

B. ACTION ON REVOCATION OF ALL DELINQUENT LIQUOR LICENSES (1-0158) - All of the licenses had been brought current, therefore, action was not required.

Mayor Teixeira then recessed the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors session. A quorum was present as indicated previously.

2. CONSENT AGENDA

A. TREASURER

i. ACTION ON REINSTATEMENT OF REVOKED BUSINESS LICENSES

ii. ACTION ON REMOVAL OF PARTIAL 1993-94 REAL PROPERTY TAXES ON APN 8-053-01 DUE TO STATE OF NEVADA ACQUISITION OF PROPERTY

iii. ACTION ON TREASURER'S REPORT FOR THE MONTH OF MARCH 1994

B. CLERK-RECORDER - ACTION N A RESOLUTION AUTHORIZING THE DESTRUCTION OF COURT CASE FILES

C. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9394-207 - QUILL WATER TREATMENT PLANT FILTER MEDIA, CONTRACT APPROVAL

ii. ACTION ON CONTRACT NO. 9394-208 - INGERSOLL/DRESSER WATER PUMP, CONTRACT APPROVAL

iii. ACTION ON CONTRACT NO. 9394-28 - CARSON CITY OVERLAY, FINAL PAYMENT

iv. ACTION ON ADDITIONAL FACILITIES AT THE CITY TRAP RANGE

D. COMMUNITY DEVELOPMENT DIRECTOR

i. ACTION ON M-93/94-20 - AN ABANDONMENT APPLICATION FROM LUCILLE ARNESON AND WILLIAM VAN PATTEN TO ABANDON AN APPROXIMATELY 60 FOOT BY 353 FOOT PORTION OF PUBLIC RIGHT-OF-WAY (ROVENTINI WAY) BETWEEN SOUTH CARSON STREET AND COCHISE STREET, ADJACENT TO APNS 9-264-01 AND 9-262-01 (PLANNING COMMISSION APPROVED 7-0-0-0)

ii. ACTION ON M-93/94-21 - AN ABANDONMENT APPLICATION FROM J.S. DEVELOPMENT COMPANY TO ABANDON A FIVE FOOT SIDE AND REAR YARD PUBLIC UTILITY EASEMENT TOTALING 30,734 SQUARE FEET, A 7.5 FOOT STREET SIDE YARD PUBLIC UTILITY EASEMENT TOTALING 2,700 SQUARE FEET; AND APPROXIMATELY 51,643 SQUARE FEET OF 50 FOOT ACCESS AND DRAINAGE EASEMENTS ON PROPERTIES LOCATED ON THE SOUTH SIDE OF KINGS CANYON ROAD (LONG RANCH ESTATES, PHASE IB) INVOLVING APNS 7-321-01, 16, 05, 06, 07, 09, 10, 11, 12, AND 13 (PLANNING COMMISSION APPROVED 7-0-0-0)

iii. ACTION ON M-93/94-22 - AN ABANDONMENT REQUEST FROM JACK VAN SICKLE TO ABANDON AN APPROXIMATELY 60 FOOT BY 640 FOOT PORTION OF PUBLIC RIGHT-OF-WAY (VOLTAIRE CANYON ROAD) BETWEEN SOUTH CURRY STREET AND VOLTAIRE STREET ADJACENT TO APNS 9-151-12 AND 9-151-13 (PLANNING COMMISSION APPROVED 7-0-0-0) (1-00184) - Supervisor Bennett requested the Treasurer's Report be pulled for discussion. Supervisor Bennett then moved that the Board of Supervisors approve the Consent Agenda as presented with the exception of action on the Treasurer's Report for the month of March. Supervisor Ayres seconded the motion. Supervisor Bennett amended her motion to include Resolution No. 1994-R-34 authorizing the destruction of Court Case files. Supervisor Ayres continued her second. Motion carried 4-0.

Discussion ensued with Mr. Thornton on the change in reporting the investments and in the amount of investments at different brokerages. Supervisor Bennett then moved to accept the Treasurer's Report for the Month of March 1994. Supervisor Ayres seconded the motion. Motion carried 4-0.

CITIZENS COMMENTS (1-0339) - None.

3. SPECIAL EVENTS TEAM - ACTION ON APPROVAL IN CONCEPT OF THE ESTABLISHMENT OF CITYWIDE SPECIAL EVENTS PERMITTING PROCESSES, POLICIES AND PROCEDURES (1-0345) - City Manager John Berkich, Debbie Wiggins, Teresa Brown, Barbara Sanders, Beth Huck, Mitch Ames, Pat Austin, John Tuttle - Staff explained the reasons for establishing a team to work on the program, the current program, the questionnaire used to analyze the current program, criteria analyzed, research conducted, proposed booklet, the proposed program, its cost, and potential savings. Board comments commended staff on its endeavors and its presentation. Supervisor Ayres suggested the user fees be analyzed. Staff responded to Board questions on the concept, action requested today, purpose of the FAX machine, need to again analyze the program in six months, and other communities which had been contacted concerning their programs. Supervisor Ayres moved that the Board approve in concept the establishment of a new city-wide special events permitting procedure resulting from the research and findings of the Special Events Team. Supervisor Bennett seconded the motion. Motion carried 4-0.

4. TREASURER - Ted P. Thornton - DISCUSSION AND ACTION ON A RESOLUTION CONCERNING CARSON CITY, NEVADA, IMPROVEMENT DISTRICT NO. 1 (GRAVES LANE); FIXING THE TIME AND PLACE WHEN COMPLAINTS, PROTEST, AND OBJECTIONS TO THE ASSESSMENT ROLL FOR THE DISTRICT WILL BE HEARD; PROVIDING FOR THE MANNER OF GIVING NOTICE OF THE HEARING ON THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-1395) - Mr. Thornton noted the corrected list of parcel numbers which he had distributed earlier. (The Clerk was also given a copy.) Acting Public Works Director Tim Homann explained the need for him to sign an affidavit that the assessments are accurate which he did and gave to the Clerk. Supervisor Smith then moved that the Board adopt Resolution No. 1994-R-35, A RESOLUTION CONCERNING CARSON CITY, NEVADA, IMPROVEMENT DISTRICT NO. 1 (GRAVES LANE); FIXING THE TIME AND PLACE WHEN COMPLAINTS, PROTESTS, AND OBJECTIONS TO THE ASSESSMENT ROLL FOR THE DISTRICT WILL BE HEARD; PROVIDING FOR THE MANNER OF GIVING NOTICE OF THE HEARING ON THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF with the inclusion of the updated pages 7, 8, and 9 as presented by the Treasurer. Supervisor Ayres seconded the motion. Motion carried 4-0.

5. PUBLIC WORKS DIRECTOR - Acting Public Works Director Tim Homann - ORDINANCES - SECOND READING

A. ACTION ON BILL NO. 112 - 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 (1-1492) - Supervisor Bennett moved that the Board of Supervisors adopt on second reading Ordinance No. 1994-18, 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 Smith seconded the motion. Mr. Homann explained the meetings held with the Builders Association on the modifications. No one had contacted his office since the first reading. The motion to adopt Ordinance 1994-18 was voted and carried 4-0.

B. ACTION ON 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 (1-1558) - Supervisor Bennett moved to adopt on second reading Ordinance No. 1994-19, 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 4-0.

6. COMMUNITY DEVELOPMENT DIRECTOR - Principal Planner Rob Joiner, Mr. Homann, and K-Mart Representative Mike Tyson

A. PLANNING COMMISSION REVIEW AND APPEAL MATTERS - ACTION ON U-93/94-6 - A SPECIAL USE PERMIT APPLICATION FROM K-MART CORPORATION TO AMEND THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO ALLOW SCREENED OUTSIDE SALES AND TO ELIMINATE A REQUIREMENT FOR A WALL ON THE NORTH LANDSCAPING ISLAND ON PROPERTY ZONED RETAIL COMMERCIAL (RC) LOCATED ON THE WEST SIDE OF NORTH CARSON STREET, APPROXIMATELY 200 FEET SOUTH OF THE PROPOSED GRAVES LANE EXTENSION, APN 8-061-22 (PLANNING COMMISSION APPROVED 7-0-0-0) (1-1612) - Discussion noted the problems encountered with K-Mart's engineering firm. Mayor Teixeira then passed the gavel to Mayor Pro-Tem Bennett. Mayor Teixeira then stated that, based on the following actions by K-Mart and its agents on this project: 1. Untimely responses to numerous requests from the City of Carson City; 2. Exhibiting an attitude of indifference to requests made by the City of Carson City; 3. Causing delays and numerous unnecessary hours of staff time which is a waste of taxpayers dollars; therefore, I move that the Board of Supervisors not give consideration to this Special Use Permit application, U-93/94-6, at this time and continue this item for a minimum of two weeks. Supervisor Smith seconded the motion. Motion was then voted by roll call with the following results: Ayres - Yes; Smith - Yes; Mayor Teixeira - Yes; Mayor Pro-Tem Bennett - Yes; and Supervisor Tatro - Absent. Motion carried 4-0-0-1.

