A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, May 18, 1995, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 1 p.m.

PRESENT: Marv Teixeira Mayor

Greg Smith Supervisor, Ward 1 Janice Ayres Supervisor, Ward 2

Tom Tatro Supervisor, Ward 3

Kay Bennett Supervisor, Ward 4

STAFF PRESENT: John Berkich City Manager

Alan Glover Clerk-Recorder
Rod Bannister Sheriff
Al Kramer Treasurer

Bill Naylor Automation Services Director Basil "Butch" Moreto Purchasing & Contracts Director Paul Lipparelli Deputy District Attorney

Tim Homann City Engineer
Katherine McLaughlin Recording Secretary

(B.O.S. 5/18/95 Tape 1-0001)

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.

Mayor Teixeira called the meeting to order at 1 p.m. Rev. Ken Haskins of the First Christian Church gave the Invocation. Supervisor Bennett lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

1. APPROVAL OF MINUTES - 4/6/95 Regular Session and 4/13/95 Special Session - Supervisor Smith moved to approve the Minutes as presented. Supervisors Tatro and Bennett seconded the motion. Motion carried 5-0.

CITIZEN COMMENTS (1-0042) - None.

2. LIQUOR AND ENTERTAINMENT BOARD - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board was present including Sheriff Bannister, constituting a quorum.

CONSENT AGENDA - TREASURER - Al Kramer - ACTION ON FIVE SPECIAL EVENT SHORT-TERM BUSINESS PERMITS FOR NEVADA LANDMARK SOCIETY WITH REQUEST OF WAIVER OF THE \$50 PER DAY PROMOTER FEE (1-0065) - Member Smith requested this Item be pulled from the Consent Agenda for an in depth discussion.

(1-0224) Nevada Landmark Society President Charles Larkin reported on the yard sales and stressed the need for the fund raisers to support improvements to the City's "only historical park". They would be terminated if the Board wished to commit \$10,000 from the General Fund to support the facility. He hoped to finish the project this year. Although two vendors had parked in the wrong area, he felt that the parking program had been a successful attempt at addressing the issues. Mr. Larkin reiterated his request as being for the balance of the year. He hoped that this would be the final year for these fund raisers. Clarification indicated a desire to have a sale on Nevada

Day which had been left off in error. Mr. Lipparelli indicated this date would have to be brought back. David Guerra indicated several of the problems had been resolved. He stressed a desire to have a City employee visit the yard sale and observe the activity. He did not oppose all of the yard sales but would oppose five until the City has an employee present, specifically on Nevada Day. The traffic volume on fair weather days was stressed to support his request. He also encouraged the staff to consider eliminating the six parking spaces from the area utilized by vendors. Member Smith supported Mr. Guerra's request to have City staff visit the site several times during the June sale. If the observations indicate the remaining permits should be revoked, Mr. Lipparelli encouraged the Board to utilize the show cause proceedings. Discussion indicated that beer and wine could not be sold in the park even though Mr. Guerra had been offered a booth to do so. Mr. Larkin also explained the lack of participation from his Society members and City staff and feeling that unless this changed, there may not be any more sales. Future fund raisers will be replaced with wedding chapel activities. This may provide all the necessary ongoing funding. He requested approval of all the sales due to advertising requirements. Mr. Guerra

necessary ongoing funding. He requested approval of all the sales due to advertising requirements. Mr. Guerra felt that yard sale buyers have a detailed agenda rushing from one sale to another. This does not allow time for them to imbibe. He stressed his willingness to allow the sales if a firm commitment is made that they would not occur next year. The present procedure, however, could not be tolerated any longer. He urged City staff to visit the site and evaluate whether the site is adequate for the sales.

(1-0732) Donna Anderson agreed that the sales take over all the available parking, however, Mr. Guerra's daily customers have the same impact. She felt that there had never been a parking problem with the Landmark Society or its vendors. She supported the Landmark Society and its efforts to improve the Roberts House.

Member Bennett explained her support for the Landmark Society and feeling that the situation could be reevaluated next year if the yard sales are continued. She felt that Mr. Guerra may be overlooking a business
opportunity. Mayor Teixeira supported the request and expressed the hope that as communications had been
opened the issues could be resolved to everyone's benefit. Member Smith expressed his feeling that the "tone" of
the participants had changed and hope that the problems will be resolved. He agreed that the parking situation on
Rice Street is a problem. He acknowledged the work performed by the Society and its efforts to restore the
Roberts House to the benefit of all individuals. Member Smith moved that the Liquor and Entertainment Board
approve the five dates which had been requested with the stipulation that Mr. Larkin had made earlier, that this
will be the last year, and include direction to Mr. Berkich to have someone from City staff observe the event on
June 3 and 4 and make a report back to Mr. Berkich that could be forwarded on to this Board with the
understanding that if there are problems on June 3 and 4, major problems that are of a concern, that we may be
hearing this matter again. Member Bennett seconded the motion. Comments on the motion were solicited but
none made. The motion was voted and carried 6-0.

Chairperson Teixeira commended the participants on their cooperative efforts. Mr. Larkin noted that his comments had included the terms "possible, perhaps, and maybe".

