A regular session of the Carson City Board of Supervisors was held on Thursday, November 5, 1992, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m

PRESENT:	Marv Teixeira	Mayor
	Tom Fettic	Supervisor, Ward 2
	Greg Smith	Supervisor, Ward 1
	Tom Tatro	Supervisor, Ward 3
	Kay Bennett	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Kiyoshi Nishikawa	Clerk-Recorder
	Ted P. Thornton	Treasurer
	Gary Kulikowski	Internal Auditor
	Mike Suglia	Deputy District Attorney
	Jeanette Sullivan	Administrative Assistant to the City Manager
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 11/5/92 Tape 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. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during the normal business hours.

Mayor Teixeira called the meeting to order at 9 a.m. Rev. Ken Haskins of the First Christian Church gave the Invocation. Supervisor Tatro lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

1. APPROVAL OF MINUTES - August 20, 1992 (1-0041) - Supervisor Fettic moved to approve. Supervisor Smith seconded the motion. Motion carried.

2. SPECIAL PRESENTATIONS - PRESENTATION AND POSSIBLE ACTION REGARDING THE HISTORICAL COMMISSION'S RECOMMENDATIONS ON THE SYMBOLS AND EMBLEMS PROJECT (1-0045) - Chairperson Herleman and Members Saulisberry, Adler, and DiLonardo were present. A quorum was not present. Ms. Sullivan introduced the proposal and the procedures to modify the ordinances. Costs would be incurred only when the symbols and emblems are produced. Chairperson Herleman introduced the Commission. Commissioner Adler and Chairperson Herleman explained each of the recommendations including some history or reasons for the recommendation. (During this explanation, Commisioner Calibro arrived, constituting a quorum.) Ms. Sullivan explained the State's "Seals and Emblems" booklet, which Chairperson Herleman gave to the Board. (She later retrieved the booklet.) Ms. Sullivan also introduced Gladys Crum, who had assisted the Commission in its selection of wildflowers. Mayor Teixeira commended the Commission on its efforts. Commissioner Adler and Chairperson Herleman clarified the differences in the seal and flag. Supervisor Fettic moved to adopt the Jeffrey Pine, Desert Peach, Golden Eagle, Jackrabbit, Sloth, Cutthroat, Sandstone, Process Blue and White, recommended moto, and other recommendations as indicated. Supervisor Smith seconded the motion. Following discussion, Supervisor Fettic withdrew the Jeffrey Pine. Supervisor Smith concurred. The motion to approve the remaining recommendations carried 5-0.

The audience was polled as to the type of tree preferred. Supervisor Tatro then moved to adopt the Fremont Cottonwood. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result:

Smith - No; Fettic - No, although he likes the Cottonwood, he preferred the Jeffrey; Bennett - Yes, as she felt the Cottonwood is a symbol of current, relative presence, is named after an important discoverer and founder of the City, and is a very tangible, visible symbol, and something that is seen as very, very beautiful; Tatro - Yes without comment; and Mayor Teixeira - No, as he preferred the audience's vote. Supervisor Fettic then moved that the Board adopt the Jeffery Pine as the official tree of Carson City. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Tatro - Yes; Bennett - No; Smith - Yes; Fettic - Yes, although if the vote had gone the other way he would have requested the Cottonwood be accepted by acclamation and encouraged the Board to do the same for the Pine; and Mayor Teixeira - Yes. Motion carried 4-1. Supervisor Bennett then requested that the motion be recorded as having carried unanimously. Clarification indicated that the flag was to be multi-colored as proposed even though the display was a single color. The Board then commended Commissioner Laura Adler and Vern Horton for their contribution of the art work.

As there were no other matters for discussion/action by the Historical Commission, it adjourned by mutual consent.

3. LIQUOR AND ENTERTAINMENT BOARD - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. A quorum of the Board was present although Member McGrath was absent.

A. ACTION ON LIQUOR LICENSE FOR ANNA CHRISTINE SCIALABBA BEING ADDED AS A PARTNER DOING BUSINESS AS MARRONE'S AT 2729 NORTH CARSON STREET (1-0772) - Anna Christine Scialabba responded to Board questions on her experience in the liquor industry and familiarity with liquor identification laws. Member Fettic moved that the Board approve a Liquor License for Anna Christine Scialabba being added as a partner in the business known as Marrone's, located at 2729 North Carson Street. Member Bennett seconded the motion. Motion carried 5-0. Chairperson Teixeira wished her well in her new endeavor.

B. ACTION ON LIQUOR LICENSE FOR LISA JAYNE TAYLOR DOING BUSINESS AS SIERRA'S AT 400 SOUTH CARSON STREET (1-0827) - The Fire and Health Departmental Reports are still pending. Lisa Jayne Taylor responded to Board questions concerning her experience in the liquor industry, liquor identification requirements, and the location of the business. Member Smith moved to approve the Liquor License for Lisa Jayne Taylor for her business, Sierra's, located at 400 South Carson Street, subject to approval by the Fire and Health Departments. Member Fettic seconded the motion. Motion carried 5-0. Chairperson Teixeira wished her well in her new endeavor.

Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

CITIZEN COMMENTS (1-0867) - May Ruth French questioned the sponsorship of a Transportation Department survey performed by a Truckee, California, firm. She also expressed her disappointment in the Planning Commission's failure to indicate its position on the zoning issues related to the Harootunian property and The Nevada Appeal's failure to print her letter on the election. She then read into the record her letter acknowledging the electorate's decision on the Supervisor Ward 4 race and her intent to remain active in the community.

4. TREASURER - Ted P. Thornton

A. ACTION ON REMOVAL OF TAXES ON THE 1992-93 REAL PROPERTY TAX ROLL ON PARCEL NO. 1-132-02 DUE TO CHANGE OF LAND USE RESULTING IN TAX EXEMPTION (1-0925) - Supervisor Smith moved to approve the removal of taxes from the 1992-93 Real Property Roll of Parcel No. 1-

132-02 due to a change in land use which results in a tax exempt status as a church, fiscal impact is a $581.19 decrease to the General Fund for taxes. Supervisor Fettic seconded the motion. Motion carried 5-0.

B. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING CHAPTER 4 OF THE CARSON CITY MUNICIPAL CODE TO INCREASE BUSINESS LICENSE FEES FIVE PERCENT FOR THE CALENDAR YEAR 1993 (1-0962) - Mr. Thornton's comments noted the budget had included the revenue generated by the fee increase. Chamber of Commerce Executive Director Larry Osborne explained the Chamber's opposition to the increase. Administrative Services Director Mary Walker responded by explaining the increased CPI and need for revenue to support the area's growth. Standard accounting procedures included these factors in the calculations and encourage annual revenue increases. If the business fees are not increased, the ad valorem monies will be paying for businesses to operate in the City. Discussion noted the total increase would only generate $21,000 in additional revenue. It had been included in the budget documents and if not approved, would create a revenue shortfall. Mr. Thornton clarified that the budget is on a fiscal year, however, the licenses are on a calendar year and suggested the Board may wish to change the billing procedures. Discussion ensued among the Board and Ms. Walker on reasons for increasing the fees annually and when the increases should be considered--during the budget process or at the end of the calendar year. The proposed five percent was based on the CPI and the maximum allowed by Statute. (1-1338) Chamber of Commerce President Kevin Honkomp acknowledged the City's fiscal responsibility, however, felt that only a small segment of the City's businesses may be experiencing the growth necessary to fund the proposal. He urged the Board to deny the proposal. Supervisor Smith supported his position due to his feeling that the economy was forcing businesses to curtail expenditures. The growth in sales tax revenue in Carson City was due to new businesses. Increased garbage collection fees were cited as an example of the cost to do business in Carson City. Additionally, he felt the City had not exhibited the need to justify the increase. Mr. Honkomp supported consideration of the rate increase as part of the budget rather than at the end of the year. Supervisor Fettic encouraged staff to modify the ordinance for consideration during the budget process. Mr. Thornton then explained the time required to change the ordinance and produce the bills. Mr. Berkich agreed to bring the issue back during the budget session.

(1-1625) Richard Waiton expressed his feeling that the City could find adequate revenue from other sources to negate the proposed fee loss. The proposal may negatively influence potential businesses.

Mayor Teixeira detailed the alternatives available for Board consideration. He pointed out that the Board had included the five percent increase in the budget document. He felt that the business community had been remiss in failing to point out the impact. The property taxes had been reduced and should be included in business' consideration of the increases. The garbage collection increase had been mandated by the State for recycling programs. While acknowledging the points stressed by Messrs. Honkomp and Osborne and Supervisor Smith, he also indicated the economic indicaters would support the proposal. Supervisor Smith then moved that the Board reject Bill No. 158, AN ORDINANCE AMENDING SECTIONS 4.04.020, 4.04.040, 4.04.031, 4.04.050, AND 4.04.105 OF TITLE 4, INCLUDING THE CLASSIFICATIONS SECTION, EMPLOYEE FEES SECTION AND CONTRACTORS SECTION, TO INCREASE RATES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Fettic seconded the motion. Discussion ensued concerning whether the issue should be delayed until the next budget session is conducted. The motion carried 5-0.

Supervisor Smith then moved that Board direct City staff to prepare an ordinance regarding the same subject and amending the ordinance-- Due to problems with this wording, the motion was withdrawn. Supervisor Smith then moved that the Board direct staff to prepare an amended ordinance which brings this subject in line with the effective date of the budget session. Supervisor Fettic seconded the motion. Discussion ensued between Mr. Thornton and Supervisors Fettic and Smith concerning whether this was adequate direction or if the billing cycle needed to be revised. The motion to direct staff to prepare an amendment to the ordinance as indicated was voted by roll call with the following results: Ayes - Bennett, Tatro, Fettic, Smith, and Mayor Teixeira. Nayes - None.

Motion carried 5-0.

5. COMMUNITY DEVELOPMENT DIRECTOR - Principal Planner Rob Joiner

a. PLANNING COMMISSION REVIEW AND APPEAL MATTERS

i. ACTION ON V-92/93-4 REGARDING AN APPLICATION RECEIVED FROM GARY SPARKS TO VARY FROM THE MINIMUM REAR YARD SETBACK REQUIREMENTS ON PROPERTY ZONED MULTI-FAMILY DUPLEX-PLANNED UNIT DEVELOPMENT (MFA-PUD) LOCATED AT 4232 MULLIGAN DRIVE (APN 10-402-09) PURSUANT TO THE REQUIREMENTS OF THE CARSON CITY MUNICIPAL CODE - PLANNING COMMISSION DENIED 4-2-1-0 (1-1978) - Supervisor Smith noted that he owns property in the affected area, however, did not feel that this would prejudice his decision. Mr. Joiner discussed the findings and reasons staff had recommended denial with the Board even though the Homeowners Association had supported the Applicant. Applicant's representative John Copoulos reviewed his letter appealing the Commission's decision and his feeling that as the original house had already encroached on the setback requirements, a hardship should be declared. Discussion with the Applicant indicated the project would cost approximately $30,000. The project was discussed by the Association and approved as complying with the CC&R's. Mr. Copoulos urged the Board to consider the project's merits and not the precedent issue indicated by staff. Mayor Teixeira also pointed out his feeling that none of the other property owners would make the investment indicated unless they intend to remain. **Supervisor Smith moved that the Board of Supervisors deny the Planning Commission's decision and that the Board approve V-92/93-4, an application received from Gary Sparks to vary from the minimum rear yard setback requirements on property zoned Multi-family Duplex-Planned Unit Development located at 4232 Mulligan Drive, Assessor's Parcel No. 10-402-09. Supervisor Fettic seconded the motion.** Mr. Suglia recommended the motion include findings. Supervisor Smith indicated that he disagreed with all of the findings made by the Planning Commission and **continued his motion to include his disagreement with Finding No. 2 of Section 18.05.053 that requires the proposed development be in keeping with the objectives of the Master Plan, that the Planning Commission felt that it failed to meet this objective, whereas he felt it did; Finding No. 3, Sections 18.02.053(b) and 18.05.081(d) require that the proposed development project not be detrimental to the immediate vicinity, which he felt that proposed development was not detrimental to the immediate vicinity whereas the Planning Commission obviously felt it was.** Following indication that additional findings should be made, **Supervisor Smith continued his motion to include that Finding No. 4, Section 18.02.053(c) requires the project to have merit and value for the community as a whole, the Planning Commission felt that it did not whereas he felt that it did. Supervisor Fettic continued his second** and expressed his feeling that the motion should include the fact that the Homeowners' Association supported the application which would support Findings No. 3 and 4 at the very least. **Supervisor Smith again amended his motion to include the point that the Homeowners' Association supported the application and would in essence support his Findings No. 3 and 4. Supervisor Fettic continued his second.** Comments were solicited but none made. **The motion to approve the application and deny the Planning Commission's recommendation as amended was voted by roll call with the following result: Tatro - No; Bennett - Yes; Fettic - Yes; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.**

ii. ACTION ON S-91/92-7 REGARDING THE REVIEW AND APPROVAL OF A FINAL SUBDIVISION MAP FROM M.S.B. PROPERTIES TO DEVELOP A 46 LOT SUBDIVISION (SUNCHASE PHASE III) ON APPROXIMATELY 8.46 ACRES OF LAND ZONED SINGLE FAMILY 6000 (SF6000) LOCATED ON SILVER SAGE DRIVE BETWEEN COLORADO STREET AND KOONTZ LANE (APN 9-112-43) (1-2390) - Discussion ensued among the Board and City Engineer Tim Homann on the need for a traffic light at Sonoma and 395 which would be based on a warrant study performed by the State.

Sonoma Street improvements were included in the design for Phase III. The Neighborhood Business parcel is not included in the project, however, its improvements along the vacant property were included in Phase III also. Discussion ensued among the Board and Ms. French on the zoning. Street lights are not mandated by the Code, however, Mr. Bawden is interested in including them. Sierra Pacific should not have a problem with the requirement. Mayor Teixeira felt that if lights are installed, the adjacent property owners may petition for lights also. Supervisor Fettic moved that the Board of Supervisors approve S-91/92-7, Final Subdivision Map from M.S.B. Properties to develop a 46 lot subdivision (Sunchase Phase III) on approximately 8.46 acres of land zoned Single Family 6000 located on Silver Sage Drive between Colorado Street and Koontz Lane, APN 9-112-43. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 157 (Z-92/93-4), AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON APN 7-333-02, APPROXIMATELY 68.044 SQUARE FEET (1.56 ACRES OF LAND) LOCATED NORTH AND EAST OF THE INTERSECTION OF COLLEGE DRIVE AND NYE LANE FROM MULTI-FAMILY APARTMENT (MFA) TO NEIGHBORHOOD BUSINESS (NB) (1-2598) - Ms. French explained her representation of unnamed individuals and questioned the restrictions on neighborhood businesses allowed on the site. Clarification indicated Jane Antila was present and had given her the list. Mr. Joiner outlined the uses. A list was available at his office and would be provided if requested. Ms. French supported the storage facilities. Supervisor Fettic moved to adopt on second reading Ordinance No. 1992-57, AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBER 07-333-02, APPROXIMATELY 68,044 SQUARE FEET (1.56 ACRES OF LAND), LOCATED SOUTH AND EAST OF THE INTERSECTION OF COLLEGE DRIVE AND NYE LANE FROM MULTI-FAMILY APARTMENT (MFA) TO NEIGHBORHOOD BUSINESS (NB). Supervisor Smith seconded the motion. Motion carried 5-0.

6. PUBLIC WORKS DIRECTOR - City Engineer Tim Homann **- ACTION ON CHANGE ORDER NO. 1 TO CONTRACT NO. 9293-31 - CLEARVIEW DRIVE/COCHISE IMPROVEMENTS (1-2690) -** Supervisor Tatro moved that the Board approve Change Order No. 1 to Contract No. 9293-31, Clearview Drive-Cochise Street Improvements for an increase in the amount of $2,445. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A two minute recess was declared at 10:28 a.m. When the meeting reconvened at 10:30 a.m. the entire Board was present constituting a quorum.

7. UTILITY DEPARTMENT DIRECTOR - Dorothy Timian-Palmer

A. ACTION ON 1992-93 WATER LEASE AGREEMENT BETWEEN AQUEDUCT I AND CARSON CITY (1-2760) - Ms. Timian-Palmer's introduction included justification for the price increase. Discussion with the Board pointed out that the lease is for one year only but that all of the water would be used during a five month period. The cost, the Subconservancy District's desire to acquire the water rights, the City's ability to acquire the same rights, the expenses Aqueduct would incur, benefits of the conjunctive use water management program, and the funding source were also discussed. Supervisor Bennett moved that the Board approve and authorize the Mayor to sign the 1992 Water Lease Agreement by and between Aqueduct I and Carson City, the fiscal impact is $60,000, and the funding source is 520 Water Purchases. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON CITY ACCEPTANCE OF CONTRACT W-5 OF THE CARSON CITY WASTEWATER TREATMENT AND DISPOSAL FACILITIES PROJECT AND ACTION ON FINAL PAYMENT TO K. G. WALTERS CONSTRUCTION CO., INC. (2-0213) - Following Ms. Timian-Palmer's introduction, Subcontractor B and C General Construction Steve Bowers outlined his financial problems with the

General Contractor K. G. Walters Construction Company. Clarification for the Board indicated he had filed liens but had not yet filed the appropriate court documents. These documents would be forthcoming. Mr. Suglia noted his opinion which was included in the Board's packet and indicated the City does not have a legal obligation to Mr. Bowers as the Contractor had hired the Subcontractors. He urged the Board to authorize final payment to the General Contractor, otherwise, he would have legal recourse against the City. He did not feel that Board approval would prejudice either side. He was not clear about the reasons K. G. Walters Construction had refused to sign Change Order 8, however, the final payment agreement included this Change Order. Grant funding would not be affected by the lack of a signature on Change Order 8. Ms. Timian-Palmer also pointed out the fine line between the City and its Contractor and his Subcontractors and staff's continual concern about stepping over that line. Supervisor Smith questioned how withholding final payment would assist Mr. Bowers. Mr. Bowers indicated this was not his request. He was merely notifying the City of the problem as he felt that everyone would eventually wind up in Court. Ms. Timian-Palmer explained that her staff had kept everyone informed throughout the process and had been working with the District Attorney on the situation.

Mr. Bowers then began to comment on the Stremmel Auction contract for the disposal of surplus City equipment, however, Mayor Teixeira noted this was an agendized item and comments would have to be held.

Supervisor Fettic moved that the Board accept all work completed by K. G. Walters Construction Company of Santa Rosa, California, under Carson City Contract W-5, Secondary Clarifier and Return Sludge Pump Station. Supervisor Smith seconded the motion. Motion carried 5-0.

Supervisor Fettic then moved that the Board approve and authorize the Mayor to sign Change Order No. 9 to Contract W-5 in the amount of $10,892.82. Supervisor Smith seconded the motion. Following Mr. Suglia's request for an amendment, Supervisor Fettic continued his motion to include the funding source as being Account 515, Sewer Capitalization Fund. Supervisor Smith continued his second. Motion carried 5-0.

Supervisor Fettic moved that the Board approve and authorize the Mayor to sign the Final Payment Agreement with K. G. Walters Construction Company in the amount of $88,168.42, funding source is Sewer Capitalization Fund Account 515. Supervisor Smith seconded the motion. Motion carried 5-0.

C. ACTION TO CHANGE ORDER NO. 2, FINAL PAYMENT AND RELEASE OF RETENTION OF CONTRACT NO. 9091-207, CONSTRUCTION OF THE QUILL RANCH WATER TREATMENT PLANT (2-0530) - Board comments commended staff on the fine facility. Additional comments were solicited but none made. Supervisor Bennett moved that the Board approve and authorize the Mayor to sign Change Order No. 2 to Contract 9091-207, Construction of the Quill Ranch Treatment Plant, a deduct amount of $18,944.44. Supervisor Fettic seconded the motion. Motion carried 5-0.

Supervisor Bennett then moved that the Board approve final payment and release of retention on Contract No. 9091-207, Construction of the Quill Ranch Water Treatment Plant in the amount of $113,415 and the funding source is 520 Water Construction. Supervisor Tatro seconded the motion. Motion carried 5-0.

D. ACTION ON CHANGE ORDER NO. 1 TO CONTRACT NO. 1986-021, PLANNING, DESIGN AND CONSTRUCTION SERVICES OF THE QUILL RANCH WATER TREATMENT PLANT (2-0635) - Discussion between the Board and Ms. Timian-Palmer noted the Code had required fire sprinklers and two fire hydrants as well asthe purpose of the diatomaceous filters. Discussion ensued among the Board, Water Resource Consulting Engineer and Water Consortium Representative George Ball and Ms. Timian-Palmer on the plant, recycling benefits of the diatomaceous material, the ability of the plant to function during periods of high turbidity, and explained the term turbidity. Comments noted that the City was not impacting downstream users and was taking only the amount of water allowed by the State Engineer. (2-0975) Bruce Scott of Resource Concepts and a member of the Consortium pointed out that the facility could be expanded to handle Marlette/Hobart water once a pump station is constructed in Marlette. The design of this station should be to the Board for consideration soon. This project is the last of the westside water resource management program. Benefits of this program and advantages of the plant were cited. Ms. Timian-Palmer also pointed out that she is negotiating with the Tribe on the Clear Creek water. Mr. Scott also explained that the plant would be nominated for an American Public Works Association award as a small project. Ms. Timian-Palmer advised that the State is interesting in having tours given of the facility. Supervisor Bennett suggested a model be constructed and located in front of the window for tours. Supervisor Fettic commended the Consortium on its role in the City's water program. Mr. Scott then explained that in essence the Consortium "had worked itself out of a job" which he felt should have occurred. Staff now has the ability to perform 99 percent of the function. Consultants should be used in specialized areas. He was proud of their role and the work accomplished. Supervisor Tatro moved that the Board approve and authorize the Mayor to sign Change Order No. 1 to Task Order No. 23 to Contract 1986-021 by and between Carson City and the Carson City Water Consortium for the planning, design and construction services of the Quill Ranch Water Treatment Plant in the amount of $23,825.42, funding source is Account 520 Water Construction, funding provided in the fiscal year 9192 and augmentation is required. Supervisor Fettic seconded the motion. Motion carried 5-0.

BREAK: At 11:20 a.m. a lunch recess was declared. When the meeting reconvened at 1:30 p.m. the entire Board was present constituting a quorum.

8. PURCHASING AGENT - Basil "Butch" Moreto

A. ACTION ON CONTRACT NO. 9293-39 - CONFLICT COUNSEL LEGAL SERVICES - CONFLICT CASES (FISCAL YEAR 1992-93) (2-1210) - Administrative Services Director Mary Walker outlined the advantages to having a contract for these services. Fiscal impact will vary according to the caseload. Supervisor Tatro moved that the Board accept the Purchasing Division's recommendation and award Contract No. 9293-39 to the Consortium of Claassen and Olson, Rogers and Johnson--Sharon E. Claassen of Carson City, William G. Rogers of Dayton, and Erik R. Johnson of Carson City--as responsive and responsible proposers pursuant to the requirements of NRS Chapter 332 for a flat monthly fee of $9,750 per month payable $3,250 to Claassen and Olson, $3.250 to William G. Rogers, Esquire, and $3,250 to Erik R. Johnson; funding source is the Court Budgets, funding is provided in fiscal year 9293 budget. Supervisor Smith seconded the motion. Motion carried 5-0.

William Rogers, one of the recipients of the contract, commended the Board on its staff, the quality of the materials and staff's helpfulness in the bidding procedures.

B. ACTION ON CONTRACT NO. 9293-71 - STREET DEPARTMENT - FRONT LOADER (2-1458) - Discussion ensued among the Board, Mr. Moreto, and Street Superintendent Bill Barker on the buyback provision which was felt to be a guaranteed figure, proposed use, the vehicle which was being replaced, and reasons for not utilizing a lease program. Mr. Suglia felt that the buyback figure was guaranteed as indicated in the contract even though it was indicated in several different sections that it was an "anticipated buyback figure". Supervisor Tatro suggested that the Board authorize acquisition of the equipment subject to a letter guaranteeing the buyback provision. Messrs. Barker and Moreto agreed. Supervisor Tatro then explained that Caterpillar's reputation in the industry is very strong. Supervisor Tatro then moved that the Board accept the Purchasing Division's recommendation and award Contract 9293-71 to Cashman Equipment, Reno, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a contract amount of $98,500, funding source is Machinery and Equipment for the Street Department subject to a condition that Cashman Equipment provide written certification that the buyback prices that are offered in their bid are guaranteed. Supervisor Fettic seconded the motion. Motion carried 5-0.

C. ACTION ON CONTRACT NO. 9293-72 - STREET DEPARTMENT - FLAT BED DUMP TRUCK, 2500 GVW (2-2072) - Supervisor Smith moved that the Board accept the Purchasing Division's recommendation and award this Contract to Bidder No. 1C, Silver State International, 2255 Larkin Circle, Sparks, Nevada 89431, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a contract amount of $37,924; funding source will be the Equipment Fund, funding provided in FY 9293. Supervisor Tatro seconded the motion. Motion carried 5-0.

D. ACTION ON CONTRACT NO. 9293-73 - STREET DEPARTMENT - DUMP SPREADER TRUCK (2-2135) - Discussion between Supervisor Bennett and Street Superintendent Barker clarified that the equipment would be built in Sparks and would take approximately 120 days. Supervisor Bennett moved that the Baord accept the Purchasing Division's recommendation and award Contract No. 9293-73, Street Department Dump Spreader Truck, to Bidder No. 4, Winkel Pontiac GMC, 900 Kietzke Lane, Reno, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a contract amount of $63,740, budget allocation is $65,000, funding source is Equipment, funding provided in Fiscal Year 9293. Supervisor Fettic seconded the motion. Motion carried 5-0.

E. ACTION ON CONTRACT NO. 9293-78 - JUNIOR SKI PROGRAM - TRANSPORTATION (2-2237) - Mr. Moreto read into the record the firm's new address. Mayor Teixeira noted the insurance cost if the City utilized the school buses. Clarification indicated the buses were similar to the Greyhound models. Supervisor Bennett moved that the Board accept the Purchasing Division's recommendation and award Contract No. 9293-78, Junior Ski Program Transportation, to Bidder No. 1, Sierra Nevada Stage Lines, 2570 Tacchino Street, Reno. Following discussion, Supervisor Bennett corrected the address to be Sierra Nevada Stage Lines, 2050 Glendale, Sparks, and continued the motion to include as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for $433.38 per bus, price includes a seven percent deduction for elimination of the performance bond, funding source is a self-supporting program. Supervisor Tatro seconded the motion. Motion carried 4-1 with Mayor Teixeira voting Naye. His concern was related the the fact that the private carrier is "dead heading buses" for seven trips.

F. ACTION ON CONTRACT NO. 9293-83 - EAGLE VALLEY GOLF COURSE MAINTENANCE BUILDING INTERIOR CONSTRUCTION (2-2392) - Golf Course Superintendent Bob Townsend clarified the plan to have staff install the security lights on the building. Lights would not be installed in the parking lot. Construction plans were explained. He did not feel that it was necessary to sprinkle the building. Comments noted the location would reduce travel time and plans for the old maintenance building. Supervisor Smith moved that the Board accept the Purchasing Division's recommendation and award Contract No. 9293-83 to Bidder No. 2, Central Sierra Commercial Construction, 2838 Heybourne Road, Minden, Nevada 89423, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of $143,790 and a contingency amount of $15,000; funding source is the Maintenance Building Fund as provided for in FY 9293. Supervisor Bennett seconded the motion. Motion carried 5-0.

G. ACTION ON CONTRACT NO. 9293-89 - SURPLUS PROPERTY AUCTIONEER (2-2548) - Following Mr. Moreto's introduction, Mayor Teixeira noted that the recommendation was to award the bid to a Reno firm and not the local Carson City firm. Chamber of Commerce Executive Director Larry Osborne supported staff's recommendation. He stressed the feeling that the process had improved communications and had allowed the Chamber to actively participate. Modifications to the RFP were pointed. He requested an opportunity to provide additional input before the next RFP is drafted. He urged the Board to grant the contract for only one year. He continued to stress his feeling that the local bidder was the low bidder. Discussion ensued among Mr. Osborne, the Board, Mr. Moreto, and Mr. Suglia on the State Department of Motor Vehicle's (DMV) requirement that the auctioneer have a State license to sell cars. Arundel felt it had meant this requirement as their auctioneer is a licensed car salesperson for Small Car Motors. Under this proposal the City would contract with Small Car Motors to sell the vehicles and Arundel would act as a subcontractor performing the auction. Mr. Suglia explained the licensing requirements and that DMV had indicated in a letter (from which Mayor Teixeira read the related portion--the Clerk did not have a copy) that Arundel does not have a license to sell vehicles. Supervisor Smith agreed with Mr. Osborne on the lack of procedures to appeal the bid award and questioned the individual ratings. Mr. Berkich felt the procedure could be changed to indicate these ratings. He had been working with Mr. Osborne on future biddings procedures. Supervisor Fettic suggested a one year contract be let and that the contract be rebid next year. Stremmel Auctions Representative Blair Sullivan indicated the bid had been based on a one year contract. Arundel Auctions Representative Dan Ceccarelli expressed his desire to have been able to file an appeal. He questioned the justification for a DMV license as the City was going to handle the title transfers and the vehicles were being "As is, where is". He also felt that the award notification procedures should be modified. Supervisor Tatro then reviewed the criteria utilized by staff to recommend the award to Stremmel. He felt the DMV issue had not been the deciding factor in the recommendation. His personal concerns, based upon his experience as a State buyer, about the "buy locally" policy Mr. Osborne had previously recommended were also noted. His support for staff's recommendation was explained. Mr. Ceccarelli felt that his comments supported his request that action be delayed and his firm be allowed to submit an appeal. This difference of opinion was discussed. Supervisor Bennett then expressed for the record her disagreement with Supervisor Tatro's opinion that the license was not an important consideration. She supported his other comments. On this issue she felt Raymond Sparks' from the Department of Motor Vehicles comments were appropriate otherwise the City would find itself in violation of the Nevada Revised Statutes. Therefore, the DMV license was very important.

(3-0252) Supervisor Bennett then moved that the Board of Supervisors accept the Purchasing Division's recommendation and award Contract 9293-89, Surplus Property Auctioner, to Bidder No. 3, Stremmel Auctions, 121 Vesta Street, Reno, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a contract amount equal to nine percent of the gross proceeds from the auction sale of City surplus property and that the contract be in effect for one year with the opportunity to revisit the process by which that contract is bid for future years; funding source will be the Capital Acquisition Fund - Surplus Property Sales. Supervisor Tatro seconded the motion. Comments were solicited but none made. The motion was voted by roll call with the following result: Fettic - No; Smith - No; Tatro - Yes; Bennett - Yes; Mayor Teixeira - Now we are going to have fun here; you know, this should never have gotten to this point; how long have we had those cars over there? - No. Motion failed 3-2. Mayor Teixeira directed the matter be brought back.

H. ACTION ON CONTRACT NO. 9293-91 - HISTORIAN CONSULTANT SERVICES (FISCAL YEAR 1992-93) (3-0314) - Withdrawn.

9. ADMINISTRATIVE SERVICES DIRECTOR - Mary Walker

A. ACTION ON RESOLUTION ESTABLISHING PETTY CASH FUNDS AND APPLICABLE CONTROL PROCEDURES FOR SEVERAL CITY DEPARTMENTS (3-0310) - Internal Auditor Gary Kulikowski had reviewed and supported the program. He would audit the funds as is his normal practice. Supervisor Smith moved that the Board adopt Resolution No. 1992-R-66, A RESOLUTION ESTABLISHING PETTY CASH FUNDS AND FUND AMOUNTS FOR THE DISTRICT COURT I, DISTRICT COURT II, JUVENILE COURT, JUVENILE PROBATION, LIBRARY, HEALTH, RECORDER, TREASURER, DISTRICT ATTORNEY, PURCHASING, STREETS AND VEHICLE MAINTENANCE, FIRE, WATER, WASTEWATER TREATMENT PLANT, AND ESTABLISHING CONTROL PROCEDURES. Supervisor Fettic seconded the motion. Motion carried 5-0.

B. ACTION ON INTERLOCAL AGREEMENT BETWEEN STATE DEPARTMENT OF HUMAN RESOURCES, NEVADA WELFARE DIVISION AND CARSON CITY FOR THE STATE TO PROVIDE

ADMINISTRATIVE SERVICES FOR THE LONG-TERM CARE COUNTY MATCH PROGRAM (3-0385) - Discussion elaborated on the benefits of the program. Supervisor Fettic moved that the Board approve the Interlocal Agreement between the Nevada State Welfare Department and Carson City whereas the State will continue to provide administrative services for the Long-Term Care County Match Program; fiscal impact is $12,000; funding source is Welfare Division. Supervisor Smith seconded the motion. Motion carried 5-0.

C. ACTION REGARDING CARSON CITY COUNTY WELFARE DEPARTMENT UNIFORM GUIDELINES (3-0468) - Discussion ensued among Ms. Walker, Mayor Teixeira, Welfare Technician Gayle McCulloch, and Mr. Suglia on the indigent hospital care problems with Washoe County. Supervisor Bennett moved that the Board approve the Carson City Welfare Department Uniform Guidelines which will not increase the budget, however, should a cost be incurred, the funding source would be the Welfare Division General Fund, it would create an $8,000 increase in general assistance per year to be paid from savings in other general assistance programs, i.e., savings in Children's Home payments to the State. Supervisor Smith seconded the motion. Motion carried 5-0.

D. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE REPEALING CHAPTER 9.08 (MEDICAL INDIGENT CRITERIA) OF THE CARSON CITY MUNICIPAL CODE AND CREATING A NEW CHAPTER 9.08 (WELFARE DEPARTMENT ORDINANCE) OF THE CARSON CITY MUNICIPAL CODE (3-0565) - Supervisor Bennett expressed her hope that the next goals and objectives session could address the need to update the Code. Supervisor Bennett then moved to introduce Bill No. 159 on first reading, AN ORDINANCE REPEALING CHAPTER 9.08 (MEDICAL INDIGENT CRITERIA) OF THE CARSON CITY MUNICIPAL CODE AND CREATING A NEW CHAPTER 9.08 (WELFARE DEPARTMENT ORDINANCE) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Fettic seconded the motion. Motion carried 5-0.

11. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES

A. DEPUTY CITY MANAGER - Pat Sorenson **- ACTION ON PROPOSED SALE OF CITY PROPERTY AT CARSON AIR INDUSTRIAL PARK PROPERTY IDENTIFIED AS LOT 25A (APN 8-403-18) -** Discussion ensued among Mr. Sorenson, Mr. Berkich, and the Board on the reasons for the recommended six-and-one-half percent interest rate and need to make street improvements in the area. Gold Dust Properties Broker Tom Johnson introduced the prospective buyer, Vic Visich. Supervisor Smith felt that the interest rate should be raised. Supervisor Fettic expressed his feeling that commercial "money" is difficult to obtain and that the property should be utilized. Supervisor Fettic then moved that the Board of Supervisors authorize the sale of Air Industrial Park property identified as Lot 25A, APN 8-403-18, for an appraised amount of $75,000. Supervisor Bennett seconded the motion. Following Mr. Suglia's request for an amendment, Supervisor Fettic continued his motion to include subject to the terms as contained in the staff report. Supervisor Bennett continued her second. Motion carried 4-1 with Supervisor Smith voting Naye.

Supervisor Bennett then directed Mr. Berkich to work on a street improvement program for the area.

10. JUSTICE OF THE PEACE - Robey Willis

A. ACTION ON ANNUAL MERIT PAY INCREASE FOR THE JUSTICE OF THE PEACE (3-0965) - Discussion ensued on the reasons Judge Willis had delayed his request, that Judge Willis had not received a cost-of-living increase, and his nomination for Justice of the Year Award. Supervisor Bennett moved that the Board of Supervisors approve a five percent increase for Robey Willis, Justice of the Peace, effective January 1, 1993, which would be an annual merit increase for this particular position. Supervisor Fettic seconded the motion.

Motion carried 5-0. Judge Willis requested the next cycle commence on July 1st rather than be modified to January.

B. ACTION AUTHORIZING THE HIRING OF A JUSTICE COURT CLERK I (3-1110) - Judge Willis discussed with the Board the caseload, statutory requirements mandated of his Court, Supreme Court rulings and their impact on his caseload, staffing levels of other communities, and other reasons for requesting a staff increase. Ms. Walker responded to Board questions on the salary range and her recommendation. Discussion included computer/automation needs. Supervisor Bennett suggested the Data Processing Committee provide a report on the status of the program. Ms. Walker felt this report would be ready for discussion after January 1st. Undersheriff Vic Freeman explained that video arraignments had been considered by the Board several years ago. The Sheriff's budget for next year would include this program. Ms. Walker noted the cost of this program. Supervisor Fettic then moved that the Board approve the immediate hiring of Justice Court Clerk I, fiscal impact for this fiscal year will be $13,149.85, funding source will be through the Justice Court Fines and Forfeitures with an augmentation. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A ten minute recess was declared at 3:12 p.m. When the meeting reconvened at 3:22 p.m. the entire Board was present constituting a quorum.

12. ISSUES REQUESTED BY MEMBERS OF THE BOARD OF SUPERVISORS

B. SUPERVISOR SMITH - DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED CHANGES TO THE ANIMAL CONTROL ORDINANCE (3-1728) - Supervisor Smith explained his purpose in bringing the matter to the Board and desire to have workshops on the ordinance. A copy of the ordinance modifications had been given to the Board prior to the meeting. (The Clerk did not have a copy.) Pete Bachstadt then explained his reasons for bringing this matter to the Board. Illustrations of his points were displayed on an easel. He gave the Board a pamphlet. (A copy was not given to the Clerk.) He then noted there were 21 changes being recommended and stressed his desire to not have a debate on them. Supervisor Fettic echoed Supervisor Smith's intent to have workshops address the proposals. Mr. Berkich suggested an ad hoc committee be established through his office and have it report back to the Board. Previous ad hoc attempts were noted by Supervisor Smith. Supervisor Smith outlined his frustrations at the lack of community participation and his desire to address the animal population explosion. (3-2442) David Conte, a Bonanza Club member, had been involved with the original attempts. He felt that the current ordinance did not need to be revised as it was working and addressing the situation as evidenced by the fact that the number of animals destroyed had remained static while the City had continued to grow. Expenses would be increased if the changes are made. He questioned whether the City could afford these changes. He stressed that the Club was not a breeder group but was a group of dog owners. Its education attempts were outlined. The Club did not think that the modifications were the answer. (3-2575) Tammy Russell Rice read her statement opposing the the modifications. Attempts to educate the public and provide animal rescue services were outlined. She felt that Mr. Bachstadt was an Animal Activist and that his attempts to have the Statutes modified along the same lines had been defeated in the last Legislature. The modifications stripped responsible animal owners of their basic right to the pursuit of happiness and established non-ownership of animals. She felt the modifications would cause more abandonments to occur and increase the cost for the residents. (3-2725) Supervisor Smith pointed out the need for common ground to be reached on the issues, suggested the City Manager form a committee, requested volunteers sign a sheet, and bring back the recommendations to the Board in January. Discussion between Mr. Berkich and Supervisor Smith indicated the modifications recommended by Mr. Bachstadt would be considered the beginning point, address other problems with the ordinance in addition to the pet over-population concerns, and utilize the advisory committee found on page 18. Discussion ensued on the Open Meeting Law requirements for the advisory committee as indicated on page 18. Mr. Berkich and Supervisor Smith indicated it would be an ad hoc committee and not the advisory committee. (4-0036) Mr. Bachstadt explained his contact with the Kennel Club. He could not understand the adversary comments as an expert he was not advocating the Animal Rights platform. He wished to stop the unnecessary "killing of animals". Discussion ensued among individuals in the audience and Mr. Bachstadt on the next conference. Mr. Berkich advised the Board that he would have a press release providing information on the next meeting and invited anyone wishing to receive a notice to contact his office. Mayor Teixeira thanked Mr. Bachstadt on his efforts and the audience for attending. He also pointed out the difficulty in attempting to keep the meetings subjective when dealing with this issue. He felt the issues needed to be addressed from both the philosophical and fiscal areas. Mr. Bachstadt expressed his concern that the individuals attending the meetings would continue to change. Supervisor Smith indicated this would be addressed.

11. B. STATUS REPORTS REGARDING:

i. FRANCHISE WITH T.C.I. OF NEVADA (4-0138) - Mr. Berkich anticipates word from T.C.I. Corporate Headquarters before the next Board meeting. He felt that the channel operations could be awarded this evening. Mayor Teixeira noted the delay in finalizing the agreement.

ii. CHANGEMASTERS (4-0168) - Noted the unveiling held on October 20th. On November 19th Board approval in concept would be requested and if approved in concept, a funding source will be determined.

12. D. SUPERVISOR TATRO (4-0199) - Detailed the agreement between the Community Council on Youth and the Reno Children's Cabinet. A goal setting session has been scheduled for December. Details of this meeting will be provided later. Mr. Berkich detailed the status of the Boys and Girls Club. He felt that possession of the building should be granted shortly. Contacts with the Builders Association will occur. Hopefully, the Club will be in the facility by the first of the year. Supervisor Tatro then explained the progress on selecting the V&T Railroad project director.

E. SUPERVISOR BENNETT (4-0305) - Thanked the community for returning her to office and expressed her appreciation for the community's confidence and trust given during the last four years. She looked forward to her next term of office. Reported that at the special Hospital Board meeting held yesterday approval had been given for a MRI and CT imagine services contract. Benefits of the contract were detailed. She thanked Mr. Suglia for his work for the Hospital.

B. SUPERVISOR SMITH (4-0358) - Noted the Parks and Recreation recommendations for Residential Construction Tax allocations would be considered this evening.

C. SUPERVISOR FETTIC (4-0358) - None.

A. MAYOR TEIXEIRA (4-0359) - Thanked the public for its support and re-electing him to another term. He suggested consideration be given to having Nevada Day activities changed to allow the activities to occur on a three day weekend. Supervisor Tatro noted that it would fall on a three day weekend in 1992, 93, and 94. The Convention and Visitors Bureau has been discussing this proposal. Tourism advantages were discussed.

BREAK: At 4:25 p.m. a recess was declared. When the meeting reconvened at 6 p.m. the following Board members were present: Mayor Teixeira and Supervisors Fettic, Smith, Tatro and Bennett, constituting a quorum. The following staff members were present: City Manager Berkich, Parks and Recreation Director Kastens, Deputy District Attorney Lipparelli, and Recording Secretary McLaughlin. Parks and Recreation Commission Members present were: Chairperson Livermore, Commissioners Meierdierck, Greene, Kuester, Marrone, Mayo, Moran, and Smith, constituting a quorum, and Commissioner Najima was absent.

13. JOINT SESSION BETWEEN THE CARSON CITY PARKS AND RECREATION COMMISSION AND THE CARSON CITY BOARD OF SUPERVISORS - DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS OF THE PARKS AND RECREATION COMMISSION FOR ALLOCATION OF THE 1992-93 RESIDENTIAL CONSTRUCTION TAX FUNDS (4-0545) - Roll call was taken of the Commission. Mr. Kastens noted Commission and Staff recommendations. Discussion noted the joint recommendations for Projects 2, 3, 5, 6, 8, 9, 12, 14, 16, 17, 19, 21, and 22. Consensus indicated the Projects should be taken one at a time. Mayor Teixeira then noted the recommendation for Project 1. Mayor Teixeira clarified for May Ruth French that wind barriers were not involved with this project. Mr. Kastens explained that Project 8 had included wind barriers. Supervisor Tatro then moved to accept the Parks and Recreation Commission's recommendation on Project No. 1 and not fund it. Supervisor Fettic seconded the motion. Motion carried 5-0.

Mayor Teixeira then explained Project 2. Supervisor Tatro moved that the Board accept the Parks and Recreation Commission's recommendation on Project No. 2, the Youth Sports Association (YSA) paving of the parking lot at Edmonds Park in the amount of $50,000. Supervisor Bennett seconded the motion. Commissioner Meierdierck explained the Shade Tree Council's concern that adequate funding had not been provided for shading and landscaping. This may require a change order in the future unless addressed at this time. Chairperson Livermore represented that YSA felt adequate funding had been provided to address the landscaping requirements. The motion to fund Project 2 in the amount of $50,000 carried 5-0.

Following Mayor Teixeira's introduction of Project No. 3, Supervisor Bennett moved that the Board of Supervisors fund Centennial Park playground area in the amount of $20,000 from the Residential Construction Tax funds. Supervisor Fettic seconded the motion. Motion carried 5-0.

Following Mayor Teixeira's introduction of Project No. 4, Supervisor Smith explained the carry-over funding of $31,500 from previous allocations. No additional funding was recommended. Supervisor Tatro moved that the Board accept the Parks and Recreation Commission recommendation and provide no funding for Project No. 4, the bubble over outdoor pool. Supervisor Bennett seconded the motion. Motion carried 5-0.

Mayor Teixeira introduced Project No. 6. (4-0971) May Ruth French expressed her feeling that the funds should not be used to recognize the donors. Foundation for the Betterment of Carson City Parks and Recreation Vice President Jack Warnecke explained the purpose of the Foundation, the memorial, and the funding which it has for the memorial. Supervisor Smith volunteered to meet with Ms. French and explain his reasons for changing his mind since the Commission's vote. Supervisor Smith then moved that the Board approve and accept the recommendation from the Parks and Recreation Commission for $10,000 to the Foundation for the Betterment of Carson City Parks for the memorial to be built in Mills Park. Supervisor Fettic seconded the motion. Motion carried 5-0.

Clarification indicated Project 7 was not recommended for funding and no action was necessary.

Mayor Teixeira outlined Project 10. Supervisor Tatro moved that the Board uphold the Parks and Recreation Commission's recommendation and not fund Project No. 10, portable scoreboards. Supervisor Smith seconded the motion. Motion carried 5-0.

Mayor Teixeira introduced Project 11. Supervisor Tatro moved that the Board accept the Parks and Recreation Commission's recommendation and deny funding for Project No. 11, vertical blinds. Supervisor Smith seconded the motion. Motion carried 5-0.

Mayor Teixeira introduced Project 12. Supervisor Smith moved that the Board accept Parks and Recreation's recommendation and fund $4,000 to the Recreation Division for the Kids Klub Fibar. Supervisor Tatro seconded the motion. Motion carried 5-0.

Mayor Teixeira introduced Project 13. Mr. Kastens explained his support for the Commission's recommendation. Supervisor Tatro moved that the Board accept the Parks and Recreation Commission's recommendation and deny funding for Project 13, swamp coolers. Supervisor Fettic seconded the motion. Motion carried unanimously.

Mayor Teixeira introduced Project 14. Supervisor Smith moved that the Board accept the Park and Recreation Commission's recommendation and fund $3,572 to the Recreation Division for the aquatic facility carpeting. Supervisor Fettic seconded the motion. Discussion ensued concerning the maintenance required. Mr. Kastens indicated that the safety factors would outweigh the maintenance concerns. The motion to fund the aquatic facility carpeting in the amount of $3,572 carried unanimously.

(4-1235) Mayor Teixeira introduced Project 15. Discussion ensued on the need for kitchen facilities and reasons the item was before the Board. Supervisor Smith moved that the Board accept the Parks and Recreation Commission's recommendation and fund zero dollars to the Recreation Division for protective hoods at the Community Center. Supervisor Tatro seconded the motion. Motion carried 5-0.

Mayor Teixeira introduced Project 16. Supervisor Tatro moved that the Board accept the Parks and Recreation Commission's recommendation on Project 16, Ross Gold Park Project, for $3200. Supervisor Smith seconded the motion. Motion carried 5-0.

Mayor Teixeira introduced Project 17. Comments were solicited but none given. Supervisor Smith moved that the Board accept the Parks and Recreation Commission's decision and fund $8,000 to the Monte Vista Improvement Association for equipment at their park. Mayor Teixeira stated Project 18 would be discussed later in the meeting. Supervisor Tatro seconded the motion. Motion carried 5-0.

Mayor Teixeira introduced Project 19. May Ruth French expressed her feeling that the School District should not use City funding for its projects. Richard Waiton expressed his amazement that the School District would construct a school without including playground equipment. As the School District had sold some property on Highway 50, he questioned the reasons these funds could not be used to provide the playground equipment. Commissioner Greene pointed out the joint use program of school facilities. She stressed that the funds were not for playground equipment but rather for the land and ground improvements. Mr. Kastens detailed the improvements and reasons for seeking RCT funding including City use after hours and that the School District would be responsible for maintenance. Supervisor Smith also noted that the joint use concept had been in force for many years ago and had nothing to do with the School District's financial problems. Mr. Kastens and School District Director of Operations Frank Brunetti indicated the ongoing maintenance, installation of the irrigation equipment, and water costs would be the School District's responsibility. Supervisor Fettic and Supervisor Tatro moved that the--. Supervisor Fettic stopped at this point. Supervisor Tatro began his motion again by moving to accept Park and Recreation Commission's recommendation on Project No. 19, that the Fremont School Linear Park Project be funded in the amount of $70,000, funding conditioned on a written agreement between the City and School District that the School District would be responsible for the maintenance of the park. Supervisor Fettic seconded the motion. May Ruth French questioned the property's ownership. Mr. Kastens explained that the City would have to either lease the property or have the School District deed the property to the City. This lease would not create a problem as it is similar to those with the Bureau of Land Management. Deputy District Attorney Lipparelli had researched this question and there are procedures allowing this joint use and funding source. Mr. Lipparelli explained his contact with School District's Attorney Russell who has pledged cooperation in drafting the lease. This is a mutually beneficial arrangement. Ms. French acknowledged the lease of land at the Empire School and questioned whether the School District needed the land back when expansion is needed. Mr. Kastens explained the School District's request for permission from the City to place the portable classrooms on the property. There was a five year lease authorized. He acknowledged that this is one of the problems which occurs with the City having the deed rather than a lease. He then outlined other uses of school facilities. He explained for Ms. French that the liability was assigned to the user. Supervisor Smith also noted that the residents all pay City and School taxes and that the proposal is an effort to reduce the tax liability and maximize value. Mayor Teixeira also stressed the need to cooperate which would maximize programs and funding. The motion to approve $70,000 funding for the Fremont Linear Park Program was voted and carried 5-0.

Mayor Teixeira then introduced Project 21. Supervisor Smith moved that the Board accept the Parks and Recreation Commission's recommendation and fund $16,250 for Project No. 21, the Range Management Committee. Supervisor Fettic seconded the motion. Motion carried 5-0.

Mayor Teixeira then introduced Project 22. Supervisor Tatro moved that the Board accept the Park and Recreation Commission's recommendation on Project No. 22, the Roberts House Project, and fund in the amount of $20,000 from the Residential Construction Tax. Supervisor Smith seconded the motion. Motion carried 5-0.

(4-1852) Mayor Teixeira then introduced Project 8. Chairperson Livermore reviewed the items contained in the project; the District Attorney's recommendation against the chairs, tables, and painted sign; and the Commission's recommendation. The pros and cons of these recommendations/requests were discussed among Mr. Lipparelli, Commissioner Meierdierck, Commissioner Moran, President of the Capital City Fair Mike Williams, Janice Ayres, and Debby Feyder. Supervisor Fettic moved that the Board accept the recommendation of the Parks and Recreation Commission and fund the Capital City Fairgrounds in the amount of $15,000. Supervisor Tatro seconded the motion. Motion carried 5-0.

Mayor Teixeira introduced Project 9. Clarification indicated that when the asphalt is removed, the basketball hoops were to be removed also. Supervisor Tatro moved that the Board accept the Parks and Recreation Commission's recommendation on Project No. 9, Sunset Park, and fund the project from Residential Construction Tax funds in the amount of $20,000. Supervisor Fettic seconded the motion. Motion carried 5-0.

Mayor Teixeira introduced Project 5. Mr. Kastens outlined his concern as being whether this area was a priority adequate to justify the $10,000 increase rather than spending the funds on other areas. Supervisor Smith explained the vote and controversy with the original master plan funding rather than the walking trail project for which he felt the funds had been allocated. The request for this area was in his opinion too broad, not clearly explained, and may not have an accurate cost estimate. Commissioner Moran supported his position. Commissioner Meierdierck explained the adoption procedures for the fairgrounds master plan, funding for it and several projects in the master plan, and how the funding level for this project had been established. Mr. Kastens explained for Supervisor Fettic how the project had been delineated for a wetland study and that it is contingent upon EPA requiring it. Supervisor Fettic and Mayor Teixeira felt that EPA should be contacted before the funding is allocated to determine the need for a wetland study. When SEA Engineers had performed the master plan study, they could not advise Mr. Kastens on the wetland study need as they are not experts in this area. They had agreed that the area could potentially be one that would require one. Commissioner Najima had indicated, based on his employment background, it may be qualified as a wetlands. Mr. Kastens indicated he hoped to have time to determine the study needs during the next year. Supervisor Tatro suggested the funds be "set aside" for this project and when it is determine how the funds should be allocated, approval could be requested. Mr. Kastens suggested that the funding be allocated contingent upon determining the need for a study. If not needed, the funding could be reallocated. Supervisor Smith reiterated his concerns related to the lack of adequate supporting documentation when compared with that provided for other projects. Until adequate documentation and knowledge on the cost and work is provided, he recommended not approving the project. Debby Feyder indicated she had been involved with the committee. This was the beginning of the project. She felt that any creek within the City would require a wetland study and/or EPA involvement. EPA will not provide the cost estimate until the study is requested. She was certain it would not cost more than requested. The funding for benches and pathways could be determined. Supervisor Bennett felt that there were many firms in the area who could provide a cost estimate for the environmental impact study. Both continued to stress their points with Ms. Feyder concluding with a statement urging the Board to at least set the funding aside until the cost is determined. Supervisor Fettic felt that EPA and the Army Corps of Engineers would require a study, however, accurate costs should be included in the request. He supported setting the funding aside. **Supervisor Tatro moved that the Board accept the Parks and Recreation Commission recommendation on Project No. 5 and allocate $30,000 in Residential Construction Tax for the Clear Creek Area of the Fairgrounds to develop the area but to first determine what studies would be required, any expenditure of funds would be contingent upon acceptance by the Park and Recreation Commission of a proposal for an environmental impact study within an amount considered reasonable by that Board within the amount of funding contained in this motion. Supervisor Bennett seconded the motion.** Supervisor Smith explained his concern that the contract would not be considered by the Board of Supervisors before the funds are expended. Supervisor Tatro explained he had not included the Board based on the Statutory requirement that any expenditure over $10,000 must be approved by the Board. Supervisor Tatro agreed to amend the motion to include and the Board of Supervisors. Due to confusion on the motion, **Supervisor Tatro withdrew the motion and Supervisor Bennett withdrew her second. Supervisor Tatro then moved that the Board accept the Parks and Recreation Commission's recommendation on Project No. 5 and allocate $30,000; this money is allocated contingent upon Parks and Recreation Commission and the Board of Supervisors acceptance of a proposal for an environmental impact study to be conducted that is within the allocated amount and an amount deemed reasonable by both Boards. Supervisor Fettic seconded the motion. Comments were solicited but none made. The motion was then voted and carried 4-1 with Supervisor Smith voting Naye.**

(5-0225) Ms. French questioned the individual/firm involved with the impact study in the Mark Twain area. Comments noted this was not in Carson City. Discussion ensued on procedures which would to be followed.

Mayor Teixeira introduced Project 18. Commissioner Moran detailed his proposal and justification for his recommendation that a set amount of the RCT funds be used for maintenance. In August the Board had purportedly been given a copy of both his proposal and the District Attorney's response. He urged the Board to at least press the issue and request an Attorney General's opinion on whether the funds could be used for preventive maintenance and repairs, to proceed and allocate the funding, or request clarification from the Legislature. He stressed his hope that the Board would not reduce the General Fund support for the Department if RCT funding is allocated. Discussion ensued between Mayor Teixeira and Commissioner Moran on the legislative action required to amend the Statute to allow a small portion of the funds to be allocated for repair and maintenance on an on-going basis. The pros and cons of the proposal, the term "improvement", and the Statute's legal parameters were debated at length among the Board, Mr. Moran, and Mr. Lipparelli. Various examples were given for both sides. Supervisor Tatro suggested a reserve fund be established from which the Director could spend funds for projects throughout the system that would create improvements, i.e., new trash cans, additional picnic tables and trash cans. Mr. Lipparelli agreed that RCT funds could be used for these items rather than General Fund monies although he was concerned about the establishment of a slush fund without Commission overview. Commissioner Meierdierck and Mayor Teixeira stressed a concern about audit and tracking problems. Supervisor Tatro elaborated further on his suggestion by establishing parameters under which he felt the program could function and provide the necessary paper trail. Mr. Lipparelli continued to stress his concern about the Statute and its standards and feeling that the proposal was an attempt to circumvent it. Supervisor Bennett suggested the Commission and Director establish a list of improvement items for which the funding could be allocated. This could eliminate General Fund support for improvements. Chairperson Livermore expressed his opposition to the use of funds provided by new homeowners to increase the Parks budget. He felt the General Fund should be used to provide this support or that the Legislature should be requested to amend the law. He was also interested in seeking public support for Park maintenance. Mayor Teixeira explained that neither the ad valorem taxes nor the RCT funds were providing for Park funding as sales taxes are. Discussion ensued among the Board, Mr. Kastens, