

# CARSON CITY REGIONAL TRANSPORTATION COMMISSION

## Minutes of the November 10, 2010 Meeting

### Page 1

A regular meeting of the Carson City Regional Transportation Commission was scheduled to begin immediately following adjournment of the Carson Area Metropolitan Planning Organization meeting on Wednesday, November 10, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Shelly Aldean  
Commissioner Robert Crowell  
Commissioner Charles Des Jardins  
Commissioner James Mallery

**STAFF:** Patrick Pittenger, Transportation Manager  
Dan Doenges, Senior Transportation Planner  
Jeff Sharp, City Engineer  
Kim Belt, Capital Projects Manager  
Joel Benton, Senior Deputy District Attorney  
Kathleen King, Deputy Clerk / Recording Secretary

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

**A. CALL TO ORDER AND DETERMINATION OF A QUORUM (4:44:32)** - Chairperson Aldean called the meeting to order at 4:44 p.m. Roll was called; a quorum was present. Vice Chairperson Carpenter's absence was excused.

**B. ACTION ON APPROVAL OF MINUTES - October 13, 2010 (4:44:53)** - Commissioner Crowell moved to approve the minutes, as presented. Commissioner Mallery seconded the motion. Chairperson Aldean entertained public comment. (4:45:58) Chairperson Aldean called for a vote on the pending motion. Motion carried 4-0.

**C. MODIFICATION OF AGENDA (4:46:08)** - At Mr. Pittenger's request, Chairperson Aldean deferred item F-6 to a future meeting.

**D. PUBLIC COMMENT (4:45:17)** - DeeDee Foremaster, representing the Rural Center for Independent Living and Do Drop In, expressed concern over the "situation that's occurred with the little yellow cards and the disabled population and the bus system." (4:46:35) Chairperson Aldean entertained public comment. (4:46:54) Ms. Foremaster expressed concern over the October 1<sup>st</sup> "change in the transportation system that requires people with disabilities to have a little yellow card or their Medicaid card or Medicare card to be able to access the disabled passes ..." She stated, "... none of us in the disabled community were informed of the change. Not one. So, when October 1<sup>st</sup> came, I received a flood of phone calls as well as people coming into my center who had been embarrassed half to death on the bus because they had no idea what the little yellow card was and I had no idea either." She advised of having "made a couple of phone calls," and of having been informed that "in order to get a disability pass now, you had to have a little yellow card or a Medicare or Medicaid card." She compared the situation to attempting to drive one's car without the necessary equipment or information, and no access to the same. She described the "situation" as one "where the transportation system has been altered for people with disabilities and no

## CARSON CITY REGIONAL TRANSPORTATION COMMISSION

### Minutes of the November 10, 2010 Meeting

#### Page 2

one was informed. Not one of us.” She suggested the information could have been easily e-mailed to concerned citizens. She discussed difficulties associated with disabled citizens acquiring “the little yellow card.” She expressed concern over “very poor communication when [she] called to find out information.” She advised “that there’s several of my people who still, right now, do not have little yellow cards and do not have the Medicare card because some of us are disabled and do not collect social security ...” She further advised of having sent a letter requesting a delay of “this decision for 60 to 90 days,” suggesting that “people with disabilities are ... half the ridership.” She expressed the opinion that “it’s rude, it’s disrespectful ...” She stated, “The disability community is infuriated. They feel like they have been ignored, disrespected and, basically, after I called, ... the transportation system basically thumbed their nose at us.” Ms. Foremaster commended the commission “for extending the bus routes. ... Now, more people with disabilities can access the bus, but now they can’t because of the little yellow card.” Ms. Foremaster acknowledged her objection was not relative to the issuance of the cards, but to the alleged lack of notice and the fact that there was no convenient way for people who were handicapped and eligible for those cards to access them.

Chairperson Aldean entertained additional public comment. (4:54:39) Jen Landman advised that she is “a person with a disability, but [her] doctor is far out of state ...” She further advised of having been unable to “get a little yellow card to identify [herself] as a person with a disability.” She explained not having purchased her “usual monthly bus pass during the month of October.” She expressed concerns over safety issues associated with having to “walk everywhere.” She advised of having eventually purchased an “adult pass, which is a financial hindrance.”

Chairperson Aldean entertained additional public comment. (4:55:53) Dan Allison, representing Muscle Powered, referenced “the work done on Fifth Street last year, between ... Saliman and Stewart Street, but particularly between Roop and Stewart Street ... That piece of roadway was repaved ... last year and it was done horribly. It resulted in wind rows of loose material in the bike lane. And then they came back and did it again and they didn’t do it right the second time either. And the current situation is that the pavement in the bike lane is very lumpy ... and it was not paved correctly. Some places, it goes out to the gutter pan. Some places, it doesn’t go out to the gutter pan. It was never smoothed.” Mr. Allison expressed the understanding that “it’s a state project, not a City project,” and expressed concern that the City will, at some point, accept the street in deteriorated condition.

(4:57:50) Jeff Moser, of Muscle Powered, expressed appreciation for the bike lanes on Roop Street. He expressed concern over the bike lane “just south of the bus stop, southbound,” where the bike lane decreases from 32 inches to 17 inches. He expressed concerns regarding safety, and inquired as to whether this may have been a design issue which “could be fixed.”

Chairperson Aldean called for additional public comment and, when none was forthcoming, closed public comment. She suggested reviewing protocols relative to advance notification of policy revisions for the JAC Transit Service.

**E. DISCLOSURES (5:01:05) - None.**

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the November 10, 2010 Meeting**

**Page 3**

**F. PUBLIC MEETING ITEMS:**

**F-1. ACTION TO APPROVE AND AUTHORIZE THE CHAIR TO SIGN AN AGREEMENT BETWEEN ADAVEN INVESTMENTS, LLC, A NEVADA LIMITED LIABILITY COMPANY, AND CARSON CITY, WHEREBY ADAVEN INVESTMENTS, LLC, A NEVADA LIMITED LIABILITY COMPANY, AGREE(S) TO: (1) SELL AND CONVEY A PORTION OF CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 002-121-08; (2) GRANT PERMISSION TO CONSTRUCT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 002-121-08; AND (3) CONVEY A PERMANENT UTILITY EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY, DESCRIBED AS ASSESSOR'S PARCEL NUMBER 002-121-08, FOR THE PURPOSE OF ROADWAY CONSTRUCTION RELATED TO THE ROOP STREET WIDENING PROJECT (5:01:17) - Chairperson Aldean introduced this item, and Ms. Belt reviewed the agenda materials. Ms. Belt acknowledged difficult negotiations, and expressed the belief that the subject agreement will be "the final one."**

Chairperson Aldean entertained commissioner and public comments or questions. When none were forthcoming, she entertained a motion. **Commissioner Mallery moved to approve and authorize the chair to sign an agreement between Adaven Investments, LLC, a Nevada limited liability company, and Carson City, whereby Adaven Investments, LLC, a Nevada limited liability company, agrees to sell and convey a portion of certain real property, described as APN 002-121-08; grant permission to construct upon, over, and across certain real property described as APN 002-121-08; and convey a permanent utility easement upon, over, and across the same certain real property for the purpose of roadway construction related to the Roop Street Widening Project; total cost of \$4,200. Commissioner Des Jardins seconded the motion. Motion carried 4-0.**

**F-2. ACTION TO APPROVE CONTRACT NO. 1011-158, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530, WITH DKS ASSOCIATES TO PROVIDE A CAMPO TRAVEL DEMAND MODEL UPDATE THROUGH NOVEMBER 11, 2011 FOR A NOT-TO-EXCEED COST OF \$97,900.00 TO BE FUNDED FROM THE CAMPO 245-3028-431-1201, AS PROVIDED IN FY 2010 / 2011 (5:03:43) - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the agenda report. He noted the errata sheet distributed prior to the start of the meeting, and provided an overview of the contract included in the agenda materials. He acknowledged the fees are competitive with other, similar companies and provided an overview of the same.**

Chairperson Aldean expressed concern with regard to deleting the language from Section 13.5.6, "... the policy shall not be canceled, non-renewed, or coverage and / or limits reduced or materially altered without noticing Carson City." She inquired as to the contractor's objection to the standard language. Mr. Benton explained that "some insurance companies don't necessarily kick out those notices to the secondary insureds." He clarified that the City will still receive notice if the contractor's insurance is non-renewed or canceled. In response to a further question, he noted the limited risk associated with the contractor.

