A regularly scheduled meeting of the Carson City Board of Supervisors meeting was held on on Thursday, March 5, 1998, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT: Ray Masayko Mayor

Tom Tatro Supervisor, Ward 3

Greg Smith Supervisor, Ward 1

Jon Plank Supervisor, Ward 2

Kay Bennett Supervisor, Ward 4

STAFF PRESENT: John Berkich City Manager

Alan Glover Clerk-Recorder

Rod Banister Sheriff

Al Kramer Treasurer

Walter Sullivan Community Development Director Mary Walker Finance & Redevelopment Director

John Iratcabal Purchasing Director

Paul Lipparelli Chief Deputy District Attorney
Jay Aldean Special Projects Engineer

Vern Krahn Parks Planner
Katherine McLaughlin Recording Secretary

(B.O.S. 3/5/98 Tape 1-0001.5)

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. Father Chuck Durante of St. Teresa's Catholic Church gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

CITIZEN COMMENTS (1-0041.5) - None.

APPROVAL OF MINUTES - December 4, 1997, Regular Session (1-0043.5) - Mayor Masayko corrected the name Soures to be Stowers in the December 4th Minutes. Supervisor Bennett moved to approve the corrected Minutes. Supervisor Smith seconded the motion. Motion carried 5-0.

2. SPECIAL PRESENTATION - PRESENTATION OF AWARD TO CARSON CITY FOR THE PUBLIC SAFETY COMPLEX FROM THE NEVADA TAXPAYERS ASSOCIATION (1-0058.5) - Margaret Cavin, a Director of Nevada Taxpayers Association, and Marty Hefner, Nevada Taxpayers Association Representative, presented an award recognizing the City's qualification as one of seven finalists for the "Cashman Good Government Award" to Mayor Masayko. The award was in recognition of the City's open government process and its Public Safety Complex citizens committee. Mayor Masayko recognized Capital Projects Advisory Committee Member Ron Swirczek and asked him to step to the dais. He then described the change in tax laws and Board actions which had enabled the City to allocate funding for the project. His comments commended the Committee on its dedication and devotion to the project and all of the elected officials who will be using the facility for their cooperation. Efforts are continuing to complete the project on time and within budget. He asked Member Swirczek to present the award to the Committee and thank them for their continuing efforts.

LIQUOR AND ENTERTAINMENT BOARD (1-0142.5) - Mayor Masayko recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board was present, including Sheriff Banister, constituting a quorum.

3. TREASURER - Al Kramer - ACTION ON A FULL BAR LIQUOR LICENSE FOR BRENDEL'S RESTAURANT CORPORATION, LOCATED AT 302 SOUTH CARSON STREET (1-0145.5) - Discussion noted the Sheriff's Departmental Report indicated some concerns regarding the applicant's financial status. The Sheriff's Department had not made a recommendation on the license. Discussion noted the Board's ability to grant a conditional license. As the license is considered a privilege, it can be revoked at any time if determined necessary. Member Smith felt that this concern should remain between the business and its suppliers rather than the Board and the applicant. Aaron Shoaf indicated he was familiar with Nevada Liquor Laws and that the financial problems had been created by a divorce. He would provide training on the liquor laws to all of his employees. Board comments stressed the seriousness with which the Board considered the granting of a liquor license. Member Smith expressed the hope that the establishment would be successful and "steps above" a previous operation which once did business in the same building. Member Smith then moved that the Liquor and Entertainment Board approve a full bar liquor license for Brendel's Restaurant Corporation located at 302 South Carson Street with a fiscal impact of \$1,000 new fee, \$500 investigative fee, and the initial \$200 quarterly fee. Member Plank seconded the motion. Motion carried 6-0. Chairperson Masayko wished him success in the new endeavor.

BOARD OF SUPERVISORS (1-0228.5) - There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

- 4. **CONSENT AGENDA (1-0235.5)**
- A. PUBLIC WORKS DIRECTOR ACTION ON DEDICATION OF STREET RIGHT-OF-WAY FOR THE WIDENING OF SHERMAN LANE ALONG THE FRONTAGE OF APN 08-251-32 FROM R. P. WEDDELL AND SONS, INCORPORATED, CONTAINING APPROXIMATELY 5,263 SOUARE FEET
 - B. UTILITIES DEPARTMENT
- i. ACTION ON A DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR JENNIFER M. BACIGALUPI, APNS 3-181-09, 3-181-10 AND 3-241-07, LOCATED AT NORTH IRIS STREET AND WEST TELEGRAPH STREET FOR SEWER AND WATER MAIN REPLACEMENT
- ii. ACTION ON A DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR MODOCO LLC, APN 8-191-27, LOCATED AT 3109 AIRPORT ROAD, CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION
 - C. PURCHASING DIRECTOR
- i. ACTION ON CONTRACT NO. 9798-178 PARKS DEPARTMENT, LINEAR BIKE PATH IMPROVEMENTS, AWARD
- ii. ACTION ON CONTRACT NO. 9798-150 AERIAL PHOTOGRAPHY AND PLANIMETRIC UPDATE, AWARD
- iii. ACTION ON CONTRACT NO. 9798-184 UTILITY DEPARTMENT MAILING SERVICES FOR FISCAL YEAR 9899, AWARD
- iv. ACTION ON CONTRACT NO. 9798-188 1998 SEWER LINE EXTENSION, BIGELOW DRIVE, AWARD
- v. ACTION ON CONTRACT NO. 9798-205 JOINDER CONTRACT FOR VEHICLES WITH THE STATE OF NEVADA
- vi. ACTION ON CONTRACT NO. 9798-205 COMBS CANYON BANK STABILIZATION PROJECT. REOUEST FOR FINAL PAYMENT
 - vii. ACTION ON CONTRACT NO. 9798-175 AUDITING SERVICES FOR FISCAL

YEAR 9798

viii. ACTION ON CONTRACT NO. 9798-214 - UPDATE OF TITLE 17 AND 18 - SUBDIVISION AND ZONING CODES (1-0233.5) - Mayor Masayko indicated Contract No. 9798-150 was deferred until a future meeting. Supervisor Tatro moved to approve the Consent Agenda as presented with the exception that Contract 9798-150, Aerial Photography be removed from the Consent Agenda. Supervisor Bennett seconded the motion. Motion carried 5-0.

5. BOARD OF SUPERVISORS

A. ACTION ON APPOINTMENTS TO THE CHARTER REVIEW COMMITTEE (1-0259.5) - Mayor Masayko indicated Assemblyman Dini had nominated Vivian Pickett, Assemblyman Hettrick had nominated Dick Murray, and Assemblyman Ernaut had nominated Jim Cavilia. Their addresses were provided. Supervisor Tatro moved to approve the appointments of Vivian Pickett, Dick Murray, and Jim Cavilia to the Charter Review Committee as designed by the Legislators as Mayor Masayko had mentioned. Supervisor Smith seconded the motion. Motion carried 5-0. Discussion indicated staff had scheduled three meetings and the need for any action to be processed quickly due to the Legislative deadline. Public imput was solicited. Mayor Masayko thanked the applicants for offering their services.

NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE В. MATTERS (1-0320.5) - Supervisor Bennett reported on the Tahoe Transportation District and its meeting, her intent to attend a Hospital Trustees' conference in Denver, the Nevada Tahoe Conservation District's upcoming meeting, and her trip to Las Vegas. Supervisor Smith reported on the National Technologies groundbreaking ceremony and expansion project, RTC's direction to staff to continue investigating alternative roadways for the Graves Lane extension, and invited the public to attend RTC's March 18th meeting. Supervisor Tatro gave the final report for this year on the Carson High School Wrestling Team. Supervisor Plank reported on his tour of the Taiyo America facility, a meeting with two NDOT representatives and Supervisor Bennett on potential funding for Highway 50 aesthetics as well as Carson Street improvements, a meeting with Supervisor Smith and DMV Representative Sue Newberry on alternative roadways for Graves Lane, the National Technologies groundbreaking ceremony, the Parks and Recreation Commission meeting, and announced the Future Farmers of America Statewide Convention in the Carson City Convention Center which will be held next week. Mayor Masayko reported on the Nevada Taxpayers Association's annual meeting in Las Vegas and commended Ms. Walker on her efforts to qualify Carson City for the Cashman Award, which was won by the State Treasurer's office. Brochures about the Award and the seven finalists were distributed to the Board and Clerk. Ms. Walker described the award. Mayor Masayko also reported on the Las Vegas Trolley, the Tri-County Railway Commission meeting, the status of the Overman Pit and the ISTEA grant, and a letter from Taiyo America concerning its preference that the railway station not be on Deer Run Road. Laura Adler had represented him at the Northern Nevada Hispanic Chamber of Commerce Awards Banquet and Installation of Officers dinner. He thanked Ms. Adler for her representation. He then explained that Reno Mayor Griffin had indicated that Reno had adopted a Mexican community as its sister city. He and Don Quilici had welcomed a group of 50 individuals from this area of Guadalupe to Carson City on Saturday. Its tourist activities were noted. He supported efforts to market Carson City, Lake Tahoe, etc., as a regional attraction. He also noted a media report and comments expressed by Frank Fahrenkopf indicating air traffic to Las Vegas is declining. Tourism is a competitive business requiring a real plan. One cannot rest on one's laurels. Continuous work is required. Supervisor Bennett explained her experience at the Las Vegas airport. Mayor Masayko then reported on Senator Bryan's discussion with him about the Federal ISTEA funding and that the four cent tax increase used to lower the national debt had been returned to transit programs. The Department of Transportation bill lowers the DUI intoxication level to .08. Both Senators Reid and Bryan had voted against this bill. He then reported on the Boys and Girls Club Awards luncheon and recognized its award for Mr. Berkich's efforts and contributions to the Club. Mr. Berkich thanked the Club for its recognition and briefly described some of his work on behalf of the Club. He also thanked Ms. Teixeira, from his office, and the State for their efforts. The Club's benefits were also noted. Supervisor Smith noted his son's participation in the ceremony.

- C. STAFF'S COMMENTS AND STATUS REPORTS (1-0705.5) None.
- **6. TREASURER -** Al Kramer and Finance Director Mary Walker
- A. ACTION ON A RESOLUTION CONCERNING THE FINANCING OF SEWER PROJECTS, DIRECTING THE CLERK TO NOTIFY THE CARSON CITY DEBT MANAGEMENT COMMISSION OF THE CITY'S PROPOSAL TO BORROW MONEY AND TO ISSUE GENERAL OBLIGATION SEWER BONDS TO EVIDENCE SUCH BORROWING; AND PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH, PROVIDING THE REIMBURSEMENT OF EXPENDITURES FROM THE PROCEEDS OF THE BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-0707.5) Deferred until a future date.

