

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the May 2, 1996, Meeting  
Page 1

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, May 2, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 1 p.m.

|                |                               |                               |
|----------------|-------------------------------|-------------------------------|
| PRESENT:       | Marv Teixeira                 | Mayor                         |
|                | Greg Smith                    | Supervisor, Ward 1            |
|                | Janice Ayres                  | Supervisor, Ward 2            |
|                | Tom Tatro                     | Supervisor, Ward 3            |
|                | Kay Bennett                   | Supervisor, Ward 4            |
| STAFF PRESENT: | John Berkich                  | City Manager                  |
|                | Alan Glover                   | Clerk-Recorder                |
|                | Rod Banister                  | Sheriff                       |
|                | Al Kramer                     | Treasurer                     |
|                | Mary Walker                   | Finance & Redevelopment Dir.  |
|                | Steve Kastens                 | Parks and Recreation Director |
|                | Jay Aldean                    | Public Works Director         |
|                | Basil "Butch" Moreto          | Purchasing & Conts. Dir.      |
|                | Paul Lipparelli               | Deputy District Attorney      |
|                | Tim Homann                    | Deputy Public Works Director  |
|                | John Iratcabal                | Dep. Purchasing & Conts. Dir. |
|                | Bill Callahan                 | Chief Deputy Sheriff          |
|                | Ken Arnold                    | Environmental Control Manager |
|                | Katherine McLaughlin          | Recording Secretary           |
|                | (B.O.S. 5/2/96 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. Ken Haskins of the First Christian Church gave the Invocation. Mr. Lipparelli led the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

**1. APPROVAL OF MINUTES** - None.

**2. SPECIAL PRESENTATION - ACTION ON RESOLUTION OF APPRECIATION FOR ANN NUNNEMAKER, SHADE TREE COUNCIL MEMBER (1-0018.5)** - Continued. (1-0407.5) Shade Tree Council Chairperson Donna Kuester explained Ms. Nunnemaker's dedication and work on the Council. Supervisor Ayres moved that the Board of Supervisors adopt Resolution No. 1996-R-19, A RESOLUTION COMMENDING ANN NUNNEMAKER and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira and Supervisor Ayres commended Ms. Nunnemaker on her dedication.

**CITIZEN COMMENTS (1-0020.5)** - None.

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

**CONSENT AGENDA - TREASURER** - Al Kramer

**A. ACTION ON EVENT APPROVAL INCLUDING WAIVER OF THE \$500 FEE AND WAIVER**

**OF ADVANCE NOTICE REQUIREMENT FOR THE WESTERN NEVADA COMMUNITY COLLEGE UNITED STUDENTS' ASSOCIATION MUSIC FESTIVAL TO BE HELD AT THE WNCC CAMPUS PARKING LOT ON MAY 3, 1996**

**B. ACTION ON SPECIAL EVENT SHORT TERM BUSINESS LICENSE FOR THE MAVERICK LIONS CLUB ANNUAL CIRCUS WITH WAIVER OF THE \$25 FEE**

**C. ACTION TO REVOKE CHARLES COBURN'S DELINQUENT LIQUOR LICENSE FOR THE 408 CLUB (1-0028.5)** - Member Tatro moved that the Liquor and Entertainment Board approve the Consent Agenda as presented. Member Ayres seconded the motion. Motion carried 6-0.

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

**4. BOARD OF SUPERVISORS CONSENT AGENDA (1-0038.5)**

**A. TREASURER**

**i. ACTION ON AFFIDAVIT OF DELINQUENT NOTICE MAILING FOR REAL PROPERTY TAXES**

**ii. ACTION ON REINSTATEMENT OF REVOKED BUSINESS LICENSES**

**B. PURCHASING DIRECTOR**

**i. ACTION ON CONTRACT NO. 9596-218 - DISPOSAL OF SURPLUS VEHICLES, AWARD**

**ii. ACTION ON CONTRACT NO. 9596-200 - GOLF CARS, AWARD**

**iii. ACTION ON CONTRACT NO. 9596-149 - SOFTBALL UMPIRING SERVICES, CONTRACT APPROVAL**

**iv. ACTION ON CONTRACT NO. 9596-114 - SHERIFF'S OFFICE REMEDIATION, AMENDMENT NO. 1, CONTRACT APPROVAL**

**v. ACTION ON CONTRACT NO. 9596-160 - ENVIRONMENTAL MANAGEMENT, SHERIFF'S OFFICE MAINTENANCE YARD, AMENDMENT NO. 1**

**vi. ACTION ON CONTRACT NO. 9394-53 - CITY-WIDE COPIERS, CONTRACT RENEWAL**  
- Supervisor Smith pulled the golf cars for discussion. Supervisor Tatro moved that the Board approve the Consent Agenda as presented with the exception of Contract 9596-200, Golf Cars Award. Supervisor Ayres seconded the motion. Motion carried 5-0.

**B. ii. (1-0051.5)** Purchasing and Contracts Director Basil "Butch" Moreto and Deputy Purchasing and Contracts Director John Iratcabal - Supervisor Smith explained the concerns he had heard about the lack of available carts during a tournament due to the City's inability to use carts which had been designated for trade under this Contract. Supervisor Smith suggested the carts be bid and replaced between November and February when there is less demand for carts. Mr. Iratcabal explained the delay in this bid. He did not feel that the carts could be replaced during the winter months as golf cart manufacturers are closed during the winter. Prices are better in the spring. Mr. Berkich indicated the City's intent to have the carts available for use. Supervisor Smith moved that the Board of Supervisors accept the Purchasing Department's recommendation and award Contract No. 9596-200 to Bidder No. 1, Club Car, 3070 Bay Vista Court, Unit C, Benicia, California 94510, as the lowest responsive and responsible bidder for a contract amount of \$82,130.40 for the purchase of 40 golf cars, the budget allocation is in the amount of \$118,082.46, and the funding source is the Golf Course Equipment Replacement Fund as provided for in this year's budget. Supervisor Ayres seconded the motion. Mayor Teixeira indicated the City currently owns two different fleets of carts. He questioned what would occur if a third firm was the low bidder and the wisdom of having to take the lowest bid. Mr. Moreto agreed that standardization is desirable and allowed under the bidding and contract procedures. The motion to award the contract to Club Car as indicated was voted and carried 5-0.

**5. REDEVELOPMENT AUTHORITY** - Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor

Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.

**6. TREASURER - Finance and Redevelopment Director Mary Walker - ACTION ON APPROVAL OF RESOLUTION AUTHORIZING THE CITY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE CARSON CITY REDEVELOPMENT AUTHORITY, NEVADA, TAX ALLOCATION BONDS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH (1-0395.5)** - Supervisor Tatro moved that the Board approve Resolution No. 1996-R-20, A RESOLUTION AUTHORIZING THE CITY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE CARSON CITY REDEVELOPMENT AUTHORITY, NEVADA, TAX ALLOCATION BONDS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. Supervisor Bennett seconded the motion. Motion carried 5-0.

**7. AGENDA MODIFICATIONS (1-0402.5)** - Item 10. B. ACTION ON U-93/94-6 AND 6A - KMART COMPLIANCE WITH SPECIAL USE PERMIT CONDITION OF APPROVAL was continued until such time as the Planning Commission has had an opportunity to consider it, however, public comments were solicited and follow.

#### **10. COMMUNITY DEVELOPMENT DIRECTOR**

**B. ACTION ON U-93/94-6 AND 6A - KMART COMPLIANCE WITH SPECIAL USE PERMIT CONDITION OF APPROVAL (1-0475.5)** - Mayor Teixeira explained the reasons for sending the matter to the Planning Commission. Donna Kuester explained her objection to this procedure although she understood the policy. She outlined her continuing noise problems with Kmart. If the issue is continued until the Commission has reconsidered it, it will be mid-summer before the Board considers it. The noise is worse during the summer time. Supervisor Smith questioned the reasons Kmart had not had another representative present when Mr. Mommer had had his family emergency. He felt that it may be time for the Board to decide enough time had elapsed and should address the issue. Mayor Teixeira explained that he has requested the continuance as the issue is under the Commission's purview. He indicated there would be no more continuances. He felt that the delay may work to Ms. Kuester's benefit. Ms. Kuester suggested that a special meeting be held by the Planning Commission. She outlined the measures she had taken to address the problem. Mayor Teixeira thanked her for her comments. No formal action was taken.

(1-0887.5) Mayor Teixeira directed Mr. Sullivan to inform Planning Commission Chairperson Rogers of the request for a special meeting. Mr. Sullivan indicated there will be a special meeting on the Master Plan on the 6th, however, proper noticing could not be provided. He would attempt to schedule a special meeting. He also noted that there had originally been 21 issues related to Kmart. The noise issue would have to be defined. Mayor Teixeira expressed the hope that the matter could be finalized.

#### **8. UTILITY DIRECTOR - Jay Ahrens - ORDINANCES - SECOND READING**

**A. ACTION ON BILL NO. 113 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND STANTON PARK DEVELOPMENT, INC., REGARDING EMPIRE RANCH ESTATES SUBDIVISION, CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION (1-0571.5)** - Supervisor Tatro moved that the Board of Supervisors approve Ordinance No. 1996-13, Bill No. 113, on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND STANTON PARK DEVELOPMENT, INC., REGARDING EMPIRE RANCH ESTATES SUBDIVISION, CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION, fiscal impact not to exceed \$31,900, including a 15 percent contingency, funding source is 515 - Participation. Supervisor Ayres seconded the motion. Motion carried 5-0.

**B. ACTION ON BILL NO. 114 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY, A LIMITED PARTNERSHIP REGARDING THE SILVER OAK PLANNED UNIT DEVELOPMENT,**

**CARSON CITY, NEVADA, FOR WATER MAIN EXTENSION (1-0587.5)** - Comments were solicited but none given. Supervisor Tatro moved that the Board adopt Bill 114, Ordinance No. 1996-14, on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY, A LIMITED PARTNERSHIP REGARDING THE SILVER OAK PLANNED UNIT DEVELOPMENT, CARSON CITY, NEVADA, FOR WATER MAIN EXTENSION, fiscal impact \$37,852.90, funding source is 520 Eagle Valley Silver Oak Production Source. Supervisor Ayres seconded the motion. Motion carried 5-0.

**C. ACTION ON BILL NO. 115 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND STANTON PARK DEVELOPMENT, INC., REGARDING EMPIRE RANCH ESTATES SUBDIVISION LOCATED IN CARSON CITY, NEVADA, FOR WATER MAIN EXTENSION (1-0602.5)** - Supervisor Tatro moved that the Board of Supervisors adopt Ordinance No. 1996-15, Bill No. 115, on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND STANTON PARK DEVELOPMENT, INC., REGARDING EMPIRE RANCH ESTATES SUBDIVISION LOCATED IN CARSON CITY, NEVADA, FOR WATER MAIN EXTENSION, fiscal impact not to exceed \$115,745, and funding source is 520 - Well No. 44 Main Line. Supervisor Ayres seconded the motion. Motion carried 5-0.

**9. PUBLIC WORKS DIRECTOR - Jay Aldean**

**A. ORDINANCES - FIRST READING**

**i. ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND A. L. GASPER, REGARDING APN 08-221-17 LOCATED ON NYE LANE, CARSON CITY, NEVADA (1-0618.5)** - Comments were solicited but none made. Supervisor Smith moved that the Board introduce Bill 118 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND A. L. GASPER, REGARDING ASSESSOR'S PARCEL NO. 08-221-17 LOCATED ON HOT SPRINGS ROAD, CARSON CITY, NEVADA. Supervisor Smith corrected the address to be NYE LANE and directed staff to correct the title. Supervisor Ayres seconded the motion. The motion was voted and carried 5-0.

**ii. ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ALBERTSON'S, INC., REGARDING IMPROVEMENTS RELATED TO THE DEVELOPMENT OF APN 09-262-08, LOCATED IN CARSON CITY, NEVADA (1-0648.5)** - Pulled.

**B. ORDINANCE - SECOND READING**

**i. ACTION ON BILL NO. 116 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MTG INCORPORATED, REGARDING APN 08-815-04 LOCATED AT 5100 GRUMMAN DRIVE, CARSON CITY, NEVADA (1-0655.5)** - Supervisor Tatro moved to adopt Bill 116, Ordinance No. 1996-16, on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MTG INCORPORATED, REGARDING ASSESSOR'S PARCEL NO. 08-815-04 LOCATED AT 5100 GRUMMAN DRIVE, CARSON CITY, NEVADA. Supervisor Ayres seconded the motion. Motion carried 5-0.

**ii. ACTION ON BILL NO. 117 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SHAW CONSTRUCTION COMPANY REGARDING APN 08-816-46 LOCATED AT 5100 CONVAIR DRIVE, CARSON CITY, NEVADA (1-0669.5)** - Discussion explained the reason curb, gutters, and sidewalks are not installed in this area is due to the need for drainage facilities which have not been designed. Supervisor Bennett indicated her desire to commence requiring these

improvements. Mr. Aldean expressed a willingness to begin requiring the improvements when adequate development warrants construction of the entire right-of-way. Supervisor Ayres moved that the Board of Supervisors approve an agreement with Kathleen Thompson--. Supervisor Ayres then withdrew the motion and moved that the Board of Supervisors adopt on second reading Bill No. 117, Ordinance No. 1996-17, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SHAW CONSTRUCTION COMPANY, REGARDING ASSESSOR'S PARCEL NO. 08-816-46 LOCATED AT 5100 CONVAIR DRIVE, CARSON CITY, NEVADA. Supervisor Tatro seconded the motion. Motion carried 5-0.

**C. REGIONAL TRANSPORTATION COMMISSION - ACTION ON APPROVAL OF AN AGREEMENT WITH KATHLEEN K. THOMPSON FOR THE PURCHASE BY CARSON CITY OF A 13,113 SQUARE FOOT PORTION OF PROPERTY LOCATED AT 3941 EAST NYE LANE LOCATED AT THE INTERSECTION OF GRAVES/COLLEGE PARKWAY AND EAST NYE LANE IN CARSON CITY, NEVADA, FOR THE EXTENSION OF GRAVES/COLLEGE PARKWAY (1-0738.5)** - Supervisor Smith explained that RTC had not considered the purchase, however, it is part of the needed right-of-way extension for Graves/College Parkway. He recommended conditioning any action by the Board on the Commission's ratification. Mr. Lipparelli explained the agreement. As Ms. Thompson had not signed the agreement, it may be necessary for the Board to reconsider the proposal if there are any changes made to it. Supervisor Smith moved to approve an agreement with Kathleen K. Thompson for the purchase by Carson City of a 13,113 square foot portion of property located at 3941 East Nye Lane located at the intersection of Graves/College Parkway and East Nye Lane in Carson City, Nevada, for the extension of Graves/College Parkway subject to any Regional Transportation Commission approval which may be deemed necessary, fiscal impact is \$52,697 from the RTC Road Construction Account. Supervisor Ayres seconded the motion. Motion carried 5-0.

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

**A. ACTION ON M-95/96-17 - A RESOLUTION GRANTING \$75,000 TO THE CARSON DETOXIFICATION CENTER, INC., FOR THE PURPOSE OF MOVING THEIR EXISTING BUILDING, REMODELING, IMPROVEMENTS TO THE SITE AND BUILDING AN ADDITION THERETO (1-0805.5)** - Mr. Berkich and Mr. Lipparelli - The building will be relocated this summer or early fall. The "PAL" building and storage facility will be demolished thereafter. The bids for the Public Safety facility will be considered in November/December. Discussion noted the asbestos problems in the "PAL" building, the need for the Detox Center, and the Hospital's funding for Detox. Mr. Lipparelli noted for the record that the City owns the Detox building and land. When the building is moved, it will still be a City owned building on City owned land. As this is a special circumstance, he did not feel that it would establish a precedence for future non-profit organizations to request funding. At the termination of the lease, the City will own the building, the land, and any improvements which the Detox Center has made. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1996-R-21, A RESOLUTION GRANTING \$75,000 TO THE CARSON DETOXIFICATION CENTER, INC., FOR THE PURPOSE OF MOVING THEIR EXISTING BUILDING, REMODELING, IMPROVEMENTS TO THE SITE AND BUILDING AN ADDITION THERETO, fiscal impact \$75,000 Capital Facilities. Supervisor Tatro seconded the motion. Motion carried 5-0.

#### **11. BOARD OF SUPERVISORS**

**A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0915.5)** - Supervisor Bennett reported on the status of the Highway 28 projects and its scenic byway designation. Supervisor Tatro did not have a report. Mr. Berkich felt that the Nevada Department of Transportation issues should be agendized for late May or early June. Supervisor Ayres explained a recent transit meeting and commended Mr. Berkich on his role as facilitator at that meeting. The lack of adequate transportation facilities in the City is its biggest deterrent. The Nevada Home Health Services meeting in Elko and the decision to provide auxiliary services through RSVP in Lovelock and Battle Mountain were explained. The status of the V&T Railroad project was outlined. She felt that the four RFPs which had been received for engineering services were very good. Supervisor Smith reminded all to attend the RSVP carnival in Mills Park over the weekend.

Discussion noted the various types of rides/activities at the carnival. Supervisor Ayres indicated its profits would be used in the community. Supervisor Smith announced the Carson Water Subconservancy District's workshop scheduled for Wednesday from 1 p.m. to 5 p.m. and its purpose.

BREAK: A five minute recess was declared at 2:10 p.m. When the meeting was reconvened at 2:15 p.m., the entire Board was present, constituting a quorum.

**B. SUPERVISOR SMITH - ACTION TO RECESS INTO A CLOSED SESSION PURSUANT TO NRS 241.030 TO CONSIDER THE CHARACTER, CONDUCT AND PROFESSIONAL COMPETENCE OF THE DIRECTOR OF GOLF (1-1055.5)** - Supervisor Smith explained his reasons for agendizing the closed session and his grave exception to a Nevada Appeal editorial characterizing him as a "back room, closed door politician". He had heard second and third hand comments which would lead one to believe that Mr. Bushman "may not" be performing all of the duties required by his contract. He wished to discuss these issues with him, his attorney, and the other Board Members and, if possible, put them to rest. Mr. Bushman had indicated to him that he wished to have the meeting held in public, on which Supervisor Smith commended him. Supervisor Smith indicated that he would defer to the Board's desire and conduct the hearing in either an open or closed session. If the Board wishes to hear it in open session, however, the matter would have to be agendized for the next meeting.

(1-1185.5) Nevada Appeal Correspondent and Representative Irwin Goldberg voiced his objection to the closed session and stressed his feeling that NRS 241.030 does not mandate the session be closed. He felt that the circumstances at the Golf Course warranted conducting the meeting in open session.

Supervisor Tatro explained the role of the Board members and his feeling that the Board was no longer an appropriate governmental function on golf. He did not feel that there is a role for government services in a competitive environment. Although he was unsure of how the courses should be operated, he was certain that the Board should not be involved in its daily operation. The municipal courses were constructed at a time when there were no other courses in the area. The City will continue to own these courses due to BLM leases on the land. There are private operations of public courses today. Mr. Bushman is not a City employee. The City is currently looking at different management forms for the courses. This has caused the Board to dedicate a great deal of time and effort toward its operation and caused the operation to be out of focus with the remainder of the Board issues. The response to the proposed session had been exploded out of proportion due as a direct result of the consideration of different management forms. This had also caused the relationship between the City and Mr. Bushman to be out of context. Communication is not effective at this time and is done with the help of the newspaper. This created problems. The contract compliance issues should not be a public concern if they can be addressed. Due to the extra ordinary attention on golf in Carson City, he did not feel that the Board had a choice other than to conduct the session in public, which is unfortunate.

Supervisor Ayres expressed her support for Supervisor Tatro's comments and understanding of Supervisor Smith's intent. She regretted the escalation of the golf issues, however, this occurs when communication breaks down. She, too, felt that the point had been reached where the discussion could not be held in private. As Mr. Bushman had indicated it should not be held in private, his request should be respected. She urged the Board to reagendize the issue for open discussion. She hoped the experience would not be repeated in the future. She, too, felt that the Board had more important health, welfare, and public safety issues with which it should be dealing.

(1-1332.5) Golf Pro Gary Bushman indicated he would defer to the Board on whether to close or open the meeting. He was prepared to go forward.

(1-1342.5) Franklin J. "Dinty" Moore questioned the reasons Supervisor Smith had not personally contact Mr. Bushman about the allegations. Supervisor Smith responded that he had talked to Mr. Bushman in private on two or three of the issues. Supervisor Smith explained that he had purposely not held a meeting on all the issues due to the feeling that it would have been "back door politics" and the need for the other Board members to be present

when the meeting occurs. Mr. Moore reminded Supervisor Smith that he had been a big supporter for giving Mr. Bushman the contract without going out to bid and expressed his puzzlement at his current stand. He then explained his feeling that the entire matter was an example of "political word name game". He referenced two news articles to support his contention and his knowledge of the City's hiring of another individual for the golf course "under a cloud" and of another individual's Michigan employment. He urged the Board to stop the news articles and the "word name game".

Mayor Teixeira noted that the Board has three employees and explained the normal process for personnel sessions. He indicated there should have been personnel sessions in the past on Mr. Bushman, however, he is under contract. Therefore, salary increases could not have been addressed. Each Board Member can agendaize an item. His role as Mayor is to work with staff to place and time the items to make the agenda work in a timely manner. He disagreed with the statements relating to "back room politics". He had never discussed issues with any of the other Board Members during his tenure. The City's District Attorney is very, very sensitive about the Open Meeting Law. The City's record is beyond reproach. There had never been an attempt to usurp the Open Meeting Law. He agreed that the community had accomplished many great things during his tenure. The golf course management RFP process will eventually be completed during a future Board meeting. He supported having a Board meeting with Mr. Bushman and his attorney with the City's attorney present in two weeks. He felt that Mr. Berkich should not be present at that time as he is a City employee. He felt that this would allow all the questions to be aired and resolved. He expressed the desire to have the meeting over with.

(1-1568.5) **Supervisor Smith moved that the Board of Supervisors recess into Closed Session--.** He then explained his objection to the required motion which he felt placed a "negative cloud over the entire personnel session". **Supervisor Smith again moved that the Board of Supervisors recess into Closed Session pursuant to NRS 241.030 to consider the character, conduct and professional competence of the Director of Golf. Supervisor Bennett seconded the motion.** Supervisor Tatro asked Mr. Lipparelli if the Board does have three employees--City Manager Berkich, Internal Auditor Kulikowski, and Golf Director Bushman. Mr. Lipparelli indicated it is a matter of semantics, however, there is a difference. The Internal Auditor and City Manager are mandated by the City Charter and State Statutes and are City employees. Mr. Bushman is a contractor and not technically a City employee. He has greater flexibility to do his job without City interference. The differences are important when considering termination and liability issues. Mr. Bushman's contract contains details on the operation of the golf courses. Supervisor Tatro then explained his question concerning whether Mr. Berkich should participate/attend the meeting specifically in view of Page 15, Line 18, of Mr. Bushman's contract, which he read into the record. Mr. Lipparelli then noted Mr. Bushman's attorney Michael Pavlakis' objection to Mr. Berkich's attendance at the personnel session. He then indicated that the contract included at least a dozen references to the City Manager and the Golf Pro's duties to report to and work with the City Manager on the operations. He felt the key language was that "The City Manager has responsibility for the proper performance of this agreement.". He did not feel that there is clear language in the Statutes indicating that Mr. Berkich should be excluded. He indicated the Board could hear Mr. Pavlakis' objection, read the agreement, and decide whether Mr. Berkich should attend. Mr. Bushman could then decide to decline to attend for any reason. Supervisor Tatro then explained his feeling that it is a bad policy for the Board to be a direct contact with a contractor. He also questioned how a five member Board could manage a contract with anyone when all its meetings must be conducted in public. The day-to-day operations must be handled by someone. Noticing requirements were then noted. He felt that the individual who must serve as the liaison between the Board and the contractor, Mr. Bushman, is important to the discussion which the Board is about to enter into. **Supervisor Smith then withdrew his motion** and expressed a desire to make a new motion. **Supervisor Bennett withdrew her second.**

Supervisor Smith then explained that he did not wish to play the game "he's in, he's out, she's in, she's out". The folks had made a good point. Let us let everyone in. **Supervisor Smith then moved that this item be terminated and that a new item be scheduled with the title to be named later, that I will come up with the wording next week, for the meeting of the 16th for an open public session with regards to the discussion with the Director of Golf Gary Bushman.** Supervisor Ayres seconded the motion. Motion was voted and carried 5-0.

**BREAK:** There being no other matters for consideration at this time, Mayor Teixeira recessed the meeting at 2:53 p.m. When the meeting was reconvened at 6 p.m. the entire Board was present constituting a quorum. Staff members present included: City Manager John Berkich, Deputy District Attorney Paul Lipparelli, Administrative Assistant to the City Manager Liz Hernandez, and Recording Secretary Katherine McLaughlin.

**12. CITY MANAGER - John Berkich and Administrative Assistant to the City Manager Liz Hernandez - PRESENTATION OF THE PROPOSED APPLICATIONS FOR ANNUAL FUNDING OF CARSON CITY COMMUNITY SUPPORT SERVICES GRANT ALLOCATIONS FOR FISCAL YEAR 1996-97 (1-1715.5)**

- Mayor Teixeira reminded the participants that the Board was only taking testimony this evening. A final decision would be made during the budget sessions. He also reminded the speakers of the item agendaized for 7:45 p.m. and requested that the presentations be to the point. Ms. Hernandez briefly described the grant process and timetable for final decisions. Ms. Hernandez also requested Board consideration of requiring an annual report from the Agencies rather than the biannual report. The Grant requests totalled \$227,960 and staff recommended \$119,600. Mr. Berkich explained the Community Council on Youth's request for \$10,000 in ongoing support for the utilities at the additional facility which had been leased from the State. Ms. Hernandez explained the lack of supporting documentation from the Carson Valley Conservation District at the time the reports were prepared for distribution. A \$2,000 grant had been included in the staff's recommendation. Also, Detox had reduced its funding request due to the increase in funding from the Courts. Ms. Hernandez then reviewed the Membership and Dues funding and the 1995-96 fiscal year funding allocations for community support organizations. She then reviewed the notification process and Carson Valley Conservation District's failure to comply with the reporting policy established by the Board. On April 19th she received a letter addressed to Mary Walker from the District requesting \$10,000. It had included an action plan and a budget report.

The community support organizations each explained their grant applications and their activities and responded to Board questions on their budget and activities. They were: (1-1921.5) Nevada Tahoe Conservation District General Manager Rod Mier and Treasurer Jim Nakida; Carson Valley Conservation District Representatives Mikey Anderson and Executive Secretary Heather Stodick; (1-2278.5) Home Health Services Representative Gail Boland;

(1-2400.5) Ormsby ARC Program Director Mary Winkler; (1-2445.5) RSVP Representative Margie Molina; (1-2704.5) Nevada Hispanic Services Representative Rachel Knecht; (1-2834.5) Brewery Arts Executive Director Carl Dahlen; (1-3030.5) Advocates to End Domestic Violence Executive Director Lisa Lee; (1-3230.5) Community Council on Youth Board Chairperson Linda Lang; (2-019.5) Children's Museum Representative Michelle Nelson; (2-0148.5) Kathy Blankenship; (2-0181.5) Ron Wood Resource Center Director Steffanie Alveto; (2-0350) Carson Detoxification Center Representative Tim Hogan and Board Member Mary Ellen Moultz; (2-0495.5) Greater Nevada Fair Housing Council Marsha McCormick; (2-0585.5) Community Counseling Center Director Mary Jenkins and Board of Directors Chairperson Charlie Aboud; Women's Resource Center President Rebekah Holmes, Vice President Mary Harris Jessie, and Secretary Mary Ellen Waltz; (2-0815.5) Neighborhood Beautification Council and Carson Pride and Revitalization Programs Representative Liz Hernandez; and (2-0910) Carson Access Television Center Executive Director Trish Sammon.

Mr. Mier indicated he had given the Board a news article on its function prior to the meeting. (A copy was not given to the Clerk.) Supervisor Bennett explained the District's involvement with TRPA and supported the request. She also introduced Jim Nakida, an elected official for Incline Village. Mr. Anderson and Ms. Stodick explained the employee turnover and reasons for not submitting the reports/application in a timely manner. (1-2255.5) Nevada Day's report was reviewed by Ms. Hernandez. Ms. Boland gave the Board a report. (A copy was not given to the Clerk.) (1-2385.5) Supervisor Ayres supported the Nevada Home Health Services Program and commended them on their efforts. (1-2625.5) Discussion between Supervisor Ayres and Supervisor Bennett explained the Hospital's funding reduction and the request for reconsideration. Supervisor Bennett noted that Reno Dialysis may be locating a private operation in Carson City. (1-2800.5) Ms. Knecht indicated the Council provides services to Douglas and Lyon Counties, however, they have not provided any funding to this point. A request may be made. (1-3104.5) The decreased funding from marriage licenses for the Advocates, its housing capacity and restrictions were discussed. (1-3230.5) Ms. Lang distributed packets to the Board which described its

funding recommendations. (None to the Clerk.) (1-3439.5) Supervisor Bennett expressed her concern about the financial difficulties the Children's Museum has found itself in. Reasons for denying the Easter Seals Society request for funding to be used to match childcare payments for their clientele were explained. Job Opportunities in Nevada Branch Manager Carolyn Wilson explained her request for funding from the CCY/City. (2-0033.5) Maribelle Gutierrez, Erica Lugo, Anita Hernandez, Sandoval Escobar, Grace and Jose Diego explained their involvement with the Hispanic Services and urged the Board to fund its request. (2-0125.5) Ms. Nelson introduced her Board members Bob Belmont and Laura Adler. Supervisor Bennett requested the Children's Museum submit a written request. Ms. Blankenship distributed packets to the Board on the Boys and Girls Club. (None to the Clerk.) Ms. Alveto distributed a packet to the Board. (None to the Clerk.) Ms. Hernandez explained the youth program meetings held since the Youth Summit Conference from which the "Youth Advisory Council" had arisen. She and Ms. Lang felt that it had created a united front and would be beneficial to the community which may eliminate a duplication of services. It had established a centralized location for housing all grant information and applications. Ms. Lang also explained the process used to determine the grant recipients. Supervisor Bennett requested she make a presentation on the youth transportation program to the Regional Transportation Commission. Supervisor Tatro explained his involvement with the Council and its program. Mayor Teixeira read the list of Directors into the record. (2-0535.5) Discussion with Ms. McCormick pointed out a program problem and her dedication to its resolution. Supervisor Bennett invited her to help her with the Tahoe Basin situation. (2-0598.5) Mr. Aboud gave the Board a packet of information. (None to the Clerk.) (2-0761.5) Mayor Teixeira expressed a desire to have the Board view the demonstration on the computer program which the Women's Resource Center had in the rear of the room during the break, which follows this item. (2-0822.5) Supervisor Ayres stepped from the room at 8:18 p.m. (A quorum was present.) Supervisor Bennett commended Ms. Hernandez and her staff on the Neighborhood Beautification and CPR programs. (2-0904.5) Ms. Sammon used a video to illustrate CAT-10's programming. (Supervisor Ayres returned during her presentation. A quorum was present as previously indicated.) (2-1315.5) Mayor Teixeira noted the number of applications, benefits received from the numerous non-profit groups in the community, and the difficulty which the Board faced in performing its fiduciary responsibilities and duties. He thanked all for their presentations and indicated the final decision would be made at a future meeting.

BREAK: At 8:43 p.m. a ten minute recess was declared. Mayor Teixeira reconvened the meeting at 8:53 p.m. The entire Board was present, constituting a quorum.

**13. COMMUNITY DEVELOPMENT DIRECTOR -** Walter Sullivan, Senior Planner Sandra Danforth, and Associate Planner Tara Hullinger - **A. 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) AND 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, APPROXIMATELY 900 FEET WEST OF GONI ROAD, APN 8-123-08 (PLANNING COMMISSION DENIED 5-1-0-1) (2-1338.5) -** Applicant's Attorney Scott Heaton, District Attorney Noel Waters, Applicant's consultants from Lumos and Associates Carol Dotson and Glenn Martel, Bill Mabray, John Lubich - (2-1511.5) Mr. Heaton explained his feeling that the application was to have included a resolution of intent which would assure that the plan would be approved by the City and meet their needs. The property is zoned Tourist Commercial. He did not wish to change the zoning to mobile home park and be limited to a mobile home park and staff's "whims" on accepting that park. The zone change would not be implemented until the project is approved. He agreed that the presentation to this point was not something "staff could live with". The resolution of intent would allow both staff and the applicant to negotiate a development which would be acceptable to both sides. The zoning could then be implemented. He did not wish to give up the primary permitted uses allowed under the Tourist Commercial zoning designation unless the mobile home park could be approved. He did not feel that the plan for discussion this evening should be

used as a impediment to the Board's approval of the application. If staff could not approve a plan which would meet the applicant's needs, the resolution of intent would become null and void and the change of land use would not be implemented. He agreed that the City had not used resolutions of intent frequently but staff had suggested this process to allow the applicant to make a presentation while maintaining the Tourist Commercial uses.

Mrs. Danforth read the purpose statement and the list of permitted uses in response to Supervisor Smith's question. Supervisor Smith noted the concerns expressed about having a mobile home park located in the vicinity of the airport. The Tourist Commercial zoning allows an RV park, campground, with a special use permit a child care facility, or office buildings. Mrs. Danforth explained the need to make findings for change of land uses. This process allows consideration of a project designated for a specific site. This is the reason the "burden of proof" and the "persuasion of all facts" is placed upon the applicant. It is not considered a given "just because it's there".

Supervisor Bennett expressed her concerns related to the density level and the proposal to locate a high density use adjacent to a busy airport. Ms. Hullinger indicated that density is only one component of the process. Noise is a primary component. FAA views transient lodging different from permanent lodging. Permanent residents complain, become irritated, and cause problems.

(2-1685.5) Mr. Heaton then explained his original application which had been filed in 1984. The ordinances at that time allowed mobile home parks as a primary permitted use. It was his position that as this was a primary permitted use under Tourist Commercial, he should be allowed to pursue this use. Purportedly when the Title 18 changes were made in 1995, mobile home park was removed from Tourist Commercial districts as a primary permitted use. Based on the date of the original application, he felt that this change should not be imposed upon his application. Even though he was seeking a change of land use this evening, he was not admitting that it was a requirement he was obligated to perform. This is the reason for tying the decision to a resolution of intent as it insures that the Tourist Commercial zoning could be maintained if the project does not meet staff and the applicant's needs. He felt that the Airport Authority and staff were only interested in keeping the property vacant. The Airport Authority had not exercised its condemnation powers nor agreed to purchase the property. Therefore, it should not have the right to force the property owner to maintain the property in a vacant state.

Mr. Heaton agreed with Mayor Teixeira that the Title 18 changes had not been conducted in a "vacuum". There had been a similar process in 1989 wherein the multi-family uses were allowed within the Limited Industrial zone. This was changed after the proper hearings. Mr. Heaton indicated that he had not been involved with the applicant/property at the time the Title 18 changes were made. Mr. Langson indicated that staff had told him to file an application. Mr. Heaton indicated that the applicant had not come before the Board and suggested that a mobile home park should remain a permitted use under Tourist Commercial when the Title 18 changes were discussed. He then read CCMC Section 18.02.028, which mandates that all applications filed before Code modifications are made will be reviewed under the previous Codes. He claimed that the application was filed in December 1994, before the Title 18 changes were made. Therefore, the applicant has the "right" under Tourist Commercial zoning to pursue the mobile home park application. The application for a change of land use was an attempt to work something out with staff and accomplish the same end. Staff and the District Attorney's office had only recently determined that it "does not matter that it is listed as a primary permitted use as the Mobile Home Park Ordinance mandates the need to change the zoning to Mobile Home zoning". He felt that this requirement does not make any sense. He reiterated his previous comments concerning the request for a resolution of intent and its purpose.

(2-1807.5) Mrs. Danforth explained that the Mobile Home Park Ordinance had been in effect since 1981 and that it had been in effect when the Tourist Commercial ordinance allowed mobile homes as permitted use. The Mobile Home Park ordinance required all zoning districts obtain a change of land for mobile home park zoning designation. In 1995 the purpose statement was created for the Tourist Commercial district as well as for the office, commercial, and industrial districts. The Tourist Commercial district's purpose statement indicated that mobile home parks are inappropriate, therefore, it was removed. She then outlined staff's original review of the application and her notification to Lumos and Associates about the proposed ordinance amendment. Lumos and Associates had discussed the modifications with staff. The application was submitted prior to the ordinance

amendment, January 1995. The Master Project Review had been conducted by staff on that application and a letter sent to the applicant/Lumos and Associates regarding the change of land use requirement. She felt that it is possible to develop a mobile home park on any property within the City if the change of land use is requested. This use is not restricted solely to areas where mobile home parks are primary permitted uses.

(2-1887.5) Mr. Heaton reiterated his comments that at the time the application was filed mobile home parks were a primary permitted use by definition and one for which the property had been designed. Therefore, it was unfair to state at this time that the change of land use must be made for a use which is incompatible. He then explained that Airport Authority Chairperson Neil Weaver had indicated to the Planning Commission that in his view the highest and best use for the property was for it to remain vacant. Unless the City condemns the property and purchases it, it will not remain vacant. The site will be developed at some point unless Tourist Commercial establishes its primary permitted usage as vacant. Such action would be condemnation and the City should buy it. He then explained that the Airport Authority had prioritized the property so that if FAA provides funding, negotiations could be undertaken with the property owner and acquisition of a portion or the entire site undertaken. He then explained that the noise corridor does not cover the entire 40 acre site. He suggested that the Airport Authority may acquire a portion of the property and "lease back" that portion for nonhabitational uses associated with the mobile home park. Mayor Teixeira requested he discuss the proposal and not "what if's".

(1-1959.5) Mr. Heaton reiterated his comments concerning the Board's ability to condition the project upon the applicant's ability to reach an agreement with staff. He acknowledged that the current plan was not acceptable to staff but felt that negotiations could resolve staff's issues and provide a project acceptable to his client. He felt that staff would change its position if the FAA and Airport Authority recommend a mobile home park on a portion of the property. He also felt that neither the FAA nor the Airport Authority had "cast in stone their position on the property". He felt that the FAA and Airport Authority were not interested in development of any of the other allowed primary permitted uses on the site. The neighbors to the west were of the same mind even though the applicant had attempted to address some of the concerns. He indicated that this effort had not been adequate as indicated by staff's remarks. He reiterated his request for a conditional zone change to attempt to meet the neighbors' concerns. If this does not occur, the zone change would not occur.

Supervisor Smith felt that a resolution of intent is a "backward way to do it". He questioned whether the Board would see the final project. Mr. Heaton felt that this could be an added condition in the resolution of intent. Supervisor Smith explained his desire to review the project even though he had faith in staff's integrity and professionalism. He felt that the Board may have other issues to consider, i.e., public benefit, etc. Mr. Heaton felt that his concern could be addressed in the resolution of intent. Clarification between Mayor Teixeira and Mr. Heaton indicated the project, Ashton Park, would encompass the majority of the parcel. Mayor Teixeira suggested that the applicant work with his neighbors and staff and bring forward a different concept. Mr. Heaton reiterated his statements that the applicant did not wish to return with a Master Plan change and a zone change unless the project is approved at the same time. He emphasized the desire for the zone change to be effective when the project is approved. He felt that if the mobile home park zoning district is approved, staff could reject the plan and his applicant would lose the primary permitted uses allowed under the Tourist Commercial zoning.

District Attorney Waters read CCMC Section 18.02.120(3) Sub A dealing with the review of a Master Plan Amendment process and criteria relevant to appeals of Master Plan denials. He felt that the presentation was an appeal of such a denial. Mr. Sullivan indicated that staff's recommendation to the Board is for the applicant to provide the necessary findings to allow the resolution of intent to go forward with the plan. Staff's report indicates these findings have not been supplied which would support the master plan amendment and zone change. Mr. Heaton felt that Lumos and Associates would address these issues. He also explained that the reason the applicant did not wish to "pack up his bags tonight, if denied, and attempt to work something out and come back" is that another ordinance prohibits refiling an application for one year for any substantially similar project which has been denied. Clarification by Mr. Sullivan and Mr. Heaton indicated that the resolution of intent had been considered by the Planning Commission although Mr. Heaton indicated that it had not been as clear to the Commission as it should have been. Mrs. Danforth disagreed with his statement. She felt that a resolution intent had been proposed for the change of land use, however, the balance of the discussion did not support the presentation. Mr. Heaton

indicated that he would not disagree that he had amplified the argument this evening. He also felt that he should expand any areas which had not been clear during the previous discussions. He felt that this was what he was attempting to do this evening. He then reiterated his request to obtain approval of a resolution of intent which includes a condition mandating staff's approval of the plan which meets the applicant's needs prior to implementation of the change of land use. Mayor Teixeira agreed that the resolution of intent was included in the application.

(2-2235.5) Mayor Teixeira suggested the following procedure for the balance of the meeting: that the applicant and his agents restrict their comments to the project's merits, the audience be allowed to respond, and then Mr. Heaton will be given an opportunity to rebut those statements. Mr. Heaton agreed to this procedure.

(2-2249.5) Ms. Dotson reviewed the Master Plan Amendment request and Resolution of Intent including the project's history. She indicated staff had expressed concerns with the project from the very beginning. In an attempt to address the neighbor's concerns, two meetings were held. The four concerns expressed during these meetings were access, compatibility, property values, and proximity to the airport. The applicant then relocated the main entrance from Mark and Holly Way to Hot Springs Road. The compatibility issues were addressed by design modifications, landscaping, berming, additional setbacks, larger lots, screening, a subdivision type of rural style for the entire development, and other amenities. Discussions with the Assessor indicated there would be no reduction in the land value associated with a mobile home park in general and specifically with one of the caliber indicated in the project. In addition to the neighborhood meetings, there were numerous meetings with staff on the elements of the park. Staff's concerns centered around the compatibility issues regarding the neighbors to the west and the mitigation process which was addressed as indicated previously. She then used an architect's drawing of the project, explained the surrounding land uses, and briefly noted the project's amenities. She indicated the applicant would be filing CC&Rs to protect the quality of life established by the project. There would be 221 single family mobile home units in the project ranging between 1 and 3,000 square feet in size. The density factor is 5.7 units per acre. Fifteen percent of the project will be landscaped. Staff had requested specific tree species for enhancement of the screening process for adjacent properties. The entire project will be fenced, bermed, and landscaped. The parameter fencing will be a six foot high perma-hedge. No interior fencing will be allowed. Clarification indicated the perma-hedge fencing is a type of screened chainlink fencing with a green screening surface. Ms. Dotson indicated that block wall fencing had been considered. She then continued her explanation of the setback between the fence and homes; its landscaping; berming; the brick wrought iron fence at the Hot Springs access area; the centralized park area; design rules and park specifications include landscaping requirements for each individual unit which is in addition to the 15 percent proposed by the project for the public areas; landscaping for the hillside and slope; the street and park lighting standards; the Hot Springs Road primary access; the emergency secondary access route from Holly Way which will be gated; street standards; the 27 residential and visitor parking spaces at the recreation center; the double car garage for each unit; and (2-2508.5) the proposed design specifications and park rules which were included in the application packet. (2-2505.5) Ms. Dotson referenced illustrations of mobile home units with double car garages. (2-2518.5) The park rules included specific acknowledgements related to the adjacent land uses and proximity to the airport. She felt that the project would benefit the community, was more compatible with the area than other primary permitted uses, and provides security and quality of life amenities requested and enjoyed by adults. She encouraged the Board to approve the project and allow the applicant to develop it.

(2-2550.5) Mr. Martel explained the compatibility issues related to the adjacent neighbors and airport. He, too, felt that the neighbors' concern had been addressed by relocating the primary entrance to Hot Springs Road. The block wall had been part of the project initially, however, was removed when the setback and landscaping requirements were included in the project. He was willing to discuss/negotiate with staff on this issue. He felt that the applicant could not mitigate the airport noise issue. It would remain regardless of the project. The same is true of the safety issues related to being in the flight path for the airport. He felt that findings should not be required to mitigate these issues. He then stated that a mobile home park was a primary permitted use in 1993. As this was before the FAA grant was signed, the City's funding should not be jeopardized. He felt the mobile home park was more compatible than a three or four story casino, resort, or shopping center. The landscaping, open space, lighting, and density were all well above the maximum standards required by Code and make it a much more pleasing project.

The parking area had been relocated when the main access was moved to Hot Springs Road. The detention basin was traded for a rose garden. Sidewalks were added to the appropriate lot frontages. He felt that the project had been redesigned to meet staff and the neighbors' concerns. The CC&Rs included appropriate noticing to the lessees that the property is under an airport fly-over area. The manufactured homes would be located on permanent foundations and with the improved installation requirements would be buffered somewhat from the noise.

Supervisor Bennett expressed her feeling that it was interesting that Mr. Martel could represent the applicant while his employer has been instrumental in the development of the Carson City Airport's Master Plan as well as the Master Plan for several other airports. She also found it interesting that he could indicate the mobile home park was a compatible use based on his knowledge of the airport issues.

(2-2702.5) Mr. Martel responded by explaining his comments given to the Airport Authority concerning this potential conflict of interest. He considered himself a resource. He did not make the decisions. He only presents the applicant's position and his reasonable findings. It is the Board's decision to rule on them. He did, however, believe that the mobile home park was a more compatible use than some of the primary permitted uses. Discussion between Mr. Martel and Mayor Teixeira indicated the project was similar to Quail Run, would require foundations, will have a two car garage with every unit, is a gated senior community, and is "somewhat" a PUD. The average lot size is 6,000 square foot, except for the larger lots abutting the western parameter. The landscaping is approximately 15 percent.

(2-2756.5) Mr. Martel then continued his report by indicating that Mr. Langson felt that the foundation and installation would provide adequate buffering to address the airport noise issue. He reiterated his statements that the project was more compatible than the other primary permitted uses allowed. The large lots, buffer zones, fencing/wall were done at staff's and the neighbors' request in an attempt to mitigate the land use compatibility issues. As the City had previously required and accepted a requirement that notification be placed on deeds concerning the noise and odor issues, he felt that this process, in addition to the CC&R notice, should be adequate. He felt that the neighbors' concerns about the use of Mark and Holly Way for access had been mitigated by the Hot Springs Road access. He felt that the neighbors had been involved throughout the process. After the second meeting when no comments were made by the neighbors to his staff, neighborhood meetings were discontinued in the belief that their issues had been resolved. The number of units had been changed due to staff's comments and the different lot sizes/configurations. This provides a variety in sizes for the clientele and allows for single, double, or triple wide units. He explained the discrepancy in landscaping figures as interpreted by the Commission. The density is 5.7 units per acre with the total landscaping area of 4.1 percent of the project. The open space area equals 6.4 percent and the park area is 4.4 percent. The landscaping percentage does not include that which the individual lessee will be required to provide on his/her lot. The percentages are for the areas which the developer will be required to provide. He then indicated that a previous project had been for either one-quarter or half acre single family units. This project had also been denied. Discussion noted that this project had been before Mayor Teixeira's tenure. Mr. Martel reiterated his statements that the use was a better one for the property, should not impact the FAA grants, questioned whether FAA would fund acquisition of the property, and indicated that the resolution of intent would provide a win-win situation for all parties.

(2-2907.5) Public comments were then solicited. Mr. Mabray presented a sign-in sheet which he had taken of the individuals present opposing the project to the Clerk. He felt that the project was not in keeping with the rural neighborhood which is Single Family One Acre. His traffic concerns related to the impact the project would have on Mark Way and Holly Way were explained. He indicated that, if the access has been changed to Hot Springs Road, his concerns will have been mitigated; however, the January 17, 1996, letter to the City from Lumos and Associates indicated the legal access would be from Mark and Holly Way. There was an offer to acquire an easement from Hot Springs Road contingent upon the project's approval. As the project had not been approved, the access purportedly had not been obtained. The information indicating there is an access from Hot Springs Road is "new information". There was purportedly in the packet a five year timeframe from the start to completion. As it is a forty acre project, this is an awfully long time to have to contend with all the disturbances. He was also concerned about having the One Acre Single Family zoning with all types of different domestic and

farm animals abutting a mobile home park. The applicant's representatives had indicated that a letter would be given to the lessees notifying them of animals, potential odor, dust, etc. He felt that the lessees may come back and a problem arise regardless of the letter. He then explained that the January 22, 1996, MPR site plan, which he displayed, indicated that there would be 222 units on 39 acres which is 5.7 units per acre. When the landscaping of 1.6 acres, the open space of 2.5 acres, the park area of 1.7 acres, and paved surface calculations of 7.7 acres are added up, the project totals 52.55 acres. Comments at the Planning Commission had indicated that the numbers had been overlapped; however, his concern is the multiplication of 222 units by 5.7 units per acre equals 39 acres. This does not leave any space for the other items. The project had been under discussion for 16 months. The neighborhood had not attempted to take the property away from Mr. Langson although comments would indicate otherwise. The neighborhood's intent had been that it is a rural, established community of one acre or larger parcels with an investment and commitment and it is their desire to have the very best development obtainable for the neighborhood. The information received to date has not provided the necessary confidence level for the project. He urged the Board to consider their needs as well as the vacant property owner's. Discussion indicated that there had been only two meetings with Lumos and Associates, Mr. and Mrs. Langson, and the property owners. The July 25 and September 19th meeting were explained. Concerns had been expressed at the first meeting. There had been no give and take on the concerns. The purported discussion which had occurred had related to only the need for fencing of the project and was related to staff's indication that it was required versus Lumos and Associates determination that it was not required. Mr. Mabray had indicated to Mr. Langson that the best fencing for the project in this area would be a block wall. The September meeting had only indicated "what we are going to get" and had not addressed the concerns. After one hour and no discussion on the concerns, the neighborhood representatives had thanked them and left the meeting. As of this date, there has never been another meeting. All of the information gleaned since that time has come from Community Development. The neighborhood has never felt "comfortable with the project".

(1-3219.5) Mr. Lubich read a January 5, 1996, letter from Assessor Kit Weaver concerning the compatibility of having a mobile home park in a rural neighborhood. Mr. Weaver referenced his response to an inquiry from Lumos and Associates and the question posed by Mrs. Danforth. Mr. Weaver felt that the "best use for the area would be to leave the property vacant. Good quality single family residences would also be a very harmonious use." Mr. Lubich felt that the compatibility issues clearly indicated Single Family One Acre was the appropriate zoning for the area specifically as College Parkway effectively split the City and its destiny from the rural area to the north. The Bypass would further separate the area from the City. The project, if approved, would be the only thing north of the Bypass which is not Single Family One Acre. Personal experience indicated that it is difficult to sell property adjacent to the proposed mobile home park which is a direct correlation to the property's value. He then expressed his personal concerns about his daughter's safety due to the increased foot and vehicular traffic which would be created by the project. He then explained the Boulder, Colorado, presentation on open space and expressed his feeling that the development would be a similar loss to Carson City. He then explained incompatibility issues found at the Reno Airport as indicated by a "press release" from Dave Crews, Airport Land Acquisition Manager. FAA supports having a buffer zone and uses the Master Plan to stop growth. The need for the buffer zone was clearly indicated by the accident report which he provided as an example. Mayor Teixeira noted that the airport would not expand. (2-3459.5) Mr. Lubich then explained the funding for acquisition of property abutting the Reno Airport due to the 65 dba noise level generated by the aircraft. Mr. Crews had purportedly indicated that mobile homes cannot be retrofitted to mitigate the 65 dba noise level. He recommended that no development be allowed in the range of this noise level. Mr. Lubich then explained several accidents which had purportedly occurred on the property to illustrate his concern. He agreed that Carson City should bring people here. It is a nice place to live; however, a 221 unit mobile home park in the middle of Single Family One Acre development is not in the best interest of the City. He indicated that the neighbors were not opposed to Mr. Langson's development of the property but that co-existence was desired. He recommended it be zoned for Single Family One Acre homes. He had lived in the area since 1981 and had purportedly never heard about a one-quarter or one-half acre project being proposed for that area. He had, however, heard that Mr. Langson had attempted to get a similar project as the one proposed developed 13 years ago. This project, however, had been denied based on similar reasons as those presented this evening. He felt that any pilot experiencing a problem leaving the Carson Airport would prefer to land in the Single Family One Acre development rather than the mobile homes. This would be his street where his children would be playing. He encouraged the Board to make the area Single Family

One Acre.

Mayor Teixeira requested additional comments. None were made. Mr. Heaton indicated he did not have any other comments.

(3-0026.5) Supervisor Bennett moved that the Board of Supervisors uphold the recommendation of the Planning Commission to deny the application from Mr. 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 located approximately 200 feet north of Hot Springs Road, approximately 900 feet west of Goni Road, for the following reasons: As stated in the Master Plan regarding the consistency with the Master Plan, the proposed amendment would conflict with adjacent uses by allowing a use which is incompatible with the existing airport operations, the existing large lot single family residential development located to the west of the site, and future commercial uses to the south of the site; further, the proposed Master Plan Amendment to Medium Density Mobile Home use would allow a land use which is incompatible with adjacent land uses; and the proposed Master Plan--at which point Supervisor Bennett indicated the motion would stop at this point. Supervisor Smith seconded the motion. Supervisor Smith explained that the two issues for him, which he could not get by here, while he appreciated some of the work which the developer had done in trying to address these issues, although the average lot sizes of 6,000 square feet, he just did not know how you will address the compatibility issues with Single Family One Acre, certainly not with a 30 foot landscaped buffer and a chainlink fence with slants, or whatever it is, at least at this point; the other thing, too, that he didn't think the Board even talked about too much is in regard to the airport, is the agreement we have with the FAA regarding acceptance of Federal money, he knew it is in the packet, we did not really discuss it here too much, but it states in there very specifically regarding exactly what he thought this action would lead us to do, it would put that money in jeopardy and those were his two reasons for seconding the motion. Other comments were solicited but none made. The motion was then voted by roll call with the following result: Supervisor Ayres - Yes; Supervisor Tatro - No; Supervisor Bennett - Yes; Supervisor Smith - Yes; and Mayor Teixeira - My vote is moot but he thought he would like to say we have been going a long time today, first of all, he wanted to compliment the project, he wanted to compliment the way people voiced their concerns, the reason, one of the things that bothered him, he thought that this could have been a good project, he thought this could have been something that could have been worked out with the neighbors, however, it wasn't worked out correctly, the issue here is what we, the recent project that we turned down on Arrowhead, the problem there was an incompatibility of uses, the noise from manufacturers and the noise from the airport, when you make a decision on a project it should have to stand the test of time, he had a problem that this one won't and you can put as many things as you want in deed restrictions and so forth, but when in fact the noise factor for 200 homes, that won't stand the test of time for permanent residents, this is a solid, it is a good project, it is well done, he complimented them, you are trying to do the best job that you could for the project, but it just doesn't fit and stand the test of time, so, basically, he also voted yes, Yes. Motion carried 4-1. Mayor Teixeira then thanked all for their participation.

Supervisor Tatro noted that the motion had passed even though he had not supported the motion which had been on the floor. He suggested that a similar motion be made incorporating all of the findings of the Planning Commission into that motion rather than the two findings Supervisor Bennett had made in her motion, if that is the basis for the decision. District Attorney Waters indicated that this could be done but he felt that the burden that is going on and the effect of an appeal from a denial of this particular type and, as Mrs. Danforth said, the applicant has the burden of persuasion, the burden of going forward in that particular case. The Board could certainly make findings and he had always encouraged the Board to do so. Nevertheless, it is clear under the Statutes and from what you have collectively indicated as your individual reasons, he thought, that there had been a sufficient record set to satisfy him. The Board could certainly incorporate all of the findings as well as those which you as individual Board members have made in your deliberations. Those findings are also relevant in this hearing. Mayor Teixeira expressed his feeling that the issue had satisfied the intent and that the motion would satisfy the law. Discussion noted the need to address the zone change. Clarification indicated that Mayor Teixeira had voted for the motion to uphold the Planning Commission's recommendation of denial.

(3-0112.5) Supervisor Bennett moved that the Board of Supervisors uphold the recommendation of the Planning

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the May 2, 1996, Meeting  
Page 16

Commission for a Change of Land Use request from Don Langson to change the zoning designation from Tourist Commercial to Mobile Home Park on property located approximately 200 feet north of Hot Springs Road, approximately 900 feet west of Goni Road, APN 8-123-08, based upon the findings and conditions presented in the entire record of the Planning Commission, before us, and, specifically, because the proposed Change of Land Use would conflict with adjacent land uses by allowing usage which is incompatible with the existing airport operations and the existing large lot Single Family residential development located to the west of the site and the future commercial businesses on the south of the site. Supervisor Ayres seconded the motion. Comments on the question were requested but none made. The motion was voted and carried 5-0.

Mayor Teixeira thanked everyone for coming and apologized for the late hour. There being no other matters for consideration by the Board, Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 10:40 p.m.

The Minutes of the May 2, 1996, Carson City Board of Supervisors meeting

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

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

ATTEST:

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