

CARSON CITY PARKS AND RECREATION COMMISSION

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A regular meeting of the Carson City Parks and Recreation Commission was held on Tuesday, February 18, 1997 in the Community Center Sierra Room, 851 East William Street, Carson City, NV at 6:00 p.m.

PRESENT: Chairperson Ken Elverum

Rick DeMar

Jay Meierdierck

Larry Osborne

Jon Plank

Susan Scholley

Charles Wright

STAFF: Steve Kastens, Parks and Recreation Director

Scott Fahrenbruch, Parks Superintendent

Barbara Singer, Recreation Superintendent

Katherine McLaughlin, Recording Secretary

(PR 2/18/97 1-0000.5)

NOTE - Unless otherwise indicated each item was introduced by Chairperson Elverum. Individuals speaking are identified following the heading of each item. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

A. CALL TO ORDER - Chairperson Elverum called the meeting to order at 6:00 p.m. A roll call was taken and a quorum was present although Commissioner Chapman was absent and Commissioner Kennedy had not yet arrived. (Arrived at 6:25 p.m.)

B. APPROVAL OF MINUTES - Corrections were made to the Minutes of the January 7, 1997 meeting and Commissioner Osborne moved to approve the Minutes as corrected. Commissioner Wright seconded the motion. Motion carried

C. PUBLIC COMMENT - None.

D. AGENDA ITEMS

1. REVIEW AND POSSIBLE ACTION ON PROPOSAL FOR THE CITY TO PURCHASE THE ROLLING STOCK FOR THE MILLS PARK RIDING TRAIN - (1-0023.5) Ron Santi, Railroad Association - Chief Deputy District Attorney Paul Lipparelli - Chairperson Elverum reported that the owner of the rolling stock in question had some concern about selling to a non-profit organization. Mr. Kastens said the concern had been precipitated by the owner's legal counsel who suggested a volunteer non-profit group might not be a stable partner in the purchase. The attorney had suggested they seek the City's willingness to co-sign thus giving the owner added security. Chairperson Elverum referred to the comment in the staff report where the District Attorney's office had advised they did not believe the concept is desirous.

(1-0055.5) Mr. Lipparelli had been invited to the meeting to provide his input on the subject. He explained there are state constitutional provisions that come into play when consideration is given to the concept of a governmental agency lending its credit to a private entity. He added that it is not prohibited but has to be done so carefully that it is almost not worth going to all the trouble unless the agency is going to purchase it themselves. He said he had advised Mr. Kastens it was possible to do but would take analysis and the drafting of security agreements to make sure the taxpayers money that would be invested would be secured. He added that papers would probably have to be filed with the Secretary of State to evidence the security interest in the train. He also said it had become clear that it might make more sense to everyone concerned if the City goes to the trouble of doing everything but owning the train they might as well consider owning it and leasing it to the operator. He noted there are other advantages to the City owning the train not the least of which is it provides continuity of service to the community. He noted if for some reason the club were to not be able to continue operating the train it would be a matter of finding

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someone else to operate it vs. if the train is not owned by the City and they lose the operator and the train the City's task then becomes finding a train and an operator. He said with this arrangement the train will stay for everyone to use.

(1-0103.5) Commissioner Osborne noted there was no dollar amount listed and asked what it was. Mr. Kastens said the proposed amount was \$50,000. He explained this would be for two locomotives and four cars. Commissioner Osborne said there had been an item before the Board of Supervisors asking for the purchase and asked for an update. Mr. Kastens said that action was basically the same as this action. He added it was granting the Carson City Railroad Association \$6,000 a portion of which was going to be a down payment for the purchase of the equipment. He added that the Association was going to enter into a five year purchase agreement with the owner. He noted that the idea behind this item is identical except that the City would be making the purchase of the equipment utilizing the \$6,000 as down payment money and then entering into something of an amendment to the agreement. The association would collect money by operating the train and give it to the City who, in turn, would then make the payments to the owner of the equipment. Mr. Kastens then pointed out that the purchase of the equipment is a much better deal than the current lease arrangement the association has with the owner. He added that all he was asking the Commission to do was either approve or disapprove the idea of the City pursuing the purchase of the equipment. More discussion followed concerning any possible amendment to the existing agreement the City has with the association.