B. ORDINANCES - FIRST READING

- i. ACTION ON AN ORDINANCE DESIGNATED BY THE SHORT TITLE "1998 VARIOUS PURPOSE REFUNDING BOND ORDINANCE", PROVIDING FOR THE ISSUANCE BY CARSON CITY, NEVADA, OF ITS NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) VARIOUS PURPOSE REFUNDING BONDS, SERIES 1998A; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS; AND PROVIDING OTHER MATTERS RELATING THERETO (1-0718.5) Concerns were expressed about the fluctuation in the market. If financial conditions continue to deteriorate, the bonds may not be sold. Supervisor Smith moved that the Board of Supervisors introduce Bill No. 110 on first reading, AN ORDINANCE DESIGNATED BY THE SHORT TITLE "1998 VARIOUS PURPOSE REFUNDING BOND ORDINANCE", PROVIDING FOR THE ISSUANCE BY CARSON CITY, NEVADA, OF ITS NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) VARIOUS PURPOSE REFUNDING BONDS, SERIES 1998A; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS; AND PROVIDING OTHER MATTERS RELATING THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.
- ii. ACTION ON AN ORDINANCE PROVIDING FOR THE ISSUANCE BY CARSON CITY, NEVADA, OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM REFUNDING BONDS, SERIES 1998B; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS; AND PROVIDING OTHER MATTERS RELATING THERETO (1-0783.5) Supervisor Smith moved that the Board of Supervisors introduce Bill No. 111 on first reading, AN ORDINANCE PROVIDING FOR THE ISSUANCE BY CARSON CITY, NEVADA, OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM REFUNDING BONDS, SERIES 1998B; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS; AND PROVIDING OTHER MATTERS RELATING THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.
- 7. FINANCE AND REDEVELOPMENT DIRECTOR Mary Walker ACTION TO APPROVE THE CARSON CITY AND REDEVELOPMENT AUTHORITY FISCAL YEAR 97-98 SECOND QUARTER FINANCIAL REPORT (1-0810.5) Ms. Walker's introduction included an overall review of the sales tax and tourist activities from throughout the State. Discussion explored a suggestion for modifying the revenue generation report and reasons for having periodic reports. Supervisor Tatro moved to approve the Carson City and Redevelopment Authority FY 9798 second quarter financial report. Supervisor Plank seconded the motion. Motion carried 5-0.
- **8.** PARKS AND RECREATION DIRECTOR Steve Kastens ACTION ON APPROVAL OF EDMONDS SPORTS COMPLEX MASTER PLAN (1-1165.5) Stantech Consulting Engineer Kevin McCall The need for a master plan, its funding, and the plan were described. The Parks and Recreation Commission and

the Planning Commission had approved the plan. The improvements will be phased over several years. Supervisor Bennett urged them to develop the new entrance as part of the first phase. Board comments complimented staff on the project. Supervisor Tatro moved that the Board approve the Master Plan for the Edmonds Sports Complex. Supervisors Plank and Smith seconded the motion. Motion carried 5-0.

- **9. PUBLIC WORKS DEPARTMENT -** Acting Public Works Director Tim Homann, Chief Deputy District Attorney Paul Lipparelli, and RTC Engineer Harvey Brotzman
- ACTION ON A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY 372 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 08-797-49 LOCATED AT 4023 GARSON COURT AND OWNED BY RAYMOND L. MAHEUX AND ELIZABETH A. MAHEUX, HUSBAND AND WIFE FOR THE CONSTRUCTION OF GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE A STIPULATION TO ENTRY ON THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO **ACCOMPLISH THE TAKING** (1-1395.5) - Supervisor Smith explained his contact with Mr. Brotzman during which Mr. Brotzman had indicated it may not be necessary to acquire additional property from Mr. Maheux if a proposal to modify the original four-lane proposal is implemented. Mr. Brotzman had felt that the City may have an adequate amount of right-of-way at this time if a College Parkway type of structure is constructed. As this concept is being analyzed by staff at this time, a final determination has not been made about the amount of rightof-way required in Mr. Maheux' area. It will be 45 to 60 days before that determination can be made. Supervisor Smith then questioned Mr. Homann about the need for this area. Mr. Homann was not sure whether it is needed for sight distance, the amount of turning movement required for a College Parkway type of structure, and indicated there are other issues which impact the need for the area which should be analyzed. Until the redesign is accomplished, the need could not be determined. He recommended the Board continue with the acquisition. Discussion between the Board and Mr. Homann pointed out that the area may be needed at a future date. Sherman Lane will become a cul-de-sac on the east side of Graves. The heavy use will be on the west side of Graves Lane. Discussion also explained the RTC direction to staff to study alternative types of roads. Mr. Lipparelli explained the legal criteria mandated for acquisition and that the Maheux property was required for sight distance. He also felt that a two week delay would not impact the process significantly. Supervisor Tatro emphasized that the City does have a design for the road even though comments implied otherwise. RTC was requested to reduce the design. He also felt that the ability to replace a five lane road with a two lane road is a "long shot". His review of the numbers indicates that this is not feasible. His personal use of the roadway was explained to support his contention. Mayor Masayko questioned whether it is necessary to put the property owners through this process at this time when there is a question about the final design. Mr. Lipparelli explained the original timeframe for filing the lawsuits and acquiring the property. A two week delay may require a similar delay in obtaining court action. Construction is proposed to start by mid-summer. The bids will be requested once all of the property is secured. Mr. Homann then elaborated on his feeling that the City will need the Maheux property regardless of the final roadway design due to the sight requirements.
- (1-1845.5) Raymond Maheux explained his acquisition of the property in 1995, his and his wife's deteriorating health, and the lack of adequate/ongoing communication from the City. He demanded that the City leave him, his wife, and their property alone and apologize for the injustice which had occurred to them. Mayor Masayko indicated there would not be any debate as he had requested. The information is on the record. A decision will be made. He apologized to Mr. Maheux for the lack of a notification prior to publication of the agenda. Additional public comments were solicited but none given.
- (1-2291.5) Supervisor Smith noted Mr. Homann's statements concerning the need of this property for sight distances, requested that the Board table the matter for two weeks, and direct staff to analyze the area and make certain that the property is absolutely needed. This will still provide adequate time to maintain the March 31 deadline for filing the lawsuit. Mr. Homann and Mr. Lipparelli agreed. Supervisor Smith also requested a notice be mailed to the two remaining property owners advising them of the decision. Supervisor Bennett also asked staff

to develop a process whereby the City could assist the Maheux with relocation and, if necessary, acquisition of the entire parcel. Reasons for her recommendation were given. Mayor Masayko questioned whether this was an issue which the Board should be involved with or whether it is under the Regional Transportation Commission's purview. He also questioned whether the Board had the ability to go beyond the appraisal or acquire an area beyond that required for the project. Mr. Lipparelli requested an opportunity to discussion with Supervisor Bennett her proposal. If it is discovered that there is another process available, it will be brought back to the Board for consideration. Supervisor Bennett expressed her feeling that statutory authority is not needed if the Board deems an action to be in the community's interest. She welcomed the discussion, specifically, where the City could lighten the resident's burden and consider the issue on a case-by-case basis. Supervisor Plank voiced his support for the continuance and iterated his concerns about the inadequacy of the legal noticing process and desire to expand it, particularly when property rights are involved. He also urged staff to contact previous correspondents and keep them posted about the progress occurring on different issues. Supervisor Smith then moved that the Board of Supervisors postpone action on the following two properties until its March 19 meeting, that being Assessor's Parcel Number 08-797-49 located at 4023 Garson Court and Assessor's Parcel Number 08-721-09 located at 3931 Tara Street. Supervisors Bennett and Plank seconded the motion. Motion carried 5-0.

BREAK: (1-2120.5) A ten minute recess was declared at 10:35 a.m. The entire Board was present when the meeting was reconvened at 10:45 a.m. constituting a quorum.

- ACTION ON A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY .576 ACRES OF LAND WHICH IS THE ENTIRE PORTION OF APN 08-142-01 OWNED BY ROBERTA E. CAVE, INC., FOR THE CONSTRUCTION OF GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING (1-2130.5) - Discussion indicated action should be taken on Ms. Cave's two parcels. The issue regarding these properties relate to the values. The Board does not have any latitude when acquiring property. Therefore, the lawsuit must go forward. Mr. Lipparelli thanked Ms. Cave for her cooperation and explained that she would not fight the right of entry. Supervisor Plank disclosed that he had done business with Ms. Cave approximately 15 to 20 years ago. He had not had any personal or business connections with her for many, many years. Mr. Lipparelli then explained the typographical error in the Assessor's Parcel Numbers on the agenda for the following item. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1998-R-13, A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY .576 ACRES OF LAND WHICH IS THE ENTIRE PORTION OF ASSESSOR'S PARCEL NUMBER 08-142-02 OWNED BY ROBERTA E. CAVE, INC., FOR THE CONSTRUCTION OF GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING. Supervisor Bennett seconded the motion. Motion carried 5-0.
- C. ACTION ON A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY 3,120 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 08-142-12 OWNED BY ROBERTA E. CAVE, INC., FOR THE CONSTRUCTION OF GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE THE ACQUISITION OF THE EASEMENTS OVER APPROXIMATELY 3,120 SQUARE FEET OF LAND ON THAT PARCEL, AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING (1-2258.5) Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1998-R-14, A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY 3,120 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 08-142-12 OWNED BY ROBERTA CAVE, INC., FOR THE CONSTRUCTION OF

GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE THE ACQUISITION OF THE EASEMENTS OVER APPROXIMATELY 3,120 SQUARE FEET OF LAND ON THAT PARCEL, AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING. Supervisor Bennett seconded the motion. Motion carried 5-0.

- D. ACTION ON A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY 254 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 08-797-48 LOCATED AT 4015 GARSON COURT AND THE MARGUERETTE L. COELHO TRUST U/A DTD 8-12-92, FOR THE CONSTRUCTION OF GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING; AND, E. ACTION ON AGREEMENT BETWEEN CARSON CITY AND THE MARGUERETTE L. COELHO TRUST U/A DTD 8-12-92 FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 4015 GARSON COURT (APN 8-797-48) FOR USE IN THE EXTENSION OF GRAVES LANE During discussion among the Board on Item F. above, consensus indicated these two items should be continued for two weeks. Consensus also directed staff to analyze the proposal to have a two lane roadway instead of the designed five lane road and determine the need for these parcels. The Board will consider acting on the staff information at its next meeting. No formal action was taken.
- G. ACTION ON A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY 373 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 08-721-09 LOCATED AT 3931 TARA STREET AND OWNED BY GLEN L. MEAD AND CATHERINE A. MEAD, HUSBAND AND WIFE, FOR THE CONSTRUCTION OF GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING (1-2571.5) See Item F. above for action on this Item.
- A. ACTION ON A DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION DOCUMENTS FOR SEVERAL DIFFERENT PARCELS LOCATED WITHIN CARSON CITY, NEVADA (1-2600.5) Supervisor Tatro moved to cancel the Development Agreements between Carson City and the six parties listed in the staff report regarding the construction of public improvements associated with the development of land within Carson City. Supervisor Plank seconded the motion. Motion carried 5-0.
- ACTION ON PUBLIC WORKS DEPARTMENT POLICIES AND PROCEDURES RELATED TO DEVELOPMENT AGREEMENTS (1-2695.5) - Mr. Homann's introduction included the intent to begin calling in some of the outstanding agreements and requiring the improvements. Ron Kipp's faxed letter supporting the proposal was distributed to the Board and Clerk. Discussion indicated that the Code did not have to be amended as it provides for an administrative process such as the proposal. The purpose of the policy was explained by Mr. Lipparelli. He indicated a willingness to recheck the Code and be certain there is no conflict. Clarification indicated the five year term is included in the original agreement which have been approved by the Board. Supervisor Bennett encouraged staff to include this enabling language in the policy. Mr. Homann iterated the intent to have all improvements mandated as part of the project if appropriate. Delays will be granted only if reasonable and sensible. Extensions may be granted if no other property development occurs. Annual status reports will be given to the Board. Supervisor Bennett also questioned the amount/level of assurity which would be required from the developers. She also felt that a financial hardship on the developer should not be considered valid reasons for delaying the improvements. Mr. Homann briefly described the assurity requirements for subdivisions. As the development agreement is signed by both the developer and City and recorded, there is a valid contract mandating that the improvements will be accomplished within five years. As the Code does not mandate bonding, the contract is used to force the improvements. Supervisor Bennett questioned the number of

agreements which had been called. Mr. Homann noted that six had just been cancelled. The improvements are being done when required. Supervisor Bennett felt that other communities require a higher standard for development agreements and recommended the Board seriously consider implementing the same standards.

Supervisor Tatro commended Supervisor Bennett on her tenacity which had forced the process to be brought forward for consideration and the development of a list of outstanding agreements. The proposed policy is a good beginning on the guiding principals. He suggested that examples of development agreements be attached so that people could clearly understand the process. This would mandate that any extension beyond five years must be discussed with the Board. The proposal to handle the cancellations administratively changes the Board's involvement level in the future. He was also concerned about future Board's ability to understand the purpose and rational behind this Board's actions. He then explained his reasons for supporting the use of development agreements when appropriate. He did not feel that their numbers should be reduced/restricted. The improvements should be mandated when it is sensible and reasonable to mandate same. The agreements should remain enforce so long as the reasons behind them remain valid. Periodic reviews should be mandated to determine that such a validity exists. He urged the staff to include more of the "mechanical stuff" in the policy for clarity.

(1-3342.5) Supervisor Smith supported Supervisor Tatro's comments and for granting leeway when sensible as indicated by an example of City owned property on Arrowhead. He supported including both Supervisors Bennett and Tatro's recommended items within the policy. Supervisor Bennett responded by expressing her feeling that the City should analyze its own agreements in context with the surrounding areas. She supported implementing a program which would have the City mandate improvements for infill areas where only one or two parcels have not signed an agreement or been developed. This would allow the City to call the outstanding development agreements. She felt that there are more areas containing the one or two undeveloped parcels than vice versa.

Mr. Homann agreed that development agreements had originally been used when there are no other improvements in the vicinity/area. His interpretation of the policy would be to require the improvements unless there is a compelling reason(s) not to do so. In other words, if there is no drainage problem, it should be done. This is like the "chicken and the egg" question. If the improvements are continually delayed, it may never occur. The first one could be the beginning and others will follow as an excuse is not acceptable after the first one is constructed. A development agreement would be a possibility when there are unusual circumstances and flexibility is warranted. Mr. Homann introduced Senior Engineer John Givlin and commended him and his staff on their work. Staff is field checking each of the agreements to determine whether they should be called. Annual reviews will help maintain an active role with the agreements.

Mayor Masayko urged staff to proceed cautiously when participation agreements are being considered to force the improvements. When it is sensible to do so, it should; however, each situation must be considered on its own merits. His concern is if and when the City funds will be reimbursed. He was reluctant to spend City funds for improvements which developers should make. He was willing to consider ear marking funds and using the budget process to provide funds for such improvements. Mr. Homann indicated that there had been language in the policy for such a participation program. The Board will consider these participation agreements and determine whether the funds will be expended. Mayor Masayko indicated that this is a balancing program which could be in the public's best interest to do. It is the policy-making board's decision to approve such expenditures during an open meeting.

Supervisor Bennett then moved that the Board of Supervisors adopt the Public Works Department Policies and Procedures related to Development Agreements with the comments of the Board as noted and the recommendations as made by Supervisor Tatro and to return to the Board in the near future, sometime maybe around the end of the year, with the list of development agreements in place and opportunity to review not just the development agreements but the policy itself, let us run it up the flag pole and see how it flies and proceed cautiously, the Policy is to be known as Policy No. 1998-P-1. Mayor Masayko seconded the motion. Mr. Homann indicated that the annual review language would be added and exhibits would be attached. Mayor Masayko indicated that the Board would like to see the completed policy. It did not have to be an action

item. It could be informational item. Supervisor Smith suggested that it be put on the Consent Agenda. Mayor Masayko agreed. Mayor Masayko also requested the status report include a legend indicating what "types 1 - 6" means. He indicated that he would personally contact Mr. Givlin to obtain this information after the meeting. **The motion as indicated was voted and carried 5-0.** Mr. Homann thanked the Board for its direction and his staff on its work.

