

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 1

A regular session of the Carson City Board of Supervisors was held on Thursday, February 7, 1991 at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT:

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

STAFF PRESENT:

John Berkich	City Manager
Kiyoshi Nishikawa	Clerk-Recorder
Ted P. Thornton	Treasurer
Vic Freeman	Undersheriff
Charles P. Cockerill	Chief Deputy District Attorney
Greg Biggin	Assistant Sheriff
Dennis Austin	Assistant Sheriff
Katherine McLaughlin	Recording Secretary

(B.O.S. 2/7/91 Tape 1-0005)

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.

Mayor Teixeira called the meeting to order at 9:05 a.m. An Invocation was not given but a moment of silence held in memory of Douglas County Commissioner Barbara Cook. Mr. Nishikawa led the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

APPROVAL OF MINUTES - REGULAR Sessions of December 20, 1990, January 3, 1991, and January 10, 1991; and Special Session of January 7, 1991 (1-0041) - Supervisor Tatro moved to approve as presented. Supervisor Bennett seconded the motion. Motion carried 5-0.

CITIZEN COMMENTS (1-0049) - Mary Anne Bennett expressed her concern about conditions at the indoor swimming pool, including the water quality, the amount of sand/gravel on its bottom, the duct tape being used to "patch" rusty spots on the doors, rusty life guard stanchions, the lack of running water for the showers and toilets, the slippery walkways, and the lack of toilet paper. As she enjoyed the program and felt the pool usage warranted keeping the facility open, she urged the Board to take corrective action to resolve these sanitary problems and to provide appropriate maintenance. She then stated her feeling that the V and T Project was the wrong thing for which the City to be involved. She invited anyone who wished to join her efforts to contact her. (1-0153) Discussion directed the City Manager to evaluate the pool situation and respond in writing. Mr. Berkich explained that he had toured the facility and had taken notes on the comments.

SPECIAL PRESENTATIONS (1-0134)

1. MAYOR MARV TEIXEIRA - PROCLAMATION FOR "CHILD PASSENGER SAFETY AWARENESS WEEK" (FEBRUARY 10 - 16, 1991) - Mayor Teixeira introduced the request. Supervisor Smith moved to approve the Proclamation for "Child Passenger Safety Awareness Week" of February 10 through 16, 1991. Supervisor Feticc seconded the motion. Motion carried unanimously.

LIQUOR AND ENTERTAINMENT BOARD MATTERS (1-0151)

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 2

Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. A quorum was present although Sheriff McGrath was absent.

2. TREASURER - Ted P. Thornton

A. ACTION ON LIQUOR LICENSE FOR JOE EMMETT FAY, DOING BUSINESS AS THE BLARNEY SISTERS, LOCATED AT 306 EAST WILLIAM STREET (1-0185) - Mr. Fay responded to Board questions on the operation and proper identification required to prove an individual's age. The Sheriff's report was favorable. Member Feticc moved that the Board approve a Liquor License for Joe Emmett Fay for his business as The Blarney Sisters located on East William Street. Member Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON LIQUOR LICENSE FOR EUGENE J. LEPIRE, DOING BUSINESS AS LAUNDRY LOUNGE, LOCATED AT 1300 EAST FIFTH STREET (1-0240) - Mr. Lepire responded to Board questions on the proposal for a packaged liquor store. Member Smith moved that the Carson City Liquor and Entertainment Board approve a Liquor License for Eugene J. Lepire for his business, Laundry Lounge, located at 1300 East Fifth Street. Member Bennett seconded the motion. Member Tatro noted the request was for an "Off-Sale Liquor License." Marie Blanchard questioned whether the vacant caretaker's quarters could be utilized for the consumption of liquor by laundry patrons. Mr. Lepire's reply indicated the caretaker's quarters are presently occupied. It was noted that if the caretaker was living on site, he could invite friends into his home and consume liquor. Board comments stressed that the caretaker's quarters should not be utilized for other purposes if May Ruth French suggested the motion include that alcoholic beverages could not be consumed on the premises. This was explained as being part of the restrictions placed on the license. Nancy Warne felt that consumption restrictions would not be enforced unless the law enforcement officer responding to the complaint actually saw the liquor being consumed and suggested strengthening the Code. Undersheriff Freeman explained the Nevada Statutes restrict drinking while driving, which is not the same as the DUI law. The Statute applies only to the driver. City Codes prohibit the consumption of liquor purchased in a bar being consumed outside the area in which it was purchased. Member Feticc urged the motion be conditioned to prohibit on-site consumption of liquor. Mr. Cockerill felt this was a reasonable restriction. Mr. Lepire, however, opposed the condition. Member Feticc explained that the suggested condition was based on the residential desire to prohibit drunks from being in the area. Clarification noted that no conditions had been placed on the motion. The motion to approve the liquor license was voted by roll call with the following result: Smith - Yes; Feticc - No; Tatro - No; Bennett - Yes; and Chairperson Teixeira - Yes. Motion carried 3-2-1 with Member McGrath absent.

3. SHERIFF - Undersheriff Vic Freeman - ACTION ON ORDER TO SHOW CAUSE WHY THE LIQUOR LICENSE OF JAMES L. HATCHER AND ANNICE MARNELLA, DOING BUSINESS AS JIM'S JUNGLE, SHOULD NOT BE REVOKED (1-0501) - Mr. Cockerill introduced the item by explaining the request and how the Order to Show Cause was served. He read the allegations contained in the Order. He then explained that the Licensees could cross examine any witness, present witnesses of their own, and have an attorney(s) present. The procedures were outlined. Inspector William Omnes and Detective Daniel Lee Holub were sworn in. Board alternatives and other legal actions being taken by the District Attorney's Office were explained. Mr. Omnes then responded to Mr. Cockerill's questions concerning reasons his office became aware of the allegations, his investigation, and subsequent charges. Mr. Holub then explained his investigation, review of the home video tape which was taken of the bachelor party, and his personal contact with several individuals who had been involved in the incident.

(1-1175) James Hatcher was sworn in and expressed his dismay at being charged and questioned. Although it was explained that the Sheriff's Department was the ones bringing the charges, Mr. Hatcher did not feel that it was against the right individuals. He requested Murray Cohen be allowed to conduct his examination. Mr. Cohen acknowledged that he was not an attorney but was a long-time friend of Jim Hatcher. He was familiar with the charges and procedures. Discussion ensued among the Board, Mr. Cohen, Mr. Hatcher,

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 3

and Mr. Cockerill concerning whether Mr. Cohen should be allowed to cross-examine the witnesses. Chairperson Teixeira rule that Mr. Cohen should be allowed to question the witnesses. Mr. Cohen then questioned why the "accusers" were not present and explained his feeling that the Sheriff's Office could not be considered the "accusers." He felt that the charges were based upon statements made by individuals who had not been sworn to tell the truth. His statements of rebuttal included his reasons for feeling that Mr. Carl could not have known about the alleged performance, questioned the amount of obscenity involved, and whether the acts were in fact obscene in according with the morals of the individuals involved. Without Mr. Madsen's presence, factual evidence could not be presented; therefore, the license should be retained.

(1-1525) Mr. Holub then responded to Mr. Cockerill's questions concerning the obscene acts and the female's verbal exchange with the bartender -- Nicky Carl.

(1-1581) Mr. Hatcher expressed his objection to the entire process and requested that Mr. Carl be given an opportunity to speak. Mr. Carl was then sworn in. Mr. Carl questioned why he was being accused of not having checked any identifications. He claimed that he checked identifications of some of the individuals whom he did not recognize. He also stressed that Mr. Madsen had agreed to police the affair and check identifications. He then questioned how he is to determine bogus from real identifications. He questioned why he had not been allowed to question the minor held by the Sheriff's Department the night of the incident. To date, he had not questioned any of the minors and could not testify as to whether any of them were in the bar. He then expressed his feeling that he could not control the activities due to the number of individuals attending the party, which he felt was in the neighborhood of 35 to 40 individuals. The only time he was aware that the lady was nude was after she returned to the bar when she had stripped and starting raising a ruckus. He had not knowingly served alcoholic beverages to minors, however, the drinks were purchased 5 to 10 at a time and taken to the party area by the purchaser. Once it left the bar area, he had no control over it. He felt that he would be unable to identify more than 50 percent of the party goers.

Mr. Cockerill then explained the criminal charges which his office had filed. Member Smith explained that this was the first time in 11 years of doing business that Mr. Hatcher had been charged with serving minors. Member Smith was amazed at the party goers' contention that Jim's Jungle was their normal bar. Member Smith then explained that he personally knew several of the individuals involved with the party. He felt that unless the individuals were present and testified to the validity of their statements, he could not accept the statements. Mr. Cockerill then explained that his office was proceeding with legal recourses against the minors.

Mr. Carl then responded to Member Tatro's questions concerning the size of the party and the amount of beer sold at one time. Purportedly the bar had been closed for the party and was not reopened. He had checked identifications of the few individuals who remained after the "lady" left the bar the first time. Mr. Carl continued to stress that he was unable to see the acts which occurred on the pool table due to his small stature and the number of individuals surrounding the table. He was aware of her having been "bare breasted" during some of the performance. The only time he had seen her totally nude was when she returned to the bar and stripped. Member Smith expressed his reluctance to accept this due to the size of the facility. Mr. Carl then explained for Member Fettic that he had been employed at that facility since August. He personally knew Dan Madsen, however, following discussion of the other two brothers and Travis Hooper, he indicated he knew the older brother, Lee, and not Dan. Member Fettic stressed his feeling that Mr. Carl and Mr. Hatcher should not have abdicated their responsibility for policing the affair and the legal penalties for having done so. Mr. Carl then stressed that he had not been aware of the type of entertainment which was planned. He was aware that they were bringing their own music and a dancer. He had remained behind the bar during the performance.

Discussion ensued concerning whether the Board should pursue the comments made concerning the number of visits by the minors prior to the incident. Mr. Omnes felt that there were more than 20 individuals at the party but had not counted them. Mr. Holub felt that there were 20 individuals interviewed during the tape.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 4

He felt that 35 to 40 was a "grossly high" figure. It was felt that all the individuals at the bar that evening were part of the party. Discussion then indicated that the tape was available for the Board to review at the Sheriff's Office. It may be used in court.

Mr. Hatcher was not familiar with the Hatchers or Hooper.

Mr. Cockerill then explained the legal requirements for a motion. Member Bennett then moved that the Liquor and Entertainment Board revoke the Liquor License for James L. Hatcher and Annice Marnella, DBA Jungle Jim's, based on the facts and testimony brought before the Board today and evidence as presented. Following further clarification of the legal requirements by Mr. Cockerill, Member Bennett continued the motion to include: 1. Nicky E. Carl, an employee or agent of the Licensees and the bartender of the above establishment, who was present on the premises and had knowledge of activities taking place, allowed or failed to prevent an obscene or indecent show to be conducted on the premises of Jim's Jungle on December 27, 1990, which resulted in violation of NRS 201.253 and CCMC 4.13.140; 2. Minors were served liquor at the above establishment on or about December 27, 1990, without, Mr. Nicky E. Carl, an employee or agent of the Licensees and bartender of the above establishment, checking identification or age of any patrons on said date in violation of CCMC 4.13.140 and 4.13.190; and, 3. Nicky E. Carl, an employee or agent of the Licensees and the bartender of the above establishment, who was present on the premises and had knowledge of activities taking place, allowed or failed to prevent circumstances which resulted in a breach of the peace at Jim's Jungle on December 27, 1990, in violation of CCMC 4.13.140. Discussion noted that a period of time could not be stipulated for the revocation. When a second was not made, Chairperson Teixeira ruled the motion died for a lack of a second.

Member Feticc then moved that the Board place the Liquor License of James L. Hatcher and Annice Marnella, doing business as Jim's Jungle, in a probationary status for a period of six months and review the Liquor License at the end of the six month period. Member Smith seconded the motion. Member Feticc then explained his feeling that Mr. Carl knew what was occurring and Member Feticc's consternation about the type of action which should be taken. He wished to "hear from" the Madsens and Mr. Hooper. He felt that Mr. Omnes "does a good job"; that the character assassinations had been made by the individuals who had been served; and that transferring responsibility for policing the party was unacceptable. He could not state how he would vote in six months. The motion to place the license on six months probation with a review at the end of that period was voted by roll call with the following result: Tatro - No; Feticc - Yes; Bennett - No, due to feeling that the Board should take action now and not in six months due to the seriousness of the offenses and need to start taking action even though she regretted the need to jeopardize Mr. Hatcher, however, the community was jeopardized by the acts; Smith - Yes, although he felt the charges may have occurred, he was frustrated with the lack of recourse available to the Board which is only allowed the "death penalty" for one occasion; if serving minors was the issue, then Albertsons, AM-PM Mini Mart, Scolari's, etc., should be brought in and it done across the board rather than to single out one person as an example; he wished a fine was possible, however, as it was not he would vote for the motion; and, Chairperson Teixeira - Noted the limited powers available to the Board; the next step in the process is before a "formal" court where something may occur under the due process laws; he was concerned with the arbitrariness; he would have voted in a heart beat for revocation if the facility had been open and the public had been exposed to the incident; he was not so naive as to think individuals at a bachelor party sing songs; we all know what bachelor parties are and what occurs; it was a very, very bad business decision; had there been any problems in the past, he would have voted for revocation; however, there was a bad business decision; the individuals coming to the party knew what was going to occur; the public had not been exposed, had they been exposed, you would have been history in my book; he believed that additional things would occur through the Justice Court, in six months, after we see what has occurred there, you will be back before the Board, therefore, he would vote for the motion - Yes. Motion carried 3-2-1 with Sheriff McGrath absent.

BREAK: At 10:30 a.m., a ten-minute recess was declared. At 10:40 a.m., when the meeting reconvened, the entire Board was present, constituting a quorum.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 5

V AND T RAILROAD PROJECT CITIZEN COMMENTS (1-2963) - Discussion noted the Committee meetings on Tuesday evenings at 5:30 at Northgate.

Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Chairperson Feticc, who convened the session as the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Feticc passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.

PETITIONS AND COMMUNICATIONS - ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

4. SHERIFF - Undersheriff Vic Freeman and Assistant Sheriff Greg Biggin.

A. ACTION ON PRISONER HOUSING - DOUGLAS COUNTY (2-0045) - Discussion among the Board and staff clarified the cost to house inmates in Douglas County, conditions under which inmates are housed in Douglas, and terms of Storey County's agreement. Supervisor Feticc moved that the Board approve the Prisoner Housing Agreement between Douglas County and Carson City for periods when the Carson City Jail exceeds its capacity. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON AUTHORIZATION TO REMIT DAMAGE REIMBURSEMENT (2-0146) - Discussion explained the City's liability for the damage created when a Deputy Sheriff's gun discharged during a search for a suspected felon and reasons for not including replacement of the black and white television. Supervisor Feticc moved that the Board approve the recommendation for the issuance of funds in the amount of \$312.70 for repair to walls and door damaged due to a discharge of a service weapon. Supervisor Smith seconded the motion. Discussion ensued on the funding source and clarified that it was from the Insurance Fund rather than the General Fund. The motion to authorize the payment was voted and carried 5-0.

5. JUSTICE OF THE PEACE - ACTION ON A RESOLUTION REGARDING PETTY CASH IN THE JUSTICE/MUNICIPAL COURT (1-0275) - Following Mr. Berkich's introduction, Supervisor Smith moved that the Board adopt Resolution No. 1991-R-7, A RESOLUTION INCREASING PETTY CASH FUNDS IN JUSTICE/MUNICIPAL COURT AND ESTABLISHING CONTROL PROCEDURES, those funds to come from the Petty Cash Funds. Supervisor Feticc seconded the motion. Motion carried 5-0.

6. TREASURER - Ted P. Thornton

A. ACTION ON CARSON CITY TREASURER'S FINANCIAL REPORT FOR THE MONTH OF DECEMBER 1990 (1-0285) - Discussion noted the current interest rate and change in investors. Supervisor Bennett moved that the Board accept the Treasurer's Report as submitted for the Month of December 1990. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON CARSON CITY TREASURER'S TAX DEPARTMENT PETTY CASH OFFICE POLICY RESOLUTION - Discussion indicated the petty cash fund would be restricted to \$25 and the policy restriction of 50 cents per lot. Supervisor Tatro moved that the Board of Supervisors adopt Resolution No. 1991-R-8, A RESOLUTION ESTABLISHING A PETTY CASH FUND IN THE TREASURER'S OFFICE AND ESTABLISHING CONTROL PROCEDURES FOR OPERATION OF THE PETTY CASH FUND. Supervisor Bennett seconded the motion. Motion carried 5-0.

7. DISTRICT ATTORNEY - Chief Deputy District Attorney Charles P. Cockerill

A. ACTION ON CLAIM BY BETTY PEDRO (2-0475) - Supervisor Bennett moved that the Board authorize Corroon and Black to negotiate a settlement of above claim in an amount not to exceed \$10,000 for the claim by Betty Pedro. Supervisor Smith seconded the motion. Motion carried 5-0.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 6

B. ACTION ON SETTLEMENT OF CHIRILA VERSUS CARSON CITY, ET AL. (2-0505) - Following Mr. Cockerill's introduction, discussion among the Board and Mr. Cockerill included the cost to file a lawsuit and reasons for attempting to negotiate a settlement for \$1,000 rather than to proceed with the lengthy legal process. Supervisor Tatro moved that the Board authorize George Allison to negotiate a settlement in an amount not to exceed \$1,000 with Tudor Chirila. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Smith - Yes; Feticc - Yes; Tatro - Yes; Bennett - Yes, reluctantly; and Mayor Teixeira - Yes. Motion carried 5-0.

C. ACTION ON CLAIM FOR MONETARY COMPENSATION BY DAVID CARDINAL (2-0610) - Following Mr. Cockerill's introduction, David Cardinal explained his reasons for feeling that the City should reimburse his legal counsel fees. Mr. Cockerill responded to Board questions concerning the District Attorney's recommendation to deny the request, Mr. Cardinal's legal recourse, and the reasons for the issuance of the warrant and ultimate arrest. Supervisor Feticc explained his reasons for denying the claim. Supervisor Feticc then moved that the Board deny the claim for monetary damages presented by Mr. David Cardinal. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Bennett - Yes; Tatro - Yes; Smith - Yes, but it "stinks"; Feticc - Yes; and Mayor Teixeira - Yes, but one time you award a claim and another time --. Motion carried 5-0.

8. FIRE CHIEF - Louis Buckley - ORDINANCE - SECOND READING - ACTION ON BILL NO. 104 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 2.04.400 (PUBLIC OFFICERS) BY DELETING THE DEPUTY FIRE CHIEF AND FIRE MARSHALL THEREFROM (2-0793) - Supervisor Tatro moved that the Board adopt Ordinance No. 1991-4, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) BY DELETING DEPUTY FIRE CHIEF AND FIRE MARSHALL THEREFROM. Supervisor Bennett seconded the motion. Discussion explained that the Fire Marshall's duties were now assigned under the title of a Division Chief, Chief Buckley's desire to rotate duties among the three Division Chiefs every 18 to 24 months, and his plan to have two year Division standards, goals, and objectives. The motion to adopt Ordinance No. 1991-4 was voted and carried 5-0.

9. INTERNAL AUDITOR - ACTION ON APPROVAL OF THE DECEMBER 1991 CHECK DISBURSEMENT REGISTER (2-0906) - Supervisor Tatro moved that the Board approve the December 1990 Check Disbursement Register. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: At 11:10 a.m., a three-minute recess was taken. When the meeting reconvened at 11:13 a.m., the entire Board was present constituting a quorum.

11. ADMINISTRATIVE SERVICES DIRECTOR - Mary Walker and District Attorney Noel Waters

A. ACTION ON APPROVAL IN CONCEPT TO PREPARE AND SUBMIT REQUEST FOR PROPOSALS FOR PUBLIC DEFENDER SERVICES (2-0930) - Ms. Walker outlined her reasons for requesting direction on seeking Requests for Proposals for the services of a Public Defender for all its services as well as for only those services required of a court appointed Public Defender. Her explanation included a potential time table and the April 1st deadline for notifying the State as to whether the City would remain in the program. If the City does not withdraw at this time, it would be mandated to remain in the program for two years. The proposal would evaluate the feasibility of contracting these services. The Judges, Mayor Teixeira, Mr. Berkich, and District Attorney Noel Waters were working together on the RFP. The Judges, District Attorney, and Ms. Walker would analyze the RFPs and present a recommendation to the Board. Mayor Teixeira welcomed any other Board Member desiring to do so to attend the RFP Committee meeting at 8 a.m. tomorrow. Supervisor Bennett expressed a desire to attend. Mr. Waters then explained his support for the request to seek RFPs and to evaluate the pros and cons related to the present program. His support for the request should not be interpreted as an aspersion against the Public Defender's office. He

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 7

was satisfied with the competence and equality of its legal representation. He did, however, question the budgetary increases and staffing needs particularly when compared to his caseloads, budget, and staffing levels. Due to proprietary concerns, he did not feel that his office should be involved in the selection/evaluation process. He did, however, support the request to evaluate the pros and cons of the present program. Discussion indicated the need to fully evaluate the competency of the applicants. Ms. Walker then explained the reasons for seeking two separate RFPs. Board discussion expressed concern about the time tables which Ms. Walker felt was "doable."

(2-1763) State Public Defender Terry Steik-Roeser acknowledged that there were increased costs but felt that it was justifiable due to the increased caseload. Her budget to the State Legislature is on a different time table from the City's budgetary requirements. This created problems in reporting to the City. Copies of her State budget, caseload and statistical breakdowns for Carson City had been presented to staff. She compared her investigator to the services provided by the District Attorney's office by the Sheriff's office. AB 114 was the same bill draft submitted two years go including the April withdrawal date. She objected to the formation of a committee prior to any Board action or direction, Mr. Waters serving on the committee, lack of public comment prior to the preparation of a draft request for proposals, bid restrictions, and the timetable. Mr. Berkich responded by explaining the desire to analyze the cost alternatives which is the request being made of the Board. Ms. Steik-Roeser explained that she had submitted a breakdown in 1989 and this month to Ms. Walker concerning her caseload and the major expenses. The Board of Supervisors had never contacted her regarding the type of information needed. Supervisor Fettic explained that he was willing to vote for the concept to evaluate the alternatives to her service. He also felt that additional information should be required of her office, which Ms. Steik-Roeser was willing to provide. Carson City at this time makes up 27 percent of her caseload. Present staffing, the deadline for withdrawal from the program, client assignment procedures, and the Board's responsibility to the electorate were discussed. Mayor Teixeira thanked her for her interest and explained his reasons for supporting the request based upon the Judges' recommendations to him. He felt that the alternatives needed to consider more than economics and that it was not a personal vendetta.

Supervisor Smith moved that the Carson City Board of Supervisors direct staff to proceed with the request for proposals for Public Defender's services. Supervisor Bennett seconded the motion. Supervisor Tatro then explained that he would vote against the motion based on his feeling that there was an inadequate amount of time to complete the process prior to the April 1 deadline. His concern with the ability to contract the amount of investigation required and the lack of the management controls over the services were included in his comments. Supervisor Bennett felt that it was the City's obligation to analyze the alternatives rather than simply pay the bill as presented. Ms. Walker responded by explaining that the April 1 deadline was merely a date to tell the Public Defender that its services would not be needed after July 1. The pros and cons of this position were discussed at length. The motion to direct staff to proceed with the request for proposal for the Public Defender's services was voted by roll call with the following result: Fettic - Even though he could agree with Supervisor Tatro and cautioned staff to consider the logistics of the proposal due to his fears about a hurried product, however, would vote for the proposal to look at potential alternatives, that next year may be a more realistic date, and he was concerned about doing the matter at the last minute - Yes; Tatro - No; Smith - Due to the constant reminders of how great the City staff is and my willingness to put trust and faith in them and willingness to hand them the ball to see how far they can run with it, he would vote Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

(2-2759) Following Ms. Walker's explanation of a need for a second motion, Supervisor Bennett moved that the Board entertain RFPs for contract counsel for the Public Defender's services. Supervisor Smith seconded the motion. Motion carried 5-0.

BREAK: At 12:05 p.m., a five-minute recess was declared. When the meeting reconvened at 12:10 p.m., the entire Board was present constituting a quorum.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 8

12. PURCHASING AGENT - Assistant John Iratcabal - ACTION ON AWARD OF CONTRACT 9091-217 - PRISON HILL TANK REHABILITATION (2-2932) - Utility Manager Dorothy Timian-Palmer explained reasons for the single, high bid, the contractor's evaluation of the tank, and alternatives. Supervisor Feticc moved that the Board accept the Purchasing Assistant's recommendation and reject the single bid received from Bidder No. 1, Resource Development Company. Supervisor Tatro seconded the motion. Motion carried 5-0.

Supervisor Feticc then moved that the Board authorize the Purchasing Department and Water Utility Division to proceed with rebidding of the project at a later date. Supervisor Smith seconded the motion. Motion carried 5-0.

13. PUBLIC WORKS DIRECTOR - Dan O'Brien and Utility Manager Dorothy Timian-Palmer

A. ACTION ON AWARD OF CONTRACT 1990-186 - WELL NO. 3 (3-0072) - Supervisor Feticc moved that the Board accept and authorize the Mayor to sign the award of Contract No. 1990-186 to Q and D Construction Inc. as the lowest responsive and responsible bidder pursuant to requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount not to exceed \$186,110. Supervisor Bennett seconded the motion. Supervisor Feticc amended the motion to include funding source 520-854-534-46729. Supervisor Bennett continued her second. Motion carried 5-0.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 103 - AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS LOCATED AT 411 SALIMAN ROAD (3-0115) - Discussion noted the parking lot location. Supervisor Feticc moved that the Board adopt on second reading Ordinance No. 1991-5, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, REGARDING ASSESSOR'S PARCEL NO. 10-041-17, LOCATED 411 NORTH SALIMAN ROAD, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

14. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (3-0145)

B. ACTION ON REQUEST FOR REIMBURSEMENT FOR UTILITY, PROMOTIONAL, AND ADVERTISING EXPENSES (EAGLE VALLEY GOLF COURSE) - City Manager Berkich, Deputy City Manager Pat Sorenson, and Chief Deputy District Attorney Charles Cockerill responded to Board questions concerning the recommendation concerning paying only those utility expenses incurred after the Clubhouse expansion was completed on September 14, 1990 and denial of the promotional expenses unless further documentation is submitted. Clarification noted letters submitted by Mr. Duncan to the Board from previous Board members concerning the intent at the time Mr. Duncan's contract was extended. Mr. Duncan continually argued his point that the Board's intent should have bearing on the questions of the Clubhouse completion date. Mr. Cockerill explained reasons for limiting the intent to the confines of the written contract and read the terms of the contract. Mr. Duncan used various terms of the contract to reflect reasons for feeling that the entire contract should be enforced at one time rather than in phases. The pros and cons of these positions were discussed. Supervisor Feticc explained his involvement with the new golf course and new clubhouse. Mr. Cockerill then explained his recommendation that under the terms of the contract, the new clubhouse had not been constructed. His recommendation was to use the completion date of the expansion project rather than the completion date of the second course which was Mr. Duncan's contention. Supervisor Feticc felt that the expansion did not meet the terms of the agreement for a new clubhouse. Mr. Cockerill felt that under this interpretation, the utilities would never be reimbursed. He felt that due to the major reconstruction of the facility, the new clubhouse requirement had been met. Mr. Duncan continued to stress his feeling that the completion of the course should be the date of reimbursement. His opinion was based on the reduction in fees on the greens. Supervisor Smith read the terms under Paragraph 2A to support his feeling that Mr. Duncan's position should be upheld. Discussion ensued

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 9

concerning reasons for Mr. Duncan's failure to seek Board intervention before this time. Internal Auditor Gary Kulikowski explained his support of staff's recommendation. Mr. Duncan's attorney, Steve Hartman, had submitted a written disagreement concerning staff's position. The date of this letter was not determined. Mr. Kulikowski also pointed out the increased revenue Mr. Duncan received after the second course was opened to support reasons for the change in fee percentages paid to Mr. Duncan. Mr. Duncan felt that the increased workload warranted the 1-3/4 percent difference, which amounted to \$73,000. This was offset by the \$32,000 utility bill. Therefore, the City had profited by \$40,000. Supervisor Tatro then moved that the Board of Supervisors approve the request to reimburse utility expenses between August 1987 and September 1990 totaling \$31,958.22 with the funding source of the Golf Course. Supervisor Feticc seconded the motion. Following Mr. Kulikowski's explanation that additional utility expenses would be incurred through termination of Mr. Duncan's contract, Supervisor Tatro amended his motion that the Board approve the request for reimbursement of utility expenses between August 1987 and termination of the contract with Tom Duncan with the funding source of the Golf Fund in an amount not to exceed \$35,000. Supervisor Feticc seconded the motion. Motion was voted by roll call with the following result: Smith - Yes; Tatro - Yes; Feticc - Yes; Bennett - No; and Mayor Teixeira - No, due to the fiduciary, although his vote is moot, responsibility once again, even though he was not in disagreement, it was a mixed bag, he was voting no, even though it has no effect on the passage, but if there had been a "swing", he might have gone the other way, the key was there was no doubt in his mind that this is going to go further in litigation, with the evidence he had before him, he was not sure whether the City would have prevailed, he was not an attorney, he played lawyer today and judge and everything, he had never had so much legal stuff at one time, that at this point in time, Duncan, you are on your way, you've got your money. Motion carried 3-2.

Mr. Duncan explained his request for Board direction concerning the type of evidence required for repayment of his tournament promotion expenses. Mr. Kulikowski explained his review and request for direction. The claims were within the allocated budget, however, clear details supporting those claims have not been provided. Board direction was requested concerning the acceptability of this information. Board comments stressed the feeling that Mr. Duncan should provide the same information and detail required of staff. The contract did not stipulate the documentation required. Board comments stressed that unless Mr. Duncan met the same criteria as required of staff, the Board would not consider the matter. (During discussion of this matter, Supervisor Bennett stepped from the room. A quorum was still present.) No formal action was taken on this matter.

Mr. Sorenson then explained the recommendation on payment of the advertising expenses totaling \$1,217.75. Supervisor Feticc then moved that the Board approve the payment of advertising expenses in the amount of \$1,217.75 to Mr. Duncan. Supervisor Smith seconded the motion. Motion carried 4-0.

BREAK: At 12:55 p.m., a 15-minute recess was taken. When the meeting reconvened at 1:10 p.m., the entire Board was present constituting a quorum.

15. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (3-1267)

F. DISCUSSION AND ACTION ON APPOINTMENT OF NEW MEMBER TO THE BOARD OF EQUALIZATION - Supervisor Feticc moved to appoint Darrell E. Cauch to the Board of Equalization. Supervisor Smith seconded the motion. Motion carried 5-0.

G. DISCUSSION AND ACTION ON APPOINTMENT OF NEW MEMBER TO THE CARSON CITY CONVENTION AND VISITORS BUREAU (3-1305) - The hotel/motel representative had been Truett Loftin, whose term would expire in April. Steve Bilyeu explained his interest in the position and responded to Board question concerning goals and objectives in the Bureau. Supervisor Feticc moved that the Board of Supervisors appoint Steve Bilyeu as the hotel/motel representative to the Carson City Convention and Visitors Bureau. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira thanked him for his interest.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 10

Mayor Teixeira then explained the remaining vacancy was in the General Business category and replaced Kurt Brown. Clarification noted there were three applicants for this position. Tim Morsani, Sanford Rothman, and Dwight Millard responded to Board questions concerning their interest, goals and objectives for the Bureau, feelings on potential conflict of interest, and grant distribution procedures. Clarification indicated that Mr. Millard could represent either the hotel/motel industry or commercial business categories. Mayor Teixeira commended the applicants on their interest. Supervisor Smith acknowledged the community interest and qualifications of all three individuals. Supervisor Smith then moved to appoint Tim Morsani as the commercial business category representative to the Carson City Convention and Visitors Bureau. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Bennett - Yes; Smith - Yes; Tatro - Yes; Feticc - Yes and acknowledged the toughness of the decision; and Mayor Teixeira - Yes. Motion carried 5-0.

H. DISCUSSION AND ACTION ON APPOINTMENT OF NEW MEMBER(S) TO THE CARSON CITY PARKS AND RECREATION COMMISSION (3-1984) - Todd Westergard had resigned. Jim Bawden had withdrawn his application. Donna Kuester DePauw, Marianna Gillilan, John Liveratti, and David Morgan responded to Board questions concerning their interest, experience, and goals and objectives which they feel should be pursued. Mayor Teixeira thanked each for their interest. Board comments acknowledged the qualifications of the individuals. Supervisor Feticc then expressed a desire for the applicants to reapply when a vacancy occurs and moved that the Board appoint Donna Kuester DePauw to fill the vacancy on the Parks and Recreation Commission. Supervisor Smith seconded the motion. The motion was voted by roll call with the following result: Tatro - Yes; Smith - Yes; Feticc - Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 5-0. Supervisor Bennett expressed her hope that Ms. Kuester DePauw would remain active with the other committees. Mayor Teixeira again thanked them for their interest.

BREAK: At 1:55 p.m., a 15-minute recess was taken. When the meeting reconvened at 2:10 p.m., the entire Board was present constituting a quorum.

16. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan and Principal Planner Rob Joiner - ACTION ON ANNEXATION OF PROPERTIES INTO THE HISTORIC DISTRICT (4-0001) - Mr. Joiner's introduction included an explanation of the request, contact with the property owners, legal ramifications if the buildings are not included in the District, removal of the V and T Locomotives, and the recommendation. Historic Architectural Review Commission Chairperson John Copoulos explained the Commission's recommendation to include the buildings in the District. He used a map to illustrate the present boundary and location of the buildings under discussion as well as others which have not been considered. Hopefully, through educational efforts, these buildings may also come into the District at some future time. HARC's cooperative efforts and benefits to the owners were explained. Mr. Joiner noted that the last time property was added to the District occurred in 1986.

(4-0735) Mimi Rodden explained her support for the recommendation and urged the Board to act posthaste. Funding advantages were noted. She commended HARC and staff on their efforts. She urged the Board to take better care of the Mint Building, the Capitol Building, the neighborhood and streets. She urged the Board to preserve and maintain the City's heritage by approving the request.

Mr. Joiner outlined several grants received under the historic preservation process.

(4-0925) Brewery Arts Executive Director Peggy Collins expressed her feeling that the economic benefits received by the City under the historic grants warranted approving the boundary expansion. She also pointed out the benefits received through efforts utilizing the buildings to attract tourists. She then read into the record a letter from Peggy Twedt supporting the request.

Ruth Blake explained that her home is outside the boundaries but of historic significance. She was willing to

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 11

join the District, however, was concerned about Senator Adler's bill requiring owners of historic sites to notify the City six months prior to the alteration or destruction of the building. Mr. Joiner was unaware of the bill. Mayor Teixeira stated that to his knowledge the Bill had not been introduced. Supervisor Bennett felt that it had. Mayor Teixeira read the section related to her concerns. Ms. Rodden then explained that the Bill had been read once but expressed her feeling that the Bill may not be read a second time. It was in response to the destruction of the V and T Roundhouse. Discussion clarified HARC's authority and responsibilities over which the Board of Supervisors would have final authority. Following this discussion, Ms. Blake expressed her continued willingness to come into the District.

(4-1410) Mr. Joiner and State Historic Preservation Officer Ron James responded to Dennis Sayan's questions concerning SB 235, copies of which Mr. Sayan distributed to the Board. This Bill was in response to the lack of ability to prohibit destruction of the V and T Roundhouse. If the Bill is adopted and signed by the Governor, Mr. James would be required to maintain a listing of historical buildings. It also gave him specific responsibilities and enabling powers which would not require Board support to enforce. Mr. James urged the Board to ignore the Bill as it would have little impact on the request under consideration.

(4-1695) V and T Roundhouse Foundation Representative Sharon Burnell noted the failed efforts to preserve the Roundhouse and urged the Board to add the listed 27 properties to the District. She felt that the property owners shared the responsibility of maintaining these sites for the future. Her disappointment in the State's failure to preserve the Roundhouse was expressed. She questioned Mr. James concerning reasons he had not used State funds designated to preserve historic buildings under "stress" for the V&T Roundhouse. Mayor Teixeira pointed out that her comments were not related to the Agenda item under discussion. Ms. Burnell then expressed support for the request to add the designated buildings to the District.

Mr. Joiner then explained that if SB 235 is adopted, it would not effect the City's action today. Mr. Sayan then questioned Mr. James' support of that Bill. This was not agendized and could not be discussed. Mr. Sayan then stated that he did not support the additions to the District. He claimed he had not been noticed of the plan.

(4-2055) Dorothy Cressler expressed her hope to preserve old buildings. Due to the location of her property, there may come a day when the property is more valuable than the building. She urged the Board to take steps to relocate and preserve it. Mr. Joiner cited an example of the relocation of a building to the Railroad Museum. Other examples of buildings which could not be rehabilitated were noted also.

(4-2185) Douglas Addison expressed his objection to the proposal and requested his buildings not be added. He then questioned whether he would be prohibited from adding two signs and additional lights to the exterior of his building. Mr. Joiner felt that this would be possible. Mr. Addison requested a copy of the guidelines.

(4-2315) Gail Thomssen urged the Board to approve the list and her support for Ms. Burnell's comments concerning the owners' responsibilities to maintain historical buildings.

Due to an emergency, Mayor Teixeira passed the gavel to Mayor Pro-Tem Feticc. (A quorum was still present.) Mayor Pro-Tem Feticc then expressed his support for the owner's responsibility, however, some of the property had been acquired before this was mandated. His experience with HARC had indicated they were willing to compromise. Therefore, he did not feel that Mr. Sayan would encounter difficulty with his plans.

BREAK: At 3:20 p.m., a ten-minute recess was taken. When the meeting was reconvened at 3:30 p.m., the entire Board was present constituting a quorum.

Mayor Teixeira convened the session and took back the gavel. Supervisor Feticc then moved that the Board

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 12

direct the District Attorney to prepare the required resolution for Board action concerning annexation of properties into the Historic District. Supervisor Tatro seconded the motion. Discussion noted that the Railroad Locomotives were not a part of the action. Supervisor Feticc amended his motion to so reflect the deletion. Supervisor Tatro continued his second. Motion was voted by roll call with the following result: Smith - Yes; Feticc - Yes; Tatro - Yes; Bennett - A cautious Yes; and Mayor Teixeira - Yes, due to the fact that the Board would reconsider the issue and that the concerns expressed may be addressed by that time. Motion carried 5-0.

Discussion noted that the property owners would be notified by certified mail.

AGENDA - Discussion ensued concerning items left to be considered.

10. B. ACTION ON RESOLUTION TO TRANSFER PRIOR YEAR INCREASE IN GENERAL FUND BALANCE TO PROVIDE FOR NEEDED CAPITAL EXPENDITURES AND LONG-TERM FINANCIAL STABILIZATION (4-2595) - Ms. Walker explained the request and Resolution. The Board questioned the fund uses. Comments noted the reduced revenue flows and increased expenditures encountered during November and December.

BREAK: At 3:45 p.m., a five-minute recess was taken. When the meeting reconvened at 3:50 p.m., the entire Board was present constituting a quorum.

Ms. Walker continued her explanation of the request and Resolution. Under her program, the City would have an ending fund balance of approximately 8.3 percent which would be approximately \$1.5 million. Hopefully, this fund will save positions and allow the City to continue service levels. Supervisor Tatro moved that the Board of Supervisors adopt Resolution No. 1991-R-9, A RESOLUTION TO TRANSFER PRIOR YEAR INCREASE IN GENERAL FUND BALANCE TO PROVIDE FOR NEEDED CAPITAL EXPENDITURES AND LONG-TERM FINANCIAL STABILIZATION. Supervisor Bennett seconded the motion. Supervisor Tatro continued his motion to include fiscal impact of \$1,361,000 and funding source General Fund for FY 89-90 Unreserved Fund Balance Carryover. Supervisor Bennett continued her second. Motion carried 5-0.

11. PERSONNEL MANAGER - Judie Fisher.

A. ACTION ON APPROVAL OF THE REVISED CARSON CITY PERSONNEL RULES AND REGULATIONS (5-0041) - The Associations had approved the revision with the exception of the Fire Department. The major change was the implementation of the Anderson study. A drug-free policy would be forthcoming. Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1991-R-10, A RESOLUTION ADOPTING CARSON CITY PERSONNEL RULES AND REGULATIONS and authorize the Mayor to sign same. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON UNCLASSIFIED EMPLOYEE CATASTROPHIC LEAVE POLICY (5-0107) - Ms. Fisher, Mr. Berkich, Mr. Sullivan, and Mr. Cockerill explained the policy which would provide catastrophic leave for only unclassified personnel. Under the proposal, both sick leave and vacation time could be transferred on a ration of three hours of time for one hour of catastrophic leave. Board concerns expressed the feeling that advantage of the plan would be taken. The City's proposal was compared with the State plan. Private employer benefit plans versus government plans were discussed at length. Supervisor Bennett requested notification of the individuals utilizing the plan. Monitoring was included in the plan. CCEA had requested catastrophic leave in its last negotiations, however, the negotiations failed to reach a compromise on the issue and it was not included in the agreement. Maximum annual and sick leave benefits allowed to be accumulated were explained. Board consensus indicated that annual leave should not be transferred to the catastrophic leave policy. Supervisor Feticc then moved that the Board approve the unclassified catastrophic leave policy with the exception that annual leave will not be allowed to be used in

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 13

the bank/pool. Supervisor Bennett seconded the motion. Motion carried 4-1 with Supervisor Smith voting naye.

14. A. STATUS REPORT ON PARKING, TRAFFIC CIRCULATION, AND SUPERBLOCKS (5-1206) - Mr. Berkich provided a verbal status report. A written draft report should be available by the end of February.

15. J. DISCUSSION AND POSSIBLE ACTION REGARDING 1991 LEGISLATIVE MATTERS (5-1275) - Mayor Teixeira explained the Health Department's environmental emission control study of the air quality in Carson City. At this time, the City is well under the Federal mandates. At present, only 37 percent of the traffic going to Reno is from Carson City. This amounts to 4,000 vehicles. Approximately 25 percent of the vehicles inspected in Reno are out of compliance. The majority of computer traffic is new vehicles. It was felt that only 800 of the vehicles going to Reno were, therefore, out of specification. This was a minor impact on Washoe County's emission problem. Due to the costs, Mayor Teixeira was reluctant to have Carson City enforce the emission controls. The final report on the City's air quality would be out soon. At that time, a firm position would be taken. Mayor Teixeira then explained the Legislative Committee working to obtain whatever could be preserved from the V and T Roundhouse. The Committee was attempting to negotiate with the contractor -- T and O Construction.

Ms. Walker then explained that her main concern with the Public Defender program was the deadline for withdrawing from the program and the fact that the budget and the cost to the City would not be known at that deadline. Mayor Teixeira indicated a desire to testify against the Bill. Supervisor Feticc expressed his opposition to the Bill.

CITIZEN COMMENTS (5-1) - None.

BREAK: At 4:45 p.m., a recess was declared. When the meeting reconvened at 6:30 p.m., the entire Board was present constituting a quorum. Staff present included City Manager Berkich, Clerk-Recorder Nishikawa, Community Development Director Sullivan, Chief Deputy District Attorney Cockerill, and Recording Secretary McLaughlin.

17. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan

A. PLANNING COMMISSION REFERRAL - REVIEW AND APPEAL MATTERS - DISCUSSION AND POSSIBLE ACTION ON MPA 90/91-4 - REGARDING A REQUEST FROM HAROLD JACOBSEN, ET AL., TO CHANGE THE MASTER PLAN LAND USE DESIGNATION FROM SUBURBAN RESIDENTIAL TO LOW DENSITY RESIDENTIAL OF PROPERTY LOCATED ON THE NORTH SIDE OF KOONTZ LANE BETWEEN SILVER SAGE AND HICKORY DRIVES (APNs 9-133-02, 03, 05, 06, 10, AND 11, AND 9-131-02, 03, 04, AND 05, AND 9-121-15 - PLANNING COMMISSION DENIED 3-3-1

B. ORDINANCE - FIRST READING - DISCUSSION AND POSSIBLE ACTION ON Z-90/91-5 - REGARDING A CHANGE OF LAND USE REQUEST FROM HAROLD JACOBSEN, ET AL., TO REZONE PROPERTY FROM SF1A TO SF12000 ON THE NORTH SIDE OF KOONTZ LANE BETWEEN SILVER SAGE AND HICKORY DRIVES (APNs 9-133-02, 03, 05, 06, 10, AND 11, AND 9-131-02, 03, 04, AND 05, AND 9-121-15) - PLANNING COMMISSION DENIED 4-2-1 (5-1615) - Mr. Sullivan's introduction included the staff's and Planning Commission's recommendations. The Master Plan amendment must be passed by a 2/3 vote of the Commission. Harold Jacobsen distributed copies to the Board and Clerk of his lot plan, the present master plan, a petition in favor of the request, a memo detailing his contact with various neighbors adjacent to the parcels, and several other items. Discussion ensued among the Board and Mr. Sullivan concerning staff's recommendation of denial. Mr. Jacobsen then explained the zoning, individuals involved with the request, and property owners surrounding the parcels.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 14

His reasons for requesting the change at this time were detailed. Mr. Walker's opposition was noted as well as his written statement that he would not oppose the project which was obtained at the time Mr. Jacobsen acquired the property. Mr. Jacobsen explained his packet of information. He refuted the staff's position that there is an adequate number of 12,000 square foot lots available for construction by explaining that the Harootunian property was not available and his research indicated there are few lots on the market or available to be built on. He felt that the majority of the 12,000 square foot zoning had been built-out. He briefly outlined all of the statements opposing his project. Safety concerns found in the area were noted. His attorney Todd Russell then expressed his understanding that the master plan allowed for an orderly transition between zones. He felt that Mr. Jacobsen's plan would create an orderly transition between the 6,000 square foot residential zone, the mobile home park, and the one acre lots. He then noted the vacant 12,000 square foot lots available throughout the City. The livestock in the area would be permitted to remain as it is grandfathered. Mr. Sullivan then noted that a majority of the information presented this evening had not been considered by the Planning Commission and requested Board direction on its policy to return such items to the Commission. This policy was explained to Mr. Jacobsen. Mr. Jacobsen acknowledged the policy, explained the time involved to reach the Board, and expressed his willingness to return to the Commission. Mr. Russell felt the only difference in the information presented to the Commission was the petition and maps. Discussion ensued among the Board, Mr. Sullivan, and Mr. Jacobsen concerning the reasons for returning to the Commission. Supervisor Tatro moved that the Board of Supervisors refer request MPA 90/91-4, Master Plan Amendment request from Harold Jacobsen, back to the Planning Commission. Supervisor Feticc seconded the motion. Motion carried 5-0.

Supervisor Tatro then moved that the Board of Supervisors refer back to the Regional Planning Commission Z-90/91-5 request by Harold Jacobsen to rezone property from Single Family 1 Acres to Single Family 12,000 and Single Family 21,000. Supervisor Feticc seconded the motion. Motion carried 5-0.

Discussion with staff indicated that the item would be reconsidered by the Commission on February 26. Board comments stressed the feeling that all the notices should be remailed. Staff's concerns about the time requirements and the publication requirements were noted. The matter would be reconsidered by the Supervisors on March 21 which would include the TRPA presentation and a third unknown matter. Mayor Teixeira then explained the procedure and thanked the audience for its attendance.

BREAK: At 7:15 p.m., a ten-minute recess was declared. When the meeting reconvened at 7:25 p.m., the entire Board was present constituting a quorum.

14. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (6-0269) - Mr. Berkich and Supervisor Bennett explained a \$3,000 endowment and its restricted use. Mr. P. K. Gardener had constructed and maintained several of the planters in the downtown area. Supervisor Bennett felt that these funds should have been utilized for the construction of a planter around the restored fountain, however, the State had declined due to maintenance costs.

15. J. DISCUSSION AND POSSIBLE ACTION REGARDING 1991 LEGISLATIVE MATTERS - CONTINUED (6-0347) - Mr. Berkich explained a NACO memo from Bob Hadfield concerning potential welfare costs which would be passed to the Counties if the Governor's budget is approved. (A copy of this memo was not given to the Clerk.) Due to the feeling that the Board should be present to testify, Mr. Berkich was directed to agendize the Legislative session. Ms. Walker explained the potential fiscal impact of this budget recommendation. If the Counties are unable to fund this budget change, then welfare recipients would be denied benefits. Ms. Walker also requested the Supervisors send the Governor a letter detailing the concern. Discussion noted earlier Board direction to staff concerning its opposition to any monetary obligation without the enabling legislation granting a funding mechanism. Reasons for the State's desire to pass these costs to the County were discussed. The true cost of the proposal has not been calculated, however, rough estimates were outstanding.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 7, 1991 Meeting
Page 15

Mr. Berkich then noted a letter from Russell Law opposing Washoe County's proposal to include Carson City in its mandatory emission control area. (A copy of this letter had been given to the Board but was not given to the Clerk.)

Discussion then ensued concerning a Bill regarding a salary increase for elected officials other than the Board. Through an oversight, the Assessor was not included. An amendment would be made to the Bill.

Discussion ensued concerning SB 112, the Fair Share Bill, and potential legislation on the transfer of water from one area to another which would mandate an Environmental Impact Study. Supervisor Bennett felt that it was the State's responsibility to conduct EIS evaluations prior to the transfer of any water and unless it is accomplished, the Subconservancy District could be the ultimate loser. Mayor Teixeira explained that he had abstained on both issues and reasons for that position.

Discussion ensued then on a "will serve" letter mandated by the Department of Natural Resources for Parcel Maps. This is an "annual" requirement. Staff was directed to track the bill and determine whether it would create an impact on the City.

Discussion ensued on AB 249 regarding collective bargaining and mandatory fact finding. Mr. Cockerill explained his feelings that this was not in the City or any other local government's best interest.

The airline tickets purchased for Las Vegas to attend sessions held there were discussed. Mayor Teixeira also noted that he had registered as a lobbyist and would incur expenses. To date, he had paid approximately \$265.

A. MAYOR TEIXEIRA; B. SUPERVISOR SMITH; AND, D. SUPERVISOR TATRO -
None.

C. SUPERVISOR FETTIC (6-1333) - Noted the consensus requirements.

E. SUPERVISOR BENNETT (6-1356) - Reported on her election as Vice Chairperson of TRPA. TRPA was scheduled for March 21 for an evening presentation. WNDD's Executive Director selection was Bruce Davis from Wisconsin. The Hospital Administrative procedure was established by the Trustees yesterday.

OTHER MATTERS (6-1444) - Ms. Walker solicited direction as to the amount of detail required from the Public Defender and the contract period. Annual reports were requested. The desire to change the termination date was indicated in view of the fact that the budget figures are not available until the following June.

CITIZEN COMMENTS (6-1575) - None.

Supervisor Fettic moved to adjourn. Supervisor Smith seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the session at 8:10 p.m.

The Minutes of the February 7, 1991 Carson City Board of Supervisors meeting

ARE SO APPROVED ON March 21, 1991.

_____/s/_____
MARV TEIXEIRA, Mayor