In response to a further question, Mr. Benton advised that the revisions to Sections 13.5.5 and 13.5.6 were negotiated for this particular contract. Commissioner Crowell expressed agreement with Chairperson Aldean's concerns, and suggested avoiding making a similar revision in future contracts. With regard to

## CARSON CITY REGIONAL TRANSPORTATION COMMISSION

### Minutes of the November 10, 2010 Meeting

#### Page 4

Section 13.5.5, Commissioner Crowell discussed concerns regarding the proposed revision to change the deductible from \$5,000 to \$50,000 per occurrence. Mr. Benton advised that the City would have recourse against DKS Associates if they were liable for the claim. Discussion followed with regard to possible scenarios and, in response to a further question, Mr. Benton advised that the contractor's insurance policy has a \$50,000 deductible as opposed to a \$5,000 deductible. "And, for the most part, it would cost them more to reduce the deductible which, in turn, could increase the price of our contract." He advised of having discussed the matter with the City's Risk Manager "to ... weigh, based upon what they're doing, the size and nature of the company we're doing business with, to determine whether or not we would agree to either raise deductibles or change notification language."

Commissioner Des Jardins expressed concern over traffic data collection. In response to a question, Mr. Pittenger advised that the subject contract is "one component of a multi-pronged effort for data collection and modeling ..." He discussed the importance of the location, the nature, and the timing of the data collection, and advised that it will be occurring at the end of March / beginning of April over a three-week period. He advised that the City will coordinate with the Nevada Department of Transportation for straight line counts. The intersection counts will be videotaped. "They'll be able to do all 50-plus intersections in a three-day period that will overlap NDOT's period." Mr. Pittenger explained the March / April time frame in consideration of the expectation of no substantial road projects for the first time in years.

Chairperson Aldean expressed understanding for the revision to the deductible language in Section 13.5.5, and reiterated concern over deleting the language in Section 13.5.6. She expressed a willingness to concede the proposed revision to Section 13.5.5, but opposition to the proposed revision to Section 13.5.6. In response to a question, Mr. Benton provided direction relative to the appropriate action.

Chairperson Aldean entertained public comment. (5:14:20) Dan Allison, representing Muscle Powered, expressed concern that the contract language does not specifically mention bicycles or pedestrians. He requested that bicycles and pedestrians "always [be] called out in any travel demand modeling ..." He advised of having inquired of Mr. Pittenger, who informed him "there would be a small component of that in the contract and the work to be done." Mr. Allison acknowledged having been assured by Mr. Pittenger's explanation. In consideration of land use data, Mr. Allison pointed out that "land use patterns in Carson City have changed significantly and we would just like to make sure that what's happened in the past isn't simply projected into the future without realizing that things have changed and that, therefore, travel demand will change because land use has changed ..." Mr. Allison expressed appreciation for "this sort of modeling," and the opinion "it benefits all of us to understand what the traffic patterns are and how they can best be managed."

Chairperson Aldean noted the imprecise science of forecasting. Mr. Pittenger advised that Planning Division Director Lee Plemel, together with the CAMPO representatives from Lyon and Douglas Counties, will be involved in the travel demand modeling process.

Chairperson Aldean entertained additional public comment and, when none was forthcoming, a motion. **Commissioner Crowell moved to approve Contract No. 1011-158, pursuant to NRS 332.115(1)(b) and NRS 625.530 with DKS Associates to provide a CAMPO travel demand model update through November 11, 2011, for a not-to-exceed cost of \$97,900.00, to be funded from the CAMPO 245-3028-431-1201, as provided in FY 2010 / 2011, subject to keeping in the contract the language in Section 13.5.6 which includes that there will be a notification to the additional insured in the event of a**

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the November 10, 2010 Meeting**

**Page 5**

**coverage and / or limit reduction or material alteration. Commissioner Des Jardins seconded the motion. Motion carried 4-0.**

**F-3. ACTION TO APPROVE CONTRACT NO. 1011-159, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530, WITH PBS&J TO PROVIDE A TRAFFIC SIGNAL OPTIMIZATION PROGRAM THROUGH NOVEMBER 11, 2011, FOR A NOT-TO-EXCEED COST OF \$124,480.00, TO BE FUNDED FROM THE CAMPO 245-3028-431-12-01, AS PROVIDED IN FY 2010 / 2011 (5:17:54)** - Chairperson Aldean introduced this item. Mr. Pittenger reviewed the agenda materials, noting that the subject item is coordinated with item F-2 and noting the errata sheet distributed prior to the start of the meeting. At Chairperson Aldean's request, Mr. Pittenger and Mr. Benton reviewed the proposed revisions as listed on the errata sheet. At Chairperson Aldean's request, Mr. Benton read into the record the proposed revision to Section 28, Standard of Care.

