

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the December 21, 1995, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, December 21, 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
	Rod Banister	Sheriff
	Al Kramer	Treasurer
	Walter Sullivan	Community Development Director
	Mary Walker	Finance Director
	Louis Buckley	Fire Chief
	Steve Kastens	Parks and Recreation Director
	Judie Fisher	Personnel Director
	Jay Aldean	Public Works Director
	Basil "Butch" Moreto	Purchasing & Contracts Director
	Paul Lipparelli	Deputy District Attorney
	Jay Ahrens	Deputy Utilities Director
	Darren Selby	Environmental Control Officer
	Katherine McLaughlin	Recording Secretary

(B.O.S. 12/21/95 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 p.m. An Invocation was not given. Mr. Berkich lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

**1. APPROVAL OF MINUTES (1-0012.5) - November 2 and 16, 1995** - Supervisor Smith moved to approve. Supervisor Ayres seconded the motion. Motion carried 5-0.

**2. SPECIAL PRESENTATION** - Personnel Director Judie Fisher - **PRESENTATION OF MERIT ACHIEVEMENT AWARD TO DARREN SELBY, ENVIRONMENTAL CONTROL OFFICER II (1-00217.5)** - Following Ms. Fisher's introduction, Mayor Teixeira presented Mr. Selby with the award and commended him on his efforts.

**CITIZEN COMMENTS (1-0040.5)** - None.

**LIQUOR AND ENTERTAINMENT BOARD** - None.

**3. CONSENT AGENDA**

**A. TREASURER**

**i. ACTION ON REMOVAL AND REFUND OF PARTIAL 1995-96 REAL PROPERTY TAXES DUE TO ASSESSOR CLERICAL ERROR ON PARCEL NO. 10-192-09**

- ii. **ACTION ON TREASURER'S REPORT FOR THE MONTH OF NOVEMBER 1995**
- B. INTERNAL AUDITOR - ACTION ON APPROVAL OF THE CHECK DISBURSEMENT REGISTER FOR THE MONTH OF NOVEMBER 1995**
- C. PUBLIC WORKS DIRECTOR**
  - i. **ACTION ON DEDICATION OF HALF-STREET RIGHT-OF-WAY FOR THE WIDENING OF IMUS ROAD ALONG THE FRONTAGE OF APN 8-011-70 FROM THE TRUSTEES OF CARSON LODGE NO. 1 FREE AND ACCEPTED MASONS**
  - ii. **ACTION ON DEDICATION OF STREET RIGHT-OF-WAY FOR THE WIDENING OF CURRY STREET ON APN 9-051-14 FROM JOHN TOM ROSS**
- D. COMMUNITY DEVELOPMENT DIRECTOR - ACTION ON H-95/96-20 - APPROVAL OF AN OPEN SPACE USE ASSESSMENT FOR 502 WEST SPEAR STREET, APN 3-232-04 (HARC APPROVED 7-0-0-0)**
- E. PARKS AND RECREATION DIRECTOR - ACTION ON AMENDMENT TO RESOLUTION NO. 1992-R-3, A RESOLUTION ESTABLISHING A SHADE TREE COUNCIL, REGARDING A MEMBERSHIP REQUIREMENT**
- F. PURCHASING DIRECTOR**
  - i. **ACTION ON CONTRACT NO. 9596-143 - PARK TERRACE PLAYGROUND EQUIPMENT, CONTRACT APPROVAL**
  - ii. **ACTION ON CONTRACT NO. 9495-247 - REHABILITATION OF ROBERTS HOUSE, CONTRACT APPROVAL (1-0044.5) - Mr. Berkich removed the dedication of a half-street right-of-way for Imus Road from the Consent Agenda. Supervisor Tatro moved to approve the Consent Agenda as presented with two changes, the first change would remove the item for dedication of a half-street right-of-way for Assessor's Parcel Number 08-011-70, and the second change would include Resolution No. 1995-R-83 to the Resolution establishing the Shade Tree Council membership requirement. Supervisor Bennett seconded the motion. Motion carried 5-0.**

**C. i.** Public Works Director Jay Aldean corrected the legal description. Supervisor Tatro moved to accept an offer of dedication for a half-street right-of-way for the widening of Imus Road along the frontage of APN 08-011-70 from the Trustees of Carson Lodge No. 1 Free and Accepted Masons. Supervisor Bennett seconded the motion. Following a request for a modification to the motion, Supervisor Tatro modified his motion to include "with the revised description". Supervisor Bennett seconded the motion. Motion carried 5-0.

**4. TREASURER - Al Kramer - ACTION ON APPROVAL OF RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) HOSPITAL BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$12,000,000 FOR THE PURPOSE OF FINANCING A HOSPITAL PROJECT FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES THEREOF; AUTHORIZING THE FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF SUCH BONDS; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-0089.5) - Bond Counsellor Jennifer Stern defined the procedures. Comments were solicited but none given. Supervisor Bennett moved that the Board of Supervisors approve the Resolution of Intent, No. 1995-R-84, AUTHORIZING THE PUBLICATION OF NOTICES RELATED TO GENERAL OBLIGATION HOSPITAL BONDS ADDITIONALLY SECURED BY PLEDGED REVENUES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$12,000,000 FOR THE PURPOSE OF FINANCING A HOSPITAL PROJECT FOR CARSON CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES THEREOF; AUTHORIZING THE FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF SUCH BONDS; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Ayres seconded the motion. Motion carried 5-0.**

**5. REDEVELOPMENT AUTHORITY (1-0128.5) - Mayor Teixeira then recessed the Board of Supervisors**

session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.

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

**A. ACTION ON APPROVAL OF MEMBERSHIP IN THE REDEVELOPMENT ASSOCIATION OF NEVADA (1-0177.5)** - Supervisor Smith moved that the Board of Supervisors approve and ratify the Redevelopment Authority membership in the Redevelopment Association of Nevada, fiscal impact is \$500 per year and the funding source will be the Redevelopment Budget. Supervisors Tatro and Ayres seconded the motion. Motion carried 5-0.

**AGENDA MODIFICATIONS (1-0198.5)** - Mayor Teixeira announced the withdrawal of Items 10. E and F, Jack Foerschler's requests to amend Carson City Municipal Code Title 18 regarding zoning and hillside issues. These Items will be rescheduled for the January 18th meeting.

**6. B. ACTION ON ACCEPTANCE OF CARSON CITY FISCAL YEAR 94-95 COMPREHENSIVE ANNUAL FINANCIAL REPORT (1-0181.5)** - Ms. Walker introduced Kafoury Armstrong Representative Randy Kuckenmeister and explained that the City had received its seven award for Financial Excellence. (1-0210.5) Mr. Kuckenmeister presented the annual audit report and reviewed the Annual Auditor's Report. He then used the overhead projector to show and explain graphs illustrating the City's financial status. Discussion noted the growth in City sales taxes, the ending General Fund balance, the golf course fee increase and the decrease in rounds, the continual decrease in the golf course's working capital, reasons for the increase in expenses for the ambulance service, the service to indigents, and the impact of an internal problem experienced several months ago. Mr. Kuckenmeister then reviewed Page 24 of the audit report concerning compliance with the Statutes and Code requirements. Expenditures had exceeded appropriations for the Capital Facilities fund by \$3,352 and for the Senior Citizens Center by \$5,393. The only other non-compliance issue was listed on Page 164 regarding a duplicate contractor's billing by the Airport on a grant. This item has been corrected since June 30. The Management Letter was then reviewed. Over-expenditures had been noted in Personnel, Public Defender, Juvenile Court, District Court II, Swimming Pool, and Engineering Departments. He encouraged all Department Heads to monitor their budgets to ensure remaining within the approved budgetary guidelines. He encouraged the City to write-off bad debts on a regular basis although he understood the reasons the City had elected to not write-off the Ambulance items. His audit had not found any significant issues which he felt is attributable to the City's staff. He also noted Legislative issues involved in AB 224 which will require special reports indicating whether special funds are in fact being used as the fund had been established and if they are administered in the generally accepted accounting procedures, which has not yet been defined. He will also be required to determine if any reserves are reasonable, which also has not been established. Supervisor Bennett questioned whether this would impact the City's ability to respond to an unforeseen event or an emergency. Mr. Kuckenmeister felt that when disasters occur, governmental objectives are changed to meet the need. As an auditor such changes are reasonable and based on a true need as well as public health, welfare, and safety concerns. There had been no audit adjustments which is unique for a governmental entity. He commended Ms. Walker and her staff on their efforts. He agreed that there had been quite a change in the City's fiscal picture since the mid-80's. Ms. Walker indicated there is a list of Departments who had overspent their budgets. Some were reasonable with valid reasons for the over-expenditure. The CQI savings had helped reduce the expenditures. Thirty percent of this savings will be returned to the Department. The remainder goes into the Capital Improvement fund for next year. She commended the Departments for holding the line. The supplemental indigent fund has experienced an increase in use which has reduced the ending fund balance. She encouraged staff to continue monitoring this situation. The Traffic Transportation Fund will need an augmentation before the budget review begins. Ms. Walker introduced and commended her staff on its dedication and efforts. Mayor Teixeira thanked her and her staff for their efforts. Supervisor Ayres moved that the Board of Supervisor accept and approve the audit for the year ending June 1995 as presented. Supervisor Bennett seconded the motion. Motion carried 5-0.

**C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 161 - AN ORDINANCE AMENDING SECTION 4.04.107 TELEPHONE COMPANIES BY CHANGING THE TITLE TO "PUBLIC UTILITIES", DELETING CURRENT LANGUAGE AND ADDING LANGUAGE REQUIRING QUARTERLY BUSINESS LICENSE FEES FROM TELECOMMUNICATIONS COMPANIES AND FROM PROVIDERS OF ELECTRIC ENERGY AND NATURAL GAS TO CUSTOMERS RESIDING IN CARSON CITY, SAID FEES TO BE BASED ON A PERCENTAGE OF GROSS RECEIPTS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-0791.5)** - Comments were solicited but none given. Supervisor Tatro moved to adopt on second reading Bill No. 161, Ordinance No. 1995-63, AN ORDINANCE AMENDING SECTION 4.04.107 TELEPHONE COMPANIES BY CHANGING THE TITLE TO "PUBLIC UTILITIES", DELETING CURRENT LANGUAGE AND ADDING LANGUAGE REQUIRING QUARTERLY BUSINESS LICENSE FEES FROM TELECOMMUNICATIONS COMPANIES AND FROM PROVIDERS OF ELECTRIC ENERGY AND NATURAL GAS TO CUSTOMERS RESIDING IN CARSON CITY, SAID FEES TO BE BASED ON A PERCENTAGE OF GROSS RECEIPTS, AND OTHER MATTERS PROPERLY RELATED THERETO, fiscal impact \$140,000 per year, \$47,000 for FY 95-96; funding source is the Business License Fees. Supervisor Ayres seconded the motion. Motion carried 5-0.

**7. PERSONNEL MANAGER - Judie Fisher**

**A. ACTION ON APPOINTMENT TO THE SHADE TREE COUNCIL (1-0812.5)** - Supervisor Bennett moved that the Board of Supervisors reappoint Craig Hartman and Donna Kuester and appoint Mary Lee Foster to the Shade Tree Council. Supervisor Ayres seconded the motion. Motion carried 5-0. Mayor Teixeira commended them for offering their services.

