a new property owner in the PUD. She wanted to retain the original 13 acres as designated public on the tentative map. She preferred to have office uses on the site if it is a choice between neighborhood business and office uses. She supported uses similar to the assisted living facility adjacent to the site as it does not generate a lot of traffic and maintains the height restriction. The Club had promised to place a deed restriction on the property limiting the types of business that could be located on the site. These uses would not be cohesive with the surrounding uses and, specifically, the residences. Many of the uses allowed under the special use permit would not be conducive to being adjacent to a school or the residences.

Ms. Covey explained that she had recently purchased her Silver Oak home. When she purchased her home, it was her understanding that the parcel was part of the green belt along College Parkway. Her former home had 12,000 cars passing it every day. The estimated 3,000 vehicles is good. She also pointed out that not everyone is home during the daytime or stay there all the time. The houses are being bought and sold. This change in ownership may have been the reason the Board had not heard from the residents before now.

Mr. Plemel explained for Ms. Tashman the noticing that was done for this application. Ms. Tashman pointed out that there are a lot of undeveloped lots in the area. This could have been the reason a small number of individuals had been notified. Otherwise, she was certain that there would have been a large outcry and better feedback. Although she is a new resident, she liked to be involved in her area. She had only found out about the meeting by word of mouth. She questioned whether the noticing requirement was meeting its objectives. Mayor Masayko felt that she had made a point. Supervisor Williamson explained that the agendas are published in the Nevada Appeal and are listed on the internet. Copies of the agenda can be mailed or faxed. There had also been several media reports on the proposal. Ms. Tashman explained that her concern was the amount of vacant lots surrounding the subject parcel and whether it could have caused the noticing problem.

Mr. Dunlap expressed his desire for the Club to have its asset and for the neighborhood to have its park and for the integrity of the master plan to be maintained. He wished to restrict what is built and the type of business that will be allowed, however, they could not do it with what they have now. If the property is zoned commercially, access should be from College Parkway. This may be difficult to do but it is doable. There is a need for a "finalized park plan". It has not been completed. It is possible to make it a win-win for both the Club and the residents. He was unsure of what would be needed to obtain consensus of the neighborhood without having a homeowners association. But, again, it is doable. Public comments were then closed.

Mr. Teixeira indicated that there is a lot of documentation regarding the proposal. The Club intends to work with the residents. They are not a developer who is trying to make money. The Club will open its facility at another

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location. They were committed to working with the residents. He then explained a flyer which the Club had originally proposed distributing to the residents in Silver Oak about the proposal. They had been told not to distribute the flyers. They had done everything above board regarding the proposal. It was unfortunate that the individuals who were originally involved could not attend the meeting. They had supported the community gym proposal as it would provide amenities for the 1200 homes in the PUD and could have been an asset with open space. He asked that they be treated with respect and reiterated the intent to work with the residents. Mayor Masayko expressed his appreciation for his comments. He also indicated that their willingness to work with the neighbors is their method of doing business.

Mayor Masayko then indicated that he did not have an ax to grind for either side. He is a supporter of the Boys and Girls Club. The land is to be sold as has been indicated. This is a reasonable expectation. His mission, as an elected official, is to set public policy which establishes a record reflecting the Board's intent to the tightest extent possible. It may not be possible to make the people happy who insist that the entire 13 acres be a park or nothing should happen at the site. The issue regarding the use had already been resolved. Office use could be argued, however, he was unsure whether this could be possible from a land use planning process. They could not restrict the uses any more than it had been. He was attempting to obtain the best results possible. He was concerned about the tightness with which the regulations are written. Although he will not be Mayor forever, there will be residents in the PUD for a long time. The record should clearly reflect the representations that were made and insure that they occur. As an elected official, it is his job to ensure that this occurs. This process allows him to use all of the tools possible for the protection of both parties.

(4-0815) Supervisor Livermore then described the history of the ranch, its conversion into the Silver Oak PUD, and his involvement as a Parks and Recreation Commissioner when the decision was made to use a portion of the site for the Boys and Girls Club community gym. The facilities agreement between the School District and the City and the different uses allowed under this concept were limned. This partnership allows for the development of park playgrounds which are utilized by the schools and saves money for both parties. He then explained that the developer controls when a park site is to be developed. He uses resources obtained from the residential sales to construct the park. The Club proposal has been a six to seven-year venture. A majority of the people are new residents in Silver Oak. They were not part of the numerous meetings that had been conducted on the concept. He then explained that the meetings are televised. It was not decided overnight or in a back room. **Supervisor Livermore then moved to approve P-02/03-2, amending Silver Oak PUD (P-03/94-1) to change the City's land Use Element Master Plan designation from Public Neighborhood to Commercial; and to introduce on first reading Bill No. 108, AN ORDINANCE TO CHANGE THE ZONING FROM SINGLE FAMILY 12,000-PLANNED UNIT DEVELOPMENT TO NEIGHBORHOOD BUSINESS-PLANNED UNIT DEVELOPMENT ON A 3.03 ACRE PARCEL LOCATED ON THE SOUTHWEST CORNER OF COLLEGE PARKWAY AND OAK RIDGE DRIVE, APN 008-061-77, File No. P-02/03-2; and there is no fiscal impact and offered as a part of the motion that the representation made here about the restriction of the land that he insists that the Boys and Girls Club continue in that focus.** Mayor Masayko indicated that he could not accept this portion of the motion. **Supervisor Williamson seconded the motion.** Supervisor Livermore then explained his expectation of what the Boys and Girls Club would do based on the recommendations that were put on the record this evening and what their 26 member Board had announced today. He was "highly encouraged" that these intents will be part of the transfer of the land documents and that there will be deed restrictions placed on it.

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Supervisor Aldean disclosed that she personally knows Glen Larson and understood his disillusionment. She felt that everyone has been disillusioned at one time or another, particularly, when someone who has been trusted fails to meet their obligations. She also disclosed that she had known the majority of the individuals in the front row almost as long as she had been in the community. These individuals are, in her opinion, creditable, honest, and have integrity. She intended to vote for the motion based on her knowledge of those individuals and the trust and faith that she had in them. She felt that they will work with the residents and look for methods to restrict the uses to those least offensive ones for the residents who live close to it. Her decision this evening is based on this trust.

Supervisor Williamson indicated that she represents the Silver Oak area. She drives through their neighborhood and they use her residential area as a shortcut to 395. They are welcomed there and vice versa. They will have a ten-acre park site. The issues with the green belt, landscaping, open spaces and common areas are being evaluated, improved and transitioned to Carson City's care and maintenance. There will not be any additional assessments for them. It will be taken care of. The neighborhood will continue to develop and flourish. Commitments made in 1996 should be honored. The proposal has gone through several public meetings that were well advertised and discussed. She was prepared to work with the neighborhood to allay their fears and to move forward to insure that the Boys and Girls Club is successful.

Following discussion between Mr. Forsberg and Mr. Plemel, **Supervisor Livermore amended his motion to include reference to the findings of the Planning Commission and the findings identified in the Board of Supervisors memo dated April 3 as represented by staff. Supervisor Williamson concurred.**

Supervisor Staub expressed his empathy for the Silver Oak residents and the late comers who had not known about the process. The process began in the Fall of 1996. There had been several private/semi-private and public meetings including meetings before the Planning Commission, the School District, the Parks and Recreation Commission, and even the Board of Supervisors as early as September 6, 2000. He apologized if the notices of the meetings did not get to the correct individuals, however, it appears as though the people who should have been contacted may not have even been in the community at the time. The Boys and Girls Club has always been a good neighbor where they are currently located. He was certain they will be a good neighbor where they are going. They have made commitments to him in his briefing meetings with them that they will in good faith and fair dealing put forth appropriate restrictions on the property so that the least offensive and the most compatible business use will go on the property. He implored them to proceed with those commitments. He also asked the residents to be open, understanding, and reasonable and to work with them. They are opening their arms to the residents and hoped that the residents who had remained would do the same when given the forum in which to provide input. Hopefully, when it is all finished, it will be a win-win situation for Silver Oak, the residents, and for the Boys and Girls Club. He indicated his intent to vote in support of the motion.

Mayor Masayko felt that they were moving ahead too fast and were a little too anxious based on the belief that the people will begin to start working together. If the Board votes as he proposes to send it back, it will force them to work together rather than relying on hope, trust, and faith that they will. These are terms he seldom uses particularly when he has other legal remedies/tools. The Board has these other tools. It is unfortunate that the majority of the Board will choose to not use those tools this evening. He was concerned that the rift and the chasm that will not heal soon. The Boys and Girls Club as well as the members of the community are lessened by those unsettled arguments.

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The motion to approve the amendment to the Master Plan and introduction of Bill No. 108 based on the findings made by the Planning Commission and provided in the 4/3/03 Board memo was voted and carried 4-1 with Mayor Masayko voting Naye.

There being no other matters for consideration, Supervisor Livermore moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 7:30 p.m.

The Minutes of the April 3, 2003, Carson City Board of Supervisors meeting

ARE SO APPROVED ON June 19, 2003.

/s/
Ray Masayko, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder