

Conklin, William Drexler, and Kathy Wolf. Those receiving 20 year awards were: Denis Austin and Charolette Richards. Those receiving 25 year awards were: Michael Arkell, Tom Friend, Jim Powell, and Bob Sanders. No formal action was required or taken by the Board.

CITIZEN COMMENTS (1-0495) - None.

3. LIQUOR AND ENTERTAINMENT BOARD MATTERS (1-0475) - Treasurer Ted P. Thornton - 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.

A. ACTION ON APPROVAL OF A LIQUOR LICENSE FOR NANCY WARREN AND JOHN HARRIGAN, DOING BUSINESS AS CLANCY'S, LOCATED AT 316 EAST WINNIE LANE, CARSON CITY, NEVADA (1-0501) - Ms. Warren noted her other Liquor Licenses in Carson City. Member Smith apologized for the lack of action on a proposal for multi-licenses. Member McGrath noted the favorable Sheriff's report. Member Tatro moved that the Board approve the Liquor License for Nancy Warren and John Harrigan doing business as Clancy's, located at 316 East Winnie Lane, Carson City, fiscal impact is \$200 for a quarterly Liquor License and \$149.70 for the Business License. Member Bennett seconded the motion. Motion carried 6-0.

B. ACTION ON APPROVAL OF A LIQUOR LICENSE FOR ANTHONY D. LEON, VICE PRESIDENT OF STEP AHEAD INVESTMENTS, INC., DOING BUSINESS AS 98 CENT CLEARANCE CENTER, LOCATED AT 2709 NORTH CARSON STREET, CARSON CITY, NEVADA (1-0591) - Mr. Leon noted the application was for retail sales and that drinking is not allowed on premise. Member McGrath noted the favorable Sheriff's Report. Member Smith moved to approve the Liquor License for Anthony D. Leon, Vice President of Step Ahead Investment, Incorporated, doing business as 98 Cent Clearance Center, located at 2709 North Carson Street, Carson City, Nevada. Member Ayres seconded the motion. Motion carried 6-0.

C. ACTION ON REVOCATION OF ALL DELINQUENT LIQUOR LICENSES (1-0635) - Pulled as all delinquencies had been brought current.

There being no other matters for discussion/action, Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors session. The entire Board was present constituting a quorum.

4. CONSENT AGENDA

- A. CLERK-RECORDER**
 - i. ACTION ON A RESOLUTION AUTHORIZING THE DESTRUCTION OF MISCELLANEOUS SITE FILES**
 - ii. ACTION ON COMPENSATION FOR ELECTION DAY WORKERS**
- B. CITY MANAGER - ACTION ON A RESOLUTION ISSUING AN ACCOUNTING ORDER WHICH DIRECTS TCI OF NEVADA TO KEEP ACCURATE ACCOUNT OF ALL AMOUNTS RECEIVED BY REASON OF THE RATES PROPOSED BY FORM 393**
- C. PUBLIC WORKS DIRECTOR - ACTION ON APPOINTMENT OF BRUCE SCOTT, P.L.S. NO. 3579, AS ACTING CITY/COUNTY SURVEYOR EXCLUSIVELY FOR THE WAIVER OF SURVEY DECLARATION FOR THE MOUNTAIN PARK SUBDIVISION DETENTION BASIN LOT PARCELING**
- D. UTILITIES DIRECTOR - ACTION ON TASK ORDER NO. 33, CONSULTING SERVICES FOR THE CARSON VALLEY WELL, SILVER OAK WELL, AND WELL NO. 11 REDRILL**
- E. PARKS AND RECREATION DIRECTOR - ACTION ON RENEWAL OF AGREEMENT BETWEEN CARSON CITY AND CHILD CARE RESOURCE COUNCIL FOR "SUBSIDIZED CHILD CARE PROGRAMS"**
- F. HOUSING AUTHORITY - ACTION ON ACCEPTANCE OF ADDITIONAL HOME**

GRANT FUNDS FROM HUD FOR AFFORDABLE HOUSING PROJECTS

G. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9394-210 - SOUTHEAST CARSON SEWER EXTENSION, PHASE I

ii. ACTION ON CONTRACT NO. 9394-232 - VOLTAIRE WATER TANK PROJECT

iii. ACTION ON CONTRACT NO. 9495-19 - FORENSIC PATHOLOGY AUTOPSY

iv. ACTION ON CONTRACT NO. 9495-7 - DIGITIZED MAPPING OF CARSON CITY, CONTRACT APPROVAL

v. ACTION ON CONTRACT NO. 9495-024 - PLAYGROUND EQUIPMENT AND SAFETY GROUND COVER FOR ROSS GOLD PARK, CONTRACT APPROVAL (1-0665) - Supervisor Bennett requested Items C. and G.iv. be pulled for in depth discussion. Supervisor Tatro moved to approve the Consent Agenda as presented including Resolution No. 1994-R-65, A RESOLUTION AUTHORIZING THE DESTRUCTION of miscellaneous site files, and excluding Item under Public Works Director - Action on Appointment of Bruce Scott as Acting City/County Surveyor and also excluding Contract No. 9495-7, Digitized Mapping of Carson City. Supervisor Bennett seconded the motion. Motion carried 5-0.

(1-1001) Following a request to reconsider Item 3.B. Supervisor Tatro moved to approve Resolution No. 1994-R-66, a Resolution which would require TCI to Keep Accurate Accounting of Amounts Received by Reason of the Rates Proposed with the Form 393. Supervisor Smith seconded the motion. Motion carried 5-0.

C. (1-0715) Mr. Homann reviewed the request and responded to Board questions on the reasons for the proposal to eliminate a detention basin and create a location for affordable housing. Supervisor Bennett then moved that the Board of Supervisors approve Bruce Scott, P.L.S. No. 3579, as Acting City/County Surveyor Exclusively for the Waiver of Survey Declaration for the Mountain Park Subdivision Detention Basin Lot Parceling as required by NRS 278.463. Supervisor Ayres seconded the motion. Motion carried 5-0.

G. iv. Mr. Moreto, Ms. Timian-Palmer, and Mr. Homann explained the proposal to use RTC funding to pay for eleven percent of the contract based on the feeling that RTC would benefit from the mapping. Discussion among Supervisors Smith and Bennett and RTC Engineer Harvey Brotzman indicated the proposal may have been included in the RTC budget but had not been individually approved by RTC. Both Ms. Timian-Palmer and Mr. Homann agreed to augment the RTC budget. Supervisor Bennett elaborated on her concern about the allocation of RTC funding without RTC knowledge/approval and the precedence such action may create. Discussion indicated the Board options. (1-0935) Tom Quigley felt that public discussion before RTC should have occurred. Supervisor Smith explained the motion he would make and moved that the Board accept the Purchasing Department's recommendation on Contract 9495-7 and authorize the Mayor to sign the agreement with Nevada Aerial Mapping, 120 West Taylor Street, Reno, Nevada 89509, for a not to exceed cost of \$147,745, subject to the eleven percent amount from the RTC budget in the amount of \$16,251.95 being directed back to RTC for possible augmentation of that budget. Supervisor Ayres seconded the motion. Motion carried 5-0.

5. TREASURER - Ted P. Thornton

A. ACTION ON DIRECTION AND ORDER TO SELL REAL PROPERTY TAX DELINQUENCIES WHERE CARSON CITY HAS TAKEN A DEED (1-1012) - Following Mr. Thornton's explanation of the procedures, Supervisor Tatro moved that the Board direct the Treasurer to proceed with the sale of real property tax delinquency properties, specifically parcel number 7-031-15, and prepare an order for the sale. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON A RESOLUTION GRANTING AN ANNUAL OCTOBER 31 PERMIT TO THE NEVADA DAY COMMITTEE, LTD., FOR CERTAIN PORTIONS OF DOWNTOWN CARSON CITY (1-1105) - Mr. Lipparelli explained the proposal. Nevada Day Committee Representative Ed Blanchard explained the need to clarify the responsibility for coordinating activities on Nevada Day and requested Board action on the resolution. Supervisor Bennett moved that the Board approve Resolution No. 1994-R-67, A

RESOLUTION GRANTING AN ANNUAL OCTOBER 31 ENCROACHMENT PERMIT TO THE NEVADA DAY COMMITTEE, LTD., FOR CERTAIN PORTIONS OF DOWNTOWN CARSON CITY. Supervisor Ayres seconded the motion. Motion carried 5-0.

6. AIRPORT AUTHORITY - Chairperson Steve Tackes - ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 19.02.020, CHAPTER III, SECTION 10, SUBSECTION 1, FIXED BASE OPERATORS, TO INCLUDE CLASS V FIXED BASE OPERATORS AND SET FEES AND TO ADD SECTION 19.02.020, CHAPTER IV, SECTION 3, MISDEMEANOR OFFENSES, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1285) - Discussion explained the reasons for the modifications and the individuals invested with the authority to issue citations. Supervisor Bennett moved to introduce Bill No. 137 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 19.02.020, CHAPTER III, SECTION 10, SUBSECTION 1, FIXED BASE OPERATORS, TO INCLUDE CLASS V FIXED BASE OPERATORS AND SET FEES AND TO ADD SECTION 19.02.020, CHAPTER IV, SECTION 3, MISDEMEANOR OFFENSES, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion carried 5-0.

Mayor Teixeira commended the Authority on its efforts and noted specifically the reduction in complaints he had received since the Authority had taken over the operation. Mr. Tackes then explained there may be a lease proposal coming to the Board in the near future.

7. PURCHASING DIRECTOR - Basil "Butch" Moreto

A. ACTION ON CONTRACT NO. 9394-135 - JAIL FACILITY CONSULTANT SERVICES (1-1735) - Capital Projects Advisory Committee Members Dick Baker and Craig Mullet, and Assistant Sheriff Joe Curtis - Discussion ensued on the proposed contract, problems encountered with the first bid request, the status of the facility, reasons for hiring a consultant to determine the size of the facility. Supervisor Ayres commended the Committee on its endeavors. She also questioned whether the November 30 timetable for completion of the contract was realistic. Member Baker indicated it was necessary to commence having tangible results. If the contract is extended the services would be performed without charge. Additional services would increase the contract costs. Member Mullet also explained the Committee's concerns related to the size of the facility and population requirements. Mr. Berkich noted the detailed scope of work included in the contract and the work which had been involved in drafting the RFP. Supervisor Tatro moved that the Board accept the Purchasing and Contracts Department's recommendation and award Contract 9495-018, entitled "Jail Facility Planning Services" to Liebert and Bennett Associates of 4184 19th Street, Boulder, Colorado, pursuant to the requirements of NRS Chapter 332 for a contract amount of \$59,731; funding source is the Capital Facilities Fund, funding providing in fiscal 9495 budget. Supervisor Ayres seconded the motion. Motion carried 5-0. Mayor Teixeira commended them on their efforts.

B. ACTION ON CONTRACT NO. 9394-179 - DEER RUN ROAD CONSTRUCTION - REBID (1-2565) - RTC Engineer Brotzman, Acting Public Works Director Homann, Tom Quigley, Deputy District Attorney Lipparelli - Discussion noted the problems with and status of Edmonds Drive and the overlay project, and the amount of paving which would be provided under the contract. **Supervisor Smith moved that the Board of Supervisors accept the Purchasing Department's recommendation and award Contract 9394-179 to Bidder No. 2, T. E. Bertagnolli and Associates, P.O. Box 2577, Carson City, Nevada 89702, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$92,850 and a contingency amount of \$9,285; funding source is RTC Construction Project/Road Construction Fund. Supervisor Bennett seconded the motion.** Mr. Quigley requested the entire \$140,000 be utilized for paving. Mr. Homann explained the contract limitation at \$100,000 and costs created when contracts are over that amount. The balance could be used later for additional Deer Run Road work. Mr. Lipparelli stressed that the bid had been under \$100,000 for the work indicated. The City had not drafted the contract to that limit. Supervisor Smith further elaborated on the funding. He committed to the Deer Run residents having more of the road addressed next year. Mr. Brotzman felt that for \$99,000 2,970 feet would be paved instead of the original

plan for 2640. Supervisor reiterated his commitment to allocate the remaining \$40,000 for additional Deer Run improvements for next year. Mr. Lipparelli again defined the increased costs incurred for contracts over \$100,000 and that the contract had been drafted to meet a specific distance rather than amount. The distance and amount under consideration for next year were not being allocated at this time. The motion to approve Contract 9394-179 as indicated was then voted and carried 5-0.

8. HOUSING AUTHORITY - Purchasing and Contracts Director Basil "Butch" Moreto - ACTION ON CONTRACT NO. 9495-016 - WEST CENTRAL NEVADA REGIONAL HOUSING CONSORTIUM AGREEMENT (1-3056) - Discussion with the Board explained the purpose and Carson City's roll. Supervisor Tatro moved that the Board accept the City/County Housing Authority's recommendation for approval of the interlocal agreement described as Contract No. 9495-016 West Central Nevada Regional Housing Consortium, consisting of Douglas, Carson City, Lyon and Churchill Counties with Carson City as the lead agency. Supervisor Ayres seconded the motion. Motion carried 5-0.

BREAK: A five minute recess was taken at 2:25 p.m. When the meeting reconvened at 3:30 p.m. the entire Board was present constituting a quorum.

9. PUBLIC WORKS DIRECTOR - City Manager John Berkich - ORDINANCE - SECOND READING - ACTION ON BILL NO. 134 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND EBRAHIM TALEBI AND SALLY ANN TALEBI AS JOINT TENANTS, REGARDING ASSESSOR'S PARCEL NO. 8-302-04 LOCATED AT 3400 HIGHWAY 50 EAST, CARSON CITY, NEVADA (1-3178) - Mr. Berkich explained his contact with Mr. Rainey and noted his written commitment on improvements to Mr. Rainey's area. Mr. Berkich indicated a copy would be given to the Board after the meeting. (A copy of this letter is not included in the packet.) Walter Rainey outlined his problems with drainage on his property, specifically his feeling that the drainage was to be enclosed, and distributed a copy of his letter to the Board which he requested be included in the record. (A copy was later given to the Clerk.) The Planning Commission will discuss the issues presented by Mr. Rainey. Mr. Berkich also indicated Mr. Rainey's improvements would occur when the Talebi improvements are made and that the same contractor would do the work. Mr. Rainey questioned when this would occur and continued to expound on his problems. Mayor Teixeira explained that his problems would be addressed. Supervisor Tatro moved to adopt Ordinance No. 1994-40, Bill No. 134, on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND EBRAHIM TALEBI AND SALLY ANN TALEBI AS JOINT TENANTS REGARDING ASSESSOR'S PARCEL NO. 08-302-04 LOCATED AT 3400 HIGHWAY 50 E., CARSON CITY, NEVADA. Supervisor Smith seconded the motion. Motion carried 5-0.

Mayor Teixeira then indicated that Mr. Berkich would contact Mr. Rainey when the Planning Commission would consider the matter. Mr. Rainey continued to elaborate on his problems.

10. UTILITIES DIRECTOR - UPDATE ON CONSERVATION TEAM EFFORTS - Meter Readers Leann Warne and Becky Beisenstein, and Environmental Control Officers Darren Selby and Debbie Wiggins - (1-0325) Procedures used to establish the education program, the different pamphlets, their costs, and the distribution program were outlined. Posters and coloring contests were displayed. Video tapes have been obtained and will be loaned to the school libraries which the teachers could use to explain conservation needs. Additional tapes may be obtained. Three hundred water conservation kits/brochures for yards were distributed to local stores for distribution to the general public. (A packet was given to the Board and Clerk.) Additional notification procedures were explained and may be utilized later. Mayor Teixeira outlined the reasons for needing to conserve water.

11. PERSONNEL - Manager Judie Fisher

A. ORDINANCE - SECOND READING - ACTION ON BILL NO. 135 - AN ORDINANCE

AMENDING SECTION 2.04.400 (PUBLIC OFFICERS) OF THE CARSON CITY MUNICIPAL CODE TO ADD THE RISK MANAGER (2-0562) - Supervisor Smith moved to adopt on second reading Ordinance No. 1994-41, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) ADDING RISK MANAGER. Supervisor Ayres seconded the motion. Motion carried 5-0.

B. ACTION ON APPOINTMENT TO THE PARKS AND RECREATION COMMISSION (2-0595) - Eugene Lepire, John Liveratti, Mary Kay Riedl, and Candi Ruf were interviewed by the Board. Gary Stagliano was not present. Mayor Teixeira thanked each for applying. (3-0418) Discussion noted the excellent qualifications of the applicants. Each Supervisor was requested to make comments on the applications but none were made. Each Supervisor then listed his top candidate. Supervisor Ayres then moved that John Liveratti be appointed to the Parks and Recreation Commission to fill the unexpired term of Darryl James. Supervisor Smith seconded the motion. Motion carried 5-0.

BREAK: A six minute recess was declared at 3:26 p.m. When the meeting reconvened at 3:32 p.m. the entire Board was present constituting a quorum.

C. ACTION ON TWO REAPPOINTMENTS AND ONE NEW APPOINTMENT TO THE CONVENTION AND VISITORS' BUREAU (2-1635) - Don Quilici, Ann McMartin, Richard Reitnauer, Greg Corbin, and Laura Adler were interviewed by the Board. Joyce Pierce withdrew her application prior to the meeting. Mayor Teixeira thanked each for applying. (3-0503) Supervisor Ayres moved that the Board approve the reappointment of Don Quilici and Dwight Millard to the Convention and Visitors Bureau for another two year term. Supervisor Bennett seconded the motion. Supervisor Tatro explained his reason for voting against the motion based on his reasons for feeling that automatic reappointment should not occur. Supervisor Ayres supported his comments and requested this issue be agendaized for further discussion at another meeting. The motion to reappoint Mr. Quilici and Mr. Millard was voted and carried 4-1 with Supervisor Tatro voting Naye.

Discussion ensued on the remaining applications, their qualifications, and each Supervisor listed his top candidate. Supervisor Tatro then moved that the Board appoint Laura Adler as the Citizen-at-Large to the Convention and Visitors Bureau. Supervisor Smith seconded the motion. Motion carried 5-0.

D. ACTION ON APPOINTMENT OF THE NINE VACANCIES TO THE NEW CARSON RIVER ADVISORY COMMITTEE (2-2800) - Pulled. Four "C's" Board Treasurer Susan Herman explained that she had not been contacted concerning the appointments. Mayor Teixeira explained the reasons the item had been pulled. Ms. Fisher suggested she come to her office and she would give her a breakdown of the applications. Mayor Teixeira explained it would be agendaized for an evening session. Supervisor Bennett further explained the reasons for delaying the appointments and also apologized for the miscommunication on the agenda. Ms. Fisher indicated she would be added to the notification list.

12. DISTRICT ATTORNEY - Deputy District Attorney Paul Lipparelli - ORDINANCE - SECOND READING - ACTION ON BILL NO. 136 - AN ORDINANCE REPEALING SECTION 4.04.080 (FRANCHISED BUSINESS EXEMPTED) OF THE CARSON CITY MUNICIPAL CODE, ADDING SECTION 4.04.081 (SOUTHWEST GAS CORPORATION BUSINESS LICENSE FEE) AND OTHER MATTERS PROPERLY RELATED THERETO (2-2817) - Following Messrs. Lipparelli and Berkich's introductions, additional comments were solicited but none made. Supervisor Ayres moved that the Board adopt on second reading Ordinance No. 1994-42, Bill No. 136, AN ORDINANCE REPEALING SECTION 4.04.080 (FRANCHISED BUSINESS EXEMPTED) OF THE CARSON CITY MUNICIPAL CODE ADDING SECTION 4.04.081 (SOUTHWEST GAS CORPORATION FEE) AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

13. BOARD OF SUPERVISORS

B. ACTION ITEMS - MAYOR TEIXEIRA - DISCUSSION ON STATUS OF CARSON CITY

EXPRESSWAY (1-2892) - Mayor Teixeira noted the status report. Supervisor Bennett requested inclusion of landscaping which may be provided with the RTC funding. Mayor Teixeira acknowledged the need for landscaping, however, questioned whether there would be adequate funding for the project without landscaping. Supervisor Smith supported Supervisor Bennett's position that some landscaping should be included in the project. Supervisor Bennett reiterated the need to have a concept included in the original design/plan even if implementation is not planned for several years. Mayor Teixeira suggested it be considered "an add-on". Supervisor Bennett also noted a copy of a letter from an unnamed individual to NDOT Design Planner Susan Markovitch. Mayor Teixeira had discussed this letter with NIIC Representative Ferris who indicated these points are under consideration. Copies of the plan are available at Mr. Berkich's office. No formal action was taken on this item.

A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-3325) - Supervisor Tatro reported on the Community Council on Youth Board of Directors meeting, its changing role, composition, and future direction. Benefits of the program were pointed out including better communication between youth service agencies. (3-0275) Supervisor Tatro also reported on a Redevelopment Authority Citizens Committee meeting with the four major banks in this area as well as downtown businesses and proprietors and the positive results which may provide financing for the downtown area. (3-0031) Supervisor Bennett thanked the community for its participation in the American Cancer Society's annual jailathon. She also reported on a TEAM Tahoe meeting, attempts to obtain emergency telephone service at the Sand Harbor Forest Service Station, Carson-Tahoe Hospital Subcommittee legislative proposal, and a recent TRPA meeting. Supervisor Smith reported on a Regional Transportation Commission submit meeting and a proposal for a joint meeting of the RTC and Board of Supervisors. Supervisor Ayres expressed concern about the status of the ballot question on the V&T Railway. She then reported on the Parks and Recreation Commission meeting which had not had a quorum. She also explained the funding/grant which was given to Fallon by the Governor's State Commission on National and Community Services. She had been appointed to a new ad hoc committee to study and recommend agencies to serve as family resources centers in all the counties statewide. (3-0345) Mayor Teixeira announced that the Ormsby House may have a buyer. The agreement to purchase has been signed. Benefits of such a sale were noted. If the V&T is successful, he felt that tourist activities would be enhanced by these two actions. He commended all the players on their roles and the aggressive action plan proposed for the Ormsby House. Supervisor Bennett commended him on his role in this endeavor.

BREAK: There being no other matters for discussion until 6 p.m., Mayor Teixeira recessed the meeting at 4:30 p.m. When the meeting reconvened the entire Board was present constituting a quorum. Staff members present included: City Manager John Berkich, Clerk-Recorder Kiyoshi Nishikawa, Community Development Director Walter Sullivan, Acting Public Works Director Tim Homann, Deputy District Attorney Paul Lipparelli, Principal Planner Rob Joiner, and Recording Secretary McLaughlin.

14. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - PLANNING COMMISSION REVIEW AND APPEAL MATTERS

K. ORDINANCES - FIRST READING

i. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, BY ADDING SECTION 18.05.105 (COMMUNITY/REGIONAL COMMERCIAL) REQUIRING A SPECIAL USE PERMIT FOR COMMERCIAL STRUCTURES OF 50,000 SQUARE FEET OR MORE, BY ADDING SECTION 18.03.227 (COMMUNITY/REGIONAL COMMERCIAL) AS A DEFINITION, AND OTHER MATTERS PROPERLY RELATED THERETO (PLANNING COMMISSION APPROVED 6-0-1-0) (1-0695) - Mr. Joiner's introduction included modifications to the proposed ordinance. Chamber of Commerce President Shelly Turner supported the modifications. Supervisor Smith moved that the Board introduce on first reading Bill No. 138, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, BY ADDING SECTION 18.05.105 (COMMUNITY/REGIONAL COMMERCIAL) REQUIRING A SPECIAL USE PERMIT FOR COMMERCIAL

STRUCTURES OF 50,000 SQUARE FEET OR MORE; BY ADDING SECTION 18.03.227 (COMMUNITY/REGIONAL COMMERCIAL) AS A DEFINITION, AND OTHER MATTERS RELATED TO. Supervisor Bennett seconded the motion. Motion carried 5-0. Supervisor Tatro clarified that action was being taken on the amended version and not the original proposal as contained in the Board packet.

A. ACTION ON MPA-92/93-3(A) - A MASTER PLAN AMENDMENT REQUEST FROM LANDMARK HOMES AND DEVELOPMENT TO AMEND THE CARSON CITY MASTER PLAN LAND USE MAP DESIGNATION FROM SUBURBAN RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED ON THE NORTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-121-15 (PLANNING COMMISSION APPROVED 5-1-1-0)

B. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 8.98 ACRES OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 6,000 (SF6000) LOCATED AT THE NORTHEAST CORNER OF SILVER SAGE DRIVE AND KOONTZ LANE, APN 9-121-15, AND OTHER MATTERS RELATED THERETO (PLANNING COMMISSION APPROVED 5-1-1-0)

C. ACTION ON S-93/94-8 - A TENTATIVE SUBDIVISION MAP REQUEST FROM LANDMARK HOMES AND DEVELOPMENT TO DEVELOP A 27 LOT (6,800 TO APPROXIMATELY 43,000 SQUARE FOOT SIZES) SUBDIVISION (SILVER GLEN) ON APPROXIMATELY 8.9 ACRES OF LAND PRESENTLY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED ON THE NORTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-121-15 (PLANNING COMMISSION APPROVED 5-1-1-0) (3-0872) - Mr. Sullivan, (3-1092) Jim Bawden, Mr. Homann, (3-1465) Jim Moran, Dave Helgren, John Erb, Fran MacClain, (3-1875) Tom Lowery, and (3-1978) Dale Ryan - Discussion between staff and the Board explained the reasons the map was marked "conceptual" and stressed that the Board would consider the final map before construction could occur. The final map must comply with the tentative map. Mr. Bawden indicated his agreement with the conditions and his support for the third conceptual plan. Discussion ensued among the Board, staff, and Mr. Bawden on the detention basin and the drainage proposal for the north side of Koontz Lane. Lighting, landscaping, curbs, and gutters will be provided. Responsibility for the landscaping was explained as being to have the City provide maintenance on Koontz and the property owners provide maintenance on Silver Sage. Mr. Bawden noted his support as indicated at previous meetings. In the interest of time, he requested the record note this support although he had requested these individuals not speak. He had submitted a petition of support to the Planning Commission indicating support by approximately 100 individuals.

Opposition to the project was based on the feeling that the line should be held at Koontz, a commitment to establish the buffer zone at Sinbad, the ordinances establishing the zoning as one acre residential, potential impact on property values, that the supporters were all employees or transients, whether there was adequate water to meet the growing population needs, impact on the groundwater table, the need to address the following three items at the same time as one total package, potential spot zoning, current problems in the area, lack of adequate water pressure, and (3-1978) the impact on City services. Petitions opposing the proposal had been submitted to the Board prior to the meeting. Mr. Ryan suggested impact fees for services be assessed.

(3-1875) Mr. Lowery explained his support for the type of product Mr. Bawden constructs. He felt that the City was procrastinating and should stop "bouncing him back and forth" specifically in view of all of his attempts to address any issue presented by the opposition. Progress is inevitable.

Supervisor Ayres moved that the Board of Supervisors uphold the Planning Commission recommendation and approve Master Plan Amendment request from Landmark Homes and Development to amend the Carson City Master Plan land use map designation from Suburban Residential to Low Density Residential on property zoned Single Family One Acre, located on the northeast corner of Koontz Lane and Silver Sage Drive, APN 9-121-15. Supervisor Bennett seconded the motion. Discussion ensued on whether to add a condition mandating drainage. Mr. Lipparelli indicated this issue should be addressed in the subdivision approval

rather than the Master Plan Amendment. **The motion to approve the Master Plan Amendment was voted by roll call with the following result: Tatro - Yes; Smith - I will explain my vote because I think it is important on this, the northern half of the project, now that we are talking about, I don't see that the current zoning, again, on the northern half that we are talking about, that the current zoning is conducive to any thing down there, it's never going to be anything but a dirt, dusty, old lot if something is not done, so I'm going to vote - Yes; Bennett - Yes; Ayres - Yes for the same reason as Supervisor Smith; and Mayor Teixeira - Yes but for a different reason and we will get to that. Motion carried unanimously.**

Supervisor Smith then moved that the Board introduce on first reading Bill No. 139, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 8.98 ACRES OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 6,000 (SF6000) LOCATED AT THE NORTHEAST CORNER OF SILVER SAGE DRIVE AND KOONTZ LANE, APN 9-121-15, AND OTHER MATTERS RELATED THERETO. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Yes - Ayres; Tatro, Bennett, Smith, and Mayor Teixeira. Nays - None. Motion carried 5-0.

Supervisor Smith then moved that the Board uphold the Planning Commission's recommendation to approve a Tentative Subdivision Map request from Landmark Homes and Development to develop a 27 lot, 6,800 to approximately 4,300 square foot sizes, subdivision, Silver Glen, on approximate 8.9 acres of land presently zoned Single Family One Acre, located on the northeast corner of Koontz Lane and Silver Sage Drive, Assessor's Parcel Number 9-121-15, based on the findings and subject to the conditions of approval. Supervisor Ayres seconded the motion. Discussion ensued on the request to include a condition regarding drainage. Mr. Lipparelli noted the Public Works condition mandating a drainage facility with a minimum ten year event capacity and that the project must pass a 100 year event through all drainage systems. The Final Map must be in substantial compliance with the Tentative Subdivision Map, therefore, the storm drainage requirement on the Tentative Map mandates its installation. Supervisor Bennett felt that this condition would adequately address her concern. **Discussion also clarified the lot sizes as being 6,800 to approximately 43,000 square feet.** Both Supervisors Smith and Ayres agreed to this clarification. The motion was then voted by roll call with the following result: Yes - Tatro, Bennett, Ayres; Smith, and Mayor Teixeira. Nays - None. Motion carried 5-0.

D. ACTION ON MPA-92/93-3(A) - A MASTER PLAN AMENDMENT REQUEST FROM LANDMARK HOMES AND DEVELOPMENT (PROPERTY OWNER: JAMES F. BAWDEN) TO AMEND THE CARSON CITY MASTER PLAN LAND USE MAP DESIGNATION FROM SUBURBAN RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED ON THE SOUTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-124-02 (PLANNING COMMISSION DENIED 3-3-1-0)

E. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 22.09 ACRES OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 6,000 (SF6000) LOCATED AT THE SOUTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-124-02, AND OTHER MATTERS RELATED THERETO

F. ACTION ON S-93/94-8 - A TENTATIVE SUBDIVISION MAP REQUEST FROM LANDMARK HOMES AND DEVELOPMENT (PROPERTY OWNER: JAMES F. BAWDEN) TO DEVELOP 112 LOT (6,000 TO APPROXIMATELY 43,000 SQUARE FOOT SIZES) SUBDIVISION (SILVER GLEN) ON APPROXIMATELY 30.045 ACRES OF LAND PRESENTLY ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED ON THE SOUTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-124-02 (PLANNING COMMISSION APPROVED 4-2-1-0) (3-2385) - Mr. Sullivan, Mr. Bawden, John Erp, Fran MacClain, David Helgren, Mr. Lipparelli, and Dale Ryan - A copy of the School District's response was given to the Board and Clerk. Mr. Bawden briefly reviewed the three different tentative maps which had been discussed during the application process. Benefits of the third map were stressed. The detention basin will be bermed, fenced, landscaped, sprinklered, and constructed so that it could be used as a park when not needed as a basin. Mr. Bawden agreed to maintain the basin until full buildout when it will be dedicated to the City. Discussion between the Board and Mr. Bawden indicated the subdivision would have street

lighting including around the detention basin, but may not be along Center Street as it is in a rural area.

(3-3487) Mr. Erp opposed the project based on the traffic increase it would create. He also felt it was unfair for the residents to be forced to accept the increase. (4-0101) Mrs. MacClain explained her request that outbuildings be prohibited on the rear of the lots. Mayor Teixeira suggested these outbuildings not be seen from the street or be restricted to a height equal to the fence. Mr. Bawden agreed to address this point in the CC&Rs as well as on the plot plan. Mayor Teixeira noted this would be a deed restriction. Clarification indicated there are CC&Rs on Mr. Bawden's other project north of this site. Mr. Helgren felt the proposal would change the lifestyle of the area. He urged the Board to maintain the agreement made many years ago with the residents of the area and keep the current zoning. Mr. Ryan submitted a petition opposing the project to the Clerk. The petition was read into the record. Mr. Lipparelli clarified the procedures for enforcing CC&Rs.

Mayor Teixeira then explained his support for the project specifically if a deed restriction is provided as indicated. The need for storm drainage was stressed. The subdivision would buffer the commercial area. The basin would provide a needed park for the area. The proposal would improve the overall area. He urged Mr. Bawden to commence the project with the basin. **Supervisor Ayres moved that the Board of Supervisors approve a Master Plan Amendment request from Landmark Homes and Development, Property Owner: James Bawden, to amend the Carson City Master Plan land use map designation from Suburban Residential to Low Density Residential on property zoned Single Family One Acre located on the southwest corner of Koontz Lane and Silver Sage Drive, Assessor's Parcel No. 9-124-02. Supervisor Bennett seconded the motion.** Discussion ensued on the need to include the deed restriction in the subdivision as well as other commitments. Clarification by Mr. Lipparelli also indicate a need to amend the motion. **Supervisor Ayres then amended her motion to include subject to the six findings in the staff report. Supervisor Bennett continued her second. The motion to approve the Master Plan Amendment was then voted by roll call with the following result: Smith - I agree with a lot of the comments the Mayor said, and I think Mr. Bawden of Landmark Homes and their engineers have gone to a tremendous amount of lengths to make this particular proposal fit in, but I have to say that I am uncomfortable, and I agree with a lot of what the folks have said, that is one of the last true rural residential areas in this community, and I am just uncomfortable at changing the zoning past Koontz Lane, so I will vote - No; Tatro - I guess I have to explain, too; when Mr. Sullivan started his report he talked about the character of the neighborhood and when the people in the Koontz Lane area talked about it, they talked about the character of the neighborhood from a little bit different prospective; when you look at a map of this area, and I know what is there now, you see the commercial next to the one acre and both of the pieces of land on either side of the road are vacant, it makes a lot of sense, when you see Southwest Gas, and when you see the Credit Union going up, and Raleys, Mervyns, Penneys, and Walmart, and everything else, it doesn't make as much sense anymore, what I see here presents something to separate the two, the one acre and the commercial, in my opinion to separate them in a way that it can be sustained, the comment was made that this same piece of property has been between the Planning Commission and the Board of Supervisors seven times, and I think that if someone has an idea to bring forward, they can bring it forward whenever they want, and if it isn't good, it should be rejected, and if it makes sense it should be accepted no matter how many times that piece of land has been brought forward, and when I, the first time this land came forward, I didn't agree with it but seeing the buildings on site has changed my mind, and I am going to vote - Yes; Bennett - Yes with a comment - I can appreciate Mr. Helgren's comments and his concern and the same with Mrs. MacClain's concern, and the concern of creeping encroachment, and I keep thinking as we are going through this that, again, had we had an opportunity to modify our Master Plan four or five years ago, I believe we would have had this discussion and had we known at the time that the kind of buildings/commercial uses that are going to be enabled on the property immediately to the west, I think it would have made a logical, we would have come to this same logical conclusion, but I'm looking south and east and I think that we have to go back and ask ourselves what is there today, what is there possibly going to be tomorrow, and let's see if we can't get out in front of this kind of a dialogue so that we don't have to be in a reactive mode but in a pro-active one even if the Master Plan is only amended to reflect one section of the community, it is that section of the community that is going to have the most impact as time goes on, it is the southeast part of Carson that is building and**

really developing very rapidly, and I would like to ask if the Community Development folks wouldn't come back to us with an overview of the zoning that exists in that entire area--Mayor Teixeira noted that this was another issue--Yes, the answer is Yes; Ayres - Yes; and Mayor Teixeira - I have explained my decision--Yes. Motion carried 4-1 with Supervisor Smith voting Naye.

Supervisor Bennett moved that the Board of Supervisors deny the Planning Commission's recommendation to deny a change of land use request from Landmark Homes and Development and introduce on first reading Bill No.--and requested a number. She then commenced the motion over by moving that the Board of Supervisors approve on first reading Bill No. 140, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 22.09 ACRES OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 6,000 (SF6000) LOCATED AT THE SOUTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-124-02, AND OTHER MATTERS RELATED THERETO. Supervisor Ayres seconded the motion. Clarification indicated this was not the correct time to add the condition. Motion was voted by roll call with the following result: Smith - No; Tatro - Yes; Ayres - Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

(4-0815) Mr. Sullivan then recommended modifications to Condition 1 to indicate that Lots 57 through 72 be redesigned to have a minimum of 91.5 feet of width and include any deed restrictions desired. Mayor Teixeira reiterated his desire to include a deed restriction on all homes bordering Silver Sage and Koontz prohibiting outbuildings from being higher than the fence line. **Supervisor Tatro then moved that the Board uphold the Planning Commission's recommendation to approve a Tentative Subdivision Map request from Landmark Homes and Development, Property Owner: James Bawden, to develop a 112 lot subdivision, Silver Glen, on approximately 30.045 acres of land presently zoned Single Family One Acre, located on the southeast corner of Koontz Lane and Silver Sage Drive on Assessor's Parcel No. 9-124-02, based on the findings contained in the staff report and subject to the conditions of approval listed in the staff report with the following changes: Condition 1 the final sentence shall read: "The size of parcels 57 through 72 shall be redesigned to 91.5 foot lot width minimum.", and that an additional two conditions be added - one that the detention basin as depicted on the map displayed in the meeting be improved as described when the improvements begin on the subdivision and that dedication of the detention basin and area to the City occur upon buildout of the subdivision from the developer to the City, and that a deed restriction be placed on each parcel bordering either Koontz or Silver Sage limiting any accessory structure's height to be no higher than than the fence line or no less than ten feet from the property line.** Mayor Teixeira noted that the structures could not set against the fence. **Supervisor Bennett seconded the motion.** Clarification indicated the motion would restrict structures to the fence height and prohibit construction within ten feet of the fence. Supervisor Tatro pointed out that the Public Works conditions of approval include curb, gutter, and a widening and completion of Koontz Lane between Center and Silver Sage. Clarification indicated that parcels bordering both Koontz and Silver Sage would have the setback requirements. **The motion to approve the Tentative Subdivision Map as amended was voted by roll call with the following result: Ayres - Yes; Smith - No; Bennett - Yes; Tatro - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.**

G. ACTION ON MPA-93/94-10 - A MASTER PLAN AMENDMENT REQUEST FROM J.S. DEVELOPMENT (PROPERTY OWNER JOHN C. SERPA) TO AMEND THE MASTER PLAN LAND USE DESIGNATIONS FROM HIGH DENSITY RESIDENTIAL AND INDUSTRIAL TO HIGH DENSITY RESIDENTIAL ON A PARCEL OF LAND CONTAINING APPROXIMATELY 37.44 ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF FAIRVIEW DRIVE AND SALIMAN ROAD, APN 9-071-58 (PLANNING COMMISSION APPROVED 6-0-1-0)

H. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY SEVEN ACRES OF LAND FROM LIMITED INDUSTRIAL (LI) TO MOBILEHOME PARK-PLANNED UNIT DEVELOPMENT (MHP-PUD) LOCATED AT THE NORTHWEST CORNER OF FAIRVIEW DRIVE AND SALIMAN ROAD, APN 9-071-58, AND OTHER MATTERS RELATED THERETO (PLANNING COMMISSION APPROVED 6-0-

1-0) (4-1021) - Mr. Sullivan - Following Mr. Sullivan's introduction comments were solicited but none made. Supervisor Smith moved that the Board of Supervisors uphold the Planning Commission's recommendation to approve a Master Plan Amendment request from J. S. Development, Property Owner: John C. Serpa, to amend the Master Plan Land Use Designations from High Density Residential and Industrial to High Density Residential on a parcel of land containing approximately 37.44 acres of land located on the northwest corner of Fairview Drive and Saliman Road, Assessor's Parcel No. 9-071-58. Supervisor Ayres seconded the motion. Motion carried 5-0.

Supervisor Smith then moved that the Board of Supervisors introduce on first reading Bill No. 141, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 7 ACRES OF LAND FROM LIMITED INDUSTRIAL (LI) TO MOBILEHOME PARK - PLANNED UNIT DEVELOPMENT (MHP-PUD) LOCATED AT THE NORTHWEST CORNER OF FAIRVIEW DRIVE AND SALIMAN ROAD, APN 9-071-58, AND OTHER MATTERS RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

I. ACTION ON RA-93/94-1 - REQUEST FOR REVERSION TO ACREAGE PROPOSED BY J.S. DEVELOPMENT COMPANY REQUESTING TO ABANDON EXISTING PARCEL LINES IN ORDER TO CREATE ONE LARGE PARCEL WITHIN ASSESSOR PARCEL NUMBERS 7-321-01, 7-321-05, 7-321-06, 7-321-07, 7-321-09, 7-321-10, 7-321-11, 7-321-12, 7-321-13, 7-321-15, 7-321-17, 9-014-21, 9-014-22, AND 9-014-23. THIS PROPERTY IS LOCATED SOUTH OF KINGS CANYON ROAD AND IS PART OF LONG RANCH ESTATES. (THIS REVERSION TO ACREAGE WAS REQUIRED AS A CONDITION OF APPROVAL FOR A PLANNED UNIT DEVELOPMENT.) (4-1098) - Mr. Sullivan - Following Mr. Sullivan's introduction and the correction of Assessor's Parcel Numbers, comments were solicited but none made. Supervisor Bennett then moved that the Board of Supervisors approve a request for reversion to abandon existing parcel lines in order to create one large parcel within Assessor's Parcel Numbers 7-321-01, 7-321-05, 7-321-06, 7-321-07, 7-321-09, 7-321-10, 7-321-11, 7-321-12, 7-321-13, 7-321-15, 7-321-17, 9-014-21, 9-014-22, and 9-014-23. Supervisor Tatro seconded the motion. Motion carried 5-0.

J. ACTION ON S-90/91-4(A) - A REQUEST FROM IRON MOUNTAIN ACQUISITION COMPANY (RICHARD SCOTT), FOR FINAL MAP APPROVAL OF PHASE II OF SHADOW VALLEY SUBDIVISION, CALLING FOR DEVELOPMENT OF LOTS 10-16 (TEN SINGLE FAMILY ONE ACRE <SF1A> LOTS), LOCATED AT THE INTERSECTION OF THE EXTENSION OF ROLAND STREET AND MULDOON STREET, APNS 9-215-04 AND 9-219-14 (4-1175) - Mr. Sullivan - Mr. Sullivan explained the exception to the tentative map was caused by NDOT's acquisition of a parcel. Additional comments were solicited but none made. Supervisor Tatro moved that the Board approve a request from Iron Mountain Company, Richard Scott, for final map approval of Phase II of Shadow Valley Subdivision, calling for development of Lots 10 through 16, ten Single Family One Acre lots, located at the intersection of the extension of Roland Street and Muldoon Street on Assessor's Parcel Numbers 9-215-04 and 9-219-14. Supervisor Bennett seconded the motion. Motion carried 5-0.

K. ii. ACTION ON AN ORDINANCE AMENDING CHAPTER 18.02 OF THE CARSON CITY MUNICIPAL CODE BY ADDING SECTION 18.02.060 CREATING A SIMPLIFIED PROCEDURE FOR VACATION OR ABANDONMENT OF EASEMENTS FOR PUBLIC UTILITIES OWNED OR CONTROLLED BY THE GOVERNING BODY AND OTHER MATTERS PROPERLY RELATED THERETO (4-1295) - Mr. Sullivan - Supervisor Smith moved to introduce Bill No. 142 on first reading, AN ORDINANCE AMENDING CHAPTER 18.02 OF THE CARSON CITY MUNICIPAL CODE BY ADDING SECTION 18.02.060 CREATING A SIMPLIFIED PROCEDURE FOR VACATION OR ABANDONMENT OF EASEMENTS FOR PUBLIC UTILITIES OWNED OR CONTROLLED BY THE GOVERNING BODY AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

BREAK: A five minute recess was declared at 7:45 p.m. When the meeting reconvened at 7:50 p.m. the entire Board was present constituting a quorum.

L. ACTION ON MPA-93/94-9 - A MASTER PLAN AMENDMENT REQUEST AND A RESOLUTION FOR APPROVAL FROM STANTON PARK DEVELOPMENT, INC. (PROPERTY OWNER: STANTON PARK DEVELOPMENT INC.) TO AMEND THE MASTER PLAN USE DESIGNATION FROM AGRICULTURE TO LOW DENSITY RESIDENTIAL ON APPROXIMATELY 46 ACRES OF LAND LOCATED AT 4480 MORGAN MILL ROAD, APN 8-361-27 AND 8-361-28 (PLANNING COMMISSION DENIED 2-4-1-00)

M. ACTION ON Z-93/94-9 - A CHANGE OF LAND USE REQUEST FROM STANTON PARK DEVELOPMENT, INC., TO REZONE APPROXIMATELY 46 ACRES OF LAND FROM SINGLE FAMILY 21,0000 AND AGRICULTURE TO SINGLE FAMILY 6,000 (SF6000) LOCATED AT 4480 MORGAN MILL ROAD, APNS 8-297-04, 8-297-05, 8-361-27, AND 8-361-28 (PLANNING COMMISSION DENIED 2-4-1-0)

N. ACTION ON S-93/94-7 - A TENTATIVE SUBDIVISION MAP REQUEST FROM STANTON PARK DEVELOPMENT, INC., TO DEVELOP A 120 LOT SUBDIVISION, KNOWN AS EMPIRE ESTATES, ON APPROXIMATELY 48.9 ACRES OF LAND PRESENTLY ZONED AGRICULTURAL (A), LOCATED AT 4480 MORGAN MILL ROAD, APNS 8-297-04, 8-297-05, 8-361-27, AND 8-361-28 (PLANNING COMMISSION DENIED 2-4-1-0) (4-1329) - Messrs. Guzman, Sullivan, and Homann, Dwight Millard, (5-0018) (6-0318) Frank Albertson of SEA Engineers, (5-0618) Steve Cram, (5-0939) Rick Richardson, (5-1356) Ron Stillwell, (5-1518) Jerry Schultz, (5-1710) Carla Padgett, (5-1851) Sherry Allen, (5-2038) Tom Blanchard, (5-2460) Chris Chimits, (5-2591) (6-0416) Theresa Primrose-Cain, (5-3281) an unidentified individual, (5-3325) Mike Hill, (6-0183) Lumos and Associates Representative Gary Lewis, and (6-0345) Hadden Engineer Jim Hadden - Before Mr. Sullivan's introduction, Mayor Teixeira explained his interest in a lot in this area which had been expressed to Mr. Millard at the time Mr. Millard had indicated a conceptual plan for this property. He felt that his name was merely added to a list of potential buyers. It was not a commitment to purchase and nothing was in writing. He, therefore, did not feel that there was a conflict of interest. Mr. Lipparelli emphasized the list was of potential customers and was not a list of actual buyers. Mr. Guzman reviewed the staff report noting issues remaining to be resolved and explaining the term "neo-traditional". The narrow streets within the subdivision were explained by Mr. Homann. Mr. Homann described his concerns generated by the traffic report. Concerns were expressed about the need for a traffic signal at Highway 50 specifically for left turning movements. Supervisor Bennett explained her personal knowledge concerning the use of "Super Fund" monies. Issues related to health and safety standards are more likely to be funded, therefore, only the River areas related to health issues would qualify. Discussion among staff and the Board included the conditions which had changed and made the project viable since last consideration, vision survey and its impact on the subdivision, the need for the southern access, and Fire Department's approval.

(4-2754) Mr. Millard reviewed the history of the application, the project, the two 2-1/2 acre parcels which were not a part of the project, modification of the parcels aligned with Brushwood, and the one-way streets and roundabouts. Mr. Albertson defined the traffic report and turning considerations at Highway 50. Mr. Millard agreed to enter a development agreement with the City to fund his proportionate share of the traffic signal for Highway 50. He then continued his explanation of the project. If the Board required sidewalks on both sides of the street, he agreed to provide it. He felt that the "devil's acre" had been addressed as the front yards abut the strip. Mercury contamination and Army Corps of Engineers proposed mitigation were delineated. Liquefaction resolution procedures were noted. Lighting would be provided as mandated in the Code. Different landscaping would be provided at the entrance. The golf course Special Use Permit had been approved by the City, however, the Army Corps may pose a problem.

Opposition was based on having smaller lots abut the adjacent development(s); the detrimental impact these smaller lots would have on their property values; increased impact on City services, schools, and traffic; change in character of the area; liquefaction and earthquake concerns; the fact that Stanton Park would sell the lots and not build the homes; airborne mercury issues; open space land trade program; commitments/comments made about the proposed site when acquiring adjacent property; neo-traditional vision preference survey's support for retention of the present use; impact on wildlife; loss of lifestyle; health concerns created by the use of pesticides/insecticides on the site and mosquitoes in the wetland area; loss of the open space which is there now; flooding which had

occurred on different occasions at the site; feasibility of another golf course; and the master plan's original designation for the area. Mr. Cram submitted to the Clerk a letter of opposition. Mr. Richardson proposed Mr. Millard donate the land to the City for open space. Mr. Stillwell supported "controlled growth". Ms. Padgett provided different statistics for the impact on the school system from that provided in the staff report. Mr. Blanchard's handout was given to the Board and later to the Clerk. He felt that Empire Ranch Road should be paved as it provides access. He also displayed a map he had obtained from Resource Concepts delineating the mercury contamination and the sampling. The Board discussed with Ms. Primrose-Cain the erroneous information she purportedly had obtained from Community Development in 1989. Her documents were given to the Board but not the Clerk. She also questioned the liability if the developer constructs homes, collects a deposit for them, but if the Army Corps of Engineers never issues its permit for occupation, or, if the permit is issued and a flood, earthquake, etc., occurs. Comments between an unidentified individual and the Board also indicated there may be legal recourse against his developer/realtor. It was also felt that there is adequate zoning for this type of development elsewhere in the City.

BREAK: A five minute recess was declared at 10:05 p.m. When the meeting reconvened at 10:10 p.m. the entire Board was present constituting a quorum.

(6-0001) Mr. Millard explained the original plan for Latigo Street. If Public Works closes Latigo, the through traffic would cease. The proposal to trade the City open space area for another parcel which would provide access to the River was explained. Reasons were provided for Mr. Darling's need to develop the area, the mercury report, (6-0129) the CC&R's and its control over the development, projected impact on the school population, and for feeling that with the removal of flood irrigation, the liquefaction problem may be addressed. (6-0095) Mr. Millard indicated the site proposed for the housing development did not contain any mercury contamination. The golf course does have several sites which will have to be addressed. There is no intent to have two lots in the proposed development abut the adjacent developments.

Mr. Lewis explored with the Board the liquefaction report and his reasons for feeling that the problem will be corrected once the ditch is closed. Buildout would be controlled by the Growth Management Ordinance. Projected traffic volumes and its impact were estimated based on final buildout. Mr. Hadden felt that the flood photographs actually indicated the shelf area proposed for the development were out of the flood zone. Mr. Millard indicated the base evaluation for 100 year floods was at 4600. The homes are at 4612. Mr. Millard indicated there were individuals present supporting the project who had not expressed an desire to speak. A poll of these individuals was taken.

(6-0416) Ms. Primrose-Cain questioned the supporters and whether they would support the project if it was going in in front of their residences.

(6-0439) Mr. Guzman explained that the project is not high density residential and the meaning of this term. The School District had prepared its report for the Department. Staff's lack of responsibility for those comments was noted. Reasons for staff's recommendation were indicated. These comments included reasons for not having cul-de-sacs, not closing Latigo, vision preference survey's involvement with the Harootunian project and reasons for using its results on this project, procedure used to establish the density factor, and other areas which use this type of planning. Mr. Guzman also felt that the pictures clearly indicated the land proposed for development had not flooded.

Supervisor Tatro explained how the Growth Management Ordinance controls the City's growth rate. The impact on the School District was not part of the Growth Management controls. Geo-technology could address the liquefaction problems. The photographs of flooding also indicated to him that the bench was out of the flood zone. He felt that the original presentation to the Planning Commission without public comments had created a bad situation and had reduced the ability to mitigate any public comments. He felt that this would not again occur at the Planning Commission. Supervisor Bennett expressed her respect for the property owners and their concerns. **Supervisor Bennett then moved that the Board of Supervisors approve a request from Stanton Park Development, Inc., property owner: Stanton Park Development, Inc., to amend the Master Plan Land Use**

Designation from Agricultural to Low Density Residential on approximately 46 acres of land located at 4480 Morgan Mill Road, APN 8-361-27 and 8-361-28, based upon the eight findings and 18 conditions presented by the staff report and presented by testimony represented by the Applicant and his consultants and others in the room. Supervisor Ayres seconded the motion. Following Mr. Lipparelli's explanation and request for a correction to the motion, Supervisor Bennett amended her motion to strike the references to the conditions and based the motion on the eight findings as presented by the staff to the Planning Commission and to this Board. Supervisor Ayres continued her second. The motion to approve the Master Plan Land Use Designation amendment was voted by roll call with the following result: Tatro - Someone asked me if I had made up my mind, I told them no, and I wasn't lying; I will tell you what, I would like to ask some questions before we vote. Mayor Teixeira then ruled that the Board was still on the question and not voting. Supervisor Tatro then discussed with Mr. Millard the lot alignment with lots in adjacent subdivisions during which Mr. Millard explained considerations used in establishing the lot sizes. (6-0972) Mr. Ferguson used the subdivision map to explain the lot sizes in detail. Purportedly the project had followed Jim Constandine's suggestions and was a result of the vision planning survey. Mr. Millard did not feel that it would be beneficial to have both subdivision lot lines directly opposite of one another. Supervisor Tatro then indicated his vote - No; Supervisor Smith - Well, I can tell you where this thing got real simple for me, you guys can talk about concurrent lines, floods, and liquefaction, mercury contamination all night, but, I think it was the young lady right back there, Sherry Allen, who made the comment that she found it offense that the Board would spend taxpayers' dollars, I think we must have spent some \$25,000 on that visioning survey, if I remember correctly and then not support the findings, and, again, as I said in the last project, I think, and Dwight, you have brought forward, it's a decent project, it's a nice project, I don't necessarily have a problem with the project but, you know, being reminded of the visionary survey, that was the one over-riding concern, is the preservation of the natural beauty of this community and various forms throughout the community, and I think, along with that was the comment, the one thing, I guess, that disturbed me the most, was, I am trying to remember, was some 63 percent of the people, or something like that, of the survey said that Carson City was becoming less of a town that they wanted to live in, and, for that reason alone, I have to vote no - No; Ayres - Yes, I know its very emotional, and I have been down the road, only I was told that my house faces BLM land, and that nobody would ever build on there, that's what the real estate people told me, and that was in 1978 and I had a gorgeous view, four years ago it was developed and I didn't protest it because I figured some other people wanted to live in my neighborhood and I probably annoyed some people when I moved in, and I can't find anything legally, any legal reason with staff's recommendation and all the experts, I can't see any legal reasons, I can see emotional reasons, but we have to understand that we have put this developer through a great deal, what seven meetings, where we have put him back and forth because the Planning Commission did not want to take the heat, that's the way I look at it, the first meeting I think was regrettable, very regrettable, when these people weren't allowed to speak, that was very wrong, and that just, to me, put a spin on it that was negative all the way down, and then when they denied it, didn't even give any reasons, that, that I could make any sense out, staff supported it, they didn't give any reasons, they were just flat turned it down and passed it on to us, so, that's my reasoning, I know it's emotional and I know you don't want to lose your view, but, I think other people want to move into Carson City for the same reasons that these people did, and people didn't want them in, and they don't want somebody else, that, we can go on forever never letting new people come in, that's it; Bennett - Yes, and I would like to make a comment, very brief, I think that there is enormous public benefit that we are going to achieve from this, the opportunity to have public access to 40 or 50 acres along the River, the opportunity to do some beautiful enhancement above the River, to preserve that in perpetuity, I think is very, very consistent with what we have all been trying to, what I have certainly heard from the visioning study, and the opportunity to give access to, not just the near neighbors, but for many others in the community, is extremely important I believe for the whole City and how that connects with other possible issues that we think can happen in the Riverview Park, I believe, and I have felt all along that this is creative and an innovative and an interesting way to look at land use, I know that the Applicants have gone many, many, many miles beyond what would have been required of them in other situations and other times, maybe four or five years ago, I think there is a great deal of benefit to it, I think it is consistent and appropriate, the answer is yes - Yes; and Mayor Teixeira - Isn't this wonderful, let me see if I can put things in prospective, the last one we had a part in, the last big

project which was an up zone, I voted for the project on Silver Sage because it gave something back to the community, it mitigated a problem that exists in the community, it was in an area where there is in fact commercial and high density straight across the street, I felt comfortable in doing that, I am wondering, right now, if in fact this project is denied, what can Mr. Millard and Mr. Ferguson build on that property within the legal parameters of how they are zoned today, how many units can they put up--Mr. Guzman indicated one per five acres, there are 48 acres on the upper bench and the area that is part of the golf course that is outside the floodway could also be developed as one unit per five acres - Mr. Millard indicated that approximately 60 units could be developed--Mayor Teixeira continued his comments - see the factor here that I am really wrestling with is to, in fact, do basically the best job we can, and this is not a leap frog, this is contiguous, and I don't know what has gone on in the past, I do know what is there in front of us today, I think there are some areas of mitigation that can be done with the developer and the surrounding neighborhood, I feel very firm that had this project included the people in Brushwood and River Knolls in the front end, we may have had support here tonight rather than an adversary position, and we can demonstrate that as we go back to the biggest subdivision that we have ever approved, which is the Silver Oaks subdivision, where, in fact, the prior, the prior zoning for that facility was--, 1400 signed a petition, they redid it, they worked with their neighbors and when we passed that subdivision the biggest single one in the history of Carson City, not one person was here to say no, I firmly believe that Mr. Millard and the neighbors can work out an more palatable solution that is a win-win, if I didn't feel that I wouldn't say that, I think there is more that can be done, there is a couple of areas that I have a particular concern with, and I don't know how that can be mitigated, Mr. Millard and Mr. Ferguson have their engineers stating, you know, to their expertise, I am not stating that you people are compromising, you know, your integrity, but it does leave a couple of areas suspect to me that I am just not comfortable about, if in fact we are going to start grading, moving dirt, and doing everything, is there a problem or is there not a problem, can anybody absolutely tell me there is no problem, can staff look me in the eye and say "Marv, there's no problem." - Mr. Guzman indicated he could not - I know the project will come back and will come back and not all of you will be satisfied with the results, but it will be back, and it will be back by working with the neighborhood, I have a real problem with this at this time, I don't see an upside and this is an up zone, I don't see the benefits, but I know it will be back, and if I'm going to be consistent, and I have the greatest respect for Mr. Ferguson and Mr. Millard, I just would not be consistent, and I'm not doing this because of prior accusations about me, I'm not intimidated by anyone, so, therefore, if I'm voting my conscious, I have to vote no - No. Motion failed on a 2-3 vote.

(6-1467) Supervisor Smith then moved that the Board of Supervisors uphold the Planning Commission's decision to deny a change of land use for Stanton Park Development, Inc., to rezone approximately 46 acres of land zoned Single Family 21,000 and Agricultural to Single Family 6,000 located at 4480 Morgan Mill Road, Assessor's Parcel No. 8-297-04, 8-297-05, 8-361-27, and 8-361-28. Mayor Teixeira seconded the motion. Motion was voted by roll call with the following result: Ayres - No; Bennett - No; Tatro - Yes; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 3-2.

(6-1515) Supervisor Smith moved that the Board of Supervisors uphold the Planning Commission's decision to deny a tentative subdivision map request from Stanton Park Development, Inc., to develop a 120 lot subdivision known as Empire Estates on approximately 48.9 acres of land presently zoned Agricultural, located at 4480 Morgan Mill Road, Assessor's Parcel Numbers 8-297-04, 05, 8-361-27, and 8-361-28. Mayor Teixeira seconded the motion. Following the vote clarification was requested of Supervisor Ayres' vote. The results of the voice vote were: Bennett - No; Ayres - No; Tatro - Yes; Smith - Yes, and Mayor Teixeira - Yes. Motion carried 3-2.

Supervisor Smith then moved that the Board of Supervisors uphold the Planning Commission's decision to deny a request from Stanton Park Development, Inc., to vary from the minimum front yard, side yard and rear yard setback requirements and to vary from street standards on property presently zoned Single Family 21,000 and Agricultural, Assessor's Parcel Numbers 8-297-04, 05, 8-361-27, and 28. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Ayres - No; Bennett - No, Tatro - Yes; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 3-2.

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There being no other matters for consideration, Supervisor Ayres then moved to adjourn. Supervisor Smith seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 11 p.m.

The Minutes of the July 21, 1994, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 1994.

Marv Teixeira, Mayor

ATTEST:

Kiyoshi Nishikawa, Clerk-Recorder