CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 5, 2007, Meeting

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, April 5, 2007, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, commencing 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
	Ken Furlong	Sheriff
	Larry Werner	Development Services Director/City Engineer
	Sue Johnson	Finance Director
	Stacy Giomi	Fire Chief
	Roger Moellendorf	Parks and Recreation Director
	Andrew Burnham	Public Works Director
	Melanie Bruketta	Chief Deputy District Attorney
	Ken Arnold	Public Works Operations Manager
	Cheryl Adams	Purchasing and Contracts Manager
	Vern Krahn	Parks Planner
	Liz Teixeira	Community Relations Officer
	Katherine McLaughlin	Recording Secretary
	Susan Swenson	Public Guardian
	Beth Huck	Assistant Treasurer

(BOS 4/5/07 Recording 7:31:04)

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, AND INVOCATION - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Chief Deputy District Attorney Melanie Bruketta led the Pledge of Allegiance. Reverend Bill McCord, Retired, of the First United Methodist Church gave the Invocation.

PUBLIC COMMENTS AND DISCUSSION (7:32:58) - Bruce Kittess expressed a desire to read his remarks regarding a bill that was to have been heard at a State Senate hearing into the record. As the bill

was withdrawn, he did not read it into the Senate's records. Discussion with Mayor Teixeira indicated that the remarks should be heard later in the meeting. Mr. Dehne was invited to speak.

Sam Dehne advised that he is running for President and listed his email address for his campaign. He noted the intent to allow the Barbershoppers to sign. He indicated that he would not make an issue about unfair treatment under the law as he is not allowed to sing at the podium. Mayor Teixeira "cut a deal" with Mr. Dehne whereby, if the City has "Sam Dehne Day", he will be allowed to sing. Mr. Dehne requested that the City Attorney provide the date. Mr. Dehne expressed his belief that there is a dire need for scheduled airline service to Carson City. Regional jets are quieter than anything the City has flying at the airport now. He then espoused his belief that investigations should be conducted and trials held regarding the "Gibbons's gates". He urged the public to watch his Sam Dehne show on Friday evenings at 10 p.m. on Reno's Channel 10. Additional public comments were solicited.

Bruce Jennings commended the Sheriff on getting a grant to conduct DUI check points. He supported the program as it is stupid to drink and drive. He suggested that stings be conducted to catch drivers who fail to stop at stop signs and fail to use their turn signals. Justification for the suggestion was provided. He urged the Board to do something about the gang activity found in the community. Justification for his request was provided. He urged the Board to deport the gang members. Additional comments were solicited.

Sierra Nevada Association of Realtors President Brad Bonkowski thanked City Manager Ritter and District Attorney Rombardo for working with the Association on the social host ordinance and the Board for listening to their concerns. He felt that the proposed solution, which Mr. Rombardo will discuss with the Board later, is workable. Reasons for the Association's concerns were noted. No formal action was required or taken on any of these topics.

1. ACTION ON APPROVAL OF MINUTES (7:41:30) - None.

2. CHANGES TO THE AGENDA (7:41:40) - None.

3. SPECIAL PRESENTATIONS

A. PRESENTATION OF A PROCLAMATION FOR "BARBERSHOP HARMONY WEEK" APRIL 9 - 15, 2007 (7:42:49) - Mayor Teixeira introduced the Barbershoppers and read the proclamation into the record. (A copy is in the file.) . President Tim Engle thanked the Board for the recognition. The Barbershoppers sang the *"The Star Spangled Banner"*. No formal action was required or taken.

B. PRESENTATION OF A PROCLAMATION FOR "CHILD ABUSE PREVENTION MONTH" APRIL 2007 (7:41:50) - Mayor Teixeira read the proclamation into the record. (A copy is in the file.) No formal action was required or taken.

4. LIQUOR AND ENTERTAINMENT BOARD (7:47:01) - 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 (7:55:50) - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

5. CONSENT AGENDA (7:56:00)

5-1. CLERK-RECORDER - PUBLIC GUARDIAN - ACTION TO APPROVE THE INTERLOCAL CONTRACT BETWEEN CARSON CITY AND EUREKA COUNTY, A REQUEST FOR THE CARSON CITY PUBLIC GUARDIAN'S OFFICE TO ASSUME THE GUARDIANSHIP OF THE PERSON AND ESTATE OF SHARON GIBELLINI, WARD, IN EXCHANGE FOR EUREKA COUNTY REIMBURSING THE CARSON CITY PUBLIC GUARDIAN'S OFFICE FOR SERVICES RENDERED BY THE CARSON CITY PUBLIC GUARDIAN'S OFFICE THE SUM OF $360 PER MONTH UNTIL THE DEATH OF THE WARD OR THE REMOVAL OF THE PUBLIC GUARDIAN AND THE SUM OF $500 PER YEAR FOR ATTORNEY'S FEES FOR THE ATTORNEY REPRESENTING CARSON CITY

5-2. PURCHASING AND CONTRACTS

A. ACTION TO APPROVE THE RENEWAL OF CONTRACT NO. 0304-092 COLLECTION SERVICES WITH NATIONAL BUSINESS FACTORS, INC. TO PROVIDE COLLECTION SERVICES FROM JULY 1, 2007, THROUGH JUNE 30, 2008, AT THE SAME PRICES, TERMS, AND CONDITIONS AS ORIGINALLY AWARDED ON JUNE 17, 2004

B. ACTION TO APPROVE AMENDMENT NO. 3 FOR CONTRACT NO. 0506-035 CARSON CITY COMMUNITY TRANSIT SERVICE OPERATIONS TO MV TRANSPORTATION, INC., WHICH WILL RESULT IN $79,000 IN SAVINGS DURING THE PERIOD OF OCTOBER 1, 2006, THROUGH SEPTEMBER 30, 2008, TO THE CARSON CITY TRANSIT FUND

C. ACTION TO AUTHORIZE THE MAYOR TO SIGN THE INTERSTATE INTERLOCAL PARTICIPATION AGREEMENT FOR THE LOCAL GOVERNMENT PURCHASING COOPERATIVE WHICH IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO NRS 332.115 SUBSECTION 1 (M) AND NRS 332.195 AND WHICH WILL ALLOW ALL CITY DEPARTMENTS TO BE ABLE TO UTILIZE THE COOPERATIVE PROVIDED CARSON CITY'S APPROVED FUNDING AND PURCHASING PROCEDURES ARE FOLLOWED (FILE 0607-083)

D. ACTION TO ADOPT A RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO DETERMINE THAT THE 79 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 PURPOSE AS SET FORTH IN NEVADA REVISED STATUTE 372.3261 (FILE 0607-081)

5-3. PUBLIC WORKS - TRANSPORTATION - ACTION TO APPROVE AMENDED

INTERLOCAL COOPERATIVE AGREEMENT BETWEEN CARSON CITY BOARD OF SUPERVISORS, THE CARSON CITY REGIONAL TRANSPORTATION COMMISSION, AND THE CARSON AREA METROPOLITAN PLANNING COMMISSION TO PROVIDE THE REGIONAL TRANSPORTATION COMMISSION WITH TRANSIT OPERATIONAL AUTHORITY, TRANSIT CONTRACTING AUTHORITY, AND AUTHORITY APPROVAL OF STREET AND HIGHWAY CONTRACTS THAT INCLUDE FUNDS OTHER THAN STREET FUNDS, PROVIDED THAT THE CARSON CITY BOARD OF SUPERVISORS PREVIOUSLY BUDGETED THOSE OTHER FUNDS

5-4. PUBLIC WORKS - CONTRACTS

A. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION ON THE ANALYSIS OF ENGINEERING DIVISION FEES FOR PUBLIC WORKS PROJECT, CONTRACT NO. 2005-126, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO BOWLING MAMOLA GROUP FOR AN AMENDMENT NO. 2 AMOUNT OF $15,420, TO BE PAID FROM THE PERMIT CENTER AND ENGINEERING DIVISION PROFESSIONAL SERVICES ACCOUNTS. THE ORIGINAL CONTRACT WAS ISSUED FOR $22,200 ON JANUARY 31, 2006, AMENDMENT NO. 1 WAS ISSUED IN THE AMOUNT OF $20,740, AUGUST 3, 2006, AND WITH THE INCLUSION OF THIS AMENDMENT NO. 3 THE TOTAL AMOUNT FOR THIS CONTRACT IS $58,360

B. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION ON THE "CARSON CITY FAIRGROUNDS /FUJI PARK PHASE 4, PART 2 PROJECT," CONTRACT NO. 2006-146, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO LUMOS AND ASSOCIATES FOR A CONTRACT AMOUNT OF $94,218 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF $5,782 FROM THE CAPITAL PROJECTS, FUJI PARK IMPROVEMENTS ACCOUNT AS PROVIDED FOR IN FY 06/07

C. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION ON THE "CARSON CITY FREEWAY PHASE 2B UTILITY RELOCATIONS ENGINEERING DESIGN SERVICES, SOUTH EDMONDS DRIVE SEWER, PROJECT NO. 00-6010", CONTRACT NO. 2006-129, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO STANTEC CONSULTING, INC., FOR A CONTRACT AMOUNT NOT TO EXCEED $71,308

5-5. DEVELOPMENT SERVICES - ENGINEERING - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A SEWER AND WATER LINE PARTICIPATION AGREEMENT BY AND BETWEEN TODD AND JENNIFER GLANZMANN, AND CITY OF CARSON CITY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, FOR WORK INCLUDING, BUT NOT LIMITED TO THE CONSTRUCTION OF A SEWER LINE AND WATER LINE IN ACCORDANCE WITH APPROVED PLANS AND SPECIFICATIONS FOR THE MARK WAY SEWER AND WATER LINE EXTENSION. THE TOTAL CITY COMMITMENT TO THIS PROJECT, AS SPECIFIED IN THE AGREEMENT, SHALL NOT EXCEED A TOTAL OF $124,969 FROM THE WATER AND SEWER FUNDS AND OTHER MATTERS PROPERLY RELATED THERETO - Sam Dehne pulled Item 5-2D for discussion. Supervisor Livermore moved to approve the Consent Agenda, one item from the Clerk-Recorder - Public Guardian, three remaining items from Purchasing and Contracts, one item from Public Works -

Transportation, three items from Public Works - Contracts, and one item from Development Services - Engineering as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

5-2D. (7:57:30) - Sam Dehne espoused his belief that the 79 items should be listed so that the public can bid on them or offer to take them over. He was uncertain what the 79 items were. Mayor Teixeira explained that the items are ones that the City is donating to nonprofit organizations. The City's policy is to use items until they are "done". Other governmental agencies do not want the items. Mr. Dehne felt that the public should have an opportunity to obtain the items and again questioned what they were. He also expressed an interest in obtaining a vehicle if available. Supervisor Livermore moved to adopt Resolution No. 2007-R-4, A RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO DETERMINE THAT 79 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 0607-081, as presented. Supervisor Staub seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS AND DISCUSSION (7:57:30) - Bruce Kittess read a prepared statement into the record. (A copy is in the file.) He opposed Section 1 of SB 447, a Carson City Charter amendment, which was withdrawn by the Legislature. He felt that it was too broad in scope and granted the Board of Supervisors too much authority without any public input or public information requirements. Justification for this belief was explained. Water is "gold" and belongs to the public. Unanswered questions regarding the teaming agreement between Carson City and Vidler were listed including responsibility for any lawsuits if Vidler opts out of the agreement, who will pay for development of any water rights obtained from the teaming agreement, NDEP's role in the process, whether every drop of original and effluent water be allocated, etc. He believed that homeowners should not be dependent upon reuse water as their only water source. He also felt that the cost to develop water rights in Lyon County were exorbitant. He urged the Government Affairs Committee to reject the Charter amendment dealing with water or require its revision to prohibit a municipal water company from partnering or being sold to a private for profit company without approval by the electorate. No formal action was required or taken on this item.

(8:07:13) Sam Dehne and Mayor Teixeira proceeded to get into a debate over Mr. Dehne's desire to speak at this time on the following Item. Chief Deputy District Attorney Bruketta and Mayor Teixeira told Mr. Dehne that the next item had not been reached. Mayor Teixeira told Mr. Dehne to have a seat and that Mr. Dehne would be "thrown out" if he continued to push. The debate continued and Mr. Dehne was told to leave. Mr. Dehne proceeded to leave the room calling out a string of names directed at the Mayor.

6. FINANCE - Director Sue Johnson - **PUBLIC HEARING ON THE INTENT OF CARSON CITY, NEVADA, TO ISSUE GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) (8:08:52) -** Following Ms. Johnson's explanation of the item, Board and public comments were solicited. None were given. Mayor Teixeira closed the public hearing. No formal action was required or taken.

7. DEVELOPMENT SERVICES - PLANNING - Principal Planner Lee Plemel

A. ACTION TO ADOPT BILL NO.107, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, SECTION 18.02.085, VARIANCES, TO ESTABLISH LIMITATIONS ON VARIANCES AND ALLOWING THE DIRECTOR TO APPROVE MINOR VARIANCES OF LESS THAN 10 PERCENT UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 18.02.100, MAJOR PROJECT REVIEW, TO CLARIFY WHEN A MAJOR PROJECT REVIEW IS REQUIRED FOR ADDITIONS OF 10 PERCENT OR MORE TO EXISTING BUILDINGS GREATER THAN 50,000 SQUARE FEET; AMENDING SECTION 18.02.110, ADMINISTRATIVE PERMITS, BY DELETING MINOR VARIANCES FOR SETBACKS AND BUILDING HEIGHT AS THOSE CASES WHERE AN ADMINISTRATIVE PERMIT IS REQUIRED; AMENDING CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO CHANGE THE DEFINITION OF COMMUNITY/REGIONAL OFFICE/COMMERCIAL FROM 50,000 SQUARE FEET TO 150,000 SQUARE FEET OR LARGER; AMENDING CHAPTER 18.05, GENERAL PROVISIONS, DELETING SECTION 18.05.070, COMMUNITY/REGIONAL COMMERCIAL/OFFICE, WHICH INCLUDES REDUNDANT LANGUAGE REGARDING COMMERCIAL OR OFFICE CENTERS IN EXCESS OF 50,000 SQUARE FEET OR LARGER; AMENDING CHAPTER 18.12, GROWTH MANAGEMENT, SECTION 18.12.055, OBTAINING A BUILDING PERMIT, TO ALLOW THE RETURN OF GROWTH MANAGEMENT FEES IF A PROJECT IS ABANDONED, AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, SECTION 1.9, WIRELESS TELECOMMUNICATION FACILITIES AND EQUIPMENT, SUBSECTION 1.9.2, HEIGHT AND DIMENSIONAL STANDARDS, BY DELETING PROCESS-ORIENTED STANDARDS IN CONFLICT WITH CHAPTER 18.15, COMMUNICATION FACILITIES AND EQUIPMENT, AND OTHER MATTERS PROPERLY RELATED THERETO. (FILE ZCA-07-018) (8:09:34) - Joe Murphy, Dave Campbell, Chief Deputy District Attorney Melanie Bruketta, Senior Planner Jennifer Pruitt - Mr. Murphy felt that the Builders' Association had written the ordinance and that the increase for commercial structures from 50,000 square to 150,000 square feet was too much of an increase. He questioned the reasons for giving a refund as taxpayer funds will be spent processing the developer's project. A definition of the "conflicting processing standards" for cell towers was requested. Mr. Plemel described the standards used for development of a cell tower and the conflict between the Development Standards and Title 18. The deletions will not change the current standards. Mr. Murphy felt that any items approved by the Planning Director should be on the Planning Commission's Consent Agenda. This will tell the public what has occurred. He had not attended the Planning Commission meeting when the item was discussed by it. He had, however, seen the Commission and Board's televised sessions. Clarification by Mr. Plemel explained that the refund is for a residential entitlement under the Growth Management Ordinance which a developer may obtain before submitting plans. The building permit fee is not being refunded. It pays for the review of the building plans. Developers may want to pre-purchase the Growth Management allotment during periods when the building industry is booming. This has not occurred for some time. Only 25% to 30% of the allocations have been used annually during the last five years. Mayor Teixeira also pointed out that the City does not have a lot of developable space left. Mr. Plemel

also explained the connection and building permit fees, which are higher than the proposed allotment refund. They must be paid upfront and are not being refunded. Mr. Plemel explained that Community Development Director Walter Sullivan's absence. He then justified the increase in the size of commercial centers which must obtain a special use permit. The Carson Quail Center was cited as an example of a small center. Increasing the size will eliminate the need for taxpayer funds to be used to subsidize the cost of the special use permit fee which requires staff time and review. Mr. Murphy felt that this will impact a lot of residential areas without proper notification. Discussion indicated that the change of zoning requires notification to anyone within 300 feet of the development. Mr. Murphy felt that this does not adequately notify everyone who will be impacted. If the item is on a Commission's agenda, the public will be noticed. Mr. Plemel explained that the residents should be aware of their surrounding zoning and what is allowed within that designation. The proposal will require larger commercial developments to have a special use permit. Mr. Murphy reiterated his recommendation that items approved by the Community Development Director be placed on the Planning Commission's Consent Agenda.

Discussion between Mr. Campbell, Mr. Plemel, Ms. Bruketta, and Ms. Pruitt indicated that the ordinance does not address the night lighting issue. The night lighting issue had purportedly been considered three weeks ago. The Board of Supervisors may consider it at its next meeting. Mr. Campbell indicated that night lighting is his issue. He alleged to have sent the Board emails regarding his concern but only one Board member had responded. The proposed ordinance is better than the current unenforced ordinance. Mayor Teixeira asked that he make his comments at the next Board meeting. Mr. Campbell also alleged that the Planning Commission meetings are not listed on the Community Center's marque and that the public would not know what the item related to as published. Mayor Teixeira asked him to return to the agenda item. Additional comments were solicited but none were given.

Supervisor Aldean moved to adopt Bill No. 107 on second reading, Ordinance 2007-9, an Ordinance amending Zoning Code Amendment ZCA-07-018, making various changes to the Carson City Municipal Code Title 18, Zoning, relating to minor variances, commercial structures that are more than 50,000 square feet in size, the refund of growth management allocation fees in certain circumstances, and clarifying process requirements for wireless communication facilities as specifically published on the agenda based on the findings contained in the staff report. Supervisor Williamson seconded the motion. Motion carried 5-0.

B. ACTION TO ADOPT BILL NO. 108, ON SECOND READING, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE (SF1A) TO MULTI FAMILY APARTMENT-PLANNED UNIT DEVELOPMENT (MFA-PUD), ON PROPERTY CURRENTLY ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED AT 4749 SNYDER AVENUE, APN 009-193-01. (FILE ZMA-07-009) (8:24:00) - Senior Planner Jennifer Pruitt's introduction included an explanation of the revision made at the end of the Ordinance to indicate that the change of zoning will be made to the zoning map only if and when the final map is recorded. Several of the neighbors had contacted the Department regarding the item. All have been advised of the noticing requirements. Supervisor Aldean reminded the Board that she had been absent when the Ordinance was discussed at the last meeting. Based on her absence, she indicated an

intent to abstain on the issue. Comments were solicited but none were given. Supervisor Livermore moved to adopt Bill No. 108 on second reading, Ordinance No. 2007-10, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE TO MULTI FAMILY APARTMENT-PLANNED UNIT DEVELOPMENT ON PROPERTY CURRENTLY ZONED SINGLE FAMILY ONE ACRE LOCATED AT 4749 SNYDER AVENUE, APN 009-193-01, subject to the findings and conditions in the staff report. Supervisor Staub seconded the motion. The motion was voted by roll call with the following result: Supervisor Staub - Yes; Supervisor Aldean - Abstain; Supervisor Williamson - Yes; Supervisor Livermore - Yes; and Mayor Teixeira - No. Motion carried 3-1-1.

RECESS: A recess was declared at 8:27 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 8:33 a.m., constituting a quorum.

8. DEVELOPMENT SERVICES - ENGINEERING - Development Services Director/City Engineer Larry Werner - **ACTION TO APPROVE A WATER, SANITARY SEWER AND STORM SEWER PARTICIPATION IMPROVEMENTS AGREEMENT BY AND BETWEEN CARSON GAMING LLC, AND CITY OF CARSON CITY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, FOR WORK INCLUDING, BUT NOT LIMITED TO THE CONSTRUCTION OF A WATER, SANITARY SEWER AND STORM SEWER ON CURRY STREET - FROM CLEARVIEW DRIVE TO WIALAKI STREET (8:33:18) -** Discussion explained that a special assessment district would have had to have been created in order for the Casino to receive reimbursement from the other property owners along the street. Justification for the partnership and completing the work at this time was provided. The project is almost 90% completed. Supervisor Aldean amended the amount on Page 2 to reflect the correct amount by adding $463 to the figure. Supervisor Staub explained that the improvements now allow individuals to utilize Curry Street to Clearview. He had originally envisioned using grindings to make the improvement. It provides an alternative route to South Highway 395 for individuals wishing to leave the City. Discussion indicated that the street will reopen soon. At that time Koontz will be closed between Curry and South Highway 395. The closure will allow construction of a better connection to Curry Street at Koontz. When completed, it will be a better street for the public's use. Supervisor Staub moved to approve a Water, Sanitary Sewer and Storm Sewer Participation Improvements Agreement by and between Carson Gaming, LLC, and the City of Carson City, a political subdivision of the State of Nevada, for work including but not limited to the construction of a Water, Sanitary Sewer and Storm Sewer on Curry Street from Clearview Drive to Wialaki Street; fiscal impact is RTC Fund - $568,500; Sanitary Sewer Fund - $140,300; Water Fund - $122,900; and Storm Water Fund - $544,800 with a correction to one of those numbers in the amount of $463. Supervisor Aldean seconded the motion. Motion carried 5-0.

9. CITY MANAGER - Linda Ritter - **ACTION TO AUTHORIZE MAYOR TEIXEIRA TO SIGN A LEASE WITH THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) TO PROVIDE VARIOUS VOLUNTEER SERVICES FOR SENIOR CITIZENS AT 3303 BUTTI WAY, BUILDING #1, THE LOCATION OF THE FORMER HEALTH AND HUMAN SERVICES DEPARTMENT** - RSVP Executive Director Janice Ayres - Ms. Ayres briefly described her tenure on

the Board and expressed her belief that the community needs the current Board members. She asked that the Board approve the lease agreement. She acknowledged that the agreement will decrease the City's financial support of RSVP. The agreement will allow them to know where their office will be for the next five years. She indicated an intent to seek additional funding if and when the City's retail sales tax revenue improves. Discussion explained that RSVP has four vans and needs an area for employee parking. Ms. Ritter indicated that RSVP will need to obtain a letter from the City allowing RSVP to park its vans overnight. The letter will be provided if the vans are used to provide RSVP services. The referenced clause prohibits storing vehicles in the parking area. The Community Counseling Center's lease of the Health Services Building was the model for the RSVP lease. The space is being turned over to RSVP in an "as is" condition. Supervisor Aldean suggested a revision to Page 3 to indicate that RSVP "accepts the premises as is and shall at its own expense maintain the premises in good condition and repair....". Ms. Ayres indicated that the revision is acceptable. Ms. Ritter indicated that staff will look into the feasibility of providing JAC service to the facility. Supervisor Staub pointed out that the maintenance provision in Article IV conflicts with Supervisor Aldean's suggested amendment. Discussion explored reasons for including Supervisor Aldean's recommendation. Ms. Ritter suggested that the acceptance of the premises in its current condition be placed in a separate paragraph. Ms. Ayres concurred. Mayor Teixeira indicated that Ms. Ayres had stipulated to the suggested amendment. Supervisor Livermore expressed the hope that it would not cost RSVP $50,000 to make the facility usable. He urged the Board to not make the conditions so stringent that it makes RSVP responsible for all maintenance. RSVP provides a lot of resources to the community/City. Discussion indicated that Ms. Ayres had taken a tour of the facility. She was willing to accept it in its current condition. She also indicated that they had done a lot to the current facility as indicated by her verbal list of items. The current site provides 1800 square feet of space. The City's site has more space and allows them to have their Board meeting in one room. They pay $19,200 a year for the current building. Ms. Ritter indicated that the City had replaced the carpet in the proposed facility. It was recently remodeled. The building is in good condition. Public comments were solicited but none were given. Supervisor Williamson moved to authorize Mayor Teixeira to sign a lease with the Nevada Rural Counties RSVP Program, Inc., RSVP, providing various services for senior citizens at 3303 Butti Way, Building No. 1, the location of the former Health and Human Services Department; and the fiscal impact: the lease rent was established at $1.00 per year for five years; 100% of the utilities are to be paid by RSVP. Supervisor Livermore seconded the motion. Discussion indicated that the revision suggested by Supervisor Aldean was to be considered a stipulation. It is not necessary to make an amendment to the lease. The motion to approve the lease as indicated was voted and carried 5-0.

10. PARKS AND RECREATION - Director Roger Moellendorf **- ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 17, ESTABLISHING CHAPTER 17.18 LANDSCAPE MAINTENANCE DISTRICTS, SECTION 17.18.010, ESTABLISHES THE PURPOSE; SECTION 17.18.020, ESTABLISHES AUTHORITY; SECTION 17.18.030, ESTABLISHES DEFINITIONS; SECTION 17.18.040, ESTABLISHES PARKS DIRECTOR'S RESPONSIBILITIES; SECTION 17.18050, ESTABLISHES PROCEDURES FOR APPLYING TO CREATE A MAINTENANCE DISTRICT; SECTION 17.18.060, ESTABLISHES PROCEDURES FOR REVIEW OF MAINTENANCE DIS-**

TRICT PETITIONS; SECTION 17.18.070, ESTABLISHES PROCEDURES FOR ESTABLISHMENT OF THE BOARD APPROVED MAINTENANCE DISTRICT; SECTION 17.18.080, ESTABLISHES DETERMINATION OF BENEFIT AND COST ALLOCATIONS BETWEEN ASSESSED PROPERTY AND CITY; SECTION 17.18.090, ESTABLISHES ASSESSMENTS; SECTION 17.18.110, ESTABLISHES ALLOCATION OF PUBLIC MONEY TO PAY THE COSTS INCURRED BY CARSON CITY IN ASSUMING MAINTENANCE; SECTION 17.18.111, ESTABLISHES REVIEW AND DISSOLUTION OF MAINTENANCE DISTRICT; AND SECTION 17.18.112, ESTABLISHES APPEAL PROCEDURES (8:47:10) - Fire Chief Stacy Giomi, Bruce Kittess, Jay Linard Communities and Schulz Ranch Development Representative Jennifer Ervin - Mr. Moellendorf's introduction included acknowledgment to the various individuals/groups who had worked on the ordinance. He then described the ordinance. A revised ordinance was distributed to the Board and Clerk. (A copy is in the file.)

Supervisor Livermore explained that the concept is new. It is a complex issue. Its full ramifications for already developed areas are not really understood. The proposals used for Summer Hawk and the Schulz Ranch developments require the developer to be responsible for the open space until the City takes over the project. The Homeowners Association will pay for the City's maintenance. The process allows the residents of a developed neighborhood to petition the Board to enter into a similar agreement. The Park and Recreation Commission's vote on the ordinance was described. He had opposed the concept due to concerns related to the petition process and when the residents are obligated to do the program. He highlighted the requirements including the financial aspects. He believed that the percentage of homeowners petitioning to have the City takeover the landscaping should be more than the 51% indicated in the documents. Justification for increasing the percentage to 75% was provided. He also noted that the Parks and Recreation Director will be processing the applications. The Board of Supervisors will function as the hearing board.

Discussion indicated that either an individual or the Parks and Recreation Director could be appointed to determine whether the homeowners' petitions are adequate and allow the district to be formulated or the petitions are to be sent to the Board. Discussion indicated that the City has not received any petitions to date. Existing subdivisions wishing to form a district must meet the requirements prior to submittal of the petition. The ordinance also mandates that the public must have access to the area. Existing subdivisions may not want to comply with these regulations.

Supervisor Staub pointed out that the Ordinance on Page 9 talks about the right of entry for maintenance under Section J. The reference is also included in N-I. He requested a Section be added stating that once the agreement is in place, the public shall have access to the facilities maintained by the City. He also supported Supervisor Livermore's comments regarding having a petition include more than 51% of the residents. He supported having 2/3rds of the residents sign the petitions. Justification for this percentage was provided. He questioned the adequacy of the two-year time frame for maintaining the landscaping improvements which is found under Section 2-C. He also recommended changing "may" to "shall" on Page 12 in Section 2-B to require the involvement of the other City Departments. Justification for the change was provided. He suggested that the Parks and Recreation Commission be given some duties in

the ordinance. Appeals should be handled by it as the first step in the process. Justification for this recommendation was provided. Supervisor Staub then recommended that the ordinance be rewritten to include the suggested changes. Clarification indicated that the Commission's recommendation on the appeal is to be given to the Board who will make the final decision due to the long-term financial commitment of the agreements. Mayor Teixeira supported all of the revisions and acknowledged the Board's desire to have the best possible product. He also supported having the revisions made and bringing the ordinance back for Board consideration and action. Mr. Moellendorf concurred.

Supervisor Aldean explained the reasons the developers want the ordinance. She also pointed out the need to have a public benefit for the City to accept the maintenance responsibility. Her concept of the program requires the homeowners association to create a separate district with a separate function for items that do not have a public benefit. Mr. Moellendorf explained the need for a public benefit and cited examples illustrating both. He agreed that the ordinance needs to be as definitive as possible so that if a benefit does not exist, the City can refuse to accept the responsibility and create the district. Supervisor Aldean also supported having either 67% or 75% of the residents sign the petition. She acknowledged that the ordinance includes a "laundry list" of reasons for rejecting the petition. She wanted the Director, Commission, and the Board to have the discretion to reject the petition for any reason including some that may not be known at this time and are not listed. Discussion indicated that the petitioners could appeal the denial to the Board. Supervisor Aldean objected to the clause indicating that if the Director fails to reject the petition within 20 working days after it is received, the petition is deemed to be accepted. Supervisor Staub recommended that the terminology indicate that the petition is denied if not accepted in that time period. Mayor Teixeira supported this approach. He also indicated that the number of homeowners required for submittal of the petition should be 67%. The Board concurred.

Supervisor Williamson disclosed that she was a former president of a homeowners' association. Her experience as president indicated that obtaining 51% of the homeowners' approval is difficult to accomplish. She also felt that a fee may be required to have the City takeover an existing subdivision's landscaping as it will take a lot of City resources to do the work. This could discourage existing subdivisions from applying. Mr. Moellendorf indicated that the ordinance included the ability to assess a fee for processing the petition. The amount will be set by a resolution after the ordinance is adopted. It should be consistent with other departmental fees charged to applicants.

Supervisor Livermore felt that the ordinance should be used with the Schulz Ranch, however, the NRS does not allow it to happen on a piecemeal basis. He then disclosed that Mr. Moellendorf is considering contracting the maintenance work rather than expanding his staffing level. Issues related to maintenance contracts included right of entry, access, etc., were noted. An example justifying the concern was provided. Mayor Teixeira suggested that the contractor be required to provide a bond for that reason. Supervisor Livermore then disclosed his knowledge of a landscape contractor who started mowing at 6 a.m. in a subdivision. The homeowners' association had contracted with the firm. In this case, the City did not have any control over the schedule. Public comments were solicited.

Fire Chief Giomi supported the ordinance and urged the Board to include defensible space in the

ordinance. Justification for its requirement was based on the problems encountered in attempting to get the homeowners' associations to maintain the defensible space. Discussion noted that Summer Hawk had agreed to maintain the defensible space. Other developers provide little area for defensible space.

Mr. Kittess disclosed that he has had lots of experience with homeowners' associations. He cautioned the Board to be aware of the standards under which the subdivision is developed. A liability could be created by changes in an irrigation system which causes water to accumulate and change the level of the house. For this reason he urged the Board/staff to check the construction standards when the houses are being built. Mr. Moellendorf indicated that the ordinance includes criteria mandating that the City's current ordinances and landscaping standards are met. This includes the infrastructure.

Ms. Ervin thanked Mr. Moellendorf for his work on the ordinance. She supported the ordinance and stressed the importance of getting it adopted as soon as possible. She alleged that they have a petition ready to be filed in accordance with the ordinance requirements. She agreed that the number of homeowners signing the petition should be more than 51%. Her personal involvement with 18 homeowners association was cited to support her belief that it will be difficult to obtain 51% of the owners' approval. She also felt that the cost could be prohibitive and may eliminate any turnovers. Mayor Teixeira cited the options to being having the developer or the City do the landscaping. Mr. Ervin indicated that their development is required to turn it over to the City as condition of approval. Mayor Teixeira indicated that this ensures a quality project. Ms. Ervin indicated that they understand and support it. Discussion between Ms. Ervin and Mayor Teixeira indicated that the ordinance is similar to Clark County and Sparks' ordinances. The difference is in upfront costs and interaction with various City Departments. The City's costs remain to be determined. She again complimented Mr. Moellendorf and Mr. Sullivan on their willingness to work with them. Discussion between Mayor Teixeira and Mr. Moellendorf indicated that the ordinance should be back for first reading at the next Board meeting. No formal action was taken.

RECESS: A recess was declared at 9:22 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:29 a.m., constituting a quorum.

11. DISTRICT ATTORNEY - Neil Rombardo

A. DISCUSSION REGARDING THE STATUS OF THE PROPOSED SOCIAL HOST LIABILITY ORDINANCE AND DISCUSSION RELATING TO THE USE OF ALTERNATIVE LAWS TO ACCOMPLISH THE SAME GOALS AND OBJECTIVES AS OUTLINED IN THE PROPOSED ORDINANCE (9:28:54) - Mr. Rombardo's introduction included a description of the meetings that have been held regarding the ordinance and consideration of the laws presently in effect. As a result of these efforts, it was determined that the proposed social host ordinance would not be brought forward. He proposed instead to use the forfeiture and nuisance laws as they will do the same things as the proposed in the social host ordinance. He then used a power point to highlight his remarks. (Copies of these slides are in the file.) It included the history of the social host ordinance, its purpose, its plan to utilize NRS 202.020 to address the meth problem, and the difficulties encountered in attempting to

develop an acceptable social host ordinance. A review of the forfeiture and nuisance laws indicated that they serve the same purpose. Efforts to address the meth problem utilize prevention, treatment and enforcement. His role is primarily in the enforcement area. Therefore, his attack will be to utilize both the criminal and civil approaches to attempt to get the land owners to control the activities occurring on their properties. He indicated the need to bring back to the Board as an action item the Tri-County Prosecutors Task Force. It consists of Carson City, Douglas and Lyon Counties' Prosecutors. He will ask the Board to implement its proposed program. These programs could be called "No Safe Haven" as they will eliminate safe havens for drug traffickers and dealers in the three Counties. Discussion between Mr. Rombardo and Mayor Teixeira pointed out that the current laws may need to be embellished. The concept will provide a regional approach to the meth and drug problem. Mr. Rombardo indicated that the civil remedies "hurt" the traffickers and dealers' ability to make money. They will lose their property. They will not have a place to live. They will have to pay high civil fines. They will also be prosecuted. He then limned the existing laws which will be used to accomplish this effort. They included CCMC 8.08 and 8.09 in addition to NRS 453.301, 453.305. 170.1164, 170.1165, 40.2514 and 40.254. During his explanation of CCMC 8.08 and 8.09 he complimented Chief Deputy District Attorney Bruketta on how well written the Codes were. These Codes provide the City with the ability to address nuisances and help the landlords evict tenants. The Codes also provide the City with the ability to recover all costs encountered in the effort including attorney fees. Drug houses are defined as chronic nuisances. The City can abate chronic nuisances. The process involves both Code Enforcement and the Sheriff's Office. Procedures are being drafted for them. Discussion explained that NRS 40.215 allows the property owner to summarily evict a tenant within three to five days depending on the process used. Failure of the property owner to act is cause for civil action which includes the ability to assess a $500 per day fine. Mr. Rombardo indicated that he would not seek a lower fine. The Judge will make the final determine regarding the amount. All City costs incur abating the nuisance are recoverable from the property owner. An explanation of the type of costs included the possibility of having to clean up the chemicals which may be dumped in the yard. The cleanup of these poisons may involve funding from the Federal superfund. The property owner may dump the property onto the City rather than reimburse the City for these costs. Mr. Rombardo indicated that in such cases the City should sue the property owner and obtain a judgement against the property owner. If the individual is "judgement proof", there is not much that can be done. The process allows the City to eliminate a meth house. Discussion between Supervisor Aldean and Mr. Rombardo explained the differences between response costs and nuisance abatement costs. Nuisance abatement costs are reimbursed by the property owner. Response costs cannot be assessed against the property owner. Comments indicated the need for enforcement of the underaged drinking laws. Mr. Rombardo advised that the liquor code is being rewritten and may address some of the issues regarding selling to minors. He also indicated that civil remedies are less onerous than proofing charges in criminal cases.

Mr. Rombardo then explained the forfeiture laws which are civil remedies that can be used to stop these crimes. It establishes a procedure whereby the City can seize property of known drug traffickers and dealers. It includes notification to the property owner who can summarily evict the tenants. This process does not "care" about property management companies. It is the landowner's duty to fire the property management company if it fails to do its job. The responsibilities lie with the tenant dealing the drugs and the landowner who refuse to recognize the situation. He then limned the notification requirements in order

to seize the property. The goal of the process is to evict the tenant and stop the drug dealing. Although he does not need the Board's approval to implement these proceedings, he will ask the Board to approve a resolution of support to show solidity with the Tri-County Task Force. The resolution will be part of that plan. Discussion between Mr. Rombardo and Mayor Teixeira indicated that the entire property must be involved in the forfeiture proceedings even if it is a motel or if the trafficker or dealer is a "straw" tenant. Mr. Rombardo acknowledged that the law is "sticky" when addressing "straw" tenants but he felt that a valid case could be made to support the City's position. Mr. Rombardo reiterated that City's ordinances are and have been on the books for some time. When the ordinances are combined with the NRS, which are also in existence, he can proceed. He will ask for a resolution of support. He assured the Board that he is working with the Sheriff and is ready to move forward with enforcement of the law. He hoped that the word is getting out on the streets. He thought that Douglas County has similar laws and is unsure whether Lyon County has them. If not, he will assist in trying to get them to their Commissioners as soon as possible. Discussion noted that the Statutes do not recognize gang activity. If the gang activity is related to drugs, it may be possible to use these laws to address gangs. The nuisance ordinances could be used to address gang activity. Mr. Rombardo committed to working with Code Enforcement and the Sheriff's Office on them. Supervisor Livermore noted a gang incident on Hot Springs Road and expressed the hope that the tenant has moved. Mr. Rombardo indicated that he was uncertain about this individual's status. He hoped it is a case of having a good property owner who does not want that type of activity there. He then listed the procedures' benefits to the land owner and the City. He committed the District Attorney's office to the effort.

Mayor Teixeira disclosed that Mr. Rombardo had been working closely with him on the social host ordinance. The effort was focused on the meth problems. The other related issues have always been here. Meth is hurting the community. Mr. Rombardo had told him that he was not comfortable with the proposed social host ordinance. Mayor Teixeira complimented City Manager Ritter and Supervisor Aldean for their work on the ordinance. Mayor Teixeira indicated his support for the proposed plan. He emphasized the need for the plan to be reported and for the community to realize the Board's seriousness about the effort. Mr. Rombardo will be working with law enforcement. The Board supports this effort. There is a new working relationship between law enforcement and the District Attorney's office. He was certain that the Judges will support the effort as it is a community problem. He thanked Mr. Rombardo and Chief Deputy District Attorney Bruketta for their work. Supervisor Williamson advised that Brad Bonkowski supports the plan. She also thanked Mr. Rombardo and the staff for working with the Board of Realtors. Mayor Teixeira indicated that the Board looked forward to seeing the resolution. Mayor Teixeira also thanked Mr. Rombardo for developing a plan that makes the program consistent throughout the region. No formal action was required or taken.

12. BOARD OF SUPERVISORS - NON-ACTION ITEMS:

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - None.

B. STAFF COMMENTS AND STATUS REPORT - None.

11. B. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO THE NEVADA OPEN MEETING LAW, N.R.S. 241.015(2)(B)(2), FOR THE PURPOSE OF RECEIVING INFORMATION REGARDING POTENTIAL OR EXISTING LITIGATION FROM AN ATTORNEY EMPLOYED OR RETAINED BY THE CITY, AND/OR DELIBERATING TOWARD A DECISION (9:59:32) - Mayor Teixeira recessed the open session and indicated that the Board would be going into a closed session pursuant to Nevada Open Meeting Law, NRS 241.015(2)(B)(2) for the purpose of receiving information regarding potential or existing litigation from an attorney employed or retained by the City. Supervisor Aldean moved to recess. Supervisor Williamson seconded the motion. Mayor Teixeira indicated that he believed a motion was not necessary and closed the session.

13. ACTION TO ADJOURN (10:04:38) - Mayor Teixeira reconvened the meeting. Supervisor Aldean moved to adjourn. Supervisor Williamson seconded the motion. District Attorney Neil Rombardo explained that the closed meeting is a "nonmeeting" as defined by the Open Meeting Law. It was agenized so that the public would know that the Board is meeting on potential or existing litigation. The discussions today are for the purpose of communication, therefore, it is not a meeting for purposes of the Open Meeting Law. Mayor Teixeira indicated that his statements are on the record. The motion to adjourn was voted and carried 5-0. Mayor Teixeira adjourned the meeting at 10:06 a.m.

The Minutes of the April 5, 2007, Carson City Board of Supervisors meeting

ARE SO APPROVED ON May 3, 2007.

/s/
Marv Teixeira, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder