

CARSON CITY BOARD OF SUPERVISORS
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A regularly scheduled session of the Carson City Board of Supervisors was held on Thursday, January 21, 1993 at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT:

Marv Teixeira	Mayor
Kay Bennett	Supervisor, Ward 4
Greg Smith	Supervisor, Ward 1
Janice Ayres	Supervisor, Ward 2
Tom Tatro	Supervisor, Ward 3

STAFF PRESENT:

John Berkich	City Manager
Kiyoshi Nishikawa	Clerk-Recorder
Paul McGrath	Sheriff
Mary Walker	Administrative Services Director
Jack Fralinger	Health Director
Judie Fisher	Personnel Manager
Dan O'Brien	Public Works Director
Dorothy Timian-Palmer	Utilities Director
Mike Suglia	Deputy District Attorney
Ted Berrum	Fire Division Chief
Tom Hoffert	Water Utility Supervisor
John Mayes	Safety/Loss Coordinator
Harvey Brotzman	Senior Engineer
Jeanette Sullivan	Admin. Asst. to the City Manager
Katherine McLaughlin	Recording Secretary

(B.O.S. 1/21/93 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. A tape recording of these proceedings is on file in the Clerk-Recorder's Office. This tape is available for review and inspection during the normal business hours.

PHOTOGRAPHY SESSION - Prior to convening the meeting, photographs of the individual Board members and group pictures were taken. Mayor Teixeira and Supervisor Ayres were present at 8:45 a.m. Supervisor Smith arrived at 8:50 a.m. at which time a quorum was present. Supervisor Bennett arrived at 8:53 a.m. Supervisor Tatro arrived at 8:55 a.m. No formal action was taken during the photographing nor did discussion on any agenda item occur.

Mayor Teixeira called the meeting to order at 9:05 a.m. Rev. Elaine Morgan of St. Peter's Episcopal Church gave the Invocation. Mr. Berkich led the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

APPROVAL OF MINUTES - October 23 and November 5, 1993 (1-0035) - Hearing no amendments or corrections, Supervisor Smith moved to approve the Minutes as presented. Supervisor Tatro seconded the motion. Motion carried unanimously.

1. SPECIAL PRESENTATIONS (1-0041) - Personnel Manager Judie Fisher and Administrative Services Director Mary Walker

A. ACTION ON RETIREMENT RESOLUTION FOR MAY LOU QUINN - Supervisor Tatro moved that the Board adopt Resolution No. 1993-R-5, A RESOLUTION COMMENDING RETIREMENT and read the Resolution into the record. Supervisor Bennett seconded the motion. Motion

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carried 5-0. Mayor Teixeira commended Ms. Quinn on her dedication and wished her well in her retirement.

B. PRESENTATION OF LONGEVITY AWARDS TO CITY EMPLOYEES (1-0092) - Mayor Teixeira thanked each for their dedication and presented them with a plaque. The recipients were: 10 years - Janet Bachman and David Park; 15 years - Larry Berg, Scott Burau, Ronald Wood, James McCain, Barbara (Gayle) McCulloch, David Miller, and James Padilla; 20 years - Gary Baseel, Kani Shannon, and Frank Urbani; 25 years - Harold Holbrook and Colleen Glover. No formal action was taken or required.

C. PRESENTATION OF CARSON CITY EMPLOYEE'S HEALTH AND WELLNESS PROGRAM AWARDS (1-0192) - Ms. Walker detailed the purpose of the program and its benefits. She introduced each of the recipients. Supervisor Bennett presented each with their awards and commended them on their efforts. The recipients were: Anita Treants, Darren Selby, John Mayes, Susan Osbern, Jim McCain, Ruth Decker, Harvey Brotzman, Keith Holland, Scott Loff, Dennis Radford, John Templeton, John Mitchell, Jim McCurdy, Debera Ciccone, Marilyn Rodefer, John Olvera, Ken Arnold, Dennis Howard, Nick Providenti, Gary Harding, Angela Hoefling, Anita Fountain, Bob Creon, Pam Robinson, and Elaine Mitchell. Supervisor Bennett also commended Ms. Walker and her staff on their role in establishing the program.

CITIZEN COMMENTS (1-0307) - Gale Thomssen expressed her concern about the lack of ambulance service from Fire Station 3. She felt the elimination of this service had reduced its effectiveness for the southern portion of the City. This elimination was in direct conflict with the efforts of the ambulance committee which had worked so diligently to make the City's ambulance one of the best in Nevada. The extra time required to provide the service could mean the loss of a life. She had requested a meeting with the Fire Chief over a month ago, however, no action has occurred. She urged the Board to address the situation and questioned when ambulance service would be reinstated at Fire Station 3.

(1-0365) May Ruth French responded by expressing her feeling that the Fire Chief had used population demographics in his decision to relocate the ambulance. She then expressed her feeling that the City should not construct either a City complex downtown or a "show place." She felt the City should have acquired the Capitol Complex across from Mills Park when it was for sale 10 years ago. She urged the City to acquire the other office spaces at Northgate. Expansion could be provided on the property adjacent to these offices.

(1-0430) Richard Waiton explained the Board's authorization for swimmers to wait in the anteroom at the Indoor Pool when weather conditions were bad. Purportedly the current staff does not have the authority to allow the swimmers to wait in that area and will not open the outside doors. Recreation Superintendent Barbara Singer had suggested they use the Community Center gym. Disadvantages of this proposal were detailed. He requested Board authority to allow the use of the anteroom. He then elaborated on the lack of adequate maintenance of the men's showers and lack of adequate lighting in the ladies' dressing room. Mayor Teixeira directed Mr. Berkich to handle these issues.

