

CARSON CITY BOARD OF SUPERVISORS
Minutes of September 7, 1995, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, September 7, 1995, 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
	Michael Griffin	District Court Judge
	Rod Banister	Sheriff
	Al Kramer	Treasurer
	Jay Aldean	Public Works Director
	Basil "Butch" Moreto	Purchasing & Contracts Director
	Paul Lipparelli	Deputy District Attorney
	John Iratcabal	Dep. Purchasing & Contracts Dir.
	John Mayes	Risk Manager
	Bill Barker	Streets Superintendent
	Harvey Brotzman	RTC Engineer
	Katherine McLaughlin	Recording Secretary

(B.O.S. 9/7/95 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 1:03 p.m. An Invocation was not given. Sheriff Banister lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

1. APPROVAL OF JULY 6, 1995, MINUTES (1-0018.5) - Supervisor Smith moved to approve. Supervisor Ayres seconded the motion. Motion carried 5-0.

2. SPECIAL PRESENTATION - PRESENTATION AND AWARD TO THE CARSON CITY BABE RUTH ALL STARS IN RECOGNITION OF WINNING THE NEVADA STATE CHAMPIONSHIP (1-0022.5) - Mayor Teixeira explained the award recognizing the 15 Year Old Babe Ruth All Stars Team for winning the State Championship. He presented a plaque to the Team and introduced Coach Dan Leck. Mr. Leck introduced Manager John Staub and Coach Tim Terry. The team had won the State Championship four years in a row. The team's only loss was to the team which won the World Championship. The team members were introduced and Certificates of Commendation presented to each.

CITIZEN COMMENTS (1-0122.5) - Shirley Jones briefly referenced a neighborhood parking problem and requested she be agendized for the next meeting. Mayor Teixeira requested she discuss her request with Mr. Berkich so that it could be properly agendized. He would not promise the next meeting but felt certain it could be addressed within two meetings. Additional public comments were solicited but none given.

3. LIQUOR AND ENTERTAINMENT BOARD (1-0142.5) - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. The entire

Board was present including Sheriff Banister, constituting a quorum.

A. CONSENT AGENDA - TREASURER - Al Kramer

i. ACTION ON A SPECIAL EVENT SHORT-TERM BUSINESS PERMIT REQUEST WITH WAIVER OF THE \$50 PER DAY PROMOTER FEE FOR ADVOCATES TO END DOMESTIC VIOLENCE

ii. ACTION ON AN ENTERTAINMENT PERMIT WITH WAIVER OF THE \$100 APPLICATION FEE AND \$100 PERMIT FEE AND A SPECIAL EVENT SHORT-TERM BUSINESS PERMIT WITH WAIVER OF THE \$50 PER DAY PROMOTER FEE FOR CACTUS JACK'S HORSESHOE CLUB AND CHAMBER OF COMMERCE (DOWNTOWN MAINSTREET COUNCIL)

iii. ACTION ON AN ENTERTAINMENT PERMIT WITH WAIVER OF THE APPLICATION FEE OF \$100 AND THE PERMIT FEE OF \$500 FOR THE NEVADA DAY COMMITTEE, LTD.

iv. ACTION ON A SPECIAL EVENT SHORT-TERM BUSINESS PERMIT REQUEST WITH A WAIVER OF THE \$50 PER DAY PROMOTER FEE FOR THE BREWERY ARTS CENTER (1-0145.5)
- None of the Items were pulled for an in depth discussion. Member Bennett moved that the Liquor and Entertainment Board approve the Consent Agenda as presented for the Liquor and Entertainment Board. Member Tatro seconded the motion. Motion carried 6-0.

B. OTHER ITEMS

i. ACTION ON A BEER AND WINE LICENSE FOR CARSON VALLEY BLIMPIE, INC., DOING BUSINESS AS BLIMPIE'S SUBS AND SALADS (1-0155.5) - Donald Craig Mullet was present. The Sheriff's Department recommended approval. Member Ayres moved that the Liquor and Entertainment Board approve the request for a beer and wine license for Carson Valley Blimpie, Inc., doing business as Blimpie's Subs and Salads, fiscal impact is \$150 per quarter, \$500 investigation fee, and \$500 new fee. Members Smith and Tatro seconded the motion. Motion carried 6-0.

ii. ACTION ON A BEER AND WINE LICENSE FOR TABITHA M. MAITA, DOING BUSINESS AS CARSON CITY SUB SHOP (1-0177.5) - Ms. Tabitha Maita indicated she was taking over an existing business. Member Banister noted the favorable Sheriff's Report. Member Bennett moved that the Board approve a beer and wine license for Tabitha M. Maita, doing business as Carson City Sub Shop. Members Smith and Ayres seconded the motion. Motion carried 6-0.

iii. ACTION ON A FULL BAR LIQUOR LICENSE FOR HRT, INC., DOING BUSINESS AS GRAND CENTRAL PIZZA AND PASTA (1-0189.5) - Continued as the Applicant was not present.

iv. ACTION ON A FULL BAR LIQUOR LICENSE FOR JOE GARLIC'S INC. (1-0198.5) - Gena and Frank Perez explained they were taking over an existing business and their experience. Chairperson Teixeira commended them on their efforts at the location. Member Smith moved to approve a full bar Liquor License for Gena Perez and Frank Perez operating as Joe Garlic's Inc. Member Ayres seconded the motion. Motion carried 6-0.

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

5. CONSENT AGENDA

A. TREASURER - ACTION ON REINSTATEMENT OF REVOKED BUSINESS LICENSES

B. HOUSING DIRECTOR - ACTION ON APPROVAL OF ADDITIONS/REVISIONS TO THE CARSON CITY/COUNTY FIRST TIME HOMEBUYERS PROGRAM

C. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9495-274 - LIGHT WEIGHT FAIRWAY MOWER,

AWARD

ii. **ACTION ON CONTRACT NO. 9596-15 - WATER METERS, AWARD**

iii. **ACTION ON CONTRACT NO. 9596-77 PURCHASE OF USED VEHICLE FOR SHERIFF'S DEPARTMENT, CONTRACT APPROVAL.**

iv. **ACTION ON CONTRACT NO. 9596-66 - 1996 JUNIOR SKI PROGRAM, RESORT**

v. **ACTION ON CONTRACT NO. 9596-69 - DISPOSAL OF SURPLUS VEHICLES**

vi. **ACTION ON CONTRACT NO. 9596-071 - SELF INSURANCE PROGRAM SERVICES, CONTRACT APPROVAL**

vii. **ACTION ON CONTRACT NO. 9596-058 - CARSON CITY STREET OVERLAY**

viii. **ACTION ON CONTRACT NO. 9596-060 - GOLF COURSE AND PARK EQUIPMENT (1-0236.5)** - Supervisor Smith pulled Contract 9596-058, Street Overlay, for discussion. Mr. Berkich pulled the Additions/Revisions to the Carson City/County First Time Homebuyers Program and Contract 9495-274, Light Weight Fairway Mower for discussion at another meeting. Supervisor Tatro moved that the Board Board approve the Consent Agenda as presented with the deletion of Contract 9495-274 and the Item under the Housing Director, Action on Approval of Additions/Revisions to the Carson City/County First Time Homebuyers Program, and Contract 9596-058, Street Overlay. Supervisors Bennett and Ayres seconded the motion. Motion carried 5-0.

C. vii. **(1-0261.5)** - Mr. Aldean discussed with the Board the City's Street Overlay project and experience with and reputation of Granite Construction. This experience indicated that the City had adequate testing procedures to eliminate any potential reoccurrence of the paving situation which had occurred on College Parkway. Mr. Aldean gave the Board and Clerk a list of streets which would be overlaid. Granite's Regional Manager Tom Case acknowledged the problems which had occurred and felt that there is competition in this area. The firm is committed to quality projects and the contract. He felt certain that the firm would work with the City to be sure that this occurs. Supervisor Bennett requested weekly status reports on the project. Supervisor Smith moved that the Board accept the Purchasing Department's recommendation and award Contract No. 9596-58 to Bidder No. 3, Granite Construction, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of \$775,775 and a contingency amount of \$75,000, funding source is the 1995-96 Street Overlay Program Budget, fiscal impact is the amount mentioned above. Supervisor Tatro seconded the motion. Motion carried 5-0.

6. DISTRICT AND JUSTICE COURT JUDGES - Judge Michael Griffin

A. **ACTION ON REMODEL OF THE COURTHOUSE (1-0401.5)** - Discussion reduced the funding required for the remodel, indicated all options will be analyzed before the marble is removed, and that the restoration funds could be taken from a different budget year. Supervisor Bennett expressed her frustration at the slow process involved in getting a new public safety complex. Judge Griffin agreed by explaining that the point may be reached soon when the City will be ordered to meet handicapped access requirements. Supervisor Smith moved that the Board of Supervisors approve an amount not to exceed \$14,000 for the remodel of the Courthouse, funding source is the ending fund balance. Supervisor Ayres seconded the motion. Mayor Teixeira stressed that the City may not have to fund the "take back" costs for next year. The motion to fund the remodel was voted and carried 5-0.

B. **ORDINANCE - SECOND READING - ACTION ON BILL NO. 143 - AN ORDINANCE ADDING CHAPTER 2.36 TO TITLE 2 IMPOSING FEES ON PARTIES TO DISTRICT COURT AND JUSTICES' COURT ACTIONS TO SUPPORT A PROGRAM OF MEDIATION ESTABLISHED PURSUANT TO 3.500, 4.063, AND 19.0313 (1-0598.5)** - Supervisor Tatro moved that the Board adopt on second reading Ordinance No. 1995-45, AN ORDINANCE AMENDING TITLE 2 TO ADD A CHAPTER IMPOSING FEES ON PARTIES TO DISTRICT COURT AND JUSTICES' COURT ACTIONS TO SUPPORT A PROGRAM OF MEDIATION ESTABLISHED PURSUANT TO NRS 3.500, 4.063, AND 19.0313 which would impose a five dollar fee upon civil litigants in the referenced courts for funding a mediation program for child custody and visitation disputes and provide procedures for administering the revenues so collected. Supervisor Ayres seconded

the motion. Motion carried 5-0.

7. CARSON-TAHOE HOSPITAL - ACTION ON CARSON-TAHOE LEASE AGREEMENT WITH TWJ PROPERTIES, GENERAL PARTNER, AND CASEY M. JONES, ARCHITECT, FOR PHYSICIAN'S OFFICE SPACE LOCATED IN THE DAYTON VALLEY, A PORTION OF LYON COUNTY (1-0612.5) - Hospital Chief Operating Officer Ed Epperson - Supervisor Bennett moved that the Board approve the lease agreement with TWJ Properties, General Partners, Casey M. Jones, Architect, for Physician's Office Space located in the Dayton Valley, a portion of Lyon County. Supervisor Ayres seconded the motion. Motion carried 5-0.

8. PUBLIC WORKS DIRECTOR - City Manager John Berkich - ORDINANCE - SECOND READING - ACTION ON BILL NO. 147 - AN ORDINANCE AMENDING CHAPTER 12.09 OF THE CARSON CITY MUNICIPAL CODE TO MAKE THE PUBLIC WORKS DEPARTMENT RESPONSIBLE FOR ADMINISTRATION OF THE CARSON CITY FLOOD DAMAGE PREVENTION ORDINANCE AND OTHER MATTERS PROPERLY RELATED THERETO (1-0638.5) - Supervisor Tatro moved to adopt Ordinance No. 1995-46 on second reading, AN ORDINANCE AMENDING CHAPTER 12.09 OF THE CARSON CITY MUNICIPAL CODE TO MAKE THE PUBLIC WORKS DEPARTMENT RESPONSIBLE FOR ADMINISTRATION OF THE CARSON CITY FLOOD DAMAGE PREVENTION ORDINANCE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion carried 5-0.

9. CHIEF PROBATION OFFICER - Bill Lewis - ACTION ON APPROVAL OF THE CARSON CITY JUVENILE PROBATION DEPARTMENT TO RECEIVE \$5,000 IN FEDERAL FUNDS FROM THE STATE OF NEVADA, BUREAU OF ALCOHOL AND DRUG ABUSE (1-0648.5) - Discussion noted the size of grant and questioned the point of diminishing return for a grant. Federal/state grant funding has been shrinking. More public and General Fund support will be sought if the programs are to be continued. Supervisor Bennett explained a television program on juvenile violence and the need for early intervention. She urged staff to include in the community health discussions the need to address dysfunctional families particularly those involving drugs/alcohol abuse. Supervisor Ayres moved that the Board of Supervisors authorize the Carson City Juvenile Probation Department to receive \$5,000 in Federal grant funds during the 1995-96 fiscal year for the Juvenile Offender Substance Abuse Program, fiscal impact \$5,000, funding source is the State of Nevada Bureau of Alcohol and Drug Abuse. Supervisor Tatro seconded the motion. Supervisor Tatro requested the City Manager prepare a list of State and Federal funding cuts for Juvenile Probation and the Juvenile Justice system in Carson City so that the Board can consider these issues. Mayor Teixeira noted that the Board's budget would be starting in five months. The motion to authorize Juvenile Probation's receipt of the \$5,000 Federal grant was voted and carried 5-0. Mr. Lewis thanked the Board for its support.

10. PERSONNEL MANAGER - Judie Fisher - ACTION ON APPROVAL OF AMENDED LABOR RELATIONS RETAINER CONTRACT WITH CHARLIE COCKERILL, ATTORNEY AT LAW (1-0845.5) - Clarification changed the funding source from Personnel's Budget to the Ending Fund Balance. Supervisor Ayres moved that the Board approve an amended labor relations retainer contract with Charlie Cockerill to perform collective bargaining services for Carson City between the City and the Labor Associations, fiscal impact is \$8,000, funding source is the Ending Fund Balance. Supervisor Bennett seconded the motion. Clarification indicated the amendment would modify the contract amount and the total cost of the negotiations including those incurred by the employees. The motion to approve the contract amendment was voted and carried 5-0.

11. TREASURER - Al Kramer

A. ACTION ON ORDER FOR SALE OF DELINQUENT PROPERTIES WHERE CARSON CITY HAS TAKEN DEEDS (1-0891.5) - Discussion indicated only one of the parcels may actually go to the sale although there is a possibility that this may not occur. Notification procedures were outlined. Supervisor Tatro moved to approve the Notice and Order for Sale of Real Property known as Assessor's Parcel Numbers 8-173-41, 8-175-31, 8-232-28, 8-404-03, 8-404-13, 8-404-14, and 9-051-14. Supervisor Ayres seconded the motion. Motion

carried 5-0.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 144 - AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE, "1995 SRF SEWER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (ADDITIONALLY SECURED BY PLEDGE REVENUES), SERIES SEPTEMBER 1995, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,120,000; PROVIDING THAT THE BOND MAY BE EVIDENCED BY A SINGLE, REGISTERED BOND; STATING THE PURPOSES FOR WHICH THE BOND IS TO BE ISSUED; PROVIDING FOR THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND AND THE HANDLING OF FUNDS; PROVIDING FOR THE SALE OF THE BOND; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BOND; ADDITIONALLY SECURING ITS PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE SEWER SYSTEM OF WHICH THE FINANCED PROJECT IS A PART; AND RATIFYING ACTION PREVIOUSLY TAKEN TOWARD THE ISSUANCE OF SAID BOND AND EFFECTING THE PURPOSE OF ITS ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO (1-0935.5) - Public comments were solicited but none given. Supervisor Tatro moved to adopt Bill No. 145 on second reading, Ordinance No. 1995-47, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE, "1995 SRF SEWER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (ADDITIONALLY SECURED BY PLEDGE REVENUES), SERIES SEPTEMBER 1995, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,120,000; PROVIDING THAT THE BOND MAY BE EVIDENCED BY A SINGLE, REGISTERED BOND; STATING THE PURPOSES FOR WHICH THE BOND IS TO BE ISSUED; PROVIDING FOR THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND AND THE HANDLING OF FUNDS; PROVIDING FOR THE SALE OF THE BOND; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BOND; ADDITIONALLY SECURING ITS PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE SEWER SYSTEM OF WHICH THE FINANCED PROJECT IS A PART; AND RATIFYING ACTION PREVIOUSLY TAKEN TOWARD THE ISSUANCE OF SAID BOND AND EFFECTING THE PURPOSE OF ITS ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0. Mr. Kramer indicated the bond interest rate was 3.8525 percent and listed the other participants. This is the first bond ever issued by the State for under four percent.

C. PRESENTATION ON SILVER STATE GAMES CONCEPT (1-072.5) - Mr. Kramer and Jim Vanden Huevel - Mr. Vanden Huevel gave the Board and Clerk a packet of information. Comments stressed the tourist attraction created by the Summer Games, its growth, challenges facing a Nevada program, and the need for a consortium of State and City public/private sponsors and volunteers. Mr. Vanden Huevel displayed a fact book on Summer Games. Mayor Teixeira acknowledged the benefits of the program and stressed the need to do it right if the program is undertaken. Mr. Vanden Huevel agreed that it is necessary to do it right to keep the momentum. Supervisor Smith supported the concept and cautioned that without the community's support, the program would fail. At this time he did not feel that he could support a request to allocate \$25,000 of tax monies for the program based on the failure of the V&T Railroad ballot question. He felt that its opposition had been based on the desire to have the benefactors front the majority of the railroad costs. He was willing to participate and help wherever possible but not with tax monies. Mr. Vanden Huevel stressed that the program is designed to recapture the tax monies through sales taxes. He then outlined his sponsorship program which requires a financial and in-kind commitment from the host site. Stability and commitment necessary to make the program work are indicated by the three year commitments made by sponsors and volunteers. Supervisor Ayres expressed her feeling that it was the perfect event for Carson City and urged the Board to support the program. Mr. Kramer used his projected fiscal impact memo to explain the reasons for feeling that any funding provided by the City would be reimbursed. (A copy is included in the packet.) Mr. Vanden Huevel explained his need for a \$25,000 commitment before he

could obtain the national sponsors necessary to make the program work. He did not wish to seek funding from the local business people at this juncture. The status of the California Games was explained. Supervisor Bennett urged Mr. Vanden Huevel to include Lake Tahoe and Susanville in the regional area. He agreed to include them in the long-term plan. No action was taken or required on this Item.

12. INTERNAL AUDITOR - Gary Kulikowski - PRESENTATION OF AMBULANCE BILLING AUDIT REPORT AND RECOMMENDATIONS FOR THE PERIOD BEGINNING JULY 1, 11994, AND ENDING JUNE 30, 1995 (1-1520.5) - Fire Chief Louis Buckley and EMS Battalion Chief Vincent Pirozzi - Mr. Kulikowski reviewed his audit report and responded to Board questions concerning his recommendations and the implementation procedures. (1-1632.5) Supervisor Bennett expressed her feeling that the report indicates the Internal Auditor procedure is beneficial and recognized Chief Buckley and Battalion Chief Pirozzi for their professional responses to the situation. Discussion followed on the reasons for the employee's failure to perform, the improved management controls, and the segregation of duties proved in the new procedures. (1-1733.5) Chief Buckley thanked Mr. Kulikowski for his assistance. (During this discussion, Supervisor Smith stepped from the room 2:48 p.m. A quorum was still present.) Supervisor Bennett moved that the Board of Supervisors accept the audit report including its recommendations and instruct the Department to report back in six months with a status of implementation of the audit recommendations, this is the audit report for the Fire Department Emergency Management Service Division for the ambulance billing and collections. Supervisor Tatro seconded the motion. Discussion noted the Item had not been agendized for action, therefore, Supervisor Bennett withdrew her motion and Supervisor Tatro withdrew his second. Mr. Kulikowski indicated he would provide the Board with a follow-up status report in six months. (Supervisor Smith returned at 2:50 p.m. A quorum was still present.) Mayor Teixeira commended Mr. Kulikowski on his professional approach of the investigation and Chief Buckley and his staff on their professionalism in their responding to the situation.

BREAK: A five minute recess was declared at 2:55 p.m. When the meeting was reconvened at 3 p.m. the entire Board was present constituting a quorum.

13. UTILITIES DIRECTOR - Dorothy Timian-Palmer

A. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE ADDING CHAPTER 12.10 OF THE CARSON CITY MUNICIPAL CODE REGARDING RECLAIMED WATER USE RATES WHICH ESTABLISHES CIVIL AND CRIMINAL PENALTIES AND OTHER MATTERS PROPERLY RELATED THERETO; B. ACTION ON THE APPROVAL OF THE 1995 ADDENDUM TO THE 1993 CONTRACT AGREEMENT FOR SERVICE BY AND BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT; AND, C. ACTION ON THE ADDENDUM TO THE 1983 EFFLUENT SERVICE AGREEMENT BY AND BETWEEN CARSON CITY AND STANTON PARK DEVELOPMENT (1-1810.5) - Ms. Timian-Palmer indicated the State of Nevada will be approached and attempts made to bring its contract in line with the other contracts. The effective date is January 1, 2004. Discussion explained the timeframes for the developers to connect to the effluent line. The City's golf courses are currently using just under 500 acre feet on each course. Silver Oaks may need more than 500 acre feet to get its course started. Mayor Teixeira felt that the golf course bonds would be repaid by 2004 or its payment would be less and the rates increased so that there would be adequate funds to absorb the cost. The parks will not begin paying the fee until 2004 unless they use over 500 acre feet. Ms. Timian-Palmer felt all of the parks combined would not use 500 acre feet. The sand filtration system should be completed in 18 months. The School and City can connect to the line free. The Golf Course Advisory Committee unanimously supported the proposal. Discussion indicated staff would have to meet with the Silver Oaks and Stanton Park and resolve the issue on new users who contact later. Staff's current position would not allow them to connect at the same terms as the current users. Comments questioned whether there would be an adequate amount of effluent for any new users. Mr. Berkich suggested the Board consider a policy delineating the allocation procedures in order to eliminate any potential for a future conflict. Ms. Timian-Palmer felt that the priorities should be schools and parks with medians third. Ms. Timian-Palmer indicated for the record that, although Parks would be required to pay for the effluent in 2004, the rate

would be considerably less than than charged for potable water. Mayor Teixeira also noted that the Parks and Recreation Commission had requested the budget allocations remain the same and that this surplus funding be used for other projects.

(1-2155.5) Steve Hartman, representing Silver Oak, explained the intent to allow both the community's governmental body and the School District to hook in at no charge. He supported having the monies generated from the per 1,000 gallon effluent rate be used to retire the bonds for upgrading the system. He urged the Board to approve this proposal and supported having the School District and Parks and Recreation Department retain any savings created by the use of effluent. His commercial property values had included a tax which would allow these connections to be made. Reasons for supporting retention of the funds by the schools and parks were outlined. He urged the Board to establish a clear record of this intent. The funds generated by the golf courses were important to the City and should be considered in the Board's decision-making process. He felt that his course would open in 1997 and that the course may begin drawing water in 1996.

(1-2275.5) Edd Furgerson indicated the agreement was not what Stanton Park had really wanted. He did not feel that they were getting any breaks. He felt that the other agreement was valid for another nine years, however, they were at a point where they "had to go along with it". He felt that their course would be using some effluent this fall for dust control. They would plant next spring and be on-line in early 1997.

(1-2310.5) Bob Tobias indicated that he was happy with the agreement although it would have been better for the course to have received the effluent free. He supported Mr. Hartman's comments concerning the advantages provided to the City by the golf courses, however, as the City does not have enough hotels, etc., in the immediate area to provide for all the golfing requirements mandated by the courses, Eagle Valley will have to become more competitive. He urged Board to make changes to the current operation and designs to allow this.

Ms. Timian-Palmer indicated the confusion over the different meter sizes would be corrected. She also explained the water billing practice which allows for a zero billing if the system is not used. The same would be true for reclaimed water. Supervisor Ayres then moved to introduce Bill No. 148 on first reading, AN ORDINANCE ADDING CHAPTER 12.10 OF THE CARSON CITY MUNICIPAL CODE REGARDING RECLAIMED WATER USE RATES WHICH ESTABLISHES CIVIL AND CRIMINAL PENALTIES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

(1-2478.5) Supervisor Ayres moved that the Board approve and authorize the City Manager to sign the 1995 Addendum to the 1993 Contract Agreement For Services by and between Carson City and Silver Oaks Development. Supervisors Tatro and Bennett seconded the motion. Following a request for a modification, Supervisor Ayres modified her motion to authorize the Mayor to sign the Addendum. Supervisors Tatro seconded the motion. Motion carried 5-0.

(1-2498.5) Supervisor Ayres moved that the Board of Supervisors authorize the Mayor to sign the 1995 Addendum to the 1983 Effluent Service Agreement by and between Carson City and Stanton Park Development. Supervisor Bennett seconded the motion. Mr. Lipparelli corrected for the record the typographical error on Page 6 in Line 1 of this agreement which removed the word to from the line: "...dedication to of property to Carson City ...". The motion to approve the agreement was voted and carried 5-0.

D. ACTION ON THE INTERLOCAL AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY WATER SUBCONSERVANCY DISTRICT (1-2521.5) - Supervisor Smith moved that the Board of Supervisors approve and authorize the Mayor to sign an Interlocal Contract between Carson City and the Carson Water Subconservancy District, fiscal impact allows for reimbursement to the Utility Department of \$34,425. Supervisor Bennett seconded the motion. Motion carried 5-0.

E. ACTION ON A REQUEST TO CONTRACT WITH WESTERN ENERGETIX CORPORATION BY JOINDER BID WITH WASHOE COUNTY TO PROVIDE CARSON CITY'S FUEL NEEDS

UTILIZING THE INDEPENDENT CARD LOCK SYSTEM (1-2545.5) - Environmental Control Manager Ken Arnold and Western Energetix Corporation Representative Norma McCusker discussed with the Board the security procedures, the need to remove the tank at the Sheriff's Department, the software program, and service locations in other areas. (During this discussion, Supervisor Bennett stepped from the room--3:40 p.m. She returned at 3:43 p.m. A quorum was present the entire time.) Supervisor Smith moved that the Board of Supervisors approve and authorize the Mayor to sign a letter of request to Western Energetix Corporation, 419 West Plumb Lane, Reno, Nevada, requesting Carson City as a joinder on the Washoe County RFP 1714-93 as provided for under Nevada Revised Statutes 332.195 for the Independent Card Lock Fueling System for a fiscal impact of \$1770, funding source will be a cost allocation to the appropriate Departments. Supervisor Ayres seconded the motion. Motion carried 5-0.

F. ORDINANCE - SECOND READING - ACTION ON BILL NO. 145 - AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND DEAN AND MICHAEL ANDERSON (1-2918.5) - Deputy Utilities Director Jay Ahrens - Supervisor Tatro moved that the Board adopt on second Ordinance No. 1995-48, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND DEAN AND MICHAEL ANDERSON REGARDING ASSESSOR'S PARCEL NO. 9-252-01 LOCATED AT 4460 VOLTAIRE STREET, CARSON CITY, NEVADA, FOR WATER MAIN CONSTRUCTION. Supervisor Ayres seconded the motion. Motion carried 5-0.

14. COMMUNITY DEVELOPMENT DIRECTOR - Principal Planner Rob Joiner

A. ACTION REGARDING THE CARSON CITY PUBLIC SAFETY COMPLEX AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES (1-02965.5) - Discussion between Mayor Teixeira and Mr. Berkich referenced a memo from Mr. Gary Sheerin indicating he and the consultants had revised the contract amount to \$5,000 and that the project should be ready for Board consideration in the near future. (The Clerk did not have a copy of this memo.) Supervisor Bennett expressed her impatience at the length of time it has taken to complete the project. Mayor Teixeira felt that the project was "in its final approach" and should be "landed" soon. Supervisor Ayres moved that the Board of Supervisors approve a motion to amend the Agreement for Consulting Services to an amount not to exceed a maximum of \$5,000 in accordance with the "Consultant's Fee Schedule" of the original agreement, to include the added scope of work listed as items 1 through 8 of the August 21, 1995, letter from Bruce M. Fullerton, AIA, attached hereto. Supervisor Tatro seconded the motion. Supervisor Ayres continued her motion to include the funding source is Capital Projects Fund existing agreement. Supervisor Tatro continued his second. The motion was voted and carried 5-0.

B. ACTION ON A-95/96-1 - AN AMENDMENT TO TITLE 18 OF THE CARSON CITY MUNICIPAL CODE TO REQUIRE A SPECIAL USE PERMIT PRIOR TO THE DEVELOPMENT OF A GOLF COURSE (1-3056.5) - Supervisor Tatro explained his original request and desire to modify the procedure to be sure that if a zone change is granted, a commitment is made to develop a golf course. The motion would send the Item to the Planning Commission for consideration. Supervisor Tatro moved that the the Board of Supervisors instruct staff to commence an ordinance amendment to require a special use permit for the development of a golf course where listed as permitted use by right within the provisions of Title 18 of the Carson City Zoning Ordinance. Supervisor Smith seconded the motion. Motion carried 5-0.

C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 146 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 20.3 ACRES FROM MOBILE HOME 6,000 (MH6000) TO LIMITED INDUSTRIAL ON PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EAST COLLEGE PARKWAY AND LOMPA LANE, APN 8-132-09 AND OTHER MATTERS PROPERLY RELATED THERETO (1-3072.5) - Supervisor Tatro moved to adopt on second reading Bill No. 146, Ordinance No. 1995-49, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 20.3 ACRES FROM MOBILE HOME 6,000 (MH6000) TO LIMITED INDUSTRIAL (LI) ON PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EAST COLLEGE PARKWAY AND

LOMPA LANE, Assessor's Parcel Number 8-132-09. Supervisor Bennett seconded the motion. Motion carried 5-0.

15. DISTRICT ATTORNEY - Deputy District Attorney Lipparelli - ACTION ON AGREEMENT BETWEEN CARSON CITY AND STANTON PARK DEVELOPMENT FOR THE RECORDING OF A DECLARATION OF RESTRICTION CONCERNING THE USE OF A PORTION OF RIVERVIEW PARK FOR WETLANDS MITIGATION (1-3087.5) - Mr. Lipparelli reviewed the agreement and its purpose. Supervisor Bennett supported the proposal. She explained work which had been completed to bring the wetlands into compliance with the Army Corps of Engineers requirements. She also explained her reasons for feeling that the agreement would help meet the Carson River Advisory Committee's objective to restore and maintain the River as an important recreational resource. She encouraged the other Supervisors to visit the site. Supervisor Bennett moved that the Board of Supervisors approve the Agreement between Carson City and Stanton Park Development for the recording of a declaration of restriction concerning the use of a portion of Riverview Park for wetlands mitigation, there is no financial impact. Supervisor Tatro seconded the motion. Motion carried 5-0.

BREAK: A seven minute recess was declared at 4 p.m. When the meeting reconvened at 4:07 p.m. the entire Board was present constituting a quorum.

16. PARKS AND RECREATION DIRECTOR - Steve Kastens

A. PRESENTATION OF PROCLAMATION RECOGNIZING THE BENEFITS OF PARKS AND RECREATION PARTICIPATION (1-3263.5) - Supervisor Ayres moved that the Board accept the Proclamation recognizing the benefits of Parks and Recreational participation and read the entire Proclamation into the record. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON LONE MOUNTAIN CEMETERY DEVELOPMENT PLAN - Cemetery Sexton David Stultz - (1-3339.5) - Messrs. Kastens and Stultz reviewed the plans and responded to Board questions concerning the plan and its flexibility. Board comments commended staff on its innovative approach to the development plan. Mr. Stultz explained the status of the cemetery's written history and its cost. Supervisor Bennett moved that Board of Supervisors approve the Lone Mountain Cemetery Development Plan as presented by staff. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira again commended staff on its efforts and innovative approach.

C. ACTION ON TRANSFER OF RESIDENTIAL CONSTRUCTION TAX FUNDS FROM BASKETBALL GOALS FOR THE PONY EXPRESS PAVILION/FAIRGROUNDS EXHIBIT HALL TO THE PURCHASE OF ADDITIONAL SOUND EQUIPMENT FOR THE BOB BOLDRICK THEATER (2-0189.5) - Recreation Supervisor Mitchell Ames - Discussion noted the Park and Recreation Commission's recommendation and explained the equipment and professional lessee's theater requirements performances. The audience was polled to determine support/opposition to the request. No opposition was indicated. Mayor Teixeira felt that the funds should have been returned and the request considered with all the other Residential Construction Tax requests or, if General Fund support was warranted, with the other other supplemental budget items. Supervisor Bennett suggested the Commission consider a sunset clause for its funding allocations. Supervisor Ayres supported the request based on her personal knowledge of the current sound equipment and the demands made by "professional" entertainers. Discussion expressed the feeling that the equipment may be installed by the firm. Supervisor Smith moved that the Board of Supervisors approve the Parks and Recreation Commission's recommendation to transfer Residential Construction Tax funds from the basketball goals for the Pony Express Pavilion/Fairgrounds Exhibit Hall to the purchase of additional sound equipment for the Bob Boldrick Theater, the amount being \$22,000, funding source is the Residential Construction Tax. Supervisor Ayres seconded the motion. Motion carried 5-0.

17. BOARD OF SUPERVISORS

B. ACTION ITEMS - SUPERVISOR BENNETT

i. ACTION ON U-94/95-48 - AN APPEAL OF A SPECIAL USE PERMIT FROM BEATRICE FRUTOS TO ALLOW A CHILD CARE FACILITY FOR 11 CHILDREN ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 4780 SILVER SAGE DRIVE, APN 9-203-11 (2-0476.5) - Principal Planner Joiner, Senior Engineer John Givlin, Deputy Utilities Director Jay Ahrens, Health Director Jack Fralinger, Ann Waters, Jim Godec, Gary and Beatrice Frutos - Discussion between staff and the Board included the original application for 27 children, the reasons for the current request for ten children plus the applicant's child, the noticing procedures for the various applications, the petition in opposition (a copy was given to the Clerk and Board), the State Health Department's requirements for improvements to the septic system which were mandated due to the commercial use, the demand for childcare facilities on school bus routes, the lack of an impact on surrounding residential property values, the need for the Planning Commission to reconsider the application if the number of children is increased to 27, the traffic count and report. Sewerlines may be in the area by August/September 1996. The septic system expansion may cost between \$2,500 and \$3,500. The Planning Commission recommendation included a quarterly Health inspection of the septic system. This will be accomplished at the same time the quarterly inspection is performed on the daycare facility by the City's Health Department. Mr. Fralinger explained his experience with another childcare facility on a septic system and pointed out the lack of information on the status of the system at the proposed site. Comments noted the site is in the moratorium and "hot spot" area of the City as well as the possibility that it could create an additional threat to the groundwater table.

(2-0845.5) Opposition was based the desire to maintain the area's current rural lifestyle, the potential impact on the neighborhood's character, desire to maintain the current zoning, the feeling that allowing the request was spot zoning and would decrease the property values. Photographs of the area and proposed site were distributed to the Board and Clerk.

Mr. Frutos also distributed photographs of the property and indicated only the fenced area would be used for the daycare facility. This would eliminate any potential conflicts with the children's balls and his neighbors.

Supervisor Bennett moved that the Board of Supervisors deny a special use permit application to allow a child care facility for eleven children on property zoned Single Family One Acre in keeping with Section 18.02.053(1a) and 18.05.062 which calls for the proposal to be in keeping with the Master Plan Objective I, Recommendations 2 through 4 which cannot be met as part of the application as the proposal is not consistent with the circulation network, availability of public facilities, specifically sewer, and services for the existing land use patterns in the subject neighborhood, which is based on the testimony which was heard/presented to the Board and the many petitions that were presented to the Board; furthermore, Section 18.05.062 and 18.02.053 which requires that the proposed project not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties; and that her objection was based on the fact that the adjacent neighbors in this area and the number of children and the increase in traffic would cause increased noise and activity inconsistent with the suburban and residential character of the neighborhood; finally, her strongest objection is based upon the community value as a whole, this is a residential area, placing a commercial business in a Single Family One Acre primarily residential area is inappropriate for this character of that neighborhood. Supervisor Smith seconded the motion and explained that his support for the motion was based on the fact the request was made as an effort to supplement the applicants' income. There is nothing wrong with this type of a request. He was concerned about the original application for 27 children which had been negotiated down to eleven which includes the applicants' own child. This is the application before the Board at this time. He felt that this was an attempt to find a magic number which would be acceptable to the neighbors. His personal experience with a neighborhood center was outlined. He felt certain there are impacts on the general neighborhood created by such an operation, however, did not feel that they were substantial. He did not feel that surrounding neighbors who are located adjacent to such facilities were "running for the exits". He was sure that the traffic volume and noises do create an impact on the neighbors. The request was for a special use permit but he could not find any reason within the packet to grant this request. There are a number of childcare facilities within the City which are full. There is a need for this type of

facility. His biggest concern relates to the fact that there are 18 daycare centers in residential areas out of 34 licensed facilities. There are a substantial number already established. This could be considered as either an indication that a number of them do not have a barrage of complaints from adjacent neighbors or that there are 18 points of conflicts whose's surrounding neighbors may not be thrilled at having them next door. They may be tolerating them. Kids do things which kids do. They are a little bit noisy and do create impacts on neighborhoods. He did not feel that there is a need to continue this residential tread towards daycare centers. He understood that the amount of income which comes in sometimes makes it very difficult to go out and look at commercially zoned properties when this type of an operation is considered. This is an issue which needs to be considered at another meeting. He acknowledged that the majority of the daycare centers are full and that there is a need for this type of service. He was unsure of how this need would be addressed. He was not willing to compound the problem by approving any additional residential units. Discussion between Supervisor Ayres and Mr. Fralinger noted that there are a lot of unlicensed facilities in the City. Only those facilities with more than four children are licensed. Eighteen of the facilities are located on residential lots which are smaller than one acre. Reasons for seeking such facilities were also noted. Supervisor Ayres noted her mixed emotions as the majority of the childcare facilities are full. When unlicensed childcare facilities are allowed, illegal activities may occur due to a lack of "good care" and the desperate need for any care. She could sympathize with the neighbors, however, a family with ten children would have a similar impact and the neighbors would not have any recourse. Her experience with a neighbor who had eight children was cited. She was concerned about the lack of licensed daycare facilities for single working mothers. She questioned the impact on surrounding neighbors when the size of the lot is one acre. The majority of the daycare facilities are located on smaller lots with close neighbors. (1-115.5) The motion to deny the request based on the reasons cited was voted by roll call with the following result: Tatro - No; Smith - Yes; Ayres - No; Bennett - Yes; and Mayor Teixeira - No. Motion failed 2-3. Mayor Teixeira and Mr. Lipparelli indicated no further action was required and that the appeal was denied.

C. INFORMATION REPORT BY HARRY BUFKIN REGARDING PROPERTY LOCATED AT 1770 PINION HILLS DRIVE (2-1123.5) - Mr. Bufkin read and explained his statement concerning the City/staff's failure to correct a public nuisance in his neighborhood. The Board was given photographs of the site. (None to the Clerk.) The nuisance had been there for over two-and-a-half years. Attempts to mitigate the situation had been commenced several times without success. Staff is purportedly not being used to inspect such complaints and pursue legal recourse. He repeatedly stressed his feeling that staff had lied to him when contacted about the situation and its status. He urged the Board to address the situation and correct the personnel issues he had raised. Supervisor Bennett expressed her frustration at the process through which nuisances are addressed. She felt that Mr. Henry was hired to spend half of his time addressing nuisance abatement procedures. There are many "messes" found throughout the City in a lot of different places. A survey similar to the one conducted on the downtown area would support her contention and illustrate the public's frustration at the continued collection of "garbage and eyesores". She urged staff to undertake such a survey. She explained to Mr. Bufkin that her comments had been in support of his even though she did not agree with all of his comments. Mayor Teixeira indicated for the Board's information that the property Mr. Bufkin had alluded to was involved in litigation and a judgement had been obtained sometime ago. Supervisor Ayres also pointed out that one individual could not handle the entire City and that additional funding should be considered.

B. ii. DISCUSSION AND DIRECTION TO STAFF TO DEVELOP OPTIONS FOR THE DEVELOPMENT OF SENSITIVE LANDS (2-1335.5) - Supervisor Bennett showed slides and explained her concerns about development of private roads on sensitive hillsides. (Mayor Teixeira stepped from the room at 5:40 p.m. and returned at 5:43 p.m. A quorum was present the entire time.) Mayor Teixeira expressed his feeling that the lack of adequate infrastructure in the area where the concern had originally risen would keep the area from being developed. Supervisor Bennett clarified her concern as being created by this site but once a road is cut to an area, she did not feel that there were adequate controls to prevent development or a demand being made for services and these infrastructures. Her comments also stressed the lack of funding for the Trust for Public Lands program and fire protection for such remote sites. She urged the Board to give staff better controls and Codes through density transfers and "land banking". The next election should include a ballot question for a one or two

cent ad valorem tax to purchase such sensitives lands. These funds could be matched with State/Federal grants and used to acquire such sites outright or by the Trust for Public Lands and to protect the watershed. She also urged the Board to direct Community Development to inventory the lands in private ownership which are extremely sensitive. Mr. Joiner indicated that a lot of this work had been completed, however, the Code would allow Conservation Reserve sites which meet minimal requirements to be developed as rural subdivisions. Supervisor Bennett urged the Board to adopt procedures which would require environmental assessments for single family developments on hillsides and environmental impact statements for commercial developments on such sensitive sites. Reasons for these requirements included the lack of similar native vegetation on the western slopes of the Sierra and the potential for such development to impact the River. Mr. Lipparelli indicated the Hillside Ordinance requires a Special Use Permit to develop properties for residential uses, however, the problem arose when a resident requested a permit to build a road and none of the other items needed for residential use were required. He suggested the Hillside Ordinance be analyzed and increased to allow consideration of roads to remote locations. Staff felt certain that development could not occur on the site which had caused the original concern due to the nature of the request and control over such development if such a request is made in the future. Supervisor Bennett agreed but stressed her desire to provide staff with better tools for future projects of this nature. Fire Chief Buckley expressed his safety concerns when development on hillsides occurs and cited a wildland fire in Lyon County to support his concerns. He felt that the Board had adequate growth management controls, however, questioned the level of service which could be provided in outlying areas and his restricted response ability to such areas. Mr. Berkich explained Utility Director Timian-Palmer's concerns related to the watershed and wetland areas. Discussion between Mr. Joiner and Mayor Teixeira noted the need for support and cooperation from/with the Forest Service. Supervisor Bennett indicated she would pursue this matter. Mr. Joiner indicated the Planning Commission is also beginning to consider these planning issues. Mayor Teixeira urged Supervisor Bennett to include the property owners in the discussions.

A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS INCLUDING FUTURE BOARD MEETING(S) AND AGENDA ITEMS (2-1820.5) - Mayor Teixeira indicated that for the first time in seven years a quorum would not be able to attend a regularly scheduled Board meeting. Discussion indicated a special meeting should be scheduled for either October 19 or 26 at noon to handle any emergency items.

There being no other matters for consideration/action, Supervisor Bennett moved to adjourn. Supervisor Ayres seconded the motion. Motion carried unanimously. Mayor Teixeira adjourned the meeting at 6:05 p.m.

The Minutes of the September 7, 1995, Carson City Board of Supervisors meeting

ARE SO APPROVED ON__November_3_____, 1995.

_____/s/_____
Marv Teixeira, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder