

CARSON CITY BOARD OF SUPERVISORS
Minutes of the July 3, 1996, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Wednesday, July 3, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 1 p.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
Steve Kastens Parks and Recreation Director
Jay Aldean Public Works Director
John Iratcabal Dep. Purchasing & Conts. Dir.
Tim Homann Deputy Public Works Director
Paul Lipparelli Deputy District Attorney
Liz Hernandez Admin. Asst. to the City Mgr.
Katherine McLaughlin Recording Secretary
Beth Huck Business License Technician
(B.O.S. 7/3/96 Tape 1-0001)

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, AND ROLL CALL - Mayor Teixeira convened the meeting at 1 p.m. Rev. David Camp of the First Presbyterian Church gave the Invocation. Supervisor Ayres led the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

1. ACTION ON APPROVAL OF MINUTES - Special Meetings of May 15 and 23, 1996 (1-0020.5) - Supervisor Tatro moved to approve the Minutes of May 15, 1996. Supervisor Ayres seconded the motion. Motion carried 5-0. Supervisor Tatro moved to approve the Minutes of the May 23, 1996. Supervisor Ayres seconded the motion. Motion carried 5-0.

CITIZEN COMMENTS (1-0030.5) - None.

2. LIQUOR AND ENTERTAINMENT BOARD - Mayor Teixeira then recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. The entire Board was present including Sheriff Banister, constituting a quorum.

TREASURER - Business License Technician Beth Huck - ACTION ON ENTERTAINMENT EVENT APPLICATION FOR THE SILVER STATE GAMES AMATEUR ATHLETIC COMPETITION WITH WAIVER OF FEES AND THE TIME REQUIREMENTS (1-0035.5) - Jim Vanden Heuvel explained the number of entries received to date and estimated the number by the close of registration. Member Bennett moved that the Liquor and Entertainment Board approve the request for an entertainment permit application for the Silver State Games amateur athletic competition with a waiver of fees and time requirements to be held on July 12, 13, and 14, 1996. Member Ayres seconded the motion. Following a request for an amendment, Member Bennett amended her motion to include the fiscal impact of \$100 for the waiver of the fee. Member Ayres continued her second and commended the group on its advertising and promotion activities. Member Smith commended them on

the number of participants. Mr. Vanden Heuvel stressed the reasons for feeling that the event would continue to grow. Volunteers and additional participants were solicited. He commended the volunteers on their efforts. Member Bennett volunteered to carry the torch three blocks. Mr. Vanden Heuvel explained the "Torch Run". The motion to approve the application and waiver of the fees and time requirements was voted and carried 6-0.

There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

3. BOARD OF SUPERVISORS - CONSENT AGENDA

A. TREASURER - ACTION ON RE-INSTATEMENT OF REVOKED BUSINESS LICENSES

B. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9596-019 - TRANSIT MANAGEMENT SERVICES, CONTRACT AMENDMENT

ii. ACTION ON CONTRACT NO. 9596-226 - TENNIS COURT RESURFACING, CHANGE ORDER NO. 1

iii. ACTION ON CONTRACT NO. 9596-230 - COLLEGE PARKWAY SOUND WALL DESIGN

iv. ACTION ON CONTRACT NO. 9697-007 - GRAVES LANE STORM DRAIN AND SOUND WALL DESIGN

v. ACTION ON CONTRACT NO. 9697-11 - LONG DISTANCE TELEPHONE SERVICE

vi. ACTION ON CONTRACT NO. 9697-004 - JAIL FACILITY PUBLIC TELEPHONE COMMISSION AGREEMENT (1-0101.5) - Supervisor Smith pulled Contract 9596-019. Mr. Berkich deferred action on Contract 9697-004. This Item was continued to a future date. Supervisor Ayres pulled Contract 9596-019. Supervisor Bennett pulled Contracts 9596-019, 9596-230, and 9697-007. Supervisor Ayres moved that the Board of Supervisors approve the Consent Agenda with the exceptions of Transit Management Services Contract Amendment, College Parkway Sound Wall Design, Graves Lane Storm Drain and Sound Wall Design, and Contract 9697-004, Jail Facility Public Telephone Commission Agreement. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. i. (1-0140.5) Public Works Director Jay Aldean introduced NDOT Representative Sandy McGrew and Paratransit Representative Steve Hutchins. Mr. Hutchins distributed his Work Plan to the Board and Clerk. Supervisor Ayres explained her request that Paratransit address its leadership problems. She felt that the Plan was an improvement. The ridership has improved and the program is needed. Supervisor Smith echoed her concerns about the leadership and pointed out the 30 day termination clause. He recommended a requirement be included in the agreement mandating a quarterly written report/presentation before the Board of Supervisors. Mr. Hutchins indicated that this requirement is included in the Work Plan along with improved leadership and establishing a business plan. Mayor Teixeira expressed his disappointment at just having received the plan and indicated he may vote against the contract amendment. Supervisor Smith expressed his surprise at seeing the item listed on the Consent Agenda. He had felt that the commitment made at the Regional Planning Commission had been to have a presentation made to the Board of Supervisors with a complete review. Supervisor Bennett explained her reason for supporting the request was based on her discussion with Mr. Hutchins and his staff. Mr. Berkich explained the original agenda item which had been pulled. The business plan has not been completed to date. The plan before the Board was only the work plan for 1996. Mr. Aldean indicated that the presentations which will be made quarterly would be full blown reports. Discussion indicated that monthly reports would be made to the RTC and that quarterly reports were to be made to the Board. Mayor Teixeira explained his opposition was based on the lack of timeliness for the report. Supervisor Ayres moved that the Board of Supervisors accept the Purchasing Department recommendation and award Contract 9596-019 and authorize the Mayor to sign the Amendment with Paratransit Services for a not to exceed cost of \$25,871; funding source is Capital Acquisition Fund FY 9697 - \$30,000 one shot money; this is to provide matching money for Section 18 Grant from NDOT. Following a request for an amendment, Supervisor Ayres amended her motion to include a

quarterly report to the Board of Supervisors. Supervisor Bennett seconded the motion. Motion carried 4-1 with Supervisor Tatro voting Naye.

B. iii. AND iv. (1-0335.5) Following Mr. Iratcabal's introduction, Deputy Public Works Director Tim Homann explained the funding source was in error. RTC Road Construction would finance the project. The contract would provide design services for the sound wall. The construction contract will be addressed in the future. The location was noted. Sound walls and other options will be analyzed before the construction contract is issued. Supervisor Bennett explained the need for a sound wall along College Parkway. She felt that it would be more cost effective to address both College Parkway and Graves Lane at one time. Supervisor Bennett moved that the Board of Supervisors accept the Purchasing Department's recommendation on Contract No. 9697-007 and authorize the Mayor to sign the attached Agreement to SEA Consulting Engineers, 959 Industrial Way, Sparks, for a not to exceed amount of \$24,650, for a contract for College Parkway sound wall design, funding source will be RTC Road Construction Account. Supervisor Smith seconded the motion. Motion carried 4-1 with Mayor Teixeira voting Naye.

Supervisor Bennett moved that the Board of Supervisors approve Contract No. 9697-007, Graves Lane Storm Drain and Sound Wall Design, to SEA Consulting Engineers, Inc., 959 Industrial Way, Sparks, for a not to exceed amount of \$39,100; funding source is the RTC Road Construction Account. Supervisor Ayres seconded the motion. Motion carried 4-1 with Mayor Teixeira voting Naye.

Mayor Teixeira then explained his opposition was based on his opposition to the completion of the Graves Lane extension. Graves Lane/College Parkway is now under NDOT and that this requirement is to meet NDOT's parameters, with which he had a problem. (Mayor Teixeira passed the gavel to Mayor Pro-Tem Smith and stepped from the room at 1:32 p.m. A quorum was still present.)

4. SHERIFF - Rod Banister - ORDINANCE - FIRST READING - ACTION ON 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 PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO (1-0435.5) - Sheriff Banister outlined the reasons for the proposed modification including the graffiti problem. He felt that the paint should be controlled to prohibit thief. Sales could be controlled in the same fashion as cigarettes and liquor and using identification cards. The modification was patterned after Henderson's ordinance. (Mayor Teixeira returned during his comments--1:35 p.m.--and took back the gavel. A quorum was present as previously indicated.) Discussion between Sheriff Banister, Deputy Sheriff Tom Casey, and the Board indicated Henderson's ordinance had been in place for approximately 18 months. Henderson had supported the ordinance community-wide due to the graffiti problems it had been having. Clark County and Las Vegas have the same ordinance. It had been a deterrent and assists with identifying individuals who are attempting to obtain the materials so that they can be watched. Sheriff Banister also pointed out that the ordinance would both prohibit the sale to minors as well as prohibit minors from possessing the merchandise. Supervisor Ayres expressed her feeling that if the stores do not want the graffiti, they should work with the Sheriff's Department to eliminate it on a partnership basis. She did not feel that the impact would be as great as that in Henderson and Las Vegas. Sheriff Banister felt that the smaller stores are not victimized by the thefts as much as the larger stores. It will establish a message that the graffiti will not be tolerated.

(1-0650.5) Public testimony was solicited. Chamber of Commerce Executive Vice President Larry Osborne pointed out the cooperation given previously to Sheriff Banister by the Chamber and its members. The Chamber could support the penalties and was willing to establish a reward fund to encourage reporting the vandalism. He then voiced the Chamber's objection to the requirement that the material be locked up due to the penalties imposed upon the proprietor for the sale to minors and the cost for locking the materials. It would be difficult to enforce. He expressed a willingness to work with the Sheriff and develop an acceptable program.

(1-0716.5) Nevada State Retailers Association Executive Director Mary Lau indicated that local ordinances are

beginning to impact her members. The Association had not participated during the Henderson considerations. Clark County had submitted bills during the last legislative session in this regard, however, they were not voted on nor adopted. She was not positive that penalizing the retailer and locking up the material had proven to be successful in reducing graffiti. She questioned whether the reduction had been created by the diversion of attention previously assigned to this problem to other activities which in turn created an apparent decrease in incidents due to lack of enforcement. The trade industry had been contacted during the legislative session. Due to the lack of uniformity in laws, the sale of the material could be prohibited in one store while a block away it is allowed. Currently some areas are requiring fingernail polish and glue to be locked up. This could eventually lead to requiring a shopping list of locked items. She then corrected the comments concerning State laws prohibiting the sale of tobacco to minors. This has always been a prohibition. The Federal laws had tied grant money to a testing requirement. This requires the State Attorney General's Office to perform sting operations. Her industry had actively participated in this item and is still working with the AG's office on its enforcement. She requested an opportunity to work on the ordinance. She felt that an ordinance should be written to criminalize the correct individuals and make them responsible for their acts. She expressed a willingness to assist in any manner possible.

(1-0792.5) Carl Neathammer gave Supervisor Bennett a spray can. He then expressed his disagreement with the Chamber's statements. He agreed that the Chamber does play an important part in the future of Carson City and that it is not an independent, separate community. He urged the Board to adopt the ordinance as submitted. He felt that the Capital City Focus had clearly indicated the need for public safety. Spray can contents are used by gang members in Carson City to issue death warrants, intimidate citizens, and establish turf in the neighborhoods. This makes it far more lethal than expected. When used by taggers, its destructive powers reduce property values unless quickly removed, disturbs the peace and dignity of the town, and costs the individual property owners and taxpayers thousands of dollars to eradicate it from the homes and public buildings. He felt that the cost incurred by the business community would never exceed the total cost incurred by the community if the ordinance is not adopted. He agreed that the ordinance would not totally eliminate the problem. The ordinance's intent is to limit access to spray cans by a destructive element of the City. Henderson and other cities have proven that it is an effective deterrent. The Sheriff's Office needed this tool to fulfill the City's mission statement. He urged the Board and Chamber of Commerce to study and carefully analyze the ordinance under the legislative light of public health. The practice of "sniffing, snorting, huffing, and bagging" the contents of spray paint propellents has harmed numerous lives and is on the rise. Surveys supporting his concern with this increase were cited. They indicate that the reasons for the increased usage is due to its being widely available, readily and easily accessible, inexpensive, and legally obtainable. A recent judicial class had discussed this problem in depth. Short term use of spray paint by juveniles results in raised levels of aggression toward each other and society in general. Long term use by juveniles, which normally commences at age 10, results in vision loss, Parkinson's disease, hearing loss, severe brain damage, etc. These individuals seldom make it to the emergency room. There is no treatment program available for inhalant abusers due to their resistance to treatment. He urged the Board to reject the Chamber's arguments and adopt the ordinance.

(1-0888.5) Patty Warner with Carl's Blueprint and Copy explained that her small business could ill-afford the cost to lockup her supplies. She could support prohibiting the sale of paint and markers to juveniles. Until alcohol and tobacco are locked up, she would oppose the ordinance. Mayor Teixeira then expressed his support for the proposal, specifically, requiring identification for its purchase and restricting sales to individuals over 18. Ms. Warner indicated her support for these restrictions.

(1-0921.5) Gordon Johnson, owner of the Coast-to-Coast store on Highway 50, indicated a willingness to check identification. He was concerned about the failure of individuals to be responsible for their acts. He questioned the penalty if an individual is caught in the act. There would be a financial impact created by locking up the item. He questioned where the line would be drawn for locking away items for the public good. He was willing to accept his share of the responsibility but stressed the need for the individual to accept his share also. He agreed that inhalant problems are bad in the country, however, questioned what should be done about the paint removers, paint thinners, etc. Do they have to be locked up also? They have the same ingredients. His automotive department has the same ingredient, e.g., WD-40. Supervisor Bennett expressed her feeling that his example of a lug wrench was a different responsibility level from that indicated by the spray paint. She questioned how he felt

the theft issue should be addressed. Mr. Johnson then explained that his experience indicates size has no bearing on the item which will be stolen. He tries to watch his patrons to prohibit theft and prosecutes when the act is observed. This will make it known that the individual will be held accountable in his store. He reiterated his comments concerning the theft of a lug wrench which is used in the commission of a crime, i.e., stealing tires, to illustrate the need for the line to be drawn at some place. He emphasized that he has thousands and thousands of items which will do the same thing that spray paint does. He also pointed out that smoking is increasing among juveniles.

(1-1040.5) Landmark Homes Representative Ron Kipp indicated his firm had been the victim of graffiti. His firm is a member of the Chamber of Commerce, however, does not support their remarks. As the children and parents are not responsible, the seller should be and the materials should be locked up. His experience in the local hardware and lumber companies indicates that expensive items which people like to steal are under lock and key, e.g., guns and knives. He did not feel that it should be such a "big thing" to lock up spray paint. The price would be increased to recoup the cost.

Additional comments were requested but none given.

Supervisor Smith expressed his regret at having to discuss the problem, however, it is here and will continue to exist with or without the ordinance. Discussion among Supervisor Smith, Mr. Osborne, and Sheriff Banister indicated that the Chamber had not provided input on the proposal. Supervisor Smith expressed his support for the proposal, however, felt that 30 days should be given to allow time to address the areas of disagreement. Mr. Osborne indicated a willingness to meet on the item. He also indicated that he was only expressing the Retailers' comments and was not speaking on behalf of the other Chamber members. Sheriff Banister explained that he had discussed the locking up requirement with Mr. Osborne. His investigation of the problem indicated the requirement was necessary. Mr. Osborne had opposed it. Therefore, no further discussion occurred. Supervisor Smith felt that the smaller operations may be a deterrent to theft of the materials. Sheriff Banister was willing to work with the Chamber, however, it has and does work in other areas. Mr. Osborne expressed the concern that all the individual had to do was go to Reno and purchase the material. Supervisor Bennett encouraged Mr. Osborne to consider the community benefits from the proposal including the health issues. She acknowledged that it could place an additional burden on the businesses, however, they are part of the community also. She supported the continuation and urged the Chamber/businesses to consider it from this angle. Mr. Osborne felt that the businesses had always been a contributing factor and accepted its portion of the responsibilities in the community. Supervisor Ayres acknowledged that it would create an inconvenience if the items are locked away, however, jewelry, perfume, lipstick, etc., are already padlocked. This had been done voluntarily. This service should be expanded to include paint. She felt that graffiti had gotten out of hand and needed to be addressed. Mr. Osborne felt that it should not be the businesses' responsibility. He reiterated his willingness to meet with Sheriff Banister.

Supervisor Smith moved that the Board of Supervisors delay taking any action on the proposed ordinance for a period of thirty days to allow the Sheriff's Department and the retail community to set down and discuss any possible compromises that might be able to be productive. Supervisor Ayres seconded the motion. Motion was voted by roll call with the following result: Smith - Yes; Ayres - Yes; Tatro - No; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

5. CARSON CITY AIRPORT AUTHORITY - Fire Chief Louis Buckley

A. ACTION ON APPROVAL OF A LEASE BETWEEN CARSON CITY AND ALAN M. DAPP FOR LEASE OF AIRPORT PROPERTY AS DESCRIBED IN THE RESOLUTION AND NOTICE OF INVITATION TO BID CARSON CITY AIRPORT LEASES IN CONFORMANCE WITH THE AIRPORT AUTHORITY RESOLUTION OF JANUARY 11, 1996 (1-1265.5) - Mr. Lipparelli explained the blank in Exhibit B. Fire Chief Buckley indicated this should be a two year term on this contract and the following contract. Supervisor Bennett moved that the Board of Supervisors approve the lease between Carson City and Alan M. Dapp for the lease of airport property as identified in the resolution and notice of invitation to bid Carson City

Airport leases in conformance with the Airport Resolution of January 11, 1996; the lease term is 50 years. Following discussion of the two year term for Exhibit B, Supervisor Bennett continued her motion to include a two year construction period. Supervisor Ayres seconded the motion. Motion carried 5-0.

B. ACTION ON APPROVAL OF A LEASE BETWEEN CARSON CITY AND EAGLE VALLEY FUEL, LLC, A NEVADA LIMITED LIABILITY COMPANY, FOR THE LEASE OF AIRPORT PROPERTY AS DESCRIBED IN THE RESOLUTION AND NOTICE OF INVITATION TO BID CARSON CITY AIRPORT LEASES IN CONFORMANCE WITH THE AIRPORT AUTHORITY RESOLUTION OF JANUARY 11, 1996 (1-1305.5) - Brad Graber supported the proposal which would provide a self-service fueling station at the airport for pilots. Supervisor Bennett indicated that she is a pilot and user of these services and moved that the Board of Supervisors approve a lease between Carson City and Eagle Valley Fuel, LLC, a Nevada Limited Liability Company, for the lease of airport property as described in the resolution and notice of invitations to bid Carson City Airport Leases in conformance with the Airport Authority Resolution of January 11, 1996. Discussion noted the similarity in motions. Supervisor Bennett amended her motion to include the two year construction period. Supervisor Tatro seconded the motion. The motion was voted and carried 5-0.

6. REDEVELOPMENT AUTHORITY (1-1362.5) - Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.

7. FINANCE AND REDEVELOPMENT DIRECTOR - Mary Walker - ACTION ON A RESOLUTION CONCERNING INCREMENT FINANCING FOR THE CARSON CITY REDEVELOPMENT AUTHORITY; AUTHORIZING THE ISSUANCE OF AND SPECIFYING THE DETAILS FOR THE AUTHORITY'S REDEVELOPMENT PROJECT TAX ALLOCATION BONDS, SERIES JULY 1, 1996; CREATING CERTAIN FUNDS AND ACCOUNTS; AUTHORIZING THE EXECUTION AND DELIVERY OF THE PURCHASE CONTRACT AND THE ESCROW AGREEMENT; AUTHORIZING AND RATIFYING THE SALE OF THE BONDS; SPECIFYING THE INTEREST RATE ON AND OTHER TERMS AND CONDITIONS OF SUCH BONDS AND THEIR FORM; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-1661.5) - Supervisor Tatro moved to adopt Resolution No. 1996-R-32, A RESOLUTION CONCERNING INCREMENT FINANCING FOR THE CARSON CITY REDEVELOPMENT AUTHORITY; AUTHORIZING THE ISSUANCE OF AND SPECIFYING THE DETAILS FOR THE AUTHORITY'S REDEVELOPMENT PROJECT TAX ALLOCATION BONDS, SERIES JULY 1, 1996; CREATING CERTAIN FUNDS AND ACCOUNTS; AUTHORIZING THE EXECUTION AND DELIVERY OF THE PURCHASE CONTRACT AND THE ESCROW AGREEMENT; AUTHORIZING AND RATIFYING THE SALE OF THE BONDS; SPECIFYING THE INTEREST RATE ON AND OTHER TERMS AND CONDITIONS OF SUCH BONDS AND THEIR FORM; AND PROVIDING THE EFFECTIVE DATE HEREOF and with the replacement pages 3 and 4 as provided. Supervisor Ayres seconded the motion. The motion was voted and carried 5-0.

BREAK: A eight minute recess was declared at 2:42 p.m. When Mayor Teixeira reconvened the meeting at 2:50 p.m. a quorum was present although Supervisor Ayres was absent.

8. PUBLIC WORKS DIRECTOR - Jay Aldean

A. ACTION ON AN APPEAL OF DECISION BY THE PUBLIC WORKS DEPARTMENT REGARDING THE CONSTRUCTION OF A DECK ON THE NORTH SIDE OF THIRD STREET IN CARSON CITY, NEVADA (1-1680.5) - Bob McFadden, Alan Dapp, Classic Jewelry and Loan Proprietor Ann Kugler, Pop's Bar-B-Que Proprietor Doug Kramer, Chamber of Commerce Executive Vice President Larry Osborne - Supervisor Ayres returned during Mr. Aldean's introduction. (A quorum was present as noted.) Discussion between Mayor Teixeira and Mr. Aldean indicated the deck was similar to the one constructed on the

south side of Third Street. The issue was being brought to the Board under the appeal procedures. Mr. McFadden explained his renovation project and the improvements he had made at Third Street. Denial of the project will leave the north side of the street unfinished. His original plan had been approved by both the Planning Department and Public Works and had included this deck. The opposition is from the same individuals who have consistently opposed the project. He had enlarged the sidewalk on the south side by two feet and fenced the wooden walkway on the east side in order to direct pedestrian traffic. Pedestrians, roller bladers, bicyclists, etc., have used the walkway constantly except during the construction period. He had never seen anyone walk between the railing and 395. The fencing on the south side was to eliminate jaywalking. Only on rare occasions had he seen a pedestrian walk between Third Street and the fencing. He had discussed with the proprietor, who had agreed, having and maintaining a large walk-through area for pedestrians. He felt that pedestrians would have more sidewalk than previously. The Fire Department requirement for a 20 foot driveway is not currently met by the landscape islands as they are only 19 feet apart. These islands are approximately 30 years old. He was willing to drop the deck back a foot if the 20 feet is necessary, however, the plans call for the deck to extend straight from the curb. He indicated to Mayor Teixeira that he could "live with" the 20 feet. Supervisor Smith commended him on the existing deck and his renovation project. He questioned whether the request should be for a street abandonment. He felt that this could be discussed in view of the improvements which had been and will be made. Mr. McFadden indicated that there were two parking spaces involved in the request plus approximately two feet. Mr. McFadden also indicated that he could not foresee extending the deck the entire length of Third Street between Carson and Curry at this time. If the pedestrian traffic increases adequately to make this a viable project, it may be warranted.

(1-1900.5) Public comments were requested. Mr. Dapp explained his use of the parking spaces on Curry and Third Streets and commended Mr. McFadden on the improvements. He felt, however, that the decking would create an encroachment on the other businesses in the vicinity. Parking is difficult in this area. The encroachment for decking would benefit only Mr. McFadden and his business while harming the other businesses. Discussion indicated that the pawn shop rents two spaces on Third Street.

Supervisor Bennett explained her personal knowledge of Undersheriff Dehl and her respect of his judgement and comments. Mr. McFadden explained that the parking he had provided behind the St. Charles was at this time for open public use. He had not graveled it yet and will eventually pave it. He felt that there were between 11 and 15 spaces which he rents from Don Bernard on the south side of the St. Charles. He had originally attempted to curtail the parking in the area immediately west of the St. Charles. This had been futile. It is now open to the public. He agreed that the two parking spaces under discussion were rented by the pawn shop. He felt that these spaces are not utilized frequently due to redevelopment. The Realtor's have parking behind its building on Nevada Street for its clientele. He felt that the area had not "maxed out" its parking spaces. The only parking complaints he was aware of were from the same people who always complain about everything and, specifically, parking. He indicated that this is one of the items which the Board would have to "look away" from when redevelopment occurs. Supervisor Bennett felt that there may be an area for a trade available. She suggested that the lot west of the St. Charles be established for open public parking. Mr. McFadden indicated that he could "live" with that. The area is not policed now unless a car sits there for several days.

Discussion ensued between Supervisor Smith and Mr. Aldean on the previous pawn shop parking space relocations. Staff is still analyzing the issues related to the benefits of the project against the cost for the use of a City right-of-way as required in the Code. This includes both encroachments and will include redevelopment incentives. A Code modification may be required for the redevelopment incentives. It has always been staff's intent to assess a fee for the encroachment(s). Supervisor Smith felt that the parking space rental implies a good faith intent to the exclusive use of the parking spaces. The City is not concerned about the use of the space by the lessee. The removal of the two parking spaces will move the spaces further from the business. Mr. Aldean indicated that the last time(s) the parking spaces had been relocated, the lessee had concurred. The denial of Mr. McFadden's request had included consideration of this rental agreement. The Board's decision will be followed concerning this agreement. Mrs. Kugler had expressed concerns about having her clientele carry televisions, guns, etc., through a public eating establishment. This issue had also been considered in the denial as well as the Sheriff's concerns. Supervisor Ayres explained her personal visit to the site and her use of the street rather than

walking between the tables on the deck. She felt the proposal would force other pedestrians into the street also. Mr. Aldean felt that this issue could be addressed by the access point. There are appropriate access points at the curb and at the west end of the present deck. Access from the street is restricted to keep people from jay walking. The same requirements would be placed on the deck for the north side. Mr. McFadden had agreed to these requirements. Mr. Aldean had visited the site himself and felt that there is space available. Supervisor Ayres indicated she had not felt comfortable with the space provided. Mr. Aldean urged her not to walk in the street as it could be dangerous. Mr. McFadden offered to place a sign welcoming the public. There is not adequate space for safe walking between the railing and curb. The deck is not rented and he has complete control over it. It is for public use. He encourages people to "sit" on the deck if not purchasing from the merchants. Mr. Aldean felt that the only thing he could do would be to provide access at the normal access points.

(1-2197.5) Additional public comment were solicited. Ms. Kugler expressed her concern about the relocation/loss of parking for her clientele. She was also concerned about her clientele's safety when carrying items to her shop. She questioned who would be liable if the individual falls? She expressed concerns as an individual setting on the deck and seeing someone with a gun walking through the area. She had relocated her parking on two previous occasions in an attempt to accommodate Mr. McFadden and the City. She felt it was unreasonable to move the parking spaces even further away and force the clients to carry their merchandise across a deck. The two areas which had been used for client parking were explained.

(1-2238.5) Additional comments were requested. Mr. Kramer explained his plans to expand his restaurant to have an area for hot dogs and ice cream. This will place two restaurants under one roof. Children like the service and are beginning to frequent the area. If the deck is not approved, he will not be able to offer this service. The pawn shop clientele presently carry their guns, televisions, etc., passed the restaurant. He did not feel that this would change.

(1-2308.5) Mr. Osborne expressed the Chamber's concerns about the loss of parking spaces. He acknowledged the benefits of Mr. McFadden's Third and Carson Project. Success of similar project(s) will create an additional need for more parking. Parking is and has been a problem in the area. He could support Supervisor Bennett's suggestion which would make parking spaces in the lot behind the St. Charles open to the public.

Supervisor Bennett reminded the Board of the City's sale of Tenth Street to a casino as well as a second casino acquisition. She felt that the City should receive "just compensation" for the encroachment. **Supervisor Bennett then moved that the Board of Supervisors uphold Mr. McFadden's request to construct a deck and cover structure on the north side of Third Street with the following conditions: That the roadway be increased to 20 feet, that significant efforts be made to convert the parking space behind the St. Charles Hotel to public parking; that there be some form of delineation on that deck for pedestrian access to the businesses that are adjacent to Pop's Bar-B-Que; that some kind of reasonable accommodation be made for those other issues which were brought up.** Clarification indicated that the motion would uphold Mr. McFadden's request. **Supervisor Bennett then amended her motion to include one additional condition that there be brought back to the Redevelopment Authority terms and conditions for compensation to the City for the encroachment onto Third Street.** Mayor Teixeira indicated that the motion would grant Mr. McFadden's request under the conditions that: The space between Third Street from deck to deck be 20 feet, and that there is delineation for pedestrian traffic on that deck to accommodate businesses north of the property, that parking be provided that is presently not public on the property behind the St. Charles Hotel, and that compensation due the City be brought back to Redevelopment for the use of the private right-of-way. **Supervisor Bennett agreed that this is the intent of her motion. Supervisor Ayres seconded the motion.** Mr. Lipparelli requested direction from the Board concerning the last condition. Is it direction to staff to bring back a policy for Board consideration addressing these situations or a special condition unique to Mr. McFadden's request as Mr. Lipparelli was unsure how Mr. McFadden could comply with this condition? Supervisor Bennett explained that it was her intent to have the City be compensated on some basis for Mr. McFadden's right to encroach upon a public right-of-way as there has been precedence set with regard to encroachment on other public streets by Mr. Russell at the Carson Station and at the Carson Nugget. It had been represented to the Board by the Public Works Director that indeed that

