

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, April 7, 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
 Paul McGrath Sheriff
 Ted P. Thornton Treasurer
 Gary Kulikowski Internal Auditor
 Bill Naylor Automation Services Director
 Mary Walker Finance/Redevelopment Director
 Louis Buckley Fire Chief
 Basil "Butch" Moreto Purchasing & Contracts Dir.
 Paul Lipparelli Deputy District Attorney
 Sheila Clements Emergency Mgt. Coordinator
 Dennis Green Assistant Sheriff
 Keith Holland Chief Building Inspector
 Katherine McLaughlin Recording Secretary
 Fran Smith Recording Secretary
 (B.O.S. 4/7/94 1-0005)

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 9:05 a.m. Rev. Lary Rothchild of the Capital Baptist Church gave the Invocation. Sheriff McGrath lead the Pledge of Allegiance. Roll call was taken. A quorum was present although Supervisor Smith had not yet arrived.

1. APPROVAL OF MINUTES - Regular Sessions of February 3 and 17, 1994, and Special Sessions of January 24 and 27, 1994 (1-0025) - Supervisor Tatro requested verification of the vote found in the February 3 Minutes on Page 6 and corrected if necessary. (Supervisor Smith arrived during the discussion-9:09 a.m. A quorum was present as previously noted.) Supervisor Tatro then moved that the Board approve the Minutes as submitted with the one correction. Supervisor Ayres seconded the motion. Motion carried 5-0.

2. SPECIAL PRESENTATIONS

A. ACTION ON A PROCLAMATION FOR NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK - APRIL 10-16, 1994 (1-059) - Following Mayor Teixeira's introduction, Assistant Sheriff Green read the proclamation into the record. As no action is required on a proclamation, none was taken.

B. ACTION ON A PROCLAMATION FOR NORTHERN NEVADA COOPERATIVE CONSORTIUM ON PURCHASING (NNCCP) MONTH - APRIL 1994 (1-0135) - Following Mayor Teixeira's introduction, Supervisor Tatro read the Proclamation into the record. As no action is required on a proclamation, none was taken.

C. ACTION ON A RESOLUTION FOR STATE COMMUNITY DEVELOPMENT BLOCK GRANT MONTH (1-0195) - Following Mayor Teixeira's introduction, Supervisor Smith moved to adopt Resolution No. 1994-R-29 and read the entire Resolution into the record. Supervisor Bennett seconded the motion. Motion carried 5-0.

D. ACTION ON A PROCLAMATION FOR EARTHQUAKE AWARENESS WEEK - APRIL 18-24, 1994 (1-0265) - Mayor Teixeira explained the proclamation. Emergency Management Coordinator Clements explained Chief Building Inspector Holland's Los Angeles earthquake damage assessment trip. Mr. Holland then gave a slide presentation and explained building/street problems which Carson City could face should an earthquake occur here. Mr. Holland also introduced State Emergency Management Representative Jim Goodfellow. Mr. Berkich noted the Board would be considering many of these issues during the budget process and thanked Mr. Goodfellow for his assistance. Mayor Teixeira noted the need to address the safety concerns. Mr. Berkich noted Redevelopment programs which had been approved previously.

3. LIQUOR AND ENTERTAINMENT BOARD MATTERS (1-0605) - TREASURER - Ted P. Thornton - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. The entire Board was present including Member McGrath, constituting a quorum.

A. CONSENT AGENDA

i. **ACTION ON A SPECIAL EVENTS SHORT-TERM BUSINESS PERMIT WITH WAIVER OF \$50 PER DAY PROMOTER FEE FOR THE SEELIGER SCHOOL PTA FALL FESTIVAL AND PUMPKIN PATCH TO BE HELD AT SEELIGER SCHOOL ON OCTOBER 15-16, 1994**

ii. **ACTION ON A SPECIAL EVENTS SHORT-TERM PERMIT WITH WAIVER OF \$100 PER DAY FEE FOR MAVERICKS LIONS CLUB CIRCUS TO BE HELD ON THE VACANT LOT BEHIND ALBERTSON'S AND DMV ON MAY 29, 1994**

iii. **ACTION ON A SPECIAL EVENTS SHORT-TERM BUSINESS PERMIT AND WAIVER OF \$50 PER DAY PROMOTER FEE FOR RETIRED SENIOR VOLUNTEER PROGRAM SPRING FUN FAIR TO BE HELD AT MILLS PARK ON APRIL 27 TO MAY 1, 1994**

iv. **ACTION ON A SPECIAL EVENTS SHORT-TERM BUSINESS PERMIT AND WAIVER OF \$50 PER DAY PROMOTER FEE FOR RETIRED SENIOR VOLUNTEER PROGRAM FOURTH OF JULY CELEBRATION TO BE HELD AT MILLS PARK ON JUNE 30 TO JULY 4, 1994**

v. **ACTION ON A SPECIAL EVENTS SHORT-TERM BUSINESS PERMIT AND WAIVER OF \$50 PER DAY PROMOTER FEE FOR RETIRED SENIOR VOLUNTEER PROGRAM NEVADA DAY CARNIVAL TO BE HELD AT MILLS PARK ON OCTOBER 27 TO 31, 1994**

vi. ACTION ON AN ENTERTAINMENT PERMIT WITH WAIVER OF APPLICATION FEE FOR \$100 AND PERMIT FEE OF \$100 FOR RETIRED SENIOR VOLUNTEER PROGRAM SPRING FUN FAIR TO BE HELD AT MILLS PARK ON APRIL 27 TO MAY 1, 1994

vii. ACTION ON AN ENTERTAINMENT PERMIT WITH WAIVER OF APPLICATION FEE FOR \$100 AND PERMIT FEE OF \$100 FOR RETIRED SENIOR VOLUNTEER PROGRAM FOURTH OF JULY CELEBRATION TO BE HELD AT MILLS PARK ON JUNE 30 TO JULY 4, 1994

viii. ACTION ON AN ENTERTAINMENT PERMIT WITH WAIVER OF APPLICATION FEE OF \$100 AND PERMIT FEE OF \$100 FOR RETIRED SENIOR VOLUNTEER PROGRAM NEVADA DAY CARNIVAL TO BE HELD AT MILLS PARK ON OCTOBER 27 to 31, 1994 - No one pulled any of the Consent Items. Member Tatro moved to adopt the Liquor and Entertainment Board consent Agenda as presented. Member Ayres seconded the motion. Motion carried 6-0.

B. ACTION ON A LIQUOR LICENSE FOR TIMOTEO RUVALCABA, DOING BUSINESS AS TAQUERIA LA SALSA LOCATED AT 1946 HIGHWAY 50 EAST NO. 2 (1-0630) - Member McGrath noted the favorable Sheriff's Report. Timoteo Ruvalcaba responded to Board questions concerning the business and his knowledge of the liquor laws. Member Bennett moved that the Liquor and Entertainment Board approve a Liquor License for Timoteo Ruvalcaba, doing business as Taqueria La Salsa, located at 1946 Highway 50 East No. 2. Member Ayres seconded the motion. Motion carried 6-0. Chairperson Teixeira wished him well in his business endeavors.

C. DISCUSSION ON REVIEW OF LIQUOR LICENSING PROCEDURES TO INCLUDE THE LICENSING OF PERSONS RATHER THAN LOCATIONS (1-0775) - Member Smith delineated his reasons for bringing the item to the Board's attention and requested direction from the other Board Members on the desire to modify the procedures. Discussion by the Board, Mr. Thornton, and Mr. Lipparelli noted the possibility that the application fees could be reduced for individuals who have more than one site, current Code requirements and enforcement procedures. Consensus directed Member Smith to proceed with his proposed committee and the modifications. Mr. Thornton also requested endorsement of his requirement for Consent Agenda applicants to be in attendance in case their application is pulled for discussion.

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

4. CITIZEN COMMENTS (1-1165) - None.

5. CONSENT AGENDA (1-1172)

A. TREASURER

i. ACTION ON REINSTATEMENT OF REVOKED BUSINESS LICENSES

ii. ACTION ON REMOVAL OF PARTIAL 1993-94 REAL PROPERTY TAXES ON ASSESSOR'S PARCEL NUMBER 9-209-01 DUE TO STATE OF NEVADA ACQUISITION OF PROPERTY

iii. ACTION ON REMOVAL OF REAL PROPERTY TAXES FOR THE 1992-93 AND

1993-94 TAX YEARS ON ASSESSOR'S PARCEL NUMBER 2-052-04 DUE TO ASSESSOR'S OFFICE CLERICAL ERROR

iv. ACTION ON ADJUSTMENT AND PARTIAL REFUND OF 1993-94 REAL PROPERTY TAXES FOR ASSESSOR'S PARCEL NUMBER 3-217-08 DUE TO CLERICAL ERROR BY THE ASSESSOR'S OFFICE

B. INTERNAL AUDITOR - ACTION ON APPROVAL OF THE CHECK DISBURSEMENT REGISTERS FOR THE MONTHS OF JANUARY AND FEBRUARY 1994

C. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9394-195 - FIRE DEPARTMENT BREATHING APPARATUS - CONTRACT APPROVAL

ii. ACTION ON CONTRACT NO. 9394-196 - AS 400 DISK STORAGE ADDITION/REPLACEMENT

iii. ACTION ON CONTRACT NO. 9394-197 - ACCESS PORTS FOR LIBRARY COMPUTER SYSTEM

iv. ACTION ON CONTRACT NO. 9394-200 - AT&T VOICE MAIL FOR FIRE STATION

v. ACTION ON INSTALLATION OF AUTOMATED BID LINE FOR CARSON CITY PURCHASING AND CONTRACTS

D. PUBLIC WORKS DIRECTOR

i. ACTION ON DEDICATION OF STREET RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF SHERMAN LANE AND DORI WAY FROM EARL AND PATRICIA KESSLER

ii. ACTION ON DEDICATION OF PUBLIC UTILITY EASEMENT RUNNING PARALLEL TO THE PROPERTY LINE AT THE SOUTHEAST CORNER OF ROOP STREET AND HOT SPRINGS ROAD ON ASSESSOR'S PARCEL NUMBER 8-121-45 FROM LONE MOUNTAIN DEVELOPMENT CORPORATION

iii. ACTION ON DEDICATION OF STREET RIGHT-OF-WAY FOR AN UNNAMED STREET RETURN AREA RUNNING SOUTHWEST OFF OF HOT SPRINGS ROAD BETWEEN ROOP STREET AND GRAVES LANE INTO ASSESSOR'S PARCEL NUMBER 8-121-45 FROM LONE MOUNTAIN DEVELOPMENT CORPORATION

iv. ACTION ON DEDICATION OF AN ACCESS EASEMENT AT THE INTERSECTION OF HOT SPRINGS ROAD AND THE NEW GRAVES LANE WEST FROM THE INTERSECTION OF CHALLENGER WAY ON ASSESSOR'S PARCEL NUMBER 8-132-09 FROM SIERRA TECHNOLOGY CORPORATION

v. ACTION ON DEDICATION OF STREET RIGHT-OF-WAY FOR A RADIUS FILLET AREA AT THE NORTHEAST CORNER OF GRAVES LANE AND GONI ROAD ON ASSESSOR'S PARCEL NUMBER 8-132-09 FROM SIERRA TECHNOLOGY CORPORATION

vi. ACTION ON DEDICATION OF STREET RIGHT-OF-WAY FOR A RADIUS FILLET AREA AT THE NORTHWEST CORNER OF GRAVES LANE AND GONI ROAD ON ASSESSOR'S PARCEL NUMBER 8-124-19 FROM CHARLES RAFFERTY

vii. ACTION ON DEDICATION OF A PORTION OF STREET RIGHT-OF-WAY FOR GRAVES LANE NEAR THE INTERSECTION OF LOMPA LANE ON ASSESSOR'S PARCEL NUMBER 8-133-05 FROM LORRAINE H. WEIKEL

viii. ACTION ON DEDICATION OF DRAINAGE EASEMENT FOR GRAVES LANE IMPROVEMENTS NEAR THE INTERSECTION WITH LOMPA LANE ON ASSESSOR'S PARCEL NUMBER 8-133-05 FROM LORRAINE H. WEIKEL - No one requested any item be pulled for discussion. Supervisor Bennett moved to approve the Consent Agenda as presented. Supervisor Tatro seconded the motion. Motion carried 5-0.

6. TREASURER - Ted P. Thornton

A. ACTION ON A RESOLUTION OF INTENT; PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF A NOTICE RELATING TO GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS (ADDITIONALLY SECURED BY PLEDGE REVENUE) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,400,000 FOR THE PURPOSE OF FINANCING A SANITARY SEWER PROJECT FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-1195) - Bond Counsellor Jennifer Stern - Discussion noted the purpose, procedures, the General Obligation Bond Commission approval, and the State bonding procedures and interest rate. Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1994-R-30, A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF A NOTICE RELATING TO GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM AMOUNT OF \$2,400,000 FOR THE PURPOSE OF FINANCING A SANITARY SEWER PROJECT FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE THEREOF. Supervisor Ayres seconded the motion. Mr. Berkich distributed an updated schedule to the Board and Clerk which Finance Director Walker explained. The motion to adopt Resolution No. 1994-R-30 was voted and carried 5-0.

B. ACTION ON A RESOLUTION DIRECTING PREPARATION OF THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 1 (GRAVES LANE) (1-1428) - Discussion defined the purpose and hearing procedures. Supervisor Smith moved to adopt Resolution NO. 1994-R-31, A RESOLUTION CONCERNING CARSON CITY, NEVADA, IMPROVEMENT DISTRICT NO. 1 (GRAVES LANE); DETERMINING THE COST TO BE ASSESSED, AND AUTHORIZING, ORDERING AND DIRECTING THE PREPARATION OF THE PRELIMINARY ASSESSMENT ROLL; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Ayres seconded the motion. Discussion noted the work presently going on at the site and the use of interim warrants to fund that work. The motion to adopt Resolution No. 1994-R-31 was voted and carried 5-0.

7. PURCHASING DIRECTOR - Basil "Butch" Moreto and Office Supervisor Cheryl Adams - ACTION ON CONTRACT NO. 9394-53 - COST PER COPY SYSTEM FOR PLAIN PAPER COPIES (1-1562) - Supervisor Tatro announced his abstention on this Item and left the room--9:50 a.m. (A quorum was still present.) Discussion included the lease program, cancellation/modification procedures, costs, the survey used to establish the service level required for each site, the Board's feeling that there would be an increased demand for copying if the final product is better than the current product, and estimated cost/labor savings. Supervisor Ayres moved that the Board approve award of Contract No. 9394-53 to Sierra Office Concepts, Bidder No. 4, of 1301 Corporate Boulevard, Reno, Nevada 89502, as the lowest responsive and responsible bidder pursuant to the provisions of NRS Chapter 332, fiscal impact: Minimum of \$36,473.40 for initial placements; increase in costs depends on the number of copies made by City Departments, see Table 1, Explanation of Fiscal Impact portion, page 2; budget allocation: \$82,618.00 initial placements in Budget Allocation portion of Table 1; and Funding Source: 18 Sources which have been included

in Table 1, Funding Source portion on page 2. Supervisor Smith seconded the motion. Mayor Teixeira then explained he would vote against the motion based on his feeling that the bids should have been made on a "station-by-station analysis" and included several of the major competitors. He also felt the contract would lock out competition for a minimum of two years. The motion was voted by roll call with the following result: Bennett - Yes; Ayres - Yes; Smith - Yes; and Mayor Teixeira - No. Motion carried 3-1-1 with Supervisor Tatro abstaining as indicated.

8. PARKS AND RECREATION DIRECTOR - Steve Kastens - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE ADDING CHAPTER 13.04 (TREES AND SHRUBS) TO THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2238) - (Supervisor Tatro returned--10:10 a.m. A quorum was present as previously noted.) Discussion included reasons for requiring individuals working on shrubs/trees to be licensed arborists, need for the City to hire such individuals, and enforcement plans/programs. Board comments commended the Council on its intent and directed Mr. Kastens to reconsider the issues which were pointed out. Mr. Kastens asked the Board to submit any other concerns in writing for the Council. Supervisor Bennett requested consideration be given to include shrubs in the Ordinance. Mayor Teixeira directed the proposal be returned to the Committee for additional work and for the Board to submit concerns to Mr. Kastens in writing. Shade Tree Council Representative Gene Quarterson noted that models from other areas had been used to draft the proposal and a willingness to reconsider the issues. No formal action was taken on this item.

9. REDEVELOPMENT AUTHORITY (1-2885) - 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.

10. REDEVELOPMENT ITEMS

A. ACTION ON BOB MCFADDEN'S REQUEST FOR REDEVELOPMENT INCENTIVES FOR "THIRD AND CARSON STREET" PROJECT LOCATED AT 224 SOUTH CARSON STREET

B. ACTION ON ACQUISITION OF "DAUN BOHALL PHOTOGRAPHIC COLLECTION" IN CONJUNCTION WITH THE NEVADA STATE MUSEUM AND AFFILIATE ORGANIZATIONS

C. ACTION ON SCOTT CAMPBELL'S REQUEST FOR REDEVELOPMENT INCENTIVES FOR "DOWNTOWNER MOTOR INN" PROJECT LOCATED AT 801 NORTH CARSON STREET (2-0212) - Supervisor Tatro moved that the Board of Supervisors approve Mr. McFadden's application for incentives for the project known as "Third and Carson", for an amount not to exceed \$23,081; for Mr. Campbell's application for incentives for the project known as the "Downtowner Motor Inn", project not to exceed \$23,090; and the acquisition of "Daun Bohall's Photographic Collection in conjunction with the Nevada State Museum and affiliate organizations for \$1,000; with the funding source for the photographic collection the Redevelopment Administration Fund and the funding source for the other two projects being the Redevelopment Incentives Program, and that

the approvals are based on the approval, discussion, and recommendation of the Redevelopment Authority. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A six minute recess was declared at 10:40 a.m. When the meeting reconvened at 10:46 a.m., the entire Board was present, constituting a quorum.

11. SUPERVISOR BENNETT - ACTION ON THE APPROVAL OF A RESOLUTION OF SUPPORT FOR PLANNING FOR THE FUTURE OF THE CARSON RIVER (2-0261) - Supervisor Bennett's introduction included the purpose, the desire to respect the private property owners' rights and not use the eminent domain powers. Concerned Citizens of Carson City President Don Rosenthal indicated the resolution was a joint effort and support for it based on the paragraph on eminent domain. He clarified the "right of first refusal" terms. Additional comments were solicited but none made. Supervisor Bennett then thanked the "4 Cs" for their assistance. She felt that within the year a final product will be ready for Board consideration of which the entire City could be proud. Supervisor Bennett then moved to adopt Resolution No. 1994-R-32, A RESOLUTION OF SUPPORT OF PLANNING FOR THE FUTURE OF THE CARSON RIVER, and began to read the Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira explained his desire to hold to his original timetable and commended Supervisor Bennett on her efforts to work with both groups.

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

A. ACTION ON AMENDMENT NO. 1 TO CONTRACT NO. 9293-193 BETWEEN CARSON CITY AND LUMOS AND ASSOCIATES, INC. FOR PROFESSIONAL SERVICES FOR THE GRAVES LANE ASSESSMENT DISTRICT PROJECT (2-0472) - Mr. Lumos was present. Comments were solicited but none made. Supervisor Tatro moved to approve Amendment No. 1 to Contract No. 9293-193, Professional Services Contract with Lumos and Associates, Inc., for the Graves Lane Assessment District Project for an amount not to exceed \$63,000, funding source is the Graves Lane Assessment District which will bring the total contract amount to \$406,000. Supervisor Smith seconded the motion. Motion carried 5-0.

B. ORDINANCES - FIRST READING

i. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 15.13.010 AND CARSON CITY MUNICIPAL CODE 15.13.092 BY ADOPTING THE 1993 NATIONAL ELECTRIC CODE, PROVIDING AMENDMENTS THERETO APPLICABLE IN CARSON CITY, AND OTHER MATTERS PROPERLY RELATED THERETO (2-0538) - Building Official Karen Goddard responded to Board questions concerning the Committee's review of the proposed modifications and the Builders' Association support for the ordinance. Chief Building Inspector Keith Holland displayed a pamphlet containing all of the changes and emphasized the need to update the Code. Board concern about adopting the Code revisions based on historical need to reconsider those Code requirements within a short period due to community

problems were stressed. Mr. Holland indicated the electrical industry supported the revisions and that there had been several meetings on the proposal. Mayor Teixeira noted that the Builders' Association did not have anyone present. Supervisor Smith moved to introduce on first reading Bill No. 112, AN ORDINANCE AMENDING C.C.M.C. 15.13.010 AND C.C.M.C. 15.13.092 BY ADOPTING THE 1993 NATIONAL ELECTRIC CODE, PROVIDING AMENDMENTS THERETO APPLICABLE IN CARSON CITY, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Mr. Lipparelli indicated he had made a typographical correction to Page 1 and given a new original to the Recording Secretary. The motion to introduce Bill 112 as indicated was voted and carried 5-0.

ii. ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CARSON CARBURETOR REGARDING ASSESSOR'S PARCEL NO. 8-384-35, LOCATED AT 3488 CENTENNIAL PARK DRIVE, CARSON CITY, NEVADA (2-0835) - The proposal would extend the period to make the improvements for five or six years unless the Board determines the need prior to that date. Discussion noted the location, need to improve the area between 50 and the Park, the other development agreements in that area, and the portion of the area owned by the City. Supervisor Bennett suggested continuing the matter until enhancements could be analyzed. Mr. Lipparelli explained the Board's ability to call the development agreement when other property owners enhance their sections of the street. Supervisor Tatro moved to introduce on first reading Bill No. 113, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CARSON CARBURETOR REGARDING ASSESSOR'S PARCEL NO. 8-384-35 LOCATED AT 3488 CENTENNIAL PARK DRIVE, CARSON CITY, NEVADA. Supervisor Smith seconded the motion. Motion carried 5-0.

C. ORDINANCE - SECOND READING - ACTION ON 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 (2-1085) - Supervisor Smith moved to adopt on second reading Ordinance No. 1994-16, 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 Ayres seconded the motion. Motion carried 5-0.

13. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

A. ACTION ON AN AMENDMENT OF RESOLUTION NO. 1992-R-32 - A RESOLUTION FORMALLY ESTABLISHING A CAPITAL PROJECTS ADVISORY COMMITTEE, SPECIFICALLY AMENDING THE LENGTH OF TERMS OF THE MEMBERS FROM TWO TO SIX YEARS (2-1109) - Supervisor Tatro moved to adopt Resolution No. 1994-R-33, A RESOLUTION FORMALLY ESTABLISHING A CAPITAL PROJECT ADVISORY COMMITTEE (REVISING 1992-R-32). Supervisor Ayres seconded the motion. Motion carried 5-0.

B. ORDINANCE - FIRST READING - ACTION ON AMENDMENT OF ORDINANCE NO. 1992-16 - ESTABLISHING THE CARSON CITY CAPITAL FACILITIES FUND, SPECIFICALLY, THE

INCLUSION OF PERSONNEL COSTS AND THE DISTRIBUTION OF FUNDS FROM 1993-94 AND BEYOND (2-1145) - Supervisor Smith moved to introduce Bill No. 114 on first reading, AN ORDINANCE AMENDING ORDINANCE NO. 1992-16, ESTABLISHING THE CARSON CITY CAPITAL FACILITIES FUND, SPECIFICALLY, THE INCLUSION OF PERSONNEL COSTS AND THE DISTRIBUTION OF FUNDS FROM 1993/94 AND BEYOND. Supervisor Bennett seconded the motion. Motion carried 5-0.

C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 110 - 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 (PLANNING COMMISSION APPROVED 5-1-1-0) (2-1201) - Supervisor Tatro moved to adopt on second reading Ordinance No. 1994-17, 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. Supervisor Bennett seconded the motion. Motion carried 5-0.

14. DISTRICT ATTORNEY - Deputy District Attorney Paul Lipparelli - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY, SILVER OAK DEVELOPMENT COMPANY AND K-MART CORPORATION RELATING TO UTILITY LINES, STREET IMPROVEMENTS AND OTHER IMPROVEMENTS ASSOCIATED WITH THE SILVER OAK P.U.D., THE K-MART SITE AND GRAVES LANE/COMMUNITY COLLEGE PARKWAY (2-1239) - Mr. Lipparelli and Developer Steve Hartman reviewed the agreement and responded to Board questions concerning the proposed Graves Lane and Community College Parkway street name changes. Mr. Homann further defined the street construction responsibilities and timetables. Both Mr. Homann and Mr. Hartman felt that College Parkway to the College should be completed and usable during 1994. Supervisor Smith commended Mr. Hartman on the dust control measures taken by the construction crew. Mr. Lipparelli then explained the funding source for the street improvements. Supervisor Tatro then moved that the Board introduce Bill No. 115 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY, SILVER OAK DEVELOPMENT COMPANY AND K-MART CORPORATION RELATING TO UTILITY LINES, STREET IMPROVEMENTS AND OTHER IMPROVEMENTS ASSOCIATED WITH THE SILVER OAK P.U.D., THE K-MART SITE AND GRAVES LANE/COMMUNITY COLLEGE PARKWAY, funding source for the City's portion is the RTC Road Construction Account No. 250-0335-431.78-25, and that it is the revised draft dated April 6, 1994, with the insertion on the top of Page 5 on Line 4 Segment 4 as shown on the exhibit depicted as Carson City Public Works Permit No. 9394-76. Supervisor Ayres seconded the motion. Motion carried 5-0.

15. LIBRARY BOARD OF TRUSTEES - PRESENTATION OF ANNUAL REPORT AND 1993-98 MASTER PLAN - Chairperson John Sparbell thanked the Board for its consideration and reviewed the goals and master plan in depth. He responded to Board questions concerning budget restrictions, the need for a branch library, the proposed branch gift, and reasons for comparing the present status with 1978. No formal action was required or taken on this item.

16. DISTRICT COURTS - City Manager John Berkich, Automation Services Director Bill Naylor, and Judicial Assistant for District Court Department II Marlene Wendell- **ACTION ON APPROVAL OF THE PURCHASE OF A PHONE SYSTEM FOR THE COURTS (2-2791)** - Mr. Berkich's introduction included a correction to the fiscal impact which indicated it would take approximately five years to repay the loan and that the savings was \$1900 annually. Discussion explored reasons this system could not be transferred to the new Public Safety Complex, areas where the system could be transferred, salvage value, and the two funding alternatives--AB 104 or the Contingency Account. Supervisor Ayres moved that the Board of Supervisors approve the purchase of a phone system for District Courts I and II, fiscal impact is approximately \$9,000; and the funding source is the Contingency Account. Supervisor Tatro seconded the motion. Motion carried 5-0. Ms. Wendell thanked the Board for its consideration and explained Judge Fondi's absence.

17. CITY MANAGER - John Berkich - **ACTION ON APPROVAL OF STIPULATION WITH THE STATE DIVISION OF HEALTH TO TERMINATE THE 1977 COOPERATIVE AGREEMENT (2-3248)** - Supervisor Smith moved to approve the Stipulation to Terminate the 1977 Cooperative Agreement. Supervisor Tatro seconded the motion. Clarification indicated the State would still perform the air quality control measures. The motion was voted and carried 5-0.

18. BOARD OF SUPERVISORS

B. ACTION ITEMS - RESOLUTIONS, PROCLAMATIONS, ETC., REQUESTED BY BOARD MEMBERS

iii. SUPERVISOR SMITH - PRESENTATION ON THE HEALTH DEPARTMENT REORGANIZATION (2-3388) - Following Supervisor Smith's introduction, Mr. Berkich detailed his reorganization plans for the Health Department including reasons for making the changes and the public meetings held to discuss the changes. Supervisor Smith indicated his business had been inspected under the new program and that he had not noticed a difference--same individual inspecting, same forms, etc. Supervisor Tatro noted the health inspections contained in the Reno Gazette Journal and his concern about the City's ability to perform all the necessary inspections. His review of the Journal indicates the City has increased the number of inspections being conducted.

(3-0202) Donna Anderson thanked Supervisor Smith for bringing the issue before the Board. She expressed her concern about the procedure utilized to make the changes and lack of willingness to inform the public until it was a "done deal" specifically as she had personally been aware of a similar change undertaken in Carson City several years ago. Her comments included her reasons for feeling that Mr. Fralinger was a competent, well respected, valuable employee. She questioned the cost effectiveness of the proposal and if the Utilities Director will be compensated for the additional duties which she was assuming. Clarification indicated the nursing program would remain as it currently is. A final decision on whether to relocate the Health Division had not yet been made. Ms. Anderson then questioned the cost of the

Becker and Bell report, the previous unsuccessful attempts to combine the Division with Utilities, the common regulations shared by both agencies, and staffing for Utilities. Ms. Anderson felt that the report was biased. Supervisor Smith pointed out that Mr. Berkich had used several different "reports" to base his decision to combine the Departments. He also summarized Ms. Anderson's statements as being an attempt to caution the Board by reminding it of previous actions and the desire to stay away from such procedures. Ms. Anderson also indicated that a businessperson would not reorganize his operation in an attempt to justify terminating an individual if "just cause" is not present.

A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (3-0717) - Supervisor Bennett reported on the progress of Highway 28's scenic designation and efforts to provide additional parking facilities in addition to Carson-Tahoe Hospital's assessment of the need to become a district hospital. Supervisor Ayres indicated the Parks and Recreation Commission is analyzing its By-Laws concerning the voting requirements and noted the forums which had been held in rural Nevada on mass and senior transportation needs and that Commission's transit priorities. Supervisor Tatro reported on the RACC projects and announced the Convention and Visitors Bureau forum for April 30 on its activities. Supervisor Smith reported on the WNDD meeting to select a firm to conduct the feasibility study on the V&T Railroad project. He also reported on a meeting with Mr. Berkich, Mayor Teixeira, Paul Lumos, and Jerry Hall on the Carson City By-Pass and his optimism on the ability to use Mr. Hall's expertise in obtaining State funding. Mayor Teixeira expanded on his comments concerning Mr. Hall's abilities. (3-1311) Mayor Teixeira reported on his meeting with Congressional Representative Barbara Vucanovich. Supervisor Ayres also reported on her meeting with her.

B. i. MAYOR TEIXEIRA - ACTION ON A RESOLUTION EXPRESSING AN INTENT BY THE CARSON CITY BOARD OF SUPERVISORS TO ENTER INTO AN INFORMAL ORGANIZATION WITH DOUGLAS, LYON, STOREY, WASHOE AND CHURCHILL COUNTIES TO PROTECT AND ENHANCE NATURAL, HISTORICAL AND CULTURAL RESOURCES AND VALUES; CITING THE NEED FOR SUCH AN ORGANIZATION; PROVIDING FOR THE MANNER IN WHICH SUCH ORGANIZATION WILL FUNCTION; AND OTHER MATTERS PROPERLY RELATING THERETO (3-1042) - Mayor Teixeira stressed that the organization would be informal, the need for open communication between the Counties, and that he would not make any decisions without Board input prior to acting on an issue. Supervisor Bennett illustrated the need by citing NNDD and its value. Comments noted this was the only informal organization in which Washoe County would participate with the other Counties. Supervisor Smith moved that the Board adopt Resolution No. 1994-R-34, A RESOLUTION EXPRESSING AN INTENT BY THE CARSON CITY BOARD OF SUPERVISORS TO ENTER INTO AN INFORMAL ORGANIZATION WITH CHURCHILL, DOUGLAS, LYON, STOREY, AND WASHOE COUNTIES TO PROTECT AND ENHANCE NATURAL, HISTORICAL AND CULTURAL RESOURCES AND VALUES; CITING THE NEED FOR SUCH AN ORGANIZATION; PROVIDING FOR THE MANNER IN WHICH SUCH ORGANIZATION WILL FUNCTION; AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

ii. DISCUSSION AND POSSIBLE ACTION ON ITEMS FOR NEVADA ASSOCIATION OF COUNTIES (NACO) LEGISLATIVE AGENDA (4-1255) - Mayor Teixeira requested the Board contact him with any issues. Procedures were defined.

(3-1351) BREAK: The meeting was recessed at 12:45 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, Animal Services Director Conklin, Community Development Director Sullivan, Finance Director Walker, Deputy District Attorney Lipparelli, Recording Secretary McLaughlin, and Animal Services Office Supervisor Edgar.

19. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING CHAPTER 7.13 OF THE CARSON CITY MUNICIPAL CODE TO CHANGE THE NAME OF ANIMAL CONTROL SUPERVISOR AND ANIMAL CONTROL OFFICER; TO ADD A PROVISION FOR ADEQUATE SHELTER; TO ADD A DEFINITION FOR SERVICE ANIMAL; TO ADD TO THE PURPOSES OF THE ANIMAL CONTROL CENTER AND THE POWERS AND DUTIES OF THE ANIMAL SERVICES DIRECTOR; TO ADOPT THE STATE VETERINARIAN RECOMMENDATIONS ON OTHER VACCINATIONS; TO REQUIRE ANNUAL RENEWAL OF COMMERCIAL KENNELS AND BREEDING BUSINESS LICENSES; TO PERMIT THE ANIMAL CONTROL CENTER TO CARE FOR THE ANIMALS OF LONE PERSONS; TO AUTHORIZE A SINGLE IMPOUND FEE FOR THE IMPOUNDMENT OF TWO DOGS BELONGING TO THE SAME PERSON; TO PROHIBIT THE ACT OF PERMITTING FEMALE CATS TO RUN AT LARGE DURING COPULATING SEASON; TO REQUIRE THE SPAY OR NEUTER OF ANY ANIMAL CAPTURED THREE OR MORE TIMES IN A THREE YEAR PERIOD BEFORE THE ANIMAL IS RELEASED FROM IMPOUND; TO CLARIFY THE FEES THAT ARE CHARGED BY VETERINARIANS FOR SPAYING AND NEUTERING OF IMPOUNDED ANIMALS; TO INCREASE CERTAIN FINES AND FEES; TO REQUIRE OWNERS OF ANIMALS TO PROVIDE ADEQUATE FEED, WATER, SHELTER, EXERCISE, SAFETY AND MEDICAL CARE; TO REQUIRE ANIMAL SERVICES TO HOLD FOR 72 HOURS ABANDONED ANIMALS; TO PROHIBIT THE DISPOSAL OF ANIMALS BY SALE AND OTHERWISE AT COMMERCIAL ESTABLISHMENTS OTHER THAN LICENSED LOCATIONS; TO DELETE THE IMMUNITY FROM LIABILITY OF THE ACTIONS OF THE OFFICERS OF SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS, AND OTHER MATTERS PROPERLY RELATED THERETO - (3-1365) Following Mr. Berkich's introduction, Pete Bachstadt thanked everyone for their work on the ordinance and emphasized his reasons for proposing the modifications. He then expressed his feeling that it was not necessary to eliminate the officers of Societies for the Prevention of Cruelty to Animals from immunity to liability for their actions as other Statutes address this issue. Other comments were solicited but none made. Supervisor Smith then moved that the Board introduce on first reading Bill No. 116, AN ORDINANCE AMENDING CHAPTER 7.13 OF THE CARSON CITY MUNICIPAL CODE TO CHANGE THE NAME OF ANIMAL CONTROL SUPERVISOR AND ANIMAL CONTROL OFFICER; TO ADD A PROVISION FOR ADEQUATE SHELTER; TO ADD A DEFINITION FOR SERVICE ANIMAL; TO ADD TO THE PURPOSES OF THE ANIMAL CONTROL CENTER AND THE POWERS AND DUTIES OF THE ANIMAL SERVICES DIRECTOR; TO ADOPT THE STATE VETERINARIAN RECOMMENDATIONS ON OTHER VACCINATIONS; TO REQUIRE ANNUAL RENEWAL OF COMMERCIAL KENNELS AND BREEDING BUSINESS LICENSES; TO PERMIT THE ANIMAL CONTROL CENTER TO CARE FOR THE ANIMALS OF LONE PERSONS; TO AUTHORIZE A SINGLE IMPOUND FEE FOR THE IMPOUNDMENT OF TWO DOGS BELONGING TO THE SAME PERSON; TO PROHIBIT THE ACT OF

PERMITTING FEMALE CATS TO RUN AT LARGE DURING COPULATING SEASON; TO REQUIRE THE SPAY OR NEUTER OF ANY ANIMAL CAPTURED THREE OR MORE TIMES IN A THREE YEAR PERIOD BEFORE THE ANIMAL IS RELEASED FROM IMPOUND; TO CLARIFY THE FEES THAT ARE CHARGED BY VETERINARIANS FOR SPAYING AND NEUTERING OF IMPOUNDED ANIMALS; TO INCREASE CERTAIN FINES AND FEES; TO REQUIRE OWNERS OF ANIMALS TO PROVIDE ADEQUATE FEED, WATER, SHELTER, EXERCISE, SAFETY AND MEDICAL CARE; TO REQUIRE ANIMAL SERVICES TO HOLD FOR 72 HOURS ABANDONED ANIMALS; TO PROHIBIT THE DISPOSAL OF ANIMALS BY SALE AND OTHERWISE AT COMMERCIAL ESTABLISHMENTS OTHER THAN LICENSED LOCATIONS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Supervisor Smith then explained his reasons for eliminating the portion as requested by Mr. Bachstadt. Mr. Conklin noted that this section of the ordinance is contained in the Statutes so that it is redundant. Discussion noted the need to modify the ordinance as well as the title. Supervisor Smith then amended his motion to include the elimination on Page 31, Line 5, Paragraph 4 that the bracketed language which reads: "or officer of any society for the prevention of cruelty to animals," be left in and not removed. Supervisor Ayres continued her second. The motion was voted by roll call with the following results: Bennett - Yes; Tatro - No; Ayres - Yes; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

20. ACTION ON PETITION FILED PURSUANT TO NRS 405.195 FOR DECLARATION OF KINGS CANYON ROAD AS A PUBLIC ROAD (3-1610) - Following Mr. Berkich's introduction, Mr. Sullivan explained the petition procedure, his noticing process, the location, and the legal procedures/requirements to declare Kings Canyon Road a public road. The petition was filed. The appropriate legal notice was published on March 27, April 3, and April 6, 1994. He then outlined the options available to the Board. Discussion between Mr. Sullivan and Supervisor Smith reviewed the history of the road including County control over it, the portion maintained by the State, its usage, and the lack of documentation concerning whether it had ever been abandoned. The last Legislature had approved NRS 405.193 which would allow the City to accept/declare public roads without incurring liability for them. Mr. Sullivan responded to Mr. Lipparelli's question by affirming for the record that he had verified that seven of the petitioners were Carson City residents via Assessor's records and the telephone book. Mr. Lipparelli then explained the difference between a public road and a Carson City road.

(3-2205) Al Rushing explained his reasons for petitioning the Board to accept the road as a public road and its history commencing in 1862. His comments included documentation on reasons the road may not have been recorded. Mr. Rushing agreed to provide the Recording Secretary with copies of all of his documentation for the Board's record. Mr. Rushing also indicated the map on the south wall of the Recorder's office which was written in 1890 had not been recorded, however, was an official map which had included the road. Documents supported the position that the road had been constructed by mechanical means, that the County/City had financed the project, including its cost, and that the County/City supervised the project. It was unclear how wide the road had been or the width of the survey except for a petition

to the County Commissioners on September 13, 1862, that the portion between the edge of "town" to the summit of Kings Canyon be 60 feet wide. The road had been dedicated to the State and it was a part of the Lincoln Highway. Patents for mining claims along the road were also used to establish the history of the road. Supervisor Bennett noted that he had done a lot of work researching the issue. (3-2698) Mr. Rushing then explained the legal acts required to abandon or vacate public land. As no documentation had been found to indicate these legal steps had been taken, he felt it was still a public road. Documents clearly reflect the State's acquisition from the County of the portion which the State paved and maintains. He felt this substantiated his contention that it was a County public road otherwise the State would not have acquired that portion from the County. Mr. Lipparelli then pointed out the need for the Board to make certain findings before declaring the road public and read NRS Subsection 3 a, b, and c.

(3-2886) Deborah Hutchinson explained that the road winds through her ranch and was used by the public constantly. She expressed her hope that the public could continue to use the road. (3-2938) Jay Meierdierck as a member of the Parks and Recreation Commission explained that the Parks and Recreation Master Plan and the Trails Plan use the road as an access to the forest and upland areas. He felt that it had been used by the public for recreational purposes and urged the Board to maintain it as a public easement right-of-way to those areas used by Carson City citizens. (3-2975) Al Kramer explained that his son and his friends use the road for a motorcycle access to the summit. If the road is blocked, recreational activities to that area would be curtailed. (3-2998) Ted Stokes did not wish to see additional traffic in front of his home. While he understood Mr. Rushing's concerns, he felt it was important for the Board to distinguish between a public road and a City road. He pointed out that unless it is a public road, the title companies will not insure the property. This makes obtaining conventional financing extremely difficult if not impossible. The road has been there since before Nevada became a State. He felt that this clearly indicated that "it is proclaimed to be a fact if the condition runs to that point beyond which the memory of man runth not to the contrary". He did not feel that the City could close the road as it has been in use for more than 100 years. (3-3145) U. S. Forest Service Representative from Carson City James Schmidt noted that the western portion of the road is in the Toiyable National Forest and is considered to be open to public access. Forest Service objectives for management of the forest include maintaining public access to National Forests for the general public, to protect public safety interests, and insure that there is adequate protection of cultural resources, which the entire road is, and to protect the other resource values that are there. He questioned how the designation would change the current situation and requested a letter from the City Manager's office clarifying this point. He then explained that the sign indicating the road is not maintained for public use was merely to indicate that the road was not maintained for vehicular traffic although horse, motorcycle, bicycle, and hikers could use it. He did not feel that its current use would create a negative impact on the natural resources which had been substantiated by an environmental assessment impact study conducted by his Department.

Supervisor Bennett then moved that the Board of Supervisors approve the petition request to declare Kings Canyon Road a public road from the paved cul-de-sac at the Southwest quarter, the northwest quarter, which she corrected to be the northeast quarter, of the northwest quarter of Section 23, T15N., R19E, to the Carson City-Douglas County line, the southwest quarter, southeast quarter, of the southwest quarter of Section 31, T15N, R19E., pursuant to NRS 405.195, based on the following findings: that the public road is of benefit to the general public, that there is no significant impairment to the environment or resources, and that this decision would not result in a significant reduction in the value of public or private property. Supervisor Ayres seconded the motion. Discussion ensued between Mr. Lipparelli and Mr. Rushing concerning whether the present alignment and present width as currently being used was adequate. Mr. Rushing felt that it should be declared more than the present surface area and that 60 feet should be utilized. Mr. Lipparelli responded by explaining his reasons for requesting that the declaration be restricted to the area in use unless the area dedicated could be proven. Mr. Lipparelli then explained that the Statutes allow the Board to include the width, however, the Board should not declare more than had been historically used. Mr. Rushing then indicated that September 13, 1862, County Commissioners' records reflect that County Commission "Road Viewers" had walked the area and determined the width and location prior to franchising the toll road usage. He felt that it was approved as a public road and that it had been proposed to be 60 feet wide to the summit. Mr. Lipparelli then indicated that the question was whether the Commission had accepted that recommendation as required in the Statutes. Mr. Rushing continued to iterate his feeling that the documents supported the 60 foot width and a public road. He also stressed the need to include adequate space for maintenance. (4-0134) Ms. Hutchinson supported Mr. Rushing's request that the width be established as 60 feet. Mr. Meierdierck requested that the improved width not takeover the entire easement so that recreational uses could be continued. (4-0165) Raymond Borda felt that it could be substantiated as a fact that it had been a public road and had been maintained by the County. He was concerned that the 60 foot width would take his fence and the old irrigation ditch. Mayor Teixeira noted that if the width is not adequate, future Boards would have to revisit the issue. Mr. Borda agreed with granting the easement. Mr. Lipparelli reviewed the purpose of the hearing and reiterated the requirements for the Board to consider the issue including that the petitioners must provide the Board with the proof necessary to establish the width. The goal was not to insure that the alignment would provide the most efficient, dedicated roadway to serve upstream properties. It was, instead, to determine what is going to be available for the foreseeable future as public access. Supervisor Tatro noted that the only finding which could be made was on the issue that significant impairment of the environment and natural resources would result from the use which could be based on Mr. Schmidt's, from the Forest Service, comments on its survey which was not based on a 60 foot width. He did not feel that adequate documentation had been provided to indicate whether it had ever been dedicated at 60 feet. Anyone who wishes to challenge this point could bring the issue right back to the Board. If you go the other way, we

could say that "Yes, it has been used. It has been proven that it has been used as all the testimony had indicated and that it would not damage the environment based on the testimony, and that it won't damage the value of public/private property." and we can make those findings if we go that direction. He was unsure whether the Board had adequate proof if someone chose to challenge the width issue. He urged the Board to accept it based upon the existing road. **The motion to approve the petition request to declare Kings Canyon Road as a public road as indicated was voted by roll call with the following results: Ayes - Ayres, Smith, Tatro, Bennett, and Mayor Teixeira. Nays - None. Motion carried 5-0.**

Mayor Teixeira noted that the action had declared it a public road. No contingency on maintenance had been granted. It would allow a comfort zone to the people who have property in the area and to the people who use it. It could not be "shut down". He complimented Mr. Rushing on his efforts. Mr. Lipparelli indicated for the record that an order would be prepared and recorded. The order will reflect the motion which Supervisor Bennett had made. He assumed that the question after the motion and second was for the road as it is presently being used. This is the fashion in which the order will be written. Both Mayor Teixeira and Supervisor Ayres indicated a width had not been set. Mr. Lipparelli then requested different direction if this is not the Board's desire. No other direction was given and Mayor Teixeira called a five minute recess.

BREAK: A five minute recess was declared at 7 p.m. When the meeting reconvened at 7:05 p.m. the entire Board was present constituting a quorum.

21. ACTION ON CARSON CITY GENERAL FUND TENTATIVE BUDGET FOR FISCAL YEAR 1994-95 (4-0340) - Mr. Berkich's introduction included Board's direction on the budget process and the documents included in the supporting documents. The budget is based on the present service level. Funding and service level options were included also. Ms. Walker distributed historical revenue and expenditure data graphs to the Board and Clerk. She explained the graphs, tentative budget, service levels and funding options in depth and with Mr. Berkich discussed with the Board the following: the level of funding for the non-profit community service agencies, the commitment for a second justice court, the level for an ending fund balance, the amount of the supplemental requests, the need for a professional to evaluate the Community Development and Public Works fees, and staff's recommended funding options. (4-1198) Public comments were solicited but none made. Ms. Walker indicated she would provide the 1981 ad valorem rate to Supervisor Bennett. Supervisor Tatro then moved that the Board direct staff to proceed with the filing of General Fund Tentative Budget for Fiscal Year 94-95 which will include the base budget as presented in the staff report with a minimum five percent (ending) fund balance with the addition of the Southwest Gas Franchise Fee, with the addition of update of the Public Works and Community Development service charges, with the elimination of a position in the Public Works Department, and with the addition of the Justice Court. Supervisor Ayres seconded the motion. Comments were again solicited but none made. The motion was voted

by roll call with the following results: Yes - Smith, Bennett, Tatro, Ayres, and Mayor Teixeira. No - None. Motion carried 5-0. Ms. Walker then distributed a schedule delineating the meeting dates for the final budget.

22. ACTION REGARDING SELECTION OF THE SITE FOR THE CITY'S PUBLIC SAFETY AND COURTHOUSE FACILITY (4-1280) - Mr. Berkich and Mr. Sullivan - Mayor Teixeira noted his intent to abstain and passed the gavel to Supervisor Bennett. He then left the meeting--7:33 p.m. (A quorum was present as previously noted.) Mr. Sullivan's introduction included CPAC Vice Chairperson Jenny Bacigalupi and Member Dick Baker, the Committee's final recommendation of three sites to the Board for its selection, the pros and cons of these sites, reasons for including the analysis of the Silver City Mall in the packet, and a brief review of Member Mullet's recommended property acquisition program if the present jail site is selected for the complex. Supervisor Smith noted that both he and Supervisor Ayres had met with CPAC Chairperson Sheerin and Member Mullet and had been given all of the information presented to Supervisor Tatro and Mayor Pro-Tem Bennett at a previous meeting. Both Supervisor Smith and Ayres felt it would not be necessary to repeat any of the discussion held that evening. Mayor Pro-Tem Bennett acknowledged the tremendous volume and thoroughness of the work conducted by the Committee. Discussion ensued among the Board, Mr. Sullivan, CPAC Vice Chairperson Bacigalupi on the pros and cons of the current Sheriff's Office and jail building/site, its estimated site costs, and its land value and sale value. (4-1998) Sheriff Paul McGrath pointed out the traffic problems inherent to the site which the Highway 50 site would not have. He indicated he could support the present location.

(4-2045) Lone Mountain Development Corporation Vice President Gary Stokes briefly reiterated his reasons for feeling that his site should be selected due to its size, expansion potential, lack of traffic problems, public accessibility, and that it was not out of the way for the public although not located in the center of the City. (4-2405) Jon Springmeyer distributed and explained a memo to the Board and Clerk indicating the Silver City Mall could be acquired for and remodeled for less than the other sites. Parks and Recreation Commissioner Jay Meierdierck urged the Board to consider replacement/mitigation costs of the Jail Park if it is used for the new Public Safety Complex. (4-2601) Frank Page explained the neighborhood's support for expansion of the current jail site. He urged consideration of lack of acquisition costs, its centralized location, inclusion in the Redevelopment District, and indicated the Department of Transportation is currently undertaking a traffic study of the area. He stressed that traffic problems were found with all three of the proposed sites. He also noted the previous site considerations had supported the proposed jail site although the Fire Department problems had helped kill that project. With the Fire Department relocated, this issue had been eliminated. The Administrative Complex should not be considered a part of the project at this time. John Foote noted the Credit Union would be moving soon and expressed his feeling that this would offset the traffic volume. Doreen Mack presented a letter to the Board. (None to the Clerk.) She urged the Board to keep the jail at its present site due to the safety factors she felt it provided her neighborhood.

