

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the March 7, 1996, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, March 7, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 1 p.m.

PRESENT:	Marv Teixeira	Mayor
	Janice Ayres	Supervisor, Ward 2
	Tom Tatro	Supervisor, Ward 3
	Kay Bennett	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Alan Glover	Clerk-Recorder
	Rod Banister	Sheriff
	Al Kramer	Treasurer
	Basil "Butch" Moreto	Purchasing & Contrs. Director
	Paul Lipparelli	Deputy District Attorney
	John Iratcabal	Dep. Purchasing & Contrs. Dir.
	Jay Ahrens	Dep. Utilities Director
	Katherine McLaughlin	Recording Secretary
	Cheryl Adams	Purchasing Office Supervisor
	Justine Chambers	Purchasing Tech
	Juanita Haskins	Purchasing Secretary

(B.O.S. 3/7/96 Tape 1-0001.5)

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

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE, AND ROLL CALL** - Mayor Teixeira convened the meeting at 1:05 p.m. Rev. Randy Wooley of the Tahoe Indian Parish gave the Invocation. Sheriff Banister lead the Pledge of Allegiance. Roll call was taken. A quorum of the Board was present although Supervisor Bennett had not yet arrived and Supervisor Smith was absent. Mayor Teixeira explained Supervisor Smith's absence.

**1. APPROVAL OF MINUTES - JANUARY 18 and FEBRUARY 1, 1996 (1-0029.5)** - Supervisor Tatro moved to approve. Supervisor Ayres seconded the motion. Motion carried 3-0.

**2. SPECIAL PRESENTATION**

**A. PRESENTATION OF AWARD TO JOHN PAUL DAGBAY (1-0034.5)** - Mayor Teixeira explained Mr. Dagbay's heroic efforts which saved the life of a young girl. He presented him with a Certificate of Meritorious Achievement. Ray Dagbay, John's father, expressed his feelings of pride for his son's actions and thanked the Scouts for their training which had prepared his son for such a task. (Supervisor Bennett arrived at 1:08 p.m. A quorum was present as previously indicated.)

**B. ACTION ON PROCLAMATION FOR "PURCHASING MONTH", MARCH 1996 (1-0082.5)** - Purchasing Director Moreto explained the proclamation and introduced his staff, Washoe County and State Purchasing officials. Supervisor Tatro read the proclamation into the record and moved that the proclamation be adopted. Supervisor Ayres seconded the motion and explained her involvement with the City's Purchasing Department. She thanked them for their assistance. The motion was voted and carried 4-0.

**CITIZEN COMMENTS (1-0169.5)** - Don Langson briefly outlined his problem with a conflict in the Code which was prohibiting him from developing his property as he had planned. He felt that it should not be necessary to obtain a Special Use Permit for his recreational vehicle park. He questioned the City's intent, whether he would be allowed to do anything with his property, if the City is stalling to allow the Airport Authority time to obtain money to purchase the property through condemnation, and whether such a tactic is legal. Mayor Teixeira explained that the Board could not legally respond to any questions or statements under Citizen Comments. He thanked him for his notice and indicated the situation would have to be processed through normal channels.

(1-0250.5) Pete Bachstadt had purportedly distributed to the Board copies of a Legislative study on public record copying and related costs. He then explained his concern that the City's fee of \$1 per page was more than necessary and that others are not charging this fee. Mayor Teixeira explained that the Board could not control elected officials as they are not employees. He urged Mr. Bachstadt to take his concerns back to the Legislature.

Additional public comments were solicited but none provided.

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

**TREASURER - Al Kramer - ACTION ON EIGHT (8) SPECIAL EVENT SHORT-TERM BUSINESS PERMITS FOR THE NEVADA LANDMARK SOCIETY WITH REQUEST FOR WAIVER OF THE \$50 PROMOTER FEE (1-0283.5)** - President of the Nevada Landmark Society Charles Larkin expressed his feeling that the issues discussed during previous years had been resolved. Public comments were solicited but none given. He felt that peace had been worked out with "Pookey's" Bar. Mr. Kramer indicated that the last two times there had been an event, things had worked well. "Pookey's" Bar had requested that its parking spaces be respected. This was the reason he felt that a representative was not present protesting the request. Mr. Larkin indicated that there would be room for their customers. Additional comments were solicited but none given. Member Tatro moved the Board approve the request for eight special event short-term permits with waiver of the \$50 per day promoter fee, fiscal impact is \$2 per booth per day; funding source is the Business License Revenue. Member Bennett seconded the motion. Member Banister expressed his pleasure at having the issue resolved. The motion was voted and carried 5-0.

**BOARD OF SUPERVISORS (1-0321.5)** - Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the hearing as the Board of Supervisors. The entire Board was present constituting a quorum.

**4. CONSENT AGENDA (1-0328.5)**

- A. TREASURER - ACTION ON REINSTATEMENT OF REVOKED BUSINESS LICENSES**
- B. CLERK-RECORDER**
  - i. ACTION ON ANCILLARY GUARDIANSHIP OF AN ADULT FEMALE**
  - ii. ACTION ON GUARDIANSHIP OF AN 88 YEAR OLD MALE RESIDENT**
  - iii. ACTION ON GUARDIANSHIP OF A 70 YEAR OLD FEMALE RESIDENT**
- C. PERSONNEL MANAGER - ACTION ON APPOINTMENT TO THE SHADE TREE COUNCIL**
- D. PURCHASING DIRECTOR**
  - i. ACTION ON CONTRACT NO. 9596-131 - CLERK-RECORDER MICROFILM PLANETARY CAMERA, CONTINGENCY AMOUNT**
  - ii. ACTION ON CONTRACT NO. 9596-177 - LIBRARY 3M SECURITY SYSTEM, CONTRACT APPROVAL**
  - iii. ACTION ON CONTRACT NO. 9596-159 - COURTHOUSE REMODEL, AWARD**
  - iv. ACTION ON CONTRACT NO. 9495-108 - WATER UTILITIES FACILITIES DESIGN SERVICES AGREEMENT, AMENDMENT**
  - v. ACTION ON CONTRACT NO. 9596-170 - AUDITING SERVICE FOR FISCAL YEAR**

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vi. ACTION ON CONTRACT NO. 9495-018 - JAIL FACILITY CONSULTANT SERVICE AGREEMENT, AMENDMENT III

vii. ACTION ON CONTRACT NO. 9596-29 - HIGHWAY 50/SIXTH WATER AND SEWER PROJECT, FINAL PAYMENT

viii. ACTION ON CONTRACT NO. 9596-92 - PAVILION METAL STORAGE BUILDING, FINAL PAYMENT

ix. ACTION ON CONTRACT NO. 9495-255 - NEW EMPIRE SEWER EXPANSION PHASE V, FINAL PAYMENT

x. ACTION ON CONTRACT NO. 9596-150 - VEHICLE PURCHASE FROM THE STATE OF NEVADA, AMENDMENT TO THE ORIGINAL COST, CONTRACT APPROVAL - None of the Items were pulled for discussion. Mr. Kramer distributed copies of the list of business licenses which were being reinstated to the Board and Clerk. Supervisor Tatro then moved to approve the Consent Agenda as presented. Supervisor Ayres seconded the motion. Motion carried 4-0.

**AGENDA MODIFICATIONS (1-0344.5)** - Item 13. B. Action on an Agreement with the Bank of America for the use of the Automatic Teller Machine at 201 North Carson Street was continued to a future meeting. Items 5. B. and C. Bill No. 104 and Bill No. 105 regarding refunding bonds for park and various purposes had been pulled.

## 5. TREASURER - Al Kramer

**A. ACTION ON BILL NO. 103 - (1-0362.5)** - Mr. Kramer explained the bids for the bonds. Supervisor Tatro moved to adopt Ordinance No. 1996-5, Bill 103 on second reading, AN ORDINANCE DESIGNATED BY THE SHORT TITLE "1996 HOSPITAL BOND ORDINANCE"; CONCERNING THE HOSPITAL FACILITIES FOR CARSON CITY, NEVADA, AUTHORIZING THE ISSUANCE BY THE CITY OF ITS NEGOTIABLE "CARSON CITY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) HOSPITAL BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES MARCH 1, 1996A," FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND IMPROVING THE CITY'S HOSPITAL FACILITIES; AUTHORIZING AND DIRECTING THAT THE CITY SHALL EFFECT SUCH PROJECT; PROVIDING THE FORM, TERM AND CONDITIONS OF THE BONDS, THE METHOD OF PAYING THEM AND THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF NET REVENUES DERIVED FROM THE OPERATION OF SUCH FACILITIES; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH FACILITIES; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF, as provided with the replacement pages being number 4, 29, 30, and 87 which provides the details on the amounts. Supervisor Bennett seconded the motion. Clarification indicated the motion was in order. The motion to adopt Ordinance No. 1996-5 was voted and carried 4-0.

Mr. Kramer clarified the interest rate as being 5.7396 percent. Discussion expressed the feeling that a previous water bond issue had been at less than five percent interest. Bond Consultant Marty Johnson explained the increase in bond rates during the last week which he felt had been due to economy concerns. He felt that this was a good rate even though the last sale had been less due to a federal subsidy and grants. Mayor Teixeira questioned the market's awareness of the City's latest bond rating. (A copy of a memo from Finance Director Mary Walker on this subject is included in the file.) Mr. Johnson felt that it was. Mayor Teixeira noted that the City's bond rating was lower than Reno and Las Vegas'. Carson City's rate is the same as Washoe and Clark Counties'. Mayor Teixeira acknowledged the work of various individuals to obtain this rating and commended them on their efforts.

**B. ACTION ON BILL NO. 104 - AN ORDINANCE DESIGNATED BY THE SHORT TITLE "1996**

**VARIOUS PURPOSE REFUNDING BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY CARSON CITY OF ITS NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) VARIOUS PURPOSE REFUNDING BONDS, SERIES MARCH 1, 1996B, STATING THE PURPOSES FOR WHICH THE BONDS ARE TO BE ISSUED; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE USE OF THEIR PROCEEDS AND PROVIDING FOR THE SALE THEREOF; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; PROVIDING OTHER DETAILS CONCERNING THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD THE ISSUANCE OF THE BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-0344.5) - Pulled.**

**C. ACTION ON BILL NO. 105 - AN ORDINANCE DESIGNATED BY THE SHORT TITLE "1996 PARK REFUNDING BOND ORDINANCE"; AUTHORIZING THE ISSUANCE BY THE CITY OF ITS NEGOTIABLE CARSON CITY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) PARK REFUNDING BONDS (ADDITIONALLY SECURED BY GROSS PLEDGED REVENUES), SERIES MARCH 1, 1996C, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE CITY; PROVIDING THE FORM, TERM AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, THE METHOD OF PAYING THEM AND THE SECURITY THEREFOR; AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONAL SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE OPERATION OF CERTAIN RECREATIONAL FACILITIES AND BY A PLEDGE OF OTHER FUNDS LEGALLY AVAILABLE THEREFOR DERIVED FROM CERTAIN LICENSE TAXES FIXED AND IMPOSED BY CARSON CITY; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH RECREATIONAL FACILITIES AND SUCH LICENSE TAXES; PROVIDING FOR THE ISSUANCE OF ADDITIONAL SECURITIES PAYABLE FROM SUCH REVENUES; PROVIDING OTHER COVENANTS, AGREEMENTS AND OTHER DETAILS AND MAKING OTHER PROVISIONS CONCERNING THE BONDS, SUCH FACILITIES, THE GENERAL TAX PROCEEDS AND THE REVENUES PLEDGED FOR THE PAYMENT OF SUCH PROPOSED SECURITIES; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-0344.5) - Pulled.**

**6. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON RESOLUTION TO INCREASE AQUATIC FACILITY FEES (1-0465.5) - Mayor Teixeira voiced his concerns about the proposed fee increase for the weight room. Public comments were solicited but none given. Supervisor Tatro moved to adopt Resolution No. 1996-R-14, A RESOLUTION INCREASING AQUATIC FACILITY FEES. Supervisor Bennett seconded the motion. Motion carried 4-0.**

**7. PURCHASING DIRECTOR - Deputy Director John Iratcabal**

**A. ACTION ON CONTRACT NO. 9596-146 - SWIMMING POOL DEMOLITION, AWARD (1-0516.5) - Parks and Recreation Director Kastens explained the contract and future site plans including the portion which the State will take for a right turn lane. Supervisor Tatro moved to approve the Purchasing Director's recommendation and award Contract 9596-146 to Earl E. Games, Inc., on Humboldt Street, Reno, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$43,686 and a contingency amount of \$3,439; funding source is the Community Center Parking Lot as provided for in Fiscal Year 9596. Supervisor Bennett seconded the motion. Discussion noted the differential in bids. Motion carried 4-0.**

**B. ACTION ON A RESOLUTION PROVIDING NOTICE AND AUTHORIZING THE SALE OR EXCHANGE OF CARSON CITY PROPERTY IDENTIFIED AS VACANT LOT APN 4-141-05**

**LOCATED AT 1150 PALO VERDE STREET, CARSON CITY, NEVADA, AS DETAILED IN NEVADA REVISED STATUTES CHAPTER 277.50 (1-0568.5)** - Mr. Berkich read Jay Meierdierck's comments into the record. (A copy had been given to the Board prior to the meeting. The Clerk did not have a copy.) He suggested relocating the caretaker and night watchman's quarters to this lot. Mayor Teixeira indicated that these comments were from Mr. Meierdierck and not from the Parks and Recreation Commission. Parks and Recreation Director Steve Kastens outlined his support for the proposal to sell the lot and noted his duties as a member of the City's Property Management Team. The lot contains approximately 7,000 square foot. Its original purpose and other public accesses in the immediate vicinity were explained. Staff is not aware of any potential buyers. Purchasing Director Basil "Butch" Moreto indicated bids will be considered by the Board as indicated in the resolution at its first meeting in April. Mr. Kastens felt that there were two adequate accesses from Palo Verde Drive to Mills Park. Mr. Kastens stressed for the record his feeling that the lot was of no value to the park. Mr. Berkich outlined the Property Management Team's duties and the procedure for considering any land sales. Supervisor Tatro moved that the Board adopt Resolution No. 1996-R-15, A RESOLUTION PROVIDING NOTICE AND AUTHORIZING THE SALE OR EXCHANGE OF CARSON CITY PROPERTY IDENTIFIED AS VACANT LOT, APN 4-14-05, LOCATED AT 1150 PALO VERDE STREET, CARSON CITY, NEVADA, AS DETAILED IN NEVADA REVISED STATUTES CHAPTER 277.050. Supervisor Bennett seconded the motion. Motion carried 4-0.

#### **8. PUBLIC WORKS DIRECTOR - Jay Aldean - ORDINANCES - SECOND READING**

**A. ACTION ON BILL NO. 106 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT REGARDING ASSESSOR'S PARCEL NO. 9-124-02 LOCATED ON KOONTZ LANE, CARSON CITY, NEVADA (1-0697.5)** - Supervisor Ayres moved to adopt on second reading Ordinance No. 1996-6, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, REGARDING APN 09-124-02 LOCATED ON KOONTZ LANE, CARSON CITY, NEVADA; funding source is Public Works Street Maintenance Miscellaneous Storm Drainage Projects, fiscal impact not to exceed \$30,000; and explanation of impact is a decrease of budgeted amount of \$101,687 by \$30,000. Supervisor Bennett seconded the motion. Motion carried 4-0.