precedence does exist. Mr. Lipparelli indicated that in the examples of the Carson Station and the Carson Nugget, they had both been abandonment processes which resulted in the business owner obtaining title to the property. This is under the statutory process and provides that the beneficiary of the abandonment pay. This context is not talking about an abandonment which is the reason for the request for clarification. Mr. McFadden as a citizen and business owner does not have the power to create a policy for the City to follow in extracting payment for encroachment permits for uses of property. He understood the intent but wondered whether making it a condition of an approval of an encroachment permit is the appropriate means to create a new policy. Supervisor Tatro suggested an amendment to the motion to remove the final condition and add direction to staff to bring forward the policy. **Supervisor Bennett amended her motion to remove the condition and directed staff to bring forward the policy. Supervisor Ayres concurred.** Supervisor Smith indicated that this action improved the motion, however, cautioned that it is a "backwards way of doing it". He felt that the terms and price should be discussed before the actual work is performed. Once the improvements are made, if the terms are not agreeable, what recourse would the City have? Force Mr. McFadden to remove the improvements? This is not the reason he opposed the motion. He would vote no due to the fact, he liked the deck, and if there had been concurrence among the business owners in the area, he would vote for it in a second. His problem is, as indicated by Mr. Dapp, who hit it on the head, it smacks of a benefit to one area at the expense of another area. The testimony given here is that it will harm my business or adversely effect my business. He did not feel that he could agree to do something that will definitely be a plus for the community and for a few businesses as well as something he would really like to see at the expense of someone else. He would not do that. **The motion to grant Mr. McFadden's request based on the conditions as amended was voted by roll call with the following result: Smith - No; Ayres - Yes; Tatro - Yes; Bennett - Yes; Mayor Teixeira - I don't even count, right, I will go along with the motion - Yes. Motion carried 4-1.**

Discussion indicated that a motion could not be made directing staff on the other issue as it was not agendized. Supervisor Ayres felt that it should be done. Supervisor Bennett felt that the cart had been allowed to get before the horse. She was sure that, due to the effort Mr. McFadden had put into Third Street, other property owners on Carson are looking at that same idea. If other property owners want to come forward with that same idea, there needs to be an established policy as to what they can, what is appropriate, what can be expected, and deal with the situation as we go along. She, personally, would like to see some kind of a form for leasing that space and leveling the playing field.

Supervisor Smith then suggested a second motion and moved that the construction on the project be delayed until such time that the compensation issue is resolved between the City and the private property owner. Supervisor Ayres seconded the motion. Motion carried 5-0. Both Mr. McFadden and Mayor Teixeira agreed to the delay. Mayor Teixeira then noted that there had been two types of use of public right-of-way, one is an abandonment where the people pay for the product. This occurred with Tenth Street and for the property around the Nugget. Another has been where people get encroachment permits similar to the one just considered for Mr. McFadden. He urged Mr. Aldean to check the files as he felt certain that in some cases they had in fact paid for that privilege. He agreed that this is the first time Mr. Aldean had done one. There is nothing which Mr. McFadden had put up which could not be removed in a half of a day with a good chain saw and a crowbar. He urged the staff to set an even table. He also suggested that, when the policy comes back, the compensation is very important, but it should also include a point of delineation, for the property owners adjacent, that it be more than a mark in the deck. It can be done nicely, where the people will feel very comfortable going through an area to do business somewhere else without feeling that they are encroaching on anyone. This would be doable as Mr. McFadden owns all the way around the block. Mr. McFadden agreed. Mr. Aldean indicated that both decks would be included in the same agreement.

B. ACTION ON A REQUEST TO ESTABLISH A WEIGHT LIMIT FOR VEHICULAR TRAFFIC ON DEER RUN ROAD, EXTENDING SOUTH OF THE BRUNSWICK CANYON BRIDGE (1-2592.5) - Mr. Berkich, Jackson Enterprise Attorney Joan Wright, Canyon Creek Owner Sam Nevis, Tom Quigley, Mr. Lipparelli - Mr. Aldean explained his request for direction concerning the weight limit as seven ton is arbitrary

and difficult to enforce. The City, itself, uses a five yard truck to haul sand and rocks from a pit off Deer Run Road. Five yards is 18 ton. He suggested this figure be used. An alternative would be to allow staff to continue exploring an alternate route. He estimated that the City may make 300 trips to the pit a year.

(1-2652.5) Mr. Berkich explained his decision to request BLM to close the sand pit on Monday due to the continuous complaints from increased heavy truck traffic on Deer Run Road. This decision had also been based on the concern about Granite's ability to lay the new surface on Deer Run Road and the impact the intense hauling would have on this program. NDOT has indicated that the Brunswick Canyon Bridge is not in a safe and usable condition. BLM informed Mr. Berkich that at 5 p.m. Tuesday evening the pit was closed. He felt that if the bridge issue is resolved, and every attempt possible is being made to do so, that the pit could be reopened. The alternate route had been suggested as a compromise which would allow the pit to remain open and provide relief to the residents and their quality of life.

Supervisor Bennett then informed the Board that a constituent had informed her that the City had been using its 15 ton truck to access the pit for years over the Brunswick Bridge. Mr. Bertagnolli had never objected to this access. She then asked if Mr. Dotson was present. Mr. Quigley indicated he was not. Supervisor Bennett then explained that he had indicated that the pit was still being used by Canyon Creek today. Mr. Berkich indicated that he was not aware of this use. He had been advised by Mr. Phillips from BLM that the pit would be signed and closed as of 5 p.m. on Tuesday. Mr. Aldean indicated that Canyon Creek trucks are in excess of 18 ton. He felt that this would be less than one-third of one of its vehicles. This would allow smaller trucks to be used and for home owners to obtain sand for personal use. Mr. Berkich then explained the cooperation he had received from BLM. No one was present from BLM.

Supervisor Smith then expressed his concern that the suggested 18 ton limit was saying the City/Public Works could do something that private industry could not. He recognized it as an alternative, however, felt that it was not acceptable. He questioned the impact the 18 tons would have the road. Mr. Aldean did not feel that the small trucks, 18 tons, would cause any significant damage to the roadway. The road, although not designed as a normal RTC project, should be able to handle the 10 to 30 yard trucks with regular City maintenance. He, also, did not feel that it would be economical for Mr. Nevis to run the small trucks even if it takes two or three trips to obtain the same amount of material. Mr. Aldean expounded on his feeling that the seven ton limit was very arbitrary. A large motor home may weight eight tons. He preferred for the City to say "no trucks" or "local deliveries only" rather than have a sign like the one on Arrowhead limiting the weight limit to seven tons. If seven tons is arbitrary, 18 tons is just as arbitrary. This was the reason for his alternative.

Supervisor Bennett expressed her feeling that the issue is more than truck traffic on Deer Run Road. The Carson River Advisory Committee's Master Plan Element, the Master Plan Land Use Element, the City's Highway and Transportation Element, and the Bicycle Master Plan clearly indicate that Deer Run Road is a major corridor for recreational access to the River. Trucks, which are not for local deliveries, would pose a major threat to pedestrian and recreational use. She continued to stress her point that there is an appropriate access route to the pit which had been used for a very long time and is through Brunswick Canyon and over its bridge. She felt that the City had a responsibility in view of the years, and years, and years of deferred maintenance on the bridge with the prescriptive rights to use this access. This would keep commercial traffic on one side of the mountain with recreation uses on the opposite side. Mr. Aldean indicated that staff would continue to work with Mr. Bertagnolli on the prescriptive rights issue and maintenance.

(1-2958.5) Ms. Wright indicated that Jackson Enterprises uses the sand which Canyon Creek is hauling. Canyon Creek has not hauled since Monday. Mr. Nevis also indicated that he had not hauled from the pit since 5 p.m. on Monday. He also explained that BLM only checks the haulers who have permits to determine who is violating the permits. He felt it was unfair to accuse his firm of doing all of the hauling. He had hauled a couple of days the week before. He had hauled on those dates to complete a BLM contract. He had told his staff not to haul any thing else until the issue is resolved. Ms. Wright indicated that Canyon Creek does not at this time have a permit to haul anything from the pit. Mayor Teixeira requested the issue remain on truck traffic on Deer Run Road and what should be done. The question of who hauls and when is immaterial.

(1-3025.5) Ms. Wright expressed her feeling that there is not justification for a tonnage limit. Staff had indicated that the road could handle 30 tons. Canyon Creek use 28 ton trucks. Her concern was due to the sudden closure of the pit without warning and its impact on the contracts which her client is attempting to complete. These contracts were issued based on the availability of the sand and its chemical composition. It would take approximately four to eight weeks for a chemical analysis to be completed and a determination of the chemical formula required for a new mix to fill the contracts. She urged the Board to allow her client to continue to use the pit for a period of 30 days while the alternatives are being analyzed. Mayor Teixeira felt that her client was aware of the possible closure. Ms. Wright acknowledged the three options had been Brunswick Canyon, Deer Run Road, and the undeveloped third alternative on which BLM is working. Her client was willing to cut this road as soon as BLM approves it. She felt this alternative was not being considered seriously. The sand is a natural treasure owned by the public who has a right to use it. Mayor Teixeira pointed out that it is a natural asset which was being sold for removal by commercial enterprise people who are making a profit on its use. The issue before the Board is whether to stop truck traffic on Deer Run Road. The issue related to the mitigation of the pit is separate from this issue. Also, the City was attempting to put an overlay on Deer Run Road and did not want to see it damaged by the heavy truck traffic. Ms. Wright continued to stress her point that her contractor needed 30 days to complete his contracts. Mayor Teixeira pointed out that this would be only if Deer Run Road is used. Ms. Wright indicated that her contractor would water Deer Run Road two times a day for 30 days. This would allow her contractor time to reformulate its material and use sand from another location. The third access would allow the same formula to be used.

(1-3159.5) Mr. Berkich indicated that the pit closure had stopped the heavy truck traffic. He had not considered the 30 day offer as it had not been included in the Board's original direction. The alternate route would require the use of approximately 1,000 feet of Deer Run Road south of the Deer Run Bridge. Mr. Berkich and Mr. Aldean used the aerial map to explain the location. Ms. Wright noted that private citizens could obtain the sand without a permit and will continue removing sand. She also reiterated her statement that her contractor would cut the road. She supported this approach even though it is expensive. It is a viable alternative.

Supervisor Smith then expressed his concern about a "line of trucks" using the ridge road as the dust would be visible. This issue is separate from the discussion. He was concerned that the 30 days would see increased heavy hauling and felt that the complaints had been created by an apparent effort to beat the "gate closure". He agreed that the sudden closure had created a hardship for the contractors. Ms. Wright then offered a solution to the Brunswick Bridge. She offered to indemnify the City for 30 days if the Bridge is opened. Supervisor Smith expressed a willingness to consider this offer. Ms. Wright also offered to "look at" reinforcing the bridge as another alternative to building the road. Mr. Aldean reiterated the NDOT statements that the bridge is not safe for this use. Ms. Wright indicated she had a structural engineer who could look at the bridge and advise what should be done. Mayor Teixeira reiterated that the agenda was limited to discussion and action on truck traffic on Deer Run Road. He indicated that her 30 option was not viable. Mr. Berkich voiced staff's objection to the proposal to use Brunswick Bridge in its present state. There are meetings scheduled with NDOT to develop a rehab project for it.

Mayor Teixeira recommended removal of the tonnage and modifying the resolution to prohibit truck traffic except for local delivery. Staff could resolve the other issues and bring it back. If the bridge is City-owned, it must be brought to specs. If not City-owned, "have a good day". It's not the City problem. He had no problem with cutting the road. He could give the 1,000 feet back, however, unless the truck traffic is stopped, it will continue. Mayor Teixeira then passed the gavel to Mayor Pro-Tem Smith and moved that the Board adopt Resolution No. 1996-R-33 with the following amendment, that the last paragraph read: "Now, therefore, be it hereby resolved that the vehicular traffic on Deer Run Road shall prohibit truck traffic except for local deliveries." Supervisors Bennett and Ayres seconded the motion. Supervisor Tatro pointed out that the Resolution's title contains Brunswick Canyon and that the term vehicular traffic prohibits more than truck usage. He also offered as an alternative to leave open the option by saying that the weight limit should be 1,000 feet south of the bridge instead of at the south end of the bridge. Mr. Berkich supported his recommended alternative which would allow staff to analyze the development of an alternate route. If the road is closed at the bridge, the option is eliminated. Mayor Teixeira supported Supervisor Tatro's comments and withdrew his motion. Supervisor Ayres withdrew her second.

(1-3453.5) Mr. Quigley expressed his feeling that "they" were not interested in any truck traffic south of the bridge. He felt that the residents had been there before the trucks started using the pit. The City trucks use a different source and not the pit. He did not care what the main purpose is for the truck traffic. It should all be prohibited.

(1-3479.5) Mayor Pro-Tem Smith returned the gavel to Mayor Teixeira. Mr. Lipparelli expressed his feeling that the record needed to include the fact that closing Deer Run Road to truck traffic regardless of whether it is done by the term "truck" or by a weight limit will essentially terminate all access to the pit. He acknowledged that the pit is closed now and is not an issue, however, it could be reopened at a future date. There is also a question as to whether Mr. Bertagnolli will permit people to cross his property to access the pit. It may be possible to establish a prescriptive right through historical use of the road and/or through the Public Lands Statutes that it is a public road as had been done by the Board of Supervisors on Kings Canyon Road. Presently there is no easement in favor of the City. There is no title to the property in favor of the City. There has been no dedication of the property to the City. These statements were being made to alert the public/Board to the fact that, if there is an interest in using this road, Mr. Bertagnolli had recently acted to stopped people from using that road. The incident was briefly described. He reiterated that any truck limits on Deer Run Road would mean that the pit is closed until an alternative means is created. Discussion indicated that Mr. Bertagnolli had used the pit for years. It had never been totally closed. When new permits were issued, the residents became aware of its use. Discussion ensued on Mr. Bertagnolli's special use permit. Mr. Lipparelli felt that access to the pit was not one of his conditions.

(2-0005.5) Supervisor Bennett reiterated her original request that truck traffic on Deer Run Road be prohibited based on the residents' desire, the Master Plan and various elements to it which had been adopted recently by the Board. She felt that the City should pursue its options concerning the Brunswick Canyon and Bridge. She indicated she would not support any plan which did not limit truck traffic on Deer Run Road. She would work with anyone on the Brunswick Canyon route.

(2-0055.5) Supervisor Tatro moved that the Board approve Resolution No. 1996-R-33, A RESOLUTION PROHIBITING TRUCK TRAFFIC ON DEER RUN ROAD BETWEEN BRUNSWICK CANYON, BETWEEN APPROXIMATELY 1,000 FEET SOUTH OF THE BRUNSWICK CANYON BRIDGE SOUTH TO THE TERMINUS OF THE ROAD, Whereas NRS 244.155 provides that the Board of Supervisors has the power and jurisdiction to layout and manage public roads in Carson City and to make such orders as necessary to carry its control and management into effect, and Whereas, the Board has received testimony in public hearings that large vehicle traffic on Deer Run Road is not in the best interest of the residents of Carson City, Now Therefore be it resolved, Now Therefore be it hereby resolved that truck traffic on Deer Run Road in the areas described above shall be prohibited. Mayor Teixeira seconded the motion. Following discussion clarifying the area prohibiting truck traffic, Supervisor Tatro corrected his motion to be: A RESOLUTION PROHIBITING TRUCK TRAFFIC ON DEER RUN ROAD BETWEEN APPROXIMATELY 1,000 FEET SOUTH OF THE DEER RUN ROAD BRIDGE SOUTH TO THE TERMINUS OF THE ROAD. Mayor Teixeira continued his second. The motion to adopt the Resolution as indicated was voted by roll call with the following result: Tatro - Yes; Mayor Teixeira - Yes; Smith - Questioned if this has a 1,000 foot deal south of the bridge and Supervisor Tatro's affirmative response - No; Ayres - Yes; and Bennett - No. Motion carried on a 3-2 vote.

9. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

A. ACTION ON AB-95/96-8 - AN ABANDONMENT REQUEST FROM JOHN SERPA TO ABANDON TWO 50 FOOT WIDE BY APPROXIMATELY 1,950 FOOT LONG PORTIONS OF DEER RUN ROAD (BOTH SIDES OF THE STREET) LOCATED ON DEER RUN ROAD APPROXIMATELY 1,031 FEET SOUTH OF U.S. HIGHWAY 50 EAST, ADJACENT TO APN'S 8-531-21, 22, 23, 30, 31, 32, 33, 8-541-36, 37, 52, 57, 58, AND 59 (PLANNING COMMISSION APPROVED 7-0-0-0) (2-0093.5) - Mr. Homann, Applicant's Representatives Mark Rotter and Ken Dorr from Capital Engineering, George Chapman - Mr. Sullivan explained the applicant's request to eliminate the three parcels adjacent to the River from the request. If it is determined at a future date that the parcels are not needed for the V&T terminus, another abandonment

request will be submitted. Mr. Homann explained the previous abandonments of Deer Run Road from the Pinion Hills area to Highway 50. These actions had reduced the width to 100 feet in many areas. The present highway standard calls for an 80 foot right-of-way. Keeping 100 feet would safeguard any contingency needed in the future. He agreed that there is a question concerning the V&T terminus and its needs. Mayor Teixeira then questioned the bicycle path's location. Mr. Dorr had submitted three potential cross sections for a 100 foot right-of-way displaying different options illustrating how a street and bike path could fit into the 100 foot right-of-way. (A copy is in the file.)

Mr. Dorr explained the area now being requested for abandonment, the abandonments which had been granted in 1991 and earlier in 1996, and, with the use of the cross sections, the reasons for feeling that the 100 foot right-of-way is adequate to meet future needs. Discussion compared the 80 foot right-of-way on College Park Way with the 100 foot right-of-way on Deer Road Run. Discussion also estimated that Highway 50 north of the Community Center was approximately 70 or 80 feet wide. Supervisor Smith explained his problem, as the Chairperson of the Regional Transportation Commission, with the purpose of having a 200 foot right-of-way. He felt that 100 feet should be adequate to meet the community's needs including a bicycle path, jogging path, vehicular needs, etc. Mr. Dorr reiterated his amended request for abandonment along all of the parcels except the three southern ones and reasons for feeling that the 100 foot right-of-way should be adequate. The abandonment would also return the area to the tax rolls and require the property owner to maintain the space.

Supervisor Bennett then used Mr. Dorr's parcel map to explain the proposed V&T terminus site. She felt that the proposal would eliminate the potential construction of a "boulevard" for the tourists who would use/visit the V&T and the Carson River. She urged the Board to deny the request due to her feeling that it is premature. She also pointed out that industrial property has zero setbacks.

Mr. Sullivan explained the utility company's request to maintain an easement in the abandoned area for its utilities. This would prohibit development in the area. Trees could be planted in the easement provided a powerline is not in it. There is a 30 foot front setback in general industrial.

Supervisor Bennett then explained her feeling that the traffic demands for the road will be significantly increased when the area is builtout and when the V&T terminus is constructed. Supervisor Smith pointed out the problems with the proposed terminus site due to the potential for flooding. Both Mr. Sullivan and Mr. Rotter felt that the actual building area would not be in the flood zone.

(2-0448.5) Mr. Chapman had distributed to the Board and Clerk copies of a design which would use the entire 100 foot right-of-way for a boulevard. He agreed that the design was not the City's current standard. The proposed transportation element included a recommendation suggesting the current standards be improved to encourage landscaping and bicycle lanes, etc. Deer Run Road is an access road to the River, the V&T terminus, and to Centennial Park. He encouraged the Board to conduct a study to determine whether the land may be needed in the future. He questioned whether the proposed path along the street would be adequate to meet the demands of the pedestrian/bicycle traffic. He also expressed his concern with the topography and its impact on the pedestrian/bicycle traffic.

(1-0522.5) Mr. Rotter pointed out that the map had included the topography. Design work had been provided for widening Deer Run Road and its enhancement. He compared Deer Run Road to College Parkway, which he felt was adequately landscaped and divided within 90 feet. He agreed to the need for enhancing Deer Run Road particularly if the terminus is located on it. He felt that there was adequate property to need the present and future growth demands. The proposed Master Plan indicates the bicycle path is to be "on-road". The issues which should be considered for this type of bicycle path are different from those found with "off-road" bicycle paths. He felt that the issue had been studied at length on different occasions. It has always been indicated that 100 feet of right-of-way is adequate to meet the needs. If the City determines the bicycle pathway should off-road instead of on-road, he was "game for that". The same was true if additional landscaping is determined necessary. His only question would be who would be responsible for maintaining the extra landscaping. He stressed that he was "game" for making it look good. He then explained development agreements which had been granted along Deer

Run Road. He felt that curb and gutter could be provided for all of the frontage except seven parcels. He also suggested that the 50 feet of right-of-way abutting the proposed V&T terminus be retained and used for V&T improvements rather than for a right-of-way.

Mayor Teixeira explained his reasons for removing the request from the Consent Agenda had been based on the size of the abandonment request and need to consider all of the issues related to the proposal. He also pointed out that if the high school is constructed adjacent to the college, the current College Parkway right-of-way may not be adequate. Future needs cannot always be determined.

(2-0639.5) Mr. Rotter felt that the proposed Master Plan had designated all of the area south of the bridge as rural reserve. The Master Plan is the one element which should not overlook the future needs. Mayor Teixeira pointed out that the Master Plan is "not etched in stone". Mr. Rotter agreed.

Discussion indicated that Mayor Teixeira's concern had been related to the total acreage which was being abandoned at one time. The other sections of Deer Run Road had been abandoned on two separate occasions by the present Board. The same issues had been considered by Community Development and Public Works when they were submitted to the Board. Supervisor Bennett moved that the Board of Supervisors postpone approval of the request from John Serpa to abandon two 50 foot wide by approximately 1950 feet long portions of Deer Run Road, both sides of the street, located on Deer Run Road approximately 1131 feet south of U.S. Highway 50 East adjacent to APN 8-531-21, 22, 23, 30, 31, 32, 33, 8-541-33, 36, 37, 52, 53, 57, 58. and 59. Mayor Teixeira seconded the motion. Clarification indicated that parcel 8-541-36 was included. Motion was voted by roll call with the following result: Smith - No; Ayres - No; Tatro - No; Bennett - Yes; and Mayor Teixeira - Yes. Motion failed on a 2-3 vote.

Supervisor Smith moved that the Board of Supervisors approve the abandonment request from John Serpa to abandon two 50 foot wide by approximately 950 foot long portions of Deer Run Road, both sides of the street, located on Deer Run Road approximately 1,031 feet south of U.S. Highway 50 East adjacent to Assessor's Parcel Numbers 8-531-21, 22, 23, 30, 32, 33, 8-541-36, 37, 52, and 53. Supervisor Tatro seconded the motion. Clarification indicated parcels 8-541-57, 58, and 59 should not be included. Motion was voted and carried 4-1 with Supervisor Bennett voting Naye due to her feeling that a traffic study should have been performed and that the City would have to repurchase the property.

B. ORDINANCES - FIRST READING

i. ACTION ON A-95/96-6 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18 BY ADDING SECTION 18.03.606 TEMPORARY OUTDOOR SALES AND ACTIVITIES TO CHAPTER 18.03; SECTION 18.03.606 TEMPORARY OUTDOOR SALES AND ACTIVITIES AS A DEFINITION; SECTION 18.05.109 TEMPORARY OUTDOOR SALES AND ACTIVITIES TO CHAPTER 18.05; SECTION 18.06.109 TEMPORARY OUTDOOR SALES AND ACTIVITIES; AMENDING SECTION 18.06.257 CONDITIONAL USES BY ADDING TEMPORARY OUTDOOR SALES AND ACTIVITIES; AMENDING SECTION 18.06.268 CONDITIONAL USES BY ADDING TEMPORARY OUTDOOR SALES AND ACTIVITIES; AMENDING SECTION 18.06.298 CONDITIONAL USES BY ADDING TEMPORARY OUTDOOR SALES AND ACTIVITIES; AND OTHER MATTERS PROPERLY RELATED THERETO (2-0715.5) - Mr. Guzman explained the correction to Page 7, Line 13 which changed Community Development Director to Community Development Department. Supervisor Bennett moved that the Board of Supervisors introduce Bill 138 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18 BY ADDING SECTION 18.03.606 TEMPORARY OUTDOOR SALES AND ACTIVITIES TO CHAPTER 18.03; SECTION 18.03.606 TEMPORARY OUTDOOR SALES AND ACTIVITIES AS A DEFINITION; SECTION 18.05.109 TEMPORARY OUTDOOR SALES AND ACTIVITIES TO CHAPTER 18.05; SECTION 18.06.109 TEMPORARY OUTDOOR SALES AND ACTIVITIES; AMENDING SECTION 18.06.257 CONDITIONAL USES BY ADDING TEMPORARY OUTDOOR SALES AND ACTIVITIES; AMENDING SECTION 18.06.268

CONDITIONAL USES BY ADDING TEMPORARY OUTDOOR SALES AND ACTIVITIES; AMENDING SECTION 18.06.298 CONDITIONAL USES BY ADDING TEMPORARY OUTDOOR SALES AND ACTIVITIES; AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Following a request for an amendment, Supervisor Bennett amended her motion to include insertion of the corrected page 7, Line 13 that the Community Development Director be Community Development Department. Supervisor Ayres continued her second. The motion was voted and carried 5-0.

ii. **ACTION ON Z-95/96-10 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 17,500 SQUARE FEET OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO RETAIL COMMERCIAL (RC) ON PROPERTY LOCATED AT THE EAST SIDE OF U.S. HIGHWAY 395, APPROXIMATELY 450 FEET SOUTH OF ARROWHEAD DRIVE, ASSESSOR'S PARCEL NUMBER 8-053-10, AND OTHER MATTERS PROPERLY RELATED THERETO** - Mr. Sullivan and Mayor Teixeira noted the correspondence from NDOT indicating they do not have any interest in this property. Supervisor Ayres moved that the Board of Supervisors introduce on first reading Bill No. 139, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 17,500 SQUARE FEET OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO RETAIL COMMERCIAL (RC) ON PROPERTY LOCATED AT THE EAST SIDE OF U.S. HIGHWAY 395, APPROXIMATELY 450 FEET SOUTH OF ARROWHEAD DRIVE, ASSESSOR'S PARCEL NUMBER 8-053-10, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A recess was declared at 5 p.m. When the meeting reconvened at 6:02 p.m., a quorum was present although Supervisor Smith had not yet arrived. Capital Projects Advisory Committee Members present were: Chairperson Gary Sheerin and Members Richard Baker, Kevin Honkump, Ed Moran, Donald Mullet, and Ron Swirczek. Member Bacigalupi was absent. A quorum was present. Staff members present included: City Manager Berkich, District Judge Griffin, Justice of the Peace Willis, Clerk-Recorder Glover, Sheriff Banister, Community Development Director Sullivan, Parks and Recreation Director Kastens, Public Works Director Aldean, Undersheriff Dehl, Justice Court Administrator Milligan, Deputy District Attorney Lipparelli, Principal Planner Joiner, Chief Deputy District Court Clerk Glover, Chief Deputy Sheriff Callahan, Lt. Dimit, Associate Planner Hullinger, and Recording Secretary McLaughlin.

13. **COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - ACTION ON A-95/96-9 - A REQUEST FROM E. F. VIC VICICH TO AMEND CARSON CITY MUNICIPAL CODE SECTION 18.06.317, AIR INDUSTRIAL CONDITIONAL USES BY ALLOWING LIMITED RETAIL OUTLET SALES AS A CONDITIONAL USE, AND OTHER MATTERS RELATED THERETO (PLANNING COMMISSION APPROVED 4-3-0-0) (2-0815.5)** - Mr. Joiner, Ms. Hullinger, Vic Vicich, Postmaster Bob McLain, Chamber of Commerce Executive Vice President Larry Osborne, Del White, Nevada Manufacturers' Association Representative Ray Bacon, Kevin Mullet, Bill Crowell, Lift Engineering Representative Marge Keever, Malcomb Glover, Woody Wooster, Customs Stamping President Woody Wooster - Ms. Hullinger explained the staff's meeting with the airpark industrial users and their objection to the proposed request. Colored maps of the LI, GI, and AIP districts had been provided to the Board. Retail sales are allowed in the LI and GI districts. Staff felt that if retail sales are allowed in the AIP district, it would compromise the existing industrial uses and future uses as well as existing commercial uses in other zoning districts. Surrounding areas, as well as three other cities with airports, had been contacted concerning this issue. The survey indicated there is a mixture of restrictions for airparks. (Supervisor Smith arrived during her comments. The entire Board was present constituting a quorum.)

(2-0965.5) Mr. Vicich read his statement into the record which included a brief history of his request, the need for the retail outlet, and his employee base. Discussion between the Board and Mr. Vicich indicated he had been at the location for 21 years, his two expansions, current size of his building, his lease of the grounds, and the size of the proposed expansion. He owns the building.

(2-1045.5) Postmaster Bob McLain supported the proposed expansion and stressed the economic value of the

operation to Carson City. Mr. Osborne urged the Board to hold the line and support the Planning Commission's denial due to the commitments made to the other industrial users found in the airpark. All knew when they located here that retail sales were prohibited. There is adequate area zoned for retail sales in the community. Mr. White polled the audience to determine the number of manufacturers present who opposed the request. He urged the Board to hold the line and prohibit encroachment into the district. Changing the rules after the manufacturers have made their commitments was unfair. This was the reason several had left California. All knew the rules when they located here. He urged Mr. Vicich to move the retail sales to an area which would allow it. Supervisor Smith thanked him for his tour and education on the manufacturing area. Mr. White then explained the traffic impact retail sales would create on the area. The increased traffic would further impact the current traffic problems as well as increase the exposure to more vandalism. He questioned how the sales could be restricted to just Friday, Saturday, and Sunday. This would eventually lead to widespread sales activities and the reoccurrence of the California problem--retail groups dictating to the manufacturers the type of items which can be produced, the amount of truck traffic, and noise, etc. He felt that between five and ten manufacturers have products which could be sold. Many of the manufacturers could sell different items but had elected not to. They had all selected the area due to the restrictions on such sales. Mayor Teixeira requested additional comments and requested that the speakers not repeat the comments already heard. Mr. Bacon pointed out that at this time there is literally no traffic in the airpark on weekends. If there is any, it is focused in one location which is working on the weekend. If retail sales is allowed, it will increase the security risk for the manufacturers. Mr. Mullet explained the problems his firm was having due to the residential growth in his area. Mr. Crowell referenced the Code to support his contention that Mr. Vicich should stay within the Code. He had been denied a special use permit on a previous occasion for the same request. He also urged the Board to hold the line and deny the request to modify the Code. Ms. Keever explained the problems her firm encounters as a result of Mr. Vicich's present operation and opposed any additional traffic on Arrowhead. Public supervision for individuals watching her operation over the fence also poses a problem for her firm as it is a "heavy manufacturer" and must store some of the larger items outside. Mr. Glover explained his decision to locate in Carson City, his constructed expansion projects, and future expansion plans. He felt that the streets in the airpark are not constructed to retail standards which at time could pose a hazard to uneducated, unaware travellers. The streets meet minimal standards for a large industrial area. He felt that the current entrance to Deerskin is inadequate. UPS trucks have a great deal of difficulty maneuvering in its lot. He urged Mr. Vicich to improve the design for handling its truck traffic. He felt it would be a terrible mistake and a great liability to the public to open the area to retailing under the present street conditions. (2-1575.5) Mr. Wooster explained his reasons for locating on Arrowhead Drive and the economic advantages he had provided to the area from this selection. He read the zoning laws and urged the Board to maintain them. He urged Mr. Vicich to move to an area zoned for retail sales. There are adequate spaces available in the City for his retail sales. Mayor Teixeira explained that Mr. Vicich's business is consistent with the zoning, however, he wishes to expand a small portion for retail sales. He acknowledged Mr. Wooster's operation, which is one of the finest facilities anywhere, and indicated he understood Mr. Wooster's point. Additional comments were solicited but none given.

Supervisor Bennett moved that the Board of Supervisors uphold the Planning Commission's recommendation to deny A-95/96-9, a request from E. F. Vic Vicich to amend Carson City Municipal Code Section 18.06.317, Air Industrial Park Conditional Uses by allowing limited retail outlet sales as a conditional use and other matters related thereto based upon the testimony that had been heard before us. Supervisor Tatro seconded the motion. Supervisor Smith explained that he is continually being educated by the manufacturing community because, he knew the last go round we had in here, where there were a number of manufacturers here, you know, sometimes you try to judge the sincerity of people's objections or their support for things. He had not been sure the last time that it was really how they all felt or if they all just got together. But he thought that over the past six or eight months, whatever it has been, he had been educated to the fact that it is exactly the way they say it is. The manufacturing and zoning have certain needs, certain criteria, certain atmosphere that needs to be done to conduct business in and these folks spent millions of dollars with that in mind. It was not an after thought. It wasn't "oh, by the way, we are protected against this and that." He had learned a lot from it. He felt he had to apologize to Vic because, you know, he went out there and he looked around. He had to tell you again, he didn't see the big deal about it. He thought it made sense. He thought it was a good idea. He thought it made sense for him and his business. He thought it made sense for the City. He did not anticipate the level of the objections which he had seen, this is why we hold the meetings, so that we could get the other side of the story, the rest of the story, as Paul

Harvey says. He thought what really kind of turned him around here was the lady from Lift Engineering, who is going to get a sign up so that we will all know what the new name is, because she was right. One of the things he did while he was standing in that parking lot, you are absolutely right about the type of product you manufacture and whatnot. One of the things he did was walk right over to that fence and stood there for three or four minutes looking at all the different things that are going around and he guessed he could understand her point of "its a natural attraction". People want to see what all those big things are doing over there and do you really need, with all the different type of things you have, little kids, grandmas, wives, husbands, and everybody with their nose poked in that fence when you have all that machinery going around there, and what does that do to the type of environment you have. So again, he guessed, he didn't, this is why we hold the meeting, to hear all these different types of things, and, Vic, he couldn't see him but he knew he was back behind that thing, he did not anticipate this level of objection from the entire community that neighbors you and it's tough to go against. He would have to vote yes on the motion. Supervisor Ayres indicated she wished to say the same thing. She had seen Vic's operation out there. It is a beautiful operation. She, too, had gone out there and looked at it. She didn't really have a lot of objection to what he wanted to do. She thought it made a lot of sense to her. She didn't think there would be that many people who would veer off and go into the retail business. Vic has been an exemplary member of the community, so generous and supportive of many, many organizations and it is difficult to make these kind of decisions but the ordinance is on the books and there is no one supporting the proposal out there. That is the just the way that it is. She had hoped that there could have been a trial period of three or six months to see what the impact really is. We are guessing at it. She was sure that there are some people out there selling retail that the City did not know about. She was positive that there is. Community Development should look into that. They are not coming in to get the permit. She had heard all kinds of stories on that. This is not the issue before the Board tonight. That does not make Vic any less a person in his corporation out there and being any less important than anyone else coming in and getting it. She felt that the vote against it is pretty overwhelming. Mayor Teixeira facetiously indicated that he would vote for Vic to keep Del White from calling him almost every day. The issue before the Board, if he could guarantee to the manufacturing community that we would grant retail sales of products that are made by the organization and that the retail sales would approximate only 20 to 30 people on Friday, Saturday, and Sunday, that he could guarantee that there would be no proliferation of that in the future, that he would be here to protect it forever. In the face of all of this, he would vote for it, you know that he would, Del, he had told him that. The point is, he just kind of wanted to see where the Board was. You have put millions and millions of dollars into the community. He felt that if Mr. Vicich could have worked this out, it would have been a win-win for all of us. He was sorry, Lift Engineering is not exactly a show case out there. But, by the same token, with landscaping and so forth, he thought that a lot of it could have been sheltered. There is a lot of work to do across the street, but you have been out there a lot of years, there is work to be done, however, you can see the way the Board is going. He reiterated his statement that he was going to stick with Vic so that Del White would continue to call him at least once a week. The motion to uphold the Planning Commission's recommendation and deny the request to modify the ordinance was voted by roll call with the following result: Yes - Smith, Ayres, Tatro, and Bennett. Nays - Mayor Teixeira. Motion carried 4-1.

BREAK: A five minute recess was declared at 6:55 p.m. When the meeting was reconvened at 7 p.m., the entire Board was present constituting a quorum.

14. JOINT MEETING WITH THE CAPITAL PROJECTS ADVISORY COMMITTEE - Chairperson Sheerin convened his meeting at 7 p.m. Roll call of the Committee was taken. A quorum was present although Member Bacigalupi was not present. - **PRESENTATION, DISCUSSION AND ACTION REGARDING APPROVAL OF THE DESIGN DEVELOPMENT PHASE OF THE JAIL/COURTHOUSE FACILITY PROJECT (2-1748.5)** - Chairperson Sheerin thanked staff for its support. Judge Tatro distributed a memo to the Board and Clerk during his comments. Chairperson Sheerin then reviewed the history of the project, its budget, its estimated cost, and the items which had been removed or made alternates to balance the budget. At this point the total design and construction estimate for the jail and courthouse is \$19,030,000. This indicates the project is over budget by \$57,000, which he felt for a project of its magnitude was in budget. He then explained the desire and need to include Work Release in the budget. This program would cost \$337,000. The landscaping budget had been reduced until it no longer meets the City's Code. Other desirous items and their costs were listed included

fencing, the wood paneling at concourses, alternate fuel source, and jail carpeting. These amenities would cost an additional \$203,000.

Finance Director Mary Walker distributed and reviewed her financial report on the funding. (A copy was given to the Board and Clerk.) A six percent annual sales tax would be required for a "break even" scenario for the \$19.7 million facility. Carson City has historically had an average of 8.7 percent in annual sales tax during 1980. Reasons for using the 1980s were given. She did not recommend increasing the bonding but rather using the cash accumulation. She pointed out the bond concerns expressed during the Redevelopment resolution earlier in the day to support her recommendation. The original proposal was to seek a \$14 million bond. This will require a \$1.2 million annual debt service. There should be approximately \$1.7 to \$1.8 annual revenue. This will provide a \$5 to \$600,000 annual cushion. The bond community will wish to see this cushion. This will help lower the interest rates. She felt that the cushion should be able to fund the increased utilities, which she had estimated at \$200,000, plus \$100,000 for additional personnel for maintenance and security. The remaining \$300,000 could be used for additional construction after the building is completed. She then explained the \$400,000 budget allocation for jailers. Until the building is constructed and the jailers are hired, these funds are helping to build the facility. Another \$100,000 has already been used to hire two additional jailers. Mayor Teixeira also noted that there is \$630,000 from the sale of the Courthouse. Ms. Walker then explained the need for the Board to analyze the sales tax revenue annually particularly if there is a decrease in the sales tax. It may be necessary to reduce either the portion allocated to the General Fund or that portion for Capital Projects if the tax revenue drops significantly. She then explained that 1995/96 tax revenue was estimated at 7.8 percent. The actual figure is 9 so the estimate could easily be \$1.7 million. She is being conservative with her figures due to the impact in future years. She then reviewed the scenario based on 5.5 percent revenue projections. This will cause the ending fund balance to deteriorate. This would require adjustment of the General Fund allocation. She felt that there is adequate funding for the cash flow. Discussion indicated that the \$19.7 million figure included approximately 10 percent in contingencies. Discussion ensued on the items which are being bid as alternates and not part of the original estimate. Consultant Bruce Fullerton indicated that the Work Release and video arraignment programs had always been considered alternates. Chairperson Sheerin explained that the \$11,600 is for the wiring only and not the actual equipment. This will allow the video equipment to be installed at a future date without a major retrofit. Mayor Teixeira felt that the program was justified based on the manhour savings it would create.

Mr. Fullerton explained the original discussion on the building when its master plan was finalized. The cost estimate completed at the end of the schematic design phase indicated that the building could be constructed for \$19.1 million. This included the jail and the Detox' relocation costs. The work release program was not funded. At the end of the design development phase it was out of budget and efforts were undertaken to bring it back into budget. This had made the "building leaner". These cuts were on his "nickel". The building is not less than had been promised. It had originally been "over designed". Chairperson Sheerin explained the "free hand" given to the consultants and users in designing the building. The Committee with the help of the users and the architect reduced the features to obtain the optimum structure. The budget is now within \$200,000 which Ms. Walker had indicated was acceptable.

Mr. Fullerton explained the reasons five feet were not removed from the courthouse. The original plan had included 2,000 feet over the actual amount needed. The Committee wanted to retain this footage as it will provide for future growth. The wood panelling in the concourses was felt to be expendable, however, as it is a desirable feature, it was retained as a bid alternate if the bids are low enough to allow its inclusion. The purpose of this feature was explained. (During this explanation Supervisor Smith left the meeting--7:30 p.m. A quorum was still present.)

(2-2523.5) Judge Willis thanked the Committee, the Board, Ms. Walker, and Mr. Berkich for their work and support. He also recommended that there be an open house and that the Mayor spend the first night in the jail. Mayor Teixeira noted that this individual would not be himself and that this would be left up to that individual.

(2-2562.5) Sheriff Banister stressed support for the Work Release Program and urged the Board to find the money for it. It is a self-funding program which should be started to allow alternatives to jail time. The fence is

necessary particularly in view of the vandalism which had been occurring at Northgate. Carpeting in the jail, specifically, the day room, was essential as it reduces the noise level. When the noise level reaches a certain level the number of fights escalates. It also makes it easier for the jailers to hear what is going on in the cells. The alternative fuel system is needed. He was glad that the footage had not been reduced. Supervisor Bennett commended Sheriff Banister on his patience with the project. His current working area desperately needs upgrading and remodeling. His willingness to wait for this due to the budget constraints warranted commendation to him and his staff. She indicated that she would make sure that the upgrades are addressed, if she is re-elected.

(2-2646.5) Judge Griffin commended the Committee and Board on their efforts. He then explained the need for ADA improvements in the present Courthouse. The building needs additional security, safety, and public access improvements.

(2-2679.5) Judge Tatro commended the Committee and the users on their willingness to participate and negotiate on the issues. Although the wood panelling may seem to be extravagant, it sets the tone for the seriousness of the event.

Mayor Teixeira then asked Mr. Fullerton if the building could be constructed in budget and on time. Mr. Fullerton indicated that it could but the process of cost estimating is a rough science and so far more detailed cost estimates at this stage have borne out the less detailed cost estimates which had been done earlier. He felt that this would indicate that the quantity and quality of the building had been correctly estimated. The market conditions and variables are beyond his control. He could not guarantee that the project would be in budget when the bids are opened. He had, in accordance with the standard process, estimated the costs to the best of his ability. If the alternates are constructed as part of the original project, the building will be one which is appropriate for its use with the brick and wood panelling, its ability to grow with the extra area, and the landscaping. He felt that the building was on target and was happy with it. He also commended the Committee on its ability to work with the firm and make the necessary reductions. Consensus indicated Mr. Fullerton had given a qualified yes in response to Mayor Teixeira's question.

Mayor Teixeira asked if this was the last time the Board would deal with it? Chairperson Sheerin indicated that the Committee would continue to make periodic reports. Mr. Fullerton indicated that there were several design issues which still had not been resolved. He was preparing the working drawings. He felt that it would be in plan check and sent out to bid in the fall pursuant to the current schedule. He did not feel that the design would change at this point. Chairperson Sheerin felt that the Board would see the final design one more time at least. Mayor Teixeira indicated that he was waiting for the bid to come back on time, for the right amount and for the facility to be built. He thanked the Committee for its efforts and dedication. He indicated that Mr. Fullerton had done a good job on his side. He acknowledged that he had been looking for a guarantee but really wanted a "comfort" zone. The user groups are happy. It was a good job. The Board would like to have more but--. As Ms. Walker was comfortable from the monetary view, it was a deal.

Supervisor Ayres moved that the Board of Supervisors approve the design development phase of the jail/courthouse facility project, its budget, and other matters related thereto. Supervisor Tatro seconded the motion. Motion carried 4-0.

Member Honkump moved to adjourn. Member Moran seconded the motion. Motion carried 6-0. Chairperson Sheerin adjourned the Capital Projects Advisory Committee at 7:50 p.m.

10. DISTRICT ATTORNEY - Deputy District Attorney Paul Lipparelli - ORDINANCES - FIRST READING

A. ACTION ON AN ORDINANCE AMENDING TITLE TWO (ADMINISTRATION AND PERSONNEL) OF THE CARSON CITY MUNICIPAL CODE ADDING CHAPTER 2.38, (DEPARTMENT OF ALTERNATIVE SENTENCING), CREATING THE DEPARTMENT OF

ALTERNATIVE SENTENCING, PROVIDING FOR THE DUTIES OF THE CHIEF, ESTABLISHING FEES TO BE PAID BY PROBATIONERS AND PROHIBITING THE DISCLOSURE OF CERTAIN INFORMATION AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO (2-2865.5) - Discussion noted the number of employees who may be involved with the Alternative Sentencing Program. The administrator for the program is called "Chief" in accordance with the Statutes. Supervisor Tatro moved that the Board introduce on first reading Bill No. 140, AN ORDINANCE AMENDING TITLE TWO (ADMINISTRATION AND PERSONNEL) OF THE CARSON CITY MUNICIPAL CODE ADDING CHAPTER 2.38, (DEPARTMENT OF ALTERNATIVE SENTENCING), CREATING THE DEPARTMENT OF ALTERNATIVE SENTENCING, PROVIDING FOR THE DUTIES OF THE CHIEF, ESTABLISHING FEES TO BE PAID BY PROBATIONERS AND PROHIBITING THE DISCLOSURE OF CERTAIN INFORMATION AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. Supervisors Ayres and Bennett seconded the motion. Supervisor Bennett expressed her pride in seeing this program advance and stressed its importance to the community and judicial system. The motion to introduce Bill No. 140 on first reading was voted and carried 4-0.

B. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 2.04.400 (PUBLIC OFFICERS) ADDING CHIEF OF THE DEPARTMENT OF ALTERNATIVE SENTENCING, AND COMMUNITY SERVICE COORDINATOR (2-2972.5) - Discussion questioned the salary range for this position and the present Alternate Sentencing Coordinator Claudia Saavedra's salary range. Supervisor Ayres moved to introduce Bill No. 141 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 2.04.400 (PUBLIC OFFICERS) ADDING CHIEF OF THE DEPARTMENT OF ALTERNATIVE SENTENCING, AND COMMUNITY SERVICE COORDINATOR, retroactive to July 1, funding source is Justice Court Budget. Supervisor Bennett seconded the motion. Discussion questioned the reasons for making it retroactive had been due to the fiscal year. The motion to introduce Bill No. 141 was voted and carried 4-0. (Supervisor Tatro then left the meeting--8 p.m. A quorum was still present.)

11. CITY MANAGER - John Berkich - ACTION TO APPROVE AGREEMENTS FOR THE USE OF CERTAIN FACILITIES AT THE FORMER NORTHERN NEVADA CHILDREN'S HOME WITH BOYS AND GIRLS CLUB OF WESTERN NEVADA, NEVADA HISPANIC SERVICES, COMMUNITY COUNCIL ON YOUTH AND THE WOMEN'S RESOURCE CENTER (1-3086.5) - Mayor Teixeira indicated that the utilities increase was included in the agreements. Mr. Berkich requested the Boys and Girls Club not be approved as there have been some last minute language changes made to it. Supervisor Ayres moved that the Board of Supervisors approve an agreement for the use of certain facilities at the former Northern Nevada Children's Home with the Nevada Hispanic Services, Community Council on Youth, and Women's Resource Center, fiscal impact is \$10,000 for estimated utility costs; funding source is the General Fund, Community Support Services. Supervisor Bennett seconded the motion. Discussion indicated the Boys and Girls Club is the primary user. Its agreement will be considered at the next meeting. The motion to approve the agreements with the Nevada Hispanic Services, Community Council on Youth and the Women's Resource Center was voted and carried 3-0.

12. BOARD OF SUPERVISORS - NON-ACTION ITEMS

B. STATUS REPORT ON THE PROPOSED SKATEBOARD PARK IN MILLS PARK - None.

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-3140.5) - Mr. Berkich and Mayor Teixeira announced special meetings had been scheduled for Noon on July 10 to award the contract on the Downtown Beautification Project and at 6 p.m. on July 11 to determine the future of the Bypass and/or its alternatives. The July 11th meeting will be in the Bob Boldrick Auditorium. It will be televised. Public participation was encouraged. Supervisor Ayres announced the RSVP Fourth of July Celebration going on in Mills Park and its fireworks, which is sponsored by the Nevada Community Federal Credit Union. Supervisor Bennett announced the designation of Highway 28 as an All American Highway. The importance of this

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designation was explained. The corridor plan is moving forward. Mayor Teixeira announced the receipt of a \$2 million grant for restoration of the old Federal Building for Nevada Commission on Tourism. The project should be completed by 1998.

There being no other matters for consideration, Supervisor Ayres moved to adjourn and Mayor Teixeira seconded the motion. The motion carried unanimously and Mayor Teixeira adjourned the meeting at 8:10 p.m.

The Minutes of the July 3, 1996, Carson City Board of Supervisors meeting

1996. ARE SO APPROVED ON ___Sept. 5___,

_____/s/_____

Marv Teixeira, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder