

CARSON CITY REGIONAL TRANSPORTATION COMMISSION

Minutes of the May 9, 2012 Meeting

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A regular meeting of the Carson City Regional Transportation Commission was scheduled to begin following adjournment of the Carson Area Metropolitan Planning Organization meeting on Wednesday, May 9, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Shelly Aldean
Vice Chairperson James Mallery
Commissioner Charles Des Jardins
Commissioner John McKenna
Commissioner James Smolenski

STAFF: Darren Schulz, Deputy Public Works Director
Patrick Pittenger, Transportation Manager
Daniel Doenges, Senior Transportation Planner
Ken Smithson, Transit Coordinator
Jeff Sharp, City Engineer
Joe Ward, Senior Deputy District Attorney
Tina Russom, Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

A. CALL TO ORDER AND DETERMINATION OF A QUORUM (5:54:24) - Chairperson Aldean called the meeting to order at 5:54 p.m. Roll was called; a quorum was present.

B. PUBLIC COMMENT (5:54:59) - Chairperson Aldean entertained public comment; however, none was forthcoming. Chairperson Aldean welcomed Mr. Ward, and thanked Ms. Russom for her service to the commission.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES - April 11, 2012 (5:56:16) - Chairperson Aldean entertained suggested revisions and public comments. When none were forthcoming, she entertained a motion to approve the minutes, as presented. **Commissioner Smolenski so moved. Commissioner Des Jardins seconded the motion. Motion carried 5-0.**

D. AGENDA MANAGEMENT NOTICE (5:56:45) - Chairperson Aldean entertained modifications to the agenda. Discussion took place regarding the Sierra Vista Lane items, and Ms. Russom advised leaving the two items separate. Following additional discussion, Chairperson Aldean modified the agenda to address items F-2, F-3, and F-4 prior to item F-1.

E. DISCLOSURES (5:58:41) - None.

F. PUBLIC MEETING ITEMS:

F-1. POSSIBLE ACTION TO ADOPT RESOLUTION NO. 2012-RTC-R-1, AND APPROVE THE COOPERATIVE AGREEMENT BETWEEN THE CARSON CITY RTC AND THE NEVADA DEPARTMENT OF TRANSPORTATION ("NDOT") FOR THE HELLS BELLS

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ROAD PEDESTRIAN PROJECT (6:57:02) - Chairperson Aldean introduced this item, and Mr. Pittenger reviewed the agenda materials. In response to a question regarding paragraph 14 of the cooperative agreement, Mr. Pittenger advised that Transportation Division staff will collect survey data. "... that is a standard requirement with Safe Routes to School projects." Mr. Pittenger acknowledged that the School District will assist with survey data collection, as they have in the past.

Chairperson Aldean entertained questions or comments of the commissioners and, when none were forthcoming, public comments. When none were forthcoming, she noted a correction to the Resolution included in the agenda materials and entertained a motion. **Commissioner Des Jardins moved to adopt Resolution No. 2012-RTC-R-1 and approve the cooperative agreement between Carson City RTC and the Nevada Department of Transportation for the Hells Bells Pedestrian Project, subject to the correction as indicated on the record. Commissioner Smolenski seconded the motion.** Chairperson Aldean entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

F-2. INFORMATION REGARDING PHASE III OF THE ROUTEMATCH PROJECT, WHICH BRINGS INTELLIGENT TECHNOLOGY TO THE FIXED-ROUTE SITE OF THE TRANSIT SERVICE AND PROVIDES REAL TIME TRANSIT INFORMATION TO THE GENERAL PUBLIC (5:58:54) - Chairperson Aldean introduced this item, and Mr. Smithson reviewed the agenda materials. In response to a question, Mr. Pittenger provided the website address. In response to a further question, Mr. Smithson advised that JAC staff is "still learning how to use the system effectively and ... generate reports that will help us to determine the efficiency of the system and steps that we can take ... to increase that." Chairperson Aldean entertained questions or comments of the commissioners and of the public. When none were forthcoming, she thanked Mr. Smithson for his presentation.

F-3. POSSIBLE ACTION TO RESCIND THE ACTION BY THE CARSON CITY REGIONAL TRANSPORTATION COMMISSION ON APRIL 11, 2012 REGARDING MAINTENANCE OF A SECTION OF SIERRA VISTA LANE (6:02:53) - Chairperson Aldean introduced this item. Ms. Russom provided background information and reviewed the agenda materials. In response to a question, Commissioner McKenna expressed no opposition to the District Attorney's Office recommendation "as long as something gets done." He expressed opposition to "leav[ing] this room back to where we were before last meeting." Chairperson Aldean noted the three options included in the staff report for item F-4, and suggested nothing would be lost by rescinding the motion. **Commissioner McKenna reiterated no opposition and moved to rescind the prior motion. Commissioner Des Jardins seconded the motion.** Chairperson Aldean entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

F-4. POSSIBLE ACTION TO DETERMINE THE LEVEL OF MAINTENANCE RESPONSIBILITY FOR A 1.1-MILE PORTION OF SIERRA VISTA LANE AND TO REQUEST STAFF TO ACQUIRE THE NECESSARY RIGHT-OF-WAY OR EASEMENT ACROSS THE ALLOTMENT PARCEL FROM THE BUREAU OF INDIAN AFFAIRS (6:04:53) - Chairperson Aldean introduced this item, and Mr. Schulz reviewed the agenda materials. Chairperson Aldean provided an overview of the Pavement Management chart included in the agenda materials, noting that "Sierra Vista Lane falls at the very bottom." Mr. Schulz acknowledged that the streets listed on the "Private Streets" table, included in the agenda materials, are privately maintained.

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Chairperson Aldean provided background information on “serial parceling” of the properties in the area of Sierra Vista Lane “after the subdivision ban was lifted.” She suggested a subdivision would have been a better approach in consideration of the uncertainty associated with the roadway which serves the subject parcels. She advised of having driven along Line Drive, at City Engineer Jeff Sharp’s suggestion, and advised against it “as an alternative.” “It is basically a gravel surface ... that’s compacted and there may be some oil ... that’s added periodically.” Mr. Sharp clarified “it’s recycled asphalt grindings.” Mr. Schulz further clarified “no oil is ever added.”

Based on recently-acquired information, Chairperson Aldean suggested accepting maintenance of the road “but to state that ... the minimal amount of maintenance will be to maintain the road in a condition that’s passable to emergency vehicles.” She further suggested “post[ing] a sign advising travelers on the road that the road receives only minimal maintenance.” She expressed concern with regard to “raising the expectations of people who may buy out there subsequently or may purchase an existing home. The implication that the road is maintained by the City carries with it a certain level of expectation.” Chairperson Aldean noted the Public Works Department budgetary limitations, based on testimony provided at previous meetings. She further noted the “huge disparity” in traffic counts between Sierra Vista Lane and other streets in Carson City deemed to be in poor condition. “Because of ... the serialization of the parceling in this area,” Chairperson Aldean expressed the belief “that maybe we can reach some sort of reasonable compromise whereby the City accepts maintenance responsibility and will ensure that the road remains passable for emergency vehicles.” She recommended “do[ing] nothing right now,” and encouraged each person to “take a trip on Line Drive which is off of Clearview Drive in southeast Carson and take a look at the driveability of that surface because that’s one of the options that staff is proposing ... to use ... those pulverized grindings as a substitute for the road that you currently have.” She expressed the opinion that no decision, other than accepting the road for maintenance at a minimum standard, should be made at this meeting.

