



**A. ACTION ON REVOCATION OF DELINQUENT LIQUOR LICENSE HELD BY RICHARD CANATSEY, DOING BUSINESS AS HANNIGAN'S (1-0235) - No Board action was required.**

**B. ACTION ON APPROVAL TO ADD MARGARITA HOLT AS A PARTNER TO THE EXISTING LIQUOR LICENSE HELD BY TEQUILA DAN'S (1-0248) -** The Sheriff's Investigation was noted. Ms. Holt explained the arrests. Member McGrath indicated only offenses occurring within the last seven years could be used. Discussion noted Tequila Dan's current operation and expressed the feeling that the addition of another partner should not change the operation. Member Smith then moved that the Board approve Margarita Holt as a partner to the existing Liquor License held by Tequila Dan's. Member Ayres seconded the motion. Motion carried 5-1 with Member Bennett voting Naye.

**C. ACTION ON APPROVAL OF A SPECIAL EVENT SHORT-TERM BUSINESS PERMIT FOR THE PERFORMANCE PRODUCTIONS, INC., TO BE HELD AT THE PONY EXPRESS PAVILION SEPTEMBER 9-10, 1994, AND, D. ACTION ON APPROVAL OF AN ENTERTAINMENT PERMIT FOR A MUSIC CONCERT PRESENTED BY MICHAEL MOLINARI OF PERFORMANCE PRODUCTIONS, INC., TO BE HELD AT THE PONY EXPRESS PAVILION ON SEPTEMBER 9-10, 1994 (1-0335) -** Mr. Thornton indicted the license would not be issued until the Fire Department Report is received and indicates approval if the Board chooses to approve the License today. Discussion ensued with Mr. Molinari concerning the number of tickets which were printed and available for purchase. His experience with this type of event and its activities were outlined. Member McGrath indicated there had never been a problem with this group before. Member Ayres moved that the Board of Supervisors approve an Entertainment Permit for Michael Molinari of Performance Productions, Incorporated, for an event to take place at the Pony Express Pavilion on September 9 and 10, 1994; fiscal impact is a \$100 application and \$100 permit fee. Member Tatro seconded the motion and requested a correction to the motion. Member Ayres corrected the motion to reflect that the Liquor and Entertainment Board approved the license. Member Tatro continued his second. Motion carried 6-0.

Member Ayres moved that the Liquor and Entertainment Board approve the Short-Term Business Permit for Michael Molinari of Performance Productions, Incorporated for an event to take place at the Pony Express Pavilion on September 9 and 10, 1994; fiscal impact is \$50 per day promoter fee and \$2 per day per booth. Member Bennett seconded the motion. Motion carried 6-0.

Mayor Teixeira welcomed him back to the community. Mr. Molinari expressed his appreciation for all the help he had received in putting on the event. He hoped that the new format would help the event grow and continue for years to come.

Liquor and Entertainment Board was then adjourned and the Board of Supervisors reconvened. The entire Board was present constituting a quorum.

**4. CONSENT AGENDA (1-0535)**

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

**B. PURCHASING DIRECTOR**

**i. ACTION ON CONTRACT NO. 9495-30 - BREWERY ARTS CENTER REMODEL,**

**PHASE II**

**ii. ACTION ON CONTRACT NO. 9394-58 - USED GRADALL EXCAVATOR,**

**CONTRACT APPROVAL**

**iii. ACTION ON CONTRACT NO. 9394-99 - SOUTHEAST CARSON SEWER EXTENSION**

**SURVEY AND DRAFTING**

**iv. ACTION ON CONTRACT NO. 9495-64 - LIBRARY COMPUTER SYSTEM**

**UPGRADE -** Contracts 9495-30 and 9394-99 were pulled for in depth discussion. Supervisor Tatro moved that the Board approve the Consent Agenda as presented with the inclusion of Resolution No. 1994-R-72, A RESOLUTION AUTHORIZING THE DESTRUCTION OF SITE FILES and deletion from the Consent Agenda

of Contract Nos. 9495-30, Brewer Arts Center Remodel, and 9394-99, Southeast Carson Sewer Extension Survey and Drafting. Supervisor Smith seconded the motion. Motion carried 5-0.

**B. i.** Purchasing and Contracts Director Moreto reviewed the cost. Brewery Arts Center Executive Director Carl Dahlen explained the project. The items removed from the project were due to the lack of funding at the time the bid was received. These items will be accomplished in the future and would not impact the use of the building. There is a \$20,000 grant available for the project which may complete it. Supervisor Bennett then moved that the Board of Supervisors accept the Purchasing Department's recommendation and award Contract 9495-030 to Bidder No. 3, T & C Construction Company, 50 Freeport Boulevard, No. 8, Sparks, Nevada as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contraction amount of \$121,273. and a contingency amount of \$2,227; funding source will be is the Code of Affairs, National Park Service Redevelopment Grant as provided in fiscal year 9495. Supervisor Ayres seconded the motion. Motion carried 5-0.

**B. iii.** Supervisor Bennett explained her concern about the bid amount. Mr. Moreto then explained the bid figures. Supervisor Bennett moved that the Board of Supervisors accept the Purchasing Department's recommendation for Contract 9394-99 and approve Change Order No. 1 to Consulting Engineering Services, 1105 Terminal Way, Suite 304, Reno, for a contract amount of \$3,400. Supervisor Ayres seconded the motion. Motion carried 5-0.

**10. CLERK-RECORDER - ACTION ON RANDOM SELECTION OF SEQUENCE OF NUMBERS FOR JURY VENIRE FOR 1995** - Deputy Chief Clerk Alan Glover - From the first pull the following order for selection was chosen: Supervisors Tatro, Bennett, Ayres, Mayor Teixeira, and Supervisor Smith. Drawing in that order the following numbers were selected: 9, 1, 0, 6, 3, 2, 7, 4, 5, and 8. Mr. Thornton then explained the process. No other action was required or taken.

**primary5. TREASURER - ACTION ON ORDER FOR SALE OF DELINQUENT PROPERTIES WHERE CARSON CITY HAS TAKEN DEEDS (1-0949)** - Ted P. Thornton - Supervisor Smith moved that the Board of Supervisors approve the Notice and Order for Sale of Real Property known as Assessor's Parcel Number 7-371-15 under the name Terry and Donna Kelly, fiscal impact is \$3,423.79 in revenue to be generated as of August 31, 1994. Supervisor Ayres seconded the motion. Motion carried 5-0.

**6. SHERIFF - ACTION ON INTERSTATE AGREEMENT FOR CROSS DESIGNATION OF LAW ENFORCEMENT OFFICERS (1-0985)** - Paul McGrath - Comments explained the reasons for the agreement and that there would not be any fiscal impact. Supervisor Ayres moved that the Board of Supervisors authorize the Carson City Sheriff's Office to enter an agreement with the California Department of Justice for cross designation of officers; fiscal impact - none. Supervisor Bennett seconded the motion. Motion carried 5-0.

**7. PRESENTATION BY THE NEVADA DEPARTMENT OF TRANSPORTATION ON THE 1995 STATEWIDE TRANSPORTATION IMPROVEMENTS PROGRAM (1-1091)** - Department of Transportation Deputy Director Ron Hill briefly reviewed the 1995 priority projects and responded to Board questions concerning the project scheduled on Highway 50 East. No projects will be scheduled for Carson City for several years once this section is completed. He invited everyone to attend the Board meeting scheduled for 9:30 a.m. on September 12. Mayor Teixeira commended him on their efforts to reduce the impact on local businesses. District Engineer Rick Nelson indicated the North Carson Street project was on schedule and may be completed in 30 days. Discussion ensued on the Highway 50 bike path and improvements planned for it, irrigation infrastructure improvements proposed for Highway 50, NDOT's computerized program and its ability to provide adjacent property owners with enhanced landscaping proposals, and the need to utilize this program for South Carson Street. Supervisor Tatro thanked NDOT for the public announcement signs at the entryway to the City advising drivers of the Tourist Information Station. Mr. Hill also introduced Assistant Chief for Road Design Engineer Fred Drose and Designers Susan Martinovich and Glen Petrenko. Mr. Drose used aerial photographs displaying the new alignment at Spooner Junction to discuss the proposed interchange in depth. A smaller copy of

the alignment will be given to the City. Mr. Hill again invited the Board and public to attend the September 12 at 9:30 meeting. Additional comments were solicited but none made. Mayor Teixeira thanked Mr. Hill and his staff for the presentation. No action was required or taken on this item.

**8. PUBLIC WORKS DIRECTOR - ACTION ON BILL NO. 143 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND VIVIAN NICKELS REGARDING ASSESSOR'S PARCEL NO. 9-091-05 LOCATED AT 2101 CALIFORNIA STREET, CARSON CITY, NEVADA (1-1795)** - Acting Public Works Director Tim Homann - Supervisor Smith moved to adopt on second reading Ordinance No. 1994-49, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND VIVIAN NICKELS, REGARDING ASSESSOR'S PARCEL NO. 09-091-05 LOCATED AT 2101 CALIFORNIA STREET, CARSON CITY, NEVADA. Supervisor Ayres seconded the motion. Motion carried 5-0.

**9. COMMUNITY DEVELOPMENT DIRECTOR - PLANNING COMMISSION REVIEW AND APPEAL MATTERS - ACTION ON U-94/95-5 - AN APPEAL BY CARSON CITY AND CARSON CITY CONVENTION AND VISITORS' BUREAU OF A DECISION BY THE REGIONAL PLANNING COMMISSION CONCERNING SPECIAL USE PERMIT APPLICATION U-94/95-5, SPECIFICALLY A CONDITION PROHIBITING THE ADVERTISEMENT OF ALCOHOLIC AND TOBACCO PRODUCTS ON A FREE-STANDING SIGN AT MILLS PARK, NORTH OF THE PONY EXPRESS PAVILION ON PROPERTY ZONED PUBLIC (P), APN 2-181-01 (PLANNING COMMISSION APPROVED 4-3-0-0) (1-1810)** - City Manager Berkich and Convention and Visitors Bureau Executive Director Candice Duncan - Discussion among the Board, Ms. Duncan, and Mr. Berkich included reasons for the Planning Commission's decision and specifically the condition. Without the sponsors, the Bureau could not afford the sign. Newspaper, television, and magazine advertisements for these products were also noted. Supervisor Bennett expressed her support for the Planning Commission recommendation by citing advertisements in other locales. She indicated a willingness to use City monies to acquire the sign if the City's logo is placed on it. Supervisor Smith moved that the Board of Supervisors uphold the staff recommendation for approval of the Special Use Permit application U-94/95-5 based on the five findings and subject to six conditions of approval specifically deleting Condition No. 7 regarding advertisement of product. Clarification indicated the motion eliminated Condition 7. Supervisor Ayres seconded the motion. Motion was voted by roll call with the following result: Tatro - Yes; Ayes - Yes; Bennett - No; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

**11. DISTRICT ATTORNEY - Noel Waters**

**A. ACTION ON A RESOLUTION RECOMMENDING THAT THE NEVADA LEGISLATURE AMEND THE CARSON CITY CHARTER TO REFLECT A SECOND JUSTICE OF THE PEACE/MUNICIPAL JUDGE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2210)** - Supervisor Tatro moved that the Board adopt Resolution No. 1994-R-73, A RESOLUTION RECOMMENDING THAT THE LEGISLATURE AMEND SECTIONS 4.010 AND SECTION 4.030 OF THE CARSON CITY CHARTER TO REFLECT THE EXISTENCE OF A SECOND JUSTICE OF THE PEACE AND EX OFFICIO MUNICIPAL COURT JUDGE AND TO REFLECT THAT THE CARSON CITY BOARD OF SUPERVISORS MAY BY ORDINANCE APPOINT AN ADDITIONAL PART-TIME OR TEMPORARY MUNICIPAL JUDGE. Supervisor Ayres seconded the motion. Motion carried 5-0.

**B. ACTION ON A RESOLUTION RECOMMENDING THAT THE NEVADA LEGISLATURE AMEND SECTION 2.220 OF THE CARSON CITY CHARTER TO ALLOW THE BOARD OF SUPERVISORS TO ADOPT CITY MASTER PLANS WHICH SERVE AS A PATTERN AND GUIDE FOR THE KIND OF ORDERLY PHYSICAL DEVELOPMENT OF THE CITY WHICH WILL CAUSE THE LEAST AMOUNT OF NATURAL RESOURCE IMPAIRMENT, AND OTHER MATTERS PROPERLY RELATED THERETO (1-2228)** - Supervisor Tatro moved that the Board adopt Resolution No. 1994-R-74, A RESOLUTION RECOMMENDING THAT THE LEGISLATURE AMEND SECTION 2.220 OF THE CARSON CITY CHARTER TO ALLOW THE CARSON CITY BOARD OF SUPERVISORS TO ADOPT

MASTER PLANS WHICH WILL SERVE AS A PATTERN AND GUIDE FOR THE KIND OF ORDERLY PHYSICAL GROWTH AND DEVELOPMENT OF A CITY WHICH WILL CAUSE THE LEAST AMOUNT OF NATURAL RESOURCE IMPAIRMENT. Supervisor Bennett seconded the motion. Motion carried 5-0.

**12. CITY MANAGER - ORDINANCE - SECOND READING - ACTION ON BILL NO. 144 - AN ORDINANCE AMENDING TITLE 11 OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 11.13, REGULATING THE PAINTING AND NUMBERING OF CURBS AND OTHER MATTERS PROPERLY RELATED THERETO (1-2348) -** Mr. Berkich - Supervisor Ayres moved to adopt on seconding reading Ordinance No. 1994-50, Bill 144, AN ORDINANCE AMENDING TITLE 11 OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 11.13, REGULATING THE PAINTING AND NUMBERING OF CURBS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion was voted and carried 4-1 with Mayor Teixeira voting Naye.

**13. BOARD OF SUPERVISORS**

**B. ACTION ITEMS**

**ii. SUPERVISOR BENNETT - ACTION ON A RESOLUTION EXPRESSING THE SUPPORT OF THE BOARD OF SUPERVISORS FOR CHANGES TO NRS TO AUTHORIZE ACQUISITION BY COUNTY HOSPITALS OF FACILITIES OUTSIDE THE COUNTY (1-2401) -** Supervisor Bennett explained the request. Mr. Waters indicated the District Attorney's office had reviewed the proposal. Supervisor Bennett moved that the Board adopt Resolution No. 1994-R-75, A RESOLUTION EXPRESSING THE SUPPORT OF THE BOARD OF SUPERVISORS FOR CHANGES TO NRS TO AUTHORIZE ACQUISITION BY COUNTY HOSPITALS OF FACILITIES OUTSIDE THE COUNTY. Supervisor Tatro seconded the motion and requested an amendment. Supervisor Bennett amended her motion to include the recommendation to the proposed changes that were forwarded to us by John Swendseid. Supervisor Tatro continued his second. Motion was voted and carried 5-0.

**A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-2627) -** Supervisor Ayres reported on the Parks and Recreation meeting which is considering grant requests and the bike path proposal. Supervisor Smith noted the RTC meeting would be this evening. He gave a brief status report on the Subconservancy District meeting, which he felt the Mayor should detail. He announced his appointment as the Nevada Counties representative on the Earthquake Safety Council which will be meeting next Friday. Supervisor Bennett reported on the Hospital's Financial Subcommittee meetings, the status of environmental control project on Highway 28, and invited the Board to attend the next TRPA meeting which will be a tour of the area and discussion on fire control measures. Supervisor Tatro officially announced that the Public Information radio station was now on line--AM 530. He had toured the Bliss Mansion and complimented Mrs. Sandrini on her efforts. Mayor Teixeira detailed the Subconservancy decision on water acquisition, the impact of the decisions now going on on the Newlands Water Project, and the potential for water from the Upper Carson to be transferred to that Project.

BREAK: There being no other matters for discussion at this time a recess was declared at 2:25 p.m. When the meeting reconvened at 6 p.m. the entire Board was present constituting a quorum. Staff members present included: City Manager Berkich, Acting Public Works Director Homann, Deputy District Attorney Lipparelli, RTC Engineer Brotzman, and Recording Secretary McLaughlin.

**13. CITY MANAGER - Berkich**

**A. ACTION ON AGREEMENT WITH CITIZENS FOR AFFORDABLE HOUSING, INC., TO CONVEY TO THAT NON-PROFIT CORPORATION ALL THE REAL PROPERTY KNOWN AS THE EASTERLY 60 FEET OF LOTS 96 AND 127 OF MOUNTAIN PARK SUBDIVISION UNIT NO. 2 RECORDED AS PLAT NO. 1949 FOR USE BY CITIZENS FOR AFFORDABLE HOUSING, INC., FOR**

**CONSTRUCTION OF SINGLE FAMILY HOMES TO BE USED IN THE AFFORDABLE HOUSING PROGRAM (2-0001)** - Citizens for Affordable Homes Executive Director Cheryl Blomstrom explained the purpose of the group and proposal. She also introduced her members. Discussion ensued between her and the Board on the proposal, its loan program, funding, rules for occupation, and loan qualification requirements. Affordable Housing Resource Counsellor Ann Harrington explained the City's ability to control the use and number of individuals housed in the homes due to the second deed of trust and the housing quality standards. Mr. Homann outlined the reasons for suggesting the use of the detention basins for this purpose as a regional basin would be utilized. Comments stressed the City's control over the appearance of the homes. Supervisor Smith noted the neighborhood concern over the present neglected appearance of the basin. Discussion indicated the lots would be 6,000 square feet.

(2-0579) Mary Fisher questioned the price of the homes and amount of taxpayers' money used in the project. Mr. Berkich felt that the City would not be utilizing any tax funds but may, in fact, have a cost savings due to the elimination of maintenance. Ms. Harrington outlined the Federal funding. Income qualifications were explained and would include property taxes, maintenance, and utilities. Ms. Fisher also questioned what City fees would be waived. The houses in the neighborhood entry level price were in the "low \$90's". Mr. Berkich indicated there is no waiver of City fees. Ms. Harrington explained the "self help" concept used to fund the acquisition and expectations. This indicated the mortgages would be very similar to the balance of the neighborhood. There would not be a "built in wind fall". (2-0852) Mike Kendall felt that the CC&Rs for the homes would not be the same as his neighborhood. Mr. Berkich indicated the same CC&Rs would apply. Mayor Teixeira expressed his feeling that control over the home would be better under the program than if the home is purchased and rented. The program should stress "pride in ownership". Also, the CC&Rs would be maintained. (2-0975) Shanna Gorgeous questioned whether the owners would be law abiding citizens and not wreck the homes. Mayor Teixeira noted that the proposal contained only two lots. He also felt that neighbors do not steal from one another and that the two homes would not have a detrimental impact on the neighborhood and its crime rate. The home owners would have to pay taxes the same as the other property owners. (1042) Troy Moyers explained his concerns about the current drainage system and questioned how the regional program would improve the situation. Mayor Teixeira explained the storm drain requirements and the proposed plan. The developer's landscaping attempt was noted and concern was expressed about whether the affordable housing property owners could fund the landscaping. (2-1135) Yolanda Garcia-Tellez explained flooding in her area. She supported the program and indicated that if the funds are not utilized by Carson City they would be lost. (2-1161) Mike Cowan expressed concern about the drainage system's ability to handle the flows generated in the neighborhood. Mr. Homann responded by explaining the Code requirement and the improvements proposed. Mr. Cowan encouraged the Board to maintain the current system regardless of its ability to handle the flows due to his feeling that moving it would be detrimental to the area. (2-1325) Kim Bronkey questioned where the drainage would go if the other subdivision is not approved. Mayor Teixeira suggested this project not be constructed until the Northridge Subdivision is approved and the system is installed. Mr. Homann explained the impact on the area and that the basin would not be filled until the new system is constructed. Mayor Teixeira explained the proposal to an unidentified lady. She expressed health concerns related to the fact that the basin is not fenced and children play in it.

Supervisor Ayres expressed her regret at losing the open space area across from her home. She was, however, happy to have the area improved with new homes. She acknowledged the problem with people who do not maintain their property. Supervisor Smith explained his involvement with Nevada Housing Program when he first moved to Carson City and the similarity between that program and this one. Under his program, the home was refinanced or sold if the person moved. Ms. Blomstrom indicated this could be a condition in the second deed of trust but is not addressed in the program. Mayor Teixeira felt this should be a condition. Mr. Berkich agreed to add it to the second deed of trust conditions. Discussion ensued between Mr. Berkich and Mayor Teixeira on his desire to have the affordable homes be of equal quality to the homes in the subdivision. Mr. Lipparelli explained Page 2 at Line 22 of Version B which provides that the homes be of "substantially similar style, construction, and quality". Homes in the immediate neighborhood and the price ranges were discussed.

(2-1919) Kim Bronkey questioned the reasons not all of the neighborhood had received notices about the meeting.

Mr. Berkich explained the noticing. She expressed her feeling that it was a game "of a pea in the shell".

Mr. Lipparelli then requested the Board use Version C if approval is indicated. Mayor Teixeira recommended Page 2, Line 22 be tightened to read, "to construct two family homes on the subject property of no less quality, appearance, or style than existing homes in the neighborhood". Ms. Blomstad agreed to the language change. She indicated Dwight Millard would be the contractor and that the same facade was to be used. Mr. Lipparelli indicated the version which would be signed would contain the suggested language and be Version D if approved. Supervisor Smith then moved that the Board of Supervisors approve the agreement with Citizens for Affordable Housing, Inc., to convey to that non-profit corporation all the real property known as the easterly 60 feet of lots 96 and 127 of Mountain Park Subdivision Unit No. 2 recorded as Plat No. 1949 for use by Citizens for Affordable Housing, Inc., for construction of single family homes to be used in the affordable housing program, with the following change in the contract Version C on Page 2, Paragraph C, to read as follows: Design and construct two single-family homes on the Subject Property which homes are of no less quality, style, construction, and appearance as the existing homes in the neighborhood. Discussion indicated that the construction could not occur until the regional detention basin is constructed. Supervisor Ayres seconded the motion. (2-2210) Samatha Kendrell questioned whether Millard Realty was, in fact, the contractor. Mayor Teixeira responded that the contractor, whomever that may be, would construct homes similar to the ones there now as it is in the contract. The motion to approve the contract as indicated was voted and carried 5-0.

**B. ACTION ON A RESOLUTION REQUESTING THAT THE NEVADA LEGISLATURE AMEND CHAPTER 373 OF THE NEVADA REVISED STATUTES TO DESIGNATE THE BOARD OF SUPERVISORS AS THE REGIONAL TRANSPORTATION COMMISSION IN CARSON CITY AND OTHER MATTERS PROPERLY RELATED THERETO (2-2243)** - Noting that the item is also agendized for the Regional Transportation Commission, RTC Chairperson Smith convened the Commission and indicated that the entire Commission was present constituting a quorum. Discussion among the Board, Commission, Mr. Homann, and Mr. Lipparelli explored the reasons for the proposal, the enabling Statute, and the pros and cons of the proposal. Consensus indicated the Commission should be retained in an expanded form with additional citizens on it and one less Supervisor and suggested more evening meetings. (3-0255) Chamber of Commerce Executive Vice President Larry Osborne supported expanding the Commission but not transferring the responsibility to the Board. (3-0210) Donna Kuester also supported expanding the Commission. Board comments delineated the legislative procedures for bill drafts. Supervisor Smith moved that the Board of Supervisors take no action on a proposed resolution requesting that the Nevada State Legislature amend Chapter 373 of the NRS to designate the Board of Supervisors as the Regional transportation Commission in Carson City and other matters properly related thereto. Supervisor Bennett seconded the motion. Motion was voted and carried 3-2 with Supervisors Ayres and Tatro voting Naye.

Mayor Teixeira then passed the gavel to Mayor Pro-Tem Bennett and moved that the Board of Supervisors direct Mr. Smith as Chairperson to the RTC to contact a legislator to reserve a bill regarding the formal composition of the RTC Commission with a possible change to the makeup of the RTC in Carson City. Supervisor Smith seconded the motion. Motion was voted by roll call with the following results: Tatro - No; Smith - Yes; Ayres - No; Mayor Teixeira - Yes; and Mayor Pro-Tem Bennett - Yes. Motion carried 3-2.

**BREAK:** An eight minute recess was declared at 7:45 p.m. When the meeting reconvened at 7:53 p.m., the entire Board of Supervisors and Regional Transportation Commission were present, constituting a quorum of both.

Commissioner Wolf then moved to adjourn the Regional Transportation Commission and Commissioner Bennett seconded the motion. Motion carried and Chairperson Smith adjourned the Regional Transportation Commission.

**15. PUBLIC WORKS DEPARTMENT** - Acting Public Works Director Homann and RTC Engineer Brotzman - **DISCUSSION AND ACTION ON RECOMMENDATIONS TO THE REGIONAL TRANSPORTATION COMMISSION FOR REVISIONS TO THE PROJECT PRIORITY LIST FOR FISCAL YEAR 94/95 AS FOLLOWS: GRAVES LANE FROM AIRPORT ROAD TO HIGHWAY 50**

**EAST; MISCELLANEOUS TRAFFIC SAFETY IMPROVEMENTS; ORMSBY BOULEVARD FROM ASH CANYON DRIVE TO WINNIE LANE; AIRPORT ROAD FROM DESATOYA DRIVE TO BUTTI WAY; ARROWHEAD DRIVE FROM GONI ROAD TO LIFT ENGINEERING; TRAFFIC SIGNAL INTERTIE IMPROVEMENTS; FAIRVIEW/SALIMAN INTERSECTION TRAFFIC SIGNAL; FIFTH/EDMONDS INTERSECTION TRAFFIC SIGNAL; COLLEGE PARKWAY/GONI INTERSECTION TRAFFIC SIGNAL; COLLEGE PARKWAY/HOT SPRINGS INTERSECTION TRAFFIC SIGNAL; U.S. HIGHWAY 395/SONOMA INTERSECTION TRAFFIC SIGNAL; ROOP STREET FROM FAIRVIEW DRIVE TO LITTLE LANE; GONI ROAD FROM HOT SPRINGS TO ARROWHEAD; SALIMAN ROAD FROM KOONTZ LANE TO VALLEY VIEW DRIVE; AND TWO ADDITIONAL TRAFFIC SIGNALS (3-0591) -** Mr. Homann's opening comments included noticing and reasons for adding Saliman from Koontz to Valley View to the list. Supervisor Smith explained his opposition to having Graves Lane from Airport Road to Highway 50 East included on the list as the Bypass may eliminate this need. He suggested that these funds be transferred to Fairview Drive. The pro and cons of his suggestion were debated. This discussion included staff's projected traffic volumes for Graves Lane.

(3-1055) Donna Kuester urged the Board to extend Graves Lane west of Highway 395. She also urged the Board to retain Graves Lane from Airport Road to Highway 50 East. She requested the Board place improvements to Ormsby Boulevard from Ash Canyon to Winnie Lane on the list. (3-1092) Al Kramer supported Supervisor Smith's recommendation that the Graves Lane funds be transferred to the Bypass which he felt was essential. He also discouraged installation of another light on South Highway 395 at Sonoma.

Mr. Brotzman reviewed the projected traffic volumes including the projected volume for the Bypass. Comments stressed the need for the Expressway and noted that the traffic volume would continue to growth as growth in the community and surrounding areas occurs which will create additional truck traffic. Mr. Homann explained NDOT's comments which would indicate NDOT could address the Fairview Drive issues. Clarification indicated his comments had been with Paul Lumos who is doing the design work for the Expressway.

(3-1422) Fran MacClain voiced her feeling that Hillview Drive should be opened from Koontz to Valley View. She also urged the Board to install a traffic "bump" on Koontz to slow the traffic. She questioned the reasons for repaving Roop from Fairview to Little Lane. Supervisor Smith explained RTC's 5:30 p.m. meeting earlier today on the priority list. He explained that public comments at that time were in direct opposition to hers. Ms. MacClain felt that she had received the traffic as a result of growth in the area which should be shared with other areas. Additional comments were solicited but none made. Mayor Teixeira supported Ms. MacClain's request.

Additional discussion ensued on the need for the Graves Lane improvements to Highway 395, potential construction dates for it and the Bypass, and properties which have not been acquired for the Bypass. Mayor Teixeira recommended retaining Graves Lane if it appears that the Bypass construction will not commence in 1995. If it appears that construction will occur 1995, then the funds should be transferred to Fairview. Supervisor Tatro pointed out that the Board does not control the list, only RTC does. He suggested the Board accept the list as presented. Acquisition of the remaining parcels and the status of the NIIC agreement as well as the NDOT agreement would be addressed before contracts are let on Graves Lane. If these issues are addressed before the Graves Lane contract, then the list should be reconsidered. He also felt that the funding for Graves Lane was also warranted. Staff supported having both projects completed. **Supervisor Tatro then moved that the Board accept the Regional Transportation Commission project priority list as presented. Supervisor Ayres seconded the motion.** Discussion indicated staff's understanding that the funds would not be allocated for Graves Lane until the Expressway is addressed. Supervisor Bennett explained RTC's commitment to reconsider the Koontz/Valley View situation. This may be in the 95/96 fiscal year. Mr. Homann explained the reasons for needing direction on the priorities as provided this evening. Staff will retain a consultant and the projects begun. The projects all take time to complete. Design for Graves Lane could be completed in six months. If the Expressway does not appear to feasible within the designated timeframes, then staff would proceed with Graves Lane, otherwise, it could be held. Supervisor Smith reiterated the decision on Koontz/Valley View and indicated RTC will commence having evening meetings on this proposal. **The motion to accept the list as presented was**

voted and carried 4-1 with Mayor Teixeira voting Naye due to his feeling that in 1989 or 1990 he fought for the Saliman Road extension which was based on his feeling that it should have gone through to Valley View at that time.

**BREAK:** A five minute recess was declared at 8:35 p.m. When the meeting reconvened at 8:40 p.m., the entire Board was present constituting a quorum.

**16. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - PLANNING COMMISSION REVIEW AND APPEAL MATTERS - ACTION ON P-93/94-5 - DEVELOPMENT OF A RESIDENTIAL PLANNED UNIT DEVELOPMENT REQUEST FROM GRANT J. WEISE, JR. (PROPERTY OWNER: GRANT J. WEISE, SR., TRUSTEE) TO DEVELOP A 70 LOT PLANNED UNIT DEVELOPMENT KNOWN AS OSAGE HILLS PLANNED UNIT DEVELOPMENT AND ASSOCIATED VARIANCES IN THE SLOPE REQUIREMENTS OF OPEN SPACE AREAS ON APPROXIMATELY 52 ACRES OF LAND PRESENTLY ZONED CONSERVATION RESERVE (CR) WITH SPECIAL USE PERMIT APPROVAL FOR SINGLE FAMILY ONE ACRE (SF1A) ZONING DEVELOPMENT, LOCATED WEST AND SOUTH OF COMBS CANYON ROAD AND NORTH TIMBERLINE DRIVE, APN 7-091-53 (PLANNING COMMISSION DENIED 2-3-2-0) (3-2105) - (3-2192)** Attorney Mark Amodei, Utilities Director Dorothy Timian-Palmer, Senior Planner Juan Guzman, Grant Weise, (4-1475) Don Scott, (4-1538) Donald Sullivan, (4-1705) Gary Weikel, (4-2187) Planning Commissioner Alan Christianson, (4-2248) Glen Chaney, Deputy District Attorney Lipparelli - Mr. Amodei reviewed the 1979 approval, the project, and introduced the other project consultants. Mr. Sullivan then explained the Planning Commission's recommendation. A second motion was not made by the Planning Commission at its hearing. Mr. Amodei and Mr. Sullivan explained the 1979 approval which covered more than the portion under consideration this evening. Mr. Amodei also explained that since the Planning Commission meeting a decision had been made to allow the project to come under the Growth Management controls. Mayor Teixeira expressed his concern that this was new evidence which the Planning Commission should consider as is the Board's policy. Both Mr. Amodei and Ms. Timian-Palmer indicated the Commission had felt the Board should handle the Growth Management issue. Mr. Guzman reviewed the 1979 Special Use Permit, reasons it is valid today, and the conditions for approval stipulated in 1979. Discussion among the Board, Mr. Amodei, and staff included the intersection three percent grade requirement for Combs Canyon, impact on the aesthetics this grade and the flood zone would create, related landscaping requirements, reasons for locating the intersections at the proposed sites, (4-0145) reasons lot slopes of more than 15 percent were not subject to the Hillside Ordinance, and Condition No. 7 requiring grading and preparation of these lots for development. (4-0308) Mr. Weise also noted that the CC&Rs would address this concern. Reasons for the proposed lot sizes were also provided by Mr. Weise. Discussion among the Board, Mr. Weise, staff, and Mr. Amodei followed on the area, aesthetics, the development envelope, the lot sizes, the 1979 requirements including water rights, the degrees indicated when a 25 percent slope is discussed, wildlife issues including the springs and a passive corridor, access to the Forest Service lands, the proposed open space, (4-1029) the 1979 water agreement and problems which had arisen since that time, City plans to provide water and fire flows to the subdivision, and (4-1405) the agreement to accept Growth Management controls and provide/extend the City's sewer service.

(4-1475) Opposition to the project was based on aesthetics, compatibility with adjacent subdivisions, the City's ability to provide adequate water service to the current subdivisions, adequate emergency access/egress, impact on the springs and wildlife, loss of open space, original concept for one acre lots, loss of amenities reflected in the original CC&Rs, the original water service and amount of development which could be supported by that flow, and the need to restrict development on the bluffs. Ms. Timian-Palmer expressed a desire to check into Mr. Sullivan's water problem. Both Supervisors Bennett and Smith felt that RTC needed to address emergency access/egress problems with older subdivisions. Mr. Weikel gave the Board a packet of information. (A copy was not given to the Clerk.) (4-2205) Planning Commissioner Christianson expressed his feeling that the Commission may have approved the project if the Growth Management issue had been addressed. He supported the project. Mr. Chaney supported the project due to the check and balances imposed on the project. Additional comments were solicited but none made.

(4-2286) Mr. Guzman summarized for the record Julia Sulaharia's letter of opposition. (A copy was given to the Board and Clerk.) Discussion ensued among the Board and Ms. Timian-Palmer on the original water agreement and the Lakeview water service. Ms. Timian-Palmer stressed her reasons for requiring any additional developments in this area to be under the Growth Management Ordinance.

(4-2485) Mr. Weikel elaborated on his previous comments about the Lakeview water service. He cautioned the Board about taking anyone's word for water production and suggested proof be provided in the future. Supervisor Bennett expressed her concern about previous Board's binding decisions on her decision today. Mr. Weikel continued to stress his feeling that the lots should be larger.

(4-2683) Mr. Amodei emphasized that Mr. Weise had accepted the Growth Management requirements and would make whatever improvements are required to the water system. The 1979 agreement had been mitigated. The other parcels could be addressed when they are brought in for consideration. The 70 units had been approved and ratified several times since for the site.

(4-2830) Supervisor Smith then explained his concerns with the project--the second emergency access, road slopes and need for snow removal, maximization of the land use, lack of developable open space, hillside slopes, the transfer of a flat subdivision to a hillside area, road alignment Code requirements, aesthetics, and lack of harmony with existing subdivisions. Supervisor Ayres also objected to having received a 23 page report just before the meeting and then getting a 15 page report during the meeting. She emphasized her desire to have had these reports at least a week prior to the meeting or as a minimum three days. Mr. Lipparelli explained the legal parameters to special use permits. He also cautioned that if the Board determines the 1979 water agreement was a bad deal and remove it, to be willing to accept a lawsuit as this would impact the property owner's rights. Discretion in the issuance of special use permits was outlined, however, this is not the case with this permit. Research indicates the Board has to accept the agreement specifically as the developer has agreed to accept the terms of Growth Management. Supervisor Smith expressed his feeling that the developer was insistent upon having 70 units on the property regardless of the impact and unwilling to compromise, which is an attitude to which he objected. Supervisor Smith then moved that the Board of Supervisors uphold the Regional Planning Commission's recommendation and deny a request from Grant J. Weise, Jr., property owner: Grant J. Weise, Sr., Trustee, to develop a 70-lot Planned Unit Development known as Osage Hills Planned Unit Development and associated variances in the slope requirements of open space areas on approximately 52 acres of land presently zoned Conservation Reserve with a Special Use Permit approval for single family one acre zoning development located west and south of Combs Canyon Road and north Timberline Drive, Assessor's Parcel No. 7-091-53, based on the findings as contained in the Planning Commission report. Motion died for a lack of a second.

(5-0025) Mr. Lipparelli then reiterated his comments concerning the Board's discretion regarding the PUD and its merit and value. The criteria related thereto could still be applied to the project, however, the special use permit issues had been resolved. He also pointed out that 70 units could be placed on the parcel. Supervisor Bennett outlined her concerns related to the request. She acknowledged the Applicant's attempts to comply with the Codes and Ordinances. Mr. Homann indicated there are landscaping requirements mandated for the road improvements. Supervisor Bennett expressed a desire to have 35 homes rather than the requested 70. She felt that there may be no recourse other than to "see ya' in court". Staff had done its best to get a "silk purse from a sow's ear". Supervisor Bennett then moved that the Board of Supervisors approve the--, she then requested a short recess to discuss her motion with staff.

**BREAK:** A five minute recess was declared at 10:35 p.m. When the meeting reconvened at 10:40 p.m., the entire Board was present constituting a quorum.

Supervisor Bennett moved that the Board of Supervisors approve the staff recommendation for P-93//94-5, a Tentative Planned Unit Subdivision Map from Grant Weise for development of 70 units on APN 7-0910-53 based upon seven findings and 22 conditions of--, plus other stipulations that were made here this evening and with the understanding that any acknowledgements to the Planning Commission and the Board of Supervisors shall be considered as conditions of approval on this application. Supervisor Ayres seconded the motion. Comments were

solicited but none made. The motion to approve P-93/94-5 as indicated was voted by roll call with the following results: Smith - No; Tatro - No; Ayres - Yes; Bennett - Yes; and Mayor Teixeira - Right on the butt line, 2-2, the reasons I did not support the initial motion is to keep everybody in the suspense, I haven't said--, I've said very little on this this evening; the reason I didn't, there was no second on Mr. Smith's motion; but I've been close to the problem since being Mayor in the Lakeview area, and I'm not going to second guess the previous Mayors and previous Boards and say they did right or wrong, but what I will tell you since I've been Mayor, we have taken and eaten a lot of the sins of the past that have cost the taxpayers of this community and I don't say that they were--, in defense of prior people who served the public and are elected officials of this community, I think possibly some of the decisions that were made were probably made with the best information they had at the time; I have been real fortunate in this community, I think, possibly some of the decisions were probably made with the best information that you had at the time; I have been real fortunate since being Mayor to have had the talent of Dorothy Timian-Palmer, Walt, and all the people, this community has--, we are no longer that little 15,000 sleepy community; we are a community of 45,000, a class place, a real---, I am real proud to be Mayor of this community; and I think, personally, my own feeling, knowing the tons of dollars, I mean, a lot of money we have put in that Lakeview water system, that people today will come up bad mouthing us about the deal, well, tell me what, I will tell you the people in Lakeview how much money it has cost to make your water good, a lot; as development goes along and says "Hey, you know, we will fix whatever that lady wants, it's pretty creditable, damn creditable,"; and its a tough decision for me; but the Weise family, I am not going to say who is right, or who is wrong, that is not in my purview, but I do believe that in fact the developer, Mr. Weise, is a quality individual and I don't know him personally, have never meet him before tonight, maybe we have met before and I don't remember; I think we can do a better job; this project will be back before this Board, we can do a better job and I think that the density factor can be brought down; and I think we can do a better job; I just cannot see 70 units in there, I--, it just doesn't fit; doesn't work with the general area; it is just not a good deal; and they may sue us, I don't know, but there is enough of something behind, and it should; and, Mr. Amodei, you are taking notes; there is going to be a whole bunch behind this; is there a possibility, expletive deleted, to take a look at the '79, to take a look at the water rights, and take a look at, expletive deleted, what has been done to mitigate and do a good job, to look at whatever the Weise family have up there, let's take a time out; let's talk, let's negotiate, let's work with neighbors and see if we can't come back with a better plan; so in that regard I vote - No. Motion failed 2-3.

Mr. Lipparelli then explained that findings must be made for PUD's. A seven minute recess was declared.

BREAK: At 10:48 p.m. a seven minute recess was declared. When the meeting reconvened at 10:55 p.m. the entire Board was present constituting a quorum.

Supervisor Smith moved that the Board of Supervisors deny the request from Grant J. Weise, Jr., property owner: Grant J. Weise, Sr., Trustee, to develop a 70 lot Planned Unit Development known as Osage Hills Planned Unit Development and associated Variances in the slope requirements of Open Space areas on approximately 52 acres of land presently zoned Conservation Reserve with Special Use Permit approval for Single Family One Acre zoning development located west and south of Combs Canyon Road and north of Timberline Drive, Assessor's Parcel Number 7-091-53, based on the following findings: 1. Does not meet or exceed the PUD standards of Open Space in view of the slope; 2. Does not provide developed open space within the PUD; 3. Does not harmonize with the surrounding land uses; 4. Does not provide merit and value for the community as a whole; and, 5. The roadways which maximize lot yield present unsafe conditions due to the slope. Supervisor Tatro seconded the motion. Discussion between Supervisors Ayres and Smith noted that the Planning Commission had not provided findings for its denial. Some of the findings were based on documents staff had provided and others were Supervisor Smith's. The motion to deny the request based on the findings indicated was voted by roll call with the following results: Bennett - No; Ayres - No; Tatro - Yes; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 3-2.

There being no other matters for consideration, Supervisor Tatro moved to adjourn and Mayor Teixeira seconded the motion. Motion carried and Mayor Teixeira adjourned the meeting at 11 p.m.

The Minutes of the August 18, 1994, Carson City Board of Supervisors meeting

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ARE SO APPROVED ON \_\_\_\_\_, 1994.

\_\_\_\_\_  
Marv Teixeira, Mayor

ATTEST:

\_\_\_\_\_  
Kiyoshi Nishikawa, Clerk-Recorder