

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the October 17, 1996, Meeting  
Page 1

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, October 17, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT: Marv Teixeira Mayor  
Greg Smith Supervisor, Ward 1  
Janice Ayres Supervisor, Ward 2  
Tom Tatro Supervisor, Ward 3  
Kay Bennett Supervisor, Ward 4

STAFF PRESENT: John Berkich City Manager  
Alan Glover Clerk-Recorder  
Rod Banister Sheriff  
Al Kramer Treasurer  
William Naylor Automation Services Director  
Steve Kastens Parks and Recreation Director  
Paul Lipparelli Deputy District Attorney  
John Iratcabal Deputy Purchasing & Contrs. Dir.  
William Milligan Court Administrator  
Katherine McLaughlin Recording Secretary  
Cheryl Adams Purchasing Office Supervisor  
(B.O.S. 10/17/96 Tape 1-0001.5)

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

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE, AND ROLL CALL** - Mayor Teixeira convened the meeting at 8:30 a.m. Rev. Ken Haskins of the First Christian Church gave the Invocation. Supervisor Tatro lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

- 1. APPROVAL OF MINUTES (1-0032.5)** - None. Discussion noted the new format for the Agenda.
- 2. SPECIAL PRESENTATION - ACTION ON A PROCLAMATION FOR "NATIONAL PHYSICAL THERAPY MONTH", OCTOBER 1996 (1-0038.5)** - Local Physical Therapist and Nevada State Physical Therapy Association Secretary Lou Ann Tucker explained the proclamation. Mayor Teixeira noted her involvement with Carson High School's athletes and read the entire proclamation into the record. No formal action was required or taken on the proclamation.

**CITIZEN COMMENTS (1-0072.5)** - None.

**LIQUOR AND ENTERTAINMENT BOARD** - Mayor Teixeira recessed the Board of Supervisor session and immediately convened the Liquor and Entertainment Board. The entire Board was present including Sheriff Banister, constituting a quorum.

- 3. CONSENT AGENDA - TREASURER - Al Kramer - ACTION ON REVOCATION OF THE DELINQUENT LIQUOR LICENSES (1-0078.5)** - Discussion indicated that the licenses were due and payable on October 1. Two businesses had paid the penalties and fees and were withdrawn from the list. Another firm had gone out of business but failed to notify the office. The revocation procedure is the only way the City can revoke this license. Member Smith moved that the Liquor and Entertainment Board approve the Consent Agenda.

Member Ayres seconded the motion. The motion carried 6-0.

**AGENDA MODIFICATIONS (1-0100.5)** - Mr. Berkich explained the agenda modifications which removed Items: 4. CONSENT AGENDA ITEMS C. PURCHASING DIRECTOR - v. ACTION ON CONTRACT NO. 9697-086 - MASTER PLANNING SERVICES TO UPDATE THE CARSON CITY MASTER PLAN HOUSING ELEMENT - AWARD and vii. ACTION ON CONTRACT NO. 9697-72 - CONFLICT COUNSEL - AWARD; 7. UTILITIES DIRECTOR - ACTION ON A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND STANTON PARK DEVELOPMENT, INC., REGARDING EMPIRE RANCH ESTATES SUBDIVISION LOCATED IN CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION; and 12. A. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES AND B. OPEN SESSION - ACTION ON APPROVAL OF AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY EMPLOYEE'S ASSOCIATION FOR THE PERIOD OF THE FIRST FULL PAY PERIOD FOLLOWING RATIFICATION AND APPROVAL TO JUNE 30, 1999.

**BOARD OF SUPERVISORS (1-0123.5)** - Mayor Teixeira then adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors. The entire Board was present constituting a quorum.

**4. CONSENT AGENDA (1-0125.5)**

**A. TREASURER - ACTION ON TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER 1996**

**B. PUBLIC WORKS DIRECTOR**

**i. ACTION ON ACCEPTANCE OF GRANT DEED OF LAND FOR PUBLIC DRAINAGE PURPOSES CONSISTING OF A 0.3 ACRE LOT (PARCEL 20-B AS SHOWN ON THE PARCEL MAP FOR WILLIAM AND GERALDINE NIDAY, A DIVISION OF LOT 20 OF GONI CANYON ESTATES, UNIT 2, PHASE 2) LOCATED EAST OF GONI ROAD AND WEST OF SALK ROAD, FROM WILLIAM AND GERALDINE NIDAY (APN 08-891-10)**

**ii. ACTION ON THE DEDICATION OF A 10 FOOT WIDE BY 113.43 FOOT LONG PUBLIC UTILITY EASEMENT ALONG THE WESTERLY BOUNDARY OF APN 08-563-21, AND A FIVE FOOT WIDE BY 50 FOOT LONG PUBLIC UTILITY EASEMENT ALONG THE SOUTHERLY BOUNDARY OF APN 08-531-21 FROM STAN GAWORSKI**

**C. PURCHASING DIRECTOR**

**i. ACTION ON CONTRACT NO. 9697-98 - PARKS DEPARTMENT UTILITY TRACTOR WITH CAB AND STREET DEPARTMENT BACKHOE PURCHASE**

**ii. ACTION ON CONTRACT NO. 9697-70 - NORTHGATE AS/400 DASD AND COMMUNICATION UPGRADES, AWARD**

**iii. ACTION ON CONTRACT NO. 9697-71 - IBM PERSONAL COMPUTER AND PERIPHERAL EQUIPMENT (AWARD)**

**iv. ACTION ON CONTRACT NO. 9697-69 - SHERIFF'S OFFICE AS/400 COMPUTER UPGRADES (AWARD)**

**vi. ACTION ON CONTRACT NO. 9495-247 - REHABILITATION OF ROBERTS HOUSE (FINAL PAYMENT)**

**viii. ACTION ON CONTRACT NO. 9697-056 - PARKS/MAINTENANCE BUILDING ADDITION**

**ix. ACTION ON CONTRACT NO. 9697-111 - PRECONSTRUCTION MANAGEMENT SERVICES, SAFETY COMPLEX** - Supervisor Tatro and Deputy Purchasing Director John Iratcabal pulled Item C. ix. Supervisor Bennett pulled item C. vi. No other items were pulled for discussion. Supervisor Tatro moved to approve the Consent Agenda as presented with the exceptions of Contracts 9697-086 and 9697-72, which were pulled, and Contracts 9697-247 and 9697-111, which will be heard separately. Supervisor Ayres seconded the motion. Motion carried 5-0.

C. vi.(1-0150.5) Parks and Recreation Director Steve Kastens explained the renovation items undertaken with this contract. He felt that an additional grant would be needed to complete the upstairs portion of the building, which was described. Supervisor Bennett explained her tour of the facility and encouraged the other Board members to tour it. Supervisor Bennett moved that the Board of Supervisors approve the request for final payment on Contract No. 9495-247 as submitted by the Purchasing Department to Bison Construction, P. O. Box 3468, Carson City, for a final payment amount of \$5,137.50 and to accept the Contract Summary as presented, funding source is prior Board of Supervisor funding from December 21, 1996, in the amount of \$51,375 and funding source is the RCT Funds, Federal Grant and RCT Contingency as provided for in FY 9596. Supervisor Smith seconded the motion. Following discussion of a request for a modification to the motion, Supervisor Bennett amended her motion to reflect that the prior Board of Supervisors funding was from December 21, 1995. Supervisor Smith continued his second. The motion was voted and carried 5-0.

C. ix. (1-0209.5) Mr. Berkich distributed copies of the proposal to the Board and Clerk. Capital Projects Advisory Committee Chairperson Gary Sheerin explained the request, the bidding selection process, and the negotiations which had reduced the contract amount to \$87,760. He indicated that the total amount of the building was to be \$19.7 million and the contractor was aware of this limitation. The justification for value engineering and the contract were provided. This consultant will assist the City in selecting the construction firm. The selection process will require prequalification of the bidders. The final contract document is still being drafted. Public Works Director Jay Aldean and Deputy Purchasing and Contracts Director John Iratcabal explained the reasons a Board Action Request had not been submitted. There will be a clerk of the works on the project once construction begins. The Board will consider a second contract for the clerk of the works at a future meeting. Funding for the second contract will be identified by that time. Mr. Lipparelli explained the request by the Committee for direction from the Board on the concept. A contract will be considered at the next meeting as a Consent Agenda Item. Vanir was already working for the City. He did not feel that Vanir would delay it work pending finalization of the contract. Mr. Aldean explained the contract. He agreed that Vanir had already been working on the project. If the Board approves the concept, Vanir could proceed without a contract. Supervisor Smith moved that the Board of Supervisors confirm the intent to enter into a contract, 9697-111, Preconstruction Management Services, for the Public Safety Complex with Vanir Construction Management, 555 Capitol Mall, Suite 350, Sacramento, California 95814, in an amount not to exceed \$87,760, this money will be funded out of the Capital Projects Fund, and the final contract document is to be presented to this Board at the first regularly scheduled meeting in November. Supervisor Ayres seconded the motion. Motion carried 5-0.

Mayor Teixeira supported the concept and commended Mr. Sheerin on the Committee's efforts to manage the costs. Mr. Sheerin noted that the budget had included \$150,000 for a Clerk of the Works. This contract will leave \$63,000 for that purpose. The value management contract should provide a savings. Mr. Sheerin indicated that there had been some ideas proposed which could save money. The Committee may accept or reject any or all of the ideas. Mayor Teixeira commended him and the Committee on its efforts.

5. **JUSTICE COURT** - Court Administrator William Milligan and Dwight Gover - **ACTION ON APPROVAL FOR THE APPOINTMENT OF THE CHIEF OF THE ALTERNATIVE SENTENCING DEPARTMENT (1-0406.5)** - Mr. Milligan distributed copies of Mr. Gover's application to the Clerk and Board. He explained the statutes empowering the Board to hire a Chief of the Alternative Sentencing Department and introduced Mr. Gover. Discussion indicated the position is on-going and unclassified. Claudia Saavedra's position was explained. The Chief of the Alternative Sentencing Department and Ms. Saavedra will be working together although not in the same Department. Mr. Gover explained his experience in Parole and Probation. Discussion noted his previous employment with Juvenile Probation. Mr. Gover also explained the advantages to having a City parole and probation department. Hopefully, the intervention provided by the Department will be able to reduce the recidivism rate. The Board must ratify the appointment as it is required in the enabling statute. At some future date the Justice Court may request the Board establish a Department for Ms. Saavedra. Supervisor Smith moved that the Board of Supervisors approve the appointment of Mr. Dwight Gover to the position of Chief of the Alternative Sentencing Department, fiscal impact is the cost of a new Department, approximately \$46,980, funding source is the General Fund, and wished him much luck. Supervisor Tatro seconded the motion. Motion carried 5-

0. Mayor Teixeira welcomed him aboard.

**6. SHERIFF - Rod Banister - ORDINANCE - SECOND READING - ACTION ON BILL NO. 154 - AN ORDINANCE AMENDING CHAPTER 8.36 OF THE CARSON CITY MUNICIPAL CODE (GRAFFITI AS A PUBLIC NUISANCE), REPEALING ALL PORTIONS OF THE CITY ORDINANCE AND PROVISIONS FOR OTHER MATTERS PROPERLY RELATED THERETO (1-0574.5) -** Discussion explained the compromises achieved with the Chamber of Commerce and the retailers. Chamber of Commerce Executive Vice President Larry Osborne had attended the last meeting and spoke for the ordinance. Supervisor Tatro moved that the Board adopt on second reading Bill No. 153, Ordinance No. 1996-53, AN ORDINANCE AMENDING CHAPTER 8.36 OF THE CARSON CITY MUNICIPAL CODE (GRAFFITI AS A PUBLIC NUISANCE), REPEALING ALL PORTIONS OF THE CITY ORDINANCE AND PROVISIONS FOR OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

**8. COMMUNITY DEVELOPMENT DEPARTMENT - Director Walter Sullivan**

**A. ACTION ON S-94/95-1(F8) - A FINAL SUBDIVISION MAP APPLICATION FROM STANTON PARK DEVELOPMENT INC. (MOUNTAIN PARK UNIT VIII) TO DEVELOP 57 SINGLE FAMILY DWELLING RESIDENTIAL LOTS ON APPROXIMATELY 11.13 ACRES OF LAND ZONED SINGLE FAMILY 6,000, LOCATED APPROXIMATELY 2,800 FEET WEST OF THE INTERSECTION OF NORTHRIDGE AND LOMPA LANE, APN 2-101-65 (PORTION) (1-0606.5) -** Senior Planner Juan Guzman - Final maps are no longer considered by the Planning Commission. All of the conditions/requirements have been met as indicated on the Board Action Request (BAR). The Public Works' memo was drafted before the BAR was completed. Edd Furgesson discussed with Mayor Teixeira the detention pond and its groundwater problems. Mr. Furgesson will be meeting with his contractor, Marv McQuery, on Monday to discuss mitigation methods. Unless this problem is resolved, it will not be possible for the basin to be used as a park. Mr. Berkich indicated that staff is also working on the problem with Mr. Furgesson and his partner, Dwight Millard. Supervisor Ayres moved that the Board of Supervisors approve the final map application from Stanton Park Development Incorporated, Mountain Park Unit VIII, to develop a 57 lot residential subdivision on approximately 11.13 acres of land zoned Single Family 6,000, located approximately 2,800 feet west of the intersection of Northridge and Lompa Lane, APN 2-101-65, portion, subject to the original findings and conditions of approval. Supervisor Bennett seconded the motion. Motion carried 5-0.

**B. PLANNING COMMISSION REVIEW AND APPEAL MATTERS - ACTION ON M-96/97-8 - A REQUEST FROM CARSON CITY TO REVIEW THE PROCESSES OF THE SUBMITTAL AND REVIEW OF FINAL SUBDIVISION MAPS AND ADOPTING THE PROCESS AS A CITY POLICY (PLANNING COMMISSION APPROVED 5-0-0-2) (1-0722.5) -** Mr. Sullivan's introduction included an explanation of the final map review process and policy. All of the tentative map conditions must be completed prior to the Board's consideration of the final map. Conditions may be appealed to the Board. Community Development will coordinate all of the Departmental reviews. Supervisor Bennett moved that the Board of Supervisors approve the Carson City Final Map Submittal Process and Checklist procedures and adopt the process as City Policy 1996-P-1. Supervisor Ayres seconded the motion. Motion carried 5-0. Mr. Sullivan thanked Mr. Aldean for the flow chart contained in the Board's packet.

**C. ORDINANCES - FIRST READING - (1-0815.5)** Mr. Sullivan's introduction included a display of the notices which had been printed in the newspaper. The notices were also run on the radio and CAT-10 bulletin boards. He explained the special workshop held on the ordinances and how the individuals had been contacted. Items which had generated concern were to be continued.

**iii. ACTION ON Z95-96-8 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY ONE ACRE OF LAND FROM GENERAL COMMERCIAL (GC) TO MULTI-FAMILY APARTMENT (MFA) ON PROPERTY LOCATED AT 4729 OAK STREET, ASSESSOR'S PARCEL NUMBER 9-191-10, AND OTHER MATTERS PROPERLY RELATED THERETO**

**(PLANNING COMMISSION APPROVED 4 AYES, 2 NAYES, 0 ABSTENTIONS, AND ONE ABSENT (1-0869.5) -** Mr. Guzman, Applicant's Representative Mark Palmer, Randy Harris - Mr. Guzman's introduction included an explanation of the Master Plan Land Use Designation for the area, staff's recommendation, commercial development in the surrounding area, the opposition, and the impact which the Bypass would have on the property. Supervisor Smith felt that Broadleaf Manor and Sagewood Apartments were the only locations where apartments abut Carson Street and questioned whether the City wished to have apartments along Carson Street. He had personally received two telephone calls in opposition to the request. His personal knowledge of Mr. Harris' projects indicated he does nice work. He then questioned how the future quality of the project could be maintained. Mayor Teixeira pointed out that the Senior Complex at Fairview has been there for approximately 40 years. Mr. Guzman indicated he could not guarantee the quality of the project. Supervisor Tatro noted that six acres of the project are already zoned to allow the multi-family apartments with a special use permit. The request would create one acre of multi-family zoning in the middle of a commercial district. Mr. Guzman explained that the applicant had agreed to follow the guidelines established in the Master Plan which mitigate the impacts created when commercial properties abut multi-family. Discussion agreed that if the special use permit is not approved for the six acre portion, the one acre may be considered spot zoning as it will be in the middle of a commercial district. Mr. Guzman explained telephone conversations he had had with other property owners in the neighborhood who wished to convert their parcels. The property could, also, be converted to commercial zoning and the special use permit process utilized to accomplish the same result although the Master Plan process delineates the procedure the applicant was following. This is the first application under this process. Mayor Teixeira supported Supervisor Tatro's recommendation that the property be zoned commercial and the special use permit process be used for the apartments. Mr. Sullivan explained the Master Plan designations along Oak Street were for high density residential uses. This will place apartments on both sides of the street and not have the apartments on one side of a street facing the rear entrances to commercial establishments. This is the first request. He also indicated that conditions could not be placed on the zone change application. Mr. Guzman explained that the proposal would buffer the commercial properties with apartments rather than using the street as a buffer. He also indicated he did not have verification of his statement that other property owners were interested in pursuing similar zoning changes. In response to Supervisor Bennett's question, Mr. Guzman indicated that the other property owners had not participated in the request they were not prepared to proceed at this time. Supervisor Bennett indicated that had there been five or six property owners making the same request, she may have been more willing to approve the request.

(1-1236.5) Mr. Palmer indicated the original application had been premature. The process was dynamic and had caused several changes to the original plan, which he described. His comments included a description of the area, the setback and buffer requirements, the frontage road, landscaping plans, bicycle path, reasons for suggesting multi-family apartments over commercial development(s), the access problems, and the proposal to have 48 to 50 percent of the site in open space. Mayor Teixeira pointed out the open space provided by and appearance of the HUD project on Hot Springs Road as a comparison. Mr. Palmer felt that his project was better as it provided additional landscaping and open space. Supervisor Smith noted that two Commissioners had opposed the project based on the density. Mr. Guzman agreed that the project had more open space than any other project in the City. The project will have 17 units per acre. Supervisor Bennett indicated the possibility for the bowling alley area to be converted into a major retail commercial development. She felt that such a project would create a major impact on the apartment complex. Mr. Palmer felt that the bowling alley's parcel will not be developed as a commercial site due to the access changes which will be created by the Bypass, which he detailed. The site currently utilized for the miniature golf complex has a good access, however, this, too, will be changed when the Bypass is constructed.

(1-1458.5) Mr. Harris explained the discussions held with NDOT by the property owners whose accesses will be impact by the Bypass. He felt that a major retailer will not be interested in the area as it will require purchasing property from ten or more individuals. Mr. Palmer indicated that the planning process had included a fiscal analysis of the area and future impact of the Bypass.

Additional public comments were solicited but none given.

Discussion ensued between the staff and Board about the lack of comments from the neighborhood. Only two individuals had voiced opposition. One individual's concerns was related to the impact on the rural characteristics of the neighborhood. Mr. Guzman suggested that some of the opposition could have been addressed by the Master Plan and its friction area mitigation procedures. He also indicated that elevations had not been included in the packet as a change of land use does not consider the project. Discussion indicated the project will include sidewalks. Mr. Palmer also indicated that there will be a sidewalk along both frontages as well as bike paths. Discussion reiterated the interest indicated by other property owners to change their zoning which had not been documented and that there is a shortage of apartment complexes in the southern portion of the City.

Supervisor Ayres moved that the Board of Supervisors approve on first reading Bill No. 155, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY ONE ACRE OF LAND FROM GENERAL COMMERCIAL (GC) TO MULTI-FAMILY APARTMENT (MFA) ON PROPERTY LOCATED AT 4729 OAK STREET, ASSESSOR'S PARCEL NUMBER 9-191-10, AND OTHER MATTERS PROPERLY RELATED THERETO. Mayor Teixeira seconded the motion. Motion was voted by roll call with the following result: Ayres - Yes; Mayor Teixeira - Yes; Bennett - I will vote no for one reason, I would have preferred to see some documentation from the neighboring property owners indicating their inclination or intent to follow suit on this, I think it is a good project, these are very, very reasonable arguments for this, but Mr. Harris I think we need to do more work and I hope that you will bring this issue back, for that specific reason - No; Tatro - No; and Smith - For the first time I get to be on the bubble - No. Motion failed on a 2-3 vote.

BREAK: A five minute recess was declared at 10:10 a.m. When the meeting reconvened at 10:15 a.m. the entire Board was present constituting a quorum.

**i. ACTION ON A-96/97-3 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING; SPECIFICALLY, SECTION 18.06.129, CONDITIONAL USES (MULTI-FAMILY APARTMENT ZONING DISTRICT) AND OTHER MATTERS PROPERLY RELATED THERETO (1-1648.5) - Discussion indicated that the applicant did not have to be present for a Code amendment. Supervisor Tatro moved to introduce Bill No. 156 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING; SPECIFICALLY, SECTION 18.06.129, CONDITIONAL USES (MULTI-FAMILY APARTMENT ZONING DISTRICT) AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.**

**ii. ACTION ON A-95/96-6 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY, SECTIONS 18.02.031 (APPLICATION LIMITATIONS) - AMENDED TO REQUIRE WITHDRAWAL OF PREVIOUSLY SUBMITTED CONFLICTING APPLICATIONS FOR THE SAME PARCEL; 18.02.035(1) (PLANNING COMMISSION/BOARD OF SUPERVISORS APPLICATIONS) - AMENDED TO ALLOW APPLICATION SUBMITTAL THE FIRST BUSINESS DAY AFTER THE TWENTIETH OF EACH MONTH; 18.03.035 (ACCESSORY FARM STRUCTURE OR ACCESSORY FARM BUILDING) - AMENDING DEFINITION; 18.03.040 (ACCESSORY USE) - AMENDING DEFINITION; 18.03.047 (ADULT PERFORMERS) ADDING DEFINITION; 18.03.106 (ASSISTED CARE) ADDING DEFINITION; 18.03.141 (PRIMARY BUILDING) - AMENDING DEFINITION; 18.03.223 (COMMUNITY/REGIONAL COMMERCIAL) - AMENDING DEFINITION; 18.03.319 (GROUP CARE FACILITY) - AMENDING DEFINITION; 18.03.330 (HOME OCCUPATION) - AMENDING DEFINITION; 18.03.407(A) AND 18.03.408 (LOT DEPTH) - AMENDING DEFINITION; 18.03.408 (MASSAGE THERAPY) - ADDING DEFINITION; 18.03.465 (PREVIOUSLY OWNED CHILDREN'S MERCHANDISE) ADDING DEFINITION; 18.03.484 (RECREATIONAL VEHICLE) - AMENDING DEFINITION; 18.03.485 (RECREATIONAL VEHICLE PARK) - AMENDING DEFINITION; 18.03.555 (SCREENING) - AMENDING DEFINITION; 18.03.573 (SIGHT-OBSCURING FENCE OR WALL) - AMENDING DEFINITION; 18.05.022 (PARKING) ADD FLEA MARKET REQUIREMENT; 18.05.023 (GENERAL REQUIREMENTS) - SCREENING OFF-STREET PARKING AREAS AND ADDING A**

**REQUIREMENT FOR DISPLAY LOTS; 18.05.045 (HOME OCCUPATION) MOVED STANDARDS FROM DEFINITION SECTION TO THIS SECTION AND REMOVED LIMIT ON NUMBER OF HOME OCCUPATIONS PERMITTED; 18.05.047 (LOT DEPTH) - MOVED STANDARDS FROM DEFINITION SECTION TO THIS SECTION; 18.05.090 (ACCESSORY FARM STRUCTURE) MOVED STANDARDS FROM DEFINITION SECTION TO THIS SECTION; 18.05.101 (ACCESSORY USES) MOVED STANDARDS FROM DEFINITION SECTION TO THIS SECTION; 18.05.105 (SATELLITE DISH ANTENNA) - REGULATE THE PLACEMENT OF ANTENNAE; 18.05.109 (TEMPORARY OUTDOOR SALES AND ACTIVITIES) - REGULATES OUTDOOR SALES IN RETAIL COMMERCIAL AND GENERAL COMMERCIAL; 18.05.110 (FENCES, WALLS AND HEDGES) - AMENDING SECTION REGARDING FENCES WITHIN SETBACK AREAS; 18.06.059 (SINGLE FAMILY 6000 CONDITIONAL USES) - AMENDING BED AND BREAKFAST USE; 18.06.069 (MOBILEHOME 6000 DISTRICT CONDITIONAL USES) - ADD TEMPORARY TRACT SALES OFFICE; 18.06.079 (MOBILEHOME 12000 DISTRICT CONDITIONAL USES) - ADD TEMPORARY TRACT SALES OFFICE; 18.06.089 (MOBILEHOME ONE ACRE DISTRICT CONDITIONAL USES) - ADD TEMPORARY TRACT SALES OFFICE; 18.06.129 (MULTIFAMILY APARTMENT DISTRICT CONDITIONAL USES) - DELETING BED AND BREAKFAST FACILITY; 18.06.209 (RESIDENTIAL OFFICE DISTRICT CONDITIONAL USES) - AMEND BED AND BREAKFAST USE; 18.06.229 (GENERAL OFFICE DISTRICT CONDITIONAL USES) ADD MASSAGE THERAPY; 18.06.247 (NEIGHBORHOOD BUSINESS CONDITIONAL USES) ADD GROUP FACILITY; 18.06.253 (RETAIL COMMERCIAL MINIMUM FRONT, SIDE OR REAR YARD SETBACK) ADD REFERENCE TO ARTERIAL LANDSCAPE REQUIREMENT; 18.06.255 (RETAIL COMMERCIAL DISTRICT PRIMARY PERMITTED USES) - AMEND BOOK SALES, ENGRAVER, ADD MASSAGE THERAPY; 18.06.256 (RETAIL COMMERCIAL DISTRICT ACCESSORY PERMITTED USES) - DELETE MASSAGE THERAPY ACCESSORY TO A FULL-SERVICE BEAUTY AND HAIR SALON; 18.06.257 (RETAIL COMMERCIAL DISTRICT CONDITIONAL USES) - ADD DRY CLEANING OPERATIONS (SELF-CONTAINED SYSTEMS MEETING CLEAN AIR REQUIREMENTS), ADD MOBILEHOME DWELLINGS; ADD PREVIOUSLY OWNED CHILDREN'S MERCHANDISE SALES; DELETE BED AND BREAKFAST FACILITY; 18.06.261 (GENERAL COMMERCIAL (GC)) ADD SERVICE TO THE OUTDOOR SALES SECTION IN GENERAL COMMERCIAL; 18.06.264 (GENERAL COMMERCIAL MINIMUM FRONT, SIDE OR REAR YARD SETBACK) - ADD REFERENCE TO ARTERIAL LANDSCAPE REQUIREMENT; 18.06.266 (GENERAL COMMERCIAL DISTRICT PRIMARY PERMITTED USES) - DELETE BED AND BREAKFAST FACILITY, DELETE ENAMELING AND PAINT SHOP; DELETE GOLF COURSE, INCLUDING DRIVING RANGE, DELETE TERMITE OR PEST CONTROL BUSINESS, ADD DRY CLEANING OPERATION (SELF-CONTAINED SYSTEMS MEETING CLEAN AIR REQUIREMENTS); 18.06.267 (GENERAL COMMERCIAL DISTRICT ACCESSORY PERMITTED USES) - DELETE ZONE AND ADD DISTRICT; 18.06.268 (GENERAL COMMERCIAL DISTRICT CONDITIONAL USES) - DELETE ZONE, ADD DISTRICT, ADD FLEA MARKET, ADD GOLF COURSE AND/OR DRIVING RANGE, ADD HOME FOR THE AGED, ADD RECREATIONAL VEHICLE PARK; 18.06.275 (TOURIST COMMERCIAL DISTRICT PRIMARY PERMITTED USES) - DELETE RV PARK; 18.06.277 (TOURIST COMMERCIAL DISTRICT CONDITIONAL USES) - ADD RECREATIONAL VEHICLE PARK; 18.06.286 (DOWNTOWN COMMERCIAL ZONING DISTRICT CONDITIONAL USES REQUIRING SPECIAL USE PERMIT) - AMEND BED AND BREAKFAST FACILITY, DELETE PAWN SHOP, DELETE TATTOO PARLOR (BODY PIERCING, ACCESSORY); 18.06.296 (LIMITED INDUSTRIAL DISTRICT PRIMARY PERMITTED USES) - AMEND THE PURPOSE STATEMENT; 18.06.298 (LIMITED INDUSTRIAL DISTRICT CONDITIONAL USES) - ADD FLEA MARKET, ADD GOLF COURSE AND/OR DRIVING RANGE, ADD PAWN SHOP, TATTOO PARLOR (BODY PIERCING, ACCESSORY), AMEND STORAGE; 18.06.305 (GENERAL INDUSTRIAL DISTRICT PRIMARY PERMITTED USES) - AMEND THE PURPOSE STATEMENT, AMEND AUTOMOBILE BODY REPAIRS, ADD AUTOMOBILE PAWN SHOP, ADD TATTOO PARLOR (BODY PIERCING, ACCESSORY), ADD TERMITE OR PEST CONTROL; 18.06.306 (GENERAL INDUSTRIAL DISTRICT ACCESSORY PERMITTED USES) - ADD STORAGE, OUTSIDE-SCREENED FROM VIEW FROM PUBLIC RIGHTS-OF-WAY WITH SIX (6) FOOT SIGHT-OBSCURING FENCE OR WALL; 18.06.307 (GENERAL INDUSTRIAL DISTRICT**

**CONDITIONAL USES) - AMEND ADULT ENTERTAINMENT FACILITY, ADD FLEA MARKET; 18.06.316 (AIR INDUSTRIAL PARK DISTRICT PRIMARY PERMITTED USES) - ADD MACHINE SHOP (LIMITED TO IN-HOUSE PRODUCTS OR INTERNAL USE); 18.06.323 (CONSERVATION RESERVE DISTRICT CONDITIONAL USES) - ADD RECREATIONAL VEHICLE PARK; 18.06.333 (AGRICULTURAL DISTRICT CONDITIONAL USE) - ADD RECREATIONAL VEHICLE PARK; 18.06.341 (PUBLIC DISTRICT CONDITIONAL USES) - ADD RECREATIONAL VEHICLE PARK; 18.08.010 (MOBILEHOME PARK ORDINANCE PURPOSE AND SCOPE) - AMEND THE PURPOSE STATEMENT, AMEND SECTION NUMBER; 18.08.020 (LOCATION OF MOBILEHOME PARKS) - CLARIFY SPECIAL USE PERMIT REQUIREMENTS WITHIN RETAIL AND GENERAL COMMERCIAL DISTRICTS; 18.24.040 (MAJOR PROJECT REVIEW/SPECIAL PERMIT/FINAL PLAN APPROVAL) - AMEND SECTION NUMBER; 18.32.070 (CHILD CARE FACILITIES PERFORMANCE STANDARDS) - AMEND PARKING REQUIREMENT; 18.32.090 (PENALTY) - AMEND TO REQUIRE SPECIAL USE PERMIT APPROVAL OF CHANGES TO PROPERTY (PLANNING COMMISSION APPROVED 6 AYES, 0 NAYES, 0 ABSTENTIONS, AND 1 ABSENT) (1-1730.5) - Senior Planner Sandra Danforth -**

Discussion between the Board and staff pulled Sections 18.06.255 and 18.06.257 and noted Mr. Forsberg's memo regarding previously owned children's merchandise. Mrs. Danforth indicated that the items of concern expressed at the workshop had been pulled from the amendment. Additional meetings will be held on these items and they will be presented to the Planning Commission at a future date. Public comments expressed at the Commission's hearing indicated the request had been "hurried through" the process. Commission Chairperson Rogers had explained that the process had been lengthy and was not "hurried". Clarification indicated that the landscaping section which Supervisor Smith had been contacted about had been pulled. Supervisor Smith expressed his concern about approving an item with so many changes and lack of knowledge about the impact so many changes would create. Mrs. Danforth indicated that the items presented had been discussed and a consensus reached on them. Public comments were solicited from the audience, however, none were made. Mr. Lipparelli indicated for the record that Sections 18.06.255, Page 33, and 257, Page 35, had been pulled. He also noted that the State law requires the reading of ordinance titles when modifications are proposed. This would require reading two pages of section numbers and titles. He then held the agenda up and asked if anyone present wished the title read aloud. No one responded. Supervisor Tatro then moved that the Board introduce on first reading Bill No. 157, an ordinance amending the Title 18 Sections and Numbers listed in the subject title and staff report and described in the attached Carson City Municipal Code Title 18 document with the deletion of Sections 18.06.255, beginning on Page 33, and the deletion of Section 18.06.257, beginning on Page 35. Supervisor Bennett seconded the motion. Mayor Teixeira requested additional comments. On hearing none, the motion was voted and carried 5-0. Mr. Sullivan thanked his staff for its work and dedication. He felt that the special workshop had helped mitigate some of the problems previously encountered with such large modifications.

**9. REGIONAL TRANSPORTATION - Public Works Director Jay Aldean, Paratransit Representatives Steve Hutchins and Tim Bailey - PRESENTATION OF STATUS OF TRANSIT SERVICES (1-1915.5) - Mr. Aldean commended Paratransit on its turnaround in services and, specifically, Mr. Bailey on his efforts to address the problems previously encountered with the program. Mr. Hutchins noted this is the first quarterly report. He explained Mr. Bailey's position with the firm and with the use of overhead slides briefly highlighted the goals established at and since the last meeting. (Copies are included in the file.) Five hundred rides may be reached next month. Discussion noted that an increase in ridership should occur as a result of Capitol Cab joining the program. The program is limited to seniors and handicapped individuals. Only FISH and OARC have been providing rides. Discussions are continuing with the Senior Center and RSVP. Grant problems are continuing to be addressed. Efforts to improve the communications are on-going. Discussion explored the current \$2 booklet program, FISH patrons' ridership, and the program's ability to fill down time for the cab drivers. Mr. Hutchins encouraged anyone who encounters a problem with the service to contact either his office, the Board, or a City staff member so that the problem can be resolved. Mayor Teixeira suggested a provider report on any problems which were encountered by the provider be included in the next report. He emphasized that the Board's intent had been to provide a coordinated service which would meet the community's needs at a reasonable rate and in a better fashion. Discussion indicated the radio problem encountered several months ago will be on the next Board**

agenda. Mr. Hutchins pointed out the report's ability to indicate the response time. Discussion further explained the current program. Mr. Bailey coordinates the rides and his office must be contacted by 2 p.m. on the day before the ride is given in order to use the program. Mayor Teixeira emphasized the ability to participate in activities around the clock since the taxicab company had joined the program. He felt that additional public awareness of the program was needed. Supervisor Ayres expressed her concerns about the program related to its failure to consolidate all of the services, provide the necessary training, coordination, and insurance. She pointed out that the providers had been meeting in an effort to resolve some of the problems without Paratransit's involvement. She supported Mayor Teixeira recommendation that a provider report be included in the next report. Her RSVP program has never been included in the program due to the need to provide trips outside of Carson City. She also felt that the users were the same individuals who had been serviced for years. She encouraged Paratransit to enlarge the scope of users as required by Section 18. Mr. Hutchins responded by explaining some of the problems encountered with the PSC requirements. These problems had delayed the program's ability to add additional providers. The program has been evolving to meet the provider and users' needs. He agreed to provide the providers' report. The advisory committee meeting had been given a consolidated and coordinating program at a higher level than currently experienced. It consolidates the vehicle maintenance and dispatching activities, provides for more general public needs, and will provide a savings for both OARC and the Senior Center.

(1-2458.5) Mr. Berkich briefly outlined the technical meetings which indicate the program is operationally feasible and could provide a greater level of service for the community. The program will save money for both the Senior Center and OARC and provide approximately 40 percent more capacity than is currently available. The providers will participate in the meeting on the program.

Supervisor Smith pointed out the "turf protection issues" which complicate the issue. He, too, felt that the program should be further along than it is considering the year-and-a-half which has lapsed since originally developed. Reasons for the delay were noted. These problems have been mitigated by the retention of Mr. Bailey and by Mr. Hutchins' active involvement. These changes will help improve the relationships and rapport between the agency and the providers. He commended both on the turnaround he had seen during Mr. Bailey's tenure. Supervisor Bennett echoed his comments. She also requested a copy of the report for the RTC members which Mr. Hutchins agreed to do. Mayor Teixeira noted the success of the Ely, Nevada, program. Mr. Hutchins indicated the firm is professional and is dedicated to making the program work. Supervisor Ayres felt that there is not a "turf problem" and that all of the providers would "love to give it away". The program is a big headache as she indicated in an example. Her concern is to give everything to a provider who fails to provide all of the services and then returns the service to her as the original provider. She questioned when the meetings are as she had not been informed of the recent session.

Mr. Hutchins explained his reasons for becoming actively involved with Carson City's program. He did not want to takeover the program and then have to return it. Supervisor Tatro noted the future proposal to have dialysis in Carson City which may eliminate some of RSVP's out-of-town trips. He also requested a report on who is participating as well as those who are not and the reasons for their decision to not participate. This would provide a better fiscal report on how the City's funds are being used.

(1-2691.5) Mr. Bailey explained the general public ridership and the acquisition of tickets at the \$4 full value rate. The eligibility definitions are being discussed by staff at this time. He needed to have a definition which could be "hung on the wall" for public information. He felt this may help mitigate some of the problems. Supervisor Smith explained a program originally conducted by Smith's which had reimbursed the riders for their ticket. Mr. Bailey indicated he would be working with other retailers in an effort to expand this program as well as to provide other locations for acquiring the tickets. He also expressed his desire to work with the City as a team. No formal action was required or taken on the status report.

**10. CITY MANAGER - John Berkich - ACTION TO ESTABLISH A NON-PROFIT CORPORATION FOR THE MANAGEMENT OF THE EAGLE VALLEY GOLF COURSE - A. ACTION TO ESTABLISH THE SIZE OF THE NON-PROFIT BOARD; B. ACTION TO DIRECT STAFF TO ADVERTISE FOR**

**THE CHAIRMAN POSITION; AND C. ACTION TO ESTABLISH THE METHOD FOR SEATING THE MEMBERS OF THE BOARD (1-2772.5)** - Mayor Teixeira expressed his feeling that the corporation should have a seven member board which includes an attorney and an accountant. The Supervisors should select four of the members and that those four individuals should select the remaining three. The openings should be advertised immediately with a separate advertisement for the chairperson. The initial appointees could begin the paperwork to form the corporation. Supervisor Smith supported the seven member board and immediate advertising for the chairperson. Discussion ensued on whether to have vocational requirements for the members. Comments indicated the Board would ratify the board's selections. The pros and cons of having the board select its members after the initial terms were discussed. Supervisor Bennett supported the seven person board and establishing vocational requirements. Mr. Berkich explained his and the Committee's recommendations and described the Baltimore board's composition Under Mr. Berkich's recommendation, he would serve as an ex-officio member and the Board of Supervisors' liaison. Supervisor Bennett indicated a willingness to have Mr. Berkich serve as the Board's liaison, however, felt that he should be a voting member. Mayor Teixeira suggested that his term terminate when the "divorce" occurs. He suggested a Department Head serve in this capacity. Supervisor Tatro supported a seven member board and the Board appointing a chairperson and a majority of the board. He did not support ratifying the board's selections. The corporation should be allowed to run the operation without the Board's involvement beyond monitoring the corporation's activities and watching the trends. The Board should not be involved with the daily operations nor hiring the corporation's board members. Supervisor Ayres supported having Mr. Berkich serve as the ex-officio member of the board. She was willing to accept a seven member board although she preferred five. She questioned whether the Board would advertise for the "director of golf" and hire him. Mr. Berkich indicated that once the corporation's board is selected it would be responsible for all of the operations related to the course. Supervisor Ayres supported establishing criteria for the board's composition. She felt that the board should represent a good cross section of the community. The Board should not micromanage the operation. Supervisor Tatro clarified his remarks to indicate that the Board should appoint the initial chairperson and three or four of the members. The Board should not be involved beyond that point. Supervisor Ayres supported his position. Supervisor Tatro suggested that the agreement include recommendations concerning the composition of the remainder of the board. This would require experts in accounting, etc., where feasible, as well as individuals who are not avid golfers, are not seven members of the Men's Club, etc. Supervisor Ayres suggested that this criteria be guidelines. Mayor Teixeira supported having these guidelines included in the chairperson advertisement as well as requiring a resume and written statements of personal views. Diversity in skills would be solicited. Mr. Lipparelli solicited direction from the Board on the area/type of advertisements which should be conducted. Discussion indicated the applicants should be Carson City residents. Previous residency requirements and flexibility in applying this restriction when appointing individuals to the Airport Authority, etc., were noted. Preference for Carson City residents was indicated and this should be included as one of the contract guidelines. The Board indicated it would restrict its appointments to Carson City residents. The only compensation allowed would be free golf. Mayor Teixeira suggested the chairperson be appointed to a four year term; three appointments be made to two year terms, and three appointments be made to three year terms. This would establish staggered terms. Mr. Lipparelli explained his reasons for raising this question. Supervisor Ayres supported having the members be Carson City residents. She felt that the course administrator should be recruited nationwide in order to insure that the best candidate is hired. She recommended drafting a set of by-laws for use until the corporation can draft its own. Mr. Berkich indicated Baltimore had given the staff a copy of its by-laws as well as other documents. Supervisor Ayres also noted that non-profit corporations are not required to adhere to the Open Meeting Law. She had considered having the Board included in the agreement a requirement that the Open Meeting Law be adhered to, however, would not as it would compromise the purpose of the corporation and its ability to function. Mayor Teixeira indicated this issue would be considered in the future. **Supervisor Tatro moved that the Board direct the City Manager to advertise in the local newspaper for volunteers for the chairman and three members of a seven member board for the not-for-profit corporation board of directors for operating of the Eagle Valley Golf Course and that this be done as expediently as possible and that those members be seated by this Board. Supervisor Smith seconded the motion.** Following a request for an amendment, **Supervisor Tatro continued his motion to include and that the balance of the board will be seated by the members that are appointed by the Board of Supervisors and that the City Manager serve as the ex-officio non-voting member of the committee. Supervisor Smith seconded the**

**motion and suggested a modification. Supervisor Tatro modified his motion to indicate that the advertisements were to be made locally rather than "in local newspapers". Mayor Teixeira indicated this would allow the notices to be posted at the golf course and on CAT-10's bulletin board. Supervisor Smith continued his second. Clarification indicated the advertisements will include the Board's suggested qualifications. The motion to establish the non-profit board and advertise for its members as indicated was voted and carried 5-0.**

**D. ACTION TO APPROVE THE TRANSITION MANAGEMENT PLAN AND DIRECT STAFF ON THE METHOD TO HIRE A GOLF PRO AND A FOOD AND BEVERAGE OPERATOR (2-0050.5)** - During Mr. Berkich's review of the transition program Supervisor Tatro stepped from the room--11:40 a.m.--and returned--11:42 a.m. (A quorum was present the entire time.) The transition program would operate from January 1 to October. Mr. Berkich recommended extending/continuing Mr. Bushman's contract as the golf professional for this term under the existing terms and conditions of his current contract. He noted the District Attorney's legal concerns about this proposal and offered as an alternative that an RFP be issued for the same terms and conditions contained in Mr. Bushman's current contract and this process be pursued. Advantages provided by extending the contract to Mr. Bushman were noted. Mr. Lipparelli explained the legal concerns about extending the contract as it contains items which are not considered professional services. He recommended that the RFP process be followed as it eliminated the legal concerns and the potential for a challenge by an individual who had not been allowed to bid for the contract. Mayor Teixeira explained his reasons for feeling that no one else would be interested in a nine month contract. He felt that the Board's fiduciary responsibilities dictate extending the current contract. He emphasized his respect for the District Attorney's office and its advice, however, recommended accepting Mr. Berkich's recommendation. Supervisor Bennett supported Mr. Lipparelli's advice. The City employees and the food and beverage contractor were being given temporary employment. She questioned the difference between them and the golf pro. Clarification indicated that the ARA contract for the food and beverage service would be terminated. The employees are to be given notice that they are temporary City employees. Supervisor Bennett felt that everyone should be treated in a like fashion. There may be a golf pro who is willing to gambling on the contract as it may provide him/her with an opportunity to prove his/her value and be able to negotiate with the corporation for another contract. Her original position was to have the golf pro contract go out to bid when it terminates. She then indicated that she would continue to stand on this position. Supervisor Tatro did not feel that the actual contract would be for a ten month period. Realistically, it may only be for five months as it would take that long to complete the RFP process. He also noted that even if the process is started now, it will still require a five month extension to the present contract to cover the interim. Mayor Teixeira elaborated on his comments and emphasized the need for continuity until the corporation can takeover. He, too, felt that the process could not be completed before March and questioned whether the interim contractor could/would provide the same level of service at the same terms. Supervisor Smith iterated his reasons for feeling that Mr. Bushman should be retained for the interim period. The corporation's selection is up to it. He felt that the RFP would be written based on the terms of Mr. Bushman's contract which may not take more than a couple of hours. He had also been told that it would need to be on the streets for only two weeks. This means that it is possible to complete the process by December. He understood the reasons for Mr. Lipparelli's concerns and Supervisor Bennett's feeling that there could be an interested individual willing to take on the responsibilities for the short-term as a gamble that he/she would be able to obtain the permanent contract. He was willing to support pursuing the RFP process if it could be completed by January. If it is not possible, then he would not support pursuing the process. Mr. Lipparelli responded by explaining the legal criteria required to make a selection. He then elaborated on his legal concerns and urged the Board to pursue the RFP process. Supervisor Bennett noted the decrease in the number of tournaments rounds being played at the course and expressed her concern about the level of service which the golf pro would provide and whether the leakage could be halted. She expressed her desire to provide the corporation with the best operation possible. Supervisor Ayres acknowledged both Mr. Berkich's reasons for extending the contract and the need to maintain the current rapport with the players. She questioned the wisdom of requesting RFP's if the Board did not intend to consider any of the replies seriously. She, too, felt that there could be individual(s)/firm(s) who may wish to challenge the process as it could provide that individual(s)/firm(s) with the chance at extending the contract under the corporation's operation. She felt that

the entire RFP process may have the appearance of a "charade". Supervisor Tatro indicated Supervisor Bennett's comments had merit. Mr. Berkich was unsure whether the RFP process could be completed before January 1. He was willing to use the shortest advertising time possible. He agreed that it may be possible to complete the RFP and have it on the street by the end of next week and have the bids for Board consideration by the middle of December. Mayor Teixeira then explained that even if the selection process is completed by January, it would take the contractor at least six to eight weeks to hire his employees. The contractor will also have to purchase all of the inventory, provide the same liaison with all of the tournament sponsors, and retain all of Mr. Bushman's tournaments. He did not feel that this is a realistic expectation. He was opposed to doing a "charade" which he felt the RFP process would be. Supervisor Smith acknowledged the points presented by Supervisors Bennett and Ayres and that the RFP would meet the legal requirements. He also felt that a bidder could attack the RFP on the basis that it was not a true RFP process as it had been biased. **Supervisor Smith then moved that the Board of Supervisors authorize staff to negotiate a extension on the current Director of Golf Gary Bushman's contract from the current termination date at the end of this year to October 1, 1997. Supervisor Ayres seconded the motion. Supervisor Smith continued his motion to include under the same terms and conditions. Supervisor Ayres continued her second. The motion was voted by roll call with the following result: Supervisor Smith - Yes; Ayres - Yes; Tatro - No; Bennett - No, I don't believe that a contract, an RFP contract would be a charade, I believe by January-February we will have seated the new board, that we will be giving to that new board the best possible tool that they have to determine the terms of the contract, be it temporary, that they will have strong input into whoever that new golf pro is or isn't, be it Mr. Bushman, be it whoever is that candidate, I believe that by our action today we have taken that choice out of their hands, not that Mr. Bushman is not qualified nor capable and certainly competent to, to compete with whomever for that but we hand to them the present terms of the contract, we hand to them a done deal as far as we are concerned, we are tying their hands, and that is what I am objecting to; and Mayor Teixeira - I am voting yes, the key here and what Supervisor Bennett does not understand is that regardless of whether it is Mr. Bushman or whether it is Jack Nickolas, whoever gets the temporary contract, they then write with whomever they want starting October 1, they are not tied, they have full flexibility, but at least they enjoy the position of working with a golf professional who has been out there for some 12 to 15 years, I think that is going to be a real asset in the golfing community, I think that puts the board in a much better, the new board of directors, in a much better position than handing them someone who we just put in there for five or six months--Yes. Motion carried 3-2.**

Supervisor Smith then explained his reasons for his vote as being a desire to not "flip the entire apple cart over" out there. We are making so many changes out there and competition is coming on. We are going to get a new food and beverage person out there at least for the next ten months. ARA is gone. We know that. This is a concern. He had heard concerns about Gary Bushman, and so on and so forth. Mr. Bushman had stood here a number of months ago and answered some very tough questions to my (Supervisor Smith's) satisfaction. People that I know who play out there on a regular basis have told me that he and his staff have continued to operate at a high degree of professionalism and I have not heard any complaints. Again, I think there is a need for a "seamless transition" as Mr. Berkich had indicated. Our goal is to make sure that it is transparent to the average person and, if any change occurs, that it be an improvement. With all the new courses coming on line in the spring, the Board must strive for "seamless transition". We cannot replace all of the cogs in the wheel and expect it to roll at the same time.

Mr. Berkich then explained that ARA's contract expires the end of December. The recommendation to issue an RFP for a food and beverage operator for a contract term of not less than two years, which is assignable to the corporation, was explained. Discussion ensued on the reasons for the two year contract, the reasons the food and beverage operation is considered a specialized field, the type of service which would be given for a contract that is less than one year, the importance of having consistency and a quality service in the food and beverage operation, the Board's fiduciary responsibility, the profit level, the need to avoid "short-timer's disease, and the performance clause. (2-0658.5) Both Supervisor Smith and Supervisor Ayres indicated a desire for the food to be reasonably priced, a good quality, and not exorbitantly profit driven. This should provide a good, affordable product for the golfers. Supervisor Bennett questioned the reasons the Board should contract the service. There is little demand

for the service during the winter. She suggested the corporation be allowed to select the contractor. Mr. Berkich explained his concern that if January is "warm", there could be "hundreds of golfers" looking for food and beverages. There is adequate time to select a firm which should provide a "seamless service" which is better than the current operation. The contract would not be for a long period of time and the corporation could then dedicate its initial efforts toward the golfer. Supervisor Bennett suggested the City hire an employee to provide the interim service. She felt it was unfair to the City employees to employ a contractor for two years while terminating them. Mr. Berkich committed to placing all of the City employees somewhere within the City organization. Supervisor Bennett responded by explaining her confidence in the individuals who will be selected to serve on the corporation's board and their ability to make the operation the best that is possible. Supervisor Ayres noted her original opposition to the corporation. As the Board had decided to pursue this avenue, she had volunteered to provide her assistance and knowledge wherever possible to make it work. Her experience indicates that it will take the corporation time to get started. She, personally, would not like to be forced as a newly formed director to face the responsibility of selecting both a golf pro and a food and beverage concessionaire. Such responsibility may "frighten individuals" and keep them from applying. She urged the Board to allow the board to "ease into the program". Supervisor Smith indicated that he could support Supervisor Bennett's position if he was certain that all of the corporation's paperwork would be completed by January. This paperwork may still be in the process and take a lot of dedication and effort to complete. It would also take approximately four months to complete the recruiting and selection process for the members. As the corporation may not be completely recognized during this process, he questioned whether the corporation could officially contract for the service. He also explained different issues which a new concessionaire would be working on during the slow months. He then explained his reasons for feeling that the new operator should be given a two year contract. Supervisor Tatro also noted the 1996 weather conditions. Mayor Teixeira then iterated his feeling that the corporation should be allowed to select the vendor as this would allow the corporation flexibility in its marketing program. He suggested that the City purchase the fixtures, such as the chairs, tables, and salt shakers, as this would reduce the initial cash flow requirement. The RFP should be for a period of not more than two years. He did not feel that a contractor would be willing to make the investment unless a profit could be earned. If the contract is for a not to exceed period of two years, the bidder may be interested in a one year contract which would establish the firm at the course and allow for negotiating a contract with the corporation. Discussion explained the difference between Mr. Berkich's recommended term of not less than two years with options, which would allow the corporation to extend the contract for a longer period, and Mayor Teixeira's recommendation of not more than two years. Mayor Teixeira felt that his recommendation would allow the corporation to extend the contract. Mr. Berkich then explained that the fixtures currently owned at the course are the ones which are not "walkable". Mayor Teixeira then indicated that salt shakers should not be part of the City owned fixtures. The present ARA operation has only one operating beverage cart. Golf Superintendent Mike Hair indicated small carts cost between \$3 and \$4,000 while larger ones are between \$6500 and \$7,000. This was a large investment for a short-term operation. Mr. Berkich expressed a willingness to consider this issue and reiterated his recommendation. Mr. Lipparelli explained the Committee's recommendation of a two year contract with a one year option. In order for the option to be legal, the City would have to sign and approve the extension. The contract terms would not be negotiable. The option would allow the corporation to bind the contractor to the terms for the third year at the same price as the original contract. He requested the Board indicate whether the option is to be a part of the RFP. Clarification indicated that the corporation would inherit the City's rights in the contract. The corporation would be forced to live with the contract negotiated by the City. This would not prevent the corporation and the contractor from mutually agreeing to terminate the City's contract and renegotiate a contract. The advantages to having options included in the RFP were discussed. Mayor Teixeira then explained the corkage fee, its impact on tournament play, and the present inability to adjust to market conditions as had been experienced under the ARA operation. Mr. Berkich explained that the RFP would allow a contractor to include volume discounts in his proposal. Mayor Teixeira did not feel that this would work. **Mayor Teixeira then passed the gavel to Mayor Pro-Tem Smith and moved that the Board of Supervisors direct the City Manager to advertise as soon as possible an RFP for the food and beverage concession at the Eagle Valley Course, that the RFP state (that it is) for a period of up to two years with a one year extension and that the RFP also state that this agreement, which must understood when they bid it, will be assigned to the non-profit corporation. Supervisor Bennett seconded the motion.** Mr. Lipparelli questioned whether the pavilion would be included in the area which would be contracted. Mayor Teixeira

indicated it is to be included with the restaurant. Clarification indicated the option was for a one - one year extension. Discussion ensued on the staff's recommended fee range, the current agreement which does not include a rental fee, and whether to recapture the utility costs. Mayor Teixeira felt that the maintenance and utility costs should be considered as the minimum rent and allow the bidder to establish the percentage of the gross to be given to the City. Mayor Teixeira reiterated his desire for the City to purchase the inventory now. **The motion to direct staff to release the RFP under the terms as indicated was voted by roll call with the following result: Ayes - Bennett, Ayres, Tatro, Mayor Teixeira, and Mayor Pro-Tem Smith. Nays - None. Motion carried 5-0.**

**E. ACTION TO APPROVE A GOLF COURSE FUND DEBT (2-1212.5)** - Finance Director Mary Walker distributed a memo to the Board and Clerk explaining the decrease in revenue and, specifically, the drop in tournament play experienced at the courses during the first quarter. (During her explanation Supervisor Tatro stepped from the room--12:50 p.m.--and returned 12:53 p.m. A quorum was present the entire time.) Discussion indicated the matter had been presented to the Golf Committee, however, a quorum was not present. It will again be agendized for the Committee to consider. Ms. Walker then explained the current decline in pass and punchcard play. Different reasons for the decrease were noted. The validity of the reasons was questioned due to decreased play experience at other courses in the vicinity. Ms. Walker urged the Board to have a marketing study conducted immediately, to implement budget cuts, and to direct staff to payoff as much debt as possible. Mayor Teixeira questioned whether these issues could be addressed considering the item which had been agendized. Mr. Lipparelli indicated that the issue which had been agendized was related to the non-profit corporation's debt. The Board could address the refinancing issues but not the capital projects issues. Ms. Walker then explained the proposal to reduce the debt. Mr. Bushman had also given her another idea which she would have to bring back for Board consideration at a future meeting. She then noted that some of the budget allocations for capital expenditures had not been made. She recommended this funding be reallocated toward the debt. She indicated she would prepare a listing of those areas where cuts could be made which would provide additional revenue for reducing the debt. The cuts would not impact the golf course play or the level of service. Supervisor Tatro expressed a desire to have time to review the material which she had provided prior to making a decision. Following Ms. Walker's request for direction from the Board, Mayor Teixeira directed her to bring the issues back at a future meeting. Ms. Walker then explained Mr. Bushman's proposal to lease the golf carts rather than purchase them. This would provide additional funding for debt repayment. Mayor Teixeira indicated she would have discuss this with Club Car to determine the type of deal required. This issue and the rates should be considered by the Committee before the Board considers them. Supervisor Bennett requested a list of tournaments for last year and those scheduled for next year. Mr. Berkich agreed to provide it. Mayor Teixeira felt that the list should only indicate the numbers and not the names. Reasons for his concern were noted. Supervisor Bennett agreed and modified her request to be for the numbers only.

**F. ACTION TO APPROVE THE REVISED INTERLOCAL AGREEMENT TO FORM THE WESTERN NEVADA HOME CONSORTIUM (1-1438.5)** - Mr. Berkich and Supervisor Smith explained the revised agreement which HUD had mandated. Supervisor Smith moved to approve the revised interlocal agreement to the Western Nevada HOME Consortium. Supervisor Ayres seconded the motion. Mr. Lipparelli indicated the change would remove Western Nevada Development District (WNDD) as a party to the agreement. HUD had required the change as WNDD is not a governmental entity. Supervisor Smith indicated this issue is still being analyzed. The motion to approve the revised interlocal agreement was voted and carried 5-0.

**11. BOARD OF SUPERVISORS - NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - SUPERVISOR REPORTS (2-1508.5)** - Mayor Teixeira and Supervisors Bennett and Tatro - None. Supervisor Smith expressed his support for the Parks and Recreation Director's selection of Lee Ann Horton as the new caretaker of Mills Park. He indicated his comments were not to be taken as negative comments about Gene Patterson's work. Supervisor Ayres supported his comments and explained her support for the City's new "one stop shop" program for her fundraising activities. She complimented the team on the program. Mr. Berkich noted the diagram of team activities displayed in the back of the Sierra Room.

There being no other matters for consideration, Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the October 17, 1996, Meeting  
Page 15

motion. Motion carried unanimously and Mayor Teixeira adjourned the meeting at 1:06 p.m.

The Minutes of the October 17, 1996, Carson City Board of Supervisors meeting

1996. ARE SO APPROVED ON\_\_November\_21\_\_\_\_,

\_\_\_\_\_/s/\_\_\_\_\_

Marv Teixeira, Mayor

ATTEST:

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