**B. ACTION ON BILL NO. 107 - AN ORDINANCE AMENDING CHAPTER 10.24 OF THE CARSON CITY MUNICIPAL CODE (STOPPING, STANDING AND PARKING) TO INCREASE CERTAIN FINES TO FIFTEEN DOLLARS, TO AUTHORIZE COMPENSATION FOR THE HEARING OFFICER, TO AUTHORIZE THE ADMINISTRATIVE WAIVER OF CERTAIN PENALTIES FOR PERSON WITH HANDICAPPED PARKING PERMITS OR PERMIT ELIGIBILITY, TO PROVIDE FOR THE CITATION OF A PERSON WHO REMOVES A TIRE MARK, AND OTHER MATTERS PROPERLY RELATED THERETO (1-0725.5)** - Mr. Aldean noted the ordinance had been amended to remove the compact parking and stacking items as directed. Chamber of Commerce Executive Vice President Larry Osborne noted his previous comments of support. There had not been a change in opinion since the first reading. Supervisor Bennett moved that the Board of Supervisors adopt on second reading Ordinance No. 1996-7, AN ORDINANCE AMENDING CHAPTER 10.24 OF THE CARSON CITY MUNICIPAL CODE (STOPPING, STANDING AND PARKING) TO INCREASE CERTAIN FINES TO FIFTEEN DOLLARS, TO AUTHORIZE COMPENSATION FOR THE HEARING OFFICER, TO AUTHORIZE THE ADMINISTRATIVE WAIVER OF CERTAIN PENALTIES FOR PERSONS WITH HANDICAPPED PARKING PERMITS OR PERMIT ELIGIBILITY, TO PROVIDE FOR THE CITATION OF A PERSON WHO REMOVES A TIRE MARK, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Mayor Teixeira then explained his concerns about an incident which had occurred in the vicinity of Second and Carson during which a limousine had parked in someone's designated parking area and received a \$25 citation. Mayor Teixeira presented his personal check, a photograph of the limousine, and the citation to Mr. Aldean. He felt that this a sign of the problems found in this area. The motion to adopt Ordinance No. 1996-7 was then voted by roll call with the following result: Supervisor Bennett - I had made the motion, Aye, Yes; Supervisor Ayres - With a comment that I don't like the \$10 on the handicapped parking, I think it is far, way, too much, but it is not your

fault, that's the way it got passed up here, but, I will vote Yes but just the same I don't like it, Yes; Tatro - No; and Mayor Teixeira - I could be a real dog right now, and say no, and it will have to come back and be reheard because Supervisor Smith is not here, the issue here is that the fund is broke and the \$15, you know, and I'm not going to in my position as Mayor, and say this is all revenue, I don't agree with it, however, let's put it in because this is not the root of the problem, the problem is bigger than this, it's things like I just gave Mr. Aldean, somewhere along it, your Department is not solely responsible but when people who are, for crying out loud, in the same location and people cannot get along, that is the problem, and you have to come in and mitigate a problem, we have got to start making sense in this community, we can't say welcome and bang them for \$25, this issue is not going to go away, and it will be revisited, I have had my day in court on this, and this bill passed last time with a full Board and I would assume it would pass today, so I am not going to be, I'm going to be a team player on this, Mr. Aldean, and I vote Yes, Yes. Motion carried 3-1-1 with Supervisor Tatro voting Naye and Supervisor Smith absent.

Mr. Aldean noted that the hearings officer position had been created, however, his salary was not finalized and would be brought back.

**9. UTILITY DIRECTOR - Deputy Director Jay Ahrens**

**A. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND R B REALTY, INC. (1-0828.5)** - Supervisor Bennett moved to introduce on first reading Bill No. 110, AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND R B REALTY, INC., fiscal impact is 15 percent administrative fee to the City General Fund upon any reimbursement to applicant. Supervisor Bennett seconded the motion. Motion carried 4-0.

**B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 108 - AN ORDINANCE AND A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND VICTOR L. MCDONALD AND THE WIPFLI FAMILY TRUST DATED FEBRUARY 17, 1993 (1-0862.5)** - Supervisor Bennett questioned the reasons Curry Street had been closed. Supervisor Bennett moved to adopt on second reading Ordinance No. 1996-8, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND VICTOR L. MCDONALD AND THE WIPFLI FAMILY TRUST DATED FEBRUARY 17, 1993, REGARDING ASSESSOR'S PARCEL NO. 1-176-01 LOCATED AT 1177 NORTH DIVISION STREET, CARSON CITY, NEVADA, FOR SEWER MAIN REPLACEMENT. Supervisor Tatro and Ayres seconded the motion. Motion carried 4-0. Mayor Teixeira indicated Supervisor Bennett would discuss her question with Mr. Aldean during a recess which would occur shortly.

**10. REDEVELOPMENT AUTHORITY (1-0895.5)** - 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 although Supervisor Smith was absent as previously noted.

**11. FINANCE AND REDEVELOPMENT DIRECTOR - Mary Walker**

**A. ACTION ON CONTRACT NO. 9596-172 - REDEVELOPMENT AUTHORITY SPECIAL EVENTS COORDINATOR (1-1115.5)** - Supervisor Tatro moved to accept the Purchasing Department's recommendation on Contract No. 9596-172 and approve the contract with Crystal Bridge Enterprises, Sparks, for a not to exceed amount of \$12,000, funding source is the Redevelopment Authority Budget. Supervisor Bennett seconded the motion. Motion carried 4-0.

**B. ACTION ON APPROVAL OF THE CARSON CITY AND REDEVELOPMENT AUTHORITY FISCAL YEAR 95-96 SECOND QUARTER FINANCIAL REPORTS (1-1225.5)** - Ms. Walker reviewed the

reports and responded to Board questions concerning the Citgo error, the net earnings, reasons for the high gas tax reserves, the need for a special report on the parking fees, the impact of new commercial operations on the sewer connection fees and users who will be connecting in the next fiscal year, the golf course revenue stream and its outstanding bonds, the ambulance write-off, (1-1385.5) the cemetery, the Redevelopment Authority's sunset date and its ability to obtain a \$1 million, 15 year bond for downtown improvements, and the need for Redevelopment funds for the blighted areas. (1-1360.5) Supervisor Bennett suggested a different format be used to report the ambulance's deductible due to contractual allowances. Additional comments were solicited but none given. Supervisor Tatro moved to approve the Carson City and Redevelopment Authority FY 95-96 Second Quarter Financial Reports. Supervisor Bennett seconded the motion. Motion carried 4-0.

Mayor Teixeira then questioned Ms. Walker about a request to furnish a copy of the City's stabilization policy to Lyon County.

## **12. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan**

### **A. PLANNING COMMISSION REVIEW AND APPEAL MATTERS**

**i. ACTION ON U-95/96-21 - A SPECIAL USE PERMIT FROM K-MART CORPORATION TO ALLOW THE FRONT VESTIBULE-SIDEWALK TO BE USED FOR RETAIL SALES ON PROPERTY ZONED RETAIL COMMERCIAL/PLANNED UNIT DEVELOPMENT (RC/PUD), LOCATED AT 3456 NORTH CARSON STREET, APN 8-061-33 (PLANNING COMMISSION APPROVED 6-0-0-1) (1-1498.5)** - Discussion explained the status of K-Mart's compliance with the Special Use Permit conditions previously imposed. Mayor Teixeira indicated he was still receiving noise/nuisance complaints. Mr. Sullivan explained that the weather had cancelled the noise study on four different occasions. Another attempt will be made next week. Supervisor Bennett explained that she might vote against this request based on K-Mart's failure to comply with the previous conditions. Discussion also noted that the building had been sold, however, the management remained the same. The request for a special use permit for the sidewalk sales was discussed. Mr. Sullivan noted the need to modify the Code to require the same standards for all retail sidewalk sales regardless of the zoning. Supervisor Ayres expressed her feeling that many businesses fail to obtain the special use permit and this request should be separate from the original application. Mr. Sullivan indicated there are 12 conditions of approval for this special use permit and that there had not been any comments against the request. Supervisor Tatro moved that the Board of Supervisors approve a special use permit from K-Mart Corporation to allow the front vestibule-sidewalk to be used for retail sales on property zoned Retail Commercial/Planned Unit Development, located at 3456 North Carson Street, on Assessor's Parcel 8-061-33, based on the findings and subject to the conditions in the Planning Commission recommendation. Supervisor Ayres seconded the motion. Mayor Teixeira explained his point as being to keep the sensitivity up. The other processes are in operation. This was something that had been discussed previously and we knew would be coming. This is one of the things which K-Mart had not been doing in the past. The motion to approve the request subject to the Planning Commission findings and conditions was voted and carried 3-1-0-1 with Supervisor Bennett voting Naye and Supervisor Smith absent. Mr. Sullivan indicated a report would be made in one month on the other issues.

**ii. ACTION ON P-93/94-2 - REGARDING THE QUAIL RUN PLANNED UNIT DEVELOPMENT (PUD), REVIEW AND CONSIDERATION FOR THE CONSTRUCTION OF GARAGES PRIOR TO THE PLACEMENT OF MOBILE HOMES; REVIEW OF THE PLACEMENT OF ROOFS OVER DECKS PROVIDING A THREE (3) FOOT SETBACK AND REVIEW OF THE DESIGNATION OF UTILITY EASEMENTS WITHIN THE OPEN SPACE PROPOSED PROPERTY LINES AT THE WEST SIDE OF THE PARK, LOCATED AT 1350 FAIRVIEW DRIVE, APN 9-071-58 (1-1658.5)** - Senior Planner Juan Guzman explained the reasons for expediting the Item for Board consideration. Similar items are expedited whenever possible. Supervisor Tatro questioned staff in depth concerning the individuals who had received copies of the staff report which was marked for Board consideration on March 21st. Staff responded that only the applicant had been given a copy of this report and that the applicant was well aware of staff's attempts to make the March 7th meeting. It was not felt that this should delay Board consideration as the

applicant had initiated the request to expedite the amendments. Mr. Sullivan indicated that if someone had appealed the Commission's recommendation, it would have been scheduled for March 21. There had been no opposition at the Planning Commission meeting. Comments were solicited from the public but none made. Discussion ensued between Supervisor Bennett and staff on the time between the original approval and the request for an adjustment and the reasons such adjustments arise. Mr. Guzman detailed the reasons for feeling that the requests were justified based on the proposal to have two garages with a common wall and the need to construct both at one time rather than building half and waiting until the second mobile is placed before constructing the other half. The ten foot setback would remain. The UBC allows structures within three feet from the property line if the structure meets specific fire standards. The patio covers will meet these requirements. This issue had not been considered during the original application process as it had not been conceived. Mayor Teixeira explained the manufactured/mobile home prohibition against having structures attached to the unit. Therefore, the patio cover would be separate from the primary structure. The patio covers would all be constructed by the developer and meet building specifications. The other issue was related to Sierra Pacific Power Company's request for a wider easement. The basic plan would remain the same. Mr. Sullivan expressed his support for a uniform patio cover which would meet Building Codes and having building permits. Supervisor Ayres moved that the Board of Supervisors approve the Quail Run Planned Unit Development review and consideration for the construction of garages prior to the placement of mobile homes; review of the placement of roofs over decks providing a three foot setback and review of the designation of utility easements within the open space proposed property lines at the west side of the park on property zoned Multi-Family Apartment-Planned Unit Development, located at 1350 Fairview Drive, APN 9-071-58, subject to the original findings and conditions of approval as modified by the Planning Commission on February 28, 1996. Supervisors Tatro and Bennett seconded the motion. Motion carried 4-0.

(1-1904.5) Clarification indicated the prohibition against affixing a patio cover to a manufactured/mobile home was a State restriction. Mr. Sullivan felt that a majority of such patio covers violate this restriction. Mayor Teixeira felt this was clearly an "unenforceable code".

**B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 109 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 30,368 SQUARE FEET OF LAND FROM SINGLE FAMILY 6,000 (SF6000) TO PUBLIC (P) ON PROPERTY LOCATED ON THE NORTH SIDE OF FLEISCHMANN WAY, BETWEEN LANE CIRCLE AND NORTH DIVISION STREET, ASSESSOR'S PARCEL NUMBER 1-141-54 (PORTION) AND 1-141-64, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1874.5)** - Supervisor Bennett moved to adopt on second reading Ordinance No. 1996-9, Bill No. 109, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 30,368 SQUARE FEET OF LAND FROM SINGLE FAMILY 6,000 (SF6000) TO PUBLIC (P) ON PROPERTY LOCATED ON THE NORTH SIDE OF FLEISCHMANN WAY, BETWEEN LANE CIRCLE AND NORTH DIVISION STREET, ASSESSOR'S PARCEL NUMBER 1-141-54 (PORTION) AND 1-141-64, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 4-0.

### **13. CITY MANAGER (1-1936.5)**

**A. PUBLIC HEARING REGARDING THE ANNUAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION PROCESS FOR FISCAL YEAR 1996-97** - Administrative Assistant Liz Hernandez explained the grant process, its requirements, and funding. Discussion noted previous grants received under this program. Eight application packets had been picked up, however, only two applications were returned.

(1-2053.5) Brewery Arts Executive Director Carl Dahlen explained his application for \$75,494 which would be matched with other funds and used to rehabilitate the second floor of the building including handicapped facilities and access. This phase of the project would cost approximately \$225,000. The final phase of the interior rehabilitation program has been estimated to cost \$85,000. The exterior rehabilitation program will then be developed. This request does not include exterior paint. Mr. Dahlen outlined his reasons for requesting the project

be established as the City's number one priority. He indicated that it may be possible to obtain some of the City's Redevelopment funding for the sidewalk improvements. Reasons he had not pursue this source were noted. Discussion noted the difficulties encountered by non-profit organizations when attempting to obtain financial support. His programs are continuing to operate, "ends are continuing to meet", the building remains open, and services are continuing to be provided to Carson City. This places the building project in direct competition with the Center's other funding needs. He invited the Board to visit the Center and view the cultural exhibit. Various activities and demand for the building were outlined. He felt that once the second floor is completed, additional rental opportunities will be provided and his revenue source will improve. Funding would still be requested from the Board for support of the community art center. He did not plan to have a full kitchen on the second floor. There would be a "setup room" which would include a counter, refrigerator, microwave, and sink. Supervisor Ayres commended him on his efforts and agreed that non-profit funding is difficult to obtain. She felt it was important that the Brewery Arts Center be completed.

(1-2334.5) Ms. Hernandez explained the five point advantage given to the City's top priority.

(1-2345.5) Mr. Berkich introduced Nevada Rural Health Center, Inc., Executive Director Ken McBain. Mr. Berkich briefly noted the team effort to develop the Community Health Center and thanked Child and Family Services Director Ken Patterson, John Anderson of Anderson Construction, the City's Public Works staff and Ms. Hernandez for their assistance. He indicated Mr. Patterson is the new landlord at the Children's Home Center and that Mr. Anderson had provided assistance with the details contained in the application.

(1-2378.5) Mr. McBain explained the program which had taken approximately three years to develop. The grant would make the Health Center a reality. He indicated his corporate headquarters had been relocated to Carson City. The City's facility has received an official clarification from the U. S. Public Health Service indicating it has been added to the scope of projects under the Section 330 grants. Carson City has been designated as a health professional shortage area as well as a medically under served population. These designations will allow the City to qualify for Federally qualified community health center program reimbursement and to participate in the National Health Service Corps program. Well-qualified physicians, physician assistants, and nurse practitioners have been interviewed for Carson City positions. Contracts will be signed and the program implemented once the facility is a ready. The community's need for public health was explained. The program would provide medical services to these individuals and reduce the current financial impact on the Hospital's emergency room services. The proposed facility is within walking distance of many of the potential users and meets ADA requirements. It is not a fancy building but would meet the basic needs. The Hospital has donated \$140,000 to the project. This will provide \$117,000 for initial startup costs and \$30,000 for a diagnostic x-ray facility. The operation should be self-sustaining and a commitment has been made to not seek additional funding from the Hospital. The City's support was also explained.

(1-2520.5) Mr. Berkich reviewed the paperwork and further explained the team effort which had involved Western Nevada Community College, Carson City School District, State Health Director Yvonne Silva, Nevada Rural Health Clinic, Carson Tahoe-Hospital and its Board of Trustees. His review included the funding, its location, and emphasized the teamwork involved to develop the program.

(1-2594.5) Supervisor Bennett explained her support for the program including her awareness of the number of individuals who do not have insurance and the burden this places on the Hospital and its Emergency Room. She then outlined the Hospital's strategic plan to establish a community outreach program and its goal to become the "healthiest city in Nevada". This would require a collaboration of medical care providers which can establish a forum to identify the critical needs and priorities. The Health Center is a key to meeting this need.

Discussion ensued with Mr. McBain concerning the funding available under the Public Health Service Act. As these funds cannot meet the total need, community support is requested. Next year's contributions from Nevada Counties will be more than that provided under the Public Health Service Act. He will need to continue diversifying his funding sources to meet his financial needs. Title IV B services under the Family Preservation and Family Support Services Program were noted and will be included in the Center. He then explained the Federal

requirement that the Center be self-sustaining. The Center would be able to negotiate the Medicare/Medicaid contracts. Supervisor Bennett encouraged the Board to support this program. Mr. McBain corrected the building number for the facility to be number six.

(1-2738.5) Discussion indicated that if the Center is not self-sustaining, any shortage could be the local government's responsibility. Federal funding has been extended to the year 2006. Mr. McBain explained his current \$1.5 million budget and funding sources as being \$750,000 from Federal funds, \$500,000 from local governments, and the balance from patient fees. Next year's fiscal budget would be \$3.2 million comprised of \$800,000 in federal money, \$600,000 from local governments, and the balance from patient fees. Patient fees allow the service to grow. As the program is for a federally qualified community, there is a pre-determined reimbursement rate under Medicare/Medicaid for individuals who qualify for the sliding fee scale. Mr. Berkich agreed that, if this funding fails to materialize, the local governments would be responsible for the shortage.

(1-2820.5) Mr. Berkich then explained the lease arrangement for the facility which will be used as the City's contribution. His comments included the negotiations for the Boys and Girls Club which are being expanded and may incur an incremental cost-of-living increase for its utilities. This will be addressed under the budget process. The rental costs are amortized over the lease period as part of the services. Reasons for the State to enter into the agreement for the lease of the facilities were outlined.

Discussion between Mayor Teixeira and Mr. McBain noted the uniqueness of the proposal, areas served by the Nevada Rural Counties Community Center, and the possibility that Carson City will be the regional center for the surrounding Counties' medical services. Mayor Teixeira encouraged staff to include this role in the supporting documents as Lyon County's Mound House residents, Douglas County's Indian Hill residents, etc., will seek medical assistance in Carson City. The Carson-Tahoe Hospital services these same areas. This program will be a win-win for it. It may be Carson City's request but it will help the surrounding communities. Ms. Hernandez indicated that regionalization is a priority for HUD and State funding. Mayor Teixeira also noted that the same is true for the Brewery Arts Center. Mr. Berkich agreed to make this presentation and indicated that State Health Director Yvonne Silva will be asked to participate in it. Mayor Teixeira encouraged staff and Messrs. Dahlen and McBain to be prepared when making the presentation including the "audience". The City's ability to obtain funding when prepared was illustrated to support his direction. He felt that the programs cross County lines and that the State would win at the Children's Home. He voiced his objection to the State's proposal to charge rent for those facilities. He thanked Mr. McBain and Mr. Dahlen for their presentations. He expressed the hope that both could obtain funding. The priorities will be established in two weeks. No formal action was taken or required.

**B. ACTION ON AN AGREEMENT WITH THE BANK OF AMERICA FOR USE OF AUTOMATIC TELLER MACHINE AT 201 NORTH CARSON STREET (1-0344.5) - Continued.**

**14. BOARD OF SUPERVISORS - NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-2985.5)** - Supervisor Ayres explained that the Tri-County Railway Commission had signed an agreement with the V&T Railway operator. The fund-raising activities could now go forward. Community support for this program was noted. She also noted that she had filed for her seat. She will be attending the Nevada Home Health Board meeting in Elko a week from Friday. Supervisor Bennett commended Supervisor Ayres on her funding raising abilities and the progress being made on the V&T. Supervisor Bennett explained her testimony to the Legislative Committee on Lake Tahoe and her desire to have a summit meeting with the various Federal agencies concerning funding needs for Lake Tahoe. She then outlined the TEAM TAHOE efforts to coordinate the Highway 28 projects. Carson City has obtained a \$65,000 grant for the Highway 28 corridor plan. This is the beginning of a proposal for the State Highway to become a Federal Scenic Highway. This program will be followed with a similar effort for Highway 50. Advantages of this designation were stressed. The Hospital Board of Trustees retreat was briefly noted. The Hospital Board of Trustees District Three vacancy was announced. Clarification indicated that the Board of Supervisors will appoint the replacement. She then explained her presentation of the Hospital at a seminar in Southern California. Supervisor Tatro indicated that he would not be running for any office this election year. He would, however, be

active in the election specifically related to bond issues. One of those issues may be the Tahoe bond issue. Mayor Teixeira explained the Parks and Recreation Commission's decision to renew the lease agreement with the railroad association. The association had subleased the train activity to Bill Kreider. This agreement will not be renewed. A lease had also been given to the in-line hockey group. He had testified before the ACR 38 Committee and the Legislature on Bill 444. This is the affordable housing bill. His concerns with this proposal were defined and related to the taxing restrictions placed on city and county governments when the proprietor commits to "affordable housing" but rental fees are not inline with those income limits. He felt that it was not a "NIMBY" issue. Supervisor Bennett voiced her support for Bill 444. Mayor Teixeira then directed Mr. Berkich to remind his Department Heads on the telephone protocol established by the Board several months ago. Mr. Berkich agreed to check into the matter. Supervisor Ayres expressed her gratitude at not having voice mail in the City's executive offices. Supervisor Bennett then voiced her concern about the Board's lack of knowledge concerning the Ferguson-Millard/Stanton Park and Bawden negotiations for the realignment of parks. Mayor Teixeira indicated there had been a memo on this issue. Mr. Berkich indicated that efforts had been made to notify all of the Board members. This matter will be going to the Parks and Recreation Commission and then to the Board. He agreed to work on it.

**BREAK:** There being no other matters for consideration, Mayor Teixeira declared a recess at 4:10 p.m. When he reconvened the session at 6:03 p.m. Supervisors Ayres, Tatro and Bennett and Mayor Teixeira were present, constituting a quorum. Golf Course Advisory Committee Members present were: Chairperson Chuck Byrnes, Dottie Kelly and Mark Sattler, which does not constitute a quorum. Staff members present included: City Manager Berkich, Golf Pro Bushman, Golf Consultant Hair, Deputy District Attorney Lipparelli, Deputy Purchasing and Contracts Director Iratcabal, Golf Course Special Operations Coordinator Tom Kunkle, and Recording Secretary McLaughlin.

**15. CITY MANAGER - John Berkich - ACTION ON APPROVAL TO ISSUE A REQUEST FOR PROPOSALS FOR MASTER OPERATOR SERVICES AT THE EAGLE VALLEY GOLF COURSE (2-0001.5)** - Mayor Teixeira outlined the procedures to be followed. Mr. Berkich reviewed the history of the RFP including the Golf Committee's review of the RFP and noted the opinion letter from Mr. Swendseid concerning issues related to the outstanding bonds. Copies of this letter were distributed to the Board only and not to the Clerk. The letter indicated that the proposed RFP would meet the IRS bond guidelines. His suggestions had been incorporated in the RFP. Mr. Berkich then reviewed the RFP in depth. Page 3, Paragraph 4.1.5 was modified to read: Formulation and implementation of operating programs, business plans, and budget reviewed and approved by the Board of Supervisors at a public hearing. Clarification indicated that the term "timely manner" in Paragraph 4.1.4 is to occur on a monthly basis. Paragraph 4.1.8 would not change the budget process under which the City has always operated. The Capital Improvement Program will continue to go through the Golf Advisory Committee and the Board of Supervisors. The successful bidder will be responsible for the implementation program of this plan. Control mechanisms separating the duties will be continued as has been in the City's program for several years. This may require improvements to the current system or other changes which will be addressed when the new bidder comes on line. Reasons for requiring the operator to obtain the EPA permits for the use of effluent were explained. This makes the operator responsible for any EPA fines. Operating procedures will remain as currently established. The City has not been fined by EPA even though there have been breaks at the Courses. A decision has not been made regarding who the City's administrator will be nor the actual duties. As the proposal will have the operator responsible for all of the maintenance duties there will be adequate funding to offset the cost for this oversight by a City individual(s). Mr. Berkich indicated that this individual could be a contractor. It could be a Deputy City Manager, however, Mr. Berkich preferred having an expert with Mr. Hair's qualifications. Mayor Teixeira noted that Section 5.1 would allow for a City run operation and questioned if the City would bid. Mr. Berkich felt that the "team" was working on a proposal as a self-directed work team which would change the maintenance operating structure and its budget. Two teams have been established from the current maintenance employees. The City currently has an employee, i.e., Mr. Bushman, who could also submit a plan. Mr. Berkich indicated that this is the reason Section 5.1 had been changed to indicate that any options would be considered.

(2-0317.5) Mr. Lipparelli indicated that any qualified bidder could respond to the RFP. Alternatives could be considered if the Board so desired. State RFP restrictions were explained. Alternatives could be negotiated for professional services. Mr. Berkich emphasized that Section 5.1 would not require the bidders to establish an alternative operation but to provide adequate notice of the Board's ability to seek alternatives. Mr. Lipparelli noted the Board's ability to reject any and all bids and indicated that Section 5.1 provided this notice. Mr. Bushman could submit a proposal at any time agreed upon by either himself as the contractor or the City but only for professional services as it is exempt from competitive bidding. Supervisor Tatro read Section 17.7 on Page 21 which provided the Board with the ability to reject any or all bids. Mayor Teixeira explained his desire to have a self-run operation which would allow the present contractor to restructure the operations. Mr. Lipparelli responded by explaining the need for flexibility in the RFP to allow different types of proposals to be submitted as well as the need for the Board to be able to reject all of these proposals. The RFP process would allow the Board to evaluate all of the proposals and select the best proposal and offer the bidder a contract. Bids submitted outside the RFP should not be compared with bids complying with the RFP. Mr. Lipparelli then explained that Mr. Bushman could bid under the RFP process. If he does not, however, the only way the City could hire him would be to reject all of the bids and then retain the current system or any modification negotiated with Mr. Bushman. Discussion indicated that the City's proposal would be submitted under a different track than the RFP process. Clarification by Mr. Berkich indicated the City's proposal would be on a separate track as this proposal would only change the maintenance portion of the program. The concept is to deliver a better product at a lower cost. The RFP would change the entire concept. Discussion by Mr. Berkich and Mr. Lipparelli indicated that if the pro shop and food and beverage services are not changed, an RFP would be required. Mayor Teixeira explained his question is the requirements for Mr. Bushman to have a new contract. Mr. Lipparelli explained that the features which are strictly for professional services could be addressed under the RFP process or by negotiations. The pro shop, which is a retail business, the food and beverage operation, and the driving range are not professional services. The RFP could cover the t-times, tournaments, conduct of play, scheduling, golf instruction, and to promote the golf courses as these items are considered professional services. He further explained that Mr. Bushman's current contract could not be negotiated, however, Mr. Bushman could compete with all the other bidders under the RFP.

(2-0552.5) Discussion returned to the contract and indicated that all of the profit generating items at the golf course had been included in Section 5.2.1. This would generate a percentage based on the gross revenue. Section 5.3.1 had been added at Bond Counsel's recommendation and changed to provide a 60 day notice before the end of the third year. Only the City could renew the term for two years. Mayor Teixeira voiced his concern about this clause as he felt that the City would need more time to change the management. He suggested negotiations occur at the beginning of the third year. He then questioned the reasons for requiring the payroll to be on a bi-weekly basis and other monthly costs on a monthly basis. Mr. Berkich changed Page 5, Section 5.6.1 to include: During the winter months of December through February either course will be closed for up to six weeks. In any event, both courses will not be closed at the same time. Section 5.4.2 was clarified to indicate that the audit/accounting inspection could be performed by either the internal auditor, external auditor, Finance Department, etc. Section 5.4.3 utilized an audit to determine whether the correct payments were being made. Expenses will be verified monthly before the check is issued. Clarification indicated the cart fee was required for play on the West Course only. The City would control the rates. Mr. Hair clarified that the cart and parking lot improvements proposed in Section 6.1 were for a five year period. There would not be any additional parking provided.

Mr. Berkich defined the proposal's comparison process which would be undertaken by the Golf Course Advisory Committee. Mayor Teixeira felt that the larger a firm is, the higher the firm would score. Mr. Berkich felt that the Committee had already established its priority ranking of services. The committee's composition was discussed. Mayor Teixeira felt that it should be composed of three Committee Members and three staff members and an unbiased outside golf professional. Both he and Supervisor Ayres felt that Mr. Hair should not be included as he is a City consultant. Mayor Teixeira felt that it may cost between \$500 and \$1,000 to hire this individual and suggested this individual be Lou Eiguren. Mr. Berkich agreed to add this individual. Supervisor Bennett supported Mayor Teixeira suggestion. Board comments indicated that if Mr. Eiguren is not available, a similar individual should be obtained who would be selected by the Committee and Mr. Berkich. Comments stressed that this individual should be an unbiased, impartial third party with no ax to grind. Mr. Berkich indicated that the

committee would rank the proposals and send five to the full Golf Course Advisory Committee. Its three top proposals would be sent to the Board of Supervisors.

(2-0825.5) Discussion explained the requirement for a walk-through contained in Section 7.6.1 and changed the mandatory date to May 1 and the optional date to April 15. Only the individuals submitting RFP's would be required to do the walk-through. Section 9.1.6 is a standard clause allowing the City to extend the deadline. Mr. Berkich explained Section 12.1.1 allowing a proposer to remedy his/her non-responsive status if sufficient evidence is presented citing extenuating circumstances and the required notification to all the other proposers. The purpose of Section 12.2 was outlined. It allows any and all types of golf entities to bid the proposal. The security deposit/performance guarantee requirement was changed to require a \$1 million performance bond. This change was discussed by the Board. Mayor Teixeira noted that this would be a cost which would impact the revenues. Supervisor Bennett supported staff's change. The remainder of the changes to Section 11 were read and indicated the City could seek other sources for remedy of any damages incurred beyond the bond. Mayor Teixeira felt that this was one more reasons only corporate golf entities would bid the proposal. He opposed the concept.

(1-0997.5) Supervisor Tatro requested a change to Section 12.2.1.1.d to eliminate the term "clubhouse operations". Mr. Berkich agreed and indicated the Section would read "full service food and beverage operation". Mayor Teixeira reiterated his feeling that the proposal was slanted toward corporate golf and to change it would require redoing approximately 60 percent of the contract. Supervisor Tatro then suggested the point system for Section 17.8 indicate that no points would be given for Sub. a as the bidder would either have or not have the financial ability to perform. Mr. Berkich added "(no weight)" to the item. Mayor Teixeira reminded all that the City had only changed its management team three times during the 18 years it had operated the course(s). ARA had had three changes to its team during the two year contract. He felt that illustrated the difference between intended management and factual results. Supervisor Ayres voiced her concern about the proposal being slanted toward large corporate golf.

Mayor Teixeira then expounded on his feeling that the current operation was sound although the bottom line needed to be protected. He felt that this situation could be addressed without recreating the wheel. The present rates provide the residents with a good rate and affordable play on a good quality course. The commercial golf sponsors like the current product and want a single source for service. This was the Board's intent. He agreed that the operation needed to be restructured. He felt that the City should make the changes and not have an outsider do it as the City would lose a lot of the profit.

(2-1168.5) Golf Course Advisory Committee Chairperson Chuck Byrnes indicated he would support the \$10,000 cash deposit or \$1 million bond if the cost for the bond is the same. He opposed any change which would eliminate smaller golf providers from bidding the proposal. He did not feel that there had ever been a \$1 million bond required of the contractor. Supervisor Bennett felt that this should be an option. Mr. Byrnes felt that it should be an option. He explained his two year plus involvement with the request. He did not feel that the courses were going broke as had been indicated by the City's Finance Director. The rates had been increased and the courses were "much more back on their feet" as a result. There will be competition in the future. Competition is not always a detriment. It would allow the City to become a real golf mecca/golf center with good marketing and promotion. This would require the City to provide a first class motel/hotel. He felt that the RFP was a "Chinese Fire Drill". He felt that "we have something which works" and only "needed a little fixing". The fixing may be accomplished by working with the employees and Mr. Bushman. He encouraged the Board to take advantage of the employees' offer and negotiate so that all could win. He felt that the golfing community supported the "let's not fix what is not broken" concept. The RFP would be bid by only corporate golf who would be "American Golf". His personal experience indicated this was not a good idea. The present asset was wonderful and provided a lot of revenue to the City. It may be necessary to increase the fees after the operational costs are trimmed. If the fee increase is reasonable and a good product is provided, the community would continue to support the courses.

Mr. Berkich responded by explaining that the employee teams were working on methods to improve the maintenance area. The Board's direction had been to proceed with the RFP. This would provide additional information. After a careful analysis of this information, the Board could make a decision on whether to continue

the current operation or to modify it. Unless the process is completed, it will never be known whether the process was the best selection.

