

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, March 17, 1994, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

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

STAFF PRESENT: John Berkich City Manager
Kiyoshi Nishikawa Clerk-Recorder
Ted P. Thornton Treasurer
Mary Walker Finance & Redevelopment Director
Jack Fralinger Health Director
Bill Lewis Chief Juvenile Probation Officer
Judie Fisher Personnel Manager
Dorothy Timian-Palmer Utilities Director
Paul Lipparelli Deputy District Attorney
Katherine McLaughlin Recording Secretary
Ruth Vaughan Public Health Technician
(B.O.S. 3/17/94 Tape 1-0001)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

Mayor Teixeira called the meeting to order at 9 a.m. Pastor Louie Locke of the Fountainhead Four Square Church gave the Invocation. Supervisor Bennett lead the Pledge of Allegiance. Roll call was taken. A quorum was present although Supervisor Tatro had not yet arrived.

1. APPROVAL OF MINUTES - January 20, 1994 (1-0351) - Supervisor Tatro moved to approve the January 20, 1994, Minutes. Supervisor Ayres seconded the motion. Motion carried 4-0.

2. SPECIAL PRESENTATIONS

B. ACTION ON RESOLUTION MEMORIALIZING SENIOR PROBATION OFFICER RON L. WOOD (1-0055) - Personnel Manager Judie Fisher and Chief Probation Officer Bill Lewis explained the request and briefly elaborated on Mr. Woods' dedication and efforts during his tenure. Supervisor Ayres moved to adopt Resolution No. 1994-R-26, MEMORIALIZING SENIOR PROBATION OFFICER RONALD W. WOOD and read the entire Resolution into the record. Supervisor Bennett seconded the motion. Motion carried 4-0.

A. PRESENTATION OF SUPERIOR SANITATION AWARDS (1-0048) - Public Health Director Jack Fralinger explained the purpose of the awards. Mayor Teixeira presented each recipient with the plaque and commended him/her on his/her efforts. (Supervisor Tatro arrived during the presentation--9:15 a.m. A quorum was present as previously noted.)

3. LIQUOR AND ENTERTAINMENT BOARD - TREASURER - Ted P. Thornton - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. A quorum was present including Sheriff McGrath.

A. ACTION ON APPROVAL OF A LIQUOR LICENSE FOR PAUL LEO KING, PRESIDENT OF PK, INC., DOING BUSINESS AS PK'S JUNK BAR AND RESTAURANT LOCATED AT 202 FAIRVIEW DRIVE (1-0364) - Mr. King explained his gaming experience and awareness of identification requirements. He will be on premise. The Sheriff's Investigative Report was favorable. Mr. King explained the name. Member Smith moved that the Liquor License for Paul King, President of PK Inc., DBA PK's Rusty Junk Bar and Restaurant located at 202 Fairview Drive, Carson City, Nevada, be approved contingent upon the Health Department approval. Member Bennett seconded the motion. Motion carried 6-0.

B. ACTION ON APPROVAL OF A LIQUOR LICENSE FOR RICHARD K. LANGSON, DOING BUSINESS AS THE PIT STOP LOCATED AT 1500 HOT SPRINGS ROAD (1-0430) - Mr. Langson introduced Bar Manager Barbara Thomas and delineated the renovation activities and business changes. The Sheriff's Investigative Report was favorable. Ms. Thomas' experience with gaming and liquor was noted. Member Tatro moved that the Board approve the Liquor License for Richard Langson, doing business as The Pit Stop located at 1500 Hot Springs Road, fiscal impact is 1896.50. Member Ayres seconded the motion. Motion carried 6-0.

Chairperson Teixeira then adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors. A quorum of the Board was present as previously noted.

CITIZEN COMMENTS (1-0525) - Peggy Stanley explained her attempts to advertise the SPICE petition on Channel 10. She felt that it was a Public Access Channel and as such her advertisement as well as any other items of public concern should be allowed. She then announced that she would be in front of Albertson and anyone wishing to sign the petition should come.

4. CONSENT AGENDA (1-0695)

A. TREASURER

i. ACTION ON APPROVAL OF TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 1994

ii. ACTION ON RE-INSTATEMENT OF REVOKED BUSINESS LICENSES

B. CLERK-RECORDER - ACTION ON A RESOLUTION AUTHORIZING THE DESTRUCTION OF MISCELLANEOUS SITE FILES 1986-1993

C. COMMUNITY DEVELOPMENT DIRECTOR - ACTION ON M-93/94-17 - AN ABANDONMENT

APPLICATION FROM STEPHEN AND WEI-HSUI LEE TO ABANDON A TEN FOOT BY 300 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT ON PROPERTY LOCATED ON U.S. HIGHWAY 50 EAST APPROXIMATELY 380 FEET WEST OF INTERSECTION OF U.S. HIGHWAY 50 EAST AND HUMBOLDT LANE, ACROSS APN 2-368-15 (PLANNING COMMISSION APPROVED 6-0-1-0)

D. PURCHASING AGENT

i. ACTION ON CONTRACT NO. 9293-21 - MILLS PARK PAVILION - FINAL PAYMENT

ii. ACTION ON CONTRACT NO. 9394-162 - CHILDREN'S MUSEUM RESTORATION - PHASE II

iii. ACTION ON CONTRACT NO. 9293-194 - CARSON CITY HEADQUARTERS FIRE STATION - TESTING SERVICES AMENDMENT

iv. ACTION ON CONTRACT NO. 9394-184 - LEASE AGREEMENT WITH COMGRAPHIX FOR CLERK-RECORDER RECORDS MANAGEMENT'S "CAR" SYSTEM (1-0696) - No one requested any of the items be pulled. Supervisor Tatro moved to approve the Consent Agenda as presented including Resolution No. 1994-R-27, a RESOLUTION AUTHORIZING THE DESTRUCTION OF MISCELLANEOUS SITE FILES - 1986-1993. Supervisor Bennett seconded the motion. Motion carried 5-0.

5. REDEVELOPMENT AUTHORITY (1-0725) - Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.

A. TREASURER - ACTION ON A NOTE DETAIL RESOLUTION AUTHORIZING THE ISSUANCE OF A REDEVELOPMENT AUTHORITY NOTE IN PRINCIPAL AMOUNT OF \$602,500; SPECIFYING THE INTEREST RATE ON AND OTHER ITEMS, CONDITIONS OF THE NOTE, THE METHOD OF PAYING IT AND ITS FORM; AND PROVIDING AN EFFECTIVE DATE (1-1525) - Pulled.

B. REDEVELOPMENT DIRECTOR - Mary Walker - REVIEW AND ACTION ON KIT CARSON TRAIL "TALKING HOUSES" PROGRAM (1-1548) - Supervisor Tatro moved the Board approve the implementation of the Kit Carson Trail "Talking Houses" Program, fiscal impact is \$7,200 for 16 sites, funding source is the Redevelopment Kit Carson Trail Improvements Account. Supervisor Ayres seconded the motion. Motion carried 5-0.

6. FINANCE DIRECTOR - Mary Walker - REVIEW AND ACTION ON THE CONTINUOUS QUALITY IMPROVEMENT BUDGET PROCESS WHICH ALLOWS DEPARTMENTS TO KEEP PORTIONS OF BUDGETARY SAVINGS AT YEAR END (1-1565) - Ms. Walker responded to the Board questions concerning the proposal, its pros and cons, procedures and controls. Mr. Berkich elaborated on his support for the proposal and how it fits in with the TQM program. The program would not allow the funds to be used for additional personnel nor grant 100 percent of the savings to any Department. Library Director Sally Herman, Purchasing and Contracts Director Basil "Butch" Moreto, and Golf Course Superintendent Bob Townsend supported the program. Mayor Teixeira noted that the Golf Course is an enterprise account. Supervisor Tatro moved that the Board approve Policy No. 1994-P-2, A POLICY ESTABLISHING THE CQI BUDGET PROCESS ALLOWING

DEPARTMENTS TO KEEP PORTIONS OF BUDGETARY SAVINGS AT YEAR END, fiscal impact is 30 percent of Budgetary Savings. Supervisor Ayres seconded the motion. Motion carried 5-0.

7. DISTRICT ATTORNEY - Noel Waters - ACTION ON REQUEST FOR ADDITIONAL PERSONNEL FOR THE CHILD SUPPORT DIVISION OF THE DISTRICT ATTORNEY'S OFFICE (1-2295) - Mr. Waters introduced Nevada Department of Human Resources, Welfare Division, Chief of Child Support Enforcement Program Kay Zunino, who had performed the Department audit, and Carson City Child Support Enforcement Coordinator Catherine Nagel. Mr. Waters then explained his reasons for including the cost for the remainder of this year as well as for next year in his request. Mayor Teixeira expounded on his feeling that the request should be a part of the normal budget considerations. Mr. Waters did not feel that he should wait that long for the positions although he respected Mayor Teixeira's position. Negative comments from the State were noted by Supervisor Smith to support proceeding with the request at this time. Supervisor Smith then moved that the Board approve the request for additional personnel for the Child Support Division of the District Attorney's office: one Caseworker I and one Secretary I, fiscal impact for the fiscal year 93-94 budget would be \$14,696 in Salaries and Benefits and one time costs of \$2,450, and that those costs are 66 percent federally reimbursed. Supervisor Tatro seconded the motion. Comments were solicited but none made. The motion was voted and carried 4-1 with Mayor Teixeira voting Naye.

8. SHERIFF AND FIRE CHIEF - Undersheriff Vic Freeman and Fire Chief Louis Buckley - PRESENTATION ON EMERGENCY MEDICAL DISPATCHING (EMD) (1-2965) - Considerable discussion ensued among the Board, Undersheriff Freeman, Senior Dispatch Operator Denise Espinoza, and Chief Buckley on the need for and costs of additional personnel and training of the Dispatchers to handle emergency medical calls including legal ramifications if not implemented, current response procedures, and benefits of the proposal. A tape illustrating such a case was played. Mr. Berkich explained that the proposal was agendized only for sensitizing the Board on the issues and to provide adequate time to consider the issues. The budget process will include the final decision. Mayor Teixeira supported this approach. Chief Buckley indicated a similar request had been in the budget for several years although it had not had a high priority rating. Undersheriff Freeman indicated it would be a priority in the Sheriff's budget. No action was taken or required on this item.

BREAK: A ten minute recess was declared at 10:30 a.m. When the meeting reconvened at 10:40 a.m. the entire Board was present constituting a quorum.

9. GOLF COURSE - Golf Course Superintendent Bob Townsend - ACTION ON APPROVAL IN CONCEPT OF ENHANCEMENTS TO EAGLE VALLEY GOLF COURSE - WEST (2-0088) - Mr. Townsend responded to questions concerning how the enhancements would improve the West Course and explained Gary Bushman's absence. Supervisor Smith supported the proposal. Supervisor Tatro moved that the Board approve the concept of the changes to the West Course as presented. Supervisor Bennett

seconded the motion. Supervisor Tatro continued his motion to include fiscal impact is less than \$10,000, which is included in the budget, funding source is 540-5200-451-0438 Golf Course Repair and Maintenance. Supervisor Bennett continued her second. Motion carried 5-0.

13. UTILITIES DIRECTOR - Dorothy Timian-Palmer - ACTION ON THE ADOPTION OF A RESOLUTION ALLOWING THE CARSON CITY WATER UTILITY TO FUND THE UPPER CENTENNIAL PARK EFFLUENT MAINLINE PROJECT (2-0027) - Supervisor Smith moved that the Board adopt Resolution No. 1994-R-28, A RESOLUTION ALLOWING THE CARSON CITY WATER UTILITY TO FUND THE UPPER CENTENNIAL PARK EFFLUENT MAINLINE PROJECT. Supervisors Tatro and Bennett seconded the motion. Motion carried 5-0.

10. PURCHASING DIRECTOR - Basil "Butch" Moreto

B. ACTION ON CONTRACT NO. 9394-163 - UPPER CENTENNIAL PARK EFFLUENT MAINLINE PROJECT (2-0315) - Supervisor Bennett moved that the Board accept the Purchasing Department's recommendation and award Contract No. 9394-163 to Bidder No. 3, Mike's Trenching Inc., 3725 Lyon Lane, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$29,458 and a contingency amount of \$5,000, budget allocation of \$36,000, funding source is Fiscal Year 93-94 Water Capitalization Budget. Supervisor Tatro seconded the motion. Motion carried 5-0.

A. ACTION ON CONTRACT NO. 9394-60 - SOUTH EDMONDS RECONSTRUCTION - AWARD (1-0392) - Following Mr. Moreto's introduction, Deputy Public Works Director Tim Homann and Senior Water Engineer Mark Brethauer briefly outlined problems encountered with Mr. Bertagnolli's firm. (2-0888) Bertagnolli and Associates' Chief Administrative Officer and Contract Administrator Steve Kreck iterated at length his reasons for feeling that staff's recommendation should be disallowed and his firm given the bid specifically in view of the business and employment opportunities his firm provides to the City. His remarks included reasons for feeling that staff was failing to communicate and questioned whether the errors were in fact his firm's responsibility. During his remarks he give the Board and Clerk a copy of a report delineating many projects performed for the City over the past several years. He also explained that an Operations Manager had been hired who would coordinate all operations and eliminate scheduling conflicts. A lengthy discussion ensued among the Board, Mr. Kreck, and staff on the allegations and the fact that the firm should not have been given the specs to bid the job if the bid was not going to be accepted. Even though Mr. Bertagnolli had agreed to relocate the Fire Station hydrant, Mr. Kreck continued to reiterate his position that it was installed correctly. Mr. Kreck felt that he had not had adequate time to respond to the staff comments. During the discussion Supervisor Bennett encouraged Mr. Kreck to establish a policy of maintaining a journal delineating business contacts which would help substantiate his position. Mr. Lipparelli explained the reasons staff does not screen the invitations to bid. Mr. Homann and Utility Director Timian-Palmer indicated staff had not

received any written responses to staff's attempts to resolve issues. Mr. Kreck indicated he had not had adequate notice to research his records for those letters. (2-1768) Procedures staff had implemented to verify that Mr. Bertagnolli was receiving the written communication were outlined. Response was still not made by the firm. Discussion included other procedures staff had taken as a last resort to attempt to get the projects/requirements accomplished, Bertagnolli's management changes implemented to address these situations, (2-1975) reasons for staff's demanding a quality product, and the penalty included in the contract as well as Mr. Kreck's suggested amendment. (2-2120) Mr. Kreck recommended and supported a change order to the contract, if awarded to his firm, which would mandate triple liquidated damages. This would be an additional incentive to complete the project. A method of scheduling had been given to the Board which was not included in the Clerk's packet. Mr. Lipparelli explained the Board's prerogatives in considering the issues related to the bid rejection. Supervisor Bennett expressed her feeling that the Board should consider a policy which would preclude bidders from a project rather than the current program of allowing individuals to bid and rejecting their bids. Mr. Homann then explained Bertagnolli's bid and funding sources. (2-2490) Tim Bertagnolli acknowledged the problems, iterated the changes made in an attempt to address those concerns, and stressed the need for better communication from City staff. He agreed that he had offered to relocate the fire hydrant and elaborated on his reasons for agreeing to relocate it. Mr. Brethauer indicated the relocation would be performed at Mr. Bertagnolli's expense. An extended discussion ensued on the waste material leftover at the fire station, who owned it, and responsibility for its removal. Supervisor Smith voiced his discomfort with the process. **Supervisor Smith moved that the Board award Contract No. 9394-60 to the low bidder, Bidder No. 2, T. E. Bertagnolli and Associates, P. O. Box 257, Carson City, Nevada 89702, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of \$340,476.85 for the RTC portion, \$102,297.90 for the Utility Improvements portion, for a total contract amount of \$432,774.75, plus a ten percent contingency in the amount of \$43,277.48; funding source would be for the RTC portion is the Road Construction Account as provided for in fiscal year 9394 budget and for the Sewer Utility portion that same account as provided in fiscal year 9394 budget. Supervisor Bennett seconded the motion.** Supervisor Smith then explained his motion and urged Mr. Bertagnolli to commence a new relationship with staff and the City. He was willing to give the firm another chance. Mr. Bertagnolli felt that the meeting had re-enforced his management changes. Supervisor Tatro explained his support for staff's recommendation and explained his feeling that without that recommendation concessions would not have been obtained. The status quo would have been maintained with its many unnecessary problems. He was also concerned about the unresolved issues. Carson City was no longer a "low bid town" but was a town interested in the best deal for the City at the lowest price. Supervisor Bennett requested staff provide a report at the end of the project. Supervisor Ayres expressed her opposition to Mr. Bertagnolli and his staff's comments which had indicated the City staff was giving false information. Mr. Bertagnolli felt that she had misunderstood the comments.

Supervisor Ayres felt that there had many repetitious conversations on the same topics for a long period. She felt the most responsible bidder was more important than the lowest bidder. The motion to award the bid to T. E. Bertagnolli and Associates as indicated was voted by roll call with the following results: Tatro - No; Ayres - No; Bennett - Yes; Smith - Yes; and Mayor Teixeira - I'm setting on the bubble, aren't I, I haven't said a hell'va lot, a couple of things have disturbed me, and, one at the point that I realize the legal aspect of that you say you have to invite to bid, and I will tell you that when you terminate a contract as we did on the overlay, I think that something should have been brought forward at that time to put something in a resolution, I agree with Mr. Smith on that, I have a little problem with the fact that if things were so bad and the substantiation of NDOT was a 1991 letter is now being placed in evidence before this Board, when in fact a contract that was let for the overlay was for \$541,000 and there was never any discussion at that time, I look at projects here of \$814,000 and \$490,000, you have been in this community a long time, I've got a real problem, we lost, probably, one of the consistent low bidders in Eagle Valley, right out of here in Carson City, I look at a project that Granite did, Granite cost this community lots of dollars, 30 - 40 days late, I don't know, I have a real problem when we take another major source out of the bidding process when in fact they bid low and have by all intents and everybody admits have one of the finest products to be put down on the ground, and I don't know where in the hell that plays in the overall role, you know, scheme of things, but I'm telling you right now, Tim, you know I have intervened, based on that performance bond, to get, you know, you started, and I said get it here, and you know doggone well I have intervened and I'm not going to say that I haven't in order to assist staff to make things run a little smoother, and if you are correct, Mr. Kreck, I'll guarantee you I'll hold your feet to the fire on triple liquidated damages till hell freezes over, since we have never charged, I'll guarantee you, Mr. Bertagnolli, you will be held responsible on this job, this is a big job, you screw this one up, it's the end of the hunt as far as I'm concerned... Mr. Bertagnolli then interrupted and asked, "If we do well is it a good sign that we are responsible bidders." Mayor Teixeira responded by stating that he would have to do well because it will never go down. Mr. Bertagnolli responded that, "Mayor, this is what we are working for." Mayor Teixeira continued his comment with "with that, that's the end, and I vote - Yes." Motion carried 3-2.

BREAK: A five minute recess was declared at 12:05 p.m. When the meeting reconvened at 12:10 p.m., the entire Board was present constituting a quorum.

11. CITY HOUSING DIRECTOR - Basil "Butch" Moreto

A. ACTION ON PROGRESS REPORT ON CITY AFFORDABLE HOUSING PROGRAM AND RECOMMENDATION FOR TEMPORARY INCREASE IN DEFERRED PAYMENT LOAN TO APPLICANTS (3-0065) - Discussion among the Board, Mr. Moreto, and Mr. Berkich outlined the Federal funding, the Federal time restraints, and stressed that the funding was not restricted to only Hispanic persons, had utilized current

staff, and that the Federal funds included a ten percent administrative fee for City costs. Supervisor Smith moved that the Board approve the City Housing Director's report on the status/progress of the City Affordable Housing Program and approve the recommendation for a temporary increase in financial assistance for First Time Homebuyer applicants from nine percent to twenty percent in order to avoid forfeiture of HUD funds; fiscal impact is none to the City Budget; Yes to the HUD Grant Funds to Carson City; and the funding source is the HUD Fiscal Year 1992 HOME Grant Funds of \$160,000 to Carson City. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON RECOMMENDATION FOR APPROVAL OF VARIANCE PROCESS FOR THE CARSON CITY AFFORDABLE HOUSING FIRST TIME HOMEBUYER PROGRAM (3-0265) - Discussion among the Board, Mr. Lipparelli, Mr. Berkich, and Mr. Moreto explored the Board's ability to waive the residency requirement, reasons for requiring the applicants to be residents of Carson City, the desire to have staff grant a variance without Board consideration, the State/Federal support for this one variance, and Federal funding deadlines. Staff was directed to research and draft a policy amendment which would address the variance. During the discussion a proposed variance procedure was distributed to the Board and Clerk. Supervisor Bennett moved that the Board approve the establishment of a variance process for the Carson City Affordable Housing First Time Home Buyer Program, there is no fiscal impact to the budget, funding source is the HUD Housing Grant Fund allocated to Carson City. Mayor Teixeira seconded the motion. Clarification indicated the motion's intent was to approve the variance process distributed during the Board meeting. The motion to grant the variance procedure was voted by roll call with the following results: Smith - Yes; Ayres - Yes; Tatro - No; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 4-1. Supervisors Tatro, Ayres and Bennett then requested the proposal be brought back for further direction.

C. ACTION ON RECOMMENDATION TO GRANT AN EXEMPTION TO THE RESIDENCY REQUIREMENT FOR CITY DOWN PAYMENT FINANCIAL ASSISTANCE FOR MRS. TERRY PETERSON ZUTTER (1-0686) - Supervisor Tatro moved that the Board grant an exemption to Mrs. Terry Peterson Zutter from the Carson City First Time Home Buyer Program requirement of one year Carson City residency prior to application for down payment financial assistance based on the variance process just adopted by this Board. Supervisor Smith seconded the motion. Motion carried 5-0.

12. PUBLIC WORKS DIRECTOR - Deputy Public Works Director Tim Homann

A. ACTION ON APPROVAL OF A STRIPING AND PARKING PLAN ON JOHN STREET BETWEEN CARSON STREET AND ROOP STREET (3-0765) - Mr. Homann indicated he would continue to analyze the concerns expressed by the Goni's as well as the stacking movements from both Carson and Roop Streets. Discussion included potential reasons for the width of John Street and its parking needs. Supervisor Smith moved the Board approve the striping and angle parking plan on John Street between Carson Street and Roop Street, fiscal impact is approximately \$1,000 from the Street Maintenance Budget Fund. Supervisor

Bennett seconded the motion and suggested a median be installed which was vetoed by the other Board members. The motion to approve the John Street striping and angle parking plan was voted and carried 5-0.

B. ACTION ON AWARD OF PROFESSIONAL SERVICES CONTRACT NO. 9394-182 TO SUMMIT ENGINEERING CORPORATION FOR ARROWHEAD AND BOWERS STORM WATER DRAINAGE DESIGN (1-0925) - Discussion among the Board and Mr. Homann included drainage problems at Bowers and Arrowhead, purpose of the contract, and adjacent drainage problems and service needs. During the discussion Supervisor Bennett requested, and Mr. Homann agreed, that a street map be mounted in the room. Supervisor Ayres moved that the Board award profession services Contract No. 9394-182 to Summit Engineering Corporation for Arrowhead and Bowers Storm Water Drainage Design in an amount not to exceed \$18,880; funding is Road Maintenance Sales Tax; fiscal impact is \$18,880 which is available due to the savings from the snow fighting budget. Supervisors Tatro and Bennett seconded the motion. Motion carried 5-0.

C. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING AMENDMENT NO. 1 TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE FIRST UNITED METHODIST CHURCH REGARDING ASSESSOR'S PARCEL NO. 3-202-02 LOCATED AT 212 NORTH DIVISION STREET, CARSON CITY, NEVADA (3-1165) - Supervisor Tatro moved that the Board introduce on first reading Bill No. 109, AN ORDINANCE APPROVING AMENDMENT NO. 1 TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE FIRST UNITED METHODIST CHURCH REGARDING ASSESSOR'S PARCEL NO. 3-202-02 LOCATED AT 212 NORTH DIVISION STREET, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A lunch recess was then declared at 12:45 p.m. When the meeting reconvened at 2 p.m. the entire Board was present constituting a quorum.

15. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

E. COMMUNITY DEVELOPMENT ITEM - ACTION ON LANDMARK HOMES BILLBOARD REQUEST FOR EXTENSION OF TIME FOR COMPLYING WITH TITLE 20, SIGN REGULATION ORDINANCE (3-1225) - Landmark Homes Developer Jim Bawden discussed with the Board the extension request due to the State acquisition of the property and its approval process. Supervisor Tatro moved that the Board approve the granting of an extension of time from filing a special use permit application to the Carson City Regional Planning Commission due to condemnation procedures by the State of Nevada Department of Transportation for Landmark Homes, property owner: Al Shankle, for the billboard located at the bottom of U.S. Highway 50 at the intersection of Highway 395 South, Carson City. Supervisor Bennett seconded the motion. Comments were solicited and noted that the extension was for a 90 day period. Supervisors Tatro and Bennett indicated this was to be in the motion. Motion was voted and carried 5-0.

14. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON SHADE TREE COUNCIL REPORT ON ACHIEVEMENTS, CONCERNS AND FUTURE ACTIVITIES (3-1348) - Mr. Kastens' introduction included Members Quarterson and Nunnemaker and reasons for Chairperson Kuester's absence. Member Quarterson then reviewed the accomplishments, its grant funding endeavors, and with Mr. Kastens responded to Board questions concerning future activities including the proposed nursery and Arbor Day activities. Both Mr. Kastens and the Board commended the Council on its enthusiasm, dedication, and efforts. Supervisor Bennett also expressed concern about the lack of funding for the median landscape program and asked the Council to work on it or help finding other funding sources. Supervisor Ayres moved that the Board of Supervisors approve the Shade Tree Council's Report on Achievements, Concerns and Future Activities, fiscal impact none. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira again commended the Council on its endeavors.

15. A. ACTION ON P-93/94-2 - A PLANNED UNIT DEVELOPMENT MAP APPLICATION FROM JOHN SERPA TO DEVELOP A 366 LOT MOBILE HOME DEVELOPMENT (QUAIL RUN) ON APPROXIMATELY 37 ACRES OF LAND ZONED MOBILE HOME PARK (MHP) AND LIMITED INDUSTRIAL (LI), LOCATED AT 1350 FAIRVIEW DRIVE (NORTHWEST CORNER OF SALIMAN ROAD AND FAIRVIEW DRIVE), APN 9-071-58 (PLANNING COMMISSION APPROVED 5-0-2-0) (3-1950) - Applicant's Representative from Capital Engineering Mark Rotter - Mr. Rotter responded to Board questions concerning the mobile home park, its amenities, the home owners' association, community center, plans to widen Saliman Road and for landscaping along the drainage channel/linear park, the public pedestrian access to Governor's Field, (3-2405) (3-2695) fencing and landscaping along Saliman and Fairview, use of the CC&Rs and advertising brochures to notify buyers of Governor's Field and its lights/noise issues plus mitigation attempts, (3-2619) Homeowners' Association responsibility for maintenance of the linear park area, street widths within the park, the sidewalks and guest parking areas, landscaping plans, (3-2725) (3-3414) entrances to the park, buildout and phasing periods, estimated market price, (4-0135) linear park improvements, phasing of the path and perimeter as well as the linear park and Saliman, the gate on Saliman, and the need for a development agreement to address the phasing issues. (3-2515) Parks and Recreation Director Steve Kastens explained the hours when Field 6 is in use. He also indicated the possibility that after next year Carson Capitals will not use Governor's Field. Supervisor Tatro suggested the notices be change to reflect the games may continue until Midnight. Mr. Rotter agreed. (3-2765) Mr. Rotter indicated the desire for the park to be restricted to seniors only . The pros and cons of this proposal were discussed. Mayor Teixeira suggested the 366 units be reduced to provide more open space. Mr. Rotter agreed to do so if staff would accept the amendments to the tentative map. Mr. Guzman agreed to considered it and explained options to the plan--relocating the garages, relocation of the community center. (3-3459) Mr. Kastens further elaborated on the accesses to Governor's Field and reasons for their restrictions. (4-0075) Discussion noted the linear park improvements were required under a previous agreement with the City and would not utilize the RCT funds. (4-0175) Mr. Rotter agreed to stipulate to and requested an endorsement from the Board restricting the park to seniors only.

Mr. Lipparelli noted that this could be added to the CC&Rs. Mr. Rotter also indicated that HUD had accepted the project as a senior community which would not affect the City's ability to obtain HUD grants. Mr. Rotter indicated the "mail boxes" would be addressed during the first phase of the perimeter improvements. Mr. Guzman reviewed Condition 10 which is based on the Code and mandates completion of the park improvements when 25 percent of the park is constructed. The linear park is to be completed with Unit No. 92. Mr. Rotter indicated that he understood the security concerns related to the Saliman Road gate, however, needed time to analyze his options. When the fence special use permit and LI zone change are considered, he will include the development agreement. He agreed to add a Condition 22 indicating it was a seniors only PUD. Additional comments were solicited but none made. Supervisor Bennett then moved that the Board of Supervisors approve a Planned Unit Development Map application from John Serpa, P-93/94-2, to develop a 366 lot mobile home development, Quail Run, on approximately 37 acres of land zoned Mobile Home Park, MHP, and Limited Industrial, LI, located at 1350 Fairview Drive, northwest corner of Saliman Road and Fairview Drive, APN 9-071-58 based on the findings and subject to the conditions of approval and agreed upon stipulations with the addition of Condition No. 22, that would stipulate that this would be a senior only planned unit development. Supervisor Smith seconded the motion. Following Supervisor Tatro's suggestion for an amendment, Supervisor Bennett amended her motion to include that the development of the perimeter and the improvements of the perimeter will be subject to a development agreement to be secured before issuance of the Special Use Permit. Supervisor Smith continued his second. The motion was voted and carried 5-0.

B. ACTION ON MPA-93/94-7 - A MASTER PLAN AMENDMENT REQUEST FROM WILLIAM GONI TO CHANGE THE MASTER PLAN LAND USE DESIGNATION ON APPROXIMATELY 40 ACRES OF LAND FROM OPEN SPACE TO SUBURBAN RESIDENTIAL ON PROPERTY LOCATED EAST OF GONI ROAD AND NORTH OF FERMI ROAD, APN 8-011-78 (PORTION) (PLANNING COMMISSION APPROVED 6-0-1-0); C. ACTION ON S-93/94-6 - A TENTATIVE SUBDIVISION MAP APPLICATION FROM WILLIAM GONI TO DEVELOP A 21 LOT SUBDIVISION (GONI CANYON ESTATES PHASE II, UNIT III) ON APPROXIMATELY 41 ACRES OF LAND ZONED CONSERVATION RESERVE (CR) AND SINGLE FAMILY ONE ACRE (SF1A) (CHANGE OF LAND USE PENDING), LOCATED EAST OF GONI ROAD AND NORTH OF FERMI ROAD, APN 8-011-78 (PORTION) (PLANNING COMMISSION APPROVED 5-1-1-0); AND, D. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NO. 8-011-78 FROM CONSERVATION RESERVE (CR) TO SINGLE FAMILY ONE ACRE (SF1A) ON APPROXIMATELY 40 ACRES OF LAND, LOCATED EAST OF GONI ROAD AND NORTH OF FERMI ROAD (PLANNING COMMISSION APPROVED 5-1-1-0) (4-0448) - Messrs. Sullivan and Guzman - Supervisor Smith moved that the Board of Supervisors approve a Master Plan Amendment request from William Goni, MPA-93/94-7, to change the master plan land use designation on approximately 40 acres of land from Open Space to Suburban Residential on property located east of Goni Road and north of Fermi Road on a portion of APN 8-011-78 based on the findings and conditions as contained. Supervisor Ayres seconded the motion. Motion carried 5-0.

Supervisor Smith then moved that the Board approve a tentative subdivision map application from William Goni, S-93/94-6, to develop a 21 lot subdivision, Goni Canyon Estates Phase II, Unit III, on approximately 41 acres of land zoned Conservation Reserve and Single Family One Acre located east of Goni Road and north of Fermi Road, Assessor's Parcel No. 8-011-78 based on the findings and subject to the conditions of approval. Supervisor Ayres seconded the motion. Motion carried 5-0.

Supervisor Smith then moved to introduce Bill No. 110 on first reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBER 8-011-78 FROM CONSERVATION RESERVE (CR) TO SINGLE FAMILY ONE ACRE (SF1A) ON APPROXIMATELY 40 ACRES OF LAND, LOCATED EAST OF GONI ROAD AND NORTH OF FERMI ROAD.

16. CLERK-RECORDER - Kiyoshi Nishikawa - DISCUSSION AND RATIFICATION OF CHARTER REVIEW COMMITTEE APPOINTMENTS (4-0615) - Supervisor Tatro moved that the Board ratify the following appointment to the Charter Review Committee: Joan Andreas, Pam Case, Helaine Jesse, Blair Allen, Jim Cavilia, Vivian Pickett, Dick Murray, and Pat Jackson. Supervisor Bennett seconded the motion. Motion carried 5-0.

17. CITY MANAGER - John Berkich

A. ACTION ON APPROVAL OF A JOINDERS CONTRACT BETWEEN CARSON CITY, RENO, SPARKS AND WASHOE COUNTY WITH A PROFESSIONAL CONSULTING FIRM FOR ANALYSIS OF THE INITIAL BASIC CABLE TELEVISION RATES (4-0645) - Administrative Assistant Liz Hernandez - Supervisor Tatro moved that the Board approve a Joinder Contract between Carson City, Reno, Sparks and Washoe County with The Buske Group to do an analysis of the initial basic cable television rates. Supervisor Ayres seconded the motion. Supervisor Tatro continued his motion to include fiscal impact if \$1,490 and the funding source is the City Manager's Office budget savings. Supervisor Ayres continued her second. Motion carried 5-0.

B. ACTION ON THE EXTENSION OF THE COORDINATOR AGREEMENT FOR THE ALTERNATIVE SENTENCING PROGRAM (4-0725) - Following Mr. Berkich's introduction, Coordinator Claudia Saavedra reviewed her statistical report on the program, its success, the community work hours performed, and potential employee savings incurred by both the City and School District. Board comments compared the cost to house one inmate and commended her on her efforts as well as the Judges on their willingness to endorse and utilize the program. Mr. Berkich noted Washoe County's plans to adopt the program. The proposal was to finance the program until the end of the fiscal year. If funded during the budget considerations, the contract would be extended for the next fiscal year. Ms. Saavedra's role was defined. Supervisor Ayres moved that the Board approve the extension of the Coordinator Agreement for the Alternative Sentencing Program, the original agreement with Claudia

Saavedra expired on January 31, 1994; the parties propose to extend the existing agreement until June 30, 1994; then, subject to a budget appropriation for Fiscal Year 94-95, the parties propose an automatic extension of the existing agreement until June 30, 1995; a status report on the program was attached which the Board reviewed; fiscal impact for 93-94 is \$3500, funding source is Capital Acquisition 50 percent and Carson City School District 50 percent. Supervisor Bennett seconded the motion. Motion carried 5-0.

18. BOARD OF SUPERVISOR NON-ACTION STATUS REPORTS (4-1239) - Supervisor Smith indicated the Board would be considering in the budget process a very aggressive RTC budget. Supervisor Ayres explained the Carson City Technical Advisory Committee had been working on a public transportation system and requested a joint meeting with RTC and the Board of Supervisors on May 5. Supervisor Tatro announced 17 bookings which the Convention and Visitors Bureau had scheduled for the Pony Express Pavilion. Road Shows' agreement had been extended through this year for management of the facility. Marketing efforts were explained. He also announced that the Bureau's Executive Director had been elected the Chairperson for the Reno-Tahoe Territory which may result in a name change. The purpose of this group was explained. He then explained the "FAN Trip" planned for this weekend. A show is being considered for airing on Channel 10. The placemat program will be continued this year. A golf brochure is being formatted with surrounding courses. Mayor Teixeira felt certain Eagle Valley would participate. Mr. Berkich agreed to follow-up on this situation. The Bureau was also considering a Code modification on the tax exemption for 28 day stays. Supervisor Ayres noted that RSVP was leading the way for other non-profit organizations in the use of the Pavilion. RSVP will be utilizing the Pavilion for three days during its 4th of July Celebration. Supervisor Tatro elaborated further on the activities planned in the Pavilion. Supervisor Bennett noted the Carson River Corridor would be considered this evening. The Hospital expansion program was underway. Progress is continuing on the proposed formation of a District Hospital. Mayor Teixeira announced the Airport Authority's public hearing on the five year master plan for Thursday, March 24, at 7 p.m. at El Aero Air Services. Problems with the Sister City's attempts to visit Carson City had delayed the planned March 31st date. He also announced that there are over 200 in-line skaters using the Pavilion.

BREAK: There being no other matters for consideration before 6 p.m., Mayor Teixeira recessed the meeting at 3:20 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, Clerk-Recorder Nishikawa, Community Development Director Sullivan, Parks and Recreation Director Kastens, Deputy District Attorney Lipparelli, and Recording Secretary McLaughlin.

19. PRESENTATION AND ACTION ON THE APPROVAL OF A RESOLUTION OF SUPPORT FOR PLANNING FOR THE FUTURE OF THE CARSON RIVER (4-1835) - Mayor Teixeira welcomed the audience and noted the purpose of the session. Supervisor Bennett also welcomed the audience and viewers. She then explained the

program planned for this evening, her original involvement with an illegal dumping operation along the River as well as a special use permit application for a quarry and the need to recognize and save the River as valuable resource and asset to the City. She then outlined the involvement of BLM and the Public Lands Trust, its purpose, and funding potential. She emphasized that the Trust could not be used for condemnation activities. She then explained the National Park Service's program for river and trail conservation assistance, the ad hoc committee which had been working on the corridor proposal, issues which the ad hoc committee had worked on, contact with the property owners, opposition to the proposal, possible reasons for this hostility, and support for the corridor which was given during the vision planning process. She repeatedly stressed that the committee had never and was not interested in using condemnation procedures to acquire the property. She urged all the participants to work together. She then thanked the numerous people who had been involved in the process, naming several including City staff members Berkich, Kastens, Guzman, Sullivan, Trust for Public Lands Margaret Eddington, National Park Service Peg Henderson, Tom Abbott, Ed Biddleston and Nevada Dept. of Conservation and Natural Resources Pam Wilcox, Soil Conservation Service Dan Panther, Parks and Recreation Commissioners Pete Livermore and Jay Meierdierck, Carson City Tourism and Ormsby Sportsmen Association Don Quilici, Carson City Planning Commissioner Maxine Nietz, Nevada Division of State Parks Linda Eisman, Resource Concepts John McClain, and Steve Walker.

(4-2702) Mr. Abbott then gave a slide presentation on the River corridor, its history, which included historical slides of photographs of the area, and his personal knowledge of the river's recreational uses, the V&T railroad, mining activities, illegal dumping sites, its beauty, etc. (5-0287) Mr. Sullivan then used an aerial photograph to explain the zoning and uses along the River. He also explained that during his tenure with the City he was aware of the City's use of condemnation for acquisition of only one parcel of property which was for Graves Lane across Harvey Jordan's property. He also noted the letters which were contained in the Board packets from the Goudswaards, the Foerschlers, and the Rikalos. Personal contacts, including Mrs. Mary Orr, also indicated the public's desire for the small neighborhood south of Mexican Dam to be retained and that the corridor be along the west side of the River. A majority of the large property owners are on the west side. They have expressed an interest in either granting an easement or selling the land for a pathway on the west side. (5-0528) Mr. Kastens then reviewed the Parks and Recreation Element of the Master Plan Goal No. 16 on the Carson River which indicates the desire to plan for the River through public meetings and establishes it as a priority. He felt that Supervisor Bennett's interest in the River had escalated the process faster than the Commission and staff may have been able to do. He stressed that the River was a natural resource which should be used for preservation of open space and recreational enhancement. National Parks Service Peg Henderson summarized the February workshop including a survey and its responses which supported the corridor proposal.

Supervisor Bennett then explained the proposed resolution which would

establish a task force to work with the property owners. Mayor Teixeira delineated the proposed composition. Supervisor Bennett then explained the proposed technical advisory committee who would support the task force and its purpose. She urged the Board to allow the process to work and approve the resolution. Discussion ensued on the committees and the 15 month timetable for completion of the program. The task force would not be a Board of Supervisors committee.

(5-1050) Charlene Foerschler, speaking for the Concern Citizens of Carson City (aka 4Cs), voiced their concern about the original corridor concept. (5-1238) Supervisor Bennett acknowledged that the private property rights should be protected, that corridor was not intended to infringe upon those private land owner rights, and would never violate any of those rights. Ms. Foerschler objected to a "corridor" but supported "Carson River planning or Carson River planning effort and process" approach. She urged the Board to drop the "corridor" concept. She then gave a slide presentation to show how the area was being destroyed by the current users as well as infringing upon the neighborhood's quality of life and peaceful enjoyment of their properties. She questioned whether the City could realistically maintain including finance a pathway based on the City's current inability to do so. She felt that there were adequate areas available for public use now. She indicated the 4Cs desire to work with the community to look at the planning which is feasible and cost effective for the area. She felt that the proposal for two committees was an indication that the community could not work together on the concept. She encouraged the community to reject this idea and work together on one small committee of 13 members with Supervisor Bennett as the Board's member. Supervisor Smith then pointed out that the two groups were closer together than one would have thought based on hearsay. Both groups are interested in protecting and preserving the resource for the future.

(5-1748) Jean Boundette requested additional access be provided to the River on the south end of the City. (5-1772) Al Kramer requested accesses be provided in areas currently fenced off. (5-1795) Connie Kretch, as a member of the Nevada All State Trail Riders, requested access be provided specifically to the historic trails in the area. As more development occurs she questioned whether the group would be able to continue its trail rides which attract many out-of-State riders. (5-1868) Larry Taylor explained his recreational use of the River and cautioned everyone to be careful about the hidden meaning of the terms used. He urged all to spell out the terms in any policies to avoid future conflicts. (5-1945) Mark Kimbrough supported the corridor and explained his personal experience with similar proposals and private property owners' responses. He urged the Board to consider holding their meetings after 5 p.m. to allow both sides to attend and that the taxes he had paid for his building permit be used for the River planning. (5-2051) Diane Baker felt that there were adequate laws on the books currently to address the issues and that additional laws may be unnecessary. (5-2085) Mike Drews explained the Historic Architect Review Committee's 1990 cultural resources overview which indicated there are 25 significant cultural resources in the City. These resources are a significant part of Carson City

and the River corridor and should be protected. (5-2119) Lisa Jones supported enforcement of the laws, specifically the gun controls, illegal dumping, speeding, etc. Once these issues are resolved then other issues could be considered. (5-2185) Tom Fetic supported Supervisor Smith's contention that the two groups were interested in the same thing. He urged the Board to respect the property owners rights and proceed with a plan which would be the result of the meetings. A focus and action plan is needed to preserve the resource. (5-2268) Maxine Nietz supported the need for enforcement of laws and action taken to stop neglect before it is permanently lost. The time was right to discuss and draft a plan to preserve the resource. (5-2326) Supervisor Bennett read the proposed resolution in its entirety for Don Rosenthal. Mr. Rosenthal requested the resolution be amended to include the fact that private property rights would be respected and that condemnation would not be used. Supervisor Bennett requested a five minute recess to discuss his proposal/terminology with Mr. Rosenthal and Mr. Lipparelli.

BREAK: A five minute recess was declared at 7:40 p.m. When the meeting reconvened at 7:45 p.m. a quorum of the Board was present although Supervisor Tatro was absent.

Mr. Rosenthal then requested the resolution be withdrawn to allow time for additional wording to be added on the private property rights. The resolution would be reintroduced at a later date. Supervisor Bennett supported his recommendation and indicated the need to also evaluate the committee's composition. (During this discussion, Supervisor Tatro returned-7:46 p.m. A quorum was present as previously noted.) Supervisor Ayres requested notification of the meetings be provided to the other Board members. Mayor Teixeira noted the communication problems which had arisen and supported the proposal to work together on the issues. Additionally, there is the issue of law enforcement which may require additional funding. This issue should be resolved before additional duties/requirements are placed on staff. The value of the resource should not be ignored. He commended Supervisor Bennett on her efforts to start the dialogue on a special asset which includes the V&T grade and for the professionalism exhibited this evening. He also thanked the audience for its attendance and input. No formal action was taken on this proposal as the resolution was to be reworked and brought back.

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

The Minutes of the March 17, 1994, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____ May 20 _____, 1994.

_____/s/_____
Marv Teixeira, Mayor

ATTEST:

_____/s/_____
Kiyoshi Nishikawa, Clerk-Recorder