(1-0263.5) Commissioner Meierdierck asked what was different now than in December when this had gone to the Board. Mr. Kastens said the request in December was a monetary request by the association asking the Board to grant them some funding. He added that not all of the City's funding necessarily has to go through the Commission. He said any citizen can go to the Board seeking funding for a project such as a frisbee facility in Mills Park and the Board can either grant it or ask the applicant to come to the Commission for review of the practicality or the appropriateness of having it in Mills Park. He said it was staff's opinion that the Commission had already approved the railroad, already approved having the association operate the railroad, and have indicated they want to see a railroad in the park for as many years as possible.

(1-0303.5) Commissioner Osborne asked in the event the City purchases the equipment would there be a requirement for the City to put out bids for someone to come and operate it. Mr. Lipparelli said it depends on how the City would ask for the services to be delivered. He commented he had not researched this prior to the meeting but said his sense was it is a fairly unique skill. He felt it is possible this would fall within one of the professional services exemptions in the state law and that would allow the City to enter into an agreement with someone who is qualified. He added that his recommendation, apart from what the legal analysis eventually shows, would be if the City wanted to do it as a commercial enterprise it ought to be put out for bid. He also said if it is going to be operated by a non-profit strictly for the benefit of providing recreation services without a built-in profit it would probably be one of those areas where it won't be necessary to advertise it and go to an excessive competitive process because no one is enriched by it in that it is a community service.

(1-0383.5) Commissioner Meierdierck asked if the \$50,000 was coming from one of the Parks and Recreation accounts or the general fund and would it be a trade-off leaving Parks and Recreation unable to fund other projects. Mr. Kastens said there would be a down payment of approximately \$5,000 and then annual payments will be made for the remainder up to the \$50,000. He added that no current Parks and Recreation services or programs are affected by the contract. Commissioner Wright asked if there would be added liability for the City. Mr. Lipparelli said if property is owned by the City it would fall in with all the City's insurance policies and the City would pay whatever additional cost associated with having the equipment covered. Commissioner Wright also asked about insurance with the current system. Mr. Lipparelli felt it would initially be them but as a practical matter if something were to happen there the City would get named in the suit anyway. Commissioner Scholley asked what is the desired result regarding who owns the rolling stock. Mr. Kastens said it would be the City who owned it. He added that the risk is that the association could default before the payment of the five years is up. He noted that the City would then have the ability to solicit bids or whatever to get an operator in. Commissioner Scholley also had a concern that the City would take a hit on the depreciation along with the insurance that is now being borne by the non-profit. Mr. Kastens felt that the railroad is a very desirable operation and if it requires the City to increase the liability in order to insure it is there then he would be willing to support it. Commissioner DeMar asked if this

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would be setting a precedent. Mr. Kastens said he did not know but would research it.

(1-0537.5) Commissioner Plank expressed his feeling that this sounds like this is headed toward establishing an enterprise fund similar to that at the golf course for maintenance, repair, and replacement of equipment. Mr. Kastens then said the City does not have the expertise to maintain the track, etc. but the association does which makes them valuable in this program. Mr. Santi said when the association went to the Board in December they were looking to purchase the train themselves but did not have the funds to come up with the down payment. He added in the interim Bill Kreider chose not to sell the train directly to the association. He advised that the position of the association is the same as it was last year and that they had made a commitment to the City in 1977 and lived up to it for fifteen years and will continue to do so. Mr. Lipparelli said if the Commission tells staff that owning the rolling stock is a good idea then he envisioned bringing back a much more detailed plan of how it is going to work and perhaps draft agreements for review. Mr. Santi said the current agreement says they are leasing the land and the station and for that they will provide a riding train in the park.

(1-0815.5) Commissioner Scholley felt one of the things that could be resolved in this negotiation is the ownership of the tracks because it seems to be a recurring issue. Commissioner Osborne agreed with her position and said the important thing is to continue having the train run. He said he was not sure they have an agreement that both the association and the City can agree upon. Chairperson Elverum said without more information he was not ready to approve the concept of purchasing the rolling stock and sending it to the Board. Commissioner Plank asked if it is possible to help the association fulfill its agreement for the City to purchase the rolling stock and then make an arrangement with the association on a lease/purchase for them to eventually wind up with ownership of the train to circumvent the undesirous option of co-signing and Mr. Kastens said that would be an option. Commissioner Meierdierck had a concern with the City spending the \$50,000 that they could otherwise spend on recreational facilities and improvements. He felt this needs to be discussed prior to doing the arrangement as proposed. Commissioner Scholley moved to conceptually endorse the concept of the City purchasing the rolling stock with direction to staff that a draft agreement be worked out that adjusts the liabilities and reduces the financial impact on the City so that it is comparable to the existing situation and that any such draft agreement come back to the Commission before it goes to the Board of Supervisors. She then amended her motion to state that the Commission is interested in pursuing the acquisition of the rolling stock but before they take any action to recommend that to the Board of Supervisors they would like to see a draft of an agreement that adjusts the liabilities and reduces the financial impact on the City. Commissioner DeMar seconded the motion. Commissioner Osborne asked if it is possible to meet with the District Attorney, the association, and the seller and then come back to the Commission with something that says this is what they want. Mr. Kastens said he interpreted the motion as telling him what to do. Commissioner Wright said he would like to see one entity own the rolling stock and the tracks, not half and half. Commissioners agreed. Commissioner Meierdierck said he was interested in pursuing the proposal as noted in the motion and supported the actions of the association. However, he had a concern that the Commission had been informed of how short of time staff has and that they could not put together a grant but now the Commission was obligating them for numerous hours of negotiations on an additional item. He asked if staff had an idea of how many hours this will entail. Mr. Kastens did not know but said he felt in staff's opinion this service to the community is far more important than the grant application. Chairperson Elverum said he would like to pursue the lease option and see the association owning its own equipment and the tracks. He called for a voice vote. Motion carried 6-1. (Commissioner Meierdierck voted naye.)

Chairperson Elverum called a recess at 7:15 p.m. When he reconvened the meeting at 7:23 p.m. a quorum was present.

2. REVIEW AND POSSIBLE ACTION ON REQUEST FOR PROPOSAL FOR JAIL PARK REPLACEMENT SITE - (1-1123.5) Mr. Kastens said during the last budget process the Board allocated some funds for the hiring of a consultant to assist staff in finding and developing a conceptual plan for the replacement of Jail Park. He added that staff had developed a RFP and the result was in the packet. He noted that the address of Jail Park had been omitted and provided the Commission with maps and it was agreed to include them in the RFP. He said he had brought it to the Commission for their review, possible modifications, or changes and additions. Chairperson Elverum asked about the process for bid dates, etc. and Mr. Kastens said the Purchasing Department schedules these. Commissioner Plank referred to the requirement that a new site must be within a mile radius of

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the existing park. Mr. Kastens said when the park was lost it was the intent of the Commission to locate a site that would service that neighborhood. Commissioner Plank asked if some arrangement could be made with the State on the turfed area behind the old Fremont School. Mr. Kastens said it was his understanding that the area has been Master Planned for future development. However, he felt perhaps the consultant could approach the State and confirm that. Commissioner Osborne asked if the Commission could go out and look at sites and indicate their preferences for the consultant to consider. Commissioner Meierdierck felt that the RFP needs to be proofread because there are spelling and grammar errors. He also said when most RFPs are put out they have a process that requires all questions submitted by the applicants to be in writing and then the answers are returned to the RFP applicants so that there is uniform treatment. He felt that should be included in this RFP. He referred to the Scope of Work section and felt the consultant's review and study should be included and should come back to the Commission for review. He talked about the words "primary plan" and "conceptual plan" and said the terminology should be consistent. Chairperson Elverum also pointed out errors he had found. Commissioner Scholley asked for clarification of the requirement that no fee schedule can be included in proposals. Mr. Kastens explained that in the State of Nevada a proposer is not allowed to determine the acceptance or denial of a professional services contract based on the cost alone and that hiring of professional services is based on the bidder's ability to perform the services. He also explained that when a firm or individual is chosen the City then negotiates a price. Commissioner DeMar moved that the Commission have staff review the RFP draft, finalize it with corrections, and proceed. Commissioner Meierdierck said he would second the motion of Commissioner DeMar would include the words "with amendments as discussed this evening". Commissioner DeMar accepted the additional wording. Commissioner Meierdierck then seconded the motion. Commissioner Osborne referred to his previous statement on going out and selecting several sites. He did not feel it was necessary to hire someone to select sites because he felt that was something the Commission can do and then have the consultant do a plan, a feasibility study, etc. He also said he did not see a requirement in the RFP that a consultant would have to select several sites and could possibly only select one. Commissioner Plank reiterated he would like to see the issue of the old Fremont School area pursued. Commissioner DeMar said it was his understanding that the Commission can communicate to staff who, in turn, would communicate to the consulting firm the Commission's desires and provided examples. Commissioner Scholley liked the idea of having more than one site. Commissioner DeMar felt it is the consultant's responsibility to come back to the Commission with an optimum site. Commissioner Scholley agreed that the consultant should recommend what they think is the best site but the Commission might determine they want to focus on one of the other sites. Commissioner Meierdierck reminded the Commission that the motion included an amendment that a study would come back to the Commission. Motion carried 7-0.

3. REVIEW AND POSSIBLE ACTION ON RENEWAL OF AGREEMENT FOR BREWERY ARTS CENTER RENTAL OF COMMUNITY CENTER - (1-1529.5) Joe McCarthy, Director of the Brewery Arts Center - Mr. Kastens provided a history of the development of the agreement. He talked about the term of the agreement and said it had expired. He added that it is Parks and Recreation staff's opinion that it is a good relationship and would like to see it pursued. He had provided a copy of the rental agreement and pointed out two changes which he said both the Brewery Arts staff and the Parks and Recreation staff had agreed to. He added that basically this was on the agenda to get the Commission's approval to proceed with the agreement on to the Board for their review. Commissioner Osborne noted that rates are established by the Commission but the agreement indicates the Brewery Arts Center only pays one half of the usual rate. He asked if this is a regular procedure that the Parks Department does with any other non-commercial entity. Mr. Kastens explained that this was an exception the City entered into under a special agreement with the BAC in 1992 and that staff was asking the Commission to continue that special exception. Commissioner Meierdierck noted that the School District uses the facility at no cost. He asked why the BAC, being a semi-City agency, does not warrant the same consideration as the School District. Mr. Kastens explained the arrangement with the School District allows for reciprocal use of facilities at no cost. He said the School District and the City's arrangement is a benefit to the taxpayers. Mr. McCarthy pointed out the relationship that BAC currently has with the Community Center. He said Ms. Singer and staff allow BAC to put on productions that break even or make some money in order to keep their revenues going. He said he was at the meeting to encourage the Commission to look at and approve the agreement with the changes. Ms. Singer said her department does not have the expertise nor the time to market or bring in productions to the theater. She added that they rely on BAC being the alliance for the City in arts. Commissioner Osborne emphasized that any other organization should have the opportunity to apply for an exemption. Commissioner Meierdierck commented that BAC uses the theater six times per year. Mr. McCarthy said they are considering

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going to ten performances. Commissioner DeMar moved that the Commission accept the arrangement. Commissioner Osborne seconded the motion. Motion carried 7-0.

4. STATUS REPORT ON COMMUNITY OUTREACH PROGRAM AS IT RELATES TO PARKS AND RECREATION - (1-1781.5) Adam Watley, Manager of the Project - Mr. Kastens provided a history of how this had come about as did Ms. Singer. Mr. Watley reported on the programs that have been developed. These included transportation home for needy youth from the Boys and Girls Club, a youth board to brainstorm ideas on recreational activities for young people, skateboarding lessons in Reno, chess lessons, after school tutoring, and a youth alliance seeking to solve problems of that age group. Mr. Watley also noted they have accomplished some goals they had not anticipated. Commissioners then encouraged him to continue the good work.

5. STATUS REPORT ON PARKS "ROUND UP" FEE PROPOSAL - (1-2082.5) Mr. Kastens reported there had been no additional information from the Automation Department but said they are working on an analysis of the cost to implement the program. Commissioner Osborne liked the idea but expressed a concern that the cost could outweigh the benefits to the Parks Department. Mr. Kastens advised he would bring a report back to the Commission when more information is available.

7. STATUS REPORT ON SKATEBOARD PARK PROJECT - (1-2154.5) Mr. Kastens said there have been commitments on the facility and noted there are some specific dates assigned and the plans and specifications are available. He also said a pre-bid conference would be held February 26. He added that the date for receiving and opening bids would be March 5 and anticipated the award for labor by the Board of Supervisors on March 20. He believed the completion date is expected to be 45 days after construction has begun. Commissioner Osborne suggested having some sort of a ceremony at the ground breaking and asked that it be publicized. Mr. Kastens felt that was a good idea.

6. REVIEW AND POSSIBLE ACTION ON ADOPTION OF 1997 CALENDAR - (1-2271.5) Mr. Kastens advised what the Commission has done in past years was try to set a calendar to keep them on track with the issues they had determined to be desirable at some time during the year. He added there are areas they also like to revisit to make sure that everybody is up to speed on what is happening. He referred to certain agreements they have entered into over the years and from time to time it doesn't hurt to look at them again to bring any new Commissioners up to date. He had included the 1996 calendar and a draft 1997 calendar in the packet. He noted that January and the first meeting in February accurately depicted what the Commission had done. He explained that over the year staff tries to spread out the workload so that they can facilitate items as the time line calls for rather than trying to take care of everything at the end of the year. Commissioner Osborne said he had not seen anything that had changed. However, he felt it was etched in stone and that the Commission had already gone through the process that the Commission may or may not have to have two meetings a month. Mr. Kastens said with the exception of the RCT public hearing, the Commission's action on the applications, and the budget, almost all of the other items are flexible. Commissioner Meierdierck felt with the Legislature in session the Commission should agendize a review on any legislation that affects Parks and Recreation. He also suggested reviewing the RCT level status in March and felt if the Commission acts as they did in 1996 they may not want to go through the advertising process. He said at the April 15 meeting the Master Plan is scheduled to be reviewed. However, if the Chairperson made a determination to have it earlier he might want to appoint a sub-committee to make proposed updates and then bring that to the Commission. He noted that the Parks and Recreation Element of the Master Plan calls for a bi-annual workshop on recreation, open space, historic preservation, etc. He said the last one was held in 1993 and felt it is time one is held this year. He commented that the Master Plan calls for entry way parks and suggested a discussion be scheduled for the June 17 meeting in conjunction with the land use plan or schedule it for a separate discussion. He also felt the Commission should schedule the application processes and review the sites that the Master Plan calls for the City to make RP&P applications. He said this was primarily Edmonds but that there are other sites around the City that the Commission has identified. He felt the Commission should schedule a public workshop on the V&T ISTEA trail design. He asked that a Quality of Life implementation meeting be held as called for in November 1996, the Boardwalk training session, a public workshop to discuss the planning of the Mark Way Park, the siting criteria for the Boys and Girls Club, approval of the Silver Oak neighborhood park, and a status update on the well at Park Terrace Park. Chairperson Elverum felt it was a good list and asked

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Commissioner Meierdierck to submit his list to Mr. Kastens to put them in. Commissioner Osborne agreed. He also felt they should be prioritized and that staff and Chairperson Elverum could work out where they are going to fit.

(1-2510.5) Commissioner Scholley referred to the Legislative agenda and asked if there is a tie between that and the Quality of Life. She felt with the voters passing the sales tax it would be appropriate for the Commission to be more formally involved in helping support it before the Legislature. Mr. Kastens said he would put that on a agenda of a future meeting. At this point he reported he would not put out the public notice until after March 4 because at that meeting the Commission would be reviewing the RCT budget as part of the Parks and Recreation 1997-98 budget process. He added he could put it on that agenda after the budget items had been reviewed. Commissioner Osborne said the Board of Supervisors had established a Legislative agenda. He added his belief that the Quality of Life issue is proceeding and that Assemblyman Amodei would be taking it forward. He wanted to make sure the Commission is working in the same direction as the Board. Chairperson Elverum entertained a motion to adopt the proposed calendar as suggested by staff. Commissioner Osborne said "So Moved". Commissioners Plank and Scholley seconded the motion. Chairperson Elverum felt that it should also be with the understanding that Commissioner Meierdierck's additions should be included. Motion carried 7-0.

GENERAL DISCUSSION

Future Agenda Items from Commission Members - (1-2610.5) Chairperson Elverum noted that the Commission had already discussed Commissioner Scholley's request.

Commissioner Osborne referred to a newspaper article that had mentioned the twenty-six shallow wells that contained possible nitrate contamination. He added it had indicated that eighteen of them were on City property including Parks and Recreation. He suggested getting an update from Dorothy Timian-Palmer.

Comments from Commission Members - (1-2635.5) Commissioner Meierdierck suggested changing Status Reports from Commission Members to a Status Report on Question 18, RCT, and other capital improvements so that the Commission could get a running status report on the developments that are going on.

Commissioner Wright asked for a timetable on the Bar One project at Fuji. Mr. Kastens agreed to contact the District Attorney for an update.

Commissioner Osborne referred back to Commissioner Meierdierck's suggested change and said he would like leaving it the way it is because there might not be an update on Question 18 at each meeting. He felt all the Commission needed to do was ask for reports as desired. Commissioner Meierdierck reiterated that his suggestion was that this be on all capital improvement projects not just 18 and included RCT and other capital improvement projects. He felt that the agenda form could easily be changed on a computer report every two weeks on what action, if any, had occurred on any of the projects. He added it would be a reminder to the Commission on outstanding projects. Mr. Kastens said he did not have a problem with that.

Comments and Status Reports from Staff - (1-2743.5) Mr. Kastens said besides the contract for the skateboard park he had an outline for the contract for the Roberts House Phase II which is the second story remodel and was on the streets.

Mr. Kastens reported he had been asked to attend a special CCCVB Board meeting on February 19. In his packet for that meeting there was a letter to Candace Duncan from Nevada Fest regarding a marketing plan, event development possibly by Nevada Fest. He added there was also a document from Ms. Duncan to CCCVB members concerning eleven thoughts she had about the Pony Express Pavilion. He said there might be some contemplation that they could look at some kind of a contractual or similar agreement with Nevada Fest to help them in operating the events center or perhaps terminating their agreement with the City. He then read a portion of the agreement which said it covered a period of ten years starting in May 1993 either party can terminate the agreement without cause giving 120 days notice. It also said if CCCVB terminates the agreement then the agreement to pay twenty-five percent of the rental fee to the City would not be valid and the City would negotiate

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with Nevada Fest. He said he would report back to the Commission on the meeting. Commissioner Meierdierck said there is a provision in the Master Plan that deals with the Pony Express Pavilion in that the Commission was going to seek some kind of professional management. He also said the Commission had adopted a policy on special events in Mills Park and many times the Pavilion has a broader special event and suggested looking at the policy as it relates to requiring any new special events to come back for review.

There being no further business Chairperson Elverum entertained a motion to adjourn. Commissioner Wright moved to adjourn. Commissioner Osborne seconded the motion. Motion carried 7-0. Chairperson Elverum adjourned the meeting at 8:45 p.m.

The Minutes of the February 18, 1997 meeting of the Carson City Parks and Recreation Commission

ARE SO APPROVED 4/15, 1997

/s/

Ken Elverum, Chairperson