

CARSON CITY BOARD OF SUPERVISORS  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, July 19, 2007, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Richard S. Staub	Supervisor, Ward 4
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Walter Sullivan	Community Development Director
	Andrew Burnham	Public Works Director
	Larry Werner	Development Services Director/City Engineer
	Melanie Bruketta	Chief Deputy District Attorney
	Nick Providenti	Senior Accounting Manager
	Ken Arnold	Public Works Operations Manager
	Steve Schutte	Chief Deputy Sheriff
	Katherine McLaughlin	Recording Secretary
	Jarrold Adams	Deputy Sheriff
	Kathie Heath	Business Manager - Sheriff's Office

(BOS 7/19/07 Recording 8:30:35)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Agenda Report and/or supporting documentation. Staff members making the presentation are listed following the Department's heading. Any other individuals who spoke are listed immediately following the item's heading. A recording of these proceedings is on file in the Clerk-Recorder's office. It is available for review and inspection during normal business hours.

**CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, INVOCATION** - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Development Services Director/City Engineer Larry Werner led the Pledge of Allegiance. Friends in Service Helping Executive Director Monte Fast gave the Invocation.

**PUBLIC COMMENTS AND DISCUSSION (8:32:38)** - Michael Schellnar, one of the three owners of a non emergency medical transportation company in Reno and Las Vegas, requested information regarding providing gurney transport in Washoe Valley. This service is allegedly outlined in the NRS. He understood that Carson City has an exclusive franchise with its Fire Department regarding this service. They want to do gurney transportation in Reno and Sparks. He was uncertain whether he needed to agenzize this matter or if he should request written correspondence from the Fire Department or any other Department who could provide information on this topic. Mayor Teixeira explained that the Board could

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not agenize the matter at this time. He suggested that Mr. Schellnar put his questions in writing to City Manager Ritter. He directed Ms. Ritter to contact the Fire Department regarding the questions.

Sam Dehne welcomed Ms. Ritter. He indicated that a fund raiser is being created in Reno that will auction some of his blood which he had purportedly donated. He then alleged that a "fire prevention encyclopedia" for Washoe County was written six years ago. He purportedly presented it to the Reno City Council. His plan was for the Reno International Airport to have the Air National Guard equipt its C-130s and be on standby to fight fires during the summer time. Due to his background he felt certain that the proposal had merit. He alleged that the Air National Guard could respond to fires within 15 minutes. Justification for using the Air National Guard for this purpose was explained. He felt that Carson City's Waterfall Fire may have been stopped in time if they had implemented his plan. The latest fire in Reno is another disaster that was preventable. He then purported that his "Gooseberry Mine" and its 500 acres are being stolen by the authorities, whom he identified as the State and Federal authorities. He has not been able to operate the gold mine as they allegedly are stealing his equipment. They purportedly stole a \$100,000 bulldozer and sold it for \$10,000. They kept the funds based on allegations that back taxes have not been paid. He is unable to pay the back taxes because they will not let him operate the mine. They also want him to clean up the mine even though Miramir Mining had run it and should be the ones required to clean it up. The clean up does not involve a great deal. He is "sick and tired" of the authorities trying to steal his "Gooseberry Mine". Additional citizen comments were solicited but none were given. No formal action was taken or required.

1. **ACTION ON APPROVAL OF MINUTES (8:37:15) - None.**
2. **CHANGES TO THE AGENDA (8:37:25) - None.**
3. **LIQUOR AND ENTERTAINMENT BOARD (8:37:31) - Mayor Teixeira recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder.**

**BOARD OF SUPERVISORS (9:13:45) - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.**

4. **CONSENT AGENDA (9:13:59)**
  - 4-1. **SHERIFF**
    - A. **ACTION TO APPROVE THE ACCEPTANCE OF THE OFFICE OF CRIMINAL JUSTICE ASSISTANCE GRANT 07-JAG-04, GANG UNIT OUTREACH PROJECT, IN THE AMOUNT OF \$23,976**
    - B. **ACTION TO APPROVE THE ACCEPTANCE OF THE OFFICE OF CRIMINAL JUSTICE ASSISTANCE GRANT 07-JAG-01, SUPPRESSION - GANG UNIT AND SPECIAL ENFORCEMENT TEAM, IN THE AMOUNT OF \$61,163**
    - C. **ACTION TO APPROVE THE ACCEPTANCE OF THE OFFICE OF**

**CRIMINAL JUSTICE ASSISTANCE GRANT 07-JAG-02, SPECIAL RESPONSE TEAM - TOOLS AND EQUIPMENT, IN THE AMOUNT OF \$19,750**

**D. ACTION TO APPROVE THE ACCEPTANCE OF THE OFFICE OF CRIMINAL JUSTICE ASSISTANCE GRANT 07-JAG-03, TRINET NARCOTICS TASK FORCE, IN THE AMOUNT OF \$115,854**

**E. ACTION TO APPROVE THE ACCEPTANCE OF APPLICATION NO. 2007-F5106-NV-DJ FY07 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$37,134**

**F. ACTION TO APPROVE THE ACCEPTANCE OF PROJECT NO. 97004HS5 STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF \$28,200**

**4-2. PUBLIC WORKS**

**A. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION ON THE "PROFESSIONAL LAND SURVEYING SERVICES AGREEMENT-WOOD RODGERS," CONTRACT NO. 2006-205, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO WOOD RODGERS FOR A CONTRACT AMOUNT OF \$100,000 FROM VARIOUS CAPITAL IMPROVEMENT PROJECTS, AS PROVIDED FOR IN FY 2007/2008**

**B. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION ON THE "PROFESSIONAL LAND SURVEYING SERVICES AGREEMENT-TRI STATE," CONTRACT NO. 2006-206, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO TRI STATE SURVEYING, LTD., FOR A CONTRACT AMOUNT OF \$100,000 FROM VARIOUS CAPITAL IMPROVEMENT PROJECTS, AS PROVIDED FOR IN FY 2007/2008**

**4-3. PARKS AND RECREATION DEPARTMENT - ACTION TO APPROVE A RESOLUTION ADOPTING AND APPROVING AN INTERLOCAL CONTRACT WITH THE CARSON WATER SUBCONSERVANCY DISTRICT TO PROVIDE \$80,000 IN GRANT FUNDING FOR VARIOUS SITE IMPROVEMENTS AT CARSON CITY'S MORGAN MILL ROAD RIVER ACCESS AREA**

**4-4. CITY MANAGER - ACTION TO APPROVE A RESOLUTION ADOPTING AND APPROVING THE INTRASTATE INTERLOCAL CONTRACT TO ENGAGE THE BUREAU OF SERVICES TO THE BLIND AND VISUALLY IMPAIRED/BUSINESS ENTERPRISES OF NEVADA TO PROVIDE SNACK BAR AND CAFETERIA SERVICES AT THE CARSON CITY PUBLIC SAFETY COMPLEX** - Supervisor Aldean apologized to the Chief Deputy Sheriff Schutte for the Board's failure to support his recommendation regarding Mr. Lally's Liquor License. She gave his Department kudos for obtaining almost \$300,000 in grant funds. Supervisor Livermore moved to approve the Consent Agenda that consists of ten items - six items from the Sheriff's Office with recognition as Supervisor Aldean has described for Items 4-1A through 4-1F; 4-2 Public Works - two items - A and B; 4-3 Parks and Recreation Resolution No. 2007-R-17; and from the City Manager - 4-4 with Resolution No. 2007-R-18; for a sum total of ten items as presented. Supervisor Aldean seconded the motion. Motion carried 5-0.

**5. LIBRARY - Director Sara Jones - PRESENTATION AND OVERVIEW OF CURRENT AND FUTURE ACTIVITIES OF THE CARSON CITY LIBRARY (9:16:14)** - Ms. Jones thanked the Board for having the opportunity to make the presentation. A power point presentation was given. A listing of

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different groups who utilize the library and the programs geared for each group was read. The benefits of reading were listed. Discussion between Ms. Jones and Mayor Teixeira noted that the programs and services are free with the exception of the \$1 cost for the ear piece for listening to downloaded books and tapes. CDs, cassettes and tapes are available. Discussion indicated that the library does accept CDs, however, technology is beginning to use MP3 players. Players are available and can be checked out for three week periods. The library is experimenting with the MP3 players to be sure that it is a beneficial program. Senior reading groups have been established. The public was encouraged to join it. Discussion indicated that the State provides services to blind individuals. It was felt that the State will eventually transfer to the use of MP3 players for this service. The conversion may take two or three years. Statistics regarding the library and its services were read. Discussion indicated that the users are to obtain a library card from the county in which they reside. The card can be used throughout the State. Sixty-two percent of the Carson City residents have library cards. The national average is 50%. Ms. Jones described statistics indicating that the per capita cost of the library is \$30.79. The average use per capita is six books which equates to a value of \$79; however, with computer usage added it is more than \$200 per capita. She felt the return on each \$1 invested was \$3. She hoped that the library will be able to relocate into the Federal Building on Plaza Street in the future. Justification for the relocation was provided. Comments noted that library budgets are cut when budgets are tight. Mayor Teixeira indicated a need to provide some community service hours. They discussed the hours and potential at the library. He felt time at the library would be productive as well as provide an awareness of what occurs there. Ms. Jones expressed her feeling that summer is a great time at the library as children are in attendance there. It has been incredibly busy there this summer. She thanked the Board for the opportunity to make the presentation.

**6. PUBLIC WORKS - OPERATIONS - Manager Ken Arnold - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A CONTRACT IN THE AMOUNT OF AND NOT TO EXCEED \$394,932 AND A CONTINGENCY AMOUNT OF \$59,239.80, WITH BLACK AND VEATCH FOR EVALUATION AND MITIGATION OF WATER QUALITY AND DISTRIBUTION ISSUES FOR THE CARSON CITY WATER SYSTEM (9:44:43) - Black and Veatch Representative Ira Rackley - Mr. Arnold noted the duplication of the last paragraph in the Agenda Report. Justification for contracting with the company was provided. Discussion noted that the contract is the result of federal requirements that lowered the water standard for arsenic. Blending will address part of the problem until the standard is decreased. Negotiations had reduced the cost. The need for a treatment plant on the west side and two treatment plants on the east side was indicated. Pressure zone problems also need to be addressed. Bonds will be used to make these improvements. The bonds cannot be issued until the study is completed and the funding needs are determined. Mayor Teixeira requested that the Board be kept apprised of the status as he did not wish to attempt an unsuccessful or incomplete venture/project. Mr. Arnold explained that the study will tell the City the types of improvements required to meet buildout and compliance with EPA standards. He reiterated the belief that the EPA will continue to reduce the mineral standards for drinking water which makes the effort a moving target. Clarification indicated that a contract issued to Brown and Caldwell in February only addressed Wells No. 4 and 49. Their design work has been completed. The plant has not been constructed. There is no redundancy in the contracts.**

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Supervisor Williamson moved to approve and authorize the Mayor to sign a contract in the amount of and not to exceed \$394,932 and a contingency amount of \$59,239.80 with Black and Veatch for evaluation and mitigation of water quality and distribution issues for the Carson City Water System and the fiscal impact is \$454,171.80, and the funding source is the Water Capital. Supervisor Staub seconded the motion. Comments were solicited.

Mr. Rackley explained his employment with the firm and noted the firm's involvement with the Lake Mead project. He advised that it is an "old" firm. Discussion indicated that the contract has a three-year timetable. The crucial issues will be addressed before then. The funding amount is a not to exceed figure. Mayor Teixeira indicated that his concern is not with the study but with what it will produce. He requested reports every six months so that the Board is aware of the findings up front. Mr. Arnold agreed to provide them.

The motion to approve the contract as indicated was voted and carried 5-0.

**7. DEVELOPMENT SERVICES - Director/City Engineer Larry Werner - ACTION TO ACCEPT THE COST STUDY FOR PLANNING, BUILDING AND ENGINEERING PERMITS, APPLICATIONS AND INSPECTIONS AND TO DIRECT STAFF TO PREPARE ORDINANCE(S) TO INCREASE PLANNING AND ENGINEERING FEES (9:54:44) - City Manager Linda Ritter -** Discussion noted that the Building Department is an enterprise with a separate account that is not part of the General Fund. Planning and Engineering are not part of the Building Department or its enterprise account. The review process and requests for additional plan information were explained. The process eliminates the need for multiple turnarounds. The issue regarding an individual's use of scale paper rather than normal paper was described. The paper size requirement is based on the need to have a readable drawing that address the scale of the project. Discussion explained that the proposed fees will reduce the General Fund's funding for the Department to 11%. The schedule assesses both a standard fee and an hourly rate for some items. The fees should be reviewed annually. The majority of the fees will be bore by the developers and individual homeowners who are doing additions. Mayor Teixeira expressed his desire to compare the proposed fees to those in Douglas County and Reno/Sparks. He also did not wish to consider any issues that have been raised that were not in writing. Ms. Ritter described the customer service survey that had been conducted in February. Mr. Werner explained the contact staff had with both Builders Association of Western Nevada members and nonmembers. He also described the fee increase implemented by Planning two or three years ago. This had dropped the General Fund support for Planning to 30%. The proposed fee increase will pay for current services. Comparisons with other entities were provided. Mayor Teixeira expressed surprise at the appeal fee due to the amount of staff time required to handle them. Mr. Werner explained the proposed fixed fee was due to the feeling that the majority of those items' processing time could be handled within the proposed rate. The hourly rate is for those items that have a wide range of disparity in their processing requirements. Comments questioned the need to accept the study today and indicated that any proposed ordinance may be modified by the Board when presented. Additional comments were solicited but none were given. Mr. Werner justified acceptance of the study today. He also explained that the base charge with an hourly rate is needed due to the disparity in the items.

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Supervisor Aldean moved to accept the Cost Study for Planning, Building and Engineering Permits, Applications and Inspections and direct staff to prepare an ordinance to increase Planning and Engineering fees. Supervisor Williamson seconded the motion. Motion carried 5-0.

**8. DEVELOPMENT SERVICES - PLANNING -** Community Development Director Walter Sullivan

**A. RESOLUTION TO RECOGNIZE AND COMMEND ROY SEMMENS FOR OVER FOUR YEARS OF SERVICE TO THE CARSON CITY PLANNING COMMISSION (10:15:43) -** Supervisor Staub introduced Mr. Semmens and noted his participation on the Board of Equalization. He then read the resolution into the record. Mr. Semmens thanked the Board for the recognition. Mr. Sullivan indicated that the resolution will be signed and mounted in a frame and presented to Mr. Semmens. Supervisor Staub moved to adopt Resolution No. 2007-R-19, A RESOLUTION COMMENDING ROY SEMMENS. Supervisor Livermore seconded the motion. Motion carried 5-0.

**B. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE TO CHANGE THE ZONING OF APNS 008-011-88, -89 AND -90 FROM GENERAL INDUSTRIAL AND MOBILE HOME ONE ACRE TO GENERAL COMMERCIAL, AND TO CHANGE THE ZONING OF APN 008-011-91 FROM GENERAL INDUSTRIAL AND MOBILE HOME ONE ACRE TO MULTI-FAMILY APARTMENT, PROPERTY LOCATED ON THE NORTHEAST CORNER OF US HIGHWAY 50 EAST AND FLINT DRIVE (FILE ZMA-07-077) (10:31:40) -** Project Engineer Dennis Smith - Discussion noted the area and the proposed zone changes. A tentative map will be submitted regarding the proposed project. Mr. Smith explained that he is working with Public Works Director Andrew Burnham on reimbursement and participation agreements for the water and sewer utilities. The developer is willing to make the infrastructure improvements to bring the utilities to the site. He does not want to wait for the City to bring them to the site. The proposed project is "high priced condos". The property is not located in the V&T right-of-way. It runs south of the property. Additional comments were solicited. Discussion indicated that Pick-N-Pull will be required to connect to the infrastructures when they reach this area. Pick-N-Pull had previously agreed to disconnect its temporary holding tank when the utilities reach its area. Supervisor Aldean moved to introduce on first reading Bill No. 118, AN ORDINANCE TO CHANGE THE ZONING OF APNS 008-011-88, -89 AND -90 FROM GENERAL INDUSTRIAL AND MOBILE HOME ONE ACRE TO GENERAL COMMERCIAL, AND TO CHANGE THE ZONING OF APN 008-011-91 FROM GENERAL INDUSTRIAL AND MOBILE HOME ONE ACRE TO MULTI-FAMILY APARTMENT, PROPERTY LOCATED ON THE NORTHEAST CORNER OF US HIGHWAY 50 EAST AND FLINT DRIVE based on the findings contained in the staff report. Supervisor Williamson seconded the motion. Motion carried 5-0.

**C. ACTION TO ADOPT A RESOLUTION AMENDING THE NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS UNDER THE CARSON CITY GROWTH MANAGEMENT ORDINANCE FOR THE YEARS 2008 AND 2009 AND ESTIMATING THE NUMBER OF RESIDENTIAL BUILDING PERMITS FOR THE YEARS 2010 AND 2011;**

**ESTABLISHING THE NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS AVAILABLE WITHIN THE DEVELOPMENT AND GENERAL PROPERTY OWNER CATEGORIES; AND ESTABLISHING A MAXIMUM AVERAGE DAILY WATER USAGE FOR COMMERCIAL AND INDUSTRIAL BUILDING PERMITS AS A THRESHOLD FOR GROWTH MANAGEMENT COMMISSION REVIEW (FILE GM-07-056) (10:36:24)** - Discussion explained the Planning Commission's dissenting votes were related to the City's ability to provide water to the area in light of the current drought conditions. A summary of the report was provided. The report had been left out of the Commission's packet. A copy was included in the Board's packet. Supervisor Aldean noted that previous years have indicated concerns regarding the ability of the Fire Department, Parks and Recreation Department, and Juvenile Probation to meet increased demand created by growth without additional funding. She felt that these basic service needs should be included in the evaluation process. Comments indicated that the resolution should be considered as part of the budget process. Comments acknowledged the need to avoid having a moratorium on building, its impact to the building community, and the need for controlled, orderly, and predictable growth. Property taxes should be used to fund these services. The Board should have a discussion regarding these issues. Mayor Teixeira pointed out that the Board struggles with these issues annually. He felt that the ordinance had outgrown its purpose as the number of permits allocated is way above the actual number taken. The permits taken will not come close to the number allocated in the future. Mr. Sullivan explained that approximately 25% of the allocations were taken during the last 18 months. Supervisor Livermore moved to adopt Resolution No. 2007-R-20, Option 1, A RESOLUTION AMENDING THE NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS UNDER THE CARSON CITY GROWTH MANAGEMENT ORDINANCE FOR THE YEARS 2008 AND 2009 AND ESTIMATING THE NUMBER OF RESIDENTIAL BUILDING PERMITS FOR THE YEARS 2010 AND 2011; ESTABLISHING THE NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS AVAILABLE WITHIN THE DEVELOPMENT AND GENERAL PROPERTY OWNER CATEGORIES; AND ESTABLISHING A MAXIMUM AVERAGE DAILY WATER USAGE FOR COMMERCIAL AND INDUSTRIAL BUILDING PERMITS AS A THRESHOLD FOR GROWTH MANAGEMENT COMMISSION REVIEW. Supervisor Williamson seconded the motion. Motion carried 4-1 with Mayor Teixeira voting Naye due to his belief that the ordinance had outlived its usefulness.

**D. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITIONS OF "RETAIL SALES" AND "SECONDHAND BUSINESS" TO DEFINE SPECIALTY USED GOODS SHOPS AS A RETAIL USE; AMENDING CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.010, DISTRICTS ESTABLISHED, TO REPLACE THE DOWNTOWN COMMERCIAL DISTRICT WITH THE DOWNTOWN MIXED-USE DISTRICT; AMENDING SECTION 18.04.125, DOWNTOWN COMMERCIAL, TO MODIFY THE LIST OF PERMITTED AND CONDITIONAL USES FOR THE NEW DOWNTOWN MIXED-USE DISTRICT; AMENDING SECTION 18.04.195, NON-RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, TO DELETE THE DOWNTOWN COMMERCIAL DISTRICT AND ADD STANDARDS FOR THE NEW DOWNTOWN MIXED-USE DISTRICT; AMENDING CHAPTER 18.07, DOWNTOWN BUSINESS DISTRICT, TO MODIFY THE PROCESS-ORIENTED STANDARDS FOR REVIEW OF**

**DEVELOPMENT WITHIN THE NEW DOWNTOWN MIXED-USE DISTRICT; AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 2, PARKING AND LOADING, SECTION 2.2, NUMBER OF SPACES REQUIRED, TO ADD SPECIFIC PARKING REQUIREMENTS FOR THE NEW DOWNTOWN MIXED-USE DISTRICT; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 6, DOWNTOWN BUSINESS DISTRICT, TO REPLACE THE EXISTING DOWNTOWN BUSINESS DISTRICT STANDARDS WITH STANDARDS FOR THE NEW DOWNTOWN MIXED-USE DISTRICT RELATING TO HEIGHT, PARKING, SETBACKS, SIGNS AND OTHER DESIGN REQUIREMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZCA-07-057); AND E. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE TO CHANGE THE ZONING OF PROPERTIES WITHIN THE DOWNTOWN AREA TO DOWNTOWN MIXED-USE (DT-MU), SPECIFICALLY CHANGING THE ZONING FROM DOWNTOWN COMMERCIAL (DC) TO DT-MU FOR APN'S 1-183-02, -04, -06, 1-184-07, -08, -09, 1-187-05, -06, 1-188-01, -02, -03, -04, 1-193-02, -05, -06, 1-194-01, 2-162-01, -02, 2-163-03, -04, -05, 2-164-02, 3-081-17, -18, 3-082-01, -02, -03, -04, 3-091-01, -02, -03, -04, 3-092-03, -04, -05, 3-093-03, -05, 3-095-06, -07, -08, -09, -10, 3-112-03, -04, -05, -06, 3-113-09, -10, -11, -12, -13, -14, -15, 3-114-01, -02, -03, -04, -05, 3-115-01, -02, -03, -04, -05, 3-116-01, -02, -03, -04, 3-212-01, -03, -04, -05, 3-213-01, -02, -03, 3-222-02, -03, -04, 3-223-01, 3-224-01, -02, -03, -04, -06, -07, -08, -09, 3-225-03, -10, 3-228-01, 3-229-01, -02, -03, -04, -05, -06, -07, 3-282-02, -03, -04, -05, 3-283-04, -05, 3-285-02, -03, -04, 4-051-07, 4-053-02, -03, 4-055-02, -06, -07, -09, -13, 4-061-01, -02, -04, 4-062-08, 4-065-01, 4-066-01, -02, -04, 4-067-01, -02, -03, -04, -05, -06, 4-068-08, -09, -10, -11, 4-069-02, 4-211-05, -07, -08, -09, -10, -11, 4-213-01, -02, -03, -04, -05, -06, 4-214-02, 4-215-01, -02, -03, -04, -06, -07, -08, 4-221-01, 4-224-02, -03, -04, -05, -07, -08, 4-261-01, -02, 4-263-01, -02; CHANGING THE ZONING FROM GENERAL COMMERCIAL (GC) TO DT-MU FOR APNS 2-154-03, 2-161-02, -06, -07, -08, -09, 2-171-04, -06, 4-191-11, 4-202-01, -02, -08, 4-216-01, -02, -03, -04, -05; CHANGING THE ZONING FROM RETAIL COMMERCIAL (RC) TO DT-MU FOR APNS 1-177-02, -04, 2-171-07, 3-215-02, -04, 3-217-05, -06, -08, -09, 4-055-12, 4-191-11, -12, 4-192-04, -05, 4-223-06, -10, 4-225-02, -04; CHANGING THE ZONING FROM GENERAL OFFICE (GO) TO DT-MU FOR APNS 4-192-02, 4-222-02, -03, 4-223-07, -08; CHANGING THE ZONING OF PARCELS SPLIT-ZONED GC AND RC TO DT-MU FOR APNS 1-178-05, -06, 2-154-01, 2-171-10, 4-225-01, -03; AND CHANGING THE ZONING OF PARCELS SPLIT-ZONED RC AND GO TO DT-MU FOR APNS 4-222-01, 4-223-09, 4-226-01, 4-252-01, AND 4-254-06 (FILE ZMA 07-084) (10:44:12) - Principal Planner Lee Plemel, Business Development Manager Joe McCarthy - Mr. Sullivan complimented Messrs. Plemel and McCarthy on their work on the ordinances. Mr. Plemel's introduction included Agenda Item E. He thanked Mr. McCarthy for his assistance on the ordinances. Mr. McCarthy thanked Messrs. Sullivan, Plemel, the Planning Commission, and Senior Planner Pruitt for their assistance with the ordinances. Remarks indicated that communities that are successful recognize the need for planning before development. They also try to make it a transparent process with community involvement. The staff had developed the plan as a result of this outreach. Supervisor Williamson's involvement in the process was also noted. Examples of revisions that preserve the pedestrian's role in the downtown area were noted. Benefits and illustrations of the code revision were cited. It was believed that the result provides a transparent code. It achieves reforms so that people will want to live, work, and play in the downtown area. Mixed uses will be created. If all of the Code requirements are met, an administrative approval is given. If the downtown area flourishes, it will**



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benefit the entire City. Decisions made daily will impact the overall picture. Benefits of the proposal were reiterated. Discussion ensued regarding whether a soup kitchen could be located in the downtown area. Mr. Plemel indicated that similar uses to those that are listed are allowed. Although a soup kitchen is similar to a restaurant it would not be allowed. He then explained the "score card" which is used to decide if a project will be allowed. Supervisor Aldean suggested that a restriction be placed on the ability to provide a fee in lieu of providing the full number of off-street parking spaces to indicate that this could happen only if adequate capacity is available in surrounding parking lots. Justification for the restriction was provided. Supervisor Williamson felt that if parking is not available, the project will be considered a success as more pedestrian traffic is generated. The fee concept is an attempt to provide funding for a parking structure or its maintenance. The fee is an alternative to waiving the parking requirement as is currently allowed. The use of the funds will be restricted to these purposes. She also indicated that the revision should be made at a future date as the proposed ordinance has been circulated. No comments were received regarding it. Mr. Plemel felt that the revision should be considered as a parking strategy rather than a Code restriction. Implementation of the restriction will be based on future needs and demands for parking. It will also require establishing a listing of the existing conditions and provide for management of those spaces. Supervisor Williamson also pointed out that the parking study is being evaluated. Mr. Plemel then explained that 100% of the parking requirement cannot be provided by paying the in lieu of fee. The payment in lieu of fee will meet only 15 to 25 percent of the parking requirement depending on the scale of the structure. Mr. Plemel then explained that the concept provides for varying street widths and parking areas. Staff is working to develop the strategy to avoid a disconnect on this concept and the current right-of-way standards. These items could be deferred if the Board desires. Mayor Teixeira pointed out that implementation of the narrower streets and wider sidewalks is predicated on completion of the freeway. Carson Street cannot be closed until another route is found to replace it. Fifteen foot sidewalks cannot be implemented at this time. An illustration of a development at Telegraph and Fall Streets was shown to illustrate the concept. Mayor Teixeira indicated that the plan is a concept which needs to be flexible. Mr. Sullivan then indicated that a soup kitchen is not permitted in the downtown area today.

Supervisor Williamson thanked staff for its work on the ordinances. Supervisor Williamson then moved to introduce on first reading Bill No. 119, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, CHAPTER 18.04, USE DISTRICTS, CHAPTER 18.07, DOWNTOWN BUSINESS DISTRICT, AND CHAPTER 18.16, DEVELOPMENT STANDARDS, TO REPLACE THE EXISTING DOWNTOWN COMMERCIAL AND DOWNTOWN BUSINESS DISTRICT STANDARDS WITH STANDARDS FOR THE NEW DOWNTOWN MIXED-USE DISTRICT RELATING TO HEIGHT, PARKING, SETBACKS, SIGNS AND OTHER DESIGN REQUIREMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO, as published on the agenda, based on the finding contained in the staff report. Supervisor Aldean seconded the motion. Motion carried 5-0.

Supervisor Williamson moved to introduce on first reading Bill No. 120, AN ORDINANCE TO CHANGE THE ZONING OF PROPERTIES WITHIN THE DOWNTOWN AREA TO DOWNTOWN MIXED-USE DT-MU, specifically for properties as published on the agenda based on the findings contained in the staff report. Supervisor Aldean seconded the motion. Motion carried 5-0.

**F. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.04, USE DISTRICTS, TO MODIFY PERMITTED USES IN SECTION 18.04.110, RESIDENTIAL OFFICE, SECTION 18.04.115, GENERAL OFFICE, SECTION 18.04.120, NEIGHBORHOOD BUSINESS, SECTION 18.04.130, RETAIL COMMERCIAL, SECTION 18.04.135, GENERAL COMMERCIAL, SECTION 18.04.145, LIMITED INDUSTRIAL, SECTION 18.04.150, GENERAL INDUSTRIAL, SECTION 18.04.155, AIR INDUSTRIAL PARK, AND MAKING CLERICAL AND CONSISTENCY CORRECTIONS AND OTHER MATTERS RELATED THERETO (FILE ZCA-07-039) (11:13:19)** - Supervisor Aldean corrected a typographical error on Page 2 to remove the second “district” from the sentence “The Primary Permitted Uses in the GO District are this list plus other uses of a similar nature district ....”. Supervisor Aldean then moved to introduce on first reading Bill No. 121, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.04, USE DISTRICTS, TO MODIFY PERMITTED USES IN SECTION 18.04.110, RESIDENTIAL OFFICE, SECTION 18.04.115, GENERAL OFFICE, SECTION 18.04.120, NEIGHBORHOOD BUSINESS, SECTION 18.04.130, RETAIL COMMERCIAL, SECTION 18.04.135, GENERAL COMMERCIAL, SECTION 18.04.145, LIMITED INDUSTRIAL, SECTION 18.04.150, GENERAL INDUSTRIAL, SECTION 18.04.155, AIR INDUSTRIAL PARK, AND MAKING CLERICAL AND CONSISTENCY CORRECTIONS AND OTHER MATTERS RELATED THERETO. Supervisor Williamson seconded the motion. Motion carried 5-0.

**G. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF “GUEST BUILDING” TO INCLUDE ATTACHED GUEST BUILDINGS; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, AMENDING SECTION 1.4, GUEST BUILDING DEVELOPMENT, TO ESTABLISH REGULATIONS FOR THE HEIGHT, SETBACKS, OCCUPANCY, DESIGN AND USE OF GUEST BUILDINGS ON SINGLE-FAMILY RESIDENTIAL PROPERTIES (FILE ZCA-07-085) (11:16:10)** - Discussion ensued between Supervisor Staub and Mr. Sullivan regarding the reasons manufactured homes, modular homes, and mobile homes are not allowed to be used as guest homes within the proposed zones. Supervisor Staub iterated his justification for allowing them to be used for this purpose. Mr. Sullivan indicated that they can only be used in SF1A or larger areas. Supervisor Staub urged staff to rethink its prohibition. Mr. Sullivan agreed to look into it. He expressed a willingness to return in six months and modify the Code at that time, if necessary. Supervisor Staub then moved to introduce on first reading Bill No. 122, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF “GUEST BUILDING” TO INCLUDE ATTACHED GUEST BUILDINGS; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, AMENDING SECTION 1.4, GUEST BUILDING DEVELOPMENT, TO ESTABLISH REGULATIONS FOR THE HEIGHT, SETBACKS, OCCUPANCY, DESIGN AND USE OF GUEST BUILDINGS ON SINGLE-FAMILY RESIDENTIAL PROPERTIES based on the findings contained in the staff report. Supervisor Livermore seconded the motion. Motion carried 5-0.

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**9. OFFICE OF BUSINESS DEVELOPMENT - Manager Joe McCarthy - ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING ORDINANCE NO. 2006-12 BY ADDING THE NORTH TOWN SHOPPING PLAZA AND THE VACANT FORMER KMART BUILDING TO THE REDEVELOPMENT PROJECT AREA NO. 2 AND OTHER MATTERS PROPERLY RELATED THERETO (11:22:13)** - Business Development Manager Joe McCarthy - Supervisor Livermore moved to introduce on first reading Bill No. 123, AN ORDINANCE AMENDING ORDINANCE NO. 2006-12 BY ADDING THE NORTH TOWN SHOPPING PLAZA AND THE VACANT FORMER KMART BUILDING TO THE REDEVELOPMENT PROJECT AREA NO. 2 AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Aldean seconded the motion. Motion carried 5-0.

**10. CITY MANAGER - Linda Ritter**

**A. ACTION TO ADOPT, ON SECOND READING BILL NO. 117, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 4 LICENSES AND BUSINESS REGULATIONS, CHAPTER 4.04 BUSINESS LICENSES, DELETING SECTION 4.04.081 SOUTHWEST GAS CORPORATION LICENSING FEE, AMENDING SECTION 4.04.107 PUBLIC UTILITIES BY INCREASING BUSINESS LICENSE FEES ON ELECTRIC AND NATURAL GAS SERVICES AND OTHER MATTERS PROPERLY RELATED THERETO (11:23:48)** - Supervisor Aldean moved to adopt on second reading Bill No. 117, Ordinance No. 2007-18, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 4 LICENSES AND BUSINESS REGULATIONS, CHAPTER 4.04 BUSINESS LICENSES, DELETING SECTION 4.04.081 SOUTHWEST GAS CORPORATION LICENSING FEE, AMENDING SECTION 4.04.107 PUBLIC UTILITIES BY INCREASING BUSINESS LICENSE FEES ON ELECTRIC AND NATURAL GAS SERVICES AND OTHER MATTERS PROPERLY RELATED THERETO; fiscal impact is \$1,000,000 in revenue to the General Fund. Supervisor Williamson seconded the motion. Following Ms. Ritter reading of the proposed funding allocations, Supervisor Aldean amended her motion to indicate that the funds will be used as follows: \$656,000 to offset a shortfall in revenue from the sales tax projections and \$364,000 for law enforcement - two deputies, a prosecutor, and to support Partnership Carson City. Supervisor Williamson concurred with the amendment. The motion was voted and carried 5-0.

RECESS: A recess was declared at 11:26 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 11:33 a.m., constituting a quorum.

**B. ACTION TO APPROVE A 3% COST OF LIVING INCREASE FOR THE CARSON CITY JUSTICES OF THE PEACE (10:19:33)** - Court Administrator Maxine Cortes - Mayor Teixeira noted that the proposal will provide everyone with a three percent cost of living increase. Ms. Cortes acknowledged the City's budget shortfall and explained the Courts' efforts to help decrease the deficient. She also compared the City's salaries for the Justice of the Peace with those in Washoe County, Reno and Elko. The Judges were absent and are attending a statewide judicial conference in Wendover today. Supervisor Livermore moved to approve a three percent cost of living increase for the Carson City Justices

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of the Peace; fiscal impact is \$7,020 budgeted in 2007-08 General Fund Budget. Supervisor Williamson seconded the motion. Motion carried 5-0

**C. ACTION TO AUTHORIZE MAYOR TEIXEIRA TO SIGN A LEASE WITH THE COMMUNITY COUNCIL ON YOUTH (CCOY) TO PROVIDE VARIOUS YOUTH SERVICES AND PROGRAMS AT 1711 NORTH ROOP STREET (10:23:08)** - Discussion indicated that Hispanic Services also wants to relocate to this location. CCOY Executive Director Eric Ohlson indicated he is happy with the lease. Supervisor Staub moved to authorize Mayor Teixeira to sign a lease with the Community Council on Youth to provide various youth services and programs at 1711 North Roop Street; fiscal impact is the lease rent was established at \$539.85 per month for the initial five year term, CCOY shall pay its proportional share of the cost of utilities. Supervisor Livermore seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 10:25 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:33 p.m., constituting a quorum.

**REDEVELOPMENT AUTHORITY (11:33:07)** - Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Chairperson Williamson who convened the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder.

**BOARD OF SUPERVISORS (11:53:08)** - Following adjournment of the Redevelopment Authority, Chairperson Williamson returned the gavel to Mayor Teixeira who reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

**D. ACTION TO APPROVE AN INTERNAL AUDITOR'S POSITION AS A FULL TIME POSITION UTILIZING SAVINGS THAT ARE THE RESULT OF A RE-ORGANIZATION OF THE CITY MANAGER'S OFFICE (11:53:12)** - City Manager Linda Ritter, Finance Director Sue Johnson - Justification for having a full time Internal Auditor was discussed in depth. The individual is to be responsible for both performance and financial audits. Funding for the proposed position is short \$32,000. A potential funding source for the remainder was indicated. Justification for the proposed salary range was provided. An audit committee will establish the scope of services which will be approved by the Board. Upon completion of an audit, it will be presented to the Board for consideration. Discussion noted the savings created by Ms. Johnson's audit when she was the City's part-time internal auditor. Funding for Carson City Partnership and services that had previously been provided were noted. The Partnership has not yet decided how it wishes to obtain these services in the future. The Board's allocation to the Partnership is still in tact. Discussion disclosed the intent to implement a nationwide search for the individual. Mayor Teixeira felt that it is possible to obtain someone like Ms. Johnson. Therefore, he opposed having a full-time position for this purpose. Ms. Johnson described the unsuccessful recruitment process that had attempted to obtain a part-time person. A definition of the type of individuals who had responded was provided to support her belief that a qualified candidate would not apply. Her reasons for applying for the part-time position were explained. Funding through personnel turnover was described. The savings could be used for the position. Discussion also indicated that Ms. Johnson had spent more time conducting her audit than indicated for a part-time position. She suggested that if a part-time position is

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authorized, the hours be set for the individual rather than allowing them to work a flex schedule. Justification for the suggestion was provided. She reiterated her reasons for feeling that a full-time position was warranted. Supervisor Williamson noted the District Attorney's concern about the lack of having an internal auditor. Supervisor Livermore voiced his support of the concept and belief that a bonus should have been paid to Ms. Johnson for the savings she found with her audits. He believed that the relationship between the Finance Director and the Internal Auditor should make the savings substantial. Supervisor Staub expressed his support for the concept based on his belief that an internal auditor could have helped stop the recent leakage experienced in three separate programs. He felt that Ms. Johnson knew the needs and supported her recommendation. Supervisor Williamson explained her reasons for supporting the proposal and complimented Ms. Johnson on her enthusiasm.

Supervisor Livermore moved to approve the Internal Auditor position as a full time position utilizing savings that are the result of a re-organization of the City Manager's office; fiscal impact current salary/benefit budgeted: \$45,969; Salary/benefit required for full time: \$98,410; and amount to be transferred from the City Manager's budget: \$52,441. Supervisor Staub seconded the motion. Comments were solicited. Mayor Teixeira advised that he will vote against the motion based on the following reasons: A. Funds are not in the budget. B. It worked well before. C. The deficit is not \$600,000. It is \$1.2 million. The Board raised taxes \$646,000, as read into the record today, to pickup the balance of the budget. You can say it was the decreasing sales tax. The issue is that we made the budget balance by using \$600,000 of ending fund balance. With respect he cautioned the Board that there will be a point in time when we need to save money. Today, we are not saving money but spending it. Supervisor Staub indicated that he respected Mayor Teixeira's comments. The motion will probably pass. He asked that Ms. Johnson come back to the Board with a proposal to establish an internal audit committee which will assist the Internal Auditor in establishing an annual audit plan and a reporting schedule that will give the Board the results of internal auditor's work on a regular basis. Mayor Teixeira then expressed his hope that before a national search is made for the individual, a search is conducted in Northern Nevada, Reno, Carson City, and Sparks. He did not wish to move people across the nation or uproot families. The anticipation should that he/she will stay long term and not just 11 months as had the Internal Auditor before Ms. Johnson. Supervisor Staub explained that in that instance the job was in Florida. It was his understanding that the family did not like it here. We had one backfire which occurred because people did not adapt. Ms. Johnson expressed her belief that it would be possible to recruit a qualified individual in Northern Nevada. If they are unable to do so, she committed to coming back to the Board and telling it that they must incur additional expenses which have not been budgeted. The intent is to look locally and not incur additional overhead expenses as it is not in the budget. Supervisor Aldean indicated that the job recruitment form should clearly indicate that relocation costs will not be paid as a condition of employment. If a local person cannot be found, they can then go further afield without incurring relocation costs. Ms. Johnson concurred. Ms. Ritter reminded the Board that it is responsible for hiring and interviewing the individual(s). The individual also reports to the Board. Additional comments were solicited but none were given. The motion was voted and carried 4-1 with Mayor Teixeira voting Naye.

RECESS: A recess was declared at 12:15 p.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 1:32 p.m., constituting a quorum.

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**11. PARKS AND RECREATION DEPARTMENT - Open Space Manager Juan Guzman**

**A. ACTION TO ACCEPT A RECOMMENDATION FROM THE OPEN SPACE ADVISORY COMMITTEE TO APPROVE A “PURCHASE AND SALE AGREEMENT” WITH THE ANDERSEN TRUST CONTAINING AN OFFER TO USE OPEN SPACE FUNDS IN THE AMOUNT OF \$3.5 MILLION FOR THE PURCHASE OF THE ANDERSEN RANCH CONSISTING OF 86 ACRES AND LOCATED AT CARSON RIVER ROAD, APN 10-071-25 (1:32:00)** - Anderson Trust’s Attorney Wayne Chimarusti, Bruce Kittess, John Wagner, Open Space Advisory Committee Member Bruce Scott, Jean Hill, Development Services Director/City Engineer Larry Werner - A power point presentation was given which included photographs of the area and justification for acquiring the property. The Subconservancy allegedly supports the acquisition and has \$1.75 million which could be used for this purpose. Grants will be sought for the remainder. Discussion on the funding ensued and the necessary matches. Mr. Guzman indicated that funds for this acquisition and the Jarrad property are available. The Open Space Advisory Committee and the Carson River Advisory Committee’s concerns regarding the water rights were explained. The proposal to irrigate the Silver Saddle Ranch and this parcel with effluent was described. The agreement requires the Andersons to continue to occupy the property until the water rights are sold. They can remain four years after the water rights are sold. The City will then takeover the property. The intent is to maintain the ranch in its current state—as pasture with irrigation. Mr. Guzman assured the Board that there is no interest in letting the land go dry and become a weed problem. The Board was being asked to maintain its irrigation and pasture land. Supervisor Aldean expressed concerns regarding the possibility that the City’s may be unable to extend the lines and irrigate the property, particularly after the water rights are sold. She felt that the contract should be revised to read that the City will make its best effort to irrigate the land under such circumstances. Supervisor Livermore pointed out that it also possible for the land to be sold within 90 to 180 days. The date for sale of the water rights is unknown. Mr. Guzman then explained Dennis Johnson’s email concerns, which were sent to Supervisor Livermore. Mr. Johnson’s expertise is in right-of-way and relocation laws. He believes that any concession made by a governmental entity when acquiring property is subject the relocation act under NRS 342. Patty Wilson is the City’s consultant who is also an expert in these laws. Ms. Wilson was present. She will address any questions the Board may have on these issues. Staff asked that, if the Board wishes to proceed with the acquisition, the motion be subject to compliance with NRS 342 and the Carson City policies on relocations. Discussion ensued regarding whether the City will be required to pay relocation costs and whether the purchase price should be reduced to cover those costs. Mr. Guzman felt that the seller wanted to close the deal and is willing to waive those costs. He/she can legally waive the costs. Justification for acquiring the property was reiterated. Discussion indicated that Mr. Guzman indicated that the Anderson and Jarrad parcels are the only ones in the vicinity that the City is interested in purchasing. The Silver Saddle Ranch and Prison Hill are in the Lands Bill. A description of the parcels in the vicinity that are already owned by the City was provided. Discussion noted the tax laws that require the seller to pay taxes on the property if converted from agricultural to residential.

Mr. Chimarusti explained that he had included having the City responsible for this requirement if the City converts the land from its current usage to a higher density, e.g., the City decides to build condos on the property at some future date. The City as a governmental entity does not pay property taxes. If the property

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remains as open space owned by the City there will not be any taxes assessed. If the City sells the land, the City will not be able to come to his client to collect any taxes on its conversion to another use. Mr. Chimarusti indicated that he had discussed the matter with City Assessor Dave Dawley. Mr. Guzman indicated that he had confirmed the tax requirements/the City's lack of taxes with Assessor Dawley also. Public comments were then solicited.

Mr. Kittess indicated that he had sent emails to the Board several weeks ago regarding his concerns about the transaction and the lack of information regarding the price of the water rights. He felt that the City should own the beautiful land which is contiguous to the Silver Saddle Ranch. He was also concerned about the City's consistent requests for additional State funding. He felt that Vidler should subsidize the City to the tune of \$500,000 as the City is accommodating their acquisition of water rights. He then questioned the reasons the water is to be sent to Dayton. The appraisal also indicates that the Alpine Decree states the water rights are within the Dayton segment. He felt that it is not Carson City's water but Dayton's, if it can get it. The City will be accommodating Vidler's transfer of the water to Dayton through the City's water lines. Therefore, Vidler should subsidize the City's purchase. This would eliminate the need to obtain State funds. He acknowledged the need to find additional locations for disposal of the City's effluent. The ranch is located upstream from two of the City wells. The use of effluent could create water quality issues with those wells. He felt that the purchase agreement makes it mandatory for the City to put the effluent on the land before the water/sewer treatment is up to par for human consumption. Additional comments were solicited.

Mr. Wagner advised that he had spent a lot of time at the Legislature. The State may not have a lot of money for grants and Southern Nevada may take whatever is available. He was concerned about allowing the seller to continue to use the land after the City purchases it without paying any taxes. This does not help the City's budget problems. An additional concern was the possibility that Vidler could set on the water rights for a few years which would make it longer before the City can use the land. Even if Vidler acquires the water rights, the seller can continue to use the land for free for four years. Supervisor Williamson explained that the funds are from the Question 1 bond initiative. She also described the allocation of those funds. The City's share of those funds is \$2.5 million. The City's access to these funds does not require any action by the Legislature. The acquisition of the ranch fits within the criteria required for the Question 1 funds. The funds for the City are guaranteed. Supervisor Livermore explained the timeline for obtaining the funds. If an application is not submitted by the deadline, the funds will be reallocated. Mr. Wagner then explained his concern about the date when the City will be able to take possession of the property. Vidler may not be interested in acquiring the water rights at this time as residential building is down. He did not want to see it take longer to get the property.

Mr. Scott indicated that he was speaking as a member of the Open Space Committee and resident. He urged the Board to support acquisition of the property. He also indicated that Open Space Advisory Committee Member Trish Lincoln and Vice Chairperson Dan Jacquet were present. He felt that the acquisition provides a long term legacy for the community. The property is open space and provides a potential for recreational, open space, and green belt uses. It can function as a storm drain utility for the river. It will create another location for the City to dispose its effluent while creating a credit for the City by allowing recharge of the

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groundwater basin. It also is open space which has been used for agricultural purposes and provides a legacy for the community as a green operational ranch location. He approved of the concept to allow the seller to remain on the land and operate the ranch. During that timeframe the decision on the Silver Saddle Ranch will be determined and, if possible, the ranch will provide a uniform agricultural open space. The Committee is getting into land management but is not farmers. The concept is a way to make it work for the community's benefit as well as the multiple benefits of open space. Discussion between Supervisor Livermore and Mr. Scott explained the impact housing along the river has on the depth of the river, the height of the flood plain, the grounds ability to be a cushion and absorb the flood flow which reduces the downstream impact. Mr. Scott felt that the site is a great location and benefit to the downstream area due to this ability. He also felt that Douglas County needs to recognize this ability and the downstream impacts. Additional comments were solicited.

Ms. Hill described the aesthetics and wildlife she enjoyed seeing as a result of having a home which overlooks the property. As a former big city girl she found this most enjoyable. She urged the City to acquire the property. She also felt that the only wild animals were the people living in the cities. Additional comments were solicited but none were given.

Supervisor Aldean explained that grazing is not offensive to her. She loved pastoral scenes. They reduce fire danger and have a myriad of benefits associated with grazing. The contract is open ended. If the water rights are never purchased, the seller can continue to occupy the property free of charge into perpetuity. Due to the possibility that the City may not be able to extend the effluent line to the property for some unknown reason, she asked Mr. Chimarusti if his client would agree to add the phrase "that the City/buyer shall use its best efforts to provide sufficient water to irrigate the property" to Paragraph J on Page 9. She pointed out that the record shows the City's desire and intent to irrigate the pasture land due to its value as open space. There are, however, some potential financial issues concerning the City's ability to extend the line necessary to irrigate in the absence of the water rights. She also asked if his client would agree to add a provision that states: "That if the grazing by the seller is discontinued for 24 consecutive months, that the seller's right to use the property shall cease". Otherwise, it is an ongoing obligation. If they discontinue the use, then the City should have the right to use the open space for other purposes. People and cattle are not a good mix. People should not recreate in cattle's pasture, in her opinion. Mr. Chimarusti indicated that he had not discussed these phrases with his client and needs to do so. He would, however, regarding the second suggestion, advise against it. The reason for the sale is due to the removal of the development potential for the property. The price of the water rights is unknown but is believed to be substantially more than that of the ranch. A place for using the water is needed so that the rights are not lost. This is the reason that they reserved the rights and will not lease them back. Even if an agreement is entered into for the water rights, it will be an option and not a sale. The buyer will have an option to purchase the rights at some future date. Due to media coverage, it is believed that Vidler's use of the water will undoubtedly be challenged by the Tribes. For that reason they may need to continue to irrigate the property until those issues are resolved. If the water rights are not used, they can be deemed abandoned. The sellers do not want to have that happen. There are limitations within the agreement regarding what they can do. The agreement includes access for the City to conduct studies. Portions of the land are available for public access, e.g., hiking along the Mexican Ditch. They are not part of the ground that is pastureland. The entire ranch is not



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pastureland. There will be a shared use of the land from the time that the City acquires it. They can assign the grazing rights. This clause was included so that they can close down the trust. An assignment to a third party cannot occur without the City's concurrence. Supervisor Aldean pointed out that the City wants the property but the concern is the perpetuity of the use. Mr. Chimarusti pointed out that it could be for a long period of time. He did not want to mislead anyone regarding that point. This is not a free bee for the seller as indicated on Page 8 in Paragraph 9 listing of seller's obligations, which he read. It included the City's ability to use the seller's water rights at no cost to irrigate the land. The seller will manage the water and maintain the irrigation ditch. He will not have to rebuild the Mexican Dam if it is washed out. He will pay all of the Water Master and ditch fees. Supervisor Aldean then suggested a revision under Paragraph F that the City be listed as an additional insurer on the seller's liability policy. Mr. Chimarusti concurred.

Discussion between Supervisor Staub and Mr. Chimarusti explained that the trust owns the property. Members of the trust were explained. The trust was established to protect the water rights. The death of the individuals will transfer the rights to their heirs. They will also inherit the obligations within the agreement.

Clarification indicated that the grazing of not more than 450 cows, calves or bovine restriction is on the 86 acres only. Mr. Chimarusti then indicated that his meetings with staff had indicated that the City's ability to use effluent to irrigate the property should not be a problem. Mr. Werner then explained that the plans to extend the effluent line to the area were designed four to five years ago. The pipe size has been the concern. The funds for the extension are there. The project can be done at any time. Effluent is available for irrigation by reducing the flows to other users. Discussion noted the leakage issue with the reservoir and the need to capture this leakage. Supervisor Livermore explained a discussion held at the Subconservancy meeting regarding the source of the City's will serve water. He questioned whether the capture of the leakage will impact the downstream users. Mr. Guzman explained the issue concerning the availability of effluent for use on the pasture. Mr. Werner explained that by recapturing the leakage from the reservoir, the City will be able to meet the commitment, however, the downstream residents want the seepage. This is an environmental issue that supersedes all other issues. Mayor Teixeira noted the NDEP regulations and requirements which place a \$20 million burden upon Carson City. Once the City addresses the leakage, it will have addressed its "business". The City cannot be responsible for the illegal use of water over the past several decades. Mr. Werner listed the issues which the City is working to resolve regarding the reservoir and the NDEP requirements. Additional land is needed for disposal of the extra effluent gained by the recapture of the leakage. The ranch is a prime location to use the effluent created by growth in the community. He reiterated that it will take years to transfer the water rights. Weather impacts on the availability of water were noted. The City will be in trouble if there is a wet spring. Land is needed for disposal of the runoff from an average spring. During dry years, everyone cuts back.

Supervisor Staub explained his concern with Paragraph J on Page 9 regarding "Buyer shall provide sufficient water to irrigate the Property from other sources including but not limited to Carson River water, reclaimed water, or water from any other source reasonably available to Buyer". He felt that the use of municipal water should not be allowed. Justification for his concern was limned. He recommended its exclusion from the paragraph. Mayor Teixeira supported his recommendation. Mr. Chimarusti explained

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his intent was to make the watering program beneficial for the City. The Board/City can determine the water source. He had attempted to avoid limiting the source to effluent. He was willing to accept a prohibition against the use of municipal water if the Board wished. Mr. Guzman explained that the Silver Saddle Ranch is irrigated with Carson River water which is paid for by the Open Space funds. BLM issued a special use permit to the City for this purpose. The City has the water rights that had been on the Silver Saddle Ranch. Additional comments were solicited but none were given.

Supervisor Aldean moved to accept a recommendation from the Open Space Advisory Committee to approve a "Purchase and Sale Agreement" with the Andersen Trust containing an offer to use Open Space funds in the amount of \$3.5 million for the purchase of the Andersen Ranch consisting of 86 acres and located at Carson River Road, APN 10-071-25, subject to compliance with the provisions of Chapter 342 of NRS and the relocation policy adopted by Carson City and subject to the following language which shall be added to Subparagraph F under Section 9; the complete paragraph shall read: "Seller shall maintain a policy of liability insurance for bodily injury and casualty loss in the amount of \$1,000,000 per occurrence, \$2,000,000 in the aggregate, and shall name Buyer as an additional insured by endorsement following the close of escrow and maintain said insurance coverage for as long as seller shall occupy the property"; in addition Subparagraph J under the same Section, Section 9, shall be amended at the end of that paragraph to specifically exclude municipal water as any other source reasonably available to Buyer. Supervisor Williamson seconded the motion. Mr. Chimarusti stipulated that the agreement meets the expectations of his client. Comments were solicited but none were given. Mayor Teixeira felt that the agreement will stand the test of time long after he is gone and the Lompa property has been built out. If coupled with the Silver Saddle Ranch and developed as a regional park, it will provide a community of 75,000 residents with an easy access for recreation and to remember what the community once was. He also pointed out that it will take time for this to occur. It will in the future make the Board look like "rocket scientists". Supervisor Aldean then amended her motion to include that the seller has agreed to waive any relocation benefits. Mr. Chimarusti, while feeling that the amendment was accepted, advised that it is his understanding that these costs could not be waived but his answer was "Yes, we agree to waive it." Supervisor Williamson continued her second. The motion was voted and carried 5-0.

RECESS: A recess was declared at 2:32 p.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 2:39 a.m., constituting a quorum.

**B. ACTION TO ACCEPT THE "POST-WATERFALL FIRE WATERSHED CRITICAL NEEDS ASSESSMENT," DRAFT FINDINGS AND PRELIMINARY RECOMMENDATIONS PREPARED BY RESOURCE CONCEPTS, INC., THROUGH A GRANT PROVIDED BY THE NATURAL RESOURCES CONSERVATION SERVICE, PROVIDING FOR AN ANALYSIS OF THE WATERSHED'S CONDITION IN THE CARSON RANGE PORTION OF CARSON CITY AND MEASURES RECOMMENDED FOR ITS REHABILITATION (2:38:44)** - Resource Concepts Inc. Hydrologist/Fluvial Geomorphologist Lynn Zonge, City Manager Linda Ritter - Ms. Zonge and Mr. Guzman used a power point program to illustrate the findings and recommendations included in the Agenda Report. Funding for the study and restoration was limned. (A copy is in the file.) Discussion explained that the detention dams are located in Vicee Canyon. Ash Canyon does not have any detention dams/sediment

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ponds. Comments indicated that check systems could not be used to slow the flow due to the depth of the narrow canyon. Trees killed by the fire have been removed from the City's property. Geomorphology of the Sierra Nevada range shows that the mountains are still growing and will remain steep for some time. Ms. Zonge recommended that the construction on the slopes be restricted for some time as access is difficult and restoration efforts will do more damage than leaving the area alone. The alluvial fans should be used to spread the water and sediment flow from the hillsides. The City should work with the property owners to keep development on them from occurring. Mickey Andersen had purportedly advised that the mills had channeled the runoff. The geomorphology of the open space across from the former hospital on Mountain Street was described. Comments pointed out that the infiltration of the alluvial benefits the City's ground water table. Mr. Guzman noted that the Lands Bill provides the City with the ability to effectively treat and protect the watershed. The Open Space Advisory Committee is also working to protect those areas that will effectively provide this protection. (3:13:18) Supervisor Aldean moved to accept the Post-Waterfall Fire Watershed Critical Needs Assessment draft findings and preliminary recommendations prepared by Resource Concepts, Inc., through a grant provided by the Natural Resources Conservation Service providing for an analysis of the watershed's condition in the Carson Range portion of Carson City and measures recommended for its rehabilitation; fiscal impact: The cost of the report was paid 100% through a Nevada Resource and Conservation Service grant and contract; however, implementation of all of the proposed mitigation practices is approximately \$12 million to \$17 million. Supervisor Williamson seconded the motion. Motion carried 5-0.

**12. BOARD OF SUPERVISORS - NON-ACTION ITEMS:**

**A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS, CORRESPONDENCE TO THE BOARD OF SUPERVISORS, AND STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD (3:11:00)** - Ms. . Ritter explained the effort to obtain additional assistance from Congress. Mayor Teixeira advised that congressional funding efforts had included funding for the anti-meth coalition. He had received information indicating that \$1,000,000 had been obtained for the bypass. Comments clarified that the funding for the freeway and anti-meth coalition had been approved by one unnamed congressional house. The actual amount was not stated. Senator Ensign had committed to obtaining an appropriation. Ms. Ritter indicated that she will contact him and ask for the status of the funding requests. (3:14:23) Lynn Zonge provided a brief status report on the Carson River Aquatic Trail. Discussion included the funding received to date for this project and the warning signs pointing out dangers found along it. Supervisor Livermore encouraged the Board Members to look at the Community Center's theater rehabilitation project. No formal action was taken or required on these subjects.

**B. STAFF COMMENTS AND STATUS REPORT** - None.

**13. DISTRICT ATTORNEY - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.015(2)(B)(2) TO MEET WITH ATTORNEYS TO DISCUSS EXISTING OR POTENTIAL LITIGATION INVOLVING MATTERS OVER WHICH THE BOARD HAS SUPERVISION, CONTROL, JURISDICTION OR ADVISORY POWER AND TO DELIBERATE TOWARDS A**

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**DECISION ON THE MATTER (3:16:10)** - Supervisor Aldean moved to recess into closed session pursuant to NRS 241.015(2)(B)(2) to meet with attorneys to discuss existing or potential litigation involving matters over which the Board has supervision, control, jurisdiction or advisory power and to deliberate

towards a decision on the matter. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Teixeira recessed the open session at 3:17 p.m.

**14. ACTION TO ADJOURN** - At the conclusion of the closed session the open session was adjourned by mutual consent at an unknown time.

The Minutes of the July 19, 2007, Carson City Board of Supervisors meeting

ARE SO APPROVED ON September 20, 2007.

/s/  
\_\_\_\_\_  
Marv Teixeira, Mayor

ATTEST:

/s/  
\_\_\_\_\_  
Alan Glover, Clerk-Recorder