(1-0510) Mayor Teixeira read into the record a letter from Lavola Robindeaux and Vern and Leola Armstrong commending Dave and Arlene Lawson on their unselfish, good neighbor acts. He also noted that the Lawsons were being recognized as Citizens of the Month. He then announced Mr. Berkich's and Supervisor Ayres' birthdays and reminded the Board that cake would be served at 5 p.m. at Northgate. He commended Mr. Berkich on his dedication and efforts on behalf of the City.

2. SHERIFF - Paul McGrath

A. PROCLAMATION REGARDING THE CARSON CITY SHERIFF'S AERO SQUADRON (1-0610) - Sheriff McGrath detailed his recommendation to recognize the Aero Squadron for its 25 years of service to the community. Mayor Teixeira read the Proclamation into the record. Former Aero Squadron Commander Chip Pyle accepted the Proclamation. Mayor Teixeira thanked the Squadron

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and its members for their dedication and service.

LIQUOR AND ENTERTAINMENT BOARD (1-0705) - Mayor Teixeira then recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. The entire Board was present including Sheriff McGrath, which constituted a quorum.

B. DISCUSSION AND POSSIBLE ACTION WHETHER TO REVOKE THE LIQUOR LICENSE OF LARRY WILLENS AND TACY WILLENS DOING BUSINESS AS CHATTER BOX AT 301 NORTH CARSON STREET (1-0710) - Discussion ensued with the Willens which indicated their attorney would not be present. Mr. Suglia explained the options available to the Board. Detective Scott Burau reviewed the calls made between November 1 and December 31, 1992. This was a reduction in numbers from the previous report. A report could not be given for the period after December 31, however, there was a definite reduction in calls after the December 17 meeting. Discussion among the Board and Detective Burau compared the calls with calls from other bars; delineated each call; activity since December 31; the priority system indicated for each call; Mr. Willens' plans to change the attitude, atmosphere, and/or clientele; the Sheriff's Office role in these plans; and the norm for other bars. Member McGrath noted that the more the Sheriff's Office interacts with the clientele, the faster the reputation may be changed. Concern was stressed that if the previous level of service demand continued unabated, the bar would take a large amount of the City's enforcement time and effort at the taxpayers' expense. Member Smith stressed that it was important for the Sheriff's Department to work with Mr. and Mrs. Willens, however, the Sheriff's Department should not do 100 percent of this work.

(1-1370) Helaine Jessie explained her business problems which she felt were created by the Chatter Box clientele. She was no longer calling the Sheriff's Office when problems arise. She felt that the Willens were failing to live up to their responsibilities and would not live up to the plan. In response to Chairperson Teixeira's questions, she felt the number of calls had been curtailed by the weather and not the owners' efforts.

(1-1542) George Halyak explained his reasons for acquiring property in downtown Carson City and detailed several problems he had had with the bar's clientele. He felt this was a bad impression to give others about the area, depressed his property value, and curtailed the number of potential clients he had for his buildings.

Chairperson Teixeira explained a telephone conversation he had had with an official of the Bank of America. The official indicated that he had had problems in spite of the six feet of snow which Mayor Teixeira felt could be readily documented.

(1-1725) Larry Willens felt that all of the incidents described had been included in the Sheriff's computer printout. He did not feel that he was responsible for Mr. Halyak's business problems. He questioned the vandalism reports. He understood the concerns about the frequent fights and unruliness and would attempt to address this situation. He acknowledged the lack of communication with the Sheriff's Office and regretted this occurrence. He planned to reduce the volume of music and monitor the amount of beverages served to his clientele. If necessary, he would refuse service to intoxicated clients. A list of individuals who have been "86'ed" was being maintained. He realized the necessity for an open line of communication with the Sheriff's Office. All of his employees have current, valid workcards which will also be required of all new employees. He plans to police the area around the bank. He has stressed to his employees that identification cards are to be checked on all clientele and individuals in his establishment. If drug usage is suspected, the Sheriff's Office will be contacted. Monitoring of the restroom area will be increased. His operating hours have been reduced to 2 a.m. during the week and 4 a.m. on the weekends. These efforts had purportedly reduced his need to contact the Sheriff's Office about problems occurring on his premises. Hopefully, his actions will attract a better clientele. His future plans included improving the outside lighting for the parking area, hiring a "bouncer" for busy nights, "update and remind his employees of responsible alcohol serving." He reminded the Board of his time, expense and hard work he had put into the business for the last two-and-

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a-half years and requested they include this in their deliberations about his license. If the Board still has reservations about his operation, he suggested a two or three month probation period and/or further restrictions on his hours of operation. Discussion ensued among the Board and Mr. Willens concerning the total number of hours Mr. Willens is working at the establishment and his endeavors to change his clientele.

Discussion ensued among the Board on its options, the progress which had occurred since the last meeting on this issue, and whether the plan was more than a normal business responsibility. Member Tatro suggested that when such cases arise in the future, Board action be sought earlier. He also suggested that the Willens be given a second opportunity with conditions requiring quarterly reports. Under his proposal, the Sheriff's Office would be given the authority to instantly close the establishment. Discussion ensued between Mr. Willens and Member Smith on his plans to hire security and the parking lot lighting. Member Smith then detailed his support for Member Tatro's suggested Board action.

Member Smith then moved that the Board place the Liquor License belonging to Larry and Tacy Willens, dba The Chatter Box, 301 North Carson Street, Carson City, Nevada, on a 90-day probation period starting from this point and that the hours of operation be restricted to no later than 2 a.m. weekdays and 4 a.m. weekends. The motion died for lack of a second.

Discussion ensued among the Board and Mr. Suglia on whether the Board could delegate its authority to the Sheriff. Member McGrath suggested the license be revoked and the action suspended for 90 days to allow the business to stay in operation on a trial basis. This would allow the Sheriff's Office to close the establishment should the negative reports be "too many." This proposal was discussed at length. Member Tatro then moved that the Liquor and Entertainment Board place the following restrictions and conditions on the Liquor License for Mr. and Mrs. Willens, doing business as The Chatterbox at 301 North Carson Street, which are based on the findings that were submitted by the Sheriff's Department including the lengthy number of police calls, the number of fights in the bar, the number of complaints and the amount of unacceptable behavior outside of the bar over the past period of approximately one year, based on those findings that the License be put on probation for a period of one year with reports back to the Liquor and Entertainment Board every 90 days or quarterly at regularly scheduled meetings as close to 90 days as possible, that the hours of operation be limited to remaining open until 2 a.m. with the understanding that a Liquor License is a privilege for its continued holding. Member Smith seconded the motion. Clarification indicated the differences in Member Tatro's motion and Member Smith's. The motion was voted by roll call with the following result: Bennett - No; Ayres - No; Smith - Yes; Tatro - Yes; McGrath - Yes; and Chairperson Teixeira - No. Motion died on a 3-3 vote.

Member Ayres then moved that the Board revoke the Liquor License to Larry Willens and Tacy Willens doing business as The Chatterbox, 301 North Carson Street, Carson City, Nevada, based on the findings as submitted by the District Attorney and by the Sheriff's Department which have listed all of the troubles which have occurred at this Chatterbox, and that she did not see anything which came before the Board today indicating anything different than normal business individuals should be doing when they first open. Member Bennett seconded the motion and explained that she felt the situation was very serious and had gone too far and was too late. The owner had had adequate time to demonstrate to the community that he could be responsible for his business, his patrons, as well as to his neighbors. To allow the establishment to continue would be detrimental to the community and the image of the downtown area which so many people had worked so hard and invested so much money in to improve its image. A clear message should be sent to other proprietors that the Board would not tolerate this type of activity in the community. Member Smith acknowledged her point but felt that the Board had only made the owners aware of the community's problems with its operation one month ago. Since that occurrence, testimony indicated the number of calls had dramatically decreased and acknowledged that the weather may have had a role in the reduction. He was concerned that the message the Board would send out with the motion was one that it would tolerate things until you are notified and then revoke the license in spite of your attempts to curtail the situation. He did not feel that this was fair. Chairperson Teixeira noted that the motion was an opinion based on the

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evidence which had been presented. It was not necessary for the Board to agree with the decision. The motion to revoke the License was voted by roll call with the following result: Smith - No; Tatro - No; Bennett - Yes; Ayres - Yes; McGrath - No; and Chairperson Teixeira - Yes. Motion died on a 3-3 vote.

(2-0017) Member McGrath discussed with Mr. Suglia and the Board his feeling that the Board could revoke the License and place the establishment in suspension for 90 days and watch the activities which occur at the location. He would be operating with a suspended license and under constant surveillance by the Sheriff's Department for unusual, criminal, or improper activities/relations with the adjacent businesses. If he successfully passes this period, then Board action would be requested re-establishing the License. This would eliminate the need for another Show Cause Hearing. It would, however, necessitate an exemplary report. This procedure was discussed among the Board and Mr. Willens, who stated he understood the proposal. Mr. Willens noted as another option for that Board that it is not necessary for the Board to vote on the issue for 20 days. Clarification indicated a motion only required a majority vote of the members present. Member Tatro suggested a condition mandating the surrender of the license should it be in the community's best interest as indicated by Sheriff's investigations. Member Smith expressed his concern that such a motion may abrogate the Board's responsibilities. Member Tatro stressed that his intent was to address the situation if an improvement is not made sooner than 90 days. Member McGrath indicated that if "real problems occur," the Sheriff's Office would close the establishment. Clarification for Mr. Willens indicated the proposal would not require a new investigation and fee to retain his License. Member McGrath then moved that the Board revoke the License and suspend the revocation for a period of up to 90 days during which time there would be review of the activities to be sure that the bar owner comes into compliance with the existing norms of the community. Member Smith seconded the motion. Clarification indicated that the revocation would be effective on April 21 unless the Board agrees that owner has successfully "turned the corner." The motion to revoke the License and suspend the revocation for 90 days was voted by roll call with the following results: Ayres - Yes; McGrath - Yes; Bennett - Reluctantly and cautiously, Yes; Tatro - Yes; Chairperson Teixeira - No; and Member Smith - Yes. Motion carried 5-1.

Chairperson Teixeira requested Member McGrath work with Mr. Suglia and write a letter delineating the action for Mr. Willens with a copy to the Board and Liquor License Division. Member McGrath agreed.

C. STATUS REPORT REGARDING ALCOHOL BUY PROGRAM (2-0259) - Periodic reports on The Country Store's activities had been required by the Board at the time of its latest licensing. The Sheriff's Department recent Alcohol Buy Program had included The Country Store. The store had required proper identification. There were six other establishments which had not and a report on them would be provided later. No action was required or taken.

Chairperson Teixeira then adjourned the Liquor and Entertainment Board and immediately reconvened the hearing as the Board of Supervisors. During discussion of Item C. above, Sheriff McGrath agreed to continue Item 4 - Sheriff's Quarterly Report regarding Asset Forfeiture.

BREAK: At 10:40 a.m., a five-minute recess was declared. When the meeting reconvened at 10:45 a.m., the entire Board was present constituting a quorum.

3. TREASURER - ACTION ON REVOCATION OF ALL DELINQUENT LIQUOR LICENSES (2-0295) - No action was required as all licenses are current.

6. PUBLIC WORKS DIRECTOR - Dan O'Brien

A. ACTION ON CARSON CITY SNOW AND ICE CONTROL POLICY AND DISCUSSION ON RELATED SNOW REMOVAL ACTIVITIES (2-0298) - Mr. O'Brien reviewed the policy which the Board had adopted in 1992, explained contact by the public created by the storm activity, provided justification for the procedures, and outlined the problems encountered due to the storms' volumes.