3. OTHER LIQUOR AND ENTERTAINMENT BOARD MATTERS (1-0085)

- A. ACTION ON FULL BAR LIQUOR LICENSE FOR JOHN AND BONNIE MULLAN, ROBERT BREMNER, AND MIKE DUNN, DOING BUSINESS AS HANNIGAN'S SPORTS BAR All of the Applicants were present. Member Bannister noted the favorable Sheriff's Investigative Report. Member Bennett indicated she had had lunch at the establishment and commended them on it. Member Smith moved to approve a full bar liquor license for John and Bonnie Mullan, Roger Bremner, and Mike Dunn, doing business as Hannigan's Sports Bar, 110 West Telegraph Street, Carson City, Nevada, fiscal impact \$200 per quarter, \$1,000 new fee and \$725 investigation fee. Member Tatro seconded the motion. Motion carried 6-0.
- B. ACTION ON FULL BAR LIQUOR LICENSE FOR MARK AND JENNIFER CLAYPOOL, DOING BUSINESS AS GARIBALDI'S (1-0138) Ms. Claypool indicated they owned the business. The Sheriff's Investigative Report was noted. Member Ayres moved that the Liquor and Entertainment Board approve the application for Mark and Jennifer Claypool, doing business as Garibaldi's, fiscal impact \$200 per quarter,

\$1,000 new fee, and \$575 investigation fee. Member Tatro seconded the motion. Motion carried 6-0. Mayor Teixeira indicated he had had lunch at their establishment and commended them on it.

C. ACTION ON A BEER AND WINE LIQUOR LICENSE FOR BON-TI CO AND EDWINA LEE, DOING BUSINESS AS CHINA EAST (1-0176) - Ms. Lee indicated they had just purchased the establishment. The Sheriff's Investigative Report was noted. Member Bennett moved that the Liquor and Entertainment Board approve a Liquor License for Bon-Ti Co and Edwina Lee, DBA China East, fiscal impact \$150 per quarter, \$500 new fee, and \$575 investigation fee. Member Ayres seconded the motion. Motion carried 6-0.

(1-0972) There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Teixeira 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

- A. TREASURER
- i. PRESENTATION ON AFFIDAVIT OF DELINQUENT NOTICE MAILING FOR REAL PROPERTY TAXES
 - ii. ACTION ON TREASURER REPORT FOR THE MONTH OF APRIL 1995
 - iii. ACTION ON REINSTATEMENT OF REVOKED BUSINESS LICENSES
 - B. CLERK-RECORDER
- i. ACTION ON A RESOLUTION AUTHORIZING THE DESTRUCTION OF COURT CASE FILES
- ii. ACTION ON A RESOLUTION AUTHORIZING THE DESTRUCTION OF PARK AND RECREATION FILES
- iii. ACTION ON A RESOLUTION AUTHORIZING THE DESTRUCTION OF PUBLIC WORKS FILES
 - C. COMMUNITY DEVELOPMENT DIRECTOR
- i. ACTION ON M-94/95-27 AN ABANDONMENT APPLICATION FROM PAUL R. BROOKS FOR A PUBLIC RIGHT-OF-WAY TO ABANDON APPROXIMATELY 20 FOOT WIDE BY 300 FOOT LONG PORTION OF PINION HILLS DRIVE ADJACENT TO APN 10-112-01 AND OTHER MATTERS PROPERLY RELATED THERETO (PLANNING COMMISSION APPROVED 4-0-0-3)
- ii. ACTION ON M-94/95-30 AN ABANDONMENT APPLICATION FROM THOMAS PETERS, BRUCE BERGANTZ AND ROBERT HARDER (PROPERTY OWNER: MONEY PIT PARTNERSHIP) TO ABANDON AN 8 FOOT WIDE BY 170 FOOT LONG PORTION OF PLAZA STREET, AN 8 FOOT WIDE BY 85 FOOT LONG PORTION OF SIXTH STREET AND AN 8 FOOT WIDE BY 85 FOOT LONG PORTION OF SEVENTH STREET, BETWEEN EAST SIXTH AND EAST SEVENTH STREETS, ADJACENT TO APN 4-066-03, AND OTHER MATTERS PROPERLY RELATED THERETO (PLANNING COMMISSION APPROVED 4-0-0-3)
 - D. PURCHASING DIRECTOR
- i. ACTION ON CONTRACT NO. 9394-221 CATCH BASIN CONVERSION, GENERAL CARSON CITY AREA, FINAL PAYMENT
- ii. ACTION ON CONTRACT NO. 9495-55 BUTTI WAY CULVERT CROSSING, REQUEST FOR FINAL PAYMENT
 - iii. ACTION ON CONTRACT NO. 9495-226 ARROWHEAD DRIVE RECONSTRUCTION
 - iv. ACTION ON CONTRACT NO. 9495-188 SOFTBALL UMPIRING SERVICES
 - v. ACTION ON CONTRACT NO. 9495-224 AIRPORT ROAD EXTENSION
- vi. ACTION ON CONTRACT NO. 9495-242 HEWLETT PACKARD EQUIPMENT MAINTENANCE AGREEMENT
- vii. ACTION ON CONTRACT NO. 9495-249 IBM HARDWARE MAINTENANCE CONTRACT SUPPLEMENT
 - viii. ACTION ON CONTRACT NO. 9495-018 JAIL FACILITY CONSULTANT SERVICE

AGREEMENT, AMENDMENT (1-0975) - Mayor Teixeira requested Contract 9495-018 for the Jail Consultant be pulled for indepth discussion. Supervisor Bennett requested Contract 9495-249 be pulled for indepth discussion. Mr. Kramer provided a list of the businesses under consideration for reinstatement to the Board and Clerk. Supervisor Tatro moved that the Board approve the Consent Agenda as presented including Resolution No. 1995-R-44, a Resolution authorizing the destruction of Court Clerk case files, 1995-R-45, a Resolution authorizing the destruction of Parks and Recreation files, 1995-R-46, a Resolution authorizing the destruction of Public Works files, and removing from the Consent Agenda Contracts 94/95-249, IBM Hardware Maintenance Contract Supplement, and Contract 9495-018, Jail Facility Consultant Service Agreement, Amendment. Supervisor Ayres seconded the motion. Motion carried 6-0.

vii. CONTRACT NO. 9495-249 (1-1042) - Purchasing and Contracts Director Moreto and Automation Services Director Naylor explained the purpose of the Contract and responded to Board questions concerning the reasons the Contract had not been bid out and was considered a sole source agreement. Mr. Naylor indicated that other competitors' bids had been evaluated, however, it was felt that the "risks" would negate any financial incentive for changing vendors. Also, IBM's bids are competitive. Board comments also questioned the ethics involved in obtaining bids from competitors and using those bids to reduce IBM's bid. Supervisor Bennett also suggested that comments may be made about Mayor Teixeira's role in the negotiations as well as about his previous employment. She requested the District Attorney's office provide guidance on sole sourcing for this vendor. Until this advice is provided, she requested the item be withdrawn. Mr. Berkich indicated Interim Finance had reviewed the item and supported the recommendation. He would follow Mr. Lipparelli's advice. Mayor Teixeira indicated he does not receive a fiduciary reward from IBM as he is retired. He is not involved with the firm's profit and loss. Mr. Naylor outlined his contact with a competitor who had sent the City an advertisement. Other vendors who had been contacted were also noted. Mayor Teixeira cautioned staff against using the bidding procedure to obtain a contract for this work. He felt that the RFP process should be used. He was willing to reconsider the request after the District Attorney's office had provided advice. Mr. Naylor noted that the proposal was for a supplemental agreement and not for all service and equipment. The amendment and savings incurred were explained by Mr. Naylor. Mayor Teixeira then requested that when the "anniversary date" arises on the master contract, staff request RFPs. Discussion by Supervisor Bennett indicated there is competition in the field and urged staff to follow-up on this. Supervisor Tatro expressed his feeling that NRS 332 does allow single sourcing this service. He supported evaluating the process and determining if bids should be obtained. The contract may not have a sunset clause. Mayor Teixeira felt that it may be terminated or updated annually. He requested staff evaluate this issue. Supervisor Tatro moved to accept the Purchasing Department recommendation and award Contract 9495-249 to IBM, Salt Lake City, pursuant to NRS Chapter 332.115 Section 1 Subsection C for a reduction of the amount of \$10,000 from the existing IBM Contract and budget allocation is \$71,250, funding source is Automation Services Maintenance Service Budget, and that the City Manager be directed to obtain competitive solicitations when the contract renewal is due. Supervisor Smith seconded the motion. Supervisor Bennett explained she would vote against the motion and requested the motion be modified to direct the City Manager to review the entire maintenance contract which is in existence and report back to the Board on its history and how we got there from here. Supervisor Tatro did not modify his motion. Mayor Teixeira indicated Supervisor Bennett could direct the City Manager as indicated. The motion to approve Contract 9495-249 was then voted and carried 4-1 with Supervisor Bennett voting Naye.

Mayor Teixeira commended Mr. Naylor on his participation in an undisclosed NACO issue with the Merced Group. Mr. Naylor indicated, regarding the foregoing contract, that this is a competitive field and that the firm was indeed very competitive.

viii. CONTRACT 9495-018 (1-1736) - Mr. Moreto and Capital Projects Advisory Committee (CPAC) Chairperson Gary Sheerin explained the Contract Amendment. Chairperson Sheerin also introduced CPAC Members Craig Mullet and Ed Moran. Chairperson Sheerin outlined the projected building costs, funding restrictions, and need to plan a building which would fit the budget of \$10.5 million. Discussion clarified the budget and construction funding. Chairperson Sheerin then explained that Liebert and Bennett were not interested in having an hourly contract and CPAC's reasons for feeling that there should be an agreement with Liebert and

Bennett. Mayor Teixeira stressed that his comments were not directed toward the Committee, whom he felt had done a good job. He also noted Sheriff Bannister and Undersheriff Dehl's attitudes and willingness to cooperate on the facility. The original staffing needs for the facility had been in the neighborhood of 61 individuals. They had reduced that number substantially and had been researching different facilities. Sheriff Bannister explained the research and reasons for feeling that the City had some expertise in jail construction which would help reduce the personnel needs. He also expressed his feeling that Liebert and Bennett did not need to make all the trips indicated in the agreement. This would also reduce the building costs. If his Department could not provide the expertise for all the questions, he would be willing to seek assistance from various sources. Supervisor Smith commended Sheriff Bannister and his staff on their willingness to participate and involvement in the planning. He noted the point stressed by the jail consultants at a Colorado facility that the City may have to "eat" or "live" with any mistakes made in the project which could make it even more costly. These comments had also stressed the need to draw from a consultant his expertise. This may cost more initially but would eliminate costly mistakes in the end. Sheriff Bannister agreed with this principal, however, his contact with other Departments indicates the consultant is not always correct. Member Mullet felt that Sheriff Bannister's proposed facility is the minimum possible. Other areas need to be analyzed. He felt that the consultant should work with the architect and design a building without the mistakes. He questioned whether Sheriff Bannister's staff had the time to perform this function. The need to analyze the court design was stressed. Discussion reviewed the RFP process used to hire Liebert and Bennett. The purpose of the ten trips and benefits of having the firm were discussed at length.

Chairperson Sheerin then outlined his recommended modifications to the contract, i.e., Page 1, Article 1 and Page 2, Item 2.2.1. to include "and fit the \$10.5 million budget appropriated for the construction costs of a jail and courthouse". The timeframe for completion of the building was noted. He was willing to continue to work with the architects without the consultant and felt that the consultant's contract did not need to be approved before the May 30th meeting with the architect. Mayor Teixeira suggested that the scope of the contract be left to CPAC and Sheriff Bannister and that the funding be restricted to not more than \$30,000. This would allow the process to continue. Clarification indicated the Sheriff's administrative office was no longer included in the facility. Mayor Teixeira suggested an additional modification to the scope of work which Chairperson Sheerin felt should be Section 2.2. Supervisor Bennett felt that the consultant was to be the City's advocate when analyzing the architect's designs to determine that the final product would meet the City's needs and funding restrictions. Committee Member Moran outlined his feeling that the proposed facility would not meet the budget. He indicated that cuts would be made in the courthouse, however, the Committee has not yet studied it. Potential modifications were noted. Mayor Teixeira then suggested an additional amendment to Section 2.2.1 which would add: "such as but not limited to the following" which he felt would provide the consultant with flexibility. This would eliminate duplication and may provide additional guidance. He supported Chairperson Sheerin's original modification. Mr. Berkich suggested the scope of work for the courthouse be approved and that the agreement for the jail be refined and return for Board action. He felt that the consultant had indicated the cost would be \$7,000 for the courthouse and \$23,000 for the jail. Chairperson Sheerin felt that the two products should be worked on together rather than separately. Ms. Walker expressed her concern about having an architect redraw the Sheriff's jail plans and the consultant restudy those same plans. She felt all this duplication of effort was unnecessary. Three CPAC members are scheduled to tour the Hollister facility next week. Chairperson Sheerin suggested a modification to the scope of work which would allow further detailing or revisiting by the Capital Project Advisory Committee. Supervisor Tatro opposed this terminology as it would not allow the consultant to have full knowledge of the agreement. He also expressed his concern with a consultant whose paradigms are so restrictive that he did not wish to consider any alternatives until another facility was located by City staff. Sheriff Bannister explained how he felt this paradigm had occurred. Mayor Teixeira reiterated his desire for the CPAC members to visit the Hollister facility. Sheriff Bannister felt that the consultant had not visited the Hollister facility. Mayor Teixeira suggested he visit the site with the Committee. Discussion ensued on the Hollister facility, its construction cost, direction given the architect and consultant, the consultant's knowledge of the Hollister facility, the timeframe necessary for signing the agreement, and the consultant's purpose and scope of work. Mayor Teixeira then directed the item be continued.

5. CARSON-TAHOE HOSPITAL (2-0267)

- A. ACTION ON APPROVAL OF MEDICAL OFFICE SPACE LEASE BETWEEN CARSON-TAHOE HOSPITAL AND STRATTON-SHALLENBERGER TRUST IN GARDNERVILLE, DOUGLAS COUNTY Carson-Tahoe Hospital Administrator Steve Smith explained the correction to the agreement. He also commended Sheriff Bannister and his staff on their response time when called to the Hospital. The contract includes a "non-appropriation clause". Supervisor Bennett moved that the Board of Supervisors approve a medical office space lease between Carson-Tahoe Hospital and Stratton-Shallenberger Trust in Gardnerville, Douglas County, as presented to the Board by Mr. Smith, the Administrator of Carson-Tahoe Hospital. Supervisor Ayres seconded the motion. Motion carried 5-0.
- B. ACTION ON APPROVAL OF THE INTERLOCAL AGREEMENT BETWEEN CARSON CITY, LYON COUNTY AND CARSON-TAHOE HOSPITAL FOR THE PROVISION OF PROVIDING BOTH EXISTING AND EXPANDING HEALTH CARE SERVICES IN DAYTON, A PORTION OF LYON COUNTY (2-0385) Dayton had invited the Hospital to provide medical staff. The Lyon County Hospital and Commissioners were involved in the discussions. Supervisor Bennett moved that the Board of Supervisors approve the interlocal agreement between Carson City, Lyon County, and Carson-Tahoe Hospital for the provision of providing both existing and expanded healthcare services in Dayton, a portion of Lyon County. Supervisor Ayres seconded the motion. Motion carried 5-0.

BREAK: A five minute recess was declared at 2:40 p.m. When the meeting reconvened at 2:45 p.m., the entire Board was present constituting a quorum.

- 6. COMMUNITY DEVELOPMENT DIRECTOR ORDINANCE SECOND READING ACTION ON BILL NO. 127, AN ORDINANCE AMENDING CHAPTER 18.07 OF THE CARSON CITY MUNICIPAL CODE TO REFLECT A CHANGE OF THE HISTORIC ARCHITECTURE REVIEW COMMISSION AND OTHER MATTERS PROPERLY RELATED THERETO (2-0415) Supervisor Tatro moved that the Board approve on second reading Bill No. 127, Ordinance No. 1995-29, AN ORDINANCE AMENDING CHAPTER 18.07 OF THE CARSON CITY MUNICIPAL CODE TO REFLECT A CHANGE OF THE HISTORIC ARCHITECTURE REVIEW COMMITTEE TO THE HISTORIC ARCHITECTURE REVIEW COMMITTEE TO THE HISTORIC ARCHITECTURE REVIEW COMMISSION AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion carried 5-0.
- **7. REDEVELOPMENT AUTHORITY** (2-0435) Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.
- **8. REDEVELOPMENT DIRECTOR -** Mary Walker **- ACTION ON MARK SCHMIDT'S REQUEST FOR REDEVELOPMENT INCENTIVES FOR THE PROPERTY LOCATED AT 308 AND 310 NORTH CARSON STREET (2-0708) -** Supervisor Bennett moved that the Board of Supervisors approve Mr. Schmidt's application for Redevelopment Incentives for the project known as the Carson Jewelry and Loan Project in the amount not to exceed \$68,647 as approved by the Redevelopment Authority. Supervisor Tatro seconded the motion. Motion carried 5-0.
- **9. UTILITIES DIRECTOR -** Dorothy Timian-Palmer
- **A.** ACTION ON ADDITIONAL EXPENDITURE PERTAINING TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND JUDY A. AUSTIN OF PONDEROSA STAMP (2-0725) Supervisor Smith moved that the Board approve the additional expenditure of \$811.88 pertaining to the Development Agreement between Carson City and Judy A. Austin of Ponderosa Stamp, reference Ordinance No. 1995-10, approved on March 2, 1995, funding source is 515 Participation Account. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ALBERTSON'S INC. (1-0782) - Supervisor Ayres moved that the Board introduce Bill No. 128 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ALBERTSON'S, INC., REGARDING ASSESSOR'S PARCEL NO. 8-311-04 LOCATED AT 3325 HIGHWAY 50 EAST, CARSON CITY, NEVADA, FOR SEWER MAIN EXTENSION. Supervisor Bennett seconded the motion. Other infrastructure improvements needed for the area were discussed. The motion to introduce Bill No. 128 on first reading was voted and carried 5-0.

Mayor Teixeira passed the gavel to Mayor Pro-Tem Smith and stepped from the room--3 p.m. A quorum was present as previously indicated.

10. PUBLIC WORKS DIRECTOR - City Engineer Tim Homann

A. ACTION ON APPROVAL OF PURCHASE AGREEMENTS BETWEEN CARSON CITY AND EVA LOMPA TRUSTEE AND FIRST NATIONAL BANK, AND STANTON PARK DEVELOPMENT, INC.,FOR THE ACQUISITION OF PROPERTY FOR THE EXTENSION OF AIRPORT ROAD FROM **DESATOYA DRIVE TO BUTTI WAY (1-0865)** - Deputy District Attorney Paul Lipparelli distributed draft copies of the agreements and explained the changes and modification necessary on Line 11 of Page 3 for Stanton Park and Line 23 of Page 1 for the Lompa Agreement. Discussion ensued among the Board, Mr. Homann, and Mr. Lipparelli on the site, impact on the Bypass, advantages of the proposed route, and proposed methods for controlling the traffic speed. (Mayor Teixeira returned during these discussions--3:10 p.m.) Supervisor Tatro moved that the Board approve the purchase agreement between Carson City and Eva Lompa Trustee and First National Bank for the acquisition of property for the extension of Airport Road and Desatoya Drive to Butti Way with the changes on Page 1, Line 23, after the last comma insert the words "unless otherwise provided herein", and with the changes to Page 4 to indicate that Eva Lompa is a Co-Trustee of the testimentay trust of Simone Lompa and Trustee of the Eva Lompa Trust and that First Interstate Bank is Co-Trustee of the testimentay trust of Simone Lompa. Supervisor Ayres seconded the motion. Supervisor Tatro continued his motion to include a fiscal impact of \$8,822 from the Regional Transportation Commission budget. Supervisor Ayres continued her second. The motion was voted and carried 4-0-1 with Mayor Teixeira abstaining due to his absence during a majority of the discussion.

Supervisor Tatro moved that the Board approve the purchase agreement between Carson City and Stanton Park Development, Inc., for the acquisition of property for the extension of Airport Road from Desatoya Drive to Butti Way with the changes on Page 1 at the end of Line 23 add the words "unless otherwise provided herein", on Page 3 at Line 11 to insert the words "engineering firm of the owner's choice", and combined fiscal impact of this and the previous motion is \$8,822, the fiscal impact of this motion is \$1,502. Supervisor Ayres seconded the motion. Following Mr. Lipparelli's clarification of the fiscal impact and its funding source, Supervisor Tatro amended his motion to change the fiscal impact from \$1502 to \$2502. Supervisor Ayres continued her second. The motion was voted and carried 4-0-1 with Mayor Teixeira abstaining as noted.

Mayor Pro-Tem Smith returned the gavel to Mayor Teixeira. (The entire Board was present constituting a quorum.)

- **B.** ACTION TO APPROVE THE PURCHASE OF A TRAFFIC COUNTING AND ANALYSIS HARDWARE AND SOFTWARE SYSTEM (2-1408) Supervisor Ayres moved that the Board of Supervisors approve the purchase and funding of a traffic counting and analysis hardware and software system, fiscal impact is \$8,617; funding source is the RTC Contingency Account and Main Budget. Supervisor Tatro seconded the motion. Motion carried 5-0.
- 11. DISTRICT ATTORNEY Deputy District Attorney Paul Lipparelli ACTION ON ADOPTION OF A RESOLUTION OF THE BOARD OF SUPERVISORS JOINING IN THE DISTRICT ATTORNEY'S

REQUEST FOR THE PRESENCE OF THE ATTORNEY GENERAL TO INVESTIGATE AND TAKE APPROPRIATE ACTION IN A CASE WHERE THE DISTRICT ATTORNEY HAS A CONFLICT OF INTEREST (2-1507) - Supervisor Bennett moved that the Board adopt Resolution for joining in the District Attorney's request for the presence of the Attorney General to investigate and take appropriate action in a case where the District Attorney has a conflict of interest and added Resolution No. 1995-R-47. Supervisor Ayres seconded the motion. Motion carried 5-0.

12. BOARD OF SUPERVISORS

- **A. NON-ACTION ITEMS INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-1578) -** Supervisors Ayres, Tatro, and Smith and Mayor Teixeira did not have a report. Supervisor Bennett reported on the City's ability to apply for Scenic Byway Grant Funds for Highway 28. Sheriff Bannister had agreed to provide, through the Sheriff's Posse, a patrol mechanism which may address the transient problem along the Carson River. She also conveyed the Carson River Advisory Committee thanks to the Board for its financial support. Mr. Berkich announced the next townhall meeting on the Strategic Planning Process scheduled for Wednesday evening at 6 p.m. at the Ormsby House and invited all to participate.
- B. ACTION ITEMS DISCUSSION AND ACTION ON CARSON CITY'S LEGISLATIVE AGENDA (2-1690) Discussion ensued on the status of NRS 250.293, SB 293, SB 84, the "publication bill", and AB 49.
- C. CLOSED SESSION ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.030 TO CONSIDER THE PROFESSIONAL COMPETENCE OF THE CITY MANAGER (2-1801) Supervisor Smith moved that the Board recess into closed session pursuant to NRS 241.030 to consider the professional competence of the City Manager. Supervisor Ayres seconded the motion. Motion carried 5-0. Mayor Teixeira recessed the meeting into Closed Session at 3:25 p.m.
- **D. RECESS INTO OPEN SESSION ACTION REGARDING BOARD REVIEW OF THE CITY MANAGER'S PROFESSIONAL COMPETENCE AND SETTING OF COMPENSATION -** The Open Session was reconvened at 4:20 p.m. (The entire Board was present constituting a quorum.) Discussion ensued on Mr. Berkich's last salary increase. Mayor Teixeira suggested a 2-1/2 percent cost-of-living and a bonus as had been given to all the classified employees. The Supervisors then gave their rating on his performance and reasons for the rating. The suggested compensation was then discussed. Supervisor Smith moved that the Board grant the City Manager a cost-of-living increase to his present salary in the amount of 2.5 percent and a one time cash bonus in the amount of \$3500. Supervisor Ayres seconded the motion. Motion carried 5-0. Mayor Teixeira expressed, for the record, his feeling that Carson City was fortunate to have a City Manager who is so dedicated.

BREAK: There being no other matters for consideration at this time, Mayor Teixeira recessed the session--4:30 p.m. When the meeting was reconvened at 6:05 p.m. the entire Board was present constituting a quorum. Staff members present included: City Manager John Berkich, Community Development Director Walter Sullivan, Deputy District Attorney Paul Lipparelli, Principal Planner Rob Joiner, Senior Planner Juan Guzman, Senior Planner Sandra Danforth, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin.

13. JOINT MEETING WITH THE CARSON CITY REGIONAL PLANNING COMMISSION - Commissioners present were: Chairperson Maxine Nietz, Vice Chairperson Alan Rogers, and Commissioners Allan Christianson and Archie Pozzi. Members absent were: Commissioner Jeff Fontaine, William Mally, and Lee Pisiewski. Roll call was taken and a quorum was present.

ACTION REGARDING PROPOSED USE OF THE SPECIFIC PLANNING PROCESS FOR CARSON CITY'S MASTER PLAN LAND USE ELEMENT UPDATE (2-2062) - Following Mr. Sullivan's introduction, Mr. Joiner reviewed the staff report, stressed the reasons for needing to update the Master Plan Land Use Element, and the benefits of the site specific process. Randy Walter explained his experience in this field and additional

benefits of the site specific process. Discussion among the staff, Mr. Walter, the Planning Commission, and Board of Supervisors explored in depth the advantages and disadvantages of the program, planning procedures for both large and small pieces of property, enforceability of master plan requirements, procedures to modify the site specific plan once it is approved, property owners' role in the process and dedication to the plan, and the differences between the current planning process and the proposed method.

(3-0358) George Szabo explained his personal experience with the program and support for it. Lewis Homes Representatives Lois Brown and Arnie Hamlin also supported the program by providing additional examples of the benefits and their personal experience with it.

Mayor Teixeira noted a major difference between Carson City and Washoe County as being the Growth Management Ordinance which had helped maintain the planning and development of the City. Chairperson Nietz explained the Commission's support for the process. Supervisor Bennett moved that the Board of Supervisors direct staff to develop within the Master Plan Land Use Element Update a process to include specific plans for the various neighborhoods within Carson City on undeveloped parcels exceeding ten acres of land where a Master Plan Amendment or Change of Land Use zoning district is requested. Supervisor Ayres seconded the motion. Supervisor Tatro stressed the importance of having voluntary participation by the property owners. Additional comments were solicited but none made. The motion to direct staff to develop the process as indicated was voted and carried 5-0.

BREAK: Mayor Teixeira declared a five minute recess for the Board of Supervisors at 6:55 p.m. When the Board of Supervisors session was reconvened at 7 p.m. the entire Board was present constituting a quorum. Staff members present were: City Manager Berkich, Golf Pro Bushman, Golf Course Superintendent Hair, Deputy District Attorney Lipparelli, Golf Course Maintenance Supervisor Kunkle, Recording Secretary McLaughlin, Senior Accountant Greer, CCEA Union President Cadot, and Account Clerk Fortino.

14. JOINT MEETING WITH THE CARSON CITY GOLF COURSE ADVISORY COMMITTEE - Chairperson Byrne reconvened the Golf Course Advisory Committee. (A quorum was present as Chairperson Byrne, Vice Chairperson Flanders, and Members Bowers, Park, Perondi and Sheerin were in attendance.)

DISCUSSION AND POSSIBLE ACTION ON THE FOCUS OF THE STUDY OF PRIVATIZATION AND MANAGEMENT STRUCTURE CONCEPTS (3-0859) - Supervisor Smith explained his purpose in requesting a joint meeting to discuss the privitization items which the Commission was being asked to research. Competition from private courses and the operational costs were causing concerns regarding the City's ability to maintain the course and questioned its viability. The alternatives which should be researched included continuing its present form of operation but contracting the maintenance; leasing the entire facility including the pro shop, restaurant, and maintenance with annual, semi-annual, or quarterly payments to the City; selling the facility; and continuing the operation as it is now functioning. Mr. Berkich explained the composition of the team which is to analyze the alternatives. BLM has advised staff that the land could not be sold. It could be leased. Chairperson Byrne outlined the research which Mr. Tobias had completed and questions about the issues which the Committee is to analyze. Supervisor Bennett expressed her desire to have the Committee analyze the management structure and suggested a consultant perform this analysis. Supervisor Smith also expressed the feeling that the study needed to analyze the fee structures if privatized and control mechanisms. His concern was generated by the increased competition now arising in the vicinity and the lack of communication among the present concessionaires and City maintenance staff. He was also concerned about the potential need for General Fund support if it does not remain viable. Supervisor Ayres questioned the concepts which a consultant should analyze due to her feeling that the results would be nebulous if the concepts are not detailed. Supervisor Smith stressed the desire to have three or four options analyzed. Mayor Teixeira felt that the course would not lose money as projected as the bond service costs would drop annually and be totally repaid by 2003 or 2004. These funds could then be used to replace the irrigation system on the east course and do other capital improvements. He was concerned about having a contractor utilize the facilities to the max in order to generate the highest financial return and may abandon the City once they are rundown and in need of a lot of work. He cautioned against losing the local private supporters

and the current capital investment program. He also expressed his concern about having the City Manager serve on the team to analyze the options. He suggested Mr. Hair or other staff members be assigned. Mr. Berkich indicated he was not planning to attend all of the meetings but would serve only as an occasional facilitator. Supervisor Bennett expressed her concern about the team as each individual represented a special interest. She felt the options available to the City and an unbiased report with appropriate recommendations could only be analyzed by a consultant. The Committee and team could provide input to that individual/firm. Mayor Teixeira did not feel that the City would be able to obtain a viable report from an out-of-town firm/individual. This was specifically true of the last consultant who had done a study on the fee structure. He felt the professionals in the field could provide the answers, such as "Golf America". Supervisor Smith questioned the reasons for having a team analyze the options specifically in view of the vested interest each member had. Member Sheerin explained the reasons for establishing a team to analyze the options. The Committee also had different views on having a Team. He supported having a Union Member and the Golf Pro on the Committee. A proposal to privatize the maintenance had been sidetracked by City staff in the past. If Union representation is allowed, this opposition may be mitigated. He recommended having an RFP drafted which would lease the maintenance. He was not sure whether current City staff could provide such an RFP and suggested that a consultant perform this service if necessary. He was also willing to consider leasing the entire operation although he was opposed to this concept. This RFP should be placed on the market to determine if it is feasible. A consultant may be required for this contract also. He agreed that the current management structure should be evaluated and that the Committee could perform this service. This would provide a fair comparison of all of the alternatives. He also cautioned the Board about asking questions without a commitment to replace City staff. Supervisor Bennett stressed her desire to have a "blueprint for the future" including options "for the management of the asset". Member Sheerin stressed that the only way to do this would require developing RFP's. This would provide "hard and fast" information rather than "opinions". Supervisor Tatro cautioned against requesting RFP's if the Board does not wish to award same. He also expressed his concerns about having "six pass holders" establish policies for the golf course and the need to revamp the Golf Course Committee membership. This issue was not under discussion this evening. Member Sheerin questioned the validity of the proposals if an RFP is not requested. Supervisor Smith felt that it may take the entire 18 months between now and the Golf Pro's contract termination date for a complete study to be conducted. He agreed that the three options under discussion may be all the alternatives, however, wished to "keep the door open" to any other proposals. He could support the Team's composition as proposed if it could be unbiased. Supervisor Ayres supported the Committee's current composition. She, too, supported making a commitment to change the program if determined feasible. She was opposed to seeking information and offers if a commitment is not made. She felt that the City needed to find employment alternatives for those employees which would show the Board's commitment to the alternatives. Mr. Berkich suggested that, before the RFP's are prepared, the Team analyze privatization of the maintenance, its role in the management structure, and the pros and cons of privatization. Member Parks expressed his concern about whether the course would remain affordable to the residents if it is privatized. He felt that as more private courses come on line the west course would lose its market. If the course deteriorates, it will lose even more of the market. He was certain that the "pass holders" would remain but the other players would leave. He questioned the Board's support for the courses. He acknowledged the need to reduce the operational costs but questioned the type of asset available to compete on the open market. Mr. Berkich outlined the reasons for the recommended Team and its composition. Golf Course Superintendent Mike Hair is a member of the Team. His experience on both public and private courses was noted. He felt that it may be possible to obtain information about the validity of options without requesting RFP's. Supervisor Smith felt that the use of the RFP would "level the playing field" and make sure all the competitors had the same program in mind. Mr. Hair also agreed to help with the RFP. Supervisor Smith also urged the Board to make a commitment to the process and not waste the Team or Committee's time and efforts. Member Perondi expressed his feeling that the courses were and would continue to be profitable. The question was the amount of profit required. If the courses were to be used by the residents and the youth, this market should be tapped to the fullest and competition with private industry abandoned. Supervisor Bennett supported his desire to determine the "market niche" as that would indicate the course's future direction. Supervisor Bennett suggested that a consultant be used to help facilitate the procedure and reach a decision on this direction. Once this decision is reached the RFP and scope of services could be finalized. (4-0041) Member Perondi voiced his opposition to having a paid consultant perform this function. Supervisor Bennett felt that one four-hour workshop with the proper facilitator could provide the same information. Supervisor Ayres voiced her opposition to having a consultant. She supported having a

committee perform this function. Mayor Teixeira felt that the City should tap Mr. Hair and Mr. Bushman's expertise and test the program. The questions must be asked. Supervisor Smith moved that the Board of Supervisors direct the Golf Course Advisory Committee to investigate the possibility of contracting the maintenance section of the golf course out, the possibility of leasing or contracting the entire facility out, and to also investigate the possible restructuring of the current method of operation. Supervisor Ayres seconded the motion. Supervisor Smith expressed his feeling that the points relating to the type of competition and the question on whether its a "\$90 Adele's or the \$20 McDonald's" should be included in the discussion. He felt that both the Stanton Park and Silver Oaks' facilities would be competing with the City's West Course for the same market. "Families and weekend players love the East Course." Individuals have indicated that the West Course could be just as successful if the same type of a facility is created on it as is on the East Course. He urged the Committee to include this in the deliberations/considerations.

(4-0196) Mr. Lipparelli indicated for Phil Martin that the Sub-Committee would be subject to the Open Meeting Law if more than one member of the Golf Course Committee is on it. Mayor Teixeira indicated a desire to have public participation at the meetings in response to Mr. Martin's questions. Mr. Martin expressed the hope that the meetings would be public workshops. The Board supported his comment.

The motion to direct the Golf Course Committee to investigate contracting the maintenance, leasing or contracting the entire facility, and possible restructuring of the current method of operation at the Golf Course was voted by roll call with the following result: Supervisor Tatro - No; Supervisor Bennett - No; Supervisor Ayres - Yes; Supervisor Smith - Yes; and Mayor Teixeira - I don't like it, I'll tell you it's an exercise in futility, in my estimation, but, I hope you don't go too elaborate, ask some quick questions, give it a shot, and see what we get back, I've got no problem with that, with asking the question, yes, I just hope you don't go too far with it, you have a three-two here, you see this is the problem, as we are not adjourned, either the Board wants to do it, if we are going to come back with a mixed signal, then why in the hell even do it, and I've got some real concerns on what you are doing, I really do, and I guess what I can do, but I'm not going to dodge it, I'm not going to dodge it, and Mr. Martin, if nothing more is done, let it vent, but I will tell you I certainly would use Mr. Hair, ask, put something together, bring some people in, they will tell you up front where you are going to be on dollars, what you--, and then you have to establish that criteria and see if this is really worth the pain and anguish to get this thing through cause we are three-two right now, and I will tell you, I'm leaning, but I will tell you I don't want to see months and months of work and come back, and I'll, if it comes back anything like that last report, it accomplishes zero, and there was a consultant for you, but look into it, and then we put it to bed one way, the restructuring I think has some merit, I think Mr. Hair can bring something to the table, I think we all can, but we've gotta understand, we've gotta keep it solvent, we've gotta keep it solvent, we've gotta look at the long term, and we've gotta continue to improve the facility, but I would just caution you, you know, the long term itself with a 200 page RFP's, I don't know, that's your call on how far you want to go, I think you can investigate it, ask a few questions, if you start to hit a road block, you know, you can say this isn't worth it, you have a three-two Board right now which is the worse kind--Yes. Motion carried 3-2.

Discussion between the Board and Mr. Berkich indicated before the RFP is prepared, the Board would be involved in the decision. Mayor Teixeira indicated he was willing to "switch in a heartbeat" if the Committee was not happy with it. Mayor Teixeira indicated he had circulated Bob Tobias' letter to the Board. He also encouraged the Committee to analyze the long-term impacts of any proposal. The outside vendors will tell you if the proposal if feasible. Supervisor Bennett requested the Committee analyze the "market niche" before a report is submitted. Mr. Hair may be able to help with this issue. Supervisor Smith questioned Mayor Teixeira's vote. Mayor Teixeira explained his feeling that the question should be asked. This would allow the business to proceed and the direction finalized. He felt that there should be a method which would allow the questions to be asked without a lot of elaborate work performed before the "fatal flaw concept" is discovered. Experts in the field should be questioned about the proposal and its viability. He was opposed to spending months and months and having an inventory of every piece of equipment, etc. The people who want the business will respond front end. Both Supervisor Smith and Mr. Berkich agreed with this direction.

There being no other business for the Golf Course Advisory Committee, Member Bowers moved to adjourn. Member Flanders seconded the motion. Motion carried 6-0. Chairperson Byrne adjourned the Golf Course Advisory Committee at 8:32 p.m.

Mayor Teixeira noted the expertise found at the Course. He also felt that once the Committee makes its decision and the Board has acted, the issue could be "put to bed". There being no other matters for consideration, Supervisor Smith moved to adjourn. Supervisor Ayres seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 8:35 p.m.