A regular session of the Carson City Board of Supervisors was held on Thursday, May 16, 1991 at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

**PRESENT:** Mary Teixeira Mayor

Tom Fettic 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

Paul McGrath Sheriff

Judie Fisher Personnel Director Charles P. Cockerill Chief Deputy District Attorney

Bob Macias Emergency Medical Service Chief

Katherine McLaughlin Recording Secretary
Merlene Alt Deputy Treasurer

(B.O.S. 5/16/91 Tape 1-0025)

**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. Rev. Bruce Henderson of the Airport Road Church of Christ gave the Invocation. Supervisor Smith led the Pledge of Allegiance. Roll call was taken and a quorum was present.

**APPROVAL OF MINUTES - April 18, 1991, Regular Session and April 16 and 23, 1991, Special Sessions** (1-0053) - Supervisor Tatro moved to approve the Minutes of April 16, 18, and 23, 1991, as presented. Supervisor Fettic seconded the motion. Motion carried 5-0.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0061) - Richard Waiton, representing the Carson City Watchdog Association, expressed his feeling that the high school restoration, school budget, and the State improvements, when combined with City bonds were more than the average resident could afford. He compared Carson City's fire station plans with several in Reno and expressed his feeling that the City did not need a Taj Mahal.

#### 1. SPECIAL PRESENTATIONS (1-0228)

A. ACTION ON RESOLUTION OF COMMENDATION AT RETIREMENT FOR JOHN R. WARNE - Following Ms. Fisher's introduction, Mayor Teixeira commended him on his dedication and service. Mr. Warne explained his semi-retirement plans. Supervisor Bennett moved that the Board adopt Resolution No. 1991-R-27, A RESOLUTION COMMENDING RETIREMENT, and read the entire Resolution into the record. Supervisor Fettic seconded the motion. Motion carried 5-0.

**AGENDA MODIFICATIONS** (1-0305) - Item 7 - Amendment to Carson City Sheriff's Protective Association Agreement Article 30 Regarding Uniform Allowance for New Employees, Item 13. A. Planning Commission Referral - Review and Appeal Matter - M-90/91-14 Abandonment request from Eugene Lepire to establish the reasonable consideration of the public right-of-way, and B. Ordinance - A-90/91-4 Charles Herman to Amend Title 20 Sign Control for the use and regulation of tethered aerostats were deferred.

- **B.** RECOGNITION OF AND ACTION CONCERNING THE 1991 CARSON PRIDE AND REVITALIZATION PROJECT (1-0305) Supervisor Bennett explained the program and read the proclamation into the record. She presented Citizenship Achievement Awards to the participants and organizations who had worked on the project. She thanked all of them and expressed the hope that the program and pride in the City would continue.
- C. ACTION ON PROCLAMATION REGARDING "EMERGENCY MEDICAL SERVICES" WEEK OF MAY 12 THROUGH 18, 1991 (1-0531) Following Mayor Teixeira's introduction, Chief Macias introduced the EMS staff. Mayor Teixeira read the proclamation into the record and thanked them for their dedication.
- **D.** ACTION ON PROCLAMATION REGARDING "CELEBRATE YOUR HERITAGE" WEEK OF MAY 12 THROUGH 18, 1991 (1-0591) Mayor Teixeira explained the purpose of the proclamation and read it into the record.
- **E. ACTION ON PROCLAMATION REGARDING SEAT BELT USAGE** (1-0618) Mayor Teixeira read the proclamation into the record. Sheriff McGrath noted the typographical error and corrected the date to be for 1991.

<u>LIQUOR AND ENTERTAINMENT BOARD</u> (1-0695) - Mayor Teixeira then recessed the Board of Supervisors and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board was present, including Sheriff McGrath, constituting a quorum.

### **2. TREASURER** (1-0701)

- A. ACTION ON LIQUOR LICENSE APPLICATION FOR PATRICK N. OLSON AND ARMI B. OLSON, DOING BUSINESS AS BONANZA RESTAURANT AND SALOON LOCATED AT 3700 NORTH CARSON STREET The owners and operator were present and responded to questions concerning their experience and juvenile identification procedures. Member Smith moved that the Board approve the Liquor License for Patrick N. Olson and Armi B. Olson for their restaurant Bonanza Restaurant and Saloon, located at 3700 North Carson Street. Member Bennett seconded the motion. Motion carried 6-0.
- B. ACTION ON BUSINESS SHORT-TERM PERMIT FOR THE CARSON CITY SEARCH AND RESCUE CIRCUS TO BE HELD JUNE 12, 1991, AT THE CARSON CITY JUNIOR HIGH SCHOOL FOOTBALL FIELD (1-0765) An insurance certificate had been provided. Member Bennett moved that the Board approve the Short-Term Permit for the Carson City Search and Rescue Circus to be held June 12, 1991, at the Carson City Junior High School Football Field, fiscal impact \$100. Member Smith seconded the motion. Motion carried 6-0.
- C. ACTION ON AN ENTERTAINMENT PERMIT FOR THE SECOND ANNUAL DOWNTOWN AFFAIR AND HANDSHAKE DAY HELD BY THE CARSON CITY MAINSTREET GROUP TO BE HELD JUNE 1, 1991, ALONG WITH A WAIVER OF THE APPLICATION FEE AND PERMIT FEE (1-0801) Maxine Nietz explained the program and reasons for requesting the fees be waived. Member Bennett moved that the Board approve an Entertainment Permit for the Second Annual Downtown Affair and Handshake Day held by the Carson City Mainstreet Group, along with the waiver of the Application Fee and Permit Fee, which will be held on June 1, 1991. Member Fettic seconded the motion. Motion carried 6-0.
- D. ACTION ON A SHORT-TERM PERMIT FOR THE CONCESSION STANDS TO BE USED AT THE SECOND ANNUAL DOWNTOWN AFFAIR AND HANDSHAKE DAY BY THE CARSON CITY MAINSTREET GROUP TO BE HELD JUNE 1, 1991, ALONG WITH A WAIVER

**OF PERMIT FEES** (1-0885) - The introduction stressed that the concession stand fees could not be waived. Member Bennett moved that the Board approve the Short-Term Permit for the Carson City Mainstreet Group Concession Stands to be used at the Second Annual Downtown Affair and Handshake Day to be held June 1, 1991, along with the waiver of the permit fees. Member McGrath seconded the motion. Motion carried 6-0.

There being no other matters for consideration, Chairperson Teixeira recessed the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present as noted.

#### PETITIONS AND COMMUNICATIONS, ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

#### 3. TREASURER

ACTION ON RESOLUTION PROVIDING NOTICE, AUTHORIZING THE Α. EXCHANGE OF REAL PROPERTY BY AND BETWEEN CARSON CITY AND THE STATE OF NEVADA COMMONLY KNOWN AS THE CARSON CITY COURTHOUSE AND FIRE STATION NO. 1 AND STATE OF NEVADA PARCEL ON SOUTH STEWART STREET BETWEEN FIFTH STREET AND LITTLE LANE (1-0907) - Mayor Teixeira began the discussion by outlining previous action on this proposal, including the appraisal for the Courthouse and Fire Station No. 1, the State mandate concerning the sale of property, the State's notification to the City regarding this mandate, original intent and program, and reasons the Bond proposal had been handled in two readings rather than as if an emergency existed. Supervisor Smith stated that he would stand on his previous statements. Mr. Cockerill then reviewed the proposed Resolution to authorize the sale and procedures. Discussion ensued on the proposal whereby the City would procure the property for the fire station under a payment plan should the State not acquire the Courthouse and Fire Station No. 1. Supervisor Fettic moved that the Board approve Resolution No. 1991-R-28. At this point, he was interrupted by Ms. French. Mayor Teixeira explained that public comments would be received prior to the vote. Supervisor Fettic again moved that the Board approve Resolution No. 1991-R-28, A RESOLUTION PROVIDING NOTICE, AUTHORIZING THE EXCHANGE OF CARSON CITY REAL PROPERTY APN 03-218-01 (PARCEL LOCATED ON THE SOUTHWEST CORNER OF MUSSER AND CARSON STREETS) FOR OTHER REAL PROPERTY OWNED BY THE STATE OF NEVADA LOCATED WITHIN APN 04-021-11 AND 04-020-01 (PARCEL LOCATED ON SOUTH STEWART STREET BETWEEN FIFTH STREET AND LITTLE LANE). Supervisor Tatro seconded the motion. Mr. Cockerill noted the typographical error on Page 2, Line 21 which read that: The City will vacate the Courthouse and Fire Station not <u>less</u> than six-and-a-half years after the date of execution. The Line should read not more than. Supervisor Fettic amended his motion to include the correction. Supervisor Tatro continued his second.

(1-1210) Richard Waiton expressed his feeling about certain facts which were made known after the election and questioned the legality of a sale of a building which may require the issuance of bonds to replace it without involving the electorate. Mr. Cockerill responded that NRS 244.281 authorizes the Board to sell or exchange property under specified conditions. Clarification indicated that the Courthouse sale intent had not included using those funds for the acquisition of the new fire station site. Mr. Waiton continued to stress his feeling that the sale of the Courthouse should not be authorized until the electorate has voted on the bond for its replacement. Mayor Teixeira noted the clause included in the agreement which would allow the City to remain in the Courthouse for at lease six-and-a-half years or until other facilities are available. His comments stressed structural restrictions with the present facilities. Mr. Waiton continued to stress his feeling that the Courthouse should not be involved with the Fire Station. Supervisor Smith explained that this was where his conflict with the proposal arose. He then expressed his concern that the City may not be able to relocate in six-and-a-half years. Comments indicated the feeling that the State would be reasonable should this event occur. Supervisor Tatro then explained the mandatory Federal requirements that the Courthouse have handicapped access by July 26, 1992, its security problems, and its inadequacy. He felt that the only change which had occurred since the election was the requirement that the fire station site be purchased. Discussion noted reasons for the variation in the land cost and the feeling that the new fire

station would meet the City's need and not be a Taj Mahal.

(1-1646) May Ruth French felt that the law should protect the voters when the rules are changed after an election occurs. She could support the new station but not the misrepresentation which she felt had occurred.

(1-1675) John Flanders displayed a copy of the April 9 and 16, 1990, news article indicating the station would be constructed on State owned property, a copy of the official ballot stating the same thing, and read from an opinion issued by the Bond Attorney concerning the legality of the present proposal and bond usage. He did not feel that the electorate had been asked the proper question and questioned the legality of the City acquisition of the site. He explained his reason for voting for the bond issue based on the fact that the station would be located adjacent to the Fifth and Stewart Street's signals. Under the present site location, the City will have to acquire a "full set of signals." He then expounded on his feeling that the Bond Counsellor had erred in his opinion and demanded to know the Counsellor's malpractice insurance information. Mr. Flanders then explained an election campaign flyer indicating the State would provide the property at no cost to the City. He could not understand why State lands refused to allow him to have a copy of the sale agreement. He felt the purchase proposal was in direct opposition to a paragraph in the bond question indicating that the new station would not increase taxes beyond the amount state. He felt that a new courthouse would cost at least \$8.5 million and would increase the tax rate. He then read from another article concerning the plan for the City to sell the Courthouse to the State and acquisition of the proposed fire station site. He stressed his intent to take the issue to court if the Board approves the sale. His concern if the City should default or fail to obtain electorate approval for a new facility. He felt that the State should share in the cost of the new fire station as it was the primary benefactor. The State, if and when it determines it needs the site of the present Courthouse and Fire Station, would force the City to relocate. He also felt that the fiscal impact indicated in the documents were in error as the fiscal impact of the new courthouse had not been included. Mr. Cockerill provided him with a copy of the new sale agreement. Mr. Cockerill then responded to his question concerning the procedure to be followed when the City vacates the property and the time indicated to vacate including a clause whereby the agreement may be extended. Mr. Flanders contended that the State was aware of the bond problem three months prior to the election. He questioned whether the proposal was in the best interest of Carson City. He had contacted both Senator Lawrence Jacobsen and Assemblyman Dean Heller concerning his desire to have legislation enacted whereby the State would allow the City to construct a facility on State property to house services which would be provided to the State. He then expressed a willingness to donate \$100 toward a facility rather than have his grandson pay for a bond issue he was forced into when the City relocates. Mayor Teixeira responded by explaining that the may be able to find funding from other sources for the new facility. Supervisor Tatro thanked Mr. Flanders for verifying his belief that the voters had been advised of the intent to sell the Courthouse at the time the Bond issue was considered by the electorate.

(1-2376) Maxine Nietz as a private citizen expressed her feeling about the loss of another historic building in Carson City and desire to have the fair market value of the property at the time the sale is consummated included in the agreement. She did not feel that \$860,000 was the appropriate value. She also urged the Board to be sure that the State pays its fair share of the fire protection costs which are being provided by the City for the State particularly in view of the relocation of the station to the middle of the Capitol Complex.

Supervisor Fettic noted that the cost to retrofit the Courthouse would be astronomical or mandate that it be replaced. The State had always indicated its desire to obtain the Courthouse and Fire Station even if condemnation proceedings were necessary. The only change in the process was the requirement that the City must pay for the proposed fire station site. There had not been any hint of this requirement until recently. His contact with the public indicated displeasure at the need to purchase this site but all indicated the desire to proceed in view of the need for a new courthouse and fire station. Any deception which may have occurred had not been on the Board's part. Mayor Teixeira clarified that when discussion mentions the State, there are two entities involved -- one is the Legislature and the other is the "State of Nevada"

bureaucracy. It had always been the Legislature's intent to procure the property. The "State of Nevada" bureaucracy had remained silent. The media had chastised the "State" for failure to point out the problem. The proposal would remain as presented to the electorate that a \$2.2 million or less bond would be issued to construct a fire station to be repaid at a rate of approximately four cents. Bond Counselor Jennifer Stern indicated that Counsel stood by its written opinion and felt that the Board should rely on it. (1-2687) Supervisor Smith expressed his feeling while it may be legal to proceed, he could not ethically support the proposal.

The motion to adopt Resolution No. 1991-R-28 was then voted by roll call with the following result: Bennett - Yes; Fettic - Yes; Tatro - Yes; Smith - No; and Mayor Teixeira - Yes. Motion carried 4-1.

- ACTION ON PURCHASE AND SALE AGREEMENTS BETWEEN CARSON CITY AND STATE OF NEVADA FOR THE SALE OF DISTRICT COURT AND FIRE STATION NO. 1 AND ACQUISITION OF STATE OF NEVADA LAND FOR A NEW FIRE STATION (1-2748) - Mr. Cockerill explained the changes to the last draft of the agreement to sell the Courthouse and Fire Station and the last draft of the agreement to purchase the proposed fire station site including the noticing procedure included in Resolution 1991-R-28. At this time, he requested further direction from the Board on the agreements. Interest would not be accessed as the City would be paying cash at the time the exchange is completed. Pam Wilcox had indicated that the State would not withhold its approval of the extension to the agreement if the City could not relocate within the 6-1/2 years as indicated in the agreement. Mr. Cockerill was directed to include this in the agreement. Comments noted that the purchase price for the fire station site is \$3 a foot, however, as the final layout had not been established, the actual cost is undetermined. The draft agreement included the City's willingness to design a facility which would compliment the State Complex and that the State could have two individuals on the seven member architect selection committee. Supervisor Fettic moved that the Board approve, accept, and authorize the Mayor to sign the purchase and sale agreements between Carson City and the State of Nevada for the sale of the Courthouse and Fire Station No. 1 and acquisition of State land for a new fire station. Following an amendment request by Mr. Cockerill, Supervisor Fettic continued his motion to include "once all required State signatures are obtained." Supervisor Bennett seconded the motion. The motion was voted by roll call with the following result: Smith - No; Bennett - Yes; Fettic - Yes; Tatro - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.
- ORDINANCE SECOND READING ACTION ON BILL NO. 121 ADOPTION OF AN ORDINANCE ON SECOND READING AUTHORIZING THE SALE OF \$2,200,000 FIRE PROTECTION GENERAL OBLIGATION BOND (2-0010) - Supervisor Fettic moved that the Board adopt on second reading Ordinance No. 1991-22, AN ORDINANCE DESIGNATED BY THE SHORT TITLE "FIRE PROTECTION BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY CARSON CITY OF ITS FULLY REGISTERED GENERAL OBLIGATION (LIMITED TAX) FIRE PROTECTION BONDS, SERIES JUNE 1, 1991, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,200,000; PROVIDING THE FORMS, TERMS AND CONDITIONS OF THE BONDS, THE MANNER AND TERMS OF THEIR ISSUANCE, THE MANNER OF THEIR EXECUTION, THE METHOD OF PAYING THEM, THE SECURITY THEREFOR AND PROVIDING FOR THE SALE THEREOF; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; PROVIDING OTHER DETAILS CONCERNING THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN BY THE CITY AND ITS OFFICERS: BY DECLARING THAT THIS ORDINANCE PERTAINS TO THE SALE, ISSUANCE AND PAYMENT OF THE BONDS; AND PROVIDING THE EFFECTIVE DATE THEREOF. Supervisor Bennett seconded the motion. Mr. Cockerill explained for the record the research and legal opinion obtained concerning legal impediments to the bonds due to the change discussed under Items A and B. Bond Counsel had indicated the change did not impede the bonds. Bond Counsel was aware of Mr. Flanders' intent and still maintains the same legal opinion. Mr. Cockerill stressed that the Board should act according to the legal opinion given. The motion to adopt Ordinance 1991-22 was voted by roll call with the following result: Tatro - Yes; Smith - No; Fettic

- Yes; Bennett Yes; and Mayor Teixeira Yes. Motion carried 4-1.
- RESOLUTION ACTION ON A RESOLUTION DESIGNATED BY THE SHORT D. TITLE "FIRE PROTECTION BOND AWARD RESOLUTION"; PROVIDING FOR THE AWARD OF THE CARSON CITY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) FIRE PROTECTION BONDS, SERIES JUNE 1, 1991, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,200,000 TO THE BEST BIDDER, PROVIDING FOR THE MATURITY DATES, THE PRINCIPAL AMOUNTS MATURING AND THE INTEREST RATES FOR EACH MATURITY OF THE BONDS; AND PROVIDING THE EFFECTIVE DATE THERETO (2-0101) - Mr. Thornton introduced the Bond Counsellors and Financial Advisors and explained the bids which had been received. The market was considered favorable as the rates were below that indicated when the election was held. The Board had directed that the shortest period possible for repayment of the bonds which could be supported by the four percent ad valorem tax be utilized. A fifteen year issue had the highest rate of 3.8 cents. The low bid was 6.57 percent. This would provide a savings of approximately \$1.5 million over the life of the bonds. Supervisor Bennett explained her support for the proposal. Mr. Thornton then read the six bids into the record and presented the bids to the Clerk for the record. Bond Counsellor Stern distributed new page 48 indicating the appropriate interest rates to the Board and Clerk. Supervisor Fettic moved that the Board adopt Resolution No. 1991-R-29, A RESOLUTION DESIGNATED BY THE SHORT TITLE "FIRE PROTECTION BOND AWARD RESOLUTION"; PROVIDING FOR THE AWARD OF THE CARSON CITY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) FIRE PROTECTION BONDS, SERIES JUNE 1, 1991, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,200,000 TO THE BEST BIDDER; PROVIDING FOR THE MATURITY DATES, THE PRINCIPAL AMOUNTS MATURING AND THE INTEREST RATES FOR EACH MATURITY OF THE BONDS; AND PROVIDING THE EFFECTIVE DATE THEREOF, and "Whereas, the best bid was submitted by Prudential Securities, Inc. (the Purchaser), which bid offers to purchase the bonds upon the terms as provided in the Fire Protection Bond Ordinance passed, adopted, and approved by the Board on May 16, 1991, bearing interest as provided in this resolution, for a purchase price consisting of their principal amount, accrued interest from the date of the bonds to the date of their delivery, plus a premium of zero (the "Purchase Proposal"); and the Bonds shall mature serially on June 1 of the designated years, in the designated amounts of principal and at the designated interest rates as follows: 6/1/92 - amount maturing \$65,000 at an interest rate of 8.5%; 6/1/93 - amount maturing \$80,000 at an interest rate of 8.5%; 6/1/94 - amount maturing \$95,000 at an interest rate of 8.5%; 6/1/95 - amount maturing \$110,000 at an interest rate of 8.5%; 6/1/96 - amount maturing \$125,000 at an interest rate of 8.5%; 6/1/97 - amount maturing \$125,000 at an interest rate of 7.25%; 6/1/98 - amount maturing \$135,000 at an interest rate of 5.90%; 6/1/99 - amount maturing \$145,000 at an interest rate of 6.0%; 6/1/00 - amount maturing \$150,000 at an interest rate of 6.10%; 6/1/01 - amount maturing \$165,000 at an interest rate of 6.20%;  $\frac{6}{1}/02$  - amount maturing \$175,000 at an interest rate of 6.30%;  $\frac{6}{1}/03$  - amount maturing \$185,000 at an interest rate of 6.40%; 6/1/04 - amount maturing \$200,000 at an interest rate of 6.45%; 6/1/05 - amount maturing \$215,000 at an interest rate of 6.55%; and  $\frac{6}{106}$  - amount maturing \$230,000 at an interest rate of 6.60%. Clarification indicated that he had read 6/1/03 into the record. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Smith - Commended staff on the hard work involved but as a matter of principal, No; Bennett - Yes; Fettic - Yes; Tatro - Yes; and Mayor Teixeira - Yes. Motion carried 4-1. Mayor Teixeira then declared the motion as having carried as a majority had voted in favor of it. Mr. Thornton and Mayor Teixeira commended Mr. Howard, Mr. Nash, and Ms. Stern on their endeavors.

#### **4. DISTRICT ATTORNEY** (2-0485) - Charles P. Cockerill

A. ACTION ON SETTLEMENT AGREEMENT BETWEEN WHIPPLE ELECTRIC VERSUS CARSON CITY, ET AL. - Mr. Cockerill explained the Board's direction on this lawsuit. Attorney George Allison explained the settlement offer, the other defendants' and the City's share, projected litigation costs if the settlement is not accepted, and justification for his recommendation that the City accept the \$15,000 settlement offer. Supervisor Fettic explained his reasons for supporting the request and moved

that the Board reject the April 18, 1991, offer of plaintiff to settle the case for \$65,000. Supervisor Smith seconded the motion. Motion carried 5-0.

Supervisor Fettic then moved that the Board authorize George Allison to attempt to negotiate a settlement in an amount not to exceed \$15,000 for defendant Carson City. Supervisor Smith seconded the motion. Following Mr. Cockerill's request for modification to the motion, Supervisor Fettic amended his motion to include funding source to be the insurance account. Supervisor Smith continued his second. Motion carried 5-0.

- B. ACTION ON THREE YEAR EXTENSION OF ORMSBY SANITARY LANDFILL CONTRACT (2-0645) In accordance with the terms of the contract, the Contractor was requesting a three year extension. Rates had not been changed. Discussion among the Board and Mr. Allison noted that the Federal regulations are changing on landfills. The contract terms would be renegotiated again in three years. Mr. Ballardini was cooperating with the City on the Federal landfill issues and was well aware of the related costs. The desire to remain flexible was stressed. Mr. Ballardini was commended on his cooperation. Supervisor Fettic moved that the Board approve and authorize the Mayor to sign the first option to renew the Sanitary Landfill Contract. Supervisor Tatro seconded the motion. Motion carried 5-0.
- 3. TREASURER CONTINUED E. OTHER MATTERS ACTION ON NORTHEAST CARSON SPECIAL ASSESSMENT DISTRICT APN 8-161-23 AND 8-161-42 APPORTIONMENT REQUEST DUE TO THE LOT ALIGNMENT ADJUSTMENT (2-0851) Following Mr. Thornton's introduction, Supervisor Smith moved that the Board approve the District Attorney's recommendation regarding the apportionment of the assessment fees due to the lot line adjustment. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A five-minute recess was taken at 11:00 a.m. When the meeting reconvened at 11:05 a.m., the entire Board was present constituting a quorum.

- 5. COOPERATIVE EXTENSION AGREEMENT Karen Hinton ACTION ON LEASE AGREEMENT BETWEEN CARSON CITY AND BOWERS FAMILY TRUST FOR ADDITIONAL OFFICE SPACE AT 675 FAIRVIEW DRIVE (2-0916) Supervisor Smith moved that the Board approve the lease agreement between Carson City as lessee and the Bowers Family Trust as lessor for additional office space for the Cooperative Extension at 675 Fairview Drive, Suite No. 224, and authorize the document be signed by the appropriate parties. Supervisor Bennett seconded the motion. Motion carried 5-0.
- 6. PURCHASING AGENT Assistant Purchasing Agent John Iratcabal
- A. ACTION ON THE REQUEST FOR FINAL PAYMENT OF CONTRACT 9091-149 SHADOW HILLS BOOSTER STATION UPGRADE (2-0948) Supervisor Bennett moved that the Board accept the Purchasing Agent's recommendation and approve the request for final payment as presented by the Purchasing Assistant John Iratcabal to Koller Mechanical, 200 A Coney Island Drive, Sparks, Nevada, and accept the Contract Summary as presented. Supervisor Smith seconded the motion. Motion carried 5-0.
- **B.** ACTION ON REQUEST FOR FINAL PAYMENT OF CONTRACT 9091-180 CARSON CITY RECHARGE PROJECT AT VICEE CANYON (2-0985) Water would commence flowing into the reservoir on Monday. Supervisor Tatro moved that the Board of Supervisors approve the request for final payment as presented by the Purchasing Assistant for Contract 9091-180 to Western States Construction for the Carson City recharge project of Vicee Canyon in the amount of \$2,222.10 with the funding source 420-751. Supervisor Bennett seconded the motion. Motion carried 5-0.
  - C. ACTION ON AWARD OF CONTRACT 9091-246 DOWNTOWN PEDESTRIAN

**IMPROVEMENTS** (2-1015) - The entire project would be funded by Community Block Grant monies. Supervisor Tatro moved that the Board accept the Purchasing Agent's recommendation and award Contract 9091-246 to Bidder No. 4, W.E.C. Construction, Reno, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS 332, 338, 339, and 624, for an amount of \$61,500 with a funding source of 101-125-523-27428. Supervisor Bennett seconded the motion. Motion carried 5-0.

- 8. SHERIFF/PARKS AND RECREATION DIRECTOR/CITY MANAGER'S OFFICE Undersheriff Vic Freeman and Parks and Recreation Director Steve Kastens ACTION ON IMPLEMENTATION OF INMATE WORK PROGRAM (2-1045) Mr. Berkich's introduction commended Administrative Assistant Sullivan on her dedication toward seeing this proposal to fruition and explained the purpose of the program. Discussion included the criteria under which the inmates would be eligible for the program and the proposal to utilize City inmates for work programs only under the Parks system. Board comments stressed the feeling that the program should be utilized by all Departments. Staff's comments stressed that at this time the only supervisory person with the mandated POST certificate was the Parks Ranger. This requirement had been specified in the State Inmate Program after which the City's program was patterned. Status reports were requested on the program. The State Inmate Program costs were noted. Supervisor Fettic moved that the Board approve the implementation of the Carson City Inmate Work Program. Supervisor Smith seconded the motion. Motion carried 5-0. Mayor Teixeira commended staff on its endeavors and encouraged them to continue expanding the program.
- **9. CLERK-RECORDER Kiyoshi Nishikawa ACTION ON CARSON CITY CHARTER REVIEW COMMITTEE** (2-1597) Discussion clarified the Resolution requiring a Commission, the Commissioners' terms, and need for same. Gail Thomssen felt that her appointment and oath to the Charter Commission had restricted her to serving only on the Commission. She was requested to provide a copy of the same. Supervisor Smith moved that the Board approve and direct the Clerk-Recorder to proceed with the formation of the Carson City Charter Review Commission. Supervisor Fettic seconded the motion. Motion carried 5-0.
- 10. ADMINISTRATIVE SERVICES DIRECTOR Mary Walker.
- A. ACTION ON APPOINTMENT OF ACTING PURCHASING AGENT FOR CARSON CITY (2-1808) Supervisor Fettic moved that the Board approve the appointment of John Iratcabal as Acting Purchasing Agent and that he receive a ten percent responsibility pay increase retroactive to May 1, 1991. Supervisor Smith seconded the motion. Board comments commended Mr. Iratcabal. Following Mr. Cockerill's request for amendment, Supervisor Fettic amended his motion to include during Mr. Wilson's incapacitation. Supervisor Smith continued his second. Motion carried 5-0.
- **B.** ACTION ON ANNUAL RENEWAL OF UNITED OF OMAHA GROUP MEDICAL (2-1872) Ms. Walker explained the proposed changes to the program, the reduced premium, and the Insurance Committee's membership. Supervisor Bennett stressed her desire to have all of the PPOs be within Carson City. Ms. Walker noted possible changes which were being explored including joining the State system. Supervisor Bennett moved that the Board approve the renewal of the United of Omaha Insurance Plan with the rate analysis provided in the supporting documentation, fiscal impact \$140,000, funding source the Group Medical Insurance Program. Supervisor Smith seconded the motion. Motion carried 5-0.
- C. ACTION ON ESTABLISHMENT OF CARSON CITY EMPLOYEE HEALTH WELLNESS PROGRAM (2-2155) Ms. Walker explained the program and funding source. Comments stressed that the funding source could only be utilized for employee insurance purposes. Ms. Walker explained the proposal to provide the Board with a profile of the employees. The program would provide testing every six months and cost management. Supervisor Fettic moved that the Board direct the City Manager to proceed with the implementation of the Carson City Employees Health and Wellness Program. Supervisor Bennett seconded the motion. Supervisor Fettic amended the motion to include fiscal impact to

be \$22,500 per year beginning June 1, 1991, funding source Group Medical Insurance Fund. Supervisor Bennett continued her second. Motion carried 5-0.

BREAK: At 11:50 a.m., a lunch recess was taken. When the meeting reconvened at 1:30, the entire Board was present constituting a quorum.

LEGISLATIVE MATTERS - DISCUSSION AND POSSIBLE ACTION REGARDING BDR-11-898 SENATOR JACOBSEN'S MARRIAGE LICENSE BILL (2-2410) - Senator Jacobsen distributed several items to the Board. (None to the Clerk.) Mayor Teixeira explained his involvement, reasons for feeling the time was correct for the proposal, the current Bill, the desire to work with Carson City and hopefully stop the leakage of marriage licenses to California. He then introduced Douglas County Clerk-Treasurer Barbara Reed. Ms. Reed stressed her desire to work with Carson City rather than to create a negative impact on the City and reasons for seeking a Legislative change which would allow her to sell licenses at Lake Tahoe. Her comments explained the California confidential marriage license and decreased Nevada Marriage License sales. Mayor Teixeira noted the decrease in Carson City's sales including the impact Douglas County had had on Carson City sales when its satellite office had sole licenses in June and July 1987. Ms. Reed explained the Douglas County sales experience for 1990. Ms. Reed then introduced Douglas County Commission Chairperson Michael Fischer. Chairperson Fischer explained that throughout the Reno-Tahoe tourist area attempts were being made to market the entire area rather than just Douglas, Carson City, or Reno-Tahoe. At present, it is difficult for the Tahoe tourist to obtain a marriage license on the Nevada side, which is detrimental to all three Nevada counties. He then explained the Tahoe tourist market. He felt that if a mutual understanding was reached concerning the benefits of the proposal, the tourists who fly into Reno and drive to Tahoe could be targeted for Carson City marriage licenses. This market was not being solicited at this time. Douglas County would attempt to improve its market share of those drivers coming from the California side. The Lake Tahoe Visitors Authority promotional activities were explained. His intent was to have an equal footing with California via the ability to sell licenses at Tahoe. He urged the Board to cooperate which would benefit both Counties. Clarification of his remarks stressed the intent to aggressively target the Carson City drive-through traffic including the Lake Tahoe Visitors Authority hospitality centers in Reno and El Dorado County. Supervisor Fettic noted reasons for supporting the proposal. Chairperson Fischer's comments stressed that if Carson City cooperated and supported the proposal, Douglas would be morally bound to market the ability of the tourists to obtain licenses in Carson City. He noted that he had not obtained his Commission's support for the proposal but felt certain it would support his commitment.

(3-0335) Carson City Marriage License Supervisor Dorothy Smith acknowledged the loss in revenue, however, felt that if appropriate steps were taken the loss could be mitigated somewhat. She proposed that a Committee be established to evaluate the potential of having Carson City licenses sold at the Chamber of Commerce building located at the State Railroad Museum. She also suggested that marriages be conducted in the Capitol Building. These suggestions, combined with the advertising offered by Ms. Reed, could mitigate the loss. Mayor Teixeira then explained the survey conducted by the Bureau reflecting the City's market. He, too, felt that marketing was needed. He supported the concept particularly in light of Chairperson Fischer's commitment to market the area. His comments noted the 1989 proposal which would have reimbursed Carson City for the loss of revenue created by the Tahoe satellite as well as Douglas County's current plan to sell licenses at its county facility in Lake Tahoe. He would support the program if a firm commitment is obtained concerning the intent to market Carson City licenses as well as other tourist facilities. Ms. Smith noted marketing reasons for locating the Bureau at the Chamber office.

Chairperson Fischer noted his next Commission meeting and the marketing opportunities available for Carson City. His comments stressed his willingness to assist in this marketing endeavor. Mayor Teixeira urged Chairperson Fischer to return with the figures and the Commission's commitment. Supervisor Bennett directed the City Manager to work with Clerk-Recorder Nishikawa and Ms. Smith to explore her proposal at the Chamber of Commerce. Mayor Teixeira urged continuance of the matter until June 6.

Senator Jacobsen then explained that the Bill only affects counties with a population of less than 100,000 which exempted Washoe County.

#### 13. COMMUNITY DEVELOPMENT - Walt Sullivan.

- B. ORDINANCE FIRST READING ACTION ON A-90/91-5 REGARDING AN APPLICATION FROM CARSON CITY TO AMEND CARSON CITY MUNICIPAL CODE TITLE 18, SECTION 18.07.040 RELATIVE TO HISTORIC ARCHITECTURE REVIEW COMMITTEE; SECTION 18.07.050 RELATIVE TO QUALIFICATIONS OF MEMBERSHIP; AND, SECTION 18.07.120 RELATIVE TO REVIEW PROCEDURES (3-0728) Following Mr. Sullivan's explanation of the modifications, discussion ensued concerning the need for the archeological member and a proposal to establish mitigation procedures for archeological sites. Supervisor Smith moved to introduce on first reading Bill No. 123, AN ORDINANCE AMENDING SECTIONS 18.07.040 HISTORIC ARCHITECTURE REVIEW COMMITTEE; 18.07.050 QUALIFICATIONS OF MEMBERSHIP; AND SECTION 18.07.120 REVIEW PROCEDURES OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.
- C. ORDINANCE SECOND READING ACTION ON BILL NO. 122 A-90/91-1 REGARDING AN APPLICATION FROM JEANETTE BONALDI (CURRENT RAGE) TO AMEND THE CARSON CITY MUNICIPAL CODE TITLE 18, SECTION 18.06.156 (ZONING) TO ALLOW MASSAGE THERAPY AS A NECESSARY USE IN RESIDENTIAL COMMERCIAL ZONING DISTRICTS (3-0894) Supervisor Tatro moved that the Board adopt on second reading Ordinance No. 1991-23, AN ORDINANCE AMENDING SECTION 18.06.156 AND ADDING SECTION 18.03.414 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MASSAGE THERAPY, FULL SERVICE BEAUTY SALONS, ACCESSORY PERMITTED USES, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.

#### **D. OTHER MATTERS** (3-0925)

- i. ACTION ON AMENDMENT TO AGREEMENT BETWEEN CARSON CITY AND WESTERN NEVADA DEVELOPMENT DISTRICT ESTABLISHING A REVISED COMPLETION DATE FOR PLANNING SERVICES Supervisor Tatro moved that the Board approve the amendment to the Agreement for Planning Services with Western Nevada Development District and the City of Carson City establishing a revised completion date of July 1, 1991, and authorize the Mayor to sign. Supervisor Bennett seconded the motion. WNDD Executive Director Mary Lou Strauch supported the amendment. Supervisor Bennett then introduced Ms. Strauch and, with Mayor Teixeira, welcomed her to the City. The motion to approve the amendment was voted and carried 5-0.
- ii. ACTION ON APPROVAL OF BOARD POLICY REGARDING THE REFERRAL OF PLANNING COMMISSION ITEMS FOR AIRPORT AUTHORITY REVIEW AND COMMENT (3-1052) This procedure had been established in the early 1980s. Since the Authority now functions separately, Mr. Sullivan felt the program should be reaffirmed. Supervisor Bennett expressed her concern that the Authority had not included an appropriate radius for consideration. Mr. Sullivan explained that the map had been that which was approved by the earlier Airport Commission and responded to her questions concerning specific items which she had indicated as not being included in the area for consideration. Other controlling factors were also noted. Supervisor Bennett felt that she could not support the map as drawn due to her feeling that it failed to represent the true picture of what is actually located there today, particularly the location of Arrowhead Drive and the runway/taxiways as currently used. She supported the concept of having the Authority to review and make comment although she wished they would do more than "make comment." Supervisor Fettic felt that her concern was an issue which the Authority should consider. The question before the Board was whether they should consider such items. Supervisor Smith felt the area was not large enough particularly as the area and airport continue to grow. Mr. Sullivan

agreed to have the Authority review the area. Discussion noted the timetables required to consider Planning Commission issues and the delay which this procedure may create. Mr. Sullivan explained the current review procedure. Supervisor Tatro suggested that the Authority be provided a copy of the Planning Commission agenda and supporting documentation for all items encompassed by 395 and 50. Any items it wishes to consider could be agendized for its consideration. The Authority could then make a presentation to either or both the Commission and Supervisors. Supervisor Bennett then moved that the Board continue the Board Policy for referring certain Planning Commission items to the Airport Authority for review and comments. Supervisor Smith seconded the motion. Motion carried 5-0.

- 4. PUBLIC WORKS DIRECTOR Dan O'Brien and City Engineer Tom Homann.
- A. ACTION ON AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR LEWIS HOMES OF NEVADA FOR UNIT 6-B (3-1572) Supervisor Tatro moved that the Board approve Amendment No. 1 to the Lewis Homes of Nevada Development Agreement for Unit 6B and authorize the Mayor to sign. Supervisor Bennett seconded the motion. Motion carried 5-0.
- B. ACTION REGARDING RESOLUTION ELIMINATING TIMED PARKING ZONES ON CERTAIN PORTIONS OF MUSSER STREET, SECOND STREET, AND NEVADA STREET (3-1652) The proposal would provide approximately 21 non-restricted parking spaces. The Church's proposal to temporarily eliminate the timed parking zone surrounding its facility was explained. Other parking issues were being considered and, theoretically, when the Church would need the space, that area may be available. Supervisor Tatro felt that this was the first step in eliminating some of the parking problems and moved that the Board adopt Resolution No. 1991-R-30, A RESOLUTION ELIMINATING ALL TIMED PARKING ZONES ON THE SOUTH SIDE OF MUSSER STREET BETWEEN NEVADA STREET AND DIVISION STREET; ON THE WEST SIDE OF NEVADA STREET BETWEEN MUSSER STREET AND KING STREET; ON THE NORTH AND SOUTH SIDES OF MUSSER STREET BETWEEN CURRY STREET AND NEVADA STREET; AND ON THE NORTH AND SOUTH SIDES ON SECOND STREET BETWEEN CURRY STREET BETWEEN CURRY STREET BETWEEN CURRY STREET BETWEEN CURRY STREET
- (3-1807) Mainstreet Representative Gail Thomssen urged passage of the resolution in view of the urgent need for additional open parking in the downtown area. She reminded the Board to also consider the empty lots for additional parking. Department of Education Representative Doug Thunder suggested that Division between King and Musser be eliminated from the restricted area as it is not adjacent to any other restricted area. Mr. Homann was directed to consider this issue. Mayor Teixeira noted that this was only the beginning.

The motion to adopt Resolution 1991-R-30 was voted and carried 5-0.

- C. ACTION ON ACCEPTANCE OF FINAL MAP FOR MOUNTAIN PARK SUBDIVISION (3-1913) Mr. Homann's introduction included reasons for the conditions and for recommending that the Board condition its approval if granted. Stanton Park Development Inc. Attorney David Nielson explained the delay in obtaining all of the Steinheimer Trustee signatures and agreed to the conditions. Mr. Homann and Mr. O'Brien then explained the need to modify the Code. Supervisor Tatro then moved that the Board of Supervisors accept the Mountain Park Improvement Plan Final Subdivision Map with the requirement that a note be placed on the map indicating that drainage will be accomplished by an easement on adjacent property, that that easement will be recorded, and authorize the Mayor to sign said final plat upon recordation of the easement. Supervisor Smith seconded the motion. Motion carried 5-0.
- D. ORDINANCE FIRST READING ACTION ON AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR CARSONITE INTERNATIONAL LOCATED AT 1301 HOT SPRINGS ROAD (3-2224) Clarification noted that development agreements do not affect any of the other permits or items required for a development. A change of ownership would not affect the terms of the

agreement. That individual/business would still be required to meet the terms. It should not affect the value of the property beyond that normally found when a site is improved. Carsonite was aware of the fact that the area is in the proposed 395 By-Pass Route, however, the City could not consider this in the process. The Nevada Department of Transportation, Right-of-Way Division was aware of this proposal. Supervisor Smith moved that the Board introduced on first reading Bill No. 124, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CARSONITE INTERNATIONAL, REGARDING ASSESSOR'S PARCEL NO. 8-121-19, LOCATED AT 1301 HOT SPRINGS ROAD, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

# E. UTILITY DIVISION - Dorothy Timian-Palmer.

- i. ACTION ON RESOLUTION ESTABLISHING A PETTY CASH ACCOUNT FOR CARSON CITY'S SEWER UTILITY DIVISION (3-2485) Supervisor Fettic moved that the Board adopt Resolution No. 1991-R-31, A RESOLUTION ESTABLISHING A PETTY CASH ACCOUNT FOR CARSON CITY'S SEWER UTILITY DIVISION. Supervisor Bennett seconded the motion. Motion carried 5-0.
- ii. ACTION ON AUTHORIZATION TO SIGN PURCHASE CONTRACT WITH U.S. FILTERS OF WHITTIER, CALIFORNIA, FOR THE QUILL RESERVOIR WATER TREATMENT PLANT FILTER EQUIPMENT (3-2520) Ms. Timian-Palmer gave the Board and Clerk photographs of the equipment. Reasons for a sole source bid were explained. Discussion noted that if the filters are horizontal, the building would be only one story which would have less of an aesthetic affect on the area. The training and software were explained. Water Resource's licensed PE Engineer Kent Freeman explained his and Mr. Shaw's analysis of the available treatment procedures, their plant tours, the lack of potable water filter companies, continual indication that U.S. Filters is the front runner in this area, and his reasons for supporting the recommendation that the contract be split. Resource Concepts Bruce Scott explained his knowledge of filter companies, lack of potable water filter manufacturers, and specifically those manufacturers of horizontal potable water filters. Supervisor Fettic moved that the Board declare the purchase of water treatment plant filter equipment to be a sole source based on the expert testimony received before the Board and documentation that we have before us. Supervisor Bennett seconded the motion. Motion carried 5-0.
- (4-0061) Supervisor Fettic then moved that the Board approve the Request for Contract Approval and authorize the Purchasing Division to issue a purchase order to U.S. Filters of Whittier, California, in the amount of \$666,977. Supervisor Bennett seconded the motion. Following request for modification, Supervisor Fettic amended his motion to include funding source is 420-751. Supervisor Bennett continued her second. Motion carried 5-0.
- iii. STATUS REPORT REGARDING THE DRILLING OF WELL NO. 45, CARSON VALLEY PRODUCTION SOURCE (4-0085) The test well provided an insufficient amount of water, therefore, another site was selected. Problems with this site were noted and a third site was selected. Clarification noted the State's share of the costs and the proximity of Well 38 to the test site. This was a status report and no action was required or taken.
- 15. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (4-0201) Mr. Berkich provided status reports and discussed with the Board the following agendized items: the study of the Board room's PA system and the RFP for food and beverage service at the Eagle Valley Golf Course. None of the other items were discussed. They were the utility connection fee payment program; pro-active housing inspection program; City agreement with Kleinfelder, Inc., for a solid waste management plan; interest free loans for rental units; City staff interpreters and Hispanic Community; taking of purchase discounts procedures; downtown super parking lot construction; and City collection policies and procedures. This was a status report and no action was required or taken by the Board.

- **16.** BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-0351)
- A. ACTION ON APPOINTMENT TO FILL VACANCY ON PAT 35 ADVISORY GROUP (COMMONLY KNOWN AS PATCOM) Mayor Teixeira nominated Warren Wish. Supervisor Fettic moved that the Board appointed Warren Wish to the Board of Directors for PATCOM. Supervisor Smith seconded the motion. Discussion ensued concerning the procedure for appointments to this Board. The motion to appoint Mr. Wish was voted and carried 5-0.
- **B. MAYOR TEIXEIRA** Noted the Capitol City Mayors Conference and explained the Task Force established by it to develop a tourist packet. Governor Miller was placing the State on the Agriculture Drought Disaster List.
- C. SUPERVISOR SMITH (4-0582) ACTION ON REQUEST FROM MAINSTREET GROUP TO USE BARRICADES FOR DOWNTOWN A-FAR AND HANDSHAKE DAY ACTIVITIES Maxine Nietz explained the request to use the barricades to close Proctor and Spear Streets. Staff's concerns included the cost to provide the barricades and the need for a policy allowing this usage. The bicycle race had used them but was required to pick up and return them during normal working hours and in the same condition as when obtained. Ms. Nietz agreed to those conditions. Board consensus indicated that the City should provide the barricades to non-profit organizations under these conditions as available. Additional costs were not to be incurred. Replacement or repairs would be required of the organization for any broken or stolen barricades. The Board should review all equipment loaned requests. Supervisor Smith moved that the Board approve the request from the Mainstreet group to use the barricades for the Downtown A-fair and Handshake Day June 1 and to coordinate with the Public Works Director on the details. Supervisor Tatro seconded the motion. Motion carried 5-0.

Supervisor Smith then reported on the last Parks and Recreation Commission session and allocation of the Residential Construction Tax monies. This will be considered by the Board on June 6. He then noted trailhead signs which had been constructed through an agreement with the BLM. The purpose and use of these signs were outlined.

- **D. SUPERVISOR FETTIC** (4-0796) Carson Water Subconservancy District was meeting on the budget this evening and his attendance was necessary. Therefore, he would be absent this evening. He then explained the meeting with Douglas County and State Legislators on the Bodie Dam impasse.
  - E. SUPERVISOR TATRO (4-0851) None.
- **F. SUPERVISOR BENNETT** (4-0853) Explained the progress on the new Hospital Administrator recruitment, the last TRPA meeting, its plan for interpretive centers at the Highway 28 and 50 and Highway 395 and 50 intersections, and the American Cancer Society Jailathon.
- 11. PERSONNEL SESSION EVALUATION OF THE CITY MANAGER, AND POSSIBLE ACTION, IN ACCORDANCE WITH THE PROVISIONS OF THE NEVADA REVISED STATUES CHAPTER 241 (4-0970) Mayor Teixeira explained the Board's intent to recess for a Personnel Session and reconvene in open session at 6 p.m. Mr. Cockerill reminded the Board that he could not advise them during the closed portion of the Personnel Session and reasons for closing the Personnel Session. Supervisor Fettic then moved that the Board recess into a Closed Personnel Session pursuant to Nevada Revised Statutes Chapter 241 to consider the professional competence, misconduct, mental and physical health of the City Manager and noted that the reason he had stated misconduct was due to the legal requirements. As far as he was aware, there had been no misconduct. Supervisor Bennett then seconded the motion. Motion carried 5-0. Mayor Teixeira then recessed the meeting into a Closed Personnel Session.

Mayor Teixeira reconvened the Open Session at 4:30 p.m. and expressed his personal feelings that Mr. Berkich had done an outstanding job, served the City well and deserved a wage increase. Supervisor Bennett supported his comments. Supervisor Fettic then moved that the Board of Supervisors give City Manager John Berkich formal recognition of a job performance rating of excellent. He then expressed his feeling that this was the appropriate rating. Supervisor Tatro seconded the motion and explained his reasons for supporting the recommendation. Discussion noted that the rate could and may change from year to year. The motion was voted and carried 5-0.

Discussion ensued which indicated that the salary increase would have to be considered at a future date. The Board felt that additional time was needed to evaluate the City Manager's goals.

BREAK: A recess was declared at 4:35 p.m. Mayor Teixeira reconvened the session at 6 p.m. The entire Board was present constituting a quorum. Staff members present included City Manager Berkich, Clerk-Recorder Nishikawa, City Engineer Homann, Deputy District Attorney Suglia, and Recording Secretary McLaughlin. (4-1218)

Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Fettic. For Minutes of the Redevelopment Authority, see its folder. (During the Redevelopment session, Chairperson Fettic left to attend the Subconservancy meeting. Prior to leaving, he had passed the gavel to Vice Chairperson Bennett. A quorum of the Authority was present throughout the meeting.) Following adjournment of the Redevelopment Authority, Vice Chairperson Bennett passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present although Supervisor Fettic was absent as indicated.

18. DISCUSSION AND ACTION ON CREATION OF THREE ADDITIONAL TEMPORARY DEDICATED PARKING SPACES ON MUSSER STREET NEXT TO THE CAPITOL FOR STATE USE (5-0850) - Mr. Berkich explained the request for additional reserved State parking and the controversy related to dedicating additional spaces for State use. Supervisor Bennett stressed her reluctance to grant additional restricted parking. (5-0985) Ms. Nietz felt that the State three story parking facility should be utilized. Supervisor Tatro explained that the Capitol Complex did not have delivery access and had only one handicapped parking space. Therefore, he felt that the additional parking for handicapped personnel and the delivery space may be warranted. Supervisor Smith suggested that if the additional designated parking spaces were needed, individuals currently utilizing restricted spaces relinquish them. Supervisor Bennett moved that the Board postpone any action on the creation of three additional dedicated parking spaces on Musser Street until after the Board has had an opportunity to evaluate the proposed parking improvements on the west side. Supervisor Smith seconded the motion. Motion carried 3-1 with Supervisor Tatro voting Naye.

BREAK: At 7:30 p.m., a five-minute recess was taken. When the meeting reconvened at 7:35 p.m., a quorum of the Board was present although Supervisor Fettic was absent as noted.

19. V AND T RAILROAD PROJECT - ACTION ON THE CITY MANAGER'S RECOMMENDATIONS REGARDING OWNERSHIP AND OPERATION OF THE PROPOSED V AND T RAILROAD ON CURRY STREET (5-1092) - Mr. Berkich began by explaining the Board's direction on the Project and the Committee sessions. Legal reasons mandating City ownership of the facility and a similar New Orleans facility were outlined. The suggestion that a three year trial of a joint effort between the City and private industry was then explained. The terms of this joint effort were discussed including the need for the non-profit organization, the reasons for requiring it to raise \$500,000, and the need for a bond which would be obtained prior to construction to repair/replace any changes in the City's infrastructure should the project fail. Clarification indicated that the organization would only have to front \$180,000 for the first year's operation. How the balance of the \$500,000 would be guaranteed could be determined later. Supervisor Smith expressed his discomfort with having the City be the owner and the

proposal to share the responsibility. He did not feel that the private sector could or would guarantee the second and third year funding. He questioned the supporters and the funding they would provide. He noted his problems with the ridership figures provided during the last meeting and the potential loss this could create if the ridership projections were not met. Mr. Suglia explained that the City would be liable for any funding shortage. Supervisor Bennett expressed her feeling that the ridership projections could be met due to the days of operation and tourist attraction it would create. She urged the Board to remain optimistic and seek new, innovative tourist attractions. Mayor Teixeira's concern about having the City own and operate the train, having the private sector restricted to its funding, and liability concerns if the operation is a failure were explained. Supervisor Bennett expressed her desire to have the enterprise franchised rather than operated by the City.

(5-2365) Gail Thomssen suggested that a train commission be established to operate it. The commission could have the City Manager and a Board member represent the City and four individuals from the supporting private sector who were elected from that body. She then cited several funding sources. She acknowledged the point that the train would not meet expenses the first year of operation. Benefits from the project and potential sponsors were stressed. (5-2545) Mary Ann Bennett pointed out safety and other issues which she felt made the entire project infeasible. She then read her statement into the record. (A copy was given to the Clerk for the record.) Her statement pointed out several questions which had not yet been resolved. She urged the Board to defer the ownership question until her questions had been answered. Clarification indicated the bond that was suggested was a "performance bond" -- "a financial guaranteed bond." Discussion ensued concerning the construction funding sources. Ms. Bennett continued to stress the need for reliable answers prior to determining the ownership question. (5-2819) Ellen Nelson was an avid train fan, however, was opposed to having a fixed rail train on Curry Street. Mayor Teixeira explained that the \$4 fee was for a round trip ticket. Ms. Nelson urged the Board to have all details before reaching a conclusion. Mr. Berkich thanked her for her comments and explained the procedure. (5-2909) May Ruth French showed a list of individuals with whom she had discussed the project and explained her feeling the City did not support the proposal. She then questioned the monies obtained from the Rotary Foundation fund raisers. She felt that the project would not be successful in view of the competitors in the vicinity. The need to protect the residents from its failure was stressed. The project would create traffic "nightmares" as well as parking "nightmares." Mayor Teixeira requested she remain on the ownership questions. Ms. French demanded answers to her questions. (6-0010) Richard Waiton questioned the status of the San Jose Mr. Berkich noted that this item had been explained at another meeting. Mayor Teixeira explained his personal knowledge of it. Mr. Waiton expressed his feeling that the City had other priorities which should be pursued before the railroad and that private funding should be sought for the parking problem. He did not feel that the private sponsors would provide funding if the first year's operation was at a loss. Private enterprise would have undertaken the project prior to this if it was a profitable venture. (6-0095) U.S. Forest Service District Ranger Guy Pence noted that his office site was in the path of the railroad. Until other facilities are located and funding provided, he would remain at the present site. He was willing to cooperate with the City.

Mayor Teixeira and Mr. Berkich reiterated the recommended terms and reasons for them. Mr. Berkich stressed that his recommendation did not indicate that all of the issues related to the project had been resolved and that the funding as recommended would not be sought until they have been. The New Orleans example was presented only as a successful approach. Supervisor Bennett then moved that the Board accept the findings and recommendations of the City Manager's committee regarding ownership of the proposed V and T Railroad. This motion died for a lack of a second. Supervisor Smith then moved that the Board reject the findings and recommendations of the City Manager's Committee regarding ownership of the proposed V and T Railroad on Curry Street. Supervisor Tatro expressed his reluctance to second either motion due to his concern over public enterprises' willingness to guarantee the project at the tune of \$500,000 from their own sources and not the taxpayers. He then requested a five minute recess. Mayor Teixeira then declared that the motion had died for lack of a second.

BREAK: At 8:35 p.m., a five-minute recess was taken. When the meeting reconvened at 8:40 p.m., a quorum of the Board was present as noted.

(6-0432) Don Miller expressed his feeling that the City should determine its funding source for the initial capital investment prior to resolving the ownership question. (6-0460) Ron Allen felt that the community's willingness to support the project should be tested prior to rejecting the report. (6-0485) Kurt Brown noted the difference in tourist attractions and sizes between Carson City and New Orleans. He felt that if the community which included private enterprise as well as the residents were truly interested in owning the project, funding would have been provided before now. (6-0520) Mary Ann Bennett noted the petition which had been circulated throughout the area. None of these individuals had indicated a willingness to fund the project, however, many had indicated an opposition to it. (6-0532) Bill Reeves expressed his feeling that the Committee's recommendation was a "fail safe proposal" as it would allow a project to materialize which would not create a burden on the City coffer. Caution was warranted, however, the downtown area needed help now. The proposal was a possibility which could help it. He felt that the Rotary Club had proposed the project for that purpose and not for its own private gain. (6-0618) Ms. Nelson suggested the entire concept be placed on the next ballot. Mayor Teixeira agreed and noted that this would be in 1992. Neither supported a special election due to the cost. Mayor Teixeira felt that this had been the intent all along regardless of Ms. French's petition.

Supervisor Smith questioned the wisdom of having ownership as the second project issue considered due to the questions and concerns expressed this evening. He suggested that the question of ownership be continued until the full Board is present and to allow time to address other concerns. Supervisor Tatro felt that the safety issues could be the "show stopper" and could support Supervisor Smith's suggestion to continue the ownership question. The Board's primary concerns were safety, liability, traffic and parking aspects. Board comments indicated a desire to continue the issue until a full Board is present and these issues are resolved. Mr. Berkich indicated that the next issue for the Committee to resolve was those related to Curry Street - parking, infrastructure, traffic, safety, etc. He then requested Board's direction concerning whether the ownership was a fatal flaw due to the time and effort involved in staff's continuing the research and analysis. The Curry Street issues would require a considerable amount of staff involvement. Supervisor Tatro expressed his concerns about the private sector funding particularly in view of its lack of support for a downtown parking facility. Supervisor Smith continued to stress his feeling that the ownership question should not have been the second issue considered and desire to have full Board participation on the question. Supervisor Bennett indicated a feeling that private enterprise may be waiting until the next issues are resolved before making a commitment. Mayor Teixeira expressed his reluctance to commit staff and continue the discussion if the Board felt the ownership question was a flaw. He felt that community support should be resolved before proceeding.

(6-1120) Mr. Allen did not feel that the community would support the project until the other questions have been answered.

Supervisor Bennett continued to stress her feeling that the next questions should be resolved and expressed her willingness to support a motion to continue this issue and proceed to resolve other questions. Supervisor Bennett then moved that the Board postpone action on the City Manager's recommendation regarding ownership and operation of the proposed V and T Railroad on Curry Street until the questions that have been raised by this Board regarding the infrastructure, the Curry Street alignment, and the other issues have been addressed and brought before this Board. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Tatro - Yes; Bennett - Yes; Smith - Yes; and Mayor Teixeira - No. Motion carried 3-1.

Supervisor Bennett moved to adjourn. Supervisor Tatro seconded the motion. Motion carried 4-0. Mayor Teixeira adjourned the meeting at 9:05 p.m.

The Minutes of the May 16, 1991 Carson City Board of Supervisors meeting

ARE SO APPROVED ON July 18, 1991.

	/s/
ATTEST:	
/s/_ KIYOSHI NISHIKAWA, Clerk-Recorder	