**B. ACTION ON APPOINTMENT TO THE BOARD OF APPEALS UNIFORM BUILDING CODE (1-0838.5)** - Supervisor Ayres moved that the Board of Supervisors appoint Dwight Millard, General Contractor, to the Board of Appeals Uniform Building Code to complete Daniel O'Brien's term which expires in May 1996. Following a request for a modification, Supervisor Ayres modified her motion to extend the term to May 1998. Supervisor Bennett seconded the motion. Motion carried 5-0.

**8. PUBLIC WORKS DIRECTOR - Jay Aldean - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND RICHARD K. LANGSON, REGARDING ASSESSOR'S PARCEL NUMBER 8-123-07, LOCATED ON HOT SPRINGS ROAD, CARSON CITY, NEVADA (1-0855.5)** - Comments were solicited but none made. Supervisor Bennett moved that the Board of Supervisors introduce on first reading Bill No. 162, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND RICHARD K. LANGSON, REGARDING ASSESSOR'S PARCEL NO. 08-123-07 LOCATED ON HOT SPRINGS ROAD, CARSON CITY, NEVADA. Supervisors Ayres and Tatro seconded the motion. Motion carried 5-0.

**9. BOARD OF SUPERVISORS**

**B. ACTION ITEMS - ACTION ON REAPPOINTMENT OF MAYOR MARV TEIXEIRA TO THE CARSON WATER SUBCONSERVANCY DISTRICT (1-0881.5)** - Supervisor Ayres moved that the Board of Supervisors reappoint Marv Teixeira to the Carson Water Subconservancy District to finish out his term in 1996. Supervisor Bennett seconded the motion. Following discussion of the terms, Supervisor Ayres modified her motion to extend the term for a full four years. Supervisor Bennett continued her second. Motion carried 5-0.

**A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0895.5)** - Supervisor Ayres reported on Senior Center's Meals-on-Wheels program and RSVP's fund-raising plans. Supervisor Smith and Mayor Teixeira did not have a report. Supervisor Bennett reported on the progress of the Highway 28 corridor parking plan and the Carson River Advisory Committee's master plan element. Supervisor Tatro announced that the Ormsby House had made a payment on its delinquent taxes and liquor license and would hopefully pay the outstanding balance, penalties, and interest before the first of the year.

BREAK: A ten minute recess was declared at 2 p.m. Mayor Teixeira reconvened the meeting at 2:10 p.m. The entire Board was present constituting a quorum.

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

**A. ACTION ON P-93/94-6 - A REQUEST FROM ALEX BERNHARD TO AMEND CONDITION OF APPROVAL NUMBERS 19 AND 31 OF THE HIDDEN MEADOW PLANNED UNIT DEVELOPMENT BY ALLOWING THE USE OF STANDARD LIGHTING FIXTURES AND DELETING THE REQUIREMENT FOR LANDSCAPING ALONG THE WEST PROPERTY LINE OF LOTS 25 AND 39 ON ASSESSOR'S PARCEL NUMBERS 10-571-1 THROUGH 12; 10-573-1 THROUGH 11; 10-574-1 THROUGH 12; AND 10-575-1 THROUGH 15 (1-0943.5)** - Mr. Bernard explained the reasons for requesting the amendments. Mayor Teixeira noted his and Mr. Berkich's involvement in the request. Comments agreed that the Silver Oak fixtures would be prettier, however, they would not provide adequate lighting for his suburban project. Comments were solicited but none given. Supervisor Ayres moved that the Board of Supervisors approve the deletion of conditions for special lighting fixtures and for landscaping along the west property line of Lots 15 and 39 of the Hidden Meadow Planned Unit Development. Supervisor Tatro seconded the motion. Motion carried 5-0.

**B. ACTION ON S-95/96-4 - A FINAL MAP SUBDIVISION APPLICATION FROM WILLIAM GONI TO DEVELOP A 21 LOT FINAL MAP ON APPROXIMATELY 80 ACRES OF LAND ZONED SINGLE FAMILY ONE ACRE (SF1A) AND CONSERVATION RESERVE (CR), LOCATED EAST OF GONI ROAD AND NORTH OF AVERY ROAD, APN 8-895-21 AND 8-011-65 (1-0995.5)** - Comments were solicited but none given. Supervisor Ayres moved that the Board of Supervisors approve a final map, S-95/96-4, application from Bill Goni to develop a final map for 21 lots on approximately 80 acres of land zoned Single Family One Acre and Conservation Reserve, located east of Goni Road and north of Avery Road, Assessor's Parcel Number's 8-895-21 and 8-011-65, subject to the original findings and conditions of approval. Supervisor Smith seconded the motion. Motion carried 5-0.

**C. PLANNING COMMISSION REVIEW AND APPEAL MATTERS - ACTION ON S-95/96-3 - A TENTATIVE SUBDIVISION MAP REQUEST FROM ROGER SHAHEEN TO DEVELOP AN INDUSTRIAL SUBDIVISION (SHAHEEN BUSINESS PARK EAST) ON APPROXIMATELY 6.6 ACRES OF LAND PRESENTLY ZONED LIMITED INDUSTRIAL (LI), LOCATED ON THE SOUTHEAST CORNER OF EAST COLLEGE PARKWAY AND NORTH LOMPA LANE, APN 2-571-22 (PLANNING COMMISSION APPROVED 7-0-0-0) (1-1021.5)** - Comments were solicited but none given. Supervisor Bennett moved that the Board of Supervisors approve S-95/96-3, a request from Roger Shaheen to develop an industrial subdivision, Shaheen Business Park East, on approximately 6.6 acres of land presently zoned Limited Industrial, located on the southeast corner of East College Parkway and North Lompa Lane, APN 2-571-22 based on three findings and subject to 13 conditions of approval. Supervisor Ayres seconded the motion. Motion carried 5-0.

**D. ACTION ON V-94/95-17 - APPEAL OF A VARIANCE APPLICATION FROM ROBERT WILSON TO VARY FROM THE MINIMUM LAND AREA REQUIREMENTS ON APPROXIMATELY 2.6 ACRES OF LAND ON PROPERTY ZONED MOBILE HOME ONE ACRE (MH1A), LOCATED AT 1307 RABE WAY, APN 9-322-08 (PLANNING COMMISSION DENIED 5-2-0-0) (1-1048.5)** - Principal Planner Rob Joiner, Darryl Reed, Earl Atchison, Lynn Robey, Dale Massey, Utilities Director Dorothy Timian-Palmer - Copies of the letter appealing the Planning Commission's action were distributed to the Board and Clerk. Mr. Joiner reviewed the information contained in the staff report and explained the reasons for staff's recommendation.

(1-1105.5) Mr. Reed displayed a parcel map and explained the property boundaries and its use for over 30 years. He felt that the adjacent 3/4 acre parcel established a precedence for smaller lots. He felt that he should be able to continue having two units on the larger of the two parcels as the use should have been grandfathered. Clarification

indicated this would place two units on the 1.7 acre parcel and have one unit on the 1.2 acre parcel. Mr. Reed explained the warning given to his father-in-law requiring the removal of the second unit from the parcel. His father-in-law had purchased the property in January or February 1995. He then explained that the property is on the market due to his father-in-law's health. The request before the Board was for a variance to allow the second unit to return to the 1.7 acre parcel. The lot line adjustment would be handled administratively by staff. All of the City Departments had purported indicated support for the variance. Mr. Reed then explained his reasons for feeling that the findings made by the Planning Commission had been erroneous and arbitrary. Discussion between Mr. Reed and the Board explained the periods when there were two or more mobiles on the parcel, the termination of the grandfathered use due to length of time when less than two units were on the parcel, and Mr. Reed's reasons for feeling that the parcel was unique in that it was the only parcel which had been allowed to have more than one unit on it for over 30 years. (1-1385.5) Mr. Joiner explained the research on the units and inclusion in Carson City rather than Douglas County. Staff's recommendation had been based on the original use. Staff had not been aware of the break in this usage. Staff still recommends approval as it will correct the records, provide a lot line adjustment, locate the well on the proper parcel, and is supported by the fact that the septic systems had been installed and repaired legally. Mr. Reed also indicated that the second unit had been taxed during the 93/94 year. He showed the three septic system sites.

(1-1458.5) Mr. Atchison explained his personal knowledge of the property. He felt that the 3/4 acre parcel had been illegally gifted. He claimed that the septic tanks had not been permitted. The "shell game" had been used "to move them around". There are "work orders" for them. This had only been done on weekends. One of the tanks services two mobiles. He felt that the Assessor's records were incorrect when it shows two mobiles on another site. He claimed that a commitment had been made to the residents that when Martha Rabe sold the property, the use would be terminated. He urged the Board to maintain the one unit per acre zoning.

(1-1539.5) Mr. Robey supported the request to maintain the zoning at one unit per acre. He had purportedly been "fighting" a request to increase the density for years. There had purportedly been a petition opposing the request which was signed by approximately 30 neighbors requesting the one acre zoning be retained. He felt that the for sale signs had been on the property for more than three months.

(1-1575.5) Mr. Massey felt there had never been more than two trailers on the property at any given time. A "daughter" had purportedly owned the acre behind Mr. Wilson and that the small 3/4 acre parcel was created to provide her with access to her property.

(1-1586.5) Mr. Reed gave the Board an aerial photograph of the site. He then explained his efforts to research the septic permit issue. He stressed his feeling that a precedence had been established by the 3/4 acre parcel as it has had a mobile on it since 1978. The significance of the parcel was related to the City's acceptance of the lot as a parcel and the fact that there has been a home on it since 1978. The gift and its size are irrelevant. The City should have disallowed the unit if there had been a problem with the lot size. He then detailed the number of units on his father-in-law's property. He also explained the Assessor's statement regarding his visits to the neighborhood.

(1-1645.5) Discussion ensued between staff and the Board on the petition of which staff did not have a copy. Mr. Atchison claimed he gave it to the Planning Commission. He had circulated the petition himself. He also stressed that the septic tank permits were "repair order" and not permits. Mr. Reed indicated that the current copies were repair orders as the State does not have immediate access to the original permits. Utility Director Timian-Palmer explained the State's control over septic permits at time the systems were installed. The City does not have any records for that time. Repair orders have been issued by the City. This site is not a part of the "hot zone". The gross area is considered when permits are requested. The right-of-way is part of the gross area. This is in accordance with the Statutes. Zoning does not allow the right-of-way/road to be included in the acreage. The three septics had complied with the Code at the time they were installed. Today's standard will not allow this. This issue is covered in her October 10, 1995, memo. Mr. Lipparelli clarified for the record the elements mandated to grant the variance by reading them from the Code. The issue before the Board was an appeal of the Planning Commission's denial of the variance. The Board's options were to: uphold the Planning Commission's

denial; overturn the Planning Commission's decision and grant the variance based on specific findings within the elements he had listed; or to continue the matter and return the request to the Planning Commission. He also indicated that the Code would allow the Board to condition the variance. Supervisor Ayres indicated this information was found in the staff's August 29 memo recommending approval of the variance. Mr. Wilson would have to agree to those conditions. Supervisor Bennett noted that the lot line adjustment would be handled by staff which would allow the applicant to put one unit on each of the two parcels. The question was whether two mobiles should be allowed on the 1.7 acre parcel which would be created. Supervisor Bennett questioned whether another well would be required for the second unit. Mr. Reed indicated that the State had granted a waiver which would allow the one well to service three units. This had been granted due to the City's history of having four parcels share one well. He emphasized that the request was to have two mobiles on one parcel rather than three. One mobile would be placed on the remaining parcel.

(1-1842.5) Mr. Massey reiterated his questions concerning the property being on the market. Mayor Teixeira indicated this had been addressed earlier.

Supervisor Bennett moved that the Board of Supervisors uphold the Planning Commission's decision to deny V-94/95-17, a variance application from Robert Wilson to vary from the minimum land area requirements on approximately 2.6 acres of land on property zoned Mobile Home One Acre located at 1307 Rabe, APN 9-332-08, based on the six findings and explained that when the Board makes zoning decisions for Single Family One Acre and people live by that for years, and years, and years, support that and put a lot of time and effort into that, that is a clear voice to me that the community is really expressing its point of view, although we do not have that petition in the packet, I am compelled to accept that. Supervisor Smith seconded the motion. Additional comments on the question were requested but none made. The motion was voted by roll call with the following result: Tatro - Yes; Ayres - No, with a comment that I think the findings of the staff would convince me otherwise; Smith - Yes; Bennett - Yes; and Mayor Teixeira - My vote is a moot point but I thought I would see where the Board was, I would have gone for a compromise, but its is immaterial at this point in time, it is over, I will vote - Yes. Motion carried 4-1.

**E. ACTION ON A-95/96-2 - A REQUEST FROM JACK FOERSCHLER TO AMEND CARSON CITY MUNICIPAL CODE SECTION 18.11, HILLSIDE ORDINANCE (1-0198.5) - Pulled.**

**F. ACTION ON A-95/96-3 - A REQUEST FROM JACK FOERSCHLER TO AMEND VARIOUS SECTIONS OF TITLE 18, ZONING ORDINANCE (1-0198.5) - Pulled.**

**G. ORDINANCE - FIRST READING - ACTION ON Z-94/96 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 24 ACRES FROM AGRICULTURE (A)/CONSERVATION RESERVE (CR) TO SINGLE FAMILY FIVE ACRE (SF5A) ON PROPERTY LOCATED ON THE NORTH SIDE OF THE CARSON RIVER BETWEEN THE MCTARNAHAN BRIDGE SITE TO A POINT APPROXIMATELY 4,000 FEET NORTH OF THE MCTARNAHAN BRIDGE IN SOUTHEAST CARSON CITY, NEVADA, MORE SPECIFICALLY DESCRIBED AS ASSESSOR'S PARCEL NUMBERS 10-281-32 AND 34, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1905.5) - Supervisor Bennett moved that the Board of Supervisors introduce Bill No. 163 on first reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 24 ACRES FROM AGRICULTURE (A)/CONSERVATION RESERVE (CR) TO SINGLE FAMILY FIVE ACRE (SF5A) ON PROPERTY LOCATED ON THE NORTH SIDE OF THE CARSON RIVER BETWEEN THE MCTARNAHAN BRIDGE SITE TO A POINT APPROXIMATELY 4,000 FEET NORTH OF THE MCTARNAHAN BRIDGE IN SOUTHEAST CARSON CITY, NEVADA, MORE SPECIFICALLY DESCRIBED AS ASSESSOR'S PARCEL NUMBERS 10-281-32 AND 34, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.**

**BREAK:** An eight minute recess was declared at 3:04 p.m. When the meeting reconvened at 3:12 p.m. the entire Board was present constituting a quorum.

**11. UTILITIES DIRECTOR - Dorothy Timian-Palmer - A. PRESENTATION ON PHASE I OF THE STUDY "TO DETERMINE RECHARGE TO THE GROUNDWATER IN THE EAGLE VALLEY BASIN" AND B. ACTION ON USGS AND CARSON CITY JOINT FUNDING AGREEMENT FOR PHASE II OF THE INVESTIGATIONS TO DETERMINE RECHARGE TO GROUNDWATER IN THE EAGLE VALLEY HYDROGRAPHIC AREA (1-1962.5) -** Mayor Teixeira commended Ms. Timian-Palmer on the editorial comments contained in the Reno Gazette Journal. Ms. Timian-Palmer introduced United States Geological Survey Representative Dave Prudic and Nevada District Chief Jon Nowlin. Mr. Prudic reviewed the report and the overhead slides. (A copy is included in the file.) The State Engineer had been giving the City credit for its use of effluent on the golf courses at the same rate as that which was used. Ms. Timian-Palmer explained the reasons the City began to question the State Water Engineer's determination of the recharge rate was based on this credit and the City's use of Kings Canyon runoff without the wells dropping. Mr. Prudic then outlined the runoff testing process. Verification of these figures were determined by testing for chlorination levels. Depth of the test wells were noted. This year the Kings Canyon wells rose 25 feet which he felt was a direct result of the wet winter. His research indicated all of the water was coming into Carson City. He was not concerned with the aquifers and their sites. Supervisor Bennett continued to question the impact Lake Tahoe may have on these aquifers, the seepage rates, and runoff levels. Mr. Prudic's research had not analyzed this impact although he felt the increase was a direct result of rainfall in the mountains. Testing had indicated "the water was excellent" and not salty. Kings Canyon's runoff equals the subsurface flow. His estimated range in subsurface flows were explained.

(1-2505.5) Ms. Timian-Palmer explained her discussion with the State Engineer on the results. This had resulted in an application to the State Engineer to formally designate the municipal groundwater appropriation in the Eagle Valley Basin as a preferred use and for municipal use only and the filing on this water. A copy of the letter applying for this designation is included in the packet. During a December 4 meeting with the State Engineer Ms. Timian-Palmer agreed to hold these water rights for safety purposes. They would not be used to support development. The Water Engineer's order agreed to this designation. A copy of his order is included in the packet. Discussion noted the City's conjunctive use program. Under this program the City is allowed to pulled 6,000 acre feet of groundwater when the runoff does not occur. If the basin is built-out, the City could use additional groundwater due to the safety factor. The application for these water rights is for a total of 3500 acre feet and will be designated for the safety factor. They could be used but cannot be allocated.

Mr. Prudic continued his report by explaining the studies which needed to be conducted on the other watersheds and the rate of recharge created by precipitation. Mr. Prudic then reviewed the budget for the additional studies. Supervisor Bennett suggested consideration of the runoff increase created by development. Detention basins could be constructed to collect this runoff and allow for additional recharge to the groundwater table rather than allowing the entire amount to go to the River. Ms. Timian-Palmer indicated attempts to collect this runoff/its use for recharging. The quality of this water can work either for or against the recipient. This issue will continue to be analyzed. Ms. Timian-Palmer felt that the proposal may eventually tie-up all of the remaining water rights in the valley. She also agreed to analyze the potential use of RSVP personnel to perform some of this work as it may fit in the wellhead protection program and meet EPA grant requirements. As the runoff chlorine levels will be tested, it was felt that the natural recharge rate could be determined. This would not include the parking lot runoff. Mayor Teixeira questioned the amount of recharge which would be created by the private golf courses now under construction. Ms. Timian-Palmer expressed reluctance to use this recharge due to potential contamination by heavy metals, phosphorous, etc. Mr. Prudic indicated that the total study would help the City "better manage" it groundwater resources. Mayor Teixeira commended staff and Mr. Prudic on the report and their efforts. No formal action was required or taken on the report.

(1-2963.5) Ms. Timian-Palmer then reviewed the joint funding agreement and funding sources for the study. Discussion indicated the City will file on these water rights, reasons the State Water Engineer may find in the City's favor, and the City's ability to select its future growth rate or decide quality of life issues. Supervisor Ayres felt that the planning would place the City in a pro-active mode rather than a reactive mode. She commended Ms. Timian-Palmer on her efforts. Supervisor Ayres then moved that the Board of Supervisors approve and authorize

the Mayor to sign the Joint Funding Agreement, NV9601200, between Carson City and the U.S. Geological Survey in the amount of \$60,400 of which \$10,000 is from Direct Services, the remaining \$50,000 is from funding source 520-3502, U.S.G. Stream Gaging; \$35,000 is provided by FY 95/96 Budget and with the savings from Water Purchase Line Item of \$15,400 being used to augment. Supervisor Bennett seconded the motion. Motion carried 5-0.

Discussion noted the request to seek funding from the Subconservancy District had not been agendized, therefore, no action was taken on this request.

**BREAK:** There being no other matters for discussion until 6 p.m. a recess was declared at 4 p.m. When Mayor Teixeira reconvened the meeting at 6 p.m. the entire Board was present constituting a quorum. Staff members present included City Manager Berkich, Treasurer Kramer, Finance Director Walker, Public Works Director Aldean, Deputy District Attorney Lipparelli, Deputy Public Works Director Homann, Deputy Building Official McPhail, and Recording Secretary McLaughlin.

## **12. CITY MANAGER - John Berkich**

**A. ACTION ON OPTION AGREEMENT WITH BANK OF AMERICA FOR AN EXCLUSIVE OPTION TO PURCHASE THE REAL PROPERTY COMMONLY KNOWN AS BANK OF AMERICA, CAPITOL BRANCH, 201 NORTH CARSON STREET, AND CERTAIN IMPROVEMENTS AND FIXTURES LOCATED THEREON (2-0001.5)** - Mr. Berkich introduced the item, explained the procedure to be used during the hearing, and reviewed the history of the proposal. Although there had already been a public hearing on the proposal, additional hearings could be held. Research had indicated the "reasonableness" of the property's appraised value of \$1.275 million. The building should fulfill the City's short-term needs and staff has developed a recommendation for the City's long-term expansion plans. Financing sources within existing revenues have been identified. This will not increase the ad valorem rate. Items included in the packet were briefly noted. He then displayed a floor plan of the building and detailed the underground parking area, its amenities, and the office area. Suggested uses and potential modifications were briefly noted. He urged the Board to adopt staff's Option 2 recommendation.

(2-0187.5) Mr. Homann detailed the current availability of parking spaces in the immediate area with the assistance of a map. When the State constructs the new parking lot at Musser and Plaza there will be more than an adequate number of spaces available to meet the demand. A map of this project was explained. Parking at Northgate was described. Approximately 40 percent of the Northgate parking is utilized by Community Development and Public Works clients. The motor pool vehicles were included in his Northgate count. A traffic study should be conducted after the use is changed to determine whether Plaza should remain a one way street. Discussion with the Board indicated the City would have little control over the parking issue if a similar banking operation acquired the building. The State parking lot project was discussed. Parking requirements may be reduced by the "drive up" window. Parking Code requirements were noted. Mr. Homann indicated that the garage would not be utilized 100 percent by the employees as clientele parking would be needed. The employees should use the street parking. Public questions concerning Mr. Homann's comments were solicited. Mr. Berkich explained for Mr. Kramer that the State Public Works Board anticipates issuing a contract for construction of the parking lot this spring. Mayor Teixeira further described the parking lot. Mr. Berkich expressed an interest in leasing Mr. Halyak's lot for additional parking. Additional comments on the foregoing were solicited but none given.

