

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the February 2, 1995, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, February 2, 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
	Al Kramer	Treasurer
	Walter Sullivan	Community Development Director
	Basil "Butch" Moreto	Purchasing & Contracts Director
	Paul Lipparelli	Deputy District Attorney
	Bob Townsend	Golf Course Superintendent
	Liz Hernandez	Administrative Assistant
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 2/2/95 Tape 1-0001)	

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.

Mayor Teixeira called the meeting to order at 1:02 p.m. Rev. Bruce Henderson of the Church of Christ gave the Invocation. Supervisor Smith lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

**1. APPROVAL OF MINUTES (1-0055) - None.**

**CITIZEN COMMENTS (1-0056) -** Mayor Teixeira announced the ribbon cutting ceremony planned for the new Public Access Channel 26. CATF Channels 10 and 26 General Manager Bill Reeves introduced CATF President Ralph Phillips. Mayor Teixeira elaborated on the history of Public Access Television in Carson City. The new channel would air the Board meetings live. He commended them on their efforts and cut the ribbon. Additional comments were solicited but none made.

**2. CONSENT AGENDA**

**A. TREASURER**

**i. ACTION ON REFUND AND REMOVAL OF PARTIAL 1994-95 REAL PROPERTY TAXES ON PARCELS NO. 2-251-01, 8-264-02, 8-771-05, 7-101-48, 10-087-14, AND 10-458-14 DUE TO THE BOARD OF EQUALIZATION CHANGES TO THE SECURED ROLL**

**ii. ACTION ON REFUND AND REMOVAL OF PARTIAL 1994-95 REAL PROPERTY TAXES ON PARCEL NO. 8-562-20 DUE TO CARSON CITY ASSESSOR CORRECTION**

**B. CLERK-RECORDER - ACTION ON RESOLUTION AUTHORIZING THE DESTRUCTION OF PUBLIC WORKS SITE FILES**

**C. COMMUNITY DEVELOPMENT DIRECTOR**

**i. ACTION REGARDING ADOPTION OF "BEST AVAILABLE FLOOD ZONE INFORMATION" FOR THE SOUTHERN REACH OF THE CARSON RIVER, SOUTH OF THE MEXICAN DAM TO THE MCTARNAHAN BRIDGE SITE**

ii. **ACTION ON M-94/95-9 - AN ABANDONMENT REQUEST FROM THOMAS AND HELEN BEEN TO ABANDON A PORTION OF CALIFORNIA STREET BETWEEN ARTHUR STREET AND CLEAR CREEK AVENUE ADJACENT TO APNS 9-226-01, 9-226-06, 9-238-07, 9-238-06 (PLANNING COMMISSION APPROVED 6-0-0-1)**

**D. PURCHASING DIRECTOR**

i. **ACTION ON CONTRACT NO. 9495-153 - PURCHASE OF 40 GOLF CARS FOR EAGLE VALLEY GOLF COURSE**

ii. **ACTION ON CONTRACT NO. 9495-152 - EAGLE VALLEY GOLF COURSE CLUBHOUSE CARPET REPLACEMENT**

iii. **ACTION ON CONTRACT NO. 9394-188 - COMMUNITY COLLEGE PARKWAY/GRAVES LANE CONSTRUCTION FINAL PAYMENT**

iv. **ACTION ON A RESOLUTION PROVIDING NOTICE AND AUTHORIZING THE LEASE OF THE ZAMBONI BUILDING LOCATED IN MILLS PARK AND REQUESTING SEALED/ORAL BIDS THROUGH THE PROCESS AS DETAILED IN NEVADA REVISED STATUTES CHAPTER 244 (1-0129)** - Mayor Teixeira pulled Item C-i. for an in depth discussion. None of the remaining items were pulled. Supervisor Ayres moved that the Board approve the Consent Agenda with the exception of action on the adoption of the "Best Available Flood Zone Information" for the southern reach of the Carson River south of the Mexican Dam to the McTarnahan Bridge Site, which will be heard separately. Supervisors Bennett and Tatro seconded the motion. Following discussion, Supervisor Ayres modified her motion to include Resolution No. 1995-R-22 for the destruction of Public Works site files and Resolution No. 1995-R-23 to the resolution providing notice and authorizing the lease of the Zamboni Building. Supervisor Bennett continued her second. Motion carried 5-0.

**C-i.** Community Development Director Walter Sullivan explained the proposal. Charlene Foerschler and Supervisor Tatro explained the reasons the proposal had been considered by the Carson River Advisory Committee and the Committee's decision not to make a recommendation as it was felt that it is not part of the Committee's role. Ms. Foerschler as a property owner in the affected area urged the Board to approve the proposal. Supervisor Bennett elaborated on her reasons for wanting the Committee to look at the proposal. Supervisor Bennett then moved that the Board adopt Mr. Rhea Williams' July 1, 1991, flood study for the portion of the Carson River south of the Mexican Dam to the McTarnahan Bridge site as the best available information for flood plain management purposes. Supervisor Tatro seconded the motion. Motion carried 5-0.

**3. CARSON-TAHOE HOSPITAL - Administrator Steve Smith - ACTION ON APPROVAL OF LEASE AGREEMENT FOR THE BUILDING HOUSING COTTONWOOD CARE CENTER PER NRS 450.250, SUBSECTION 2 (1-0338)** - Discussion between the Board and Mr. Smith stressed that the proposal would not cost Carson City taxpayers anything. Some of the funding for the infrastructure improvements will be provided by Medicaid and the remainder will be from the State. Some of these funds, however, may be jeopardized by congressional action. The Hospital will continue to pursue the proposal even if these funds are removed as its financial analysis indicates it would be a profitable and worthwhile undertaking. Supervisor Bennett explained her appointment as the Board's representative to the Hospital Board and her appointment to its Finance Committee. She then explained the Committee's review of the financial report and her reasons for supporting the proposal. Mr. Smith then explained the reasons he felt the owners were selling the facility. He, also, felt that the acquisition would reduce some of the hospital costs. He stated for the record that the sellers had, through their attorney David Humphrey, committed to repayment of \$500,000 worth of the repair costs within one year. There is a written statement of this fact on file at the Hospital from Mr. Humphrey as well as a promissory note included in the documents which must be signed before the sale is finalized. This note has a twelve month completion date for the payment. Public comments were solicited but none made. Mr. Lipparelli explained the Board's action required for the lease. Supervisor Bennett then moved that the Board of Supervisors approve a lease agreement for a building housing the Cottonwood Care Center per NRS 450.250 Subsection 2 and approve the assignment of lease and the addendum to the lease. Supervisor Smith seconded the motion. Following a request for an amendment, Supervisor Bennett began an amendment to her motion to include authorization for the--. Mr. Lipparelli explained that the Hospital could sign the lease if approved by the Board and Supervisor Bennett discontinued the

amendment. The motion to approve the building lease agreement, assignment of lease and lease addendum was voted and carried 5-0. Mr. Smith thanked the Board for its action and assured the Board that his staff "would make the Board proud of the decision it had made today".

**4. PARKS AND RECREATION DIRECTOR - Steve Kastens, CQI Team Leader Kyle Nemath, and CQI Member John Givlen - ACTION ON CHANGES TO RESIDENTIAL CONSTRUCTION TAX ALLOCATION PROCESS DEVELOPED BY CQI TEAM (1-0812)** - A comparison of the present and the proposed procedures was made. Discussion indicated the complexity of the present process and the need to continue evaluating the proposed plan for additional streamlining. The creation of an application oversight committee and the need for applicants to fully understand the steps and permits required for each application were stressed. Board comments commended the team on its efforts. Projects which had been approved under the previous program would continue to work their way through the maze. Supervisor Bennett urged Mr. Kastens to flow chart those applications so that the applicants would be aware of the process and could assist in their progress. Mr. Kastens explained the team's commitment to the process and the members reasons for committing to the future application review process. Supervisor Ayres moved that the Board of Supervisors approve the changes to the Residential Construction Tax allocation process developed by the CQI team--which means the Continuous Quality Improvement Team--and approved by the Parks and Recreation Commission. Supervisor Bennett seconded the motion. Mayor Teixeira pointed out the accolades were being made by individuals who had served on the Parks and Recreation Commission. He also thanked the Committee and, specifically, Karen Goddard for returning and helping after her retirement. The motion to approve the program was voted and carried 5-0.

**5. PUBLIC WORKS DIRECTOR - City Engineer Tim Homann - ACTION ON THE GRAVES LANE ASSESSMENT DISTRICT PROJECT CONTRACT NO. 9394-34 BETWEEN CARSON CITY AND GRANITE CONSTRUCTION COMPANY TO APPROVE CHANGE ORDER NO. 4 FOR A NET INCREASE IN THE AMOUNT OF \$57,133.75, AND APPROVE FINAL PAYMENT IN THE AMOUNT OF \$250,732.93 (1-1606)** - Discussion between Mr. Homann and Supervisor Smith included reasons Hot Springs Road no longer ties into Airport Road and its original design which had been for a temporary connection until Goni Road was extended. The private property owners extended Goni Road, therefore, the temporary connection was not needed. Supervisor Bennett questioned the reasons why liquidated damages for the delay in completing the project had not been assessed. Mr. Homann indicated the original project construction date had been delayed but the total number of actual construction days had remained the same. Supervisor Bennett questioned the reasons the company had been allowed to pour cement during 20 degree weather and snow. She also noted the "inconvenience" created by the construction at Lompa. As the Regional Transportation Commission has been attempting to set and enforce standards on City contracts, she felt it only prudent to include those used for this project which had been overseen by Lumos and Associates. Mayor Teixeira briefly reviewed the project, State and City funding, and the private sector's role. He, too, felt that the standards should be maintained for this contractor. Mr. Homann also pointed out the complexity of the project which was created by the different property owners. Additional comments were solicited but none made. Supervisor Tatro then moved that the Board approve Change Order No. 4 to Contract No. 9394-34, Graves Lane Assessment District Project, for a net increase in an amount of \$57,133.75 and to approve final payment on Contract No. 9394-34 in the amount of \$250,732.93; funding source is the Graves Lane Assessment District. Supervisor Ayres seconded the motion. Motion carried 5-0.

**6. FINANCE DIRECTOR - Mary Walker - ACTION ON APPROVAL OF CARSON CITY PLAN OF CORRECTIVE ACTION FOR FISCAL YEAR 93-94 AUDIT RECOMMENDATIONS (1-2100)** - Internal Auditor Gary Kulikowski had provided some documentation on Recommendation No. 2. Discussion noted heating and air conditioning improvements for the City Manager's office which were part of fiscal year 94-95 budget. Supervisor Smith moved that the Board of Supervisors approve Carson City's Plan of Corrective Action for fiscal year 93-94 Audit Recommendations. Supervisor Tatro seconded the motion. Motion carried 5-0.

**8. DISTRICT ATTORNEY - Paul Lipparelli**  
**A. ACTION TO APPROVE REVISED DRAFT OF INDEMNITY AGREEMENT INDEMNIFYING THE OWNER OF PARCEL NO.S 7-061-19, 7-061-26, 7-051-03, 7-051-08, AND 7-051-06**

**FROM LIABILITY FOR CERTAIN POTENTIAL ENVIRONMENTAL CLEANUP COSTS AND OTHER RELATED MATTERS**

**B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 102 - AN ORDINANCE AMENDING 5.12.020 OF THE CARSON CITY MUNICIPAL CODE ENTITLED "TELEPHONE COMPANIES" BY INCREASING THE QUARTERLY LICENSE FEE AND MATTERS PROPERLY RELATED THERETO (1-2478) - Pulled.** Item B will return at a future date for first reading. The delay was created by the State Department of Taxation's slowness in responding in writing confirming the City's interpretation of the applicable clauses.

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

**A. ORDINANCE - FIRST READING - ACTION ON Z-94-95-9 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY A TWO BLOCK AREA PLUS ONE PARCEL (29 PARCELS TOTAL) FROM RESIDENTIAL OFFICE (RO) TO GENERAL OFFICE (GO) ON PROPERTY LOCATED BETWEEN EAST SECOND STREET, SOUTH ROOP STREET, EAST FIFTH STREET AND SOUTH HARBIN AVENUE PLUS ONE PARCEL ON THE WEST SIDE OF SOUTH ROOP STREET, BETWEEN EAST SECOND STREET AND EAST FIFTH STREET, APNS 4-091-1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 4-092-5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, AND 4-083-02 AND OTHER MATTERS PROPERLY RELATED THERETO (PLANNING COMMISSION DENIED 5-1-0-1) (1-2516) - Mayor Teixeira declared a conflict of interest, passed the gavel to Mayor Pro-Tem Smith, and left the room. (A quorum was still present.) Principal Planner Rob Joiner explained the Planning Commission's action and concerns. The only public testimony given at the Planning Commission's meeting had been related to the noise created by the ATM machine at the Credit Union. The Credit Union is attempting to address this matter but this use would be allowed in either the RO or GO zones. Mr. Joiner corrected the staff report to reflect that only two individuals spoke at the Commission meeting and not 11. Discussion also included the type of activity allowed under the different zones and whether the proposal would encourage blight. Public comments were solicited but none made. Supervisor Tatro then moved that the Board introduce Bill 106 on first reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY A TWO BLOCK AREA PLUS ONE PARCEL (29 PARCELS TOTAL) FROM RESIDENTIAL OFFICE (RO) TO GENERAL OFFICE (GO) ON PROPERTY LOCATED BETWEEN EAST SECOND STREET, SOUTH ROOP STREET, EAST FIFTH STREET AND SOUTH HARBIN AVENUE PLUS ONE PARCEL ON THE WEST SIDE OF SOUTH ROOP STREET, BETWEEN EAST SECOND STREET AND EAST FIFTH STREET, APNS 4-091-1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 4-092-5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, AND 4-083-02 AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Following discussion of the need to include findings in the motion, Supervisor Tatro amended his motion to include based on the findings in the staff report and explained his involvement with the original applicant and the request. Supervisor Ayres continued her second. Motion carried 4-0-1 with Mayor Teixeira absent. Following the vote, Mayor Teixeira returned and took back the gavel. (A quorum was present as indicated.)**

**B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 105 - AN ORDINANCE APPROVING A SECOND ADDENDUM TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP TO MODIFY CERTAIN PREVIOUSLY APPROVED SETBACK VARIANCES AND OTHER MATTERS PROPERLY RELATED THERETO (1-3222) - Supervisor Tatro moved to adopt on second reading Bill No. 105, Ordinance No. 1995-5, AN ORDINANCE APPROVING A SECOND ADDENDUM TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP TO MODIFY CERTAIN PREVIOUSLY APPROVED SETBACK VARIANCES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.**

**9. CITY MANAGER - John Berkich - DISCUSSION AND ACTION ON ESTABLISHMENT OF A HEARING CALENDAR AND POSSIBLE CHANGES TO THE BUDGET PROCESS (1-3302) - Discussion ensued among the Board and Mr. Berkich on the proposed schedule of hearing dates, the strategic planning process**

and timetable, the need for a Saturday meeting, and the June 1 State deadline. Supervisor Tatro requested the enterprise budgets be delivered at the same time as the other budgets. Discussion ensued on the feasibility of having a two year budget and whether the Board's goals would be included in the budget. Mr. Berkich stressed that the budget cycle needed to begin with this year in order to link it with the election cycles as well as the legislature. Supervisor Ayres expressed her feeling that a biennial budget is feasible as it would reduce staff time and costs. Mr. Berkich felt that the Board would be actively involved in the budget process and would maintain control over it. Mayor Teixeira expressed his concern that the change may not be accomplished this year. No formal action was taken.

## **10. BOARD OF SUPERVISORS**

**A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-0331)** - Supervisor Tatro indicated he should have a report by the next meeting as several of his committees will be meeting next week. Supervisor Bennett reported on her trip to Washington, D.C., as a delegate to the American Hospital Association seminar and the meetings with congressional representatives. Potential legislative impacts on medical funds and their related issues were noted. Supervisor Smith reported on the Tri-County Railway Commission workshop held on Saturday, January 28. He also announced the February 8, 6 p.m., Regional Transportation Commission meeting in the Sierra Room and invited all to attend. He also reported on the Subconservancy meeting. Supervisor Ayres expanded on the Railway Commission meeting by explaining its new members. She also reported on the appointments made to the General Obligation Bond Commission and on the Senior Center Advisory Board. The Parks and Recreation Commission will be considering fee increases at its next meeting. Her legislative agenda was also briefly outlined.

**B. ACTION ITEMS - DISCUSSION AND ACTION ON CARSON CITY'S LEGISLATIVE AGENDA (2-0635)** - Discussion ensued on the City's legislative agenda including support/position taken by the Legislators. (A copy is included in the supporting documents.) The proposed salary increases for elected officials were discussed at length. Comments stressed the feeling that the Carson City Board of Supervisors should have received additional compensation consideration due to the fact that the County Commissioners and City Council are a combined function. Consensus indicated the remaining elected officials' salaries should be increased. Mayor Teixeira expressed his feeling that Carson City should consider having the Board set the salaries, however, until this action is taken, the legislature will continue to set them. Concern was also expressed about the type and quality of individuals who would run for office if the compensation is inappropriate. Supervisor Tatro explained his reasons for supporting the legislation increasing the elected officials' salaries based on his desire to have the full-time elected officials compensated appropriately since they cannot hold another full-time position and his desire for their salaries to be attractive enough to continue to attract quality individuals. Salaries are a part of the package which attracts quality individuals. He felt that the salary of the Board is appropriate. **Supervisor Tatro then moved that the Board support SB 84. Supervisor Bennett seconded the motion** and explained her support for all the aspects of the bill with the exception of the compensation for the County Commissioners was the same reasons as had been stated by Supervisor Tatro as well as Supervisor Smith's objections. She, too, felt that the City would have a hard time attracting really qualified individuals to serve as time goes on. Supervisor Ayres explained her support for the legislation due to the people who are elected to the full-time positions. She reminded everyone that Supervisor Smith had run unopposed and Supervisor Tatro had had only one individual running against him. Although she had talked to a lot of individuals who were complaining about different things, none were willing to run for that amount of money and with all the work involved. They felt it was easier to complain. She felt that this pattern would continue except for elderly, retired people with good incomes who can afford to serve without working in another full-time position. She indicated that she was aware of the compensation when she signed up for it and that it was a full-time job on top of her employment in a full-time position. Based on its population and its being a municipality, Carson City should not be lumped in with other counties. **The motion to support SB 84 was then voted by roll call with the following result: Yes - Tatro, Bennett, Ayres, Smith, and Mayor Teixeira. No - None. Motion carried unanimously.** Mayor Teixeira then explained that the vote would allow him to support the bill even though he was well aware of the Board's concerns.

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Mayor Teixeira then explained that he was attempting to gather additional data on BDR 813. He then requested support for legislation providing \$20 million in bonds for dealing with erosion control at Lake Tahoe. Supervisor Tatro moved to add the erosion control bill for Lake Tahoe to the Carson City Legislative Agenda as one being supported by the Board. Supervisor Ayres seconded the motion. Motion carried 5-0.

Mayor Teixeira then explained Assemblyman Hettrick's bill establishing a business license tax penalty against any firm failing to correctly report sales taxes to the appropriate county where the goods are delivered. Discussion noted this would only impact businesses which deliver goods outside the county of origin. It would not impact businesses which do not deliver or where the customer picks up the merchandise. Supervisor Smith voiced his concern about the penalty due to his desire to have additional information. Supervisor Tatro moved that the Board support the sales tax point of origin penalty bill to be reviewed when a draft is available. Supervisor Ayres seconded the motion. Clarification indicated the bill draft would be supported and that the draft will be reconsidered when available. The motion was voted by roll call with the following result: Tatro - Yes; Bennett - Yes; Ayres - Yes; Smith - Based on the fact, he did not want a \$50 penalty for an \$8 pizza, No; and Mayor Teixeira - Yes, it's innocuous, with State Taxation and its enforcement record to date, good luck, you could probably do it for twenty years and they would probably never know the difference, but it has created a concern in Douglas County. Supervisor Ayres reminded Mayor Teixeira and Mr. Berkich of their discussion on this issue. Motion carried 4-1.

There being no other matters for consideration, Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried unanimously and Mayor Teixeira adjourned the meeting at 3:30 p.m.

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ARE SO APPROVED ON\_\_February\_16\_\_, 1995.

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

ATTEST:

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