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Discussion with the Board included the windrows, roads plowed by the State, the sidewalk policy, need for enforcement of the sidewalk policy, the policy on clearing parking lots, the need for a policy on school entrances, and the need to keep the roads open to the water infrastructures. Mr. O'Brien encouraged the Board to ride with one of the operators. Approximately \$55,000 had been spent for private contractors to help City crews as well as \$20,000 for Streets' overtime, \$3,500 for Vehicle Maintenance overtime, and \$8,500 for chains, repairs, etc. Gas tax monies will be used for these costs and will impact funding for next spring's overlay and pot hole projects. Supervisor Smith then clarified a statement he had made to the press and his reasons for feeling that the City could do a better job. Personnel efforts had been commendable during the recent series of storms. Lessons learned from them, however, should be utilized for the betterment of future endeavors. Discussion followed among Supervisor Smith, Mr. O'Brien, Fleet Manager Don Davis, and Parks and Recreation Director Steve Kastens on funding for equipment, pros and cons of leasing equipment such as motor graders and loaders, need for additional personnel if additional equipment is leased, justification for hiring private contractors, various types of equipment, need for a rotary plow, reasons 3/4 ton trucks are not used for plowing parking lots, communication/coordination problems with using private contractors, utilization of other Departmental personnel and equipment, enforcement of the sidewalk ordinance and potential modifications to include residential sidewalks in certain areas, need for an ordinance eliminating on-street parking during snow removal periods or during storms, equipment breakage/down time before and during the storms, the City's spare parts stock, contracts approved for clearing City parking lots, and whether to change the policy to reflect that the plowing commences when four inches have accumulated or as deemed necessary by the Street Superintendent. Mr. O'Brien also suggested a chain or snow tire requirement be added to the policy. Mr. O'Brien commended staff on its efforts which included during the flooding which had occurred yesterday as a result of a rain storm. Supervisor Bennett commended staff on its efforts and indicated her comments were directed solely to the Department Director. She felt that it was time the City established a pro-active stance which had not been illustrated during the recent storms. She requested an inventory report including the amount and types of equipment the City has, available spare parts and resources for same, contingency plans for contracting, resource development which would meet senior citizen needs, advertising snow plow routes in September/October, development of ordinance(s) mandating the removal of vehicles in the downtown area, and to establish procedures for utilization of other Departmental equipment/staff for removal and private property for temporary snow storage. (During her comments, Supervisor Tatro stepped from the room -- 10:40 a.m. A quorum was present.) Supervisor Ayres also requested these reports and suggested that two-way communication equipment be acquired for communicating with private contractors. Mr. O'Brien explained that during the latter storms, private contractors were provided hand-held units.

(2-2155) Donald Bauer expressed his opposition to having snow plowed to the sides of a street. This had created a tremendous problem for him as additional snow/ice was placed on the sidewalk by this method of snow removal. He urged the City to windrow to the center of the street. He then explained his personal observation on three different occasions of snow removal equipment ambling aimlessly around the streets. Increased supervision of the contractors was warranted. (During his comments, Supervisor Tatro returned - 10:45 a.m. A quorum was present as previously noted.) He also suggested that snow removal training occur during the summer which had evidently not occurred for some time. He also felt that a plan was necessary and definitely lacking.

(2-2348) Bill Hissman from Cactus Jack's expressed his feeling that it is to the City's economic benefit to keep the downtown area as clear as possible. (2-2490) Discussion ensued among Supervisor Bennett, Mr. Hissman, and Mayor Teixeira on parking prohibitions during snow removal periods in other areas. Mr. Hissman agreed to closing "his street" for the short period required. He was also encouraged to learn about the City's policy to start plowing when the first flake falls rather than after four inches accumulates.

(2-2401) Richard Waiton explained the maintenance program for his private road and questioned why his main road had never been plowed. The mailperson will not deliver to areas which are not plowed. After three days, Mr. Waiton and his neighbor used their plow to clear a path to the mailboxes and the neighbors'

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driveways. He also noted some of his other snow removal efforts.

Supervisor Tatro questioned whether the City could afford the equipment and manpower necessary to meet the demand of a four week storm specifically due to the lack of moisture experienced in his "lifetime." He agreed that several things had been learned from the experience which would be incorporated in the future. Staff had responded appropriately to a problem which had "never been seen or experienced before." He agreed that there are some inconveniences in attempting to travel but travel was possible. He commended the crews on their efforts and recommended the appropriate adjustments be made which should not require a large investment for the next large storm. Mayor Teixeira acknowledge it had been an "experience." The storm was a "30 year event" and a sudden change in weather had refocused the City's efforts from attempting to plow streets to addressing potential flooding problems. He also encouraged procedures to be adopted to maximize utilization of all City resources and supported spending additional funds for private contractors before the snow hits. He supported the parking prohibition if the downtown merchants were willing to support the program. He emphasized the need for ancillary services, a provisional plan, and opposed dedicating large sums of money. Supervisor Ayres stressed her feeling that neither she nor Supervisor Bennett were demanding a large investment but rather establishment of an emergency plan to be pro-active rather than re-active. Mr. Berkich thanked all for their input. He announced for the public's information City efforts to assist if the predicted rain storm hits including the establishment of an emergency center, sand bag operations, additional telephone lines, etc. Mayor Teixeira thanked all for their participation and efforts. Supervisor Smith requested no action be taken at this time and that the matter be brought back with the indicated modifications. Mayor Teixeira indicated this would be early summer. No action was taken.

B. ACTION ON SIERRA PACIFIC POWER COMPANY AGREEMENT NO. 92-6650-5-16 TO PROVIDE ELECTRIC SERVICE TO THE PROPOSED FIRE STATION HEADQUARTERS BUILDING AT 777 SOUTH STEWART STREET, CARSON CITY, NEVADA, AT AN ADVANCE COST (2-2929) - Clarification indicated the proposal to rebid the facility's construction contract would not affect this agreement. Supervisor Smith moved that the Board authorize the Mayor to sign the Sierra Pacific Power Company Electric Line Extension Agreement No. 92-6650-5-16 to provide electric service to the proposed headquarters fire station building at 777 South Stewart Street, the required advance payment to the Utility is \$8,901, which will come from the Fire Station Construction Account. Supervisor Bennett seconded the motion. Motion carried 5-0.

5. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON PROPOSAL TO PURCHASE CARSON CITY SCHOOL DISTRICT LAND (APPROXIMATELY 5 ACRES) ON MARK WAY (2-3038) - The request was for authorization for staff to negotiate with the School District on the property. Any agreement would be brought back for Board consideration at a future date. Residential Construction Tax monies have already been allocated for this year, therefore, other funding must be determined. Discussion among the Board and Mr. Kastens included reasons for bringing the matter to the Board at this time, the Commission's vote, the Parks' Master Plan, and the site's location. Supervisor Ayres moved that the Board approve the recommendation of the Parks and Recreation Commission to determine that this site is important to the City for a park site and direct City staff to work with School District staff to develop a proposal to purchase this site and bring this back to the Board. Supervisor Smith seconded the motion. Clarification indicated the agreement would be considered by the Commission before the Board considers it. The motion to authorize staff to work with the School District on the acquisition of this property was voted and carried 5-0.

7. UTILITY DIRECTOR - Dorothy Timian-Palmer - ACTION ON U.S.G.S. AND CARSON CITY JOINT FUNDING AGREEMENT FOR WATER RESOURCE MONITORING (3-0175) - During Ms. Timian-Palmer's introduction, a copy of the U.S.G.S. report was given to Supervisor Ayres. Supervisor Bennett moved that the Board approve and authorize the Mayor to sign the 1992-93 Joint Funding Agreement between Carson City and the U.S.G.S. for Water Resources Monitoring covering the following: Monthly water resource conditions; the operation and maintenance of 13 stream gauges, and the

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recharge program monitoring and coordination, for a total cost to the City of \$56,350; funding source is \$51,850 from Account 520-3502 and \$4,500 from Account 510-3201, Deer Run Road, Carson River Gauge, and Sewer Utility Responsibility. Supervisor Tatro seconded the motion. Motion carried 5-0.

Ms. Timian-Palmer explained a complaint received by her Department about an individual wasting water. The individual was "from LA" and "didn't shovel snow." He was washing it down with a hose and creating an icy street.

8. DISTRICT ATTORNEY - Deputy District Attorney Mike Suglia - ACTION REGARDING PROPOSED THREE-YEAR CONTRACT BETWEEN CARSON CITY AND CARSON CITY FIREFIGHTERS ASSOCIATION (3-0250) - Mr. Suglia introduced the item and City Labor Negotiator Charles Cockerill. Mr. Cockerill reviewed the contract modifications. This was the fire multi-year agreement the City had had with the Firefighters in many years. He felt it was a compromise from both sides and complimented the participants. Mayor Teixeira also complimented the participants. Firefighters Association President David Parks noted that in addition to being a three-year contract, it was the fire time in five or six years that an agreement was reached prior to the contract's expiration date. Supervisor Smith moved to approve the proposed three-year contract with the Carson City Fire Fighters Association effective July 1, 1991, until June 30, 1994, funding source is to be the General Fund Fire Budget/Ambulance Enterprise Fund. Supervisor Bennett seconded the motion. Motion carried 5-0. Mr. Berkich complimented the participants on the agreement.

OTHER MATTERS: Mayor Teixeira requested Mr. Berkich provide a status report on the flooding potential when the meeting reconvened at 1:30 p.m.

BREAK: A lunch recess was declared at 12:20 p.m. When the meeting reconvened at 1:40 p.m., the entire Board was present constituting a quorum.

13. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (3-0510) - Mr. Berkich indicated the weather forecast for rain/snow was occurring at the Lake and would reach the Valley later this afternoon. If the temperatures drop as forecast, the rain will change to snow and, as a result, any flooding would be less than yesterday's. Sand bags were available at Curry and Third Streets. Drains have been cleared. City and contract crews are working to remove as much snow as possible. A staff meeting will be held immediately following the Board meeting to assess the conditions.

10. COMMUNITY DEVELOPMENT - Senior Planner Mike Tracy - ACTION ON M-92/93-14 - A REQUEST FOR ABANDONMENT OF A 60-FOOT WIDE BY APPROXIMATELY 1600 FOOT LONG UNNAMED PUBLIC RIGHT-OF-WAY LOCATED SOUTHWEST OF ARROWHEAD DRIVE AND NORTH OF THE CARSON CITY AIRPORT (3-0565) - Supervisor Smith moved that the Board of Supervisors approve M-92/93-14, an abandonment of a 60-foot wide by approximately 1600 foot long unnamed public right-of-way located southwest of Arrowhead Drive and north of the Carson City Airport. Supervisor Bennett seconded the motion. Motion carried 5-0.

9. ADMINISTRATIVE SERVICES DIRECTOR - Mary Walker

C. PERSONNEL DIVISION - Personnel Manager Judie Fisher - ACTION ON ADDITION TO THE CITY'S PERSONNEL RULES AND REGULATIONS, SECTION 2.04.551, URGENT EVENT REGULATION (3-0609) - Discussion among the Board, Ms. Fisher, and Mr. Berkich included problems which experienced with the previous procedure and benefits of the proposal. Supervisor Ayres moved that the Board accept the action on an addition to the City's Rules and Regulations, Section 2.04.551, Urgent Events Regulations, which does not create a fiscal impact. Supervisor Bennett seconded the motion. Motion carried 5-0.

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A. AUTOMATION DIVISION - Automation Director Bill Naylor - STATUS REPORT, AND POSSIBLE DISCUSSION, REGARDING AUTOMATION SERVICES DIVISION AND THE STRATEGIC PLAN FOR AUTOMATION NEEDS (SPAN) (3-0695) - Mr. Naylor reviewed his report and responded to Board questions on the Committee; available training programs; the equipment at Wastewater Treatment Plant, Juvenile Probation, Sheriff's Office, District Attorney's Office, and Justice Court and their need for upgrades; previous funding appropriations and additional needs; the inventory list; pros and cons of personal computers and mainframe; software upgrades; deficiencies indicated by the Grand Jury and the equipment/software improvements to address these deficiencies; HTE's support for its software programs; upgrade needs for the Assessor's Office; communication programs created by the current telephone system which may be addressed by the new telephone system and/or new centralized facilities; need for a fiber optic system; Public Works and plan check needs; need for a geographic information service (GIS) system; and the software/hardware obsolescent factor and market for these items. Mr. Berkich detailed the time schedule planned for the GIS system. Ms. Walker noted the improved efficiency created by the Board's funding support and Mr. Naylor's efforts. The Department's survey also supported her comments. She commended him and his staff on their endeavors. Supervisor Bennett and Mayor Teixeira also commended him on his efforts. No action was required or taken.

B. PURCHASING DIVISION - Basil "Butch" Moreto

i. ACTION ON CONTRACT 9293-113 - WEST GRAVES LANE FENCING IMPROVEMENTS (3-2011) - Senior Engineer Harvey Brotzman responded to Board questions on the location, property owners' plans for the site, and need for the fencing. As a result of this discussion, Mr. Brotzman suggested that discussion be held with Artistic Fence to determine if the price would still be valid in 60 to 90 days and if there is (are) new property owner(s), their plans for the site. The contract should be awarded but the request to proceed held until after these discussions are completed. Supervisor Bennett then moved that the Board of Supervisors accept the Purchasing Division's recommendation and award Contract 9293-113 to Bidder No. 1, Artistic Fence Company, 5740 Highway 50 East, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$11,394.36 and an contingency amount of \$1,000; funding source is the RTC Road Construction funding provided in Fiscal Year 9293. Clarification indicated no further direction was required at this time. Supervisor Tatro seconded the motion. Motion carried 5-0.

Public Works Director Dan O'Brien explained that RTC would reconsider the matter before authorization to proceed is issued. He felt that the project should be completed by October; however, if the alignment is modified, it may be two years before the project is completed.

ii. ACTION ON CONTRACT 9293-99 - CARSON CITY HEADQUARTERS FIRE STATION (3-2278) - Following Mr. Moreto's introduction, Jack Sheehan, representing Sheehan/Van Woert Architects, discussed with the Board the reason the bids were over the estimate. Mr. Berkich felt that any serious modifications would be brought to the Board before rebidding. Mr. Sheehan felt that it may take three or four months to complete the evaluation and reduce the scope. Supervisor Tatro stressed the need to keep in mind the presentation made to the electorate in making any cuts. If necessary, additional funding from AB 104 monies should be considered. Carson City Fire Fighters Association President David Parks expressed concerns about any reduction in the project based on the presentation made to the electorate. He urged the Board to build what is needed, otherwise, don't spend the money. Mayor Teixeira noted the current level of AB 104 funding and agreed that a substandard facility should not be constructed. Supervisor Ayres then moved that the Board accept the Purchasing Division's recommendation and reject all bids for Contract 9293-99 and instruct Sheehan/Van Woert Architects and responsible City staff to proceed with a redesign and rebid of the project due to the fact that all bids received were over the budget limitation of \$1.9 million. Supervisor Tatro seconded the motion. Discussion ensued on whether staff should be authorized at this point to rebid the project without Board consideration. As a result of this discussion, Mr. Berkich was directed to keep the Board advised of any modifications to the project. The motion to reject all bids and

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direct staff and the Architects to proceed with redesign and rebid was voted and carried 5-0.

D. FINANCE DIVISION - Administrative Services Director Mary Walker - ACTION ON FISCAL YEAR 1992-93 CARSON CITY BUDGET AUGMENTATION AND DIVISION (3-2675) - Ms. Walker reviewed the augmentations and responded to Board questions on the DUI fee allocated to the Detox Center; fuel taxes, expenditures, and capital outlay for RTC which had been carried over. Supervisor Bennett moved that the Board of Supervisors approve the Carson City Fiscal Year 9293 Budget Revisions and Augmentation in the amount of \$7,464.455 as presented by the Finance Director and adopt Resolution No. 1993-R-6, RESOLUTION TO AUGMENT AND AMEND THE 1992-93 BUDGET OF THE CITY OF CARSON CITY, STATE OF NEVADA. Supervisor Smith seconded the motion and requested clarification of the amount. Supervisor Bennett restated the amount as being \$7,464,455. Supervisor Smith continued his second. Motion carried 5-0.

11. REDEVELOPMENT AUTHORITY MATTERS - 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. The entire Board was present constituting a quorum.

12. BOARD OF SUPERVISORS - ACTION ON FISCAL YEAR 1992-93 REDEVELOPMENT AUTHORITY BUDGET AUGMENTATION AND REVISION (4-0505) - Supervisor Smith moved that the Board adopt Resolution No. 1993-R-7, A RESOLUTION TO AUGMENT AND AMEND THE 1992-93 BUDGET OF THE CARSON CITY REDEVELOPMENT AUTHORITY in the amount of \$217,370. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A six-minute recess was declared at 3:06 p.m. When the meeting reconvened at 3:12 p.m., the entire Board was present constituting a quorum.

13. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (4-0520) - John Berkich

A. ORDINANCE - SECOND READING - ACTION ON AN ORDINANCE AMENDING SECTION 8.12.010 LIMITING THE USE OF FIREARMS ALONG CERTAIN DESIGNATED PORTIONS OF THE CARSON RIVER - Dick Biggs expressed his opposition to the ordinance based on his feeling that it effectively stopped all hunting in the City. Both Mayor Teixeira and Mr. Suglia tried to explain to him that the ordinance was restricted to along the Carson River and the portion he opposed had been the law since 1970. Mr. Biggs explained that he had not received a copy of the modification prior to the meeting and that both he and Mr. Quilici had attempted to give testimony on first reading, however, the Board meeting had been concluded before they arrived. Mr. Biggs continued to request continuation of the item. Mr. Berkich felt that Mr. Quilici had received a copy of the modification as he was on the mailing list. The Committee and Mr. Quilici's changes were included in the modification. He was willing to have another Committee meeting if the Board so desired. Clarification for Supervisor Smith by Mr. Suglia indicated that the only modification to the Code was the portion dealing with the restrictions along the Carson River. Supervisor Smith requested additional reasons for reconsidering the issue as he opposed any shooting within 5,000 feet of dwellings. Mr. Biggs then stated that the term "any gun" would prohibit the use of any gun. He felt that he should be allowed to shoot rifles and pistols. He could support the restriction along the River. Mayor Teixeira then read the line he had referenced and explained that the section only prohibited shooting along the Carson River between Lloyd's Bridge and Deer Run Road Bridge. Mr. Biggs continued to adamantly oppose the ordinance even though Section A had been the law since 1971 and was not being changed. He continued to request another Committee meeting. Mayor Teixeira thanked him for his input. Mr. Berkich indicated that Section A had not been included in the discussion by the Committee. He would meet with Mr. Biggs if desired. He thought that all the individuals who were on a list had been sent a copy.

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He apologized if Mr. Biggs had been overlooked. Mr. Biggs did not want a meeting with Mr. Berkich. He wanted the Committee re-established.

(4-0885) - Tom Quigley displayed a map delineating the area impacted by the change. He requested the map be an appendix to the Ordinance. Benefits of the proposal were noted including his feeling that the Bureau of Land Management would assist in the enforcement of the Code on its property. Mr. Suglia felt this was a major change in the ordinance and would require returning on first reading. Mr. Quigley then indicated he did not wish to start the process over, however, would distribute copies to the various enforcement agencies. He also requested the Board proceed with its adoption due to his safety concerns.

Supervisor Ayres then moved that the Board adopt on second reading Ordinance No. 1993-2, AN ORDINANCE AMENDING SECTION 8.12.010 (DISCHARGE OF FIREARMS UNLAWFUL -- BONFIRES AT NIGHT) TO LIMIT THE USE OF FIREARMS ALONG CERTAIN DESIGNATED PORTIONS OF THE CARSON RIVER AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON PAYMENT TO JOHN SERPA FOR THE ACQUISITION OF 9.214 ACRES ALONG BOTH SIDES OF ARROWHEAD DRIVE PURSUANT TO THE 1988 SETTLEMENT AGREEMENT (4-1062) - Following Mr. Berkich's introduction, Appraiser Daniel Leck responded to Board questions on the two values contained within the report and reasons two values had been provided. Supervisor Bennett then moved that the Board approve the payment for the acquisition of 9.24 acres along both sides of Arrowhead Drive representing utility rights-of-way in fee simple, fiscal impact is \$400,000, funding source is Capital Acquisition and that the City has reserved prior revenues from property sales for this acquisition. Supervisor Tatro seconded the motion. Motion carried 5-0.

D. ACTION TO APPROVE THE SUPPORT AGREEMENT FOR PUBLIC ACCESS TELEVISION BETWEEN CARSON CITY AND NEVADA T.C.I., INC. (4-1248) - Mr. Berkich highlighted the agreement and introduced Carson City T.C.I. General Manager Terry Nosse and Vice President and State General Manager of T.C.I., Brian Sullivan. Mr. Sullivan explained the proposal to reconfigure the stations offered users and the prices. These should take effect on April 1. He presented Mayor Teixeira with the signed original of the contract. Mayor Teixeira explained the federal regulations which would reduce the City's control over the fees. Mr. Sullivan indicated that the federal regulations had been included in the agreement. Mayor Teixeira acknowledged the differences he had had with T.C.I. He felt that the four hour meeting conducted with T.C.I. had been most productive and that the proposed agreement was in the City's best interest. He looked forward to a good working relationship with T.C.I. in the future. Supervisor Bennett then moved that the Board approve the agreement between Carson City, Nevada, and T.C.I. Cablevision of Nevada to provide support for Carson City's public access television, the fiscal impact is an addition of \$150,000 within 45 days of approval, creating an increase in revenue, and that we get on down the road. Supervisor Smith seconded the motion. Motion carried 5-0. Mayor Teixeira and Supervisor Bennett thanked all for their hard work.

C. ACTION TO APPROVE THE CONTRACT WITH THE ALTERNATIVE SENTENCING COORDINATOR (4-1595) - Mr. Berkich reviewed the contract. The Coordinator had been hired. The selection procedure was detailed. (4-1688) Carl Neathammer commended Mayor Teixeira and Supervisor Bennett on their re-election and Supervisor Ayres on her election. He then questioned how the procedure would function. Mayor Teixeira explained that this was the first step in establishing the procedures and detailed the original proposal. He hoped to have the final process detailed for Board consideration in 45 days. It would hopefully address parental accountability through alternative sentencing. Mr. Neathammer urged the Board to include a "zero tolerance" attitude. He also wished to include the Boys and Girls Club/youth programs. He applauded the Board's attempt to create a cohesive program. He questioned whether it would work with the various Departments. Mayor Teixeira indicated that this was only the beginning and the future procedures had not been agendized. Mr. Neathammer indicated that it was

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most essential that the lines of communication remain open in order for the program to be successful and target not only the known gang members but also the teens who are at risk. He stressed the need to have all agencies/departments involved. He invited the Board and agencies to utilize his radio station facilities to put the program together. Supervisor Smith then moved that the Board approve the contract with the Alternative Sentencing Coordinator, fiscal impact will be \$18,000 to the City, funding source is the Capital Acquisition Account. Supervisor Bennett seconded the motion. Motion carried 5-0.

E. STATUS REPORT REGARDING THE "PINK HOUSE" IN MILLS PARK (4-1968) - Public Works Director Dan O'Brien explained his investigation of the building. He felt it was structurally sound. He projected the rehabilitation costs would be in the \$40 to \$60,000 range, however, this would depend upon the proposed use. He discussed with the Board the costs, size of the facility, and potential uses. Supervisor Smith requested the matter be sent to the Parks and Recreation Commission hearing for their input. May Ruth French felt that the Board should utilize the \$10,000 allocation for destruction of the building for its rehabilitation. She urged the Board to keep the building. Supervisor Tatro indicated he had received some suggestions on its potential use and would provide them to Supervisor Smith. Mr. O'Brien indicated that a professional should be retained to analyze the building and determine whether the feasibility of its ultimate usage. (During this discussion, Supervisor Ayres stepped from the room -- 4:05 p.m. A quorum was still present.) No formal action was required or taken on this matter.

F. STATUS REPORT REGARDING CHANGEMASTERS (4-2381) - Mr. Berkich explained the recent meeting and progress on the project.

14. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-2435)

A. MAYOR TEIXEIRA - ACTION TO APPROVE THE 1993 LEGISLATIVE PACKAGE - (During his introduction, Supervisor Tatro stepped from the room. A quorum was still present.) Mayor Teixeira and Ms. Walker explained NACO's BDR 22-351 which would enhance or solidify the City's present fair share position. (During this discussion, Supervisor Ayres returned -- 4:10 p.m. A quorum was present as previously noted.) Mayor Teixeira detailed reasons the City should oppose BDR 40-1 which would mandate emission control in Carson City. Mimi Rodden urged the Board to support BDR-590 which would fund Historic Preservation. Previous legislative action and the court ruling were included in her comments. BDR-590 had been renumbered and redrafted and is now BDR 18-206. This latter proposal may require a constitutional amendment. Projects which will be eligible for funding were delineated. (During her presentation, Supervisor Tatro returned -- 4:12 p.m. A quorum of the Board was present as previously noted.) She then thanked Mayor Teixeira for his reception. Mayor Teixeira then explained the proposal to enhance the V&T Train project from Virginia City to Carson City. He and Ms. Walker then explained the various NACO proposals. Supervisor Ayres moved that the Board accept the Carson City legislative agenda items one through seven which support legislation that will enhance or solidify Carson City. Supervisor Bennett seconded the motion. Motion carried 5-0.

Sheriff Paul McGrath explained the proposal to combine the Coroner and Public Administrator functions under one office due to the similarity in duties. Action was delayed on this proposal until a bill draft was available. Sheriff McGrath then explained other bills which would increase the penalties for certain violations adjacent to schools. Mayor Teixeira requested he present his entire package to the Board for discussion at the next meeting. Mayor Teixeira also directed Mr. Berkich to include this heading on all agendas in the future.

(5-0052) - Ms. Walker detailed several budgetary impacts which would be created by Governor Miller's proposed budget. The items included funding for Juvenile Probation; overall juvenile services; the welfare program, specifically, for indigent hospital services; and elimination of the Public Defender's office. Mayor Teixeira stressed that Ms. Walker was to keep the Board advised. Supervisor Bennett also requested that she

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be informed so that she could attend the hearings. No other action was taken.

E. SUPERVISOR BENNETT - DISCUSSION AND POSSIBLE ACTION REGARDING THE INTERMODAL SURFACE TRANSPORTATION ENHANCEMENT ACT (ISTEA) FOR U.S. HIGHWAY 395 (5-0193) - Supervisor Bennett requested a workshop session for the goals and objectives be scheduled prior to the budget sessions. Mayor Teixeira directed Mr. Berkich schedule this for February. Supervisor Bennett also requested the next agenda include discussion of the Ambulance at Fire Station 3. She then distributed to the Board only information sheets on the ISTEA funding and explained the purpose of the grant. (A copy was not given to the Clerk.) Two of the applications for this grant were for the V&T Railroad and the Highway 395 median beautification. She then detailed her involvement in the Highway 395 median beautification program. Clarification between Mayor Teixeira and Supervisor Bennett noted that Mayor Teixeira is to make a presentation to the State on January 29. Supervisor Bennett then explained staff's evaluation of the applications and further detailed the funding criteria. She requested Board support for the Highway 395 median enhancement program. Supervisor Smith explained his opposition to having to make decision on material presented during the Board meeting. He requested a special meeting be scheduled to establish the priorities. Mayor Teixeira explained that the delay in providing the information had been due to delays at the State and Federal levels. He was willing to have a special meeting if desired. Following discussion among the Board, a special meeting was scheduled for Thursday, January 28th, at 5:30 p.m. in Room 59.

B. SUPERVISOR SMITH; C. SUPERVISOR AYRES; AND D. SUPERVISOR TATRO - None.

A. MAYOR TEIXEIRA - Thanked the community and specifically the Chamber of Commerce for the support given for the Legislative reception. He felt the community had really "shone very brightly and made him proud to be its Mayor."

Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 4:50 p.m.

The Minutes of the January 21, 1993 Carson City Board of Supervisors meeting

ARE SO APPROVED ON March 4, 1993.

_____/s/_____

Kay Bennett, Mayor Pro-Tem

ATTEST:

_____/s/_____
Kiyoshi Nishikawa, Clerk-Recorder