

CARSON CITY BOARD OF SUPERVISORS
Minutes of the October 20, 1994, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, October 20, 1994, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 1 p.m.

PRESENT: Marv Teixeira Mayor
 Kay Bennett Supervisor, Ward 4
 Greg Smith Supervisor, Ward 1
 Janice Ayres Supervisor, Ward 2
 Tom Tatro Supervisor, Ward 3

STAFF PRESENT: John Berkich City Manager
 Kiyoshi Nishikawa Clerk-Recorder
 Ted P. Thornton Treasurer
 Mike Conklin Animal Services Director
 Walter Sullivan Community Development Director
 Dorothy Timian-Palmer Utilities Director
 Vic Freeman Undersheriff
 Paul Lipparelli Deputy District Attorney
 John Iratcabal Deputy Director of Purchasing
 Katherine McLaughlin Recording Secretary
 Tara Hullinger Associate Planner
 Justine Chambers Purchasing Technician
(B.O.S. 10/20/94 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 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 1:05 p.m. Deacon Elaine Morgan of the St. Peters Episcopal Church gave the Invocation. Mr. Berkich lead the Pledge of Allegiance. Roll call was taken. A quorum of the Board was present although Supervisor Ayres did not arrive until 1:08 p.m.

1. APPROVAL OF MINUTES FOR REGULAR SESSIONS OF September 1 and 15, 1994, and Special Sessions of September 8, the Special Breakfast with Senator Bryan on August 31, and the Special Meeting with Senator Bryan on August 31, 1994 (1-0015) - Supervisor Smith moved to approve as presented. Supervisor Tatro seconded the motion. Motion carried 4-0.

2. SPECIAL PRESENTATIONS (1-0055)

A. ACTION ON APPRECIATION AWARD FOR CAROLE CONKLIN, GREAT BASIN WILDLIFE CENTER (1-0065) - Mayor Teixeira introduced Mrs. Conklin, explained her support for the Center, and presented her with a Citizen's Appreciation Award. Mrs. Conklin explained her reasons for supporting the Center and expressed the hope that Question 14 supporting the Center would be approved by the electorate. (During the presentation, Supervisor Ayres arrived. A quorum was present as previously noted.) No formal action was required or taken.

B. ACTION ON RECOGNITION OF THE CARSON CITY KIWANIS CLUB FOR THEIR PARTICIPATION IN THE CARSON RIVER CLEAN-UP (1-0125) - Continued until a Representative arrived.

(1-0402) Supervisor Bennett presented Kiwanis Representative Mark Frady with the plaque and thanked him for

their efforts and hard work. Mr. Frady briefly explained the tonnage removed in the past and his reasons for feeling that the public was becoming more cognizant of the efforts as the amount is less annually. Support by other groups and individuals was noted. The area covered is from Mexican Dam to the Brunswick Canyon Bridge. Mayor Teixeira also commended him on their efforts. Supervisor Bennett expressed the hope that the Carson River Advisory Committee may take an active role in this endeavor next year.

CITIZEN COMMENTS (1-0136) - None.

LIQUOR AND ENTERTAINMENT BOARD (1-0138) - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board was present constituting a quorum which included the Sheriff's Delegate - Undersheriff Vic Freeman.

3. TREASURER - Ted P. Thornton

A. ACTION ON APPROVAL OF A SPECIAL EVENT SHORT-TERM BUSINESS PERMIT REQUEST WITH WAIVER AND REFUND OF THE \$50 PER DAY PROMOTER FEE FOR THE ADVOCATES TO END DOMESTIC VIOLENCE (1-0141) - Member Tatro moved to approve the Special Event Short-Term Business permit with waiver and refund of the \$50 per day promoter fee for Advocates to End Domestic Violence for the event which took place at the Carson City Community Center on October 8 and 9, 1994; fiscal impact a \$2 per booth minus the \$100 promoter fee. Member Bennett seconded the motion. Motion carried 6-0.

B. ACTION ON APPROVAL OF A PACKAGED LIQUOR LICENSE FOR MICHAEL AND MARYANN HILL, DOING BUSINESS AS M&M MARKET (1-0189) - Member Freeman noted the favorable Sheriff's Investigative Report. Mr. Hill responded to questions concerning the operation and its location. He was cautioned about the sale of liquor to minors. Member Tatro moved that the Liquor and Entertainment Board approve a packaged liquor license for Michael and Maryann Hill, doing business as M&M Market; fiscal impact is \$200 per quarter. Member Bennett seconded the motion. Motion carried 6-0.

C. ACTION ON REVOCATION OF ALL DELINQUENT LIQUOR LICENSES (1-0242) - All delinquencies had been brought current. No action was required or taken.

D. ACTION ON APPROVAL OF A PACKAGED LIQUOR LICENSE FOR SUPER K-MART CENTER (1-0254) - Outstanding Departmental reports were noted. Store Director C. Joe Hopper explained the "soft" opening date planned for the middle of November and the Grand Opening Ceremony which would follow. Discussion also noted his experience in liquor sales and the staff training which is provided. The Sheriff's favorable investigative report was noted. Member Ayes moved that the Liquor and Entertainment Board approve a packaged liquor license for C. Joe Hopper of Super K-Mart Center No. 4943. Member Bennett seconded the motion. Motion carried 6-0. Chairperson Teixeira welcomed him to the community. Mr. Hopper expressed his support for the community.

There being no other matters for consideration 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.

4. CONSENT AGENDA (1-0345)

A. CLERK-RECORDER - ACTION ON A REQUEST BY CARSON CITY TO ASSUME ADMINISTRATION OF EXISTING GUARDIANSHIP

B. COMMUNITY DEVELOPMENT DIRECTOR - ACTION ON U-94/95-5 - A REQUEST FROM CARSON CITY AND CARSON CITY CONVENTION AND VISITOR'S BUREAU TO AMEND SPECIAL USE PERMIT U-94/95-5, TO INCREASE THE OVERALL HEIGHT OF THE SIGN BY FIVE FEET NOT TO EXCEED 25 FEET OF OVERALL HEIGHT, LOCATED AT MILLS PARK, NORTH OF

THE PONY EXPRESS PAVILION ON PROPERTY ZONED PUBLIC (P) APN 2-181-01

C. PURCHASING AGENT

i. ACTION ON CONTRACT NO. 9495-61 - PONY EXPRESS PAVILION READER

BOARD

ii. ACTION ON CONTRACT NO. 9495-88 - JUNIOR SKI PROGRAM, RESORT

iii. ACTION ON CONTRACT NO. 9495-89 - JUNIOR SKI PROGRAM,

TRANSPORTATION

iv. ACTION ON CONTRACT NO. 9495-85 - PHILLIPS AND TELEGRAPH WATER

MAIN UPGRADE

v. ACTION ON CONTRACT NO. 9495-96 - SOUTH LIFT STATION

IMPROVEMENTS, ENGINEERING SERVICES, CONTRACT APPROVAL

vi. ACTION ON CONTRACT NO. 9495-97 - EFFLUENT FILTERS, CONSULTANT

SERVICES, CONTRACT APPROVAL

vii. ACTION ON CONTRACT NO. 9394-202 - BOYS AND GIRLS CLUB REMODEL,

CHANGE ORDER NO. 5, FINAL PAYMENT

D. UTILITIES DIRECTOR - ACTION ON CHANGE ORDER NO. 1 TO THE AGREEMENT BETWEEN CARSON CITY AND JOHN CAROLLO ENGINEERS REGARDING THE COMPREHENSIVE WATER PLAN UPDATE OF WASTEWATER FACILITIES - Utilities Director

Dorothy Timian-Palmer pulled Item C. vi. This item will be discussed during the evening session. None of the remaining items were pulled for an in depth discussion. Supervisor Ayres moved that the Board accept the Consent Agenda with the following exception: Contract No. 9495-97, Effluent Filters Consultant Services Contract Approval be held later during this evening's session. Supervisor Smith seconded the motion. Motion carried 5-0.

5. CARSON-TAHOE HOSPITAL - ACTION ON INTERLOCAL AGREEMENT BETWEEN CARSON CITY, DOUGLAS COUNTY, AND CARSON-TAHOE HOSPITAL FOR THE PROVISION OF CONTINUING HEALTHCARE IN DOUGLAS COUNTY (1-0525) - Continued until later in the meeting.

(1-1092) Hospital Administrator Steve Smith explained the request. Supervisor Bennett moved that the Board of Supervisors approve the interlocal agreement between Carson City and Douglas County and Carson-Tahoe Hospital for continued health care in Douglas County as presented. Supervisor Tatro seconded the motion. Motion carried 5-0.

6. TREASURER - Ted P. Thornton - ORDINANCE - SECOND READING - ACTION ON BILL NO. 149 - AN ORDINANCE AMENDING SECTION 4.04.020 (CLASSIFICATION) OF THE CARSON CITY MUNICIPAL CODE TO REMOVE THE REFERENCE TO SPECIAL SHORT-TERM BUSINESS LICENSE AND OTHER MATTERS PROPERLY RELATED THERETO (1-0528) - Supervisor Smith moved to adopt on second reading Ordinance No. 1994-54, AN ORDINANCE AMENDING SECTION 4.04.020 (CLASSIFICATION) OF THE CARSON CITY MUNICIPAL CODE TO REMOVE THE REFERENCE TO SPECIAL SHORT-TERM BUSINESS LICENSES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

7. FIRE CHIEF - Louis Buckley - ACTION ON COOPERATIVE AMBULANCE BILLING AGREEMENT WITH EAST FORK FIRE PROTECTION DISTRICT AND CENTRAL LYON COUNTY FIRE DISTRICT (1-0578) - Discussion noted the advantages of the proposal to utilize the City's billing system for surrounding counties and that the revenue would reduce the amount of General Fund subsidy. Mr. Berkich commended Chief Buckley on the innovative approach to a common problem. Mr. Lipparelli requested an amendment to the Lyon County agreement which would add "the County" to the named entities as its district is also known as "the County". Supervisor Tatro moved that the Board approve and authorize the Mayor to sign the Interlocal Agreement between Carson City and the Central Lyon County Fire Protection District and the East Fork Fire Protection District with the change to the Central Lyon County agreement so that in parenthesis it will read: "the CLCFPD or 'County'" end parenthesis; fiscal impact will be \$4,769 for an hourly employee plus \$690 for

software in this fiscal year, and \$6,915 thereafter with revenue for the year of \$29,349. Supervisor Bennett seconded the motion. Motion carried 5-0.

8. AIRPORT AUTHORITY - Chairperson Steve Tackes and Treasurer Neil Weaver - ACTION ON APPROVAL OF PROPOSED LEASES FOR AIRPORT PROPERTY (1-0805) - Mr. Tackes used an aerial photograph to explain the sites. In response to Supervisor Bennett's comments, he also explained the 90/10 concerns relating to the allowable percentage of a property owner's airplanes which may be stored on/in the facility. This rule was not imposed as it is not codified or imposed in any of the other agreements. Supervisor Bennett and Mayor Teixeira commended them on their efforts. Supervisor Bennett moved that the Board of Supervisors uphold the Airport Authority's recommendation to approve the leasing of airport property as follows: Lot 1 to Corrao Incorporated of Reno and J. E. Pistons; Lot 2 to John C. Serpa; Lot 3 to Contri Construction; and Lots 4 and 5 to Aerohead Aviation consistent with the terms of the written leases. Mr. Tackes explained that the lot numbers had been changed to match the legal description. Supervisor Bennett modified her motion to indicate that Lot 1 is actually 35; Lot 2 is 34, Lot 3 is 31, and Lots 4 and 5 are 32 and 33 respectively. Supervisor Tatro seconded the motion. Motion carried 5-0.

9. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

A. PLANNING COMMISSION - REVIEW AND APPEAL MATTERS

i. ACTION ON M-94/95-3 - AN ABANDONMENT REQUEST OF CITY RIGHT-OF-WAY FROM ROBERT MCFADDEN, DONALD AND C. BERNARD (PROPERTY OWNERS: ROBERT MCFADDEN, DONALD AND C. BERNARD, ET AL., AND RICHARD AND C. BORTOLIN, ET AL.) TO ABANDON AN APPROXIMATELY 10 FOOT BY 170 FOOT ALLEY WAY TRAVERSING NORTH TO SOUTH BETWEEN THIRD AND FOURTH STREETS, AND LOCATED WEST OF CARSON STREET AND EAST OF CURRY STREET, ADJACENT TO APNS 3-113-02, 03, 04, 05, 06, 07, AND 08; AND TO DETERMINE REASONABLE CONSIDERATION OR PUBLIC BENEFIT FOR SAID ALLEY WAY ABANDONMENT (PLANNING COMMISSION APPROVED 7-0-0-0) (1-1172) - Public comments were solicited but none made. Mr. Sullivan explained Messrs. Bortolin and McFaddens' absences. Supervisor Tatro pointed out the advantages to the proposal and the public benefits which would be gained. Supervisor Tatro then moved that the Board of Supervisors approve a request from Robert McFadden, Donald and C. Bernard, et al., and Richard and C. Bortolin, et al., to abandon City right-of-way, an approximate 10 foot by 170 foot alley way traversing north to south between Third and Fourth Streets, and located west of Carson Street and east of Curry Street, adjacent to APNs 3-113-02, 03, 04, 05, 06, 07, and 08; and determine reasonable consideration for the abandonment in the amount of \$7, one dollar per parcel, and order the Community Development Department and the District Attorney's office to prepare an order for abandonment for the Mayor's signature. Supervisor Ayres seconded the motion. Following Mr. Lipparelli's request for clarification of the benefit for the record, Supervisor Tatro amended his motion to include the following language: "based on the project having public benefit as supported by the staff report and that that public benefit is serving as an offset against the determination of reasonable consideration." Supervisor Ayres continued her second. Motion carried 5-0.

ii. ACTION ON MPA-94/95-1 - A MASTER PLAN AMENDMENT REQUEST FROM STANTON PARK DEVELOPMENT, INC. (PROPERTY OWNER: STANTON PARK DEVELOPMENT, INC.) TO AMEND THE MASTER PLAN LAND USE DESIGNATION FROM AGRICULTURE TO LOW DENSITY RESIDENTIAL ON APPROXIMATELY 46 ACRES OF LAND LOCATED AT MORGAN MILL ROAD, KNOWN AS EMPIRE RANCH ESTATES SUBDIVISION, APN 8-361-29, 30 (PORTION), 8-297-04 AND 05 (PLANNING COMMISSION APPROVED 6-1-0-0); B. ORDINANCE - SECOND READING - ACTION ON Z94/95-2 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 46 ACRES OF LAND FROM SINGLE FAMILY 21,000 (SF12000) AND AGRICULTURAL (A) TO SINGLE FAMILY 6,000 (SF6000) LOCATED AT 4680 MORGAN MILL ROAD, KNOWN AS EMPIRE RANCH ESTATES SUBDIVISION, APN 8-297-04, 8-297-05, 8-361-30, AND OTHER MATTERS PROPERLY RELATED THERETO (PLANNING COMMISSION APPROVED 4-3-

0-0); AND C. ACTION ON S-94/95-3 - A TENTATIVE SUBDIVISION MAP REQUEST FROM STANTON PARK DEVELOPMENT, INC., TO DEVELOP A 116 LOT SUBDIVISION, KNOWN AS EMPIRE RANCH ESTATES, ON APPROXIMATELY 46 ACRES OF LAND PRESENTLY ZONED AGRICULTURAL (A) AND SINGLE FAMILY 21,000 (SF21000), LOCATED AT 4680 MORGAN MILL ROAD, APNS 8-297-04, 8-297-05, 8-361-29 AND 8-361-30 (PLANNING COMMISSION APPROVED 4-3-0-0) (1-1500) - Joe Murin reviewed the history of the site, the request, the neighborhood meetings, and the 15 conditions which had been negotiated at those meetings. Supervisor Bennett expressed her concern about the lack of control over the project once the zoning is changed to SF6000 and the need for a guarantee that the project as proposed would be constructed rather than a project with only SF6000 lots. Mr. Murin expressed a willingness to accept a resolution of intent which could be recorded. One of the resolution requirements would eliminate the zone change if the tentative map expires. Mr. Guzman explained staff's reasons for recommending against the use of a resolution of intent and that the project should be approved or denied based on its merits. The final map must agree with the tentative map and the project would be controlled by it. Discussion ensued on her concern and the Board's control over the final map.

(1-2455) Dan Walker expressed his concern about the proposal to extend Stampede Circle into the proposed development. This would create a major egress/access route to the project which would be easier to use than Empire Ranch Road to Highway 50. He thanked the Board for allowing the residents to participate in the process and echoed Supervisor Bennett's concerns about having something other than the project constructed as the zoning would allow SF6000. Mayor Teixeira felt that if the tentative map expired, the entire process would have to be redone. He was also suggested a signal be installed at Highway 50. Mr. Sullivan distributed letters to the Board and Clerk. (1-2658) Theresa Primrose-Cain expressed her concern that the project would adversely impact her real estate value, that the bench does flood, her reasons for feeling that the property would never be developed, her feeling that she could seek legal recourse against Community Development, that it would adversely impact the character of her neighborhood, was in opposition to the master plan, her concern about the site's mercury contamination, and questioned the reasons she had not been informed about the neighborhood meetings and this meeting. She also felt that the public at the Planning Commission meeting had not been aware of the request for comments. (1-3113) Glen Smith indicated he was not aware of the 15-20 conditions which Mr. Murin had explained. He felt that the protesters had not been invited to the meetings. None of the residents along Empire Ranch Road want the street widened. Paving on Morgan Mill Road should be required by the City. Restricting the building heights behind his home would only allow them to see the second floor of the remaining houses in the subdivision. The park and drinking fountain were worthless to him. His property value would decrease. Mayor Teixeira explained that the 30 inch effluent line would not have to be relocated. (1-3227) Susan Bergman felt that the extension of Stampede Circle would have a detrimental impact on her peace and quiet, safety of her children, and the quality of her lifestyle. (2-0168) She also explained her reasons for not testifying at the Planning Commission meeting.

(1-3308) Mr. Murin responded by explaining that Stampede had been proposed to be extended into his development and, as such, had been dedicated to his property line. It was never planned as a cul-de-sac although it had been used as one for several years. Public Works had dictated its extension and dedication. It would be the second access to the subdivision. There is a secondary emergency access in another location. Discussion ensued on whether this street should be punched through and the impact it would have on the residents on Stampede. Mayor Teixeira suggested that an emergency access/bike/pedestrian trail be constructed on the street and that the right-of-way be dedicated but not constructed as a through street. If at some future time it is determined that the street is truly needed, it could be developed. Mr. Murin indicated a willingness to modify the street construction plan.

(2-0228) Mr. Sullivan explained his research of the tapes indicated public testimony had been requested on two separate occasions. Verbatims were distributed to the Board indicating the requests. He was unsure why testimony was not given. He also explained the Commission and Board's noticing policy for Commission meetings. The Board does not have the same policy.

(2-0295) Supervisor Bennett pursued the suggestion that the Stampede easement be constructed as a bike/pedestrian/emergency access. She, too, felt that if it becomes necessary at some future date, it could be developed as a street. Mr. Murin explained the various construction options. Discussion supported construction as an emergency access which is gated but allows pedestrian and bicycle traffic. It would be dedicated. Mr. Walker then questioned how the drainage which currently uses Stampede would be addressed. Mr. Murin indicated this would have to be addressed as the entire area drains onto his project. He also explained the requirement to participate in a signal at Highway 50 and Empire Ranch Road when it is installed. Discussion pointed out the impact which would be created by the proposed golf course. Mayor Teixeira felt that this was another reason for not extending Stampede as the golf course would increase the traffic volume. Supervisor Smith requested, and Mr. Murin agreed, that the traffic study be modified to include the impact which the golf course would create and, specifically, the impact at Empire Ranch Road and Highway 50. Mr. Murin indicated there is a traffic plan that requires signalization at the intersection with the State traffic warrants are met. Mr. Guzman also requested, and Mr. Murin agreed, that if Public Works, the Fire Department, etc., could not support closure of Stampede, he would work with the Department and extend Stampede to the level required. Mr. Murin then explained the desire to establish a fencing standard with staff which would be required for properties along boundary and specifically in the area where the current split rail fencing is. He proposed to retain this fencing and the trees but remove the barbed wire which is on the fence. Supervisor Bennett supported his suggestion. Mr. Sullivan indicated this requirement would be in the CC&Rs.

(2-0745) Supervisor Ayres moved that the Board of Supervisors uphold the Planning Commission's recommendation to approve the master plan amendment request from Stanton Park Development, Inc., property owner: Stanton Park Development, Inc., MPA 94/95-1, to amend the Master Plan Land Use designation from Agriculture to Low Density Residential on approximately 46 acres of land located at 4680 Morgan Mill Road, known as Empire Ranch Estates Subdivision, APN 8-361-29, 30 - portion, 8-297-04 and 05 based on the findings. Supervisor Bennett seconded the motion. Mr. Lipparelli explained that if the Board wished to amend the findings and requirements for the subdivision, these changes should be made in the tentative map approval. If changes are being made to the Public Works and Fire Department conditions, these changes should also be contingent upon their approval based on the standards and design constraints mandated for all projects. This would allow staff's technical input on the modifications. Mr. Guzman voiced his support for Mr. Lipparelli's recommendation. The motion to approve the master plan amendment was voted by roll call with the following result: Ayes - Tatro, Smith, Bennett, Ayres, and Mayor Teixeira. Nays - None. Motion carried 5-0.

Supervisor Ayres then moved that the Board introduce on first reading Bill No. 154, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 46 ACRES OF LAND FROM SINGLE FAMILY 21,000 (SF21000) AND AGRICULTURAL (A) TO SINGLE FAMILY 6,000 (SF6000), LOCATED AT 4680 MORGAN MILL ROAD, KNOWN AS EMPIRE RANCH ESTATES SUBDIVISION, APN 8-297-04, 8-297-05, 8-361-29, AND 8-361-30, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Comments were solicited but none made. The motion was voted by roll call with the following result: Ayes - Smith; Tatro; Bennett; Ayres; and Mayor Teixeira. Nays - None. Motion carried 5-0.

Supervisor Tatro then moved that the Board uphold the Planning Commission recommendation to approve the tentative subdivision map request from Stanton Park Development, S-94/95-3, to develop a 116 lot subdivision known as Empire Ranch Estates on approximately 46 acres of land presently zoned Agricultural and Single Family 21,000 located at 4680 Morgan Mill Road on Assessor's Parcel Numbers 8-297-04, 8-297-05, 8-361-29, and 8-361-30 based on the findings numbered 1 through 8 and the conditions of approval numbered 1 through 20, stipulations numbered 1 through 15, conditions of approval from the Utilities Department numbered 1 through 10, conditions of approval of the Public Works Department numbered 1 through 12, Fire Department conditions of approval numbered 1 through 3, Parks and Recreation conditions of approval numbered 1 and 2, Department of Environmental Protection condition of approval numbered 1, Department of Human Resources Health Division condition of approval numbered 1, State of Nevada Department of Transportation Commission conditions of approval numbered 1 through 3, with the addition of a new condition that the subdivision's street extension of Stampede between Lots 14 and 15 within the subdivision be changed to an emergency access and that it be reviewed by the Fire and Public Works Departments to insure that all safety and drainage requirements would be

addressed with this change and that the road not be constructed on this part if it is technically feasible from Divot Road to the property line heading west except as required for an emergency access, that it be gated on the western property line so that there would be no through traffic on Stampede and that condition number 1 of the approval of the Public Works Department have an addition, which may be considered another condition, but relative to that condition that the developer will have to modify the traffic study, analyzing the traffic impacts in consideration of the closure of that subdivision access. Supervisor Ayres seconded the motion. Following Mr. Murin's request for a modification, Supervisor Tatro amended his motion to include modifying Condition 12 as per the discussion on the fencing issue. Supervisor Ayres continued her second. Discussion ensued concerning the message being sent to staff concerning the closure of Stampede which would allow the staff to mandate its opening regardless of the Board's direction. Supervisor Tatro clarified his motion as being that staff is to review the closure and if it is technically feasible related to all safety and drainage issues, the street be constructed to the minimum standards for emergency access. Staff was not being given review powers beyond that. Otherwise, it should be brought back to the Board. He did not intend to give staff additional review powers. Mayor Teixeira felt that staff understood the intent. The motion was voted by roll call with the following result: Ayes - Bennett; Smith; Ayres; Tatro; and Mayor Teixeira. Nays - None. Motion carried 5-0.

BREAK: A ten minute recess was declared at 3:05 p.m. When the meeting reconvened at 3:15 p.m. the entire Board was present constituting a quorum.

D. ORDINANCE - SECOND READING - ACTION ON BILL NO. 150 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR PARCEL NUMBERS 10-035-05 AND 10-035-26 (PORTION) FROM PUBLIC TO SINGLE FAMILY 21,000 TO SINGLE FAMILY 21,000 PLANNED UNIT DEVELOPMENT (SF21000-PUD) ON APPROXIMATELY 40 ACRES OF LAND KNOWN AS HIDDEN MEADOWS PLANNED UNIT DEVELOPMENT LOCATED ON THE SOUTH SIDE OF EAST FIFTH STREET, EAST OF EAGLE VALLEY MIDDLE SCHOOL IN CARSON CITY, NEVADA (2-1179) - Supervisor Tatro moved to adopt on second reading Bill No. 150, Ordinance No. 1994-55, AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBERS 10-035-05 AND 10-035-26 (PORTION) FROM PUBLIC AND SINGLE FAMILY 21,000 (SF21000) TO SINGLE SINGLE FAMILY 21,000 PLANNED UNIT DEVELOPMENT (SF21000-PUD) ON APPROXIMATELY 40 ACRES OF LAND KNOWN AS HIDDEN MEADOWS PLANNED UNIT DEVELOPMENT, LOCATED ON THE SOUTH SIDE OF EAST FIFTH STREET, EAST OF EAGLE VALLEY MIDDLE SCHOOL IN CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

10. PUBLIC WORKS DIRECTOR - City Manager John Berkich - ORDINANCES - SECOND READING

A. ACTION ON BILL NO. 151 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND JAMES AND NANCY LEE ROBERTSON, REGARDING ASSESSOR'S PARCEL NUMBERS 8-081-29 AND 30 LOCATED AT 3427 NORTH CARSON STREET, CARSON CITY, NEVADA (2-1225) - Supervisor Tatro moved to adopt on second reading Ordinance No. 1994-56, Bill No. 151, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND JAMES AND NANCY LEE ROBERTSON, REGARDING ASSESSOR'S PARCEL NOS. 08-081-29 AND 30 LOCATED AT 3427 NORTH CARSON STREET, CARSON CITY, NEVADA. Supervisor Ayres seconded the motion. Motion carried 5-0.

B. ACTION ON BILL NO. 152 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SIERRA SPRINGS APARTMENTS LIMITED PARTNERSHIP REGARDING ASSESSOR'S PARCEL NO. 2-051-04 AND 2-051-02 LOCATED AT 633 HOT SPRINGS ROAD, CARSON CITY, NEVADA (1-1248) - Supervisor Ayres moved that the Board adopt on second reading Ordinance No. 1994-57, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SIERRA SPRINGS APARTMENTS LIMITED PARTNERSHIP REGARDING ASSESSOR'S PARCEL NO. 02-051-04 AND NO. 02-051-02 LOCATED AT 633 HOT SPRINGS

ROAD., CARSON CITY, NEVADA. Supervisors Tatro and Bennett seconded the motion. Motion carried 5-0.

11. UTILITIES DIRECTOR - Dorothy Timian-Palmer

A. ACTION ON U.S. DEPARTMENT OF AGRICULTURE'S FOREST SERVICE SPECIAL USE PERMIT (1-1285) - Supervisor Tatro moved that the Board approve and authorize the Mayor to sign the U. S. Department of Agriculture's Special Use Permit Holder No. 1025-05, fiscal impact: Annual fee of \$169.68 plus an annual consumer index. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON INTERLOCAL CONTRACT BY AND BETWEEN CARSON WATER SUBCONSERVANCY DISTRICT AND CARSON CITY (2-1325) - Mayor Teixeira commended Supervisor Smith on his initiative. Supervisor Smith moved that the Board approve and authorize the Mayor to sign an Interlocal Contract by and between the Carson City Subconservancy District and the City of Carson, fiscal impact: The Utilities Department will be reimbursed \$54,425 by the Carson Water Subconservancy District. Supervisor Bennett seconded the motion. Motion carried 5-0.

C. ACTION ON DEDICATION OF EASEMENT BY AND BETWEEN EBRAHIM TALEBI AND HUSMAND TAGHDIRI (2-1398) - Mr. Walter Rainey explained his concerns and desire to understand the proposal based on the location of his property and his problems with the drainage ditch behind his home. He also explained his feeling that the City no longer has an easement for this drainage ditch across his property. Ms. Timian-Palmer noted that her request was for a sewer easement and Mr. Rainey's problem was with a storm drain easement over which she has no control. Mr. Berkich noted his plan to meet with Mr. Rainey tomorrow. Supervisor Ayres moved to approve and authorize the Mayor to sign the attached Dedication of Easement by and between Ebrahim Talebi and Hushmand Taghdiri and Carson City. Supervisor Bennett seconded the motion. Motion carried 5-0.

12. JOINT SESSION WITH THE REGIONAL TRANSPORTATION COMMISSION - ACTION ON CLAIM BY THE ESTATE OF DANIEL BAGULA FOR \$690,857.50 FOR INJURIES AND DAMAGES ALLEGED TO HAVE RESULTED FROM BREACH OF CONTRACT (2-1758) - Mr. Lipparelli explained the original intent to have a joint session with RTC, however, it was not necessary. Therefore, RTC was not convened. He requested the Board consider the claim as the Board of Supervisors. In accordance with the State law, comments objecting to the claim were solicited but none made. Mr. David Kladney was not present although his Paralegal Kimberly Dale was. She had not been given any information to present to the Board nor was she authorized to make any statements. Mr. Lipparelli gave her a copy of the Board Action Request and documents. He then explained the request and the District Attorney's advice rejecting the claim. Supervisor Tatro moved that the breach of contract claim by the estate of Daniel Bagula be rejected on the grounds stated in the memorandum from the District Attorney dated October 12, 1994, and that this memorandum is a part of the record of this meeting. Supervisor Ayres seconded the motion. Comments were solicited but none made. Motion carried 5-0.

13. DISTRICT ATTORNEY - Deputy District Attorney Paul Lipparelli - ORDINANCE - SECOND READING - ACTION ON BILL NO. 153 - AN ORDINANCE AMENDING SECTION 4.08.100 (EXEMPTIONS) OF THE CARSON CITY MUNICIPAL CODE TO REMOVE THE CONDITION OF RENTAL TO NATURAL PERSONS FROM THE EXEMPTION FROM TRANSIENT LODGING TAX; AMENDING SECTION 4.08.180 (PENALTY FOR DELINQUENT PAYMENT OF TRANSIENT LODGING TAX) OF THE CARSON CITY MUNICIPAL CODE TO CHANGE THE METHOD FOR CALCULATION OF PENALTIES FOR CERTAIN DELINQUENT LODGING TAXES AND GRANTING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO WAIVE CERTAIN DELINQUENCIES UPON PRIOR WRITTEN NOTICE TO THE CARSON CITY CONVENTION AND VISITOR'S BUREAU; AND OTHER MATTERS PROPERLY RELATED THERETO (2-2055) - Supervisor Tatro moved to adopt on second reading Bill No. 153, Ordinance No. 1994-58, AN ORDINANCE AMENDING SECTION 4.08.100 (EXEMPTIONS) OF THE CARSON CITY MUNICIPAL CODE TO REMOVE THE

CONDITION OF RENTAL TO NATURAL PERSONS FROM THE EXEMPTION FROM TRANSIENT LODGING TAX; AMENDING SECTION 4.08.180 (PENALTY FOR DELINQUENT PAYMENT OF TRANSIENT LODGING TAX) OF THE CARSON CITY MUNICIPAL CODE TO CHANGE THE METHOD FOR CALCULATION OF PENALTIES FOR CERTAIN DELINQUENT LODGING TAXES AND GRANTING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO WAIVE CERTAIN DELINQUENCIES UPON PRIOR WRITTEN NOTICE TO THE CARSON CITY CONVENTION AND VISITOR'S BUREAU; AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

14. CITY MANAGER - Administrative Assistant Liz Hernandez

A. ACTION ON APPROVAL OF RENEWAL OF CONTRACT BETWEEN CARSON CITY AND CARSON ACCESS TELEVISION FOUNDATION (CATF) (2-2115) - CATF President Bill Reeves and two Television Commissioners were present. Comments were solicited but none made. Supervisor Ayres moved to approve the renewal of a three year contract with CATF, which is attached, funding source is General Fund and Capital Acquisition; and fiscal impact for 94-95 - Community Support Service \$70,000, Capital Acquisition \$28,800, TCI Gifts and Donations \$55,060. Supervisor Smith seconded the motion. Supervisor Tatro noted the fiscal impact would be subject to appropriation by the Board in each year during the budget cycle. Motion carried 5-0.

B. ACTION ON APPROVAL OF A RESOLUTION OF THE CITY OF CARSON CITY PURSUANT TO SECTIONS 76.936, 76.940, 76.942 OF THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION ESTABLISHING TCI CABLEVISION RATES AND CHARGES FOR THE BASIC SERVICE TIER IN EFFECT FROM SEPTEMBER 1, 1993, TO JULY 14, 1994, AND ORDERING REFUNDS OF OVERCHARGED AMOUNTS (2-2215) - Ms. Hernandez introduced TCI General Manager Carol Eure. Ms. Hernandez explained a change to Page 2, Section 2, to read: The Operator is hereby ordered to reduce and modify the rates and charges for the Basic Service Tier and associated equipment and hours to the maximum permitted rate as calculated on FCC form 393 in effect from September 1, 1993, to July 14, 1994, and continuing. Ms. Eure noted that the Corporate officers had reviewed the Resolution and she did not see any problems with it. The current rates are lower in some cases than those indicated. Discussion noted the proposal would reduce the rates by 12 cents per month per customer. The refund plan should be given to the City within 30 days. Supervisor Tatro suggested a modification to the change to reflect that the rate could be lower than the maximum allowed. Supervisor Tatro then moved that the Board adopt Resolution No. 1994-R-82, A RESOLUTION OF THE CITY OF CARSON CITY PURSUANT TO SECTIONS 76.936, 76.940, 76.941 AND 76.942 OF THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION ESTABLISHING TCI CABLEVISION RATES AND CHARGES FOR THE BASIC SERVICE TIER IN EFFECT FROM SEPTEMBER 1, 1993, TO JULY 14, 1994, AND ORDERING REFUNDS OF OVERCHARGED AMOUNTS WITH THE CHANGE in Section 2 as presented at today's meeting with the draft with a modification in Section 2 in the third line to read: and associated equipment and hours to not more than the maximum permitted rates as calculated..., the balance of the paragraph to remain the same. Supervisor Bennett seconded the motion. Comments were solicited but none made. Motion was voted and carried 5-0.

Ms. Eure noted a Federal regulation fee which would increase the monthly rates by three cents. The fee would go into effect in December. She also announced that there would be 300 free flu shots available at her office on a first come, first service bases on Saturday.

Mayor Teixeira commended the Television Commission on its efforts.

15. BOARD OF SUPERVISORS

A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-2796) - Supervisor Smith explained the RTC actions taken yesterday and reported on the Friends for the Reconstruction of the Virginia and Truckee Railroad fund raiser, proposed use of these funds, and his promotional activities as a member of this group. Supervisor Ayres reported on a Parks and Recreation Commission and her RSVP activities. Supervisor Tatro reported on the Community Council on Youth activities, its truancy prevention program, and funding for the program. He then displayed copies of September media articles advertising Carson City and its activities. The Convention and Visitor's Bureau audit report was also explained. Supervisor Bennett then reported on Question 13, Carson-Tahoe Hospital's Douglas County expansion program, Carson River Advisory Committee goals, a need for a coordination of resources plan for the East Shore of Lake Tahoe between the Forest Service and NDOT, and funding for additional erosion control activities at the Lake. Mayor Teixeira reported on a golf fund raiser and the Subconservancy's acquisition of water and its option to buy land. He requested the Board members calendarize a NDOT evening meeting on November 9 and 10 on the Bypass. The proposed procedures and location were explained for this workshop. Anyone having questions was urged to contact Daryl James at NDOT.

BREAK: A recess was declared at 4:05 p.m. When the meeting reconvened at 6 p.m. a quorum was present although Supervisor Bennett had not yet returned and Supervisor Smith was absent. Staff members present included: City Manager Berkich, Community Development Director Sullivan, Utilities Director Timian-Palmer, Deputy District Attorney Lipparelli, and Recording Secretary McLaughlin.

16. UTILITIES DIRECTOR - Dorothy Timian-Palmer

A. ACTION ON WATER CONSERVATION POSTER CONTEST AND UPDATE ON WATER CONSERVATION TEAM PROGRAMS (3-0105) - Meter Reader II Leann Warne and Environmental Control Officer II Darren Selby - Mr. Selby thanked the area merchants for their support and noted there were a lot of good entries. Ms. Warne explained that there had been 256 entries and the categories from which the 14 finalists were selected. Next year the categories would be expanded. They hope to have 300 or more entries next year. Mayor Teixeira explained his feeling that this is a significant program and the youths' participation from the entire community deserved more recognition than originally proposed. He suggested that all the finalists be given a \$50 savings bond and be declared first place winners. Funding would be found within the Utility budget. Supervisor Ayres moved to award a \$50 savings bond to each of the finalist who had participated in the poster contest on water conservation and that the money come from the Water Management 520 as Ms. Timian-Palmer has the money. Supervisor Tatro seconded the motion. Motion carried 3-0 with Supervisors Bennett and Smith absent.

Ms. Warne and Mr. Selby then presented each with a ribbon and letter of commendation. The recipients were: K through Third Grades - Ben Adler, Nichole Howard, Lindsay Dorie, Yessica Llamas, Samantha Moos, Aaron Santan, and Emily Knox; and Fourth through Eight Grades - Andrew Nixon, Cris Barrett, Jasia Wojtowicz, Heather Beaudette, Megan Spell, Alisha Olson, Jenny Wink, and Joshua Bergen. (Note: Megan Spell and Alisha Olson had collaborated on one entry, which is the reason for 15 recipients.) Mayor Teixeira thanked all for attending and being involved. Group pictures were taken.

Environmental Control Officer II Deborah Wiggins explained the acceptance of the table top water conservation notices by a majority of the local restaurants and thanked them for their cooperation. These notices should be out soon.

BREAK: A five minute recess was declared at 6:20 p.m. When the meeting reconvened at 6:25 p.m. a quorum of the Board was present although Supervisor Bennett had not yet returned and Supervisor Smith was absent as noted.

B. UPDATE ON WASTEWATER TREATMENT FACILITIES UPGRADES AND ULTIMATE EXPANSION PROGRAM (3-0562) - John Carollo Engineers Representative Dennis Wood and Plant Superintendent Gary Hoffman - Ms. Timian-Palmer reviewed the report in depth. A copy is included in the

supporting documents. Discussion between the Board and Ms. Timian-Palmer included the estimated population at 2012, the projected decrease in flows, use of effluent for irrigation and need to use sand infiltration to treat the effluent, its cost, savings created by the use of effluent for irrigation, and coordinated construction efforts which install effluent lines in new developments.

(3-1058) Ms. Timian-Palmer continued her report on the wastewater treatment plant using slides to illustrate the equipment. She discussed with the Board procedures to control the odor, expansion plans, costs and impact on the rates, current electrical costs, and current digester problems. (<3-1152> Supervisor Bennett arrived at 6:45 p.m. A quorum was present although Supervisor Smith was absent as previously noted.)

(3-1480) Mr. Berkich then briefly reviewed the financial impact which would result in a "modest increase in connection fees with an annual inflationary adjustment in the user fees beginning in one or two years". Discussion noted that if the per capita demand continues to decrease, some of the improvements could be delayed. Supervisor Bennett urged staff to analyze all of the technical reports and modern data available on this ever changing field. Ms. Timian-Palmer indicated she would keep the Board updated on the alternatives. Mr. Berkich indicated copies of a new report on this subject would be distributed to the Board. Ms. Timian-Palmer indicated this report was on the current treatment plant and included a comparison of the projected use and repairs/expansion needs based estimated population and per capita demand. Supervisor Ayres commended her on her foresight. Ms. Timian-Palmer commended her crew on its efforts in this endeavor. No formal action was required or taken on this Item.

4. C. v. ACTION ON CONTRACT NO. 9495-97 - SOUTH LIFT STATION IMPROVEMENTS, ENGINEERING SERVICES, CONTRACT APPROVAL - CONTINUED (3-0919) - Supervisor Tatro moved that the Board accept the Purchasing Department's recommendation on Contract 9495-96 and enter into the agreement with John Carollo Engineers, 3655 Noble Drive, Suite 120, San Diego, California 9122, for a not to exceed cost of \$196,502, and that the Sewer Capitalization Sand Filtration as provided in the fiscal year 9495 budget is the funding source. Supervisor Ayres seconded the motion. Following a request for a modification, Supervisor Tatro corrected the Contract No. to be 9495-97. Supervisor Ayres continued her second. Ms. Timian-Palmer introduced Mr. Wood. Mr. Wood felt that the City would be a forerunner in sand filtration in Nevada. Mayor Teixeira commended Ms. Timian-Palmer on her innovativeness and foresight. The motion to approve Contract 9495-97 was voted and carried 3-0.

C. UPDATE REGARDING WATER RIGHT BALANCE, GROWTH MANAGEMENT ORDINANCE, WATER SYSTEM PRODUCTION CAPABILITIES, AND RECAP OF SUMMER 1994 (3-1775) - Ms. Timian-Palmer then reviewed the report. (A copy is contained in the packet.) Discussion included (3-2485) Growth Management allocations and population controls; water allocations made to subdivisions when approved; the lack of a bank for Growth Management allocations; and, (3-3245) the amount of City owned undeveloped and uncommitted water rights. (3-2710) Community Development Director Walter Sullivan then reviewed the allocation procedure, (3-3301) history of the Growth Management Ordinance and his graphs on its use. (4-0109) His discussions with Lois Laser indicated a need to modify the resolution/ordinance to eliminate her concerns that the builders would be able to develop the unused allocations when rapid growth occurs. Based on these discussions she recommended changing the resolution to indicate that all remaining unsold entitlements/building permits which are returned to the Utility Manager will be cancelled at a specified date. This modification will be considered as part of the next review. He then explained another individual's concerns about the reasons some of the allocations during the earlier periods were carried forward as a bank. This procedure was eliminated when the bank was deleted. The procedure to update the master plan land use element will include a review of the population figures and the growth management process.

(4-0215) Lois Laser read her prepared statement into the record which elaborated on her concern about builders being able to legally obtain the unused allocations and the resulting population boom which the City would experience. (A copy was not given to the Board or Clerk.) Mayor Teixeira noted that the Board had always intended for the unused allocations to be cancelled. Mrs. Laser stressed her point that intent does not become reality. She urged the Board to act to close the "loop hole". Mayor Teixeira agreed to "tighten up the resolution".

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Mr. Sullivan repeated his comments concerning the modification which would cancel the unused permits on a specified date. He explained the procedure to modify the resolution which should commence next month with the Growth Management Commission.

(4-0381) Discussion ensued on the Board's control over industrial and commercial growth, the allocation procedures for this program, and the potential impact the V&T Railroad/Question 12 would have on the tourist industry in Carson City.

No formal action was required or taken on this item.

There being no other matters for discussion/action, Supervisor Ayres moved to adjourn. Supervisor Tatro seconded the motion. Motion carried 4-0. Mayor Teixeira adjourned the meeting at 7:50 p.m.

The Minutes of the October 20, 1994, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 1994.

Marv Teixeira, Mayor

ATTEST:

Kiyoshi Nishikawa, Clerk-Recorder