10. CITY MANAGER - John Berkich - ACTION TO DECLARE JUNE 4, 1998, AS THE DATE UPON WHICH THE BOARD OF SUPERVISORS VACATES THE RIGHT TO LEASE CERTAIN PARTS OF THE CARSON CITY FAIRGROUNDS GRANTED TO BAR-ONE ENTERPRISES DECLARED BY THE BOARD OF SUPERVISORS IN RESOLUTION NO. 1995-R-61 FOR BAR-ONE'S FAILURE TO SECURE FUNDING AND SUBSEQUENTLY PRESENT A NEGOTIATED LEASE AGREEMENT AND OTHER MATTERS PROPERLY RELATED THERETO (2-0060.5) - Bar-One's Attorney George Keele - Mayor Masayko expressed his desire to grant 30 day extensions instead of the requested 90 days. Mr. Keele explained his original awareness at the time that the \$10,000 deposit had been made that a completed product would not be possible within the original deadline. There had been one meeting on the lease. Comments were exchanged at that time. A letter is forthcoming with additional comments. He had not yet received this letter. Staff had purportedly been studying the agreement for four or five months. Mr. Keele felt that he would be able to respond to the letter within two or three weeks. Additional discussions would be held with City staff at that point. He did not feel that there had been any major stumbling blocks in the original comments. He was willing to accept a month-by-month extension if the Board so desires. He was certain that an agreement could be reached which would meet the criteria placed upon it by all of the different parties, including outside consultants, outside financial experts, his developer and lenders. Mayor Masayko expressed his feeling that such an extension may force all to work harder for completion. Supervisor Tatro noted that he did not understand the source of discomfort and moved to declare June 4, 1998, as the date upon which the Board of Supervisors vacates the right to lease certain parts of the Carson City Fairgrounds granted to Bar-One Enterprises declared by the Board of Supervisors in Resolution No. 1995-R-61 for Bar-One's failure to secure funding and subsequently present a negotiated lease agreement and other matters properly related thereto. Supervisor Smith seconded the motion. Supervisor Bennett expressed her support for the motion but requested it be clear that June 4 is the final date. She would not support any extension beyond June 4. She also requested an opportunity to meet with the City Manager and others to discuss the criteria which is being used for the development of the lease agreement. She was completely in the dark on this subject and she did not wish to be presented with a document which she has less than one week to review and react to. This would be, basically, a done deal by the time the Board reviews it. She requested a briefing from the City Manager on the progress and the criteria. She wanted to review the parameters of the negotiations so that when the final document is presented she would have a level of familiarity with it. Mayor Masayko indicated this is part of his comments also. He wanted to have periodic status reports which would have been provided if the Board had agreed to extend it in 30 day increments. This process would have provided the Board with draft contracts rather than seeing the final document at the end. Supervisor Plank explained that the Parks and Recreation Commission felt that it was being left out of the process as the Commission is being kept informed through the newspaper--The Appeal. He requested updates and changes be given to the Commission as they occur and as soon as possible and that the lack of courtesy be eliminated. Mr. Berkich indicated that Mr. Kastens is part of the team and that he would be sure that reports are included on the Commission's agenda. The RFP had included the parameters of the negotiations. Bar-One's response to the RFP had been based on those parameters. Staff cannot extend the parameters beyond the RPF as approved by the Board. A fresh copy of it will be furnished to the Board. Mayor Masayko expressed his feeling that if the date is extended to June 4, the Board will receive the document at the end of May. The motion as indicated was voted and carried 4-1 with Mayor Masayko voting Naye with the comment that he wanted to go to May 4th only.

There being no other matters for consideration, Supervisor Plank moved to adjourn. Mayor Masayko seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 12:10 p.m.

The Minutes of the March 5, 1998, Carson City Board of Supervisors meeting

1998.	ARE SO APPROVED ONMarch_5,
_/s/	– Ray Masayko, Mayor
ATTEST:	
_/s/ Alan Glover, Clerk-Recorder	