Chairperson Aldean noted a necessary revision to Section 2, Contract Term. Ms. King advised that the revision had been made by Purchasing and Contracts Coordinator Sandy Scott-Fisher and provided, for the record, subsequent to the commissioners' agenda materials being distributed. In response to a question regarding the proposed revision to Section 28, Standard of Care, Mr. Benton suggested that if the contractor was providing materials, the proposed revision may be considered substantive. In consideration of the engineering services to be provided, he advised that if the consultant doesn't meet the standard of care, the City will still have the option to pursue legal recourse "under the E&O insurance for negligent standard of care." Commissioner Crowell expressed understanding for the proposed revision, but encouraged Mr. Benton to "feel free to push back ... when it comes to protecting the [City's] interests." Mr. Benton advised that the proposed revisions were thoroughly debated. "They conceded on several issues that I felt were more important to us." Commissioner Crowell acknowledged he was comfortable with the proposed revisions.

Chairperson Aldean entertained public comment and, when none was forthcoming, a motion. **Commissioner Des Jardins moved to approve Contract No. 1011-159, pursuant to NRS 332.115(1)(b) and NRS 625.530 with PBS&J to provide a traffic signal optimization program through November 11, 2011 for a not-to-exceed cost of \$124,480.00 to be funded from the CAMPO 245-3028-431-12-01, as provided in FY 2010 / 2011, with the number of revisions provided to the commission via the errata sheet; fiscal impact \$124,480.00. Commissioner Crowell seconded the motion.** In response to a question, Mr. Pittenger advised that data will be collected "on every single intersection. ... The highlights ... will be the primary corridors." Mr. Pittenger commended the University of Nevada, Reno on providing traffic signal coordination in the interim, with significant improvements. He advised of an agreement with Douglas County to coordinate signals on the south end of US 395. Chairperson Aldean entertained additional questions or comments and, when none were forthcoming, called for a vote on the pending motion. **Motion carried 4-0.**

**F-4. INFORMATION REGARDING A PROPOSED PAYMENT SCHEDULE FOR THE CARSON CITY REDEVELOPMENT AUTHORITY ("RDA") FOR THE REIMBURSEMENT OF FUNDS TO THE RTC FOR IMPROVEMENTS MADE AT THE INTERSECTION OF CARSON STREET AND EAGLE STATION LANE (5:27:36)** - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the agenda materials. Mr. Pittenger acknowledged that payment of the obligation, in installments, does not require formal action by the commission. Chairperson Aldean entertained public comment; however, none was forthcoming.

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the November 10, 2010 Meeting**

**Page 6**

**F-5. INFORMATION ON THE DISPOSITION OF BUSES 4222 AND 4224, WHICH HAVE EXCEEDED THEIR USEFUL LIVES IN TRANSIT SERVICE (5:28:57)** - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the agenda materials. In response to a question, Mr. Pittenger advised that he would confirm Western Nevada College is included on the list of eligible agencies. Chairperson Aldean entertained comments or questions; however, none were forthcoming.

**F-6. INFORMATION AND RATIONALE REGARDING THE USE OF CONSULTING FIRMS TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES ON CITY PROJECTS (5:30:56)** - Chairperson Aldean noted this item would be deferred to the December commission meeting.

**F-7. ACTION TO RECONSIDER PREVIOUS RTC ACTION, TAKEN ON OCTOBER 13, 2010, TO APPROVE RELEASE OF FINAL PAYMENT FOR CONTRACT NO. 0910-128, TITLED 2010 ARRA MICROPAVING PROJECT TO VALLEY SLURRY SEAL COMPANY (5:31:15)** - Chairperson Aldean introduced this item. Mr. Benton provided background information and reviewed the agenda materials. In response to a question, he reviewed the process for reconsidering the commission's previous approval. Chairperson Aldean entertained public comment; however, none was forthcoming.

In response to a question, Mr. Benton explained the intent of the second paragraph of the November 2, 2010 letter from Ryan C. Wood of Downey Brand, LLP, copies of which were included in the agenda materials. He reviewed the requirement, under the Nevada Open Meeting Law, to properly notice a person or entity prior to agenda discussion in a public meeting. He advised of Valley Slurry Seal representatives' concerns that "they were not properly noticed that [the commission] was going to approve final payment." In response to additional questions of clarification, he provided background information on his discussions with Mr. Wood.

Chairperson Aldean entertained a motion. **Commissioner Crowell moved to reconsider the previous RTC action, taken on October 13, 2010, to approve the Release of Final Payment for Contract No. 0910-128, titled 2010 ARRA Micropaving Project to Valley Slurry Seal Company. Commissioner Des Jardins seconded the motion.** Chairperson Aldean entertained public comment. (5:36:30) Tim Schmidt, of Valley Slurry Seal Company, expressed support for approval of items F-7 and F-8. Chairperson Aldean entertained additional public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 4-0.**

**F-8. ACTION TO RESCIND APPROVAL OF THE RELEASE OF FINAL PAYMENT FOR CONTRACT NO. 0910-128, TITLED 2010 ARRA MICROPAVING PROJECT TO VALLEY SLURRY SEAL COMPANY AND REFER THE ISSUE BACK TO STAFF (5:36:52)** - Chairperson Aldean introduced this item, and Mr. Benton reviewed the agenda report. Commissioner Crowell clarified that taking action to rescind approval is not to be construed as admission of any error on behalf of the commission or staff in the method by which analysis of whether or not a liquidated damages clause should be implemented. Mr. Benton assured the commission that City staff has not changed its position on whether or not liquidated damages apply. "This is about following the process under the contract to use ... alternative dispute resolution ..." Discussion followed, and Mr. Benton responded to questions of clarification relative to the alternative dispute resolution process.

Chairperson Aldean entertained additional questions and, when none were forthcoming, a motion. **Without an admission of any kind, Commissioner Crowell moved to rescind approval of the Release of Final**

**CARSON CITY REGIONAL TRANSPORTATION COMMISSION**

**Minutes of the November 10, 2010 Meeting**

**Page 7**

**Payment for Contract No. 0910-128, titled 2010 ARRA Micropaving Project to Valley Slurry Seal Company, and to refer the issue back to staff. Commissioner Des Jardins seconded the motion.** Chairperson Aldean entertained public comments and, when none were forthcoming, called for a vote on the pending motion. **Motion carried 4-0.**

**G. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS**

**G-1. STREET OPERATIONS REPORT - OCTOBER 2010 (5:41:14)** - Chairperson Aldean introduced this item, and entertained questions or comments from the commissioners and from the public. None were forthcoming.

**G-2. PROJECT STATUS REPORT (5:41:28)** - Chairperson Aldean introduced this item. Commissioner Crowell inquired as to whether the water leak at the intersection of Arrowhead Drive and Goni Road had been repaired. Mr. Sharp expressed the understanding that the leak had been temporarily repaired. "There needs to be some further work out there; some re-plumbing ... to make sure that this situation doesn't happen again." (5:43:57) In reference to public comment provided at this meeting, Mr. Sharp advised of an error in the engineering plans relative to bike lane striping on Roop Street. He described the location of the affected area as "a very short section out in front of this building, just south of the bike lane for southbound traffic." He advised that the "stripers laid it out per the plans and it ended up not giving enough width on the bike lane on the west side of the road." He explained the solution to grind off the stripe and restripe. In response to a question, he advised that the engineer will remedy the situation. In response to a further question regarding the section of Fifth Street mentioned by Dan Allison, under public comment, Mr. Pittenger provided background information on NDOT's attempt to repair the situation. He advised that he will again contact NDOT staff to discuss the situation.

**G-3. FUTURE AGENDA ITEMS (5:42:41)** - Mr. Pittenger reviewed the tentative agenda for the December commission meeting. In consideration of the public testimony provided at this meeting, Chairperson Aldean requested Mr. Pittenger to agendaize an informational item on protocols relative to changes to the transit service.

**H. ADJOURNMENT (5:45:43)** - Commissioner Des Jardins moved to adjourn the meeting at 5:45 p.m. Commissioner Mallery seconded the motion. Motion carried 4-0.

The Minutes of the November 10, 2010 Carson City Regional Transportation Commission meeting are so approved this 12<sup>th</sup> day of January, 2011.

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SHELLY ALDEAN, Chair