Mayor Teixeira then expressed his feeling that the motion would send a signal to all those involved. He hoped that this action would restart the communication process and create a first class operation. Mayor Pro-Tem Bennett returned the gavel to Mayor Teixeira.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 114 - AN 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 (1-1875) - Supervisor Bennett moved to adopt on second reading Ordinance No. 1994-20, 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 Ayres seconded the motion. Motion carried 4-0.

7. UTILITIES DIRECTOR - Environment Control Supervisor Ken Arnold

A. ACTION ON APPLICATION TO PURCHASE LANDFILL PROPERTY CURRENTLY LEASED FROM THE BUREAU OF LAND MANAGEMENT (1-1962) - Supervisor Smith stressed the importance for the City to acquire the property and noted the increased costs which would be incurred in obtaining a new landfill site. Comments indicated NDEP may be involved in the process. Supervisor Ayres moved that the Board approve and authorize the Mayor to sign the application, Bureau of Land Management Form 2740-1, for the purchase landfill leased property from the Bureau of Land Management; Fiscal Impact: Application process only; funding required to obtain site will be discussed at future Board of Supervisors

meeting. Supervisor Bennett seconded the motion. Motion carried 4-0.

B. ACTION ON INTERLOCAL CONTRACT BETWEEN CARSON CITY, WASHOE AND DOUGLAS COUNTIES FOR PUBLIC EDUCATION ON HOUSEHOLD HAZARDOUS WASTE (1-2075) - Supervisor Ayres moved that the Board approve and authorize the Mayor to sign an Interlocal Contract between the Counties of Carson City, Washoe and Douglas for the purpose of a tri-county public education campaign regarding household hazardous waste management; fiscal impact: agreement only; funding will be discussed on separate action. Supervisor Bennett seconded the motion. Motion carried 4-0.

C. ACTION ON FUNDING OF \$77,646.51 BY THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION TO CARSON CITY FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION AND PUBLIC EDUCATION (1-2075) - Mr. Arnold explained the proposal would not establish Carson City as a regional landfill site for hazardous wastes. This funding was for Carson City residents only. Carson City does not accept commercial hazardous waste even though it may contain some of the same products as the residential hazardous material. Supervisor Bennett moved that the Board of Supervisors approve and authorize the Mayor to sign the attached Interlocal Agreement - Contract between the Nevada Division of Environmental Protection and Carson City for funding to implement a Household Hazardous Waste Collection Program for Carson City and a related public education campaign for Western Nevada; fiscal impact: The Landfill Budget gains \$4,000 in revenue for Contract Administration; funding source: Funding provided by NDEP on a reimbursement basis. Supervisor Ayres seconded the motion. Motion carried 4-0.

Mr. Arnold invited the Board and public to attend the Carson City Recycling Informational Update Meeting scheduled for Wednesday, April 27, at the Nevada State Library, Meeting Room A, and explained the program. Supervisor Bennett noted this would be occurring during Carson Pride and Revitalization week.

BREAK: A 15 minute recess was declared at 10:05 a.m. When the meeting reconvened at 10:20 a.m. a quorum was present although Supervisor Tatro was absent as previously noted.

8. FIRE CHIEF - Louis Buckley - Discussion noted the turnout for the new Fire Station No. 1 Grand Opening Ceremony and commended Chief Buckley on those ceremonies.

A. PRESENTATION ON THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ACTIVITIES (1-2453) - Emergency Management Coordinator Shiela Clements briefly reviewed the activities. A copy of the booklet was displayed. Discussion included the distribution process. (A copy was given to the Clerk.) The Board commended her on her endeavors. This was a status report only. No action was required or taken.

B. ACTION ON INTERLOCAL CONTRACT BETWEEN CARSON CITY AND TAHOE-DOUGLAS FIRE PROTECTION DISTRICT FOR JOINT AMBULANCE BILLING (1-2649) - Discussion included reasons Douglas County had not joined in the agreement and indicated the City would not collect for Tahoe-Douglas. Both Agencies use the same collection agency. Tahoe-Douglas would pay its portion monthly. Supervisor Bennett moved that the Board of Supervisors approve the Cooperative Ambulance Billing Agreement with Tahoe-Douglas Fire District; fiscal impact revenue of \$11,100 per year; funding source: No additional cost. Supervisor Smith seconded the motion. Motion carried 4-0.

C. ACTION ON THE AMBULANCE BILLING SOFTWARE PACKAGE (1-2935) - Discussion clarified the funding source. Supervisor Smith moved that the Board approve the purchase of the Ambulance Billing Software Package as presented by the Fire Chief; the fiscal impact will be \$8,295; the funding

source will be Ambulance Fund Working Capital. Supervisor Ayres seconded the motion. Motion carried 4-0.

9. DISTRICT ATTORNEY - Deputy District Attorney Paul Lipparelli - ORDINANCES - SECOND READING

A. ACTION ON BILL NO. 115 - 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 (1-3125) - Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1994-21, 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. Supervisor Bennett seconded the motion. Motion carried 4-0.

B. ACTION ON 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; 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 (1-3175) - Supervisor Smith moved to adopt on second reading Ordinance No. 1994-22, 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. Supervisors Bennett and Ayres seconded the motion. Motion carried 4-0.

10. CITY MANAGER - Mr. Berkich

A. ACTION ON REMODELING OF THE MUSSER STREET FIRE STATION FOR USE BY THE CLERK'S OFFICE OR IN THE ALTERNATIVE, ACTION ON REQUEST BY THE CLERK-RECORDER TO RELOCATE THE ELECTION DEPARTMENT (1-3345) - Mr. Berkich reviewed his proposal and the environmental report. Discussion included the need to maintain the integrity of the Courthouse as well as the agreement with the State to acquire the property. Mayor Teixeira suggested the funding source be AB 104 rather than the contingency account, which was discussed and supported by other Board members. Discussion also included reasons the insurance fund could not be used. Chief Deputy Clerk Alan Glover then explained the National Voter Registration Act of 1993, the Federal Voting Rights Act of 1964, the Senior Voting Rights Act, and Senate Bill 250 requirements which mandate the relocation of the Election Division. Therefore, the Division should be relocated for a minimal three year period. Discussion ensued on the Election needs, remodeling plans, old Fire Station building problems including health concerns and questioned the estimated figures, the proposed rental site, cost of and the funding source for another site. Mr. Berkich committed to a new heating system and cleaning the facility. He felt the building had adequate air conditioning. Clerk-Recorder Nishikawa stressed his safety concerns with the building. Board consensus indicated it would reconsider the issue if it is determined later that it is not feasible. Board compassion for the employees was noted. The Board again expressed a concern about the estimates and whether they were realistic. Supervisor Ayres moved to approve the use of the former Musser Street Fire Station by the Clerk-Recorder's office and possibly other self-funded nonprofit groups with a fiscal impact to begin with of \$15,000 from the Contingency Fund but to leave it open for further funding as needed to make it a comfortable environment for all and to be brought back to the Board for approval of those funds. Supervisor Bennett seconded the motion. Motion was voted and carried 4-0. Mayor Teixeira indicated the vote contained a "lot of reluctant ayes".

11. BOARD OF SUPERVISORS

A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-1028) - Supervisor Smith reported on the Regional Transportation Commission meeting on senior transportation. A presentation on this topic will be made to the Board on May 5. He then reported on the Carson Subconservancy District meeting including the proposed agreement to acquire Red Lake water rights and Mr. Turnipseed's report. He then noted the improvements made in the Edmonds Park soccer fields and commended staff on its efforts. A water/sewer problem in Lakeview was noted and he commended the Water and Sewer staff on their efforts. He also expressed his feeling that staff's attitude was changing for the better and commended staff on the change.

(2-1699) Mr. Berkich expressed his feeling that the team concept had worked as exemplified by the One Stop Special Events presentation and the Turf Team work on Edmonds Park. The members of the Turf Team were introduced.

(2-2590) Supervisor Bennett explained the Carson Pride and Revitalization activities planned for the following week, the Farmers Market plans, progress on the Carson River corridor with the Army Corp of Engineers, and her plans to attend a State Hospital Trustee meeting with the American Hospital Association in Washington, D.C., as well as with our State Representatives. (2-2546) Supervisor Ayres reported on the Parks and Recreation meeting, commended the Turf Committee on its efforts, the cooperation between the Fire Department and the Parks Department on budget needs, and announced the Spring Fair in Mills park on April 27. Her representation on a State Transportation Board was noted. She stressed the importance of the next RTC meeting. She then noted her involvement with a State Cooperation Program and the City's ability to apply for some of its grants. (2-3091) Mayor Teixeira explained Supervisor Tatro's suggestion that the meetings commence at 1 p.m. rather than 9 a.m. including potential benefits of such a program. Supervisors Ayres and Bennett supported the concept.

B. ACTION ITEMS - RESOLUTIONS, PROCLAMATIONS, ETC.

i. SUPERVISOR SMITH - DISCUSSION AND ACTION ON THE FORMATION OF A TEAM TO STUDY THE PRIVATIZATION AND/OR THE OUT-SOURCING OF CITY SERVICES (2-1238) - Supervisor Smith explained his reasons for agendizing the item, privatization efforts conducted in other areas, areas he felt the committee should analyze, and the committee composition. His committee would be a citizen's ad hoc and have employees involved in it but not on the committee. He volunteered to serve on it. Mayor Teixeira expressed his concern about adding another committee mandating Mr. Berkich's personal involvement. Discussion noted that the period of life should be left open. Supervisor Smith moved that the Board of Supervisors direct the City Manager to form a team to study the privatization and/or out-sourcing of City services. Supervisor Bennett seconded the motion. Motion carried 4-0. (2-1780) Supervisor Smith indicated that anyone wishing to be on the committee should contact either the City Manager's office or himself.

10. B. PRESENTATION BY U.S. FOREST SERVICE ON THE PENDING HELICOPTER LOGGING PROJECT (2-1786) - U.S. Forest Service Project Coordinator Ed Tobartlow explained the operation and responded to Board questions on the proposed landing sites, size of the operation, and truck logging routes. Mayor Teixeira requested he keep reminding the truckers to use the inside lanes. Board comments acknowledged the fire hazard caused by the trees. Supervisor Bennett also explained TRPA's role in the logging process and stressed the urgency involved with other Eastern Sierra sites. Currently there are no plans to use Clear Creek Road for this project. The forest site will be closed to the public during logging. Mayor Teixeira urged Mr. Tobartlow to coordinate his activities with NDOT's road repair/resurfacing activities. Logging activities should commence May 16 and continue until the "middle of July". Based on NDOT's work, Mr. Tobartlow felt that the trucks may use the route through Incline Village exclusively.

(2-2415) Supervisor Bennett then introduced and explained Mrs. Dixie Bush's petition requesting the Board utilize any monies obtained from the timber sale to repair and maintain Clear Creek Road. Mayor Teixeira requested this issue be considered under Citizen's Comments rather than the Forest Service Agenda Heading.

CITIZEN COMMENTS (2-2432) - Mrs. Dixie Bush presented Mr. Berkich with the petition and Mayor Teixeira directed him to agendize the request. Mrs. Bush explained the location of her home, which is in Douglas County. She read the petition into the record. The petition will also be presented to Douglas County.

11. BOARD OF SUPERVISORS

B. ACTION ITEMS - RESOLUTIONS, PROCLAMATIONS, AND OTHER ACTIONS ITEMS

ii. **SUPERVISOR BENNETT - ACTION ON APPOINTMENT OF ALTERNATE TO THE TAHOE REGIONAL PLANNING AGENCY (2-2519)** - Supervisor Bennett explained her inability to attend the next TRPA meeting and moved that the Board appoint Rob Joiner as the Alternate to the Governing Board Meeting of the Tahoe Regional Planning Agency for April 27. Discussion ensued on the statute requirements for appointments to TRPA. Supervisor Smith seconded the motion. The motion carried 4-0.

BREAK: There being no other matters for consideration before 6 p.m., Mayor Teixeira recessed the meeting at 12 noon. When the meeting reconvened at 6:05 p.m. the entire Board was present including Supervisor Tatro, constituting a quorum. Staff members present included: City Manager Berkich, Deputy District Attorney Lipparelli, Principal Planner Joiner, Administrative Assistant to the City Manager Hernandez, and Recording Secretary McLaughlin.

13. COMMUNITY DEVELOPMENT DIRECTOR - Principal Planner Rob Joiner

A. ACTION ON U-90/91-9A - AN APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING A SPECIAL USE PERMIT APPLICATION FROM EUGENE LEPIRE TO ALLOW A BAR ON PROPERTY ZONED RETAIL COMMERCIAL (RC) LOCATED AT 1300 EAST FIFTH STREET (LAUNDRY LOUNGE), ASSESSOR'S PARCEL NUMBER 4-113-15 (PLANNING COMMISSION MOTION TO CONTINUE 3-3-1-0, PLANNING COMMISSION DENIED 6-0-0-1) (2-3306) - Supervisor Smith moved that the Board of Supervisors refer Special Use Permit Application U-90/91-9A back to the Planning Commission. Supervisor Tatro seconded the motion. Comments were solicited but none made. The motion was voted and carried 5-0. Mr. Joiner indicated this would be agendized for the May 28th meeting.

12. DISCUSSION AND POSSIBLE ACTION ON THE SCRAMBLING OF THE SPICE CHANNEL (2-3415) - Mr. Berkich, Ms. Hernandez, TCI Regional Manager Bob Gastonguay, Mr. Lipparelli, Carson City Television Commission Chairperson Eugene Quarteron, Peggy Stanley, Dennis Shriner, and Ron Egts - Discussion noted the attempts TCI had made to eliminate residential viewing of the SPICE channel, all to no avail, and other alternatives/options. TCI volunteered to install, in approximately 90 days, positive scrambling equipment--named sideband interdiction. Individuals wishing to view the channel would have to install an "incoder" which would descramble the signal. The current signal would be kept until the positive scrambling equipment is installed. The channel is available under the pay per view on demand program. Mr. Lipparelli explained the Board's legal perimeters including the franchise agreement. He requested that Mr. Gustonguay be allowed to make his First Amendment arguments and that he be allowed to respond to same as the issues arise. Supervisors Smith and Ayres acknowledged Mr. Gustonguay's efforts to work with the community and thanked him for those attempts. Mr. Gustonguay explained that it cost the company \$45 to send a truck out to install the residential "traps". The customers were not to be charged for this service. He had already installed "traps" at the schools and daycare centers. Attempts were being made to install the "traps" on the same day as the request is made. The "four digit PIN number" helps reduce the opportunity for juveniles to authorize unsupervised programming. (3-0365) Mr. Quarteron explained that TCI currently has approximately 13,000 subscribers of whom approximately 2,000 have availed themselves of the four pay per view channels. There are approximately 1,500 of those subscribers who have the SPICE Channel. He then advised the Board of the meeting with the San Francisco FCC office and his understanding that the City could control the station without violating the First Amendment. This action could include a blanket block of the channel. FCC had indicated a feeling that TCI was violating the law, specifically Section 624. CCTC had agreed to support TCI's proposal to install a block, however, it should not interfere with the level of service for the other stations. The Commission also expressed the desire to have the channel removed until the positive trap is installed. The Commission had also considered, but not taken action on, changing the Code to include a paragraph on consumer protection and to establish a fine

structure. Discussion ensued between the Board and Mr. Quarterson on the City's franchising status, FCC's standards contained in the Consumer Protection Standards, court rulings on indecent/obscene programming, notification requirements mandated of TCI when channels are offered, the Board's ability to have public hearings on such offers, whether this notification requirement had been complied with, community standards, and a court's view of those standards. Supervisor Bennett commended Mr. Quarterson, staff, and others of the community who had worked diligently on this problem. She voiced her resentment to the fact that 11,500 people must receive the channel without invitation. She hoped that TCI would receive a clear message from the community concerning its standards. If not, she encouraged all of the 11,500 customers to immediately contact TCI and demand a "trap". She felt that the customers may wish to do so now. Supervisor Smith expressed his feeling that anyone wishing the service should be able to obtain it, however, noted the complexity of the community standards issue. He also questioned the validity of the subscriber/non-subscriber numbers. Supervisor Ayres cautioned against the Board becoming one dealing with "censorship". She also voiced her objection to some of the programs aired over the other channels. She recommended removing the SPICE channel until such time as the receivers could be controlled.

(3-1068) Peggy Stanley presented a petition to Ms. Hernandez and explained her contact with the public concerning the SPICE channel. She commended the Board for its willingness to become involved and act on the problem. She felt allowing the channel would "open a Pandora's box" and cited examples of problems which she felt would be created by the channel. (3-1206) Dennis Shriner explained his reasons for becoming involved. He was also concerned about having children home from school during the summer months with/without supervision and being able to watch the SPICE channel and questioned the adult morals such viewing may create. He urged the Board to adopt the Commission's second recommendation and have TCI remove the channel until the positive trap is installed. He also pointed out that parents could not control the programs which children watch as many homes have three televisions. He again requested the channel be removed. (3-1310) Ron Egts expressed his feeling that it was in the public interest to remove the channel until the positive trap is installed.

(3-1365) Mayor Teixeira pointed out that there were only 1,500 subscribers making the firm \$50,000 a year. He felt that the City had not been notified about the channel. He then asked Mr. Gustonguay to remove the station until a positive trap could be installed. Mr. Gustonguay indicated he could not make a commitment on this request and requested seven days in which to respond even though he acknowledged that the removal may be in the community and TCI's best interest. He also reiterated his agreement that the positive trap would be installed within 60 to 90 days. Mayor Teixeira felt certain that the Board would adopt a motion requiring its immediate removal but felt it was better for TCI to voluntarily remove the station. (3-1459) Mr. Gustonguay then agreed to remove the channel. Mrs. Stanley commended him on his willingness to respond to the community's desire. Mayor Teixeira commended him on his commitment and indicated it would be off the air by Monday. Mr. Gustonguay agreed to have it removed by Monday. Mayor Teixeira thanked all of the participants on their endeavors.

BREAK: A five minute recess was declared at 6:40 p.m. When the meeting reconvened at 6:45 p.m. the entire Board was present constituting a quorum.

13. B. ACTION ON MPA-92/93-3A - AN APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING A MASTER PLAN AMENDMENT REQUEST FROM LANDMARK HOMES AND DEVELOPMENT TO AMEND THE CARSON CITY MASTER PLAN LAND USE MAP DESIGNATION FROM SUBURBAN RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED ON THE NORTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-121-15, AND PROPERTY LOCATED ON THE SOUTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-124-02 (PLANNING COMMISSION DENIED 4-2-1-0); AND, C. ACTION ON Z-92/93-3a - AN APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING A CHANGE OF LAND USE

REQUEST FROM LANDMARK HOMES AND DEVELOPMENT TO CHANGE THE LAND USE DESIGNATION ON APPROXIMATELY 30.045 ACRES OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 6,000 (SF6000) ON PROPERTY LOCATED ON THE NORTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-121-15, AND PROPERTY LOCATED ON THE SOUTHEAST CORNER OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-124-02 (PLANNING COMMISSION DENIED 3-3-1-0) (3-1515) - Principal Planner Joiner, Senior Planner Juan Guzman, Developer Jim Bawden, Pat Bacon, Tom Lawry, Edgar McNeil, Robert Emerson, Randy Evans, Casey Jones, Sandy Vibes, Ron Kipp, Dave Cardinal, John Erb, Dave Hampton, Fran McClain, Dave Helgren, Brian Clark, Kathy Austin, Joan Brooks, Wallace Jessie, (4-1019) Jeanna Sole, and Acting Public Works Director Tim Homann - Staff responded to Board questions concerning the compatibility of the proposal, feasibility of a lower density when faced with the commercial uses across the street, the proposed one acre buffer surrounding the 6,000 plus square foot lots, deed restrictions and CC&R's requirements, the subdivision's limited access/egresses, the related zoning concerns found with the Costco site, control over the final project, the flood zones, and the drainage problems. Mr. Bawden used a colored parcel map to explain the concept, surrounding uses, and reasons for the request. He responded to Board questions concerning the lot size, the density factor, the need for a sewerline to service the area, Center Street amenities, the current and projected traffic volumes, signalization needs, size of the lots adjacent to the Sky Ridge, and his meetings with the neighbors. Mr. Bawden indicated he would perform a traffic study and that the traffic issues would be negotiated with staff.

(3-2949) Support for the project was expressed based on the design, street and sewer improvements which would be required, Mr. Bawden's reputation as a developer, experience with other municipalities, street improvements, benefits of the development. (4-0165) Objections to the project included water available for continued growth in the City; the increased demand for police services; lack of maintenance specifically if the property is rented, the increased density; the potential of increased gang and graffiti problems specifically if surrounded by a wall; desire to retain the current zoning, open space, the master plan, character, rural lifestyle, their livestock, and privacy; that the proposal was spot zoning; the frustration at the constant bombardment of requests for zoning changes on this site; ownership; change in the property's value if the zoning is changed; control over the final product if Mr. Bawden does not acquire the property; student crowding at Seelinger; lack of pocket parks; the line beyond which SF6000 encroachment would not be allowed; and the traffic congestion and volume which will be created by the development. Mr. Erb suggested as an alternative that the zoning be reduce to half-acre lots. Mrs. McClain felt that if the development is approved it would encourage others to encroach on the remaining small amount of one acre parcels found in the City, (4-0706) Mr. Bawden clarified the area under consideration for rezoning for Mr. Helgren. (4-0966) Mr. Jesse's letter was noted. Purportedly 21 people opposed the project based on current traffic problems, increased traffic problems which the project would create, potential lack of capacity at the sewer plant, and the drainage problems which may be increased by the project. He felt that the line should be held and that one "NO" should be adequate. Ms. Sole urged the Board to consider the issues carefully and not rush into a decision.

BREAK: A five minute recess was declared at 8:17 p.m. When the meeting reconvened at 8:22 p.m. the entire Board was present constituting a quorum.

Mr. Lipparelli noted that the Code requires the property owner to sign a request for either a zone change or master plan amendment. The applications under consideration have the property owner's signature. Any changes in the master plan or zoning would remain with the property and not the property owner. Conditions could not be placed against a master plan amendment or zone change. Discussion with the Board indicated the tentative map could contain conditions, however, Mr. Lipparelli cautioned the Board against making a decision based upon an individual's reputation. If the Board wished to condition the tentative map, it must be submitted with the zone change and master plan amendment requests. Mr. Lipparelli cautioned the Board against requiring Mr. Bawden to agree to conditions within the development which may be considered "contract zoning".

Supervisor Ayres expressed her concern about the lack of response from the immediate neighborhood. Supervisor Tatro noted the numerous letters he had in his file on this matter. These letters had been at the City Manager's office for review by the Board. Supervisor Tatro had picked them up earlier this afternoon enroute to the meeting. Mr. Bawden indicated there were approximately 60 to 70 letters supporting the project. These letters had been considered by the Planning Commission. Discussion ensued between Mr. Homann and Mayor Teixeira on the traffic problems at Koontz and Silver Sage, street improvements which would be required if the project is developed, Koontz drainage problems, and estimated costs for improvements to the drainage system. Mayor Teixeira then commended Mr. Bawden on his projects within the community and expressed his respect for him as a developer. The project has a lot of merit and benefit to the community, however, without proper conditions/planning would worsen the current drainage problem on Koontz. If the request is granted the property could be developed as SF6,000. Mr. Bawden agreed but indicated this was not his plan. Mayor Teixeira continued his explanation by noting that only a tentative map could be conditioned. He felt that if a trade-off could be allowed and the drainage problems addressed, the project could be of greater value to the community. He recommended having the tentative map as part of the discussion and indicated he would not support the requests unless it was included. Supervisor Smith noted that a "tentative, tentative map" was illustrated on the concept parcel map. Discussion noted Silver Oaks had been required to submit the tentative map with the master plan amendment and the zone change requests. Supervisor Smith explained his desire to hold the SF6000 at Koontz, however, the project had merit and value to the community. Examples were given of the merit he found within the project. Mr. Joiner also noted that on the previous applications on this property staff had recommended denial, whereas, the recommendation on this project had been for approval. Mr. Bawden indicated he planned to submit a tentative map to the next Planning Commission. He expressed a willingness to return both requests to the Commission for consideration with the tentative map. Mr. Lipparelli then explained the Planning Commission vote on the requests, the Board's options, and his feeling that the Commission had submitted the project to the Board without a report. Therefore, if the Board desired to approve the project this evening, it would be returned to the Planning Commission for a report. If the Board desired to deny the project, it would not have to be returned to the Planning Commission. The Board could request consideration of the tentative map, however, unless the applicant requests a continuance, the Board should take action to approve or deny the project. Supervisor Smith expressed his reluctance to approve the project without the tentative map and desire to have the Commission consider the entire project and return. Board discussion ensued with Mr. Bawden and staff on the need for the Commission to consider the tentative map application, the deadline for that meeting, Commission options, the Applicant's ability to voluntarily withdraw the applications before the Board, and Board options. Mr. Bawden then expressed a desire to take the requests back to the Planning Commission and requested the matter be continued with no action being taken this evening. Supervisor Tatro reiterated his position on zone changes and master plan amendments and his desire to consider all of the relevant issues. He would oppose any requests submitted without the tentative maps. Mr. Joiner noted that the applicants are counselled along those lines, however, legal advice cannot be given. Supervisor Tatro then moved that the Board refer MPA-92/93-3A and Z-92/93-3A back to the Planning Commission for rehearing and a report back to the Board of Supervisors from its May 29, 1994, meeting as requested by the Applicant. Supervisor Smith seconded the motion. Mr. Lipparelli then noted that Mr. Bawden had filed appeals of the master plan amendment and zone change decisions taken by the Planning Commission. His request for a continuance of the application was also for a request to continue the appeal. Mr. Bawden agreed with Mr. Lipparelli. Supervisor Tatro indicated this was his understanding when he made the motion. Mayor Teixeira expressed his feeling that the motion was in the best interest of the community and that the project would be brought back for reconsideration. The motion to return the requests to the Planning Commission as indicated was voted and carried 5-0.

Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0 and Mayor Teixeira adjourned the meeting at 8:55 p.m.

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

ARE SO APPROVED ON _____ July 7 _____, 1994.

_____/s/_____
Marv Teixeira, Mayor

ATTEST:

_____/s/_____
Kiyoshi Nishikawa, Clerk-Recorder