

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the December 5, 1996, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, December 5, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	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
	Al Kramer	Treasurer
	Walt Sullivan	Community Development Director
	Barney Dehl	Undersheriff
	Paul Lipparelli	Deputy District Attorney
	Darren Winkelman	Health Officer
	Jerry Mather	Chief Deputy Sheriff
	Katherine McLaughlin	Recording Secretary
	Terry Drake	City Manager's Office Supr.
	Laura Cadot	Public Safety Comm. Supr.
		(B.O.S. 12/5/96 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 8:35 a.m. Deacon Wendell Shumacher of St. Theresa's Catholic Church gave the Invocation. Mr. Berkich led the Pledge of Allegiance. Roll call was taken. A quorum was present although Supervisor Smith was absent.

**1. APPROVAL OF MINUTES (1-0021.5)** - None.

**2. SPECIAL PRESENTATION TO SUPERVISOR JANICE AYRES FROM THE CARSON CITY EMPLOYEES ASSOCIATION (1-0023.5)** - CCEA President Laura Cadot presented Supervisor Ayres with a plaque, thanked her for her support during her tenure on the Board, and read the plaque into the record. Supervisor Ayres indicated she would remain active in the community even though she would no longer be serving on the Board and would continue to support the employees.

**CITIZEN COMMENTS (1-0045.5)** - None.

(1-1188.5) Chamber of Commerce Executive Vice President Larry Osborne invited the Board and community to participate in this evening's tree lighting ceremony scheduled for 5:30 p.m. at the Capitol Building.

**3. CONSENT AGENDA (1-0051.5)**

**A. DISTRICT ATTORNEY - ACTION ON APPROVAL OF AMENDMENT TO COLLECTIVE BARGAINING AGREEMENT WITH CARSON CITY EMPLOYEES' PROTECTIVE ASSOCIATION AMENDING LANGUAGE IN ARTICLE 14.3 SHIFT DIFFERENTIAL**

**B. CLERK-RECORDER**

**i. ACTION ON THE ESTABLISHMENT OF THE GUARDIANSHIP OF A 74**

**YEAR OLD FEMALE**

ii. **ACTION ON THE ESTABLISHMENT OF THE GUARDIANSHIP OF AN 85**

**YEAR OLD FEMALE**

iii. **ACTION ON THE ESTABLISHMENT OF THE GUARDIANSHIP OF AN 88 YEAR**

**OLD FEMALE**

iv. **ACTION ON APPROVAL OF PRINTING COSTS FOR THE 1996 PRIMARY**

**AND GENERAL ELECTIONS**

**C. PURCHASING DIRECTOR**

i. **ACTION ON CONTRACT NO. 9697-110 - 1996-97 WATER MAIN LINE**

**REPLACEMENT PROGRAM**

ii. **ACTION ON CONTRACT NO. 9697-121 - PUBLIC SAFETY COMPLEX**

**SEWER LINE PROGRAM**

iii. **ACTION ON CONTRACT NO. 9697-125 - TEST WELL DRILLING AND**

**PRODUCTION WELL INSTALLATION AGREEMENT**

iv. **ACTION ON CONTRACT NO. 9697-134 - PAL BUILDING ASBESTOS**

**DEMOLITION DESIGN AND MONITORING AGREEMENT** - Deputy District Attorney Lipparelli corrected the agenda for the record to indicate the amendment is with the Carson City Employees Association and not the Carson City Protective Association. None of the items were pulled for discussion. Supervisor Ayres moved that the Consent Agenda for the Board of Supervisors be approved. Supervisor Tatro seconded the motion. Motion carried 4-0.

**A. TREASURER - Al Kramer**

**A. ACTION ON APPROVAL OF RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) PUBLIC SAFETY BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING BUILDING PROJECTS FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NO INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-0064.5)** - Discussion indicated this is the normal bonding process. Supervisor Bennett moved to adopt Resolution No. 1996-R-60, A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) PUBLIC SAFETY BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING BUILDING PROJECTS FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NO INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Tatro seconded the motion. Discussion explained the bonding procedure and indicated the bonds would not exceed \$15 million. The motion to adopt Resolution No. 1996-R-60 as indicated was voted and carried 4-0.

**B. ACTION ON APPROVAL OF A RESOLUTION PERTAINING TO THE ISSUANCE OF REFUNDING BONDS BY CARSON CITY, NEVADA; AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO ARRANGE FOR THE SALE OF BONDS FOR THE PURPOSE OF DEFRAYING WHOLLY OR IN PART THE COST OF REFUNDING PROJECTS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH (1-0117.5)** - Supervisor Bennett moved to adopt Resolution No. 1996-R-61, A RESOLUTION PERTAINING TO THE ISSUANCE OF REFUNDING BONDS BY CARSON CITY, NEVADA; AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO ARRANGE FOR THE SALE OF BONDS FOR THE PURPOSE OF DEFRAYING WHOLLY OR IN PART THE COST OF REFUNDING PROJECTS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. Supervisor Ayres seconded the motion. Motion carried 4-0.

**5. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - ORDINANCES - SECOND READING**

**A. ACTION ON BILL NO. 161 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY, SECTIONS 18.06.255 (PRIMARY PERMITTED USES IN THE RETAIL COMMERCIAL DISTRICT) AMENDED BOOK SALES, ENGRAVER, ADD MASSAGE THERAPY; 18.06.257 (CONDITIONAL USES IN RETAIL COMMERCIAL DISTRICT) AMENDED TO ADD DRY CLEANING OPERATIONS, PREVIOUSLY OWNED CHILDREN'S MERCHANDISE, ADD MOBILE HOME, DELETE BRED AND BREAKFAST (1-0141.5) -** Supervisor Bennett moved that the Board of Supervisors adopt on second reading Ordinance No. 1996-59, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY, SECTIONS 18.06.255 (PRIMARY PERMITTED USES IN THE RETAIL COMMERCIAL DISTRICT) AMENDED BOOK SALES, ENGRAVER, ADD MASSAGE THERAPY; 18.06.257 (CONDITIONAL USES IN RETAIL COMMERCIAL DISTRICT) AMENDED TO ADD DRY CLEANING OPERATIONS, PREVIOUSLY OWNED CHILDREN'S MERCHANDISE, ADD MOBILE HOME, DELETE BRED AND BREAKFAST. Supervisor Tatro seconded the motion. Motion carried 4-0.

**B. ACTION ON BILL NO. 162 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY, SECTION 18.03.490 (REST HOME, CONVALESCENT HOME, NURSING HOME) AMENDED TO INCLUDE THOSE IN NEED OF ASSISTED CARE (1-0179.5) -** Supervisor Ayres moved to adopt Bill No. 162 on second reading, Ordinance No. 1996-60, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND HOT SPRINGS CENTER ASSOCIATES, REGARDING ASSESSOR'S PARCEL NO. 02-061-14, DESCRIBED AS PARCEL A OF PARCEL MAP NO. 663, LOCATED AT 2460 NORTHGATE LANE, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Following Mr. Sullivan's clarification of the item, Supervisor Ayres withdrew the motion. Supervisor Bennett withdrew her second. Supervisor Ayres then moved to adopt Bill No. 162 on second reading, Ordinance No. 1996-60, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY, SECTION 18.03.490 (REST HOME, CONVALESCENT HOME, NURSING HOME) AMENDED TO INCLUDE THOSE IN NEED OF ASSISTED CARE. Supervisor Tatro seconded the motion. Motion carried 4-0.

**C. ACTION ON BILL NO. 163 - AN ORDINANCE AMENDING CHAPTERS 18.03 (DEFINITIONS) AND 18.06 (INDIVIDUAL USE DISTRICT PROVISIONS) OF THE CARSON CITY MUNICIPAL CODE BY ADDING 18.03.212 COLLECTIBLE STORE DEFINITION, AND BY AMENDING 18.06.255 PRIMARY PERMITTED USES BY ADDING COLLECTIBLE STORE, AND OTHER MATTERS PROPERLY RELATED THERETO (1-0212) -** Supervisor Tatro moved to adopt on second reading Bill No. 163, Ordinance No. 1996-61, AN ORDINANCE AMENDING CHAPTERS 18.03 (DEFINITIONS) AND 18.06 (INDIVIDUAL USE DISTRICT PROVISIONS) OF THE CARSON CITY MUNICIPAL CODE BY ADDING 18.03.212 COLLECTIBLE STORE DEFINITION, AND BY AMENDING 18.06.255 PRIMARY PERMITTED USES BY ADDING COLLECTIBLE STORE, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisors Bennett and Ayres seconded the motion. Motion carried 4-0.

**D. ACTION ON BILL NO. 164 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 2.12.020, APPOINTMENT AND TERMS OF MEMBERS OF THE REGIONAL PLANNING COMMISSION AND OTHER MATTERS PROPERLY RELATED THERETO (1-0228.5) -** Supervisor Ayres moved that the Board of Supervisors adopt on second reading Bill No. 164, Ordinance No. 1996-62, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 2.12.020, APPOINTMENT AND TERMS OF MEMBERS OF THE REGIONAL PLANNING COMMISSION AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisors Tatro and Bennett seconded the motion. Motion carried 4-0.

**E. ACTION ON BILL NO. 165 - AN ORDINANCE APPROVING A DEVELOPMENT**

**AGREEMENT BETWEEN CARSON CITY AND HOT SPRINGS CENTER ASSOCIATES, REGARDING ASSESSOR'S PARCEL NO. 02-061-14, DESCRIBED AS PARCEL A OF PARCEL MAP NO. 663, LOCATED AT 2460 NORTHGATE LANE, CARSON CITY, NEVADA (1-02340.5)** - Supervisor Tatro moved that the Board adopt on second reading Bill No. 165, Ordinance No. 1996-63, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND HOT SPRINGS CENTER ASSOCIATES, REGARDING ASSESSOR'S PARCEL NO. 02-061-14, DESCRIBED AS PARCEL A OF PARCEL MAP NO. 663, LOCATED AT 2460 NORTHGATE LANE, CARSON CITY, NEVADA. Supervisor Ayres seconded the motion. Supervisor Bennett explained her intent to vote against the motion due to her desire to have a complete status report on the development agreements approved to date. The motion to adopt Ordinance No. 1996-63 was voted and carried 3-1-1 with Supervisor Bennett voting Naye and Supervisor Smith absent.

**6. PERSONNEL DIRECTOR - Judie Fisher**

**A. ACTION ON REORGANIZATION/RECLASSIFICATION OF THE PUBLIC SAFETY COMMUNICATION OPERATOR DIVISION OF THE SHERIFF'S OFFICE** - Undersheriff Barney Dehl, City Manager Berkich, Chief Deputy Sheriff Jerry Mather, Deputy District Attorney Lipparelli, Public Safety Communications Supervisor Laura Cadot - Discussion explained the difficulty in recruiting and retaining communication operators due to the age of the equipment and the lack of parity with surrounding communities. The proposed reorganization/reclassification may help mitigate this situation. Undersheriff Dehl emphasized the importance of the request and urged the Board to act outside the normal budget process. Mayor Teixeira pointed out the need for the communications center and additional personnel including bilingual operators. Recruitment for bilingual operators has not been successful to date. Mayor Teixeira urged the City to increase the wages as needed to provide this expertise. Ms. Fisher explained the college/JOIN's cooperative training program which will hopefully help meet the need. Mr. Berkich also pointed out the stress level associated with the Division. Undersheriff Dehl described the position. The recruitment efforts were also noted. The budget and funding were explained. Mayor Teixeira questioned whether adequate latitude had been provided. He felt that it was a question of health, safety, and welfare of the community which are justifiable uses of the contingency account. Undersheriff Dehl explained the latitude available to increase the starting wage by ten percent which, with the proposed adjustment, should be adequate. He felt that the proposal should have an opportunity to work. If it does not prove to be adequate, then he would return with another request. Supervisor Bennett pointed out that the current process is eating the budget due to the overtime costs. Supervisor Ayres pointed out the loss of efficiency when 12 hour days are worked day-in and day-out. Overtime is not the answer. The revised Board Action Request was discussed. Clarification of the positions and their grade levels occurred. Ms. Cadot agreed that the reclassification/reorganization was needed. The Center is down three operators at this time. This increases the stress level for the remaining employees who are working six-days a week, 12-hours a day. Supervisor Bennett moved that the Board of Supervisors approve the reorganization/reclassification study of the Public Safety Communication Center in the Sheriff's Department, effective January 1, 1997. Following discussion which noted one position would be reclassified effective July 1, 1996, Supervisor Bennett removed the effective date from her motion. Supervisor Tatro seconded the motion. Motion carried 4-0.

**B. ACTION ON THE PURCHASE OF THE PREVUE EMPLOYEE ASSESSMENT PROGRAM (1-0535.5)** - Undersheriff Dehl, JOIN Representative Joyce Buckingham, City Manager Berkich - Ms. Fisher explained the use of the Sheriff's Department to study the program. Both she and Undersheriff Dehl elaborated on the program and its success. Only one individual hired under the program had not worked out. There were nine others hired under the test program. The testing program had eliminated the need for the Department to do psychological testing. The psychological testing funds had paid for the new testing program. The \$11 per applicant cost is worthwhile. Discussion indicated the City was the first to use the program in Nevada. The program "puts the right person in the right job" which results in reduced turnover rate. (1-0620.5) Ms. Buckingham elaborated on the program, the test, its measurements, and the services. Other Counties/States using the program were noted. Mr. Berkich supported the program and urged the Board to approve it. The funding is in the budget. Supervisor Ayres moved that the Board of Supervisors accept the Purchasing Department's recommendation on Contract 9697-141 and authorize the Personnel Department to issue Purchase

Orders to and for a not to exceed cost of \$11,729; budgeted allocation is \$11,729 for fiscal year 96-97 and the funding source is \$9,705 from Personnel Training Budget and \$2,024 from the following Enterprise Training Funds: Fire, Wastewater Reclamation Plan, Sewer and Water Utility, Cemetery, Eagle Valley Golf Course, and Risk Management as provided for in funding year 9697. Supervisor Bennett seconded the motion. Ms. Fisher requested a \$6,000 funding allocation from fiscal year 9798 budget. Comments indicated the Board could not make this allocation. Following clarification, Supervisor Ayres amended her motion to indicate that the Contract would be with JOIN. Supervisor Bennett continued her second. The motion was voted and carried 4-0.

Supervisor Ayres commended Ms. Fisher on her efforts to stay abreast of the changing job market. Ms. Fisher thanked the Sheriff's Office for its cooperation. Discussion ensued between Ms. Buckingham and the Board which indicated she would train City staff to perform the necessary computer steps to obtain the test results. Personnel will conduct the tests. The program used at the Sheriff's Office was a different concept than the proposal.

**C. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) ADDING JUVENILE SERVICES PROGRAM COORDINATOR (1-0798.5)** - Chief Probation Officer Bill Lewis - Supervisor Tatro moved to introduce on first reading Bill No. 167, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) ADDING JUVENILE SERVICES PROGRAM COORDINATOR. Supervisor Bennett seconded the motion. Motion carried 4-0.

**7. UTILITIES DIRECTOR - Dorothy Timian-Palmer**

**A. ACTION ON DEDICATION OF AN EASEMENT BY AND BETWEEN CARSON CITY AND AIRPORT 50 LLC FOR ACTUAL ALIGNMENT OF AN EXISTING SANITARY SEWER LINE (1-0872.5)** - Supervisor Ayres moved that the Board of Supervisors approve and authorize the Mayor to sign the attached dedication for easement by and between Carson City and Airport 50 LLC for actual alignment of an existing sanitary sewer line, no fiscal impact. Supervisor Tatro seconded the motion. Motion carried 4-0.

**B. ACTION ON A JOINT FUNDING AGREEMENT BETWEEN CARSON CITY AND THE U.S. GEOLOGICAL SURVEY (1-0901.5)** - Ms. Timian-Palmer gave the Board copies of the recharge study performed under the previous agreement. (None to the Clerk. A copy was given to both Mayor-Elect Masayko and Supervisor-Elect Plank.) Discussion explained Ms. Timian-Palmer's meeting with TCID regarding the City's water application. The application is a result of the the recharge study. The study also emphasized the need for conjunctive water uses and demonstrated the benefits of the program. Ms. Timian-Palmer then explained the agreement. The study would result in Carson City being the first entity in the State to know the actual recharge rate occurring within its boundary. Reasons for TCID's concern were noted as well as the City's intent to work with TCID. Ms. Timian-Palmer then explained the recent media report concerning the nitrate level found in surface wells. Her Department is now studying the PCUs and attempting to determine whether the cleaning establishments are contaminating the groundwater. She also pointed out that the data is seven years old and many water management practices have changed during the last 20 years. The PCU contamination problem may not be a major concern. Discussion returned to the USGS study of the recharge rate and its indication that there is an additional 3400 acre feet of water available due to the program. Ms. Timian-Palmer explained the meeting with the Builders Association and her commitment to utilize this water for safety purposes and a prohibition against its use for new development. The Association had supported this concept. Without this commitment, she did not feel that the State Water Master would approve the City's application. Discussion indicated that the City is currently using approximately 9500 acre feet annually. At full build-out, the City will be using approximately 16,020 and will have approximately a 20 percent safety factor. Mayor Teixeira pointed out the City's ability to get through a six year drought without imposing any additional water restrictions on the community. Ms. Timian-Palmer indicated that if the population base had been at 70,000 and did not have the safety program, it would have been very, very difficult to have gotten through the drought. Her proposal would provide the necessary safety net for such a drought. Supervisor Ayres moved that the Board of Supervisors approve and authorize the Mayor to sign the Joint Funding Agreement No. NV9701400 between Carson City and the U.S. Geological Survey in the amount

of \$83,950 of which \$76,400 is to continue work on the Eagle Valley Recharge Study and \$7,500 is for In-Direct Utility Services; the funding source is the 520 U.S.G.S. Stream Monitoring and 520 Professional Services with funding provided in the fiscal year 96-97 budget. Supervisor Tatro seconded the motion. Motion carried 4-0.

**C. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING SECTIONS 9.05.040 (FOOD SERVICE MANAGEMENT PERSONNEL TRAINING AND CERTIFICATION), 9.05.060 (ACCESS TO ESTABLISHMENTS--INSPECTION RECORDS--DEMERIT VALUES AND SCORES), 9.05.080 (GRADES OF ESTABLISHMENTS), AND 9.05.100 (SUSPENSION, REVOCATION OF PERMITS--REINSTATEMENT OF SUSPENDED PERMITS--HEARINGS) OF THE CARSON CITY MUNICIPAL CODE TO UPDATE AND CORRECT OUTDATED INSPECTION POLICIES AND TO STANDARDIZE WITH STATE REGULATIONS (1-115.5) - Health Officer Darren Winkelman - Discussion indicated the routine inspections would be expanded to include these items. Inspections are conducted on an average of three times a year. The program will require a certified food preparer to be on site whenever food is being served. The business community is aware of the proposal and had met with staff on the proposal. Modifications were made to the ordinance based on that meeting. There had been no negative comments received as a result of those revisions.**

(1-1202.5) Chamber of Commerce Executive Vice President Larry Osborne elaborated on the meeting. Concerns about the certificate process and the ability to modify this process in the future were noted. Washoe County's process was cited as the reason for the concern. Mr. Osborne also expressed concern about the timing of this proposal which is during the busiest time of the year for the restaurants. Additional comments were solicited but none given.

Supervisor Tatro moved to introduce Bill No. 168 on first reading, AN ORDINANCE AMENDING SECTIONS 9.05.040 (FOOD SERVICE MANAGEMENT PERSONNEL TRAINING AND CERTIFICATION), 9.05.060 (ACCESS TO ESTABLISHMENTS--INSPECTION RECORDS--DEMERIT VALUES AND SCORES), 9.05.080 (GRADES OF ESTABLISHMENTS), AND 9.05.100 (SUSPENSION, REVOCATION OF PERMITS--REINSTATEMENT OF SUSPENDED PERMITS--HEARINGS) OF THE CARSON CITY MUNICIPAL CODE TO UPDATE AND CORRECT OUTDATED INSPECTION POLICIES AND TO STANDARDIZE WITH STATE REGULATIONS. Supervisors Ayres and Bennett seconded the motion. Motion carried 4-0.

BREAK: A 25 minute recess was declared at 9:50 a.m. Mayor Teixeira reconvened the session at 10:15 a.m.. A quorum of the Board was present although Supervisor Smith was absent as indicated.

**8. PURCHASING DIRECTOR - Deputy Director John Iratcabal - ACTION ON CONTRACT NO. 9697-115 - EAGLE VALLEY RESTAURANT/BAR CONCESSIONAIRE - AUTHORIZATION TO NEGOTIATE A CONTRACT (1-1277.5) - Discussion between Mayor Teixeira and Mr. Iratcabal indicated the committee's recommendation had been based solely on the written bids. George Delaurentis discussed with the Board his reasons for bidding, the two year contract, the buyback clause in the current agreement, the potential inclusion of a buyback clause in his agreement, his bid of \$10,000 for this purpose, his experience, his operation/improvement plans for the facility, and his decision to include eight percent of the gross in the bid amount. (1-1518.5) Gerald Massad discussed with the Board his reasons for bidding, his intent to attract the public-at-large for lunch as well as the golfers, his current restaurant operation and the plan to relocate it to the golf course, his ability to transfer the Liquor License, the necessary building improvements and, specifically, the sewer smell and the need for the City to mitigate this problem. (1-1622.5) Mr. Berkich explained the City's retention of a consultant to study the odor problem and noted the unsuccessful efforts in the past to address this situation. Mayor Teixeira agreed that this problem must be addressed. Supervisor Ayres indicated her knowledge of his present operation. Mr. Massad explained his reasons for feeling that a percentage should not be included in the bid. He was not looking for a partnership with the City. He does not do business in this fashion and would not include a percentage in future bids. Mayor Teixeira explained his vote on the ARA contract and cautioned the Board against establishing the bottomline as a reason for awarding the bid. His unsuccessful efforts to obtain bidders for the operation were noted. He felt that the current operation had lost golfers due to the poor product and**

service level. He felt that Mr. Delaurentis' bid was more than would be supported by the facility due to the problems at the facility. He recommended giving the bid to an established, experienced, reputable operator. Discussion explored the reasons for the ad hoc committee's recommendation to award the bid to Mr. Delaurentis. Mr. Lipparelli pointed out the RFP's requirement that the bidders agree to purchase the current operator's inventory and equipment. Mr. Massad had failed to include this in his bid. He requested the Board discuss this issue with Mr. Massad. Mr. Massad felt that as his contract was for only two years, the non-profit corporation should be required to purchase the inventory. He was willing to accept the requirement if the same clause is included in his contract. Mr. Lipparelli indicated this was expected. Mr. Lipparelli then pointed out that Mr. Delaurentis' bid appears to be more financially rewarding to the City than Mr. Massad's. If the Board elects to award the bid to Mr. Massad, he requested findings be made based upon other elements in the RFP to explain the decision. Mayor Teixeira explained his recommendation was based upon Mr. Massad's experience and 16 year reputation in the community. Supervisor Bennett expressed her appreciation of Mr. Massad's forthrightness and candor in telling the Board about the problems at the facility. She, too, felt that the operator needed to be someone with a reputation in the community who would be here for some time. Although the City would not receive as much money from that bid, the result would be a known entity who had operated a well-run, viable establishment. She also pointed out her desire to keep local business local and retain local business people. Supervisor Tatro questioned the terms of the contract to which Mr. Massad's bid had taken exception. The Board's packet did not include his reference points. Mr. Iratcabal gave him a document which included those points. Supervisor Tatro reviewed the points. Discussion between Supervisor Tatro and Mr. Iratcabal indicated Mr. Massad would have exclusive rights to the operation of the beverage carts. Following his review of the exceptions and the "sample agreement", it was pointed out that the points were to be negotiated by staff with the successful bidder. The agreement was only an illustration of previous contracts and items which may/may not be included. The RFP did not include many of those points. The RFP's ten point requirements were read into record by Mr. Lipparelli. His comments indicated compliance with each of these requirements. Mayor Teixeira explained his reluctance to negotiate the contract as he had with the previous concessionaire. He recommended allowing staff to negotiate these items. Mr. Iratcabal explained his reasons for including the sample agreement with the RFP. Mayor Teixeira felt that it had been a valid indication of the type of terms which the City was interested in having. Mr. Lipparelli then explained that he had been incorrect when he indicated that the RFP required the successful bidder to purchase the existing equipment and inventory. The sample agreement included this requirement and not the RFP. Mayor Teixeira then requested a motion. When none was made, he passed the gavel to Supervisor Bennett and moved that the Board direct Purchasing to negotiate a two year contract with Mr. Gerald Massad based on the information which was presented to the Board, primarily, an established restaurateur with a great reputation in the "Capitol" City which will enhance the product and venue at the golf course and that will improve significantly the level of service and quality of food not only for the golfing public but for the people to enjoy at that facility and that Mr. Massad and Purchasing work out an agreement to be brought back to this Board for final edification at the next Board meeting. Supervisor Ayres seconded the motion and explained that her second is nothing against Mr. Delaurentis' very, very generous proposal. This had been the reason for her question of Mr. Iratcabal as to whether the Committee's decision had been revenue driven. While it looks good, sometimes it does not always work out that way. She agreed with the Mayor that she had always been impressed with Mr. Massad's operation, which is the Cracker Box. He is a good businessman. She thought his name would lend a great deal to the success of the operation. Public comments were solicited but none given. The motion to direct staff to negotiate a contract with Mr. Massad based on the information which had been presented was voted by roll call with the following result: Mayor Teixeira - Yes; Supervisor Ayres - Yes; Supervisor Tatro - No; and Acting Mayor Pro-Tem Bennett - Yes. Motion carried 3-1-1 with Supervisor Smith absent. Acting Mayor Pro-Tem Bennett returned the gavel to Mayor Teixeira. Mayor Teixeira thanked Mr. Delaurentis for his generous offer. He also directed staff to contact Mr. Delaurentis if the negotiations with Mr. Massad were not successful. There had only been two bids for the facility. Supervisor Ayres expressed her feeling that the City had been lucky to have had two bids. Mayor Teixeira again thanked the participants for their bids. He also expressed his eagerness to see the overhaul which is needed at Eagle Valley Golf Course. Supervisor Tatro then explained his no vote had been due to his feeling that he did not have all the information necessary to make a decision and that it had not been against the participants. Mayor Teixeira indicated that he had obtained the sample agreement. It is not normal for Supervisor Tatro to be unprepared.

**9. DISTRICT ATTORNEY (1-2385.5) - Deputy District Attorney Paul Lipparelli**

**A. ACTION ON A RESOLUTION ADOPTING A SCHEDULE OF FEES PURSUANT TO CARSON CITY MUNICIPAL CODE 2.38.070 TO DEFRAY THE COST OF SUPERVISION OF PROBATIONERS ASSIGNED TO THE DEPARTMENT OF ALTERNATIVE SENTENCING AND OTHER MATTERS PROPERLY RELATED THERETO** - Department of Alternative Sentencing Director Dwight Gover - Supervisor Bennett explained her concern about the low fees as they will not meet the Department costs. Mr. Gover explained the Statutes establish a minimum fee of \$20. The fees generated by the State Department of Parole and Probation recover between 40 and 50 percent of the \$20 fee assessment. His Department may collect a higher portion of the fee assessment and a good portion of the Department costs may be recovered once a full caseload is established. The proposed \$30 rate is for those individuals requiring a higher level of supervision. The rates are suggested as a starting level. They can be increased as deemed appropriate in the future. Other court ordered requirements were noted and may have a fiscal impact on the individual's ability to pay. The collection procedures are still being developed with Internal Auditor Gary Kulikowski's assistance. He proposed having the individuals pay by money orders only. This will eliminate any potential problems with cash and checks. Supervisor Ayres moved that the Board of Supervisors approve Resolution No. 1996-R-62, A RESOLUTION ADOPTING A SCHEDULE OF FEES PURSUANT TO CCMC 2.38.070 TO DEFRAY THE COST OF THE SUPERVISION OF PROBATIONERS ASSIGNED TO THE DEPARTMENT OF ALTERNATIVE SENTENCING; fiscal impact is positive revenue. Supervisor Tatro seconded the motion. Motion carried 4-0.

**B. ORDINANCE - FIRST READING - AN ORDINANCE AMENDING CHAPTER 2.32 (SALE OR EXCHANGE OF SURPLUS PROPERTY) AMENDING A PORTION OF ORDINANCE TO ALLOW FOR THE EXCHANGE SURPLUS PROPERTY FOR SERVICES AND OTHER MATTERS PROPERLY RELATED THERETO (1-02551.5)** - Supervisor Bennett expressed her concern that there be appropriate checks and balances in place by the second reading. Mr. Lipparelli indicated that Mr. Berkich would be required to sign any exchanges. Supervisor Ayres moved that the Board introduce on first reading Bill No. 169, AN ORDINANCE AMENDING CHAPTER 2.32 (SALE OR EXCHANGE OF SURPLUS PROPERTY) AMENDING A PORTION OF ORDINANCE TO ALLOW FOR THE EXCHANGE SURPLUS PROPERTY FOR SERVICES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 4-0.

**10. CITY MANAGER (1-2632.5)**

**A. ACTION TO APPROVE PAYMENT FOR RADIO REPEATER SERVICE FOR CARSON CITY COMMUNITY TRANSIT** - Supervisor Bennett moved that the Board of Supervisors approve payment for radio repeater service for Carson City Community Transit; fiscal impact is \$1,900; funding source is the Contingency Account. Supervisor Tatro seconded the motion. Motion carried 4-0.

**B. ACTION ON EXTENSION OF GOLF PROFESSIONAL AGREEMENT TO OCTOBER OF 1997 AND ACTION ON ADDENDUM TO GOLF PROFESSIONAL AGREEMENT ABATING RENT PAYMENTS BY THE GOLF PRO FOR THREE MONTHS AND ESTABLISHING A PROCEDURE FOR BUY BACK OF PRO SHOP AND OTHER MATTERS PROPERLY RELATED THERETO (1-2670.5)** - Mr. Berkich distributed an amended addendum to the Board and Clerk and reviewed the history of the agreement and the addendum revisions. The exhibit is 18 pages in length. Staff is still in the process of reviewing this equipment list. A copy was not provided to the Board or Clerk. Mr. Berkich thanked Internal Auditor Gary Kulikowski for his assistance in drafting the addendum. He also explained the concerns regarding Mr. Bushman's gift certificates. Mr. Bushman had indicated in a letter that these certificates are void if not redeemed within three months of the date issued. If the extension is approved, he has agreed to stop issuing the gift certificates in June 1997. The City will not be responsible for any certificates still outstanding at the expiration of the agreement. Mr. Berkich then introduced Mr. Pavlakis and Mr. Bushman, who were present to answer any questions. Mayor Teixeira indicated he had meet with both Mr. Bushman and Mr. Kulikowski. His concerns had been addressed. He then noted his concern with the inventory which changes daily and the need for the non-profit corporation to

establish its own contracts with Mr. Bushman, Mr. Massad, etc. The buyback provision had always been part of Mr. Bushman's contract but the proposal will define it more clearly. Supervisor Tatro questioned who would be performing the inventory on Nevada Day. Supervisor Ayres moved that the Board of Supervisors approve an extension of the golf professional agreement to October 1997 for Gary Bushman and further move to approve the last addendum given to the Board today to the golf professional agreement abating rent payments by the golf pro for three months and establishing a procedure for the buyback of pro shop and other matters properly related thereto. Supervisor Tatro seconded the motion. Motion carried 3-1-1 with Supervisor Bennett voting Naye and Supervisor Smith absent.

**C. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING SECTION 2.02.040 OF THE CCMC (MEETINGS OF THE BOARD) TO ADD A PROVISION PERMITTING THE BOARD OF SUPERVISORS TO CHANGE THE DATE OF A BOARD MEETING BY FINDING IT TO BE IN THE PUBLIC INTEREST AND BY PROVIDING 20 DAYS NOTICE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2896.5)** - Deputy District Attorney Lipparelli - Discussion explained the January swearing-in ceremony and meeting schedule. Supervisor Bennett moved that the Board of Supervisors introduce on first reading Bill No. 170, AN ORDINANCE AMENDING SECTION 2.02.040 OF THE CCMC (MEETINGS OF THE BOARD) TO ADD A PROVISION PERMITTING THE BOARD OF SUPERVISORS TO CHANGE THE DATE OF A BOARD MEETING BY FINDING IT TO BE IN THE PUBLIC INTEREST AND BY PROVIDING 20 DAYS NOTICE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Supervisor Bennett continued her motion to include with the addition on Page 2, Line 2, Item 5, the dates of the regular meetings. Supervisor Ayres continued her second. Mr. Lipparelli pointed out that the ordinance changed the regularly scheduled meetings dates for January and indicated he had provided the Clerk with a new original of the ordinance which had included Supervisor Bennett's addition. The motion to introduce Bill No. 170 on first reading was voted and carried 4-0.

**D. ORDINANCE - SECOND READING - ACTION ON BILL NO. 166 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 11.20.050 OF THE CCMC (IMPOSITION OF TAX) TO INCREASE THE COUNTY MOTOR VEHICLE FUEL TAX FROM FOUR CENTS PER GALLON TO NINE CENTS PER GALLON AND OTHER MATTERS PROPERLY RELATED THERETO (1-3010.5)** - Mr. Berkich's introduction indicated there would be two agreements related to this issue considered in January. Supervisor Bennett suggested that the tax be collected by the City and forwarded to NDOT rather than through the Department of Taxation. NDOT's legal counsel had recommended having the Department of Taxation forward the money. Discussions among NDOT, the Department of Taxation, the Attorney General's office, and City staff are researching/exploring the process. Supervisor Bennett felt that the City should be cognizant of the amount of money derived and collected under the process. Both Mayor Teixeira and Supervisor Tatro felt that the City would be aware of the amount of revenue derived from the tax. Internal Auditor Gary Kulikowski indicated that there is a reporting mechanism and that the City will be responsible the funding and its accountability. Mr. Lipparelli indicated that the Statutes require the Department of Taxation to collect the tax, pay the City, and for the City to cut a check to NDOT.

(1-3127.5) Public comments were solicited. Pete Bachstadt expressed his feeling that taxes impact his standard of living. A copy of his remarks was given to the media and Board. (A copy was not given to the Clerk.) The gas taxes currently paid were explained. He opposed imposition of these taxes without having had an opportunity to voice his opinion through the ballot box. He questioned how the working individual receiving \$4.75 or \$5.15 an hour could pay for the tax. He then indicated that a Wall Street Journal April article had indicated that Nevada is to receive \$44 million in highway taxes which had been deferred for a "long, long time". Did the City receive these monies? If so, where did they go? These funds with the \$36 million NDOT claims we have should be adequate to start the Bypass. It is time to start construction. The tax should not be implemented until construction begins. He suggested that by the time construction is completed the tax could be repealed and additional funding should not be needed. He also recommended that the southern portion be constructed otherwise there will be a tremendous traffic jam at Highway 50 as no one can proceed south. He then gave the Board the news article. (A copy was not given to the Clerk.) Additional comments were solicited but none given.

Supervisor Ayres moved that the Board of Supervisors adopt Bill No. 166 on second reading, Ordinance No. 1996-64, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 11.20.050 OF THE CCMC (IMPOSITION OF TAX) TO INCREASE THE COUNTY MOTOR VEHICLE FUEL TAX FROM FOUR CENTS PER GALLON TO NINE CENTS PER GALLON AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion was voted by roll call with the following result: Ayes - Ayres, Bennett, Tatro, and Mayor Teixeira. Nays - None. Absent - Supervisor Smith. Motion carried.

## **11. BOARD OF SUPERVISORS**

**A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-3256.5)** - Supervisor Ayres reported on the status of the V&T Railway and its fund raising activities. She thanked the Nevada Association of Counties for its plaque recognizing her service as the Board's representative and on the V&T Railway. She also explained the Public Relations Society of America's recognition of her 30 year tenure. Senator Bryan had presented the Society's "Golden Spike Award" to her. This is the highest award possible from the Society. She thanked Senator Bryan for making the presentation and those who had attended the ceremony for being there. Supervisor Tatro did not have a report. Supervisor Bennett then reported on the meeting she and Public Works Director Aldean had had with representatives from the Forest Service and the Nevada Tahoe Conservation District on the Burton-Santini funds which are available for Lake Tahoe erosion control projects. She then explained the status of the Highway 28 corridor management program. If this plan is completed in time, requests will be made for monies/grants from the Burton-Santini funding. This will further the proposal to have Highway 28 designed as an "All American Highway". She then explained her representation of the City on the Western Nevada Conservation District and its concerns about the Carson River. She then explained the Army Corps of Engineers sudden interest in Nevada rivers and its consideration of a resource management program for the rivers. The Corps interest in Carson City's River Master Plan was noted. Individuals along the Walker River are now beginning the process of developing a similar plan. The Carson River Advisory Committee's consideration of Jay Meierdierck's letter was explained. The Committee does not desire to sunset its activities. It has a strong desire to continue working with the community on the river issues. Supervisor Bennett had met with Committee Chairperson Quilici and Member Kimbrough, Mr. Meierdierck, and Mayor-Elect Masayko to discuss the letter. The meeting had developed a proposal to have a workshop after the Open Space Advisory Committee is established with the Parks and Recreation Commission, the two Committees, and Planning Commission to develop the rules and responsibilities of the different Committees/Commissions. (2-0059.5) Mayor Teixeira requested a list of Committees/Commissions on which each of the Supervisors are serving and an indication of those which each wished to keep or to have reassigned. He then explained the Advocates' successful fundraiser and thanked the community for its support. Supervisor Tatro explained NDOT employees' annual charity "soup" luncheon and invited the public to participate. This year the funding has been designated for the Advocates. The Advocates' funding needs were noted. Supervisor Ayres explained RSVP's support of the Advocates' program. Mayor Teixeira again thanked the community for its recognition at his "roast" which was held on November 22. He then announced the 5:30 Capitol Christmas Tree Lighting Ceremony.

**B. STATUS REPORT ON THE SKATEBOARD PARK AT MILLS PARK (2-0028.5)** - Mr. Berkich indicated Parks and Recreation Director Steve Kastens had received a letter from Ed Shaw verifying the contributions received, which he read into the record. The outstanding difference will be split between Mr. Shaw and John Serpa. Mr. Kastens had informed Mr. Berkich that he is in the process of revising the bid. He will keep the Board informed on the status.

**C. STATUS REPORT ON FORMATION OF THE NON-PROFIT CORPORATION FOR THE MANAGEMENT OF EAGLE VALLEY GOLF COURSE (2-0044.5)** - Mr. Berkich indicated the candidates will be interviewed on December 19. Discussion indicated there had been 16 or 17 applications submitted to date. Applications are due tomorrow. Individuals who are interested were encouraged to submit their applications posthaste.

**BREAK:** There being no other matters for consideration until 7 p.m., Mayor Teixeira recessed the meeting at

12:10 p.m. At 7 p.m. when he reconvened the meeting, a quorum was present although Supervisor Smith was absent as indicated. Staff members present included City Manager Berkich, Community Development Director Sullivan, Deputy District Attorney Lipparelli, Principal Planner Joiner, Senior Planner Guzman, and Recording Secretary McLaughlin.

**12. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - ACTION ON U-96/97-22- AN APPEAL OF A SPECIAL USE PERMIT APPLICATION FROM DON AND TONI LANGSON TO ALLOW AN 111-UNIT RECREATIONAL VEHICLE PARK ON APPROXIMATELY 13.3 ACRES OF PROPERTY ZONED TOURIST COMMERCIAL (TC), LOCATED AT 1100 MARK WAY, APN 8-123-08 (PORTION) (PLANNING COMMISSION APPROVED 4-2-0-1) (2-0155.5) -** Mr. Sullivan, Senior Planner Guzman, Deputy District Attorney Lipparelli, Applicant's Attorney Scott Heaton, Applicant's Representatives Carol Dotson and Glen Martel from Lumos and Associates, Airport Authority Member George Weeks, Bill Mabray, Airport Authority Chairperson Neal Weaver - Mr. Guzman read the two letters appealing the Commission's decision into the record. They had been signed by six individuals. The residents felt that the project would create a detrimental impact on their neighborhood due to the increased traffic. They were also concerned about the neighborhood's health, safety, and welfare; the economic development of their properties; and the residential characteristics of the area. These impacts will be created by the use of Mark and Holly Ways for access/egress. The Airport Authority's letter of appeal was also explained. The Authority felt that the development would pose a safety hazard for the pilots. Staff's findings, the Airport Master Plan designation of the site, FAA's noise compatibility table, the two FAA letters from Mr. Pfeiffer, and the Planning Commission's actions were explained. Mr. Lipparelli explained the Board's role in the process. Mayor Teixeira indicated that the Board could overturn the Planning Commission action which had been on a 4-3 vote. He then explained that the applicant could request consideration by the entire Board. Both Mr. Heaton and Authority Chairperson Weaver indicated a desire to have the Board hear the issues this evening.

(2-0352.5) Mr. Heaton reviewed the history of the project. He explained the applicant's agreement to obtain access/egress from either Hot Springs Road or Arrowhead. The applicant will not use Mark or Holly Ways to access the property at any time including during construction. Therefore, he felt that the residents' issue with the access/egress was moot. He then explained that the Airport Authority does not wish to have the property developed as undeveloped land is safer for pilots and does not generate noise complaints. The property is zoned Tourist Commercial. The recreational vehicle park is allowed under this designation. Mr. Langson's property rights should be recognized and he should be allowed to develop the property. If the Airport Authority or the Board does not want it developed, the property should be purchased. The proposal would not put permanent structures on the property. If at some future date it is determined to be in the best interest of the community, its health, welfare, and safety, the property could be acquired through condemnation proceedings. He did not feel that the Board should deny the property owner use of the property by denying the application which is allowed under the current zoning designation. He urged the Board to uphold the Commission's action.

(2-0450.5) Ms. Dotson reviewed the history of the project and its design. (2-0575.5) Mr. Martel explained the Commission stipulation to obtain an access/egress from either Hot Springs Road or Arrowhead. The Langsons had owned the property for 30 years. The zoning had not changed during that time, therefore, the development would not impact the residential property values. The Airport Master had shown the property as open space. The Airport's five-year long-term acquisition program did not include the property until the application was filed. The Board was asked to make a determination as to whether a recreation vehicle park is transit housing which is allowed under the FAA noise compatibility contours for the site. He indicated that the Airport acquisition plan recommends obtaining the property within 5000 feet of the runway and that funding is available for that acquisition. This acquisition, however, is not required. He felt that a proposed expanded approach zone does not encroach on the parcel. The proposed use had been a primary permitted use under the zoning when the application had been submitted. The special use permit addresses issues related to landscaping and other specific issues. He urged the Board to consider the State safety statistics very carefully. He did not feel that "any thing" had landed on the property over the years. The question of the property owner's willingness to accept the risk related to the use should be left to the owner. The proposed use is more compatible with the neighbors and airport than other

uses allowed under the land use designation. He, too urged the Board to uphold the Commission's action. Mr. Martel then explained that the property is outside both the mandatory and the extended approach zones. The Airport Authority purportedly already owns these zones. He illustrated the zones on an area map. Supervisor Bennett and Mr. Martel discussed the Airport Master Plan map which was in the packet. Mr. Martel continued to stress his point that the property is not within the mandatory approach zone. It is within FAA's ultimate one mile approach zone.

(2-0692.5) Airport Authority Member Weeks gave the Board a packet of information. (A copy was not given to the Clerk.) Member Weeks began by pointing out the Board's decision to appoint him to the Authority. He felt that this decision had been based to a degree upon his experience with airports. The Authority had recommended denial of the application at its October 29th meeting. This recommendation had been made based on the safety concerns for the airport users and the surrounding residents. He felt that approval of the application would jeopardize grant funding already obtained for the acquisition of property and potential grants for future airport projects. He also urged the Board to consider the RV park users and their safety in the deliberations. FAA representatives had been asked to attend the meeting to address concerns about their position, however, this was not possible. FAA had requested the Item be continued to January when they could be present. FAA Representative John Pfeiffer's letter had been given to the Board as well as a map delineating the Airport's zoning districts and the seriousness of the risk involved with the request. He then explained the map. The Airport Master Plan supports the request to maintain the parcel as open space. NDOT's Land Use Analysis also recommends against the application due to the noise level. He then explained his reasons for feeling that the previously issued FAA grants as well as future funding may be in jeopardy if the request is approved. Purportedly, the property is located in an area which is 22 times more likely to be the site of an accident due to the number of takeoffs occurring over the site. Forty-four of those accidents will include fatalities or be serious with a median swath area of 133 feet. This makes the propane and gas tanks associated with RV's even more dangerous and increases the hazard to the residential district to the west. There had purportedly already been three accidents in the vicinity of the property. He then explained the loss of airports due to surrounding encroachment which he felt was inadequate land use planning. Although the Deputy District Attorney present at the Commission's hearing had indicated that the City could not be held liable for its decision to grant the request if an accident occurred, he felt certain that there is extensive case law supporting just the opposite. He did not feel that there was any difference between the victims of a transient RV park or of a mobile home park. He urged the Board to deny the request due to the safety concerns. (2-0896.5) Mayor Teixeira explained that the Board had been advised on different occasions that it should not deny a land use request based on a potential NDOT project. The action had to be based on property rights and land use. The Board could not deny a request based upon any potential development of the site pending availability of funding for its acquisition. Member Weeks indicated that this was not the Authority's request. Member Weeks explained in response to Supervisor Bennett's question the current number of take-offs and landings occurring at the airport and felt that by 2000 there may be 80,000 and by 2005 there will be 94,000. This will be created by business aircraft with a levelling off of general aviation, small airplane usage. The application for a Global Position System (GPS) grant was explained. At this time an instrument approach is not available at the Airport. An instrument approach requires a larger approach area for safety reasons. Supervisor Bennett reiterated this increased risk to individuals in the flight path. Member Weeks further elaborated on the safety concerns during bad weather.

(2-1001.5) Airport Authority Chairperson Weaver acknowledged the integrity of the project and explained the need for the Authority and Board to consider the safety issues in all of its deliberations regarding the project. The importance of the airport and its safety were iterated. Planning is necessary to ensure this safety. Discussion between Mr. Martel and Chairperson Weaver indicated Mr. Martel is no longer the Airport Engineer. Chairperson Weaver continued by explaining the need for an 1,000 foot long departure zone and 6,000 foot long runway. FAA encourages extension of these zones. Efforts to obtain this clear zone were described. He felt that the system relating to the request had been flawed and that the Commission had failed to consider all of the issues. He urged the Board to deny the request. This action would not devalue the property but would promote safety.

(2-1075.5) Mr. Mabray explained that the appeal had been filed due to the neighborhood's concerns related to compatibility. It was only after several votes and a stipulation by the Langsons' that Mark and Holly Ways would

not be used for egress/access to the RV park that a motion to approve the application was adopted. He then explained that a campground could be located on the white area adjacent to Mark and Holly Way. The traffic concern remains. The campground could not be discussed during the meeting. He emphasized the traffic concerns which occur if the campground is constructed. He then explained that the appeal had been signed by only six residents as the neighborhood had selected him and those individuals as to represent them at all meetings regarding the site. They represented 43 residents. Supervisor Ayres explained her request for Mr. Mabray to explain the number of individuals he and the appeal had represented. Mr. Mabray explained his reasons for the representation and desire to establish a clear record that the representation is not one individual or six individuals but 43.

(2-1190.5) Mr. Heaton then explained the agreement reached at the Planning Commission which will use an access/egress from Hot Springs Road or Arrowhead. It is believed that this access will be obtainable, however, it has not been consummated as of this date. It is a condition on the project. There is a campground on the western edge of the project. This is a permitted use which does not require either the Commission or Board's approval. Access to the campground area is through Mark and Holly Ways. If the project is approved including the condition that access be from Hot Springs or Arrowhead, he committed to barricading Holly and Mark Ways for any access to the property. Mayor Teixeira asked him if he was stipulating that if this project is approved and as the project develops, there will be no access from either Mark Way or Holly Way to either the RV park or campground. Mr. Heaton indicated "that is correct. That is stipulated." Staff may require an emergency access. He then indicated that he was not qualified to make statements nor argue with Members Weaver and Weeks about airport safety issues. He conceded that no development of the property would address the safety issues better than any project could; however, the Board must allow the property owner to use his property rights and develop the site as allowed under the zoning designation. If the Board's safety concerns support their position, the property should be condemned and purchased. The FAA does not have the same magnitude of concern about the safety issues as expressed by Members Weeks and Weaver or they would have mandated its acquisition. If the project is denied, the campground will be extended. This will provide for the same density, or more, on the site and access will be through Mark and Holly Ways. Mr. Heaton then explained that access from Mark and Holly Ways would be barricaded as soon as the access is obtained from Hot Springs or Arrowhead. Construction on the project could not occur until that access is obtained. Equipment will not be taken through the residential neighborhood. Tenants will use Mark and Holly Way to enter/exit the campground until the other access is obtained. Mayor Teixeira reiterated the commitment that construction access would be from Arrowhead or Hot Springs. Mr. Heaton also stated that "if access is not obtained, then the project will go no where".

(2-1305.5) Mr. Guzman clarified for the record that the campground project is presently being considered by staff. All of the permits have not been issued. Neither has a grading permit for a portion of the project been issued. On the safety and noise issues, he felt that the Airport Authority was trying to emphasize that there would be people placed in jeopardy regardless of the use allowed. Airplanes are not as restricted in their travel as cars are. Although airplane accidents do not occur as often as vehicle accidents and they are considered much safer statistically, the magnitude and overall impact of their accidents is much larger. He also felt that the concerns with the adjacent neighbors had been resolved.

(2-1332.5) Chairperson Weaver did not have the aircraft statistics to respond to his statement. He felt that a case could be made either way for safety. It is the large aircrafts which carry hundreds of people thousands of miles which cause the statistics to be misleading and makes it appear as if airplanes are safer. Although the City's safety record is considered very good, he was unsure how it related to automobile statistics and the use of surface streets. Supervisor Bennett explained the time it took to learn to fly, her flying time since then, the testing program for a license, and the recertification process. Airplanes are more complex than automobiles. She then elaborated on the airport safety concern related to having pilots "fly safely in and around the airport". Chairperson Weaver then explained that "when things go bad in an airplane", such as a flat tire, it results in an incident or accident. A car would result in being 15 minutes late. This is a matter of perception. Supervisor Ayres expressed her feeling that airplanes are safer than cars and requested the discussion return to the subject.

(2-1426.5) Mayor Teixeira iterated his involvement with the property over the years including his vote against

several projects. He did not feel that anyone had indicated the proposed RV park was a poor design. Benefits of the project were listed. He agreed it would be nice if the parcel could remain undeveloped, however, this is unrealistic. The proposed project is one of the better designed RV parks. He was unsure whether it would ever be developed. The project is a permitted use. His support for the Airport and the Airport Authority was also noted. The Authority's safety concern is valid. Mayor Teixeira did not feel that the project should be denied based on the project and the developer's efforts to mitigate all of the concerns. Mark and Holly Ways would not be used. The traffic would not impact the neighborhood. The safety factor must be addressed by the FAA. There are issues related to property rights concerned here. The Authority had not been involved in the early projects. The Authority's acquisitions were noted to illustrate its efforts to mitigate safety concerns. He did not feel that he could deny the project. He complimented Mr. Mabray on his presentations and conduct during the numerous meetings. Mr. Mabray requested an opportunity to speak after the vote.

(2-1549) Supervisor Bennett expressed her disagreement with Mayor Teixeira's statements that the applicant had performed due diligence. It is a nice project. She commended the applicant and the engineer on their work. The project is unfortunately in the wrong place. She then noted the comments indicating that the Board's primary responsibility is the health, safety, and welfare of the community. She was amazed and somewhat embarrassed that Community Development does not seem to see that. They seem to be more involved with the ordinances, books, plans, rules, and regulations. In conscious she could not and would not knowingly agree to put people in harms way regardless of how good the project is. She agreed with Mr. Heaton that the right course of action is to proceed to find a way in which that piece of land becomes a part of the acquisition or the safety zone of the airport. She could not, and neither can the Airport Authority at this point, say that there are funds available, however, as one member of the Board she would be willing to work with them, to appeal to the FAA on their behalf, and use her authority, such as it is, to help them obtain those funds. They deserve that and she respected their opinion. She felt that to put people knowingly and willingly in harm's way knowing what she knows about the current operation of the airport and its projected operations, the future of the GPS system, and the general commercial nature of the airport, which will continue to increase and be more active with time, is paramount in her thinking. She recommended denying the project for the benefit of the community as a whole. She regretted the Planning Commission's failure to give the Airport Authority the respect or "ear" she felt they should have been thinking of. They had been so concerned, again, with the ordinances, the written word. She then urged people to read a book called The Death of Common Sense. The book indicates that when people become too tied down by the ordinances, rules, and regulations when attempting to legislate a perfect world, very important values are lost. This is what she felt is happening here. Mayor Teixeira then requested a motion. Supervisor Bennett requested a five minute recess.

BREAK: A ten minute recess was declared at 8:27 p.m. When Mayor Teixeira reconvened the meeting at 8:37 p.m., a quorum of the Board was present although Supervisor Smith was absent as previously indicated.

Supervisor Bennett moved that the Board of Supervisors uphold the appeal of the Special Use Permit Application from Don and Toni Langson to allow a 111-unit Recreational Vehicle Park on approximately 13.3 acres of property zoned Tourist Commercial, located at 1100 Mark Way for the following reasons: because the Planning Commission had failed to understand that the issuance of the Special Use Permit is not in keeping with the Carson City Airport Master Plan, the Nevada State Airport System Plan, NDOT Report on Land Use Analysis for the Airports, and/or Carson City Title 16, further that the issuance of this Special Use Permit is not in keeping with FAA Agency compatibility, planning requirements, and demonstrates disregard for compatible land use planning which will result in turning back of previously approved FAA grants and jeopardize Carson City's ability to obtain future AIP funding, and, finally, and most importantly, the issuance of the Special Use Permit will result in unnecessarily endangering the safety and health of aircrews, passengers, as well as personnel and property on the ground. When a second was not made, Mayor Teixeira declared the motion had died.

Mr. Lipparelli explained the need for a clear record for a motion to deny the appeal including a majority vote. The Board did not take action when it fails to have a second on a motion. He recommended the Board consider a motion to uphold the Planning Commission's action if the appeal is denied. Supervisor Tatro explained his support for a portion of Supervisor Bennett's motion. He would not select the site as his first choice for an RV park. This

is not his decision to make. It is a decision which an investor in the RV park would make. Mayor Teixeira had pointed out that the proposal had been, until recently, a permitted use for this site. It is also a well designed RV park. If he were to pick out an RV park, this might be the one he would chose. He did not know that there had been evidence presented tonight that will show that this parcel of land if developed as an RV park will present a great safety risk. The FAA letter, which he had read, said that they may withdraw funding. He did not think that they would. He also agreed with Supervisor Bennett's statement that this plan should not be developed. The property should be purchased by the City. That is the best use of that land. The Airport should own it and it should be a clear zone. He did not believe that there were grounds to deny the Special Use Permit and with that he indicated he would make a motion. Supervisor Tatro moved that the Board uphold the Planning Commission's recommendation to approve U-96/97-20, a Special Use Permit application from Don and Toni Langson to allow a 111-unit recreational vehicle park on approximately 13.3 acres of property zoned Tourist Commercial located at 1100 Mark Way, Assessor's Parcel Number 8-123-08, a portion thereof. Supervisor Ayres seconded the motion. She noted that this is a most difficult situation for her to deal with. She took some exception to some of the statements that staff should not do this or that. The Board sits up here and make ordinances and pass them and then we criticize staff when they are going along with the ordinances which were passed. This disturbs her all the time. When the project was turned down as a mobile home and staff came out with what it could be, this is exactly the project we discussed tonight. She did not hear anyone from the Airport Authority or anyone else say that they would oppose this project. She felt that that should have been addressed at that time. She agreed it may not be the best piece of property for a mobile home or an RV park, but that is the way it is zoned. Since no one got up and jumped up and down that night about it, here we are back on the same thing. She took exception to saying staff should not do this or do that when we set up here and pass the ordinances and then we expect them to go by the ordinances. But she would second the motion. Mr. Lipparelli indicated the motion which had been made was based on the language which is in the staff report. There is a technical error in it. The Planning Commission did not recommend the approval of the Special Use Permit. The Commission had approved the Special Use Permit. The Board should act on the appeal. He recommended the motion uphold or deny the appeal of the Commission's decision. Supervisor Tatro then withdrew his motion. Supervisor Ayres withdrew her second.

(2-1840.5) Supervisor Tatro moved that the Board of Supervisors deny the appeal for the Special Use Permit U-96/97-22 and ratify the Planning Commission's decision to grant the Special Use Permit application for Don and Toni Langson to allow a 111-unit RV park on approximately 13.3 acres of property zoned Tourist Commercial located at 1100 Mark Way on Assessor's Parcel Number 8-123-08, a portion thereof. Supervisor Ayres seconded the motion. Following a request for an amendment, Supervisor Tatro amended his motion to include all of the stipulations made by the applicant and his representative as conditions of the Special Use Permit. (The stipulations are that neither Holly Way nor Mark Way will be used as an access/egress for either the campground or the RV park by the construction or anyone else.) Supervisor Ayres seconded the motion. Motion was voted and carried 3-1-1 with Supervisor Bennett voting Naye and Supervisor Smith absent.

Mayor Teixeira pointed out the benefits of having Committees and Commissions as well as the community participate in the process. If everyone agreed all the time, there would be something wrong with the picture. He complimented the participants and audience on the process. He felt that the project was the best possible. No one could make everyone 100 percent happy.

Mr. Mabray acknowledged that it had been two years. This was the first time he and the neighborhood had been involved in the process. He thanked Mr. Sullivan and his staff for their assistance and all the information during the process. There had been a letter submitted every six months requesting information and updates on the property. Staff had always taken care of it. This information had been given to him for distribution throughout the neighborhood. There were times when he had personally paid for these copies like everyone else does. He appreciated the help he had received from staff. He then thanked Mr. Weaver and the Airport Authority. The neighborhood had attended all of the Authority's meetings except two. This had provided the necessary feeling for the airport, its operation, and future plans. He felt that this would continue as many nice people had been met. He then thanked Mr. and Mrs. Langson. It had never been personal. The effort had been to obtain the best project for the neighborhood. This is the reason the neighborhood had fought so long and hard. He then thanked the Board of Supervisors. He felt that the system works. When comments are requested, an opportunity is provided to voice

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concerns and speak their minds.

Mayor Teixeira noted the system continues to work and wished everyone Happy Holidays. There being no other matters for consideration, Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried and Mayor Teixeira adjourned the meeting at 8:45 p.m.

The Minutes of the December 5, 1996, Carson City Board of Supervisors meeting

1997. ARE SO APPROVED ON\_\_February\_20\_\_,

\_\_\_\_\_  
/s/  
Ray Masayko, Mayor

ATTEST:

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