(2-1338.5) Golf Course Advisory Committee Member Dottie Kelly pointed out that even after the Committee had completed its review, staff had made changes to the RFP. She felt that the Committee should have received a copy of the draft before this evening's meeting. She questioned when Mr. Bushman would be able to bid. Mr. Lipparelli responded by explaining how Mr. Bushman's current contract had been negotiated. It had not been subjected to the competitive environment required for an RFP. Professional services are hired under this process all the time. The change since Mr. Bushman had signed his original contract was the change in features at the golf course which are not considered professional services. These items should not be included in the negotiated contract process. He acknowledged the difficulty separating professional service items from non-professional service items. He advised the Board to have a quasi-competitive bidding process similar to other contracted services, such as for the copiers and their warranties and for telephone services and equipment. For this reason he encouraged the Board to accept proposals from Mr. Bushman and his competitors. The selection should be made in a public meeting. He felt that this process could occur regardless of whether the RFP is opened for bids. He recommended that, if the proposed RFP is put out on the street, any resulting proposals should be analyzed as a group without consideration of the City's employee proposal(s) and Mr. Bushman's, or anyone else's, desire to negotiate a contract for professional services. If none of the proposals received under the RFP process are acceptable, they can be rejected and other alternatives considered. Mr. Bushman's proposal should not be judged against the RFP proposals as it would give him an unfair advantage to the RFP bidders. Mr. Lipparelli agreed with Member Kelly that Mr. Bushman could bid under the RFP process. Supervisor Tatro explained that Mr. Bushman could submit both under the RFP requirements as indicated as well as submit an alternative which would modify the present structure. Mr. Lipparelli agreed that Mr. Bushman could submit under both procedures, however, the alternative should be open to any other bidders. This would allow consideration of alternatives under a competitive environment. He then read the purpose the competitive bidding laws as indicated in the 1978 Nevada Supreme Court "Gulf Oil versus Clark County" decision. He encouraged the Board to select a procedure which would fulfill the competitive bidding laws. Mr. Berkich indicated that this process could occur either after the RFP process is completed or, if so directed by the Board, during it. Mayor Teixeira felt that an Attorney General's opinion should be requested. This was the same reason he had withdrawn his original proposal where he had challenged Supervisor Smith. He was upset that the proposed process would not allow consideration of a process which would modify the current management structure as an alternative. He felt that the process should be allowed for golf and that the AG's opinion should have been requested as Washoe County had done so.

(2-1525.5) Golf Course Advisory Committee Member Mark Sattler felt that the cost for the \$1 million bond would be more than had been indicated as it would have to be renewed annually. Mr. Berkich indicated it was a one time cost for the life of the contract. Member Sattler urged the retention of the bond for the life of the contract and obtaining an answer on the cost. He felt that the original direction given to the Committee was to analyze all of the options and that the Committee had not been shown that the RFP process was viable. The Committee had been told that it could not obtain an opinion of the savings which could be generated without going through the actual RFP process. He felt that unless a tremendous savings is shown by the RFP it should be disallowed. He did not wish to see a profit sent out of state unless it is substantial. The service level should, however, be maintained. The Committee was told that until the bids are analyzed, a decision to modify the current process could not be made. He indicated that the items which would be weighed had not been discussed by the Committee. The entire Committee should be involved in selection of the weighing process. The subcommittee should be allowed to narrow the bids, however, the entire Committee should be involved in the final selection before going to the Board for its final selection. Mr. Berkich indicated this is the selection process.

(2-1582.5) Bill Kelly expressed his concern about the changes which keep being made to the RFP and the latest revision which the Committee had not had an opportunity to review and discuss. He then indicated that there are no written policies on the golf course operation. Mr. Berkich agreed that policies and procedures had never been reduced to writing. They are currently being drafted and will be submitted to the Committee for review. There is also a maintenance manual being drafted. He felt that they should be ready for the Committee to analyze by the next meeting. (2-1635.5) Chairperson Byrnes felt that there is a set of "accepted rules" under which the golfers

had been operating and were enforced by the Pro. These were the "standards and etiquettes of golf".

(2-1645.5) Don Storey indicated he had been the individual who had suggested that there be a meeting with the union and something done. Only the union had considered his suggestion. He felt that this should have been considered over a year ago. He questioned whether the RFP process would be resolved in six months. This delay would only continue to erode the courses' finances. He felt that there is money which could be saved at the courses, however, the employees would be reluctant to point out those areas as they would be losing their jobs. He acknowledged the RFP provisions on an employee's first refusal rights but felt it would not be used as an individual with seniority would return to the Parks Department to protect his job.

(2-1681.5) Phil Martin explained his organizational chart which he had distributed to the Board prior to the meeting. (A copy was not given to the Clerk.) He felt that the proposal would create another level of bureaucracy. The RFP was quite demanding. He encouraged the Board to reject the RFP unless it is opened to other alternatives.

(2-1735.5) Peter Duffy explained his experience in the golf professional management field. He questioned the Board's reasons for wishing to privatize. The proposal would not interest someone in the field as it was "loaded up for one or two big operators". He felt that the cost to go through the procedure without a guarantee that the bid would be considered would eliminate bidders. He then questioned the cost for the bonded indebtedness. He felt that these figures indicated "someone is doing something right" particularly when there is a profit generated over this figure. He acknowledged that the operating costs may be high and that the fee structure for the residents "was terrific". Seasonal pass players are playing for \$3 to \$4 a round. This was a "wonderful operation". If the RFP is pursued, the City would "be headed for real trouble". The City would lose control of its "most valuable asset for a money maker". A large corporation would be willing to take the City to court and the City will not be able to win or eject the corporation. The facility would "go straight downhill". This is the corporation's history. History repeats itself. Although he did not know anyone in the room including the professional other than the Mayor, a terrific job had been done at the courses. The comments this evening would indicate that the golf pro had done a bad job. He suggested the comments be changed to take care of that individual in view of the future competition. The facility should be upgraded to provide competition. The attitude of saving money should be changed to spending money effectively. He pointed out that the golf pro is a contractor without benefits but with many risks. He explained that municipal courses must be run by competent professionals to be successful which is what is occurring in Carson City. The present operation is profitable and in three to five years when the bonds are paid, there will be a huge block of money each year for upgrading the facility.

BREAK: A ten minute recess was declared at 7:50 p.m. When the meeting reconvened at 8 p.m. a quorum of the Board of Supervisors was present although Supervisor Smith was absent as previously indicated. A quorum of the Golf Course Advisory Committee was not present as only Chairperson Byrnes and Members Kelly and Sattler were present.

(2-1899.5) Discussion ensued between the Board, the Committee, Mr. Berkich and Mr. Iratcabal on whether to modify Section 11 to allow either the \$10,000 cash deposit or the \$1 million bond. Mayor Teixeira indicated the entire RFP had been modeled after a Sacramento program. Supervisor Ayres then voiced her rejection of the entire proposal. Supervisor Tatro encouraged her to make a motion.

Supervisor Ayres moved that the Board of Supervisors not issue the Request For Proposals at this time for master operator services at the Eagle Valley Golf Course and added her desire to adopt Mr. Jones' (Storey's) suggestion and go back to the drawing board and see what can be worked out with all the parties involved. Mayor Teixeira indicated that this motion would probably be killed by the vote, however, he would second the motion. The motion was then voted by roll call with the following result: Supervisor Bennett - No; Supervisor Tatro - No; Supervisor Ayres - Yes; and Mayor Teixeira - Yes. Motion failed on a 2-2 vote.

Supervisor Tatro then voiced his feeling that the City had been at this for a long time. There continues to be a lot of questions about the best structure for the facility but not a lot of answers. He acknowledged the time and efforts

expended by the Golf Committee on the RFP and the feeling that people had expressed that only large corporations may respond. He had reviewed the RFP in depth and pointed out the areas he felt had biased the request toward large corporations. His endeavor had been to provide a workable solution rather than reject the entire proposal. He did not feel it was legal for the Board to continue the previous process for selection of a golf pro and was hesitant to disregard the District Attorney's advice. This evening it had been stated there the golf course does not have a policy manual. He felt that when this statement had been made the individuals supporting retention of the current program had been the most surprised. Something must be done and a contract must be in place with someone and some type of structure by January 1, 1997. He was not sure that this was the right document. He thought that the proposal was to take the document and make it something that would be functional and let a Gary Bushman respond and that the Golf Course Advisory Committee was working with the City to meet this end. He again indicated he had a lot of questions but few answers were being presented.

Supervisor Bennett then expressed her support for Supervisor Tatro's statement. She felt that the Committee had set out to analyze the process for the right reasons. The majority of those reasons had already been well stated. She understood the attorney's advice concerning the need to secure competition and to guard against favoritism. She did not feel that the proposed RFP was the entire answer but it would avail the Board with the opportunity to have asked the question. That was all the City Manager had ever represented would be done. At the last meeting it was the clear recommendation by the Golf Course Advisory Committee, who were the Board's appointees, after having seen and heard all of the information to proceed. Circumstances may have changed, however, she did not feel that they had changed that much. She encouraged the Board to proceed with the RFP and ask the questions. Once the questions have been asked, the answers can be analyzed and a decision made. If it is entirely weighted, the Board must make other decisions. If other proposals evolve subsequent to that time, then those decisions could be made also. There is time. This was the reason she supported this element of the search. It may not be the end, but it is a process through which the Board had a responsibility to the community to do.

(2-2085.5) Mayor Teixeira passed the gavel to Supervisor Bennett. Mayor Teixeira then moved that the City of Carson City go forward with this RFP on the management for fee services - this is a different program, it is a management for fee services - and requested that in addition to it that the staff also solicit proposals under 17.8.2 for a restructuring over the present operations as it is today, under a., which has something to do with financial stability, that the performers demonstrate an operational capabilities, that the performer's verified experience in proposal as a debt management team; that does not, in the intent of the motion, is to come up with a potential restructured plan that allows people to bid with, using City employees or not City employees, to come up with an alternate plan and we will see which one, whether this is the request, this is a very big document, if that is the only way we can do it, Mr. Lipparelli, and with the intent of the law, without going for an Attorney General's opinion, with that then satisfied - do you understand what I'm doing, you asked me if we were going to do it, then don't exclude or else it's not going to be legal, I only want to start a process but I know we have to bring it to some kind of a conclusion, that will allow Mr. Bushman to put a proposal into this City, allows Mr. Duncan, who is setting in the audience, to put a proposal into this City, it allows us to work the present employee base, and allows it to compare the management fee for services versus an alternate structure based upon that criteria. Mr. Lipparelli responded by expressing his feeling that the motion did not need to indicate that alternative proposals could be submitted. It is within the Board's authority to consider offers for professional services made by anyone who makes them. Mayor Teixeira then withdrew his motion so that discussion could occur on his points and purportedly took back the gavel.

Mayor Teixeira then explained his desire to go forward with the RFP and to look at the other options all at one time. The RFP as written would not be in the best interest of the City and would only be answered by corporate golf firms. He wanted Mr. Bushman and others to bid under the alternate options. Mr. Lipparelli explained his feeling that the RFP contemplates a process whereby current City employees and contractors will re-examine the present arraignment and offer alternatives. His original concern had been to avoid comparing competitive bids with non-competitive bids. He felt that the Board could compare any bids made under the RFP process and, if so indicated, reject all of those bids. Any items which Mr. Bushman could do as a profession could be negotiated at the same time as the RFP process is occurring. He cautioned against limiting such negotiations to just one individual. This was the error which his office felt had occurred with Mr. Bushman's original contract. His advice

was not to require individuals to jump through all the RFP hoops and compare them with individual bids which have not had to meet those requirements. Mayor Teixeira then voiced his desire to discard the proposal and reopen the entire process. Supervisor Bennett suggested having the RFP process be a "Path A" and to open another path which would be known as "Path B" and allow the different programs to be undertaken. This would allow small individuals to be considered. Mr. Lipparelli felt that the professional services requests could be solicited and negotiated. The remaining services would require a competitive bidding process. A conglomerate of firms/individuals could be formed and bid the proposal. Mayor Teixeira explained that under the RFP process, there would be another bureaucratic level reporting to the City Manager. If the RFP process is unsuccessful, the Board would not be able to consider any other options. He also felt that Supervisor Smith should be involved in the process. The RFP program will not allow the City employees to remain. Mr. Berkich requested direction on the proposed RFP and whether staff should send it out to bid. The suggested alternative could be analyzed at the next meeting. It would be on a parallel track suggesting a different RFP process. Mr. Lipparelli agreed that these competitive bidding procedures could proceed so long as private negotiations are not undertaken for non-professional services. Mr. Berkich indicated that staff needed direction as to which items in the professional and non-professional columns should be issued under the separate RFP process. This would allow the first RFP and the second to run concurrently and for companies to submit two proposals.

(2-2437.5) Member Sattler felt that Sacramento had requested bids for a total privatized operation and under the fee for services program. Responses were only provided under the fee for services program. Discussion ensued on what firm this had been.

Discussion ensued among the Board, Mr. Hair, and Mr. Berkich on the Sacramento golfing operations, implementation of the fee for services program at the former Mather Air Force Base course, and plans to expand this contract. Mr. Hair felt that there is another firm operating in Illinois under this program which had been in operation two or three years. Mayor Teixeira then explained his opposition to the having the RFP opened unless there is a parallel program and recommended continuing the request. He felt that if the fee for service program is valid, it would "really shine". If it isn't and as timing is a major concern, this would allow the Board to select another procedure. He felt that the parallel RFP should require a restructure and allow Mr. Bushman and/or the employees to submit a proposal which would be a team approach. Others could also bid under this proposal. This would allow competition in the different tracks and allow a comparison of the tracks. Clarification for Mr. Sattler indicated that both tracks would be running at the same time. Mr. Lipparelli indicated that this process would allow the blending of professional and non-professional services and bidding in the open market. Mayor Teixeira felt that the City could also submit a bid under a restructured plan. Mr. Lipparelli felt that the City employee teams may wish to suggested more efficient operational procedures which could be included in "someone's proposal". Mr. Berkich agreed that this could be completed in two weeks for consideration at the next Board meeting. Mayor Teixeira outlined what he felt should be changed in the proposed RFP which would allow this flexibility. Discussion between Mr. Berkich and Mayor Teixeira indicated the Board Members and the Committee should each give Mr. Berkich the items which should be included in the second RFP. Supervisor Bennett indicated the second RFP should allow for competition where appropriate and allow the Board to respond to questions on its final decision which would avoid any implication of favoritism. She felt that if the column A and B concept could be maintained in a locally formed entity, the community would benefit. Mayor Teixeira clarified for Mr. Berkich that the proposed fee for services RFP would be one track which would be for corporate golf. The second track would allow the operation under either an as is or modified program, which he preferred. Clarification indicated that under the new RFP the operator would be responsible for the driving range, pro shop, food and beverage, maintenance, promotion, T-time reservations, and golf instructions. Mayor Teixeira indicated that this RFP should allow for a "performance based contract which would allow for the better we do, the better they do" concept. This would allow the golfing professionals to establish the team and the payment program. This could be under either a percentage of gross, a flat fee, or a fee or percentage for certain items and others at no fee. The revenue picture is established for the current operation. Mayor Teixeira felt that his proposal would allow bids under the present structure or under a modified program which may include or may not include the current employees. He did not feel that the bidder would want to place City employees in the pro shop. He wished to see how the bidder would mitigate the current employee situation. Mr. Berkich noted the concern previously expressed by CCEA about having non-City employees control City employees. Mr. Lipparelli defined the

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problem encountered with such an arrangement. The City is not "technically" operating under this scenario as Mr. Hair reports to Mr. Berkich who would have the City organization handle any personnel problems. He indicated that in order to function correctly the City must have a City employee between the contractor and City employee. This individual would be the person handling the personnel issues. Mr. Berkich questioned whether the proposed RFP allowed for the flexibility indicated by Mayor Teixeira. Supervisor Tatro felt that the difference would be to not require the contractor to hire City employees. Mr. Berkich agreed to work on the issues and the proposed concept.

No formal action was taken on this Item.

Supervisor Ayres then moved to adjourn. Supervisor Tatro seconded the motion. Motion carried unanimously and Mayor Teixeira adjourned the meeting at 8:45 p.m.

The Minutes of the March 7, 1996, Carson City Board of Supervisors meeting

ARE SO APPROVED ON \_\_\_April\_18\_\_\_, 1996.

\_\_\_\_\_  
/s/  
Marv Teixeira, Mayor

ATTEST:

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