

CARSON CITY BOARD OF SUPERVISORS
Minutes of the June 15, 2006, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, June 15, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Linda Ritter	City Manager
	Dave Dawley	Assessor
	Tom Minton	Finance Director
	Stacy Giomi	Fire Chief
	Daren Winkelman	Health Director
	Lisa Roth	Human Resources Director
	Andrew Burnham	Public Works Director
	Cheryl Adams	Purchasing and Contracts Manager
	Melanie Bruketta	Chief Deputy District Attorney
	Merlene Alt	Deputy Treasurer
	Steve Schutte	Chief Deputy Sheriff
	Tony Baker	Senior Risk Management Program Coordinator
	Bob Keith	Senior Trades Coordinator
	Katherine McLaughlin	Recording Secretary
	Sandy Scott	Contracts Coordinator

(BOS 6/15/06 Recording 8:29:26)

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 Department's heading. Any other individuals who spoke are listed immediately following the item 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, AND INVOCATION - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. A quorum was present although Supervisor Williamson was absent. Supervisor Livermore led the Pledge of Allegiance. Rev. Chuck Nichter of the Wellspring Ministries gave the Invocation.

CITIZEN COMMENTS ON NONAGENIZED ITEMS (8:30:13) - Sam Dehne, "the Encyclopedia of Reno Government and the most trusted name in Reno government", outlined his background as an airline pilot and his attendance at Reno, Sparks and Washoe County governmental meetings. He alleged that the City's agenda does not correctly indicate that public comments on nonagenized topics are to be allowed whenever the Board of Supervisor becomes a different public body. He had informed the Board of this deficiency at its last meeting. A change has not been made to the agenda. He indicated that, due to this inaccuracy, he was compelled to file a complaint with the Attorney General. He then espoused his belief that the City Airport needed to provide regional airline service. He believed that the FAA will fund 90% of the costs to clean up

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and develop the airport so that regional airline service can be provided. He also indicated that, if the Board agrees and immediately acts to ask for public comments on non-agenized items when acting as the Liquor Board and the Redevelopment Authority, he will withdraw his complaint. Mayor Teixeira responded to Mr. Dehne by indicating that Mr. Dehne is well aware of the fact that the Board cannot vote on any non-agenized items. Such an act would break the Open Meeting Law. Mr. Dehne contended that the Board could and does add things to the agenda all the time. If the Board does not want to do it, it does not have to. No formal action was taken under this topic.

1. ACTION ON APPROVAL OF MINUTES - 5/4/06 REGULAR SESSION AND THE 5/15/06 BUDGET SESSION (8:35:36) - Supervisor Aldean moved to approve the Minutes of the Board of Supervisors meeting for May 4, 2006, and the Minutes for the Special Budget Hearing of May 15, 2006, as presented. Supervisor Livermore seconded the motion. Motion carried 4-0.

2. CHANGES TO THE AGENDA (8:36:10) - City Manager Linda Ritter indicated that Item 9A, the solar power and services agreement, had been pulled. Mr. Dehne asked to speak on this action item. Mayor Teixeira explained that it is not an action item. He also informed Mr. Dehne that if he continues to interrupt the meeting, he will be removed. He felt that Mr. Dehne was present for his own edification and to try and run the City's government. This will not work. He asked that he please speak only when called on. Mr. Dehne asked to be called on. Mayor Teixeira indicated that Item 9A is "gone". No other changes to the agenda were made.

LIQUOR AND ENTERTAINMENT BOARD (8:37:08) - Mayor Teixeira then recessed the Board of Supervisors session and convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder for this date.

BOARD OF SUPERVISORS (8:47:53) - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. A quorum of the Board was present although Supervisor Williamson was absent.

4. CONSENT AGENDA (8:48:00)

4-1. CLERK-RECORDER - ACTION TO ACCEPT THE ANNUAL REPORT OF THE CARSON CITY RECORDER PER NRS 247.306

4-2. ASSESSOR - ACTION TO ACCEPT THE ANNUAL REPORT OF THE CARSON CITY ASSESSOR PER NRS 250.085

4-3. PURCHASING AND CONTRACTS

A. ACTION TO ADOPT A RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO DETERMINE THAT THE 26 PIECES OF MISCELLANEOUS SURPLUS PROPERTY HAVE REACHED THE END OF THEIR USEFUL LIVES AND WILL BE DONATED TO ANOTHER GOVERNMENTAL ENTITY OR TO A REQUESTING NONPROFIT ORGANIZATION CREATED FOR RELIGIOUS, CHARITABLE OR EDUCATIONAL PURPOSES AS SET FORTH IN NEVADA REVISED STATUTE 372.3261 (FILE 0607-016)

B. ACTION TO APPROVE CONTRACT NO. 0304-067, CONFLICT COUNSEL ATTORNEY SERVICES 2ND RENEWAL, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY THE CONSORTIUM OF KAY ELLEN ARMSTRONG, J. THOMAS SUSICH, AND

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ROBERT B. WALKER FOR FISCAL YEAR 2006/2007 IN THE AMOUNT OF \$322,353.48 FROM THE GENERAL FUND

C. ACTION TO APPROVE CONTRACT NO. 0607-011, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY BRUNO BIELAT, PH.D., FOR FISCAL YEAR 2006-2007 IN THE AMOUNT OF \$26,159 FROM A PARTNERSHIP BLOCK GRANT

D. ACTION TO APPROVE CONTRACT NO. 0607-013, A REQUEST FOR THE PURCHASE, INSTALLATION, AND SERVICING OF ALERTON PRODUCTS TO BE PROVIDED BY BUILDING CONTROL SERVICES, INC., THROUGH DECEMBER 31, 2006, FOR A NOT TO EXCEED COST OF \$100,000 FROM THE GENERAL FUND EXEMPT FROM COMPETITIVE BIDDING

E. ACTION TO EXTEND CONTRACT NO. 0304-020 WITH BADGER METER, INC., FOR PUBLIC WORKS TO PURCHASE DOMESTIC WATER METERS THROUGH SEPTEMBER 15, 2007, WITH THE SAME PRICES, TERMS, AND CONDITIONS AS ORIGINALLY AWARDED AND WITH THE REMOVAL OF THE EIGHT (8) REGISTER/TRANSPONDERS WHICH ARE NO LONGER AVAILABLE FOR A NOT TO EXCEED AMOUNT OF \$125,000 FROM THE WATER FUND

F. ACTION TO APPROVE CONTRACT NO. 0607-012, A REQUEST TO ENTER INTO A PRICE AGREEMENT WITH BADGER METER, INC., THROUGH SEPTEMBER 15, 2009, FOR THE PURCHASE OF BADGER ORION® PRODUCTS EXEMPT FROM COMPETITIVE BIDDING FOR A NOT TO EXCEED AMOUNT OF \$125,000 PER FISCAL YEAR FROM THE WATER FUND

G. ACTION TO APPROVE CONTRACT NO. 0607-014, A REQUEST FOR INSTALLATION AND SERVICING OF BASIS (BEST ACCESS SYSTEMS INTEGRATED SOLUTIONS) SOFTWARE AND PRODUCTS TO BE PROVIDED BY STANLEY SECURITY SOLUTIONS, INC., FOR FISCAL YEAR 2006/2007 IN THE AMOUNT OF \$25,000 FROM THE WATER FUND, \$27,000 FROM THE SEWER FUND, \$27,000 FROM THE STORMWATER FUND, AND \$12,078.80 FROM THE GENERAL FUND EXEMPT FROM COMPETITIVE BIDDING

H. ACTION TO APPROVE CONTRACT NO. 0607-006, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY PHYSICIAN SELECT MANAGEMENT, LLC, FOR THE CARSON CITY COMMUNITY HEALTH CLINIC FOR FISCAL YEAR 2006/2007 IN THE AMOUNT OF \$151,037 FROM A GRANT FROM THE NEVADA DEPARTMENT OF HUMAN RESOURCES, HEALTH DIVISION

4-4. PUBLIC WORKS - CONTRACTS - ACTION TO ACCEPT THE RECOMMENDATION OF PUBLIC WORKS TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND APPROVE THIS RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$27,701 ON THE CARSON CITY HALL EXPANSION (REBID) PROJECT, CONTRACT NO. 2004-072, TO BUILDING SOLUTIONS, LLC, 338 RYLAND STREET, RENO, NEVADA 89501

4-5. FIRE DEPARTMENT - ACTION TO ADOPT A RESOLUTION CREATING A COOPERATIVE AGREEMENT BETWEEN CARSON CITY FIRE DEPARTMENT AND THE SIERRA FIRE PROTECTION DISTRICT

4-6. CITY MANAGER

A. ACTION TO APPOINT MARK MCCUBBIN TO FILL THE POSITION OF "OWNER OF LESS THAN 20 ACRES" AND RANDY PAHL TO FILL THE POSITION OF

“PROPERTY OWNER OF 20+ ACRES” ON THE CARSON RIVER ADVISORY COMMITTEE - WITH TERMS ENDING JULY 2009

B. ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND WALKER AND ASSOCIATES FOR GOVERNMENTAL AFFAIRS SERVICES FOR FISCAL YEAR 2006/2007

4-7. FINANCE

A. ACTION TO RENEW THE CARSON CITY CONTRACT WITH NEVADA PUBLIC AGENCY INSURANCE POOL. THE TOTAL PREMIUM WILL BE \$558,765 FOR PROPERTY, LIABILITY, CRIME, AND BOILER AND MACHINERY INSURANCE COVERAGES FOR FY 06-07

B. ACTION TO RENEW THE CARSON CITY CONTRACT WITH PUBLIC AGENCY COMPENSATION TRUST. THE TOTAL PREMIUM WILL BE \$1,328,330 FOR THE WORKERS’ COMPENSATION COVERAGE FOR FY 06-07 - Sam Dehne - The public was asked if there was a desire to pull any of the Consent Agenda items for discussion. Sam Dehne, “the Encyclopedia of Reno Government and the most trusted name in Reno government”, noted that Sheriff’s Deputies were still present. He felt that the Consent Agenda is to be used for mundane, housekeeping items. He agreed with this concept as the Board’s time is very valuable. There are items listed on it that involve huge amounts of money, e.g., \$320,000 for Item 4-3B, the Conflict Counseling Services. He assumed that they had followed the proper bidding process and the contract was being awarded to the lowest bidder. Discussion indicated that he wished to pull Items 4-3B, 4-3H, 4-5 - Fire Department, and 4-7 - Finance - A and B. He also took exception to the lack of open comments during the last Board meeting. Mayor Teixeira advised him that he was “trying his patience”. This is a Board meeting and not a court of law. It has been running fine. He felt that Mr. Dehne was present for his own “edification” and to get himself on television. He was surprised that Mr. Dehne had not brought his guitar. He cautioned Mr. Dehne against making the meeting a *Jerry Springer Show*. He indicated that he will have Mr. Dehne removed if he does. Mr. Dehne responded that his points are on the mark. Mayor Teixeira disagreed.

The Board did not wish to pull any of the items for discussion. Supervisor Livermore moved for approval of the Consent Agenda that consists of one item from the Clerk-Recorder, one item from the Assessor, six items remaining from Purchasing and Contracts which includes 4-3A Resolution No. 2006-R-27, one item from Public Works - Contracts, two items from the City Manager, for a total of 11 items remaining on the Consent Agenda as presented. Supervisor Staub seconded the motion. Comments were solicited but none given. The motion was voted and carried 4-0. Supervisor Aldean acknowledged the reappointment of Mark McCubbin to fill the position of “Owner of Less than 20 Acres” and Randy Puhl to fill the position of “Owner of More than 20 Acres” on the Carson River Advisory Committee and thanked them for their service.

4-3B. (8:52:08) - Purchasing and Contracts Manager Cheryl Adams explained that the contract had originally been proposed two years ago. This is its second renewal. Comments were solicited. Clarification explained the protocol that has staff make a presentation first followed by public comments. Sam Dehne felt that the information should have included indicating that it was a renewal. He then acknowledged that it does say renewal. He also indicated that he was speaking neither for nor against the contract. He felt that the contract should have been put out to bid and that it was not a housekeeping item. Supervisor Aldean moved to approve Contract No. 0304-067, Conflict Counsel Attorney Services, Second Renewal, a request for professional services to be provided by the consortium of Kay Ellen Armstrong, J. Thomas Susich, and Robert B. Walker

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for fiscal year 2006-2007 in the amount of \$322,353.28 from the General Fund. Supervisor Livermore seconded the motion. Supervisor Staub pointed out that the monthly fee in the contract is \$26,862.79. The information in the packet indicates that the monthly fee is \$25,176. Ms. Adams indicated that she may have miscalculated the amount. Discussion indicated that the contract amount is correct. The motion to approve a renewal of the contract for an amount of \$322,353.28 was voted and carried 4-0.

4-H. (8:55:12) - Health Director Daren Winkelman explained that the Board had accepted a grant for contracted services for this purpose at the last Board meeting. The proposed contract allows Physician Select Management to perform the work under that grant.

Sam Dehne thanked Supervisor Staub for pointing out the minor error in the last item, which had not been his point. He had not intended to get anyone whatsoever in trouble. His point regarding this item is that a \$150,000 grant should be acknowledged for the citizens as it is a lot of money. It should not be on the Consent Agenda as no one will ever know anything about it. It is not fair to the Nevada Department of Human Resources. They should be credited for doing the research and deciding that this money should be used for this very important issue. These professional services are being provided for the Carson City Community Health Clinic. It is an important operation. It should see the light of day. He did not know what the cutoff figure should be—\$5,000, \$10,000. But such huge amounts, these grants and donations should be acknowledged.

Supervisor Livermore moved to approve Contract No. 0607-006, a request for professional services to be provided by Physician Select Management, LLC, for the Carson City Community Health Clinic for Fiscal Year 2006-07 in the amount of \$151,037 from a grant from the Nevada Department of Human (Resources), Health Division; fiscal impact is \$151,037. Supervisor Staub seconded the motion. Motion carried 4-0. Supervisor Staub and Mayor Teixeira thanked Dr. O'Shaughnessy for attending the meeting.

4-5. (8:57:40) - Fire Chief Stacy Giomi briefly described the purpose of the mutual aid agreement between Carson City and the newly formed Washoe County Sierra Fire Protection District. The location of the District was described. The agreement is the same as the one the City has with the Nevada State Division of Forestry. Comments were solicited.

Sam Dehne felt that the citizens should know about this agreement due to the devastation created by a fire two years ago. Both the television viewers and the individuals in the audience should be happy to know that the fire departments have joined together and that the fire protection should be better than it always has been. He has always admired the fire protection men and women who have saved the residents from fires and other devastating problems. Items like this should see the light of day. He knew that they had been working on the agreement for some time. He had seen it at the Washoe County meetings in Reno. It is a good thing that should be acknowledged and not just voted on in one fell swoop. The citizens don't really know about such items unless the media reports on them. Mayor Teixeira advised him that he was "digging himself a hole" by getting on the media. Mr. Dehne agreed.

Supervisor Aldean moved to adopt Resolution No. 2006-R-28, A RESOLUTION CREATING A COOPERATIVE AGREEMENT BETWEEN CARSON CITY FIRE DEPARTMENT AND THE SIERRA FIRE PROTECTION DISTRICT. Supervisor Livermore seconded the motion. Motion carried 4-0.

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4-7 A AND B. (9:00:24) - Finance Director Tom Minton explained the purpose of the two contracts and the increase in premiums. He also noted the difficulty experienced in covering workman's compensation for police and firepersons. The City does not have a large number of claims against the contracts. There had been two. When compared to the pool as a whole, the City's claim experience is very good.

Sam Dehne espoused his belief that these items should see the light of day. People allegedly wonder about financing and if they are getting the best bang for the money. Mr. Minton had pointed out that they have done a wonderful job. The citizens should know that they have the best contracts going. The media should be "celebrating Sam Dehne as the blessing that he is to the community as he is letting you know what is going on in the community". He thanked the Board for being allowed to speak on these issues which is his duty and not just his right.

Supervisor Livermore moved to renew Carson City's contract with the Nevada Public Agency Insurance Pool; the total premium will be \$558,765 for property, liability, crime, boiler, and machinery insurance coverages for fiscal year 06-07 from the Insurance Fund; fiscal impact is \$558,765. Supervisor Staub seconded the motion. Comments were solicited but none were given. Motion carried 4-0.

Supervisor Staub moved to renew the Carson City contract with Public Agency Compensation Trust; the total premium will be \$1,328,330 for the Workers' Compensation coverage for FY 06-07 from the Workers' Compensation Fund. Supervisor Livermore seconded the motion. Comments were solicited but none were given. Motion carried 4-0.

5. HUMAN RESOURCES - Director Lisa Roth - ACTION TO RENEW MEDICAL AND PRESCRIPTION DRUG PLANS WITH ST. MARY'S HEALTH FIRST, DENTAL, LIFE INSURANCE AND AD&D WITH STANDARD LIFE INSURANCE COMPANY AND VISION PLAN WITH VSP (9:03:37) - The plans had been put out to bid. The original increase had been reduced from 12% to 6.2% by making some changes to the policies. The Insurance Committee, of which Finance Director Minton is a member, recommended the renewal and changes. Comments were solicited but none were given. Supervisor Staub moved to renew medical and prescription plans with St. Mary's Healthfirst; dental, life and AD&D benefits with Standard Insurance Company, and vision plan with VSP; this increase is 6.2% for a total of \$4,555,757 with the funding source of all operating funds; fiscal impact is as stated in the motion. Supervisor Livermore seconded the motion. Comments were solicited but none were given. Motion carried 4-0.

6. RISK MANAGEMENT - Program Coordinator Tony Baker - ACTION TO APPROVE A SETTLEMENT AGREEMENT BETWEEN NATHAN SABIN AND CARSON CITY FOR THE SUM OF \$30,000 (9:05:21) - Sam Dehne, Encyclopedia of Reno Government - Mr. Baker summarized the excessive force event. The Deputy was terminated. Negotiations had reached an agreement on the settlement amount of \$30,000. Comments were solicited.

Mr. Dehne thanked Mr. Baker for the brief summary of events, which he repeated. He pointed out that the individual will receive a settlement of \$30,000 if the Board approves the request. He then explained that the Mayor's body language had irked him by saying "hmmm, it seems like a tidy sum or words to that effect". He had been arrested wrongfully one time in his life and no one was unfortunately terminated for that act. Mayor Teixeira asked him to speak to the issue. Mr. Dehne did not believe that \$30,000 is enough money.

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He did not know when the event occurred—three or six months ago, a year ago. He did not know if the gentleman was present to decide whether he wants to accept the offer. In Mr. Dehne's opinion, the offer is not enough money. Mayor Teixeira advised Mr. Dehne that if he continues----. The issue has already been settled and signed off on. Whether Mr. Dehne likes it or not, it is an action to do what was negotiated. The Board will vote on the settlement offer. If Mr. Dehne continues, he will have him removed. Mr. Dehne noted that there is a Sheriff's Deputy present. Supervisor Staub explained that the Board does not negotiate a settlement when it is against the City. To do so would be ridiculous. Supervisor Aldean explained that to do so would also be a disservice to the taxpayers of the town.

Supervisor Aldean moved to approve a settlement between Nathan Sabin and Carson City for the sum of \$30,000; funding source is the stated account number. Supervisor Livermore seconded the motion. Comments were solicited but none were given. The motion was voted and carried 4-0.

7. FIRE - Chief Stacy Giomi - ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CHAPTER 5.18 AMBULANCE SERVICES, SECTION 5.18.040 FEES AND RATES BY INCREASING THE FEE AND RATE SCHEDULE AS LISTED FOR EXISTING SERVICES, AND OTHER MATTERS PROPERLY RELATED THERETO (9:08:58) - A significant regional rate study had been conducted. Medicare is 60% of their patients. It uses Nevada and California as a separate district due to the high cost of medical care in this area. The rate increases basically cover the expenses incurred and regionalizes them for the average of California and Nevada. The rates had always been regionalized locally which does not reflect what Medicare is willing to reimburse. As 60% of the patients are on Medicare/Medicaid, the rates need to follow what is allowed as much as possible. Supervisor Staub moved to introduce Bill No. 116, AN ORDINANCE AMENDING CHAPTER 5.18 AMBULANCE SERVICES, SECTION 5.18.040 FEES AND RATES BY INCREASING THE FEE AND RATE SCHEDULE AS LISTED FOR EXISTING SERVICES, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Comments were solicited but none were given. The motion was voted and carried 4-0.

REDEVELOPMENT AUTHORITY (9:10:54) - Mayor Teixeira then recessed the Board of Supervisors session. He immediately convened the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder.

BOARD OF SUPERVISORS (9:14:00) - Following adjournment of the Redevelopment Authority, Mayor Teixeira reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

8. FINANCE - Director Tom Minton

A. ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2005-06 BUDGET IN THE AMOUNT OF \$3,826,500 (9:14:07) - Mayor Teixeira explained that the action is to redo what had been done as the Redevelopment Authority. Supervisor Livermore moved to adopt Resolution No. 2006-R-29, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FISCAL YEAR 2005-06 BUDGET IN THE AMOUNT OF \$3,826,500. Supervisor Staub seconded the motion. Motion carried 4-0.

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B. ACTION TO ADOPT A RESOLUTION FOR TEMPORARY INTERFUND LOAN FROM THE GENERAL FUND TO THE AMBULANCE FUND IN THE AMOUNT OF \$150,000, IF NECESSARY (9:14:44) - EMS Battalion Chief Vince Pirozzi - Problems created by the change in collection agencies had temporarily reduced the revenue stream. The revenue stream increased in May. The same level is expected in June. The temporary, short-term, interfund loan, if needed, will negate a possible auditor's comment regarding over expenditure of the account. If the revenue is adequate to cover expenditures, the loan will not be made. EMS Battalion Chief Pirozzi explained that the overall collection rate is between 45% and 55%, which is the national average. He felt that these figures are deceiving. The expenses as well as the collections need to be considered. Mayor Teixeira expressed a desire to establish a policy that will allow him to fine anyone whose cell phone rings during the meeting. EMS Battalion Chief Pirozzi explained that the number of Medicare clients is higher than the average which causes a higher writeoff rate. He reiterated that the collection agency had problems in starting, however, it is catching up. He felt that the funds will be increasing to the expected rate. The funds, however, may be late in coming. Comments were solicited but none given. Supervisor Aldean moved to adopt Resolution No. 2006-R-30, A RESOLUTION FOR TEMPORARY INTERFUND LOAN, a \$150,000, FROM THE GENERAL FUND TO THE AMBULANCE FUND if needed. Supervisor Livermore seconded the motion. Comments were solicited but none given. The motion was voted and carried 4-0.

C. ACTION TO ADOPT A RESOLUTION TO LEVY THE CARSON CITY FISCAL YEAR 2006-07 AD VALOREM TAX RATE SUBJECT TO CERTIFICATION BY THE NEVADA TAX COMMISSION (9:18:28) - The base rate is 2.9287. The prior year's rate was 2.6435. Mayor Teixeira explained that the tax rate only applies to new development as the \$2.64 is capped at 3%. Discussion indicated that the new tax rate will not affect existing property owners. Comments were solicited but none were given. Supervisor Livermore moved to adopt Resolution No. 2006-R-31, A RESOLUTION TO LEVY THE CARSON CITY FISCAL YEAR 2006-07 TAX RATE SUBJECT TO CERTIFICATION BY THE NEVADA TAX COMMISSION as presented. Mayor Teixeira seconded the motion. Motion carried 4-0.

D. ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 2005-06 BUDGET IN THE AMOUNT OF \$23,752,538 (9:20:17) - Mr. Minton read the list of large unbudgeted items. Board comments were solicited but none were given. Supervisor Staub moved to adopt Resolution No. 2006-R-32, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 05-06 BUDGET IN THE AMOUNT OF \$23,752,538. Supervisors Livermore and Aldean seconded the motion. Comments on the question were solicited but none were given. Motion carried 4-0.

9. PUBLIC WORKS - City Manager Linda Ritter

A. ACTION TO APPROVE A SOLAR POWER AND SERVICES AGREEMENT BETWEEN ENERGY NEVADA (EN) AND CARSON CITY FOR THE INSTALLATION AND OPERATION OF A SOLAR POWER SYSTEM FOR THE PUBLIC SAFETY BUILDING (8:36:10)
- Pulled.

RECESS: A recess was declared at 9:22 a.m. A quorum of the Board was present when Mayor Teixeira reconvened the meeting at 9:29 a.m. Supervisor Williamson was absent as indicated.

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B. ACTION ON A MOTION FINDING THAT THE PROPOSED ORDINANCE AMENDING CHAPTER 12.12 SOLID WASTE MANAGEMENT OF THE CARSON CITY MUNICIPAL CODE, REGARDING AN INCREASE IN LANDFILL RATES AND FEES DOES IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS, THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, ACCEPTED AND IS ON FILE WITH THE BOARD OF SUPERVISORS AND THAT THE REQUIREMENTS OF THE ACT HAVE BEEN MET (9:28:21) - Ms. Ritter's introduction included noting that late material had been received from Waste Management regarding the impact of the proposed rate increases. (A copy is in the file.) During her presentation of Item C, she will discuss the fees and policies. Supervisor Livermore moved to find that the proposed ordinance amending Chapter 12.12 Solid Waste Management of the Carson City Municipal Code regarding an increase in landfill rates and fees does impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business, that a Business Impact Statement has been prepared, accepted, and is on file with the Board of Supervisors and that the requirements of the Act have been met. Supervisor Staub seconded the motion. Motion was voted and carried 4-0. During the vote Mr. Dehne expressed a desire to comment. Mayor Teixeira explained the action is on a fiscal item. He also indicated to Mr. Dehne that he will tell him when he may speak. He could not speak now.

C. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CHAPTER 12 WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.12 SOLID WASTE MANAGEMENT, BY DELETING SECTION 12.12.047 LANDFILL RATES AND FEES AND THEN ADDING SECTION 12.12.047 LANDFILL RATES AND FEES WHICH INCREASES THE FEES AND INCORPORATES OUT-OF-COUNTY RATES AND DELETING SECTION 12.12.048 OUT-OF-COUNTY RATES AND ADDING SECTION 12.12.048 TRANSPORTATION OF SOLID WASTE WHICH REQUIRES THAT SOLID WASTE BE APPROPRIATELY SECURED DURING TRANSPORT TO THE LANDFILL AND IF IT IS NOT APPROPRIATELY SECURED THE DRIVER OF THE VEHICLE WILL BE CHARGED TWICE THE APPROPRIATE RATE AND OTHER MATTERS PROPERLY RELATED THERETO (9:30:12) - Finance Director Tom Minton; Senior Public Works Operations Manager Ken Arnold; Waste Management (WM) Attorney Frank Cassas; Sam Dehne, "the Encyclopedia of Reno Government" - Ms. Ritter's introduction included a reminder of the budget explanation that all City assets are being analyzed in order to find all of the different ways revenue can be generated to address the growing community needs. She highlighted the topics she wished to speak on. She then summarized computerized slides. (A copy is in the file.) They included a review of the landfill budget, its future capital needs, the current statistics, and the rate proposals. The budget review indicated that if the revenue remains stagnant, the operating expenses will eventually exceed it by 2010-2011. There are capital needs which must also be addressed. By 2010 the working capital, which is used to acquire capital items, is estimated to be at a deficient. A list of the capital needs were reviewed. As the operation is an enterprise fund, the annual capital needs of approximately \$800,000 must be met. Graphs illustrating the type of material disposed of at the landfill, the source of those materials, and a comparison of their revenue sources were reviewed. A comparison with other landfill/transfer fees was limned. The proposed rates for both Carson City residents and for nonresidents were reviewed. The resident fee for MSW Compacted Material was proposed to decrease from \$4.25 to \$4.00 due to the difficulty in keeping change. The residential MSW Uncompacted Material fee was also proposed to decrease from \$4.50 to \$4.00. The estimated revenue generated by the new rates totalled \$550,000, which is inadequate to meet the needed \$800,000 annual cost

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for capital needs/equipment. The proposed out-of-county/nonresidential rates were noted and estimated to generate \$1.1 million. This revenue stream will exceed the expenditures and meet the capital needs. The remaining funds could be used for other purposes, if so desired. Discussion between Supervisor Aldean and Mr. Minton explained how operating transfers are handled and that excess revenue can be used for general purposes. Ms. Ritter used the General Fund transfer of \$75,000 to the cemetery fund, which is also an enterprise account, as an illustration of the process. Mr. Minton explained that there are restrictions on the amount of retained earnings that are allowed. Mayor Teixeira pointed out that the desire is to have every operation be self-sustaining, however, the pools, the library, the ambulance, etc., are being subsidized. He also pointed out the need to be pro-active now as it will eventually cost someone to keep maintaining the facility. It is believed that the landfill has 50 to 60 years of life left. The proposal is pro-active. He also felt that the last rate increase for the landfill was made before his original terms. The 2001 change was a conversion and not a rate increase. Discussion also indicated that staff had discussed the concept with the Chamber of Commerce Executive Board. The statement was faxed to the Builders Association of Western Nevada (BAWN). BAWN Executive Director Rick DeMar had been briefed on the concept. Staff had not received any comments on the proposal. Supervisor Staub indicated that he favored having the landfill operate at a profit, however, the reclamation and replacement costs also need to be considered. Ms. Ritter indicated that the Board may wish to allocate the funds for a new landfill site. Revenue for post closure costs are included in the fees. Mayor Teixeira indicated that the Board has the discretion to establish a policy regarding the allocation of funding which may include a replacement. Ms. Ritter indicated that if the concept is approved, staff will return with the options as well as a policy establishing the replacement fund and its preservation. Supervisor Livermore pointed out WM's concerns regarding the impact the fees will have on its curbside operation. He expressed a concern about a policy which will decrease the rate for residential self-haulers while the curbside residents experience a fee increase. Ms. Ritter agreed that the proposed rates could create a fee increase for the curbside residents. She also pointed out that WM had adjusted its rates 23% percent since 1999 by implementing an annual CPI adjustment as allowed in the franchise agreement. The landfill operation, itself, had not increased its rates. The franchise allows the City to analyze the profitability of the curbside operation for a rate increase. WM has indicated that their 12% return rate may be dropping to 8% and with the landfill increases will drop to 5%. The City needs to conduct a full rate evaluation and be given full disclosure. Discussion indicated that WM's last two rate increases were 5% each. Mr. Minton explained that this rate is based on the published index which is used across the Nation and is allowed by the franchise agreement. Discussion noted that WM has "heartburn" over the recycling program. Additional information regarding this program is needed. Ms. Ritter indicated that the program is providing approximately one additional life year for the landfill at a cost of \$34 million. Staff needs to analyze the real cost of recycling, its benefits, and alternatives. A drop box may be more desirable than the current curbside pickup service. WM has purportedly indicated that the cost of the recycling collection is not reflected on the monthly bill. The public needs to know the actual costs of recycling. Previous discussions regarding this program were noted. WM has allegedly indicated that the recycling program was not making the desired yield. Their letter, however, indicates that they are operating at a loss. Mayor Teixeira noted that the issue is that the fee increase will increase the WM fees. The landfill fees will still be less than the market. Ms. Ritter then reviewed landfill/curbside service fees for the region. She felt that there are other things in the curbside rates which need to be considered before establishing the landfill rate. She then summarized the presentation and the reasons for submitting the proposed rates and the policy question on whether its operation should support the General Fund. She noted the operational changes suggested in the ordinance regarding covering the self-haulers' loads.

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Supervisor Livermore advised that he had discussed the enforcement issue of this policy with the staff and the Sheriff. In Supervisor Livermore's opinion the two issues should not be mixed together in one ordinance. The proposal is to enforce covering the material being hauled to the landfill at the landfill by doubling the fees. Enforcement at other locations in the community is not being considered. Discretion is being given to the gate person regarding whether a load is appropriately secured/covered. Mr. Arnold had purportedly distributed to the Board a copy of the procedures for assessing this fee. (A copy is in the file.) Supervisor Livermore had not had an opportunity to review it. The Sheriff allegedly believes that such enforcement issues should be "routed" through him. Supervisor Livermore questioned who would determine the Sheriff's enforcement priority over the program and whether it will clean up the waysides. He could support such a program but believed that enforcement should not occur at the landfill gate. The concept is arbitrary and confuses two separate issues. He could not support the package as submitted if they remain in the same ordinance.

Mr. Arnold apologized for not providing the information to the Board earlier. The date on the information was when the draft was prepared. The spirit of the ordinance is to cleanup the corridors. Law enforcement can use the City Code and the Nevada Administrative Code (NAC) to stop vehicles traveling to the landfill with improperly/unsecured loads. He believed that the gate and landfill personnel can educate people on the proper procedures during proposed six month delay in its enforcement. He felt that this time would allow everyone to "get on the same page" regarding secured loads and definitions of tied and covered. Supervisor Livermore indicated that he understood the intent and desire to cleanup the waysides. He described a pit in his windshield he had received from a large construction truck on a road that was not en route to the landfill. Enforcement should occur in the community as well as at the landfill. He questioned the amount of training that will be provided to the gate personnel and if there will be pictures/examples of secured loads. He felt that the education process could take a lot longer than envisioned. He reiterated his belief that the two items should be separated. Ms. Ritter indicated that Section 5 could be removed/amended, if desired. Supervisor Staub pointed out that the ordinance could be reviewed by the Sheriff between first and second readings. The Sheriff should attend the Board meeting at the time of the second reading to answer questions. If the Board decides to remove the section, it could be done at that time.

Supervisor Aldean felt that an increase in the landfill fees may ultimately result in more illegal dumping in the community. There are fines assessed against illegal dumpers. She suggested that the hot line establish a reward program when illegal dump sites are found. She agreed that there is a problem in the community. Ms. Ritter agreed that there is a problem. The City has developed advertisements about these problems. Mayor Teixeira felt that the commercials had been "excellent". When individuals are caught, they are fined. There are 24 abandoned vehicles on the V&T route in Carson City. Their removal is a cost that will be bore by the City. Supervisor Aldean suggested that Secret Witness or the hot line create a reward program for catching illegal dumping in the act. Ms. Ritter agreed to look into her suggestion.

Supervisor Livermore pointed out a difference between a citation served by a Deputy Sheriff and the proposal to double the fees at the landfill is the lack of an appeal process or day in court for those opposing the fees. The process is arbitrary. Mayor Teixeira felt that this section of the ordinance should be handled separately as he was unsure whether a majority of the Board supported the concept.

Mr. Cassas introduced the WM representatives who were present. His comments stressed the belief that anything that happens at the landfill creates a direct impact on WM and its fees. He assured the Board that

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if a fee increase is approved, WM will file a rate case. Justification for this action was based on their employee and the landfill tipping costs. They had been operating at a stable rate for a number of years with only the cost of living increases. They had not anticipated a rate increase. The proposed fees will have a significant impact on them leaving them with no alternative but to seek a rate increase particularly in view of the impact of the recycling fees. They feel that the City has not been turning the recycling fees over to them as required. They hope to sort out this issue out with. He emphasized that the fees will impact both WM as well as its customers. They provide the service under the franchise agreement with an expectation of a fair rate of return. They have been having some problems with their financial analysis and had not studied the return rate for some time. It is felt that the amount of the loss is significant. Their discussions with staff have indicated that the City is making a profit from the landfill operation. They have not seen an \$800,000 loss at the landfill. He urged the Board to consider the impact the rate increase will have on both WM and its customers. Their letter of 5/31 illustrates the impact in 2007 and beyond and will drop their rate of return from 12% to 5%. For this reason the rate adjustment is needed now. He then alleged that the franchise agreement guarantees the same tipping fee at Lockwood as the other municipalities receive. The franchise set the Carson City tip fee at \$10.91. It has not yet been increased to \$14. There are other alternatives that need to be considered during the review of the costs. This includes the agreement to have a long term tip fee at the same rate as other municipalities. Douglas County and South Lake Tahoe transfer trucks driving through Carson City daily enjoy that same tipping fee as had been promised in the franchise agreement. The question is the difference between the transport at that tip fee versus continuing to operate the landfill over a longer period of time. The City has a stable population base. Its operating costs for the landfill will slowly increase over time. Customers will continue paying the increased costs. This is the reason they had guaranteed to pay the same tipping fee as assessed at the Lockwood landfill. They intend to file within 30 to 60 days a rate increase request. They asked that the Board delay action on the fee increase until all of their financial information is provided so that a reasonable decision can be made regarding the landfill fees and its impact on their customers.

Discussion among Mayor Teixeira, Mr. Cassas, and Mr. Arnold indicated that WM had operated the landfill before 2001. Under their operation it had been indicated that the landfill had an eight-year life remaining. Today its estimated life span is 50 years. It is the only landfill operation not being run by WM. Mayor Teixeira suggested that the franchise agreement be opened and renegotiated. He also pointed out that WM can claim its rate of return is not fair, however, the Board has no knowledge about it. There have been no other complaints regarding the proposed fees except by WM. He acknowledged that WM is a huge corporation and the desire to resolve all of the issues. He also pointed out the Board's fiduciary responsibility to the community is to run an efficient operation. He felt that WM's protest was a "guise" and that their issues will be resolved later. Mr. Cassas responded that it was not a contentious issue. It is a cost which they believe should be considered in totality all at one time.

Discussion between Supervisor Staub and Mr. Cassas indicated that they could submit a rate request within 30 to 60 days. Ms. Ritter explained that it will take staff some time to analyze the information which should include all of the expenses related to operation of the curbside service. She was willing to delay action on the ordinance. As Supervisor Staub was concerned about the impact on customers, she also pointed out the alternatives that the Board could consider, including delaying implementation, reducing the increase, etc. Supervisor Staub felt that the right rate should be approved the first time and not require an adjustment later. He wished to have all of the information at one time. He pointed out the variation in fees, i.e., the reduction

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for self-haulers and a substantial increase to WM. He wanted to have information regarding the impact for both types of customers. Ms. Ritter explained that the Board must approve WM's rate increase. Presentation of the data alone does not automatically grant an increase. She suggested that a deadline for submittal of the rate case be established. Mayor Teixeira and Ms. Bruketta felt that this was not agenzized for action. Mayor Teixeira suggested that action on the fee increase be deferred.

Supervisor Aldean indicated that she saw the matter differently from that expressed by Supervisor Staub. She was willing to defer to him if he has a vital concern. The Board needs to do what is in the best interest of the landfill even though it is associated with WM. The fees must cover the overhead which may require increasing revenue. The landfill must be solvent. It can also be used to create revenue to offset other costs created in the running City government. WM has a right to submit a rate case which could ultimately result in a change in the fees suggested today. She felt that the two issues should be separated. The Board should do what is in the best interest of the City. She did not feel that the Board should defer action on the fees. It should, however, defer action on the transportation issue as suggested by Supervisor Livermore. Additional comments were solicited.

Mr. Dehne supported Supervisor Livermore's statements regarding the need to secure all of the loads in Carson City. Enforcement should include all loads and not just for those going to the landfill. He also felt that WM was getting a raw deal. He acknowledged that the citizens do not want a rate increase. They should meet and reach a compromise between the parties. He asked that the record show that his demeanor does not justify having two armed Sheriff's Deputies in the room. He also urged the Board to take a fresh look at the issue of dumping things into the ground and attempt to be more environmentally friendly. He cited the Gooseberry Mine as an example of how to utilize the material for the creation of alternative energy sources. He alleged that the Mine is as close as the landfill. Mayor Teixeira thanked him for his comments.

Discussion between the Board and Ms. Ritter indicated that WM's franchise has 19 years remaining. They must use the City's landfill. A 30-day delay will not jeopardize the landfill. A longer delay will create a problem. Mayor Teixeira felt that 30 days was inadequate. He also believed that handling the issues on a piece meal basis will facilitate having the discussions and development of compromises.

Supervisor Aldean moved to adopt on first reading Bill No. 117, AN ORDINANCE AMENDING CHAPTER 12 WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.12 SOLID WASTE MANAGEMENT, BY DELETING SECTION 12.12.047 LANDFILL RATES AND FEES AND THEN ADDING SECTION 12.12.047 LANDFILL RATES AND FEES WHICH INCREASES THE FEES AND INCORPORATES OUT-OF-COUNTY RATES AND DELETING SECTION 12.12.048 OUT-OF-COUNTY RATES, action on the recommendation concerning the transportation of solid waste shall be deferred. Supervisor Livermore seconded the motion. The motion was voted by roll call with the following result: Supervisor Staub - No; Supervisor Aldean - Yes; Supervisor Livermore - Yes; and Mayor Teixeira - Yes. Supervisor Williamson was absent. Motion carried 3-1-1.

Supervisor Livermore asked that the rate case be brought back in two meetings or in a 30-day period. Ms. Ritter pointed out that this is possible if the staff receives the information in a timely fashion so that it can provide a thorough evaluation. Ms. Ritter agreed to provide it as quickly as possible. Clarification also

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indicated that the second reading of the ordinance is to occur on July 6 and not July 20. No formal action was taken on either of these matters.

D. UPDATE ON THE FLEET MANAGEMENT REPLACEMENT PROGRAM(10:21:52)

- Senior Public Works Operations Manager Ken Arnold, Financial Director Tom Minton, Chief Deputy Sheriff Steve Schutte - A fact sheet regarding the program was distributed to the Board and Clerk. (A copy is in the file.) Mr. Arnold reviewed it. Mayor Teixeira suggested that the City to sell its used vehicles to other jurisdictions who have a lower standard than the City's. Justification for this suggestion was based on the better prices given for ten vehicles by another jurisdiction(s) than would have been obtained through the auction process. Mr. Arnold explained how the City had contacted those jurisdictions. Staff will be expanding this list to include movie production companies. Mayor Teixeira opined that the City should consider keeping the vehicles longer as they should be able to be driven 100,000 to 150,000 miles. The current program is expensive. Mr. Arnold agreed and noted that, without a larger budget, it will not be possible to maintain the current three year turnover program. He also pointed out that the program allows them to have the Deputies in good cars that can be sold at a decent price. Ms. Ritter explained that the Sheriff has eliminated the vacancy factor in his Department. He is now using the cars more. The historical data that was analyzed had not shown this type of usage. Discussion explained that Mr. Minton had evaluated leasing vehicles versus buying. Leasing had not penciled out. His analysis indicated that only the corporate world leases vehicles. To make the program work, a closed end lease is needed. Clarification indicated that the leases require returning the vehicles before the warranty expires. Discussion with Chief Deputy Sheriff Schutte indicated that, for a two-hour period when shift changes are occurring, there are 15 patrol cars on duty. Normally there are six or seven patrol cars on the street. Mayor Teixeira felt that it is high use turnover for ten or 11 vehicles. The other cars are not getting the mileage experienced in the Sheriff's Department. An analysis of the program should be undertaken. He thanked Mr. Arnold for the report. He encouraged Mr. Arnold to establish a "government at work on vehicles" as there are a lot of vehicles available.

Mr. Arnold then gave an analysis on alternative fueled vehicles. He had compared smaller sedans to a couple of the leading manufacturers of hybrids. Over a five-year period, if the maintenance is the same, the hybrids cost \$9,300 more than a gas operated vehicle. This difference may even out over time and as research occurs. Compressed natural gas for a 3/4 ton truck for the same period costs \$8,000 more than a gas operated vehicle. An all electric utility type vehicle that is larger than a "Gator" is \$1,334 more for a five-year period. Mayor Teixeira felt that they will become more competitive in the future. Mr. Arnold indicated that on the 16th, tomorrow, at Fleet Services there will be demonstration on "e rides" which is a fully electrical utility type of vehicle. Supervisor Aldean indicated that a reevaluation of the fleet management needs to be done. Mr. Arnold concurred. No formal action was required or taken.

10. PUBLIC WORKS - PLANNING AND ZONING - Community Development Director Walter Sullivan

A. ACTION TO APPROVE A MASTER PLAN AMENDMENT APPLICATION FROM WEISE TRUST (PROPERTY OWNER: WEISE TRUST) TO CHANGE THE MASTER PLAN LAND USE DESIGNATION OF APPROXIMATELY 144 ACRES LOCATED EAST OF LAKEVIEW ROAD AND COMBS CANYON ROAD AT THE TERMINUS OF BUCKSKIN ROAD, APNS 007-091-71, 73 AND 77, FROM RURAL RESIDENTIAL (FIVE ACRES PER DWELLING UNIT) TO LOW

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DENSITY RESIDENTIAL (ONE-THIRD TO FIVE ACRES PER DWELLING UNIT) AND CONSERVATION RESERVE (20 ACRES PER DWELLING) (FILE NO. MPA-06-059) (10:35:58) - Comments were solicited but none were given. Supervisor Staub moved to approve a Master Plan Amendment application to change the Master Plan Land Use designation of approximately 144 acres located east of Lakeview Road and Combs Canyon Road at the terminus of Buckskin Road, APNs 007-091-71, -73, and -77, from Rural Residential to Low Density Residential and Conservation Reserve as presented in application based on the four findings contained in the staff report. Supervisor Livermore seconded the motion. Motion carried 4-0.

B. ACTION TO APPROVE A MASTER PLAN AMENDMENT APPLICATION FROM DAN JENKINS (PROPERTY OWNER: JENKINS, DANIEL AND LORI, ET AL) TO CHANGE THE MASTER PLAN LAND USE DESIGNATION OF APPROXIMATELY 60 ACRES LOCATED EAST OF LAKEVIEW ROAD AND COMBS CANYON ROAD, EAST OF THE TERMINUS OF BUCKSKIN ROAD, APN 007-091-74, FROM RURAL RESIDENTIAL (FIVE ACRES PER DWELLING UNIT) TO LOW DENSITY RESIDENTIAL (ONE-THIRD TO FIVE ACRES PER DWELLING UNIT) AND CONSERVATION RESERVE (20 ACRES PER DWELLING UNIT) (FILE NO. MPA-06-060) (10:28:18) - Comments were solicited but none were given. Supervisor Staub moved to approve a Master Plan Amendment application from Dan Jenkins, property owner: Jenkins, Daniel and Lori, et al., to change the Master Plan Land Use Designation of approximately 60 acres located east of Lakeview Road and Combs Canyon Road, east of the terminus of Buckskin Road, APN 007-091-74, from Rural Residential, five acres per dwelling unit, to low density residential, one-third to five acres per dwelling unit, and conservation reserve, 20 acres per dwelling unit, based on the four findings contained in the staff report. Supervisor Livermore seconded the motion. Motion carried 4-0.

C. ACTION TO APPROVE A MASTER PLAN AMENDMENT APPLICATION FROM WESTERN ENGINEERING (PROPERTY OWNER: BALDWIN, JANET TRUST 11/5/91) TO CHANGE THE MASTER PLAN LAND USE DESIGNATION OF APPROXIMATELY 1.23 ACRES OF THE SOUTHERN PORTION OF THE 2.09 ACRE PROPERTY LOCATED AT 1851 MERCURY WAY, APN 008-161-18, FROM MEDIUM DENSITY RESIDENTIAL TO MIXED-USE COMMERCIAL (FILE NO. MPA-05-116); AND, D. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT FROM WESTERN ENGINEERING (PROPERTY OWNER: BALDWIN, JANET TRUST 11/5/91) TO CHANGE THE ZONING OF APPROXIMATELY 1.23 ACRES OF THE SOUTHERN PORTION OF THE 2.09 ACRE PROPERTY LOCATED AT 1851 MERCURY WAY, APN 008-161-18, FROM MOBILE HOME 12,000 (MH12) TO GENERAL COMMERCIAL (GC), AND TO CHANGE APPROXIMATELY 0.85 ACRES OF THE NORTHERN PORTION OF THE PROPERTY FROM MOBILE HOME 12,000 (MH12) TO MOBILE HOME 6,000 (MH6), BASED ON THE FINDINGS CONTAINED IN THE STAFF REPORT (FILE NO. ZMA-05-117) (10:40:05) - Applicant's Representative Dennis Smith - Discussion noted Supervisor Aldean's involvement in the compromise. It allows the applicant to develop her property consist with the surrounding uses. Comments were solicited. Mr. Smith thanked the staff and Board for their support of the compromise which was felt to the best use of the property. They did not have any problems with the staff report or the conditions of approval. Supervisor Aldean moved to approve a Master Plan Amendment Application to change the Master Plan Land Use Designation of approximately 1.23 acres of the southern portion of the 2.09 acre property located at 1851 Mercury Way, APN 008-161-18 from Medium Density

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Residential to Mixed Use Commercial based on the four findings contained in the staff report. Supervisor Livermore seconded the motion. Comments were solicited but none were given. Motion carried 4-0.

Supervisor Aldean moved to introduce on first reading Bill No. 118, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING OF APPROXIMATELY 1.23 ACRES OF THE SOUTHERN PORTION OF THE 2.09 ACRE PROPERTY LOCATED AT 1851 MERCURY WAY, APN 008-161-18, FROM MOBILE HOME 12,000 TO GENERAL COMMERCIAL, AND TO CHANGE APPROXIMATELY 0.85 ACRES OF THE NORTHERN PORTION OF THE PROPERTY FROM MOBILE HOME 12,000 TO MOBILE HOME 6,000 BASED ON THE FINDINGS CONTAINED IN THE STAFF REPORT. Supervisor Livermore seconded the motion. Motion carried 4-0.

E. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT FROM SILVER STATE CONSULTING (PROPERTY OWNER: STRENG, MARTIN K AND MICHELLE R; CARDINAL, DAVID AND RHONDA) TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 12,000 (SF12), ON PROPERTY LOCATED AT 360 EAST OVERLAND STREET AND 329 EAST ROVENTINI WAY, APN'S 009-173-04 AND 01 (FILE NO. ZMA-06-069) (10:43:40) - Discussion indicated that no opposition had been received from the surrounding property owners. Discussion indicated that other property owners want the same zone change. Public comments were solicited but none were given. Supervisor Livermore moved to introduce on first reading Bill No. 119, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE TO SINGLE FAMILY 12,000 ON PROPERTY LOCATED AT 360 EAST OVERLAND STREET AND 329 EAST ROVENTINI WAY, APN'S 009-173-04 AND 01 based on the findings for approval contained in the staff report. Supervisor Staub seconded the motion. Comments were solicited but none were given. Motion carried 4-0.

F. ACTION TO ADOPT ON SECOND READING BILL NO. 115, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.04 USE DISTRICTS, SECTION 18.04.020 DETERMINATION OF DISTRICTS, 18.04.020(6) BY ALLOWING DEVELOPMENT ON SPLIT-ZONED PARCELS WITH APPROVAL OF A SPECIAL USE PERMIT AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZCA 06-081) (10:46:21) - Comments were solicited but none were given. Supervisor Staub moved to adopt on second reading Bill 115, Ordinance No. 2006-15, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.04 USE DISTRICTS, SECTION 18.04.020 DETERMINATION OF DISTRICTS, 18.04.020(6) BY ALLOWING DEVELOPMENT ON SPLIT-ZONED PARCELS WITH APPROVAL OF A SPECIAL USE PERMIT AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Aldean seconded the motion. Motion carried 4-0.

G. ACTION TO APPROVE A TENTATIVE SUBDIVISION MAP APPLICATION KNOWN AS EAGLE VALLEY COMMERCE CENTER FROM LUMOS AND ASSOCIATES (PROPERTY OWNER: ARROWHEAD COMMERCE PARK LLC) TO ALLOW AN INDUSTRIAL SUBDIVISION DEVELOPMENT OF 5.39± ACRES INTO 15 LOTS, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT 3655 AND 3675 ARROWHEAD DRIVE, APN 008-204-08 BASED ON 12 FINDINGS AND SUBJECT TO 18 CONDITIONS OF APPROVAL AND ONE

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STIPULATION IN THE STAFF REPORT (FILE TSM-06-061) (10:48:24) - Mr. Sullivan apologized to the Applicant for being the last item for Mr. Sullivan's Department. He had also been the last item for the Commission's consideration. The property's location was explained. The last portion of Condition 4 was removed at Engineering's request. Condition 18 was eliminated as it was a duplication. The Applicant had made a stipulation regarding the exterior lighting. The tentative subdivision map creates 14 lots and a common open space lot. The final map process was described. Discussion noted the retail restrictions in the manufacturing area. The site is east of the former Deer Skin's building. Public contact is not prohibited at the proposed location. It is believed that the site will be used as the office/storage yard/warehouse. Supervisor Livermore stressed the need for the Applicant to understand the manufacturers' reluctance to have the public contact that is normally found in a retail setting. Mr. Sullivan felt that it is a difference in land uses. The Applicant is a small manufacturer who will have some public contact. Supervisor Livermore stressed the need for him to understand the concern. Mr. Sullivan felt that majority of the sales will be handled from the office setting. Public comments were solicited but none were given. Supervisor Staub moved to approve the Tentative Subdivision Map application known as Eagle Valley Commercial Center from Lumos and Associates; property owner: Arrowhead Commercial Park, LLC, to allow an industrial subdivision development of 5.39 acres into 15 lots on property zoned Limited Industrial, LI, located at 3655 and 3675 Arrowhead Drive, APN 008-204-08, based on 12 findings and subject to 18 conditions of approval and one stipulation by the Applicant in the staff report. Supervisor Aldean seconded the motion. Motion carried 4-0.

RECESS: A recess was declared at 10:54 a.m. A quorum of the Board was present when Mayor Teixeira reconvened the meeting at 11 a.m. Supervisor Williamson was absent as indicated.

11. DISTRICT ATTORNEY - Senior Deputy District Attorney Michael Suglia - **ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND THE WASHOE TRIBE OF NEVADA AND CALIFORNIA** - Washoe Tribal Chief of Police Richard Varner, Chief Deputy Sheriff Steve Schutte - Mr. Suglia's introduction included an explanation of the agreement, its purpose, and the reasons for its support. Tort concerns were noted. The City will not be required to respond to Federal tort claims. The City will be required to respond to State and local tort claims. The agreement contains the same tort articles as provided in contracts. Articles 19 and 20 were noted. If the agreement does not work out, it can be cancelled with 30 days notice. It is also possible for Douglas County to remain in the agreement even if Carson City withdraws, and vice versa. Chief Deputy Sheriff Schutte will be responsible for implementing the agreement. Mr. Suglia introduced Chief Varner. Mayor Teixeira complimented the participants on developing the landmark agreement and wanting to work together on such a blight. He felt that this was a first such cooperation he had seen between the Departments. Chief Varner expressed his excitement about the proposal. His previous involvement with Carson City and Douglas County Sheriffs' Offices was noted. His experience in narcotic enforcement was briefly limned. He also believed that there is a large meth problem on Tribal lands which needs to be combated. Discussion between Supervisor Aldean and Mr. Suglia explained that the Carson City Sheriff's Department is not required to respond to calls for assistance. If the Sheriff's Office does respond, however, the Deputies will be required to act. Mr. Suglia recognized the input and assistance that was provided in drafting the agreement from Douglas County's Deputy District Attorney(s) and the Tribal Counselor(s). Chief Varner indicated that at this time he is short on officers. They may be able to participate with TRINET in the future. He was willing to designate an officer to be the coordinator with the Sheriffs' Offices. Clarification indicated that the Tribe has an Intelligence Assistant. Chief Deputy Sheriff Schutte explained Chief Varner's TRINET background. He also explained Mr. Suglia role in developing the

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agreement. Mayor Teixeira again congratulated them on the development of the agreement. Supervisor Livermore moved to approve an agreement between Carson City and the Washoe Tribe of Nevada and California. Supervisor Aldean seconded the motion. Motion carried 4-0.

Mayor Teixeira again congratulated the participants on the agreement. Chief Deputy Sheriff Schutte explained that the Tribe had initially driven the agreement and had gotten Carson City and Douglas County involved. There had been hurdles, however, Mr. Suglia had been able to resolve them. Chief Deputy Sheriff Schutte was excited about Chief Varner's appointment and looked forward to working with him.

12. CITY MANAGER - Linda Ritter

A. ACTION TO APPROVE A COST OF LIVING INCREASE FOR UNCLASSIFIED PERSONNEL, EFFECTIVE JULY 1, 2006, PURSUANT TO RESOLUTION 2001-R-6 AS AMENDED (11:08:25) - Comments were solicited but none were given. Supervisor Aldean moved to approve a cost-of-living increase for unclassified personnel effective July 1, 2006, pursuant to Resolution 2001-R-6 as amended; fiscal impact is \$304,224; funding source is all operating funds. Supervisor Livermore seconded the motion. Motion carried 4-0.

B. ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND THE BREWERY ARTS CENTER TO PROVIDE PUBLIC, EDUCATION AND GOVERNMENTAL ACCESS PROGRAMMING AND SERVICES FROM JULY 1, 2006 THROUGH JUNE 30, 2007 (11:09:12) - Brewery Arts Center Executive Director John Procaccini, David Morgan - Ms. Ritter's introduction included noting that funding has not been secured for a state of the art media center. The contract with the current operator, SNCAT, expires on June 30. The proposed contract is valid for one year but may be renegotiated when the contract with Charter is completed. Supervisor Livermore explained his support of having the Brewery take over the service. He was disappointed that the City did not have the funds to help with the initial capital costs. He suggested that the unused funds originally allocated to the Buske group be transferred to the Brewery for the capital costs. Ms. Ritter explained that she had authorized the purchase of approximately \$10,000 in equipment for the Sierra Room. Mayor Teixeira stressed the importance of having the service. He was uncertain about the Charter's attitude but felt that it will soon be determined. It may be necessary for the Board to provide \$100,000 in one shot funds for equipment to get the service running correctly. Supervisor Livermore noted the work being performed on the Brewery's media center by Bentley-General Electric. He expressed his feeling that the City should have a similar operation as those in Gilroy and Monterey. He looked forward to seeing this occur. He felt that it is the Board's responsibility to provide the public with access to governmental business which is the main purpose of the Sierra Room. Cable television is an important part of that effort.

Mr. Procaccini expressed their excitement about the agreement even though it was not as they had originally proposed. The original concept was briefly noted. He felt that the Board was working with them. The Brewery will fulfill its obligations. Mayor Teixeira expressed the Board's gladness to have the Brewery take on the programming and complimented them on their willingness to step forward. Mr. Procaccini felt that the Board will help the Brewery make it work. Supervisor Aldean also believed that the Brewery's proposal was the best solution. She publically thanked SNCAT for taking on the program during the interim period. Mr. Procaccini thanked SNCAT, Michael Furlong and David Morgan for their assistance. Supervisor Aldean

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felt that there should not be any false impressions regarding the service and its needs. She also pointed out the need to add the RTC, the CAMPO, and the Carson River Advisory Committee to the list of committees/commissions that are to be aired. Mr. Procaccini indicated that they will work with staff on the listing. Ms. Ritter indicated that the mentioned committees will be added.

Mr. Morgan indicated that he had helped with CATF. He was certain that the service will become a reality. He also believed that the service should be supported by the Charter's access fees, the business community and the City and that there is plenty of money available for this purpose. It may be difficult to start the service without additional equipment. He hoped that Charter and the City find support for the service. He had been thrilled at being asked to participate and hoped that its good spirit will provide the help necessary to get the service started.

Supervisor Livermore moved to approve an agreement between Carson City and Brewery Arts Center to provide public, education and governmental access programming and services from July 1, 2006, through June 30, 2007, with a fiscal impact of \$110,000 to be paid from the General Fund. Supervisor Aldean seconded the motion. Motion carried 4-0.

C. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO N.R.S. 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES REGARDING LABOR NEGOTIATIONS (11:19:22) - Supervisor Staub moved to recess into a closed session. Supervisor Aldean seconded the motion. Motion carried 4-0. Mayor Teixeira recessed the Open Session at 11:20 a.m.

RECONVENED: Mayor Teixeira reconvened the Open Session at 11:30 a.m. A quorum of the Board was present. Supervisor Williamson was absent as indicated.

D. ACTION TO APPROVE A COLLECTIVE BARGAINING AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY FIRE DEPARTMENT FIRE FIGHTERS ASSOCIATION, LOCAL NO. 2251, FOR THE PERIOD BEGINNING JULY 1, 2006, AND ENDING JUNE 30, 2010 (11:30:40) - Association Vice President Phil Hernandez - City Manager Ritter summarized the agreement. She also complimented the Association on its cooperation. Mayor Teixeira indicated that her review had covered the items discussed during the Closed Session. Mr. Hernandez pointed out that the agreement is the first time a multi-year contract has been provided. He also explained that only three negotiation meetings were held. There had not been anyone from the outside participating in the negotiations. He felt that the Board should congratulate the City's team on its efforts to reach an amicable settlement. It benefits both parties. There is nothing hidden in the agreement. Mayor Teixeira indicated that the Association had negotiated in good faith. He had never before seen the two teams work together on an agreement. He complimented the Association on its willing to work with the City's team. Supervisor Livermore moved to approve a Collective Bargaining Agreement between Carson City and the Carson City Fire Department Firefighters Association, Local No. 2251, for the period beginning July 1, 2006, and ending June 30, 2010; with a fiscal impact of \$161,958 on the General Fund in fiscal year 2006-2007 and a fiscal impact of \$53,986 to the Ambulance Fund in fiscal year 2006-2007; total fiscal impact for 2006-2007 is \$215,944; 2007-2008 is \$336,872; 2008-2009 is \$357,085; and 2009-2010 is \$378,510. Supervisor Aldean seconded the motion. Comments were solicited but none were given. Motion carried 4-0.

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13. BOARD OF SUPERVISORS - NON-ACTION ITEMS:

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (11:36:15)-

None.

B. STAFF COMMENTS AND STATUS REPORT (11:36:05) - City Manager Linda Ritter reminded the Board of the 1:30 p.m. scheduled presentation and training on the Incident Command System for Executives. Mayor Teixeira noted that attendance by the Board is optional. It was ajenized for a possible quorum. (A quorum was not present. Neither Minutes nor a recording was made of this presentation.)

14. ACTION TO ADJOURN (11:36:20) - Supervisor Aldean moved to adjourn. Supervisor Livermore seconded the motion. Motion carried 4-0. Mayor Teixeira adjourned the meeting at 11:37 a.m.

The Minutes of the June 15, 2006, Carson City Board of Supervisors meeting

ARE SO APPROVED ON August 3, 2006.

/s/

Marv Teixeira, Mayor

ATTEST:

/s/

Alan Glover, Clerk-Recorder