(2-0420.5) Mr. Berkich introduced John Ganther of Ganther, Melby, and Lee. Mr. Ganther used a floor plan to explain the proposed usage of the building. The building is adequate to meet the current space needs of these Departments. The present restroom facilities are adequate for the proposed personnel. Clarification indicated Option 1 had a floor space of 12,500 square feet and Option 2 relocates the present glass wall and provides an additional 2,300 square feet. Comments indicated the Board should only consider Option 2. Mr. Ganther indicated Option 2 would provide extra space for the relocated offices as well as provide space for another

Department. He outlined how the expansion would occur without modifying the structure. A long-term plan would raise the roof and provide two additional stories. Mr. Berkich indicated that staff is still analyzing the Departments who will be relocated including the potential relocation of Purchasing to the Corporate Yard. This relocation is contingent upon consolidation of the School District and Hospital's Purchasing Departments with the City's. Reasons the entire second floor could not cover the first floor were discussed. A second floor would provide an additional 10,000 square feet. This expansion could cost approximately \$100 per square foot.

(2-0615.5) Mr. McPhail explained that the building had been built in 1979 or 80. It was designed for four floors on the back half. Reasons for this decision were unknown. Items which had been constructed in the building to provide this expansion were detailed. The area over the drive-through was part of the expandable section. He supported Mr. Ganther's cost estimate for expansion and noted it may be less expansive to construct all three floors at one time. Other cost saving measures were suggested. He agreed that the other half of the building could be retrofitted to allow the entire area to be expanded, however, this would increase the cost. Mr. Ganther felt that the site costs would not be as expensive as a new building as a majority are already in place which Mr. McPhail supported. Clark Gribben's letter (included in the packet) indicates the building could be expanded and suggests using steel to do so. Also, a stairway on the north side and another elevator shaft could be installed. Original construction costs were \$3.5 million. Mr. McPhail also described how the present floor could be expanded. Mr. Ganther felt that this may cost \$50 a square foot. Additional questions for Mr. McPhail were solicited but none made.

(2-0765.5) Mr. Ganther continued his report on space needs. Mayor Teixeira expressed the hope that staff could be pooled/consolidated for a "one-stop shop". Mr. Berkich indicated that this aspect had not been analyzed. He then outlined the proposal to keep Community Development and Public Works at Northgate. He proposed selling the building and leasing back a portion for these Departments. This plan should increase the building's salability. back. This plan would increase its salability. Eventually, a one-stop shop for the building community may be constructed at the Corporate Yard. Reasons for this suggestion were briefly noted. Mayor Teixeira felt that this was a decision which would be made at some future date. The Convention and Visitors Bureau had requested inclusion in a long-range plan. Mayor Teixeira noted other City and State changes proposed in the downtown area.

(2-0912.5) Other comments were solicited. Chamber of Commerce President John McKenna supported the business deal concept, however, questioned whether this is the "highest and best use" for a building in the downtown area. He did not feel that it was consolidating City services as there would then be three spots. Northgate would not be sold for three to five years. The public objected to going "all over town" for City services. A formal plan was requested for review before a final decision is made. Removal of the building from the Redevelopment District tax rolls would hurt its funding. The parking and circulation issues must be addressed before the project is approved, specifically, in view of the increased traffic the change would create. Concerns included the project's increased congestion in view of the current traffic problems experienced in this area. He felt that if the questions are answered, then the Chamber may support the proposal. Mayor Teixeira expressed a feeling that the State was interested in the building, however, McKenna stated that discussions have indicated the State does not wish to acquire the building. There are several private individuals interested in the building. Mayor Teixeira and Mr. Berkich indicated that another individual had expressed an interest in acquiring the building and leasing it to the City. Mr. Berkich agreed that the City needed to have a long-range plan for the facility including the "one-stop shop". The next budget cycle would include a request for this study. Mr. McKenna closed by wishing the Board and staff "Merry Christmas".

(2-1015.5) Chamber of Commerce Executive Vice President Larry Osborne felt the concerns were due to the lack of answers. Mayor Teixeira felt that this was the first time the City was attempting to move quickly on a proposal rather than a "snail's pace" and everyone is saying "slow down". He noted the impact the Public Safety Complex would have on the downtown core and expressed the feeling that this proposal may mitigate some of that impact. Mr. Osborne felt that it may be a good deal if it is done without an increase in taxes. He also expressed a willingness to work with the City and get the answers.

Discussion ensued between the Board and Mr. Berkich on the Capital Project Advisory Committee's charge. The Committee had not considered the proposal. Its members had opposed acquisition of another facility at Northgate as well as expanding City services there. Mr. Berkich was willing to have the Committee consider the proposal. Supervisor Ayres noted the various groups who had encouraged the City to return to the downtown area. The majority of the facilities there were too expensive for this to happen realistically, however, the current proposal was doable. Advantages of and support for the proposal were noted. Supervisor Tatro expressed his surprise at the Chamber's request to "slow down". Parking would be a non-issue regardless of the occupant. The traffic pattern will be revised when the State constructs the parking lot. He had opposed any previous suggestions due to the cost of the property. This was the first financially feasible plan he had seen which he could support. He also supported retaining Public Works and Community Development at Northgate and the plan for their eventual consolidation at either the Corporate Yard or in the bank building expansion area.

(2-1195.5) Harold Jacobson expressed his feeling that the present City offices were difficult for the public to relate. The acquisition of Northgate had been an attempt to mitigate to this situation. The various sites used/considered for a City office over the years were explained. This proposal would be viable if a written commitment from the State on the public parking is obtained. Expansion is possible at either the Silver Spur or Fireside Inn sites. His knowledge of the building was explained to support his feeling that it was a sound, viable acquisition. The proposal would help eliminate the misconception that the State offices were City offices. He liked the drive-up feature. He hoped that the Chamber of Commerce would support the acquisition and urged the Board to proceed.

(2-1308.5) Bob McFadden noted his Third and Carson Street project. He felt that the acquisition would be another step in the redevelopment of the City's core. He urged the Board to proceed.

Additional comments were solicited but none made.

Mr. Berkich then reviewed the cost and financial plan. His report had not included the \$15,000 cost for financing which should be added. It is included in Ms. Walker's memo. Ms. Walker expressed her support for the purchase and reviewed her memo on the costs and revenue sources. (A copy is included in the packet.) Her comments included a cost comparison of other County/City complexes; redevelopment efforts; the need to fill the void created by relocating the Courthouse, District Attorney's office, and Justice Courts to the Jail Park; and the minute impact removing the building from the tax rolls would have on City. The proposal would increase the number of employees in the area which may stimulate both the area businesses and sales taxes. Terms of the medium-term bond were explained and will be handled by the Bank of America. She recommended a ten year note with the intent to use the proceeds from the sale of Northgate to payoff the note. Although the Capital Improvement Program could fund the entire amount, she urged the Board to keep the money and support the vehicle replacement program, building modifications, SPAN program, etc. Discussion between staff and the Board included whether to acquire the new telephone system, the City and Hospital's bonded indebtedness report, the added value created by the Hospital and City's expansion/acquisition projects, and the cost to lease space for Public Works and Community Development. Supervisor Tatro emphasized that the Northgate Building is sound, however, it was never constructed to meet the needs of a City government. The increased marketability of the Northgate facility created by the plan to lease a portion of it was stressed by Mayor Teixeira and Mr. Berkich.

Additional public comments were solicited but none made.

(2-1712.5) Mr. Lipparelli reviewed the option to purchase agreement which included as an exhibit a draft purchase agreement. Once this option is signed substantial changes to the purchase agreement could not be made. He urged the Board to indicate any changes. The aggressive due diligence schedule was outlined. Additional time could be purchased for \$25,000 which would also go towards the purchase price if the deal is consummated. Mayor Teixeira expressed concern over the time schedule and suggested that the second option be purchased. Mr. Berkich felt that this decision could be made as time and efforts go forth. Mr. Lipparelli explained the timeframes established for discussing the proposal with the Board including any problems which may be encountered. If necessary the second option will be considered at one of those meetings. Mr. Berkich did not feel that it would be

necessary to extend the agreement past the 60 period provided in the options. Mr. Lipparelli explained the Board was not being asked to approve the purchase this evening, however, the draft must be approved as it is an exhibit to the purchase option. Staff will continue to work on the due diligence items. Board approval of a second option will be requested if the 30 day time limit on the first option is close to expiring and these items have not been completed. The Treasurer needed approval of the mid-term financing in order to complete all of the bond requirements and have the money available for closing.

(2-1875.5) Additional comments were solicited but none given.

Supervisor Bennett moved that the Board of Supervisors enter into an option agreement with the Bank of America for an exclusive option to purchase the real property commonly known as Bank of America, Capitol Branch, 210 North Carson Street. Following discussion of the address, Supervisor Bennett corrected the motion to be for 201 North Carson Street and continued the motion to include and certain improvements and fixtures located therein, action on this item will approve an option agreement with the Bank which will require the City to issue a \$25,000 nonrefundable deposit to the Bank of America which will be deducted from the purchase price of \$1,275,000. Following discussion of the funding source, Supervisor Bennett continued the motion to include the funding source is the Capital Acquisition Fund. Supervisor Smith seconded the motion. Motion carried 5-0.

**B. REVIEW OF DRAFT PURCHASE AGREEMENT WITH BANK OF AMERICA FOR AN EXCLUSIVE OPTION TO PURCHASE THE REAL PROPERTY, COMMONLY KNOWN AS BANK OF AMERICA, CAPITOL BRANCH, 201 NORTH CARSON STREET, AND CERTAIN IMPROVEMENTS AND FIXTURES LOCATED THEREON - See above.**

**13. TREASURER - Al Kramer - ACTION ON RESOLUTION CONCERNING MEDIUM-TERM FINANCING; DIRECTING THE PUBLICATION OF A NOTICE OF INTENTION TO AUTHORIZE MEDIUM-TERM FINANCING FOR THE PROPERTY LOCATED AT 201 NORTH CARSON STREET; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF (AMOUNT NOT TO EXCEED \$1,275,000) (2-1905.5) -** Supervisor Tatro moved to adopt Resolution No. 1995-R-85, A RESOLUTION CONCERNING MEDIUM-TERM FINANCING; DIRECTING THE PUBLICATION OF A NOTICE OF INTENTION TO AUTHORIZE MEDIUM-TERM FINANCING FOR THE PROPERTY LOCATED AT 201 NORTH CARSON STREET; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Bennett seconded the motion. Motion was voted and carried 5-0.

Mayor Teixeira wished the community "Merry Christmas and Happy New Year" and indicated the next Board meeting would be on January 4, 1996.

Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 7:55 p.m.

The Minutes of the December 21, 1995, Carson City Board of Supervisors meeting

ARE SO APPROVED ON \_\_\_February\_15\_\_\_, 1996.

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

ATTEST:

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