Commissioner McKenna expressed no opposition to Chairperson Aldean’s recommendations, and an interest in hearing from the affected residents. Commissioner McKenna suggested considering the area in light of “the City’s new involvement out there. Parks and Rec owns property, Open Space owns property out there, federal lands bill, etc.” In consideration of the history associated with maintenance of Sierra Vista Lane, Commissioner McKenna expressed an interest in “this problem go[ing] away.” He expressed support for Chairperson Aldean’s recommendation “as long as it is dealt with on a constant basis.” He expressed concern over “let[ting] this thing go again for ten years and brought back to us. We need a permanent solution for that area.” He expressed no opposition to creating special revenue districts to maintain private roads. He expressed a preference for “staff to come forward, after talking to the residents, and saying, ‘This is what everybody agrees to,’ so that we don’t have to sit here and play Solomon.”

Chairperson Aldean clarified that accepting maintenance responsibility for Sierra Vista Lane will result in it “being treated like every other road in town. It’s going to be evaluated based on a myriad of different criteria. ... daily traffic, overall condition, ... Until it rises to the top, it may not get a lot of attention.” Chairperson Aldean expressed concern over “treat[ing] this road any differently than any other publicly-owned or publicly-maintained thoroughfare.” Commissioner McKenna agreed.

Chairperson Aldean entertained additional discussion. In reference to the options listed in the agenda report, Commissioner Des Jardins expressed concern over acquiring the necessary right-of-way easement, from the Bureau of Indian Affairs, across the allotment parcel. Mr. Schulz expressed confidence that City

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staff can acquire the necessary right-of-way easement. "It's going to take time and effort, but ... we can do that." In response to a further question, Mr. Schulz advised there has been no contact between City staff and the Bureau of Indian Affairs thus far.

Chairperson Aldean entertained public comment. (6:16:50) Donna Gray advised "there is an easement for Mexican Dam Road through the Indian land and it was obtained in 1983 ... and it's for public use. Now, whether the road follows that easement is another issue, ... but there is a public easement for the road." Chairperson Aldean expressed the understanding that the road does not follow the easement "where it was washed out so we'd have to ... redescribe ... the easement."

(6:17:37) Mark Kimbrough expressed concern over the standard of maintaining the road to ensure emergency vehicle access in consideration of the "vision you're giving staff ... about what that would entail." He advised that "fire trucks can go just about any place." He expressed appreciation for Chairperson Aldean's research relative to serial parceling in the area. He advised that "part of the problem is ... that [the road] wasn't built right in the first place. ... The BMPs weren't put in." He expressed concern over major rain and flooding events. He expressed appreciation for the indication of support, and the hope that staff will be in a position "to feel comfortable at what level that is versus getting an emergency vehicle up the road." Chairperson Aldean clarified her recommendation indicated emergency vehicle access would be the minimum level of maintenance. In response to a comment, Chairperson Aldean read into the record the three options from the agenda report.

(6:20:39) Donna Matthais advised of having researched "all the properties, especially the first time it was paved. One of the things that was the problem at the time was the BIA property ... It belongs to Aurora. Her husband was very ill at the time. I got all the paperwork and the paperwork shows that there is a whole easement around there. The road originally was around the old tree, the great big tree that you guys went around when you went out there. That was the original road. It was put in straight through ... but it was changed back because it was a better road. The other road was just a sand base and so they put it back before the flood. That road went back in and we could travel it much easier." Ms. Matthais advised of having "checked on the paperwork of that property and one of the papers in there says BIA has given us permission to go across that road and there's another paper in that Ms. Aurora and her husband both had done." Ms. Matthais advised of having called them "at this particular time ... and talked to her and she said, 'When will this ever cease? I have given this property for easement to go across. When will you guys finally get over it?'" Ms. Matthais expressed the opinion that "with the paperwork and everything else, we should be able to go right through it." In response to a question, she advised that the "paperwork is in the files ... on everybody's property." Chairperson Aldean noted the importance of ensuring the right to do work on the road. She requested Ms. Matthais or any other resident to provide any relevant information to Public Works Department staff. Mr. Sharp advised that City staff has the cross-easement document.

(6:24:33) Mark Kimbrough expressed the hope that easements "could be gathered all the way to the end so the City truly has ... ownership to that so you're not outside the boundaries of the City's property or easements." Mr. Sharp acknowledged that an easement exists across the BIA allotment but not on the portion of road currently used. He explained that the road, except for the BIA allotment, is on private property and there are easements across those properties. He advised that no consideration has been given to acquiring right-of-way. "The easements all say 'public roadway easement.' That's about as good as you can get. For the City to acquire the right-of-way, we'd have to go and purchase [it], then we would split the properties in half and ... they'd have a piece on the River side and a piece not on the River and that

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wouldn't make a lot of sense either." Chairperson Aldean clarified that the public easement provides the City and the parcel owners with a certain amount of immunity from liability. Mr. Kimbrough expressed appreciation for the clarification.

(6:26:51) Mark Kaminsky advised of a "familiar[ity] with asphalt and asphalt maintenance," and expressed a "big concern over just putting regrind on it and turning it into a gravel road; that that's a big step backwards for us." He expressed additional concern that "it makes it go away for the City except you drive a grader out there from Butti every three years and grade it over and we still have all the people accessing East Valley Road going down to Gardnerville and it's not just our road and our problem even after the City takes it over."

(6:27:49) Mitch Matthais provided background information on the last maintenance performed on Sierra Vista Lane, and expressed concern over institutional and "residential" memory. He requested the commission "to get that permission because that should have been done before that section of road got regrind on it because the same issue existed then. It's very disconcerting to see the problem, as Mr. McKenna has shown, continues to grow." Mr. Matthais expressed the opinion there are very few roads in Carson City "that haven't been paved one way or the other." He discussed the residents' road maintenance efforts over the years, and requested the commission "to move forward, show some continuity, and help us take care of those roads." He expressed the opinion that the Sierra Vista Lane residents shouldn't be treated differently. "Show some continuity; pave our roads or at least maintain them."

Mr. Sharp acknowledged that the only segment at issue, relative to easement, is the BIA allotment. Chairperson Aldean entertained additional public comment. (6:31:14) Jim Hogan noted "quite a few issues," and inquired of Public Works Department staff their intention relative to road maintenance. Mr. Schulz acknowledged the intent to place asphalt grindings on the roadway, and Mr. Hogan described the solution as "completely unacceptable." He purchased his home "with a paved road," and expressed disbelief at having to drive "two and a half miles ... on gravel throughout the winter, the snow. It's just not right." He expressed concern over the affect on property values and the residents' vehicles. He expressed a preference for "the same standard at least which would be a paved road as it is now. It could be the chips with the seal on it but at least that standard."

Chairperson Aldean entertained additional public comment and, when none was forthcoming, additional questions or comments of the commissioners. Commissioner McKenna inquired as to the City's time frame. Mr. Schulz advised that if the commission accepts the road for maintenance, staff will develop a thorough maintenance program. He acknowledged the need for improvements relative to the storm drainage and crossings. He described the road as "not terrible ... today, but the problem is that it's continuing to fail and ... you just can't go back and ... put band-aids on it which is what's been done. It's going to reach a point where it won't accept a band-aid. It's just failure and it's back down to sand with some rock." Mr. Schulz discussed the plan to "ultimately go back to the grindings, something that could be managed. That would not happen probably within a couple years. It would happen down the road once that road [can't be] maintained with little patches here and there." Mr. Schulz advised that if the commission accepts the road for maintenance, it will "be treated just like any other road in the City that we maintain. We would put a program together and any resident from anywhere in the City can come to this board and say, 'I am not happy with the way you are maintaining it,' and you ... could direct us to change that maintenance and / or spend more money on one road than we are another. That's ultimately how it would be handled."

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Mr. Schulz acknowledged that the first step would be for the City to accept maintenance responsibility and to acquire the necessary right-of-way. He further acknowledged that the residents would need to continue negotiations with the City to “get some level of road in there and, if they wanted something better than what staff was going to provide them, they could either enter into a negotiation to pay for the higher standard or they could take it forward to this committee or to the supervisors ...” Mr. Schulz advised that the existing road is comprised of grindings with a chip seal “and that road has lasted approximately, to where it is now with some fixes to it, ... ten years.” He further advised that staff could “go back and do that exact same thing again and you’re going to get the exact same life span ... but that’s it.” He further advised that the chip seal could be included for an additional \$80,000 or \$90,000.

In response to a question, Mr. Sharp advised that the residents could not close the road to public access. Chairperson Aldean noted that this commission is the proper venue for concerns relative to street maintenance. She expressed concern about “get[ting] too far ahead of ourselves,” noting the challenges associated with the number of roads deemed to be in poor condition which are carrying “a lot more traffic than this road.” She expressed confidence in staff’s conscientiousness to provide a warranted level of service.

In response to a question, Mr. Schulz anticipated that improvements to Sierra Vista Lane would initially begin within three years. “Maintenance on the road would happen immediately. We would go out and, if in the middle of the road, there’s a big giant pothole, we’ll go fix that.” Commissioner Mallery expressed concern relative to the residents’ understanding. Chairperson Aldean entertained additional comments of the commissioners; however, none were forthcoming.

Chairperson Aldean reopened public comment. (6:38:37) Greg Regan described the road as “passable and driveable now.” In response to a question, Chairperson Aldean suggested a consensus of the commission to accept maintenance responsibility at a level to be determined, pending resolution of the easement issue associated with the BIA allotment.

(6:39:54) Mark Kaminsky inquired as to other alternatives such as slurry seal. Mr. Schulz advised of having considered other alternatives and advised that “more in depth” improvements can be made, but that “sealing the cracks and a slurry seal will not get us 10 more years.” He described problems associated with the thickness of the wear course and that the base is merely sand. He acknowledged that slurry seal is a less expensive option.

(6:40:54) Donna Gray inquired as to the commission’s purview over Open Space Program funds. Chairperson Aldean advised that Question #18 funding is typically used for Open Space Program acquisitions and maintenance of the same. Commissioner McKenna explained that the use of Open Space Program funding will “be a discussion that takes place over the next couple of years because of transitions from acquisition into things like maintenance, fire protection ... Since your road is bordered or in property that’s going to be owned by [the] Open Space [Program], if the federal lands bill goes through, it’ll be part of that.” Commissioner McKenna explained that the commission’s funding sources are very different from Question #18 funding. In response to a further question, he advised that Ms. Gray could talk to the Open Space Advisory Committee, but suggested that the property adjacent to Sierra Vista Lane would likely be considered the same as the acreage through Carson River Canyon. Chairperson Aldean provided additional clarification relative to the use of Open Space Program funding for maintenance of acquisitions. She suggested contacting Open Space Property Manager Juan Guzman. Ms. Russom provided additional

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clarification relative to the limited use of Question #18 funding. Additional discussion followed, and Mr. Sharp pointed out one parcel, on a displayed map, which will be transferred to the City as part of the federal lands bill process. He noted that the parcel has approximately 400 feet of frontage on Sierra Vista Lane, and that there are no improvements planned for it. Chairperson Aldean related details of a recent discussion with Parks and Recreation Department staff relative to recreational access via Sierra Vista Lane.

Chairperson Aldean entertained additional public comment and, when none was forthcoming, additional questions or comments of the commissioners. Commissioner Des Jardins discussed concerns over the situation in consideration of the “big picture.” **Commissioner McKenna** discussed the importance of addressing the situation as it stands, and **moved to accept the maintenance responsibility at a level determined by the RTC for a 1.1-mile portion of Sierra Vista Lane contingent upon staff’s ability to acquire the necessary right-of-way or easement across the allotted parcel from BIA. Commissioner Smolenski seconded the motion.** Commissioner McKenna expressed the hope that the commission’s action represents a first step, and “that we can all work together to solve a problem that none of us created but we all have to deal with.” In response to a question, Mr. Schulz advised that accepting maintenance responsibility over the road is the same as accepting any associated liability. Chairperson Aldean expressed the understanding that failure to maintain does not create the liability, but maintaining the road in an improper fashion that exacerbates the situation, may result in a level of liability. She expressed the further understanding that certain statutory provisions protect individual private property owners from liabilities associated with use of a public easement. She assumed that the same protection would extend to the City. In response to a question, Mr. Ward advised that the decision, once made, requires the City to follow through in a non-negligent manner. Discussion followed, and Chairperson Aldean read into the record a portion of NRS 403.565. Chairperson Aldean entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

F-5. POSSIBLE ACTION TO APPOINT CARSON CITY REGIONAL TRANSPORTATION COMMISSION VICE CHAIR JIM MALLERY TO REPRESENT THE CARSON CITY REGIONAL TRANSPORTATION COMMISSION ON THE TAHOE TRANSPORTATION DISTRICT AND TAHOE TRANSPORTATION COMMISSION BOARDS, EFFECTIVE JUNE 1, 2012 (7:02:39) - Chairperson Aldean introduced this item. Mr. Pittenger provided background information and reviewed the agenda materials, noting Vice Chair Mallery’s extensive qualifications and experience. Chairperson Aldean entertained commissioner and public comments. When none were forthcoming, she entertained a motion. **Commissioner McKenna moved to “gratefully” appoint Carson City Regional Transportation Commission Vice Chairman Jim Mallery to represent the Carson City Regional Transportation Commission on the Tahoe Transportation District and Tahoe Transportation Commission Boards, effective June 1, 2012. Commissioner Smolenski seconded the motion. Motion carried 5-0.** Chairperson Aldean congratulated Vice Chairperson Mallery and thanked him for his willing service.

G. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

G-1. STREET OPERATIONS REPORT - MARCH 2012 (7:05:08) - Chairperson Aldean introduced this item, and entertained questions or comments. None were forthcoming.

G-2. PROJECT STATUS REPORT (7:06:03) - Chairperson Aldean introduced this item, and Mr. Schulz reviewed the agenda materials. Commissioner McKenna commended the freeway landscaping project as an enhancement to the City. Chairperson Aldean agreed, and commended GROW President

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Mary Fischer and GROW members on their diligence in securing federal funding for the project. Mr. Schulz provided a status report on the narrowing of Carson Street, and discussion followed. In response to a question, Mr. Schulz advised that award of the North Roop Street Enhancement Project will be presented to the commission in July. Mr. Pittenger described a project to install a very narrow median on Fairview Drive between Roop and Carson Streets “to prohibit some dangerous movements that are currently available and actually to provide an additional movement that is in response to a citizen request ...” He advised that the project was reviewed by NDOT safety engineers and subsequently 95 percent funded by NDOT. Chairperson Aldean entertained additional questions or comments; however, none were forthcoming.

G-3. FUTURE AGENDA ITEMS (7:14:00) - Chairperson Aldean introduced this item. In response to a question, Mr. Pittenger advised that staff is working through details of the contract with Secret Witness. (7:16:24) Mr. Pittenger reviewed the tentative agenda for the June commission meeting.

H. COMMISSIONER COMMENTS (7:14:55) - In response to a question, a brief discussion took place regarding installation of “No Engine Brakes” signs along Fairview Drive. Staff agreed to research the matter. (7:16:53) Chairperson Aldean entertained additional commissioner comments; however, none were forthcoming.

I. PUBLIC COMMENTS (7:16:55) - Chairperson Aldean entertained public comment; however, none was forthcoming.

J. ACTION TO ADJOURN (7:17:19) - Commissioner Des Jardins moved to adjourn the meeting at 7:17 p.m. Commissioner Smolenski seconded the motion. Motion carried 5-0.

The Minutes of the May 9, 2012 Carson City Regional Transportation Commission meeting are approved this 13th day of June, 2012.

SHELLY ALDEAN, Chair