

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the March 21, 1996, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, March 21, 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
	Al Kramer	Treasurer
	Bill Lewis	Chief Juvenile Probation Officer
	Steve Kastens	Parks and Recreation Director
	William Windle	Automation Project Leader
	John Iratcabal	Dep. Purchasing & Contrs. Dir.
	Paul Lipparelli	Deputy District Attorney
	Steve Mihelic	Division Fire Chief
	Fred Schoenfeldt	Sergeant
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 3/21/96 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 p.m. Rev. Woody Woodruff of the First Baptist Church gave the Invocation. Mr. Lipparelli lead the Pledge of Allegiance. Roll call was taken. The entire Board was present, constituting a quorum.

**1. ACTION ON APPROVAL OF MINUTES - FEBRUARY 15, 1996 (1-0016.5)** - Supervisor Ayres moved to approve. Supervisor Tatro seconded the motion. Motion carried 5-0.

**AGENDA MODIFICATIONS (1-0019.5)** - Mayor Teixeira read Glen Martel's, Mr. Langson's representative, letter into the record requesting a continuance of the Planning Commission Items 13. B and C to the April 4th meeting. He then indicated these Items would not be heard this evening. (1-1080.5) Mayor Teixeira again announced that Items 13. B. and C concerning Don Langson's request for a change of land use and to amend the Master Plan Land Use Designation had been continued. Mr. Sullivan indicated it would not be heard on April 6 as the neighbors had requested a continuance. (1-1891.5) Mayor Teixeira reiterated the comments indicating that Items 13. B. and C. had been continued. (1-1900.5) Mayor Teixeira again announced the continuance of these Items.

**CITIZEN'S COMMENTS (1-0038.5)** - None.

**2. LIQUOR AND ENTERTAINMENT BOARD (1-0039.5)** - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. The entire Board was present including Sheriff's representative Sgt. Schoenfeldt.

**B. ACTION ON A FULL BAR LIQUOR LICENSE FOR BRIAN AND ARDELLA SHAW, DOING BUSINESS AS CAFE DEL RIO (1-0048.5)** - Treasurer Al Kramer introduced the Item. Ardella Shaw explained the location and indicated this would be their first venture in the food and beverage industry. She was familiar with the liquor laws. Member Schoenfeldt noted the favorable Sheriff's report. Member Ayres moved that the Board of Supervisors approve the full bar liquor license for Brian and Ardella Shaw, doing business as Cafe Del Rio, fiscal impact is \$200 per quarter, \$1,000 original new fee, and \$575 Investigation fee. Member Tatro seconded the motion. Member Ayres amended the motion to be for the Liquor and Entertainment Board to approve the license. Member Tatro continued his second. The motion was voted and carried unanimously. Chairperson Teixeira wished her well in her new endeavor. (1-0081.5) Mr. Lipparelli explained Sheriff Banister's ability to appoint a representative to serve on the Liquor and Entertainment Board and Sgt. Schoenfeldt's appointment as the Sheriff's Representative. Clarification indicated that Sgt. Schoenfeldt had voted for the motion.

**A. CONSENT AGENDA - ACTION ON THREE (3) ENTERTAINMENT AND THREE (3) SPECIAL EVENT SHORT-TERM BUSINESS PERMITS WITH WAIVER OF THE PERMIT (\$100), APPLICATION (\$100), AND PROMOTER FEES (\$50 PER DAY) FOR THE RETIRED SENIOR VOLUNTEERS PROGRAM (1-0088.5)** - Member Bennett moved that the Liquor and Entertainment Board approve the Consent Agenda as presented. Member Tatro seconded the motion. Member Ayres indicated she would abstain. The motion was voted and carried 5-0-1 with Member Ayres abstaining.

**3. BOARD OF SUPERVISORS** - 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.

**4. CONSENT AGENDA (1-0093.5)**

**A. TREASURER**

- i. ACTION TO REMOVE AND REFUND PARTIAL 1995-96 REAL PROPERTY TAXES ON PARCELS NO. 4-202-01, 4-201-02, AND 4-201-03 DUE TO CITY ACQUISITION**
- ii. ACTION ON REINSTATEMENT OF REVOKED BUSINESS LICENSES**
- iii. ACTION ON TREASURER REPORT FOR THE MONTH OF FEBRUARY**

**B. PARKS AND RECREATION DIRECTOR - ACTION ON INTERLOCAL COOPERATIVE AGREEMENT COVERING THE VIRGINIA AND TRUCKEE PEDESTRIAN/BIKE PATH/BIKE ROUTE ENHANCEMENT PROJECT FROM WEST WASHINGTON STREET TO COOMBS CANYON ROAD**

**C. PUBLIC WORKS DIRECTOR**

- i. ACTION ON APPROVAL OF AN AGREEMENT WITH SIERRA PACIFIC POWER COMPANY FOR INSTALLATION OF STREET LIGHTS AT SALIMAN ROAD AND FAIRVIEW DRIVE AND SALIMAN ROAD AND FIFTH STREET**
- ii. ACTION ON APPROVAL OF AN AMENDMENT TO GRANTEE AGREEMENT #P378-95-802 BETWEEN CARSON CITY AND THE NEVADA DEPARTMENT OF TRANSPORTATION TO CHANGE THE EFFECTIVE DATE OF THE PERFORMANCE PERIOD TO JUNE 30, 1997**

**D. PURCHASING DIRECTOR**

- i. ACTION ON CONTRACT NO. 9596-178 - BOB BOLDERICK THEATER - STAGE RIGGING - AWARD**
- ii. ACTION ON CONTRACT NO. 9596-189 - DISPOSAL OF SURPLUS VEHICLES**
- iii. ACTION ON CONTRACT NO. 9596-100 - STREET OVERLAY PROJECT - TESTING SERVICES**
- iv. ACTION ON CONTRACT NO. 9596-190 - REQUEST FOR CONTRACT APPROVAL - FIRE TRUCK REPAIR**
- v. ACTION ON CONTRACT NO. 9596-58 - CARSON CITY STREET OVERLAY - FINAL PAYMENT**

- vi. **ACTION ON CONTRACT NO. 9596-192 - DISPOSAL OF SURPLUS SYSTEM 36 COMPUTER EQUIPMENT**
- vii. **ACTION ON CONTRACT NO. 9596-095 - STREETS DEPARTMENT ASPHALT STORAGE BUILDING - FINAL PAYMENT**
- viii. **ACTION ON CONTRACT NO. 9596-180 - JUVENILE JUSTICE CENTER EXPANSION STUDY**
- ix. **ACTION ON CONTRACT NO. 9596-186 - ACCEPTANCE OF GRANT FUNDS FOR SCHOOL AGE CHILD CARE SERVICES**
- x. **ACTION ON CONTRACT NO. 9596-187 - REQUEST FOR CONTRACT APPROVAL - CITY HALL - DESIGN SERVICES** - Mayor Teixeira pulled items D. viii. and x. for discussion. Supervisor Tatro moved to approve the Consent Agenda as presented with the exception of the Items being deleted which are Contract No. 9596-180 and 9596-187. Supervisor Bennett seconded the motion. Motion carried 5-0.

**D. viii. (1-0141.5)** - Chief Juvenile Probation Officer Bill Lewis responded to Board questions concerning the need for a regional juvenile center, the cooperative agreements the City has with other Counties, the ability of those Counties to construct and support their own center, and whether the City should fund the study before the other Counties support the resolution for a regional center. During this discussion Mr. Lewis explained his plans to have one year agreements and to expand the Juvenile Probation facility. Funding for the original building was explained. Mr. Berkich agreed to draft a letter to the other Counties encouraging them to adopt the resolution by a date or they would be eliminated from the program. Mayor Teixeira indicated the letter should be from the Board and that he would sign it. Supervisor Tatro moved that the Board accept the Purchasing Department's recommendation and award Contract 9596-180 to Eissmann-Pence Architecture/Landscape Architecture, Ltd., Carson City, pursuant to the requirements of NRS Chapter 332 for a contract amount not to exceed \$15,000 and direct the City Manager to prepare and authorize the Mayor to sign correspondence to the user Counties relaying our intent to enter into this contract and requesting that they agendize a resolution of support for the regional facility. Supervisor Bennett seconded the motion. Motion carried 5-0. Mr. Lewis thanked the Board for its support.

**D. x. (1-0328.5)** - Discussion ensued between the Board and Mr. Berkich concerning Norwest's offer to trade its building for the Bank of American Building and whether the City should undertake the design services for the Bank of America Building prior to concluding the trade analysis. Supervisor Tatro explained his reasons for supporting staff's request. Supervisor Smith explained his desire to see the final analysis of the Norwest Building although he was not ready to commit to the trade. He felt that the proposal should move forward. Supervisor Ayres then moved that the Board accept the Purchasing Department's recommendation on Contract No. 9596-187 and authorize the Mayor to execute the Agreement with Ganthner Melby Lee for a cost of \$27,600, funding source is provided in FY 9596. Supervisor Smith seconded the motion. Motion carried 5-0.

## **5. PARKS AND RECREATION DIRECTOR - Steve Kastens**

**A. ACTION ON EXTENSION OF EXISTING AGREEMENT BETWEEN THE CITY AND CARSON CITY RAILROAD ASSOCIATION FOR THE OPERATION OF THE TRAIN STATION AND RIDING TRAIN IN MILLS PARK (1-0378.5)** - Discussion explained that the Association would operate the train and no longer sublease. Supervisor Ayres moved to approve the Parks and Recreation Commission recommendation to extend the existing agreement between the City and the Carson City Railroad Association for the operation of the train station and riding train in Mills Park, fiscal impact is approximately \$1200 revenue. Supervisor Tatro seconded the motion. Comments were solicited but none made. The motion carried 5-0.

**B. ACTION ON DIRECTION TO NOT ALLOCATE RESIDENTIAL CONSTRUCTION TAX FUNDS IN 1996 (1-0448.5)** - Discussion included the potential ability for staff to complete the backlog of projects, the adequacy of the funding for those projects, and the possibility of using the 1996 funds to complete projects which may be short of funds. Supervisor Bennett suggested the small beautification projects be funded. Mayor Teixeira indicated that a majority of those projects had already been incorporated in the ad hoc citizens

committee's tax initiative. Supervisor Smith noted the proverbial question of whether it is better to accomplish small projects or hold the funds and complete larger projects. He felt that the amount of funds indicated warranted waiting at this time. Supervisor Ayres moved that the Board approve the Parks and Recreation Commission's recommendation to not allocate Residential Construction Tax Funds in 1996. Supervisor Smith seconded the motion. Motion carried 5-0.

**6. FIRE CHIEF - Division Chief Steve Mihelic - ACTION TO APPROVE NEVADA FIRE CHIEFS ASSOCIATION FIRE MUTUAL AID AGREEMENT (1-0545.5)** - Discussion indicated the agreement required adoption of a formal resolution which would be presented to the Board for consideration at a future meeting. Supervisor Tatro moved that the Board approve Carson City's participation in the Nevada Fire Chiefs Association Fire Mutual Aid Agreement and direct the District Attorney to prepare a resolution for adoption by the Board. Supervisor Bennett seconded the motion. Motion carried 5-0.

**7. PERSONNEL MANAGER - City Manager Berkich - MOVE TO APPOINT DAREN WINKELMAN TO THE MERIT AWARD COMMITTEE (1-0619.5)** - Supervisor Tatro moved to appoint Daren Windelman to the Merit Award Committee. Supervisor Bennett seconded the motion. Motion carried 5-0.

**8. UTILITY DIRECTOR - Dorothy Timian-Palmer**

**A. UPDATE ON SEPTIC ABATEMENT PROGRAMS DESIGNATED FOR THE NEW EMPIRE AND SOUTHEAST CARSON CITY AREAS (1-0625.5)** - Discussion noted the 20 connections made in the New Empire area last week and reasons for this sudden influx, the residents' acceptance of the need to connect, this year's high water table, the timetable for connecting, the plans for a second notification letter, the flooding problem encountered along College Parkway and efforts to address it, and the small contractors' response to the program. A Citywide sewer program is being developed and will be brought to the Board in the future. No action was required or taken on this Item.

**B. ACTION ON CARSON CITY WATER INFRASTRUCTURE CONNECTION DISCUSSION WITH INDIAN HILLS GENERAL IMPROVEMENT DISTRICT FOR SAFETY REASONS (1-0748.5)** - Discussion indicated the Indian Hills' General Improvement District would be considering the concept today. The proposal will provide a safety factor if an emergency occurs. It would not be used for growth. The State Water Engineer had approved the program. He requested notification if the valve is opened. Additional permits from his office would not be required. Funding will be requested from the Subconservancy District. Supervisor Bennett requested the record contain her concern about the need for the definition of an emergency as in five or ten years its use could be changed. She felt that only mutual aid should be provided during an emergency. She did not wish to provide water to Douglas County for growth. If the parameters of the agreement are or become different, the agreement should be reconsidered by the Board. Supervisor Smith agreed that the Carson City water users needed to be assured that they would not have to pay for problems or sponsor growth occurring in a neighboring county. It was felt that the two systems are within 5,000 feet of each other. It may cost between \$300 and \$500,000 to connect the two lines. He pointed out that this is the purpose of subconservancy districts and regional programs. Eventually this may be the normal procedure. If Carson City should encounter a problem in that area, it would provide an emergency assistance program. Ms. Timian-Palmer indicated the agreement would be structured so that the Subconservancy would be repaid by any development along the line if construction occurs. Discussion indicated that eventually all the water districts in Eagle Valley and Carson Valley may be connected. Supervisor Tatro noted that the motion would only allow staff to enter into the discussions. The ultimate agreement would be brought back for consideration by the Board of Supervisors as well as the GID board for approval. He felt that the conversations should not be restricted to only emergency responses. If there is a clear benefit to both systems for doing something beyond that, staff should analyze it also. Mr. Berkich indicated that staff had been hearing more and more about the potential for subconservancy districts to begin to fulfill their original destiny and provide for interconnection between the different systems. This will allow for total resource management on a regional basis. This proposal is the first step in that direction. Supervisor Ayres noted the financial problems currently being experienced by rural non-profit agencies. This is forcing these agencies to combine efforts in order to continue to

serve the public and survive. She felt that the time had come for the rural counties to begin to pull together and combine many resources including water, the fire departments, etc. She indicated her support for the program so long as it is equitable. Supervisor Smith moved that the Board of Supervisors direct the Utilities Director to enter into the discussions with the representatives of the Indian Hills General Improvement District regarding the possible water infrastructure connection between Carson City Utilities and Indian Hills GID. Supervisor Ayres seconded the motion. Supervisor Smith explained that he had made the motion in this way and eliminated staff's last sentence regarding the safety factors, which were the obvious primary concerns and the reasons for its beginning, had been due to his desire to reflect Supervisor Tatro's statements to allow for discussions to occur as a positive benefit may exist to the City outside the plain safety factors which the Board could analyze when it comes back. The motion to direct staff to enter into the discussions with the Indian Hills General Improvement District as indicated was voted and carried 5-0.

**C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 110 - AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND R B REALTY, INC. (1-0918.5)** - Deputy Utilities Director Jay Ahrens - Supervisor Tatro moved that the Board of Supervisors adopt Ordinance Number 1996-10, Bill Number 110, on second reading, AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND R B REALTY, INC., REGARDING ASSESSOR'S PARCEL NUMBER 9-151-49, LOCATED AT 531 MOSES STREET, CARSON CITY, NEVADA, FOR SEWER MAIN CONSTRUCTION. Supervisor Bennett seconded the motion. Motion carried 5-0.

**9. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan**

**A. ACTION ON AB-95/96-4 - AN ABANDONMENT REQUEST FROM RANDALL HARRIS TO ABANDON A 60 FOOT WIDE BY 600 FOOT LONG (APPROXIMATE) PORTION OF PUBLIC RIGHT-OF-WAY, LOCATED ON PATRICK STREET, BETWEEN SOUTH CARSON AND OAK STREETS, ADJACENT TO APN 9-191-09 (PLANNING COMMISSION APPROVED 6-0-0-1)** - Supervisor Smith moved that the Board of Supervisors approve an abandonment request from Randall Harris to abandon a 60 foot wide by 600 foot long (approximate) portion of public right-of-way, located on Patrick Street, between South Carson and Oak Streets, adjacent to Assessor's Parcel Number 9-191-09 based on the findings and conditions of approval contained in the staff report. Supervisor Ayres seconded the motion. Motion carried 5-0.

**B. ACTION ON S-94/95-1 - A FINAL MAP SUBDIVISION APPLICATION FROM STANTON PARK DEVELOPMENT INC. TO DEVELOP A FINAL MAP CONSISTING OF 47 LOTS PLUS A REMAINDER (MOUNTAIN PARK UNIT 6) ON APPROXIMATELY 38.91 ACRES OF LAND ZONED SINGLE FAMILY 6,000 (SF6000), LOCATED NORTH OF MOUNTAIN PARK UNIT 5 AND NORTHRIDGE DRIVE AND APPROXIMATELY 100 FEET WEST OF LOMPA LANE, APN 2-101-63 (1-0958.5)** - Deputy Public Works Director Tim Homann explained the reasons Public Works' memo indicated all of their conditions had not been met. Since that time all of the items had been completed or are at a state that Public Works could now sign off on the map. There are several very, very minor "red line" items outstanding, however, he recommended approval. Mayor Teixeira expressed his feeling that the "roundabouts" constructed as a part of the project would be removed in the not too distant future. Supervisor Tatro moved that the Board approve a final map S-94/95-1, an application from Stanton Park Development Inc., to develop a 47 lot plus a remainder subdivision on approximately 38.91 acres of land zoned Single Family 6,000 located north of Mountain Park Unit 5 and Northridge Drive and approximately 100 feet west of Lompa Lane, APN 2-101-63, subject to the original findings and conditions of approval and with the additional direction to Public Works Department to sign the map upon satisfactory completion of remaining items to be resolved. Supervisors Bennett and Ayres seconded the motion. Motion carried 5-0.

**C. ACTION ON S-94/95-1C - A FINAL SUBDIVISION MAP APPLICATION FROM LANDMARK HOMES TO DEVELOP A FINAL MAP S-94/95-1C ON APPROXIMATELY 71.92 ACRES OF LAND**

**ZONED SINGLE FAMILY 6,000 (SF6000) LOCATED NORTH OF NORTHRIDGE DRIVE AND MOUNTAIN PARK UNIT 5 APPROXIMATELY 1,000 FEET WEST OF LOMPA LANE, APN 2-101-61 (PORTION) (1-1035.5)** - Ron Kipp outlined Landmark's area and the construction now occurring at this site. Supervisor Tatro moved that the Board of Supervisors approve a final map S-94/95-1C application from Landmark Homes to develop a 44 lot plus a remainder on approximately 71.92 acres of land zoned Single Family 6,000 located north of Northridge Drive and Mountain Park Unit 5 and approximately 1,000 feet west of Lompa Lane, APN 2-101-61, subject to the original findings and conditions of approval. Supervisor Bennett seconded the motion. Motion carried 5-0.

**10. DISTRICT ATTORNEY - Deputy District Attorney Paul Lipparelli - ACTION TO RATIFY THE EFFECTIVE DATE OF ORDINANCE NO. 1996-7, AN ORDINANCE AMENDING CCMC CHAPTER 10.24 INVOLVING PARKING VIOLATIONS AS APRIL 1, 1996 (1-1093.5)** - Supervisor Smith explained that he had watched the video tape of the Board meeting and and acknowledged Mayor Teixeira's vote on the issue and his position on the parking restrictions. Supervisor Smith then moved that the Board ratify the effective date of Ordinance No. 1996-7, AN ORDINANCE AMENDING CCMC 10.24 involving parking violations as April 1, 1996. Supervisor Bennett seconded the motion. Motion was voted and carried 3-2 with Mayor Teixeira and Supervisor Tatro voting Naye.

**BREAK:** An eight minute recess was declared at 2:10 p.m. When Mayor Teixeira reconvened the session at 2:18 p.m., the entire Board was present constituting a quorum.

#### **11. CITY MANAGER (1-1130.5)**

**A. ACTION ON THE SELECTION AND PRIORITIZATION OF THE PROPOSED APPLICATIONS FOR THE ANNUAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATIONS FOR FISCAL YEAR 1996-97** - Administrative Assistant Liz Hernandez explained the request to prioritize the two applications. The first priority will be given a five point advantage by the State. The State process was briefly outlined. Mayor Teixeira asked each Board Member to prioritize the applications. Supervisor Bennett explained her commitment to finish the Brewery Arts Center and prioritized the list as Brewery Arts Center rehabilitation as number one and the Community Health Center as number two. She felt both requests were extremely important and that it is a difficult decision. Supervisor Tatro prioritized the list as the Community Health Center number one and the Brewery Arts Center number two. Supervisor Ayres expressed her desire to see the Brewery Arts Center finished, however, the health needs of the community are stressed to her daily. She listed the priorities as being the Community Health Center as number one and the Brewery Arts Center as number two. She wished the Brewery luck in obtaining the funding. Supervisor Smith prioritized the list as the Brewery Arts Center as number one and the Community Health Center as number two. He explained his vote as being due to his feeling that the Health Center had more available avenues for funding than the Brewery. Mayor Teixeira felt that this was an easier choice for him. His position had always been what is best for the community being served. He complimented the Brewery on the outstanding efforts its constituency had made to make a fine facility better. He knew that the request was important to them, however, he felt that in all good consciousness there is a need in the community which is acute and should go forward with the Community Health Center. This was the window of opportunity. There is a commitment by the Hospital. There is a commitment by the State. It is the best thing to do to service the immediate needs of the community. He voted for the Community Health Center as number one and the Brewery Arts Center as number 2. Supervisor Bennett then moved that the Board of Supervisors prioritize for the purposes of the CDBG Block Grant the Carson City Community Health Center request in the amount of \$124,208 as the first priority followed by the Carson Brewing Company Rehabilitation request in the amount of \$75,494. Supervisor Smith seconded the motion. Motion carried 5-0.

Ms. Hernandez then outlined grant awards given to the City for the Master Plan housing element and FISH's program.

#### **B. ACTION ON REAL ESTATE SERVICES AGREEMENT BETWEEN CARSON CITY AND T. Y.**

**JOHNSON INVESTMENTS INC., DOING BUSINESS AS GOLD DUST PROPERTIES FOR THE LEASING OF 2621 NORTHGATE LANE (1-1225.5)** - Discussion among the Board, Mr. Berkich, Tom Johnson, and Mr. Lipparelli explained the terms of the City's lease agreement, the proposal to have Mr. Johnson begin leasing the space during the relocation of Public Works Regional Transportation and Utility Billing, the eventual relocation of all the City offices who are in Mr. Johnson's building, the proposal to sell the City-owned building at Northgate, the date when the Board would consider the resolution to sell that building and Mr. Johnson's proposal to sell it, reasons for beginning to lease the buildings before they are vacant, disadvantages to having the building occupied and leased if the buyer wished to occupy the space, the market and reasons Mr. Johnson did not feel that a buyer would occupy the space, the terms of the agreement specifically related to the advertising and its costs, (1-1432.5) the fee assessed for leasing the building and its on-going cost during the lease term, the lack of discussion between Mr. Johnson and the City on the actual details of the agreement, (1-1485.5) the three percent fee for renewal of any tenant's lease which is contained in Section 3.9, services provided for the renewal fee, the potential for a conflict of interest when marketing the two buildings, and reasons for finalizing the agreement today. (1-1419.5) Mayor Teixeira and Supervisor Ayres requested the agreement be clarified before being signed as to the costs which the City would incur for advertising. (1-1442.5) Mayor Teixeira also requested clarification of the fee for leasing the building and its life-time. There would not be a fee for Mr. Johnson's leasing his building. This will also be clarified in the agreement. (1-1570.5) Supervisor Tatro suggested the agreement be considered at the special March 29th meeting. Supervisor Bennett requested a continuance to allow time to complete the negotiations. Mr. Lipparelli supported the continuance and apologized for failing to consider the issues which had been discussed. He had understood the agreement as being just for Mr. Johnson's building. Statutory requirements for leasing the City's building were noted and needed to be addressed before an agreement could be approved. Supervisor Tatro moved that the Board table the request. Supervisor Ayres seconded the motion. Motion carried 5-0.

**C. ACTION ON AN AGREEMENT WITH THE BANK OF AMERICA FOR USE OF AUTOMATIC TELLER MACHINE AT 201 NORTH CARSON STREET (1-1605.5)** - Mr. Lipparelli explained the changes to the agreement which had been made since the last meeting and with Mr. Berkich responded to the Board's questions concerning responsibility for the ADA requirements and the bank's responsibility to provide insurance for the automatic teller users. Discussion noted the cooperation and enjoyable working relationship between the City, the bank officials, and attorneys. Discussion noted Norwest Bank's trade proposal and the notification given to Bank of America prior to the release to the newspapers. Supervisor Ayres moved that the Board approve the agreement with the Bank of America for the use of the automatic teller machine at 201 North Carson Street as provided in the agreement. Supervisor Tatro seconded the motion. Comments were requested but none given. The motion was voted and carried 5-0. Mr. Lipparelli noted for the record that he had given the Clerk the original. The original did not include the "red line" markings, however, it was the same contract as had been discussed.

**12. BOARD OF SUPERVISORS - NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS** - Supervisor Ayres explained the Northern Nevada Home Health Board of Directors' meeting held in Elko including the financial problems being encountered by this agency; R.S.V.P.'s commitment to the Senior Citizen's Center to assist in a vaudeville fundraiser for the Meals on Wheels; and the Tri-County Railway meetings. Supervisor Smith announced the Regional Transportation Commission's priority setting meeting scheduled for 6:30 p.m. in the Bonanza Room on March 27 and invited the public to attend. He also solicited Board comments on the list which had been given to the Board previously. He commended Mr. Berkich on staff's willingness to help and provide information to the Sign Committee. He felt that the effort was positive and would be productive. Supervisor Bennett outlined the American Hospital Association's Regional Policy Board meeting, its composition, and purpose. Supervisor Tatro explained the Convention and Visitors Bureau acceptance of the Kit Carson Rendezvous sponsorship and the Community Council on Youth's (CCY) grant application for consideration by the Board of Supervisors. His comments included the grant request made of the CCY by the user agencies. Mayor Teixeira requested the packets relating to Langson's applications be returned to Mr. Berkich. He also explained that he would not attend the Parks and Recreation meeting on its budget.

BREAK: There being no other matters for consideration until 6 p.m., Mayor Teixeira recessed the session at 3 p.m. When the meeting reconvened at 6:03 p.m. the entire Board was present, constituting a quorum. Carson River Advisory Committee Members present were: Chairperson Charlene Foerschler, Vice Chairperson Don Quilici, and Members Mike Drews, Jack Foerschler, Neal Goudswaard, Carl Hasty, Mark Kimbrough, and William Piccolo. Staff members present included City Manager John Berkich, Community Development Director Walter Sullivan, Parks and Recreation Director Steve Kastens, Deputy District Attorney Paul Lipparelli, Deputy Purchasing and Contracts Director John Iratcabal, and Recording Secretary Katherine McLaughlin.

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

**A. ACTION ON MPE-95/96-1 - A RESOLUTION FROM CARSON CITY AND THE CARSON RIVER ADVISORY COMMITTEE TO ADOPT A MASTER PLAN LAND USE SUB-ELEMENT, SPECIFICALLY, THE CARSON RIVER MASTER PLAN (1-1906.5)** - Chairperson Foerschler convened the Carson River Advisory Committee. Roll call was taken. A quorum was present although Member Desormier was absent. Chairperson Foerschler presented the document. It has not been edited but will be soon. This may create minor changes in the finalized document. The document is to be the starting point and guide for the implementation and policy development for the River area. Detailed studies and cost elements will need to be developed included a coordinated resource management plan. The Committee would now begin work on the implementation plan which would continue to include the community, Community Development, Parks and Recreation, Planning Commission, and other parties concerned with the River. She thanked City staff, BLM, and the community for its support and assistance in drafting the plan. The plan is a compromise among the Members and community. She thanked the Committee Members for their efforts and the cooperation provided. She expressed the hope that the document would provide assistance in preserving and enhancing the River and its region. Discussion between the Board, Mr. Berkich, and the Committee noted the effort and hours dedicated to the plan by the Committee and the inquiries which have been received from other areas about the City's plan.

(1-2128.5) Jay Meierdierck supported the report and explained that the Parks and Recreation Commission had endorsed and supported the plan. (1-2142.5) U.S. Department of Agriculture Representative Dan Kaffer indicated USDA endorsed the plan and commended the Committee on its efforts. Other Counties who are working on a similar plan were noted. (1-2155.5) Mark Amodei, representing the Merchant Family Trust, explained its ownership of the Silver Saddle Ranch and support for the plan. He indicated that the Committee had been very cooperative, listened to their concerns, and been willing to compromise throughout the process. He cited as examples Sections VII-4 and 5 regarding the width of the River channel and riparian areas and buffers. The buffer, which is to be 300 foot in width, is a flexible standard based on various criteria. He emphasized the need for this flexibility even though the property may be acquired by the Federal Land Trust Committee. The politics of such an arrangement were noted, however, as it had not been finalized, he wished for the record to be firmly established providing flexibility if it is sold or developed. (1-2268.5) Larry Taylor commended the Committee on its efforts and outlined his agenda to maintain the River in its natural state. He supported maintaining the 300 foot setback as much as possible and rectifying any detrimental problems created before now. He urged the Board to maintain the natural elements during the negotiations and compromises.

Member Hasty commended the Committee on its efforts, Member Mark Kimbrough for his leadership and experience in preparing the plan, and Chairperson Foerschler on her leadership.

Mayor Teixeira commended the Committee on its diversity, dedication, and efforts to produce a workable plan while open to public participation and scrutiny. The Committee's tenuous beginning was noted to illustrate the change in public opinion. He commended Supervisor Bennett on her commitment.

Supervisor Bennett emphasized that the plan was not her's but the community's. She, too, commended the Committee on its efforts to develop a plan to save a valuable asset and resource, i.e., the River. She felt that this

was indicative of the future of the City and its ability to address and maintain the quality of life desired by its residents. The Committee had unselfishly dedicated hours and hours to this effort. Its diversity and willingness to compromise had provided a prime example for the City, its future generations, and the plan's future success. She then presented each with a Certificate of Merit and explained her/his role in the process. Chairperson Foerschler explained her original opposition to indicate how the Committee had been able to work through the hostility and maintain an open mind and work out compromises. She thanked Supervisor Bennett for her willingness to undertake the program and keep it together through the long process.

Supervisor Bennett moved that the Board of Supervisors adopt Resolution 1996-R-15A, A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS APPROVAL OF MPE-95/96-1, ADOPTION OF THE CARSON RIVER MASTER PLAN SUB-ELEMENT TO THE CARSON CITY MASTER PLAN. Supervisor Tatro seconded the motion. Supervisor Bennett then thanked Mr. Sullivan, Mr. Kastens, and their staff for their support. Mr. Berkich thanked Terry Drake of his office for her support efforts. Mayor Teixeira and Supervisor Ayres again commended the Committee on its efforts.

Member Quilici then moved that the Carson River Advisory Committee be adjourned. Member Drews seconded the motion. Motion carried 8-0. Chairperson Foerschler adjourned the Committee at 6:35 p.m.

BREAK: An eight minute recess was declared at 6:35 p.m. When Mayor Teixeira reconvened the meeting at 6:43 p.m. a quorum of the Board of Supervisors was present although Supervisor Ayres had not yet returned.

**B. ACTION ON Z-95/96-5 - A CHANGE OF LAND USE REQUEST FROM DON LANGSON TO CHANGE THE ZONING DESIGNATION FROM TOURIST COMMERCIAL (TC) TO MOBILE HOME PARK (MHP), ON PROPERTY LOCATED APPROXIMATELY 200 FEET NORTH OF HOT SPRINGS ROAD, APPROXIMATE 900 FEET WEST OF GONI ROAD, APN 8-123-08 (PLANNING COMMISSION DENIED 5-1-0-1); AND, C. ACTION ON MPA-95/96-5 - AN APPLICATION FROM DON LANGSON TO AMEND THE MASTER PLAN LAND USE DESIGNATION FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL MOBILE HOME USE ON PROPERTY PRESENTLY ZONED TOURIST COMMERCIAL (TC), LOCATED APPROXIMATELY 200 FEET NORTH OF HOT SPRINGS ROAD, APPROXIMATELY 900 FEET WEST OF GONI ROAD, APN 8-123-08 (PLANNING COMMISSION DENIED 5-1-0-1) (1-2638.5) -** Mayor Teixeira indicated these Items would be considered at a future date. Supervisor Tatro moved that the Board continue the Ashton Park Subdivision request as requested by the Applicant on Z-95/96-5, a Change of Land Use request, and MPA 95/96-5, a Master Plan Amendment request. Supervisor Bennett seconded the motion. Comments were solicited but none given. The motion was voted and carried 4-0.

**14. CITY MANAGER - John Berkich - ACTION ON AN OUTLINE FOR A SECOND ALTERNATIVE IN THE REQUEST FOR PROPOSALS (RFP) FOR MANAGEMENT OF EAGLE VALLEY GOLF COURSE (1-2662.5) -** Deputy Purchasing and Contracts Director John Iratcabal - Mr. Berkich distributed charts comparing the options and the current Golf Profession's compensation and summary of expenses, which he reviewed. Supervisor Smith indicated that he had viewed the video tape of the last meeting and understood what had happened. He explained his reasons for requesting staff and the Committee to analyze other management options. He emphasized the fact that the courses had always been run without any tax support and is a public facility. He had requested a "buffet table full of options" which could be analyzed and a determination made as to the course which would be best for the City. He was not and had not been an advocate of privatizing but wished to see the proposals in order to determine if a change should be made. Hearsay should not be considered at this time but at the time the proposals are being considered. Although he could agree with Mr. Duffy's comments that we should be spending money to improve the courses, he also pointed out the need to make money in order to spend money. The working capital of the courses had been diminishing steadily for several years. Without rate increases this erosion would not have been slowed. Something must be changed to make the operation top notched and more competitive so that when the competition occurs, the City's course would remain competitive. Golf Pro Bushman had suggested several ideas which should be analyzed. He reiterated his request as being to have a list of options

which could be compared and a decision made for the best of the community, the golfers, and the courses. He felt certain that if all the options are not reviewed at this time, the question would resurface in two to four years. (Supervisor Ayres returned during his comments--a quorum was present as previously indicated.)

Discussion ensued between the Board and Mr. Berkich on the scope of options being provided. Mr. Berkich felt that it would provide two or three of the most logical options available. They were to seek requests for management for fee services, a concession agreement with private maintenance, and to maintain the status quo. The timetable for the requests was discussed. It was felt that the RFP would be issued during the middle or latter part of April. If the Board wished to reconsider it, this would be the first meeting in May. Supervisor Bennett did not feel that it would be necessary to bring the RFPs back to the Board but wished to have a copy.

(1-3069.5) Discussion between Supervisor Ayres and Mr. Lipparelli explained the opinion from the District Attorney's office that the negotiation process used for non-professional services when Mr. Bushman's contract was approved should not be used this time. Mr. Lipparelli stressed that Mr. Bushman's contract is not illegal. It is enforceable as drafted and should be honored. Mr. Berkich explained that he did not and would not take the position that Mr. Bushman's contract is illegal although the media had quoted him as having said the contract was illegal. He was attempting to suggest that the City should have done it a different way based on the information currently available.

Mayor Teixeira explained his objection to the original RFP due to his feeling that it was slanted totally toward corporate golf. He felt that corporate golf would bid across the board on the revised options. The proposals would allow the current golf pro and anyone else who is interested to submit a proposal. Discussion indicated that the original three year term would be retained in the new alternatives with the \$1 million performance bond requirement. The walk-throughs and time elements would be the same. The options would allow a bidder to provide options such as to provide the services for a flat fee, a percentage, escalating percentages, etc. The rates would be controlled by the City. The restaurant, bar, and pro shop rates would be controlled by the contractor. The contractor could either use the present maintenance staff or privatize it. These were items which the first proposal had not considered and reasons for his objection. The new proposals would level the playing field and allow all of the bids to be weighed. Mayor Teixeira acknowledged "that he had not been a happy camper with the original proposal and apologized if he stepped on anyone's toes". He emphasized his feeling that it is a great community when this is the biggest problem requiring community attention as compared to the financial problems occurring in adjacent counties. There had been a lot of discussion for a long time about the operation. He was still very concerned, however, the Board needed to resolve the issue and proceed. He was still very concerned about allowing corporate golf to take over the operation. Mr. Berkich explained that the City and successful bidder would have to purchase any existing inventories at the courses.

(1-3322.5) Supervisor Ayres questioned whether the City would be forced to accept one of the proposals. Mr. Berkich explained that the procedure would establish a ranking of the respondents' alternatives. The Board would have to select one of them as there is not enough time to rebid the request. He agreed that the Board could reject all of the proposals, however, the entire RFP procedure would have to start again. Supervisor Smith also noted that the Committee would rank the proposals, however, the Board could modify its ranking and accept or reject the proposal(s). The subcommittee would be comprised of three staff members and three Golf Course Advisory Committee Members and an unbiased consultant. Staff would only analyze the financial impact on the golf fund including the administrative costs. Mayor Teixeira explained that the new options would allow alternatives to be considered besides the management for fee structure. Mayor Teixeira then indicated that it would not be necessary for the RFP to come back to the Board of Supervisors. He felt that it should be released to the public.

Golf Course Advisory Committee Member Bruce Carl explained his reasons for feeling that the Committee was becoming frustrated due to the time and efforts being required for the process. He urged the Board to allow it to go out to bid as soon as possible. The Committee would have a special meeting to analyze the final RFP before it goes out. Supervisor Bennett felt that, if the Committee analyzed the RFP before it goes out on the street, the Board would not have to meet on it. Mayor Teixeira supported her recommendation. He indicated he had received the flexibility he wished in the revision.

(2-0001.5) Mr. Lipparelli explained the non-professional services for the driving range should be bid and the professional services requirements for expertise and special skills. If the City desired to negotiate a contract with Mr. Bushman, it should not cover the driving range, the retail pro shop operation, the bar and restaurant operation, and the maintenance operation. These items would have to be put out to bid. The promotion and management of the golf course, golf lessons, conduct of play, tournaments, and t-times could be negotiated.

(2-0036.5) Golf Pro Gary Bushman was reassured to know that his current contract is legal. He felt that it would be reassuring to any bidders to know that the City had honored his contract and would honor theirs. He then explained that the season was just beginning. The actual number of rounds had decreased due to promotional cuts taken at other courses. He requested an opportunity to respond to this fee cut and suggested a special meeting be held to address his proposal. He suggested a discount be offered which would test the market and increase the play. Mayor Teixeira explained the competitors' rates and the City's need to react. He encouraged the Board to consider the proposal and consider a temporary \$36 special at the Special March 29th meeting. Mr. Berkich requested an opportunity to analyze any financial impact this proposal or other proposals would have. Mr. Bushman indicated that his discount rate would be the same as the discount rate offered punch card holders. Supervisor Bennett suggested Mr. Bushman commit his proposal to writing and give it to the City Manager for evaluation. Mayor Teixeira agreed and directed the proposal be agendized for March 29. Supervisor Smith supported his direction and requested the meeting be agendized for a joint meeting with the Golf Course Advisory Committee.

(2-0122.5) Gary Sheerin emphasized that the golf course users were happy with the current arrangement. All of the options had been analyzed by the Committee. Feet-dragging had not occurred. A privateer had spoken to the Committee early in the process. Mr. Sheerin had personally visited one of the courses and felt that the operation rated a "C". This operation had had a restaurant operator, a golf pro, a maintenance superintendent, and a supervisor over them who made the decisions. The City has the same operation, however, it is better run. He felt that the supervisor had previously been the Deputy City Manager and suggested that the Committee be assigned this duty. The current problem with the operation was the cost for maintenance. Two months ago the Association had expressed a willingness to work with the City. He urged the Board to accept this opportunity. If only the management for fee and the Option A alternative are considered, it would not be an apple to apple comparison. The time was right to renegotiate with the Association and to provide part-time personnel for the operation which is the method of operation used at all of the other courses in the United States. The individual who would supervise the City's functions would have to be a strong individual like Mike Hair, under contract, and could be fired at will. It could not be a union member. Mayor Teixeira noted that these comments had been voiced before.

(2-0191.5) Al Craig expressed his concerns about having the City placed in a position where it must accept one of the proposals as there is no time to rebid the proposal. He felt that Mr. Berkich's statement had been based on the fact that Mr. Bushman's contract was not legal and a legal contract needed to be implemented. Mr. Craig cited NRS 332.115 which would allow the City to negotiate the professional services contract. He felt that all of the services offered at the courses required expertise including the operation of the pro shop.

(2-0215.5) Dwight Dimit commended Supervisor Smith for being open minded. His personal experience as a government employee was explained to support the need for the Association's offer to be considered seriously. Under this scenario his agency had been required to pay a tax to the General Fund and provide a monthly budget including a capital project and maintenance program. He urged the Board to consider this avenue as another RFP.

(2-0269.5) Don Storey admonished the Board for its treatment of the golf course employees over the 14 month period it had taken to send out the RFP. He felt that it would take at least six months to analyze the proposals. This would leave the employees, who had been and were doing a good job, hanging on a string for two years. He expressed the hope that a similar situation could be avoided in the future.

(2-0294.5) Committee Member Carl explained that the Committee had indicated staff should enter negotiations with the Association during the RFP process and encouraged the Board to direct staff to do so. Mayor Teixeira felt that this was a "given" and that Mr. Berkich had alluded to a package being put together by the employees. Mr.

Berkich outlined the team concepts which had been undertaken. The results of this team effort should be to the Board in the near future. Mayor Teixeira expressed the hope that it could be mixed with other options. He then emphasized the need for the Board to protect the local golfing community, the bottom line, the inventory of tournaments, and to produce a product that will be competitive. If not, then the Board should reject all of the proposals and maintain the status quo.

(2-0320.5) Supervisor Smith then moved that the Board of Supervisors approve the attached outline for a second alternative to the Request for Proposals for the management of the Eagle Valley Golf Course and ask Purchasing to consider this document urgent and to get it out on the streets as soon as possible. Supervisor Bennett seconded the motion. Supervisor Tatro then facetiously suggested an amendment to the motion which would establish an elected golf course advisory board and rid the Board of Supervisors of its responsibility for the course. The motion to approve the second alternative for Requests for Proposals for management of the Course and direction to the Purchasing Department to get the RFP on the street as soon as possible was voted and carried 4-1 with Supervisor Ayres voting against the motion.

There being no other matters for consideration Mayor Teixeira called for a motion to adjourn. When none was forthcoming, he adjourned the meeting by mutual consent.

The Minutes of the March 21, 1996, Carson City Board of Supervisors meeting

ARE SO APPROVED ON \_\_\_\_\_ April 18, 1996.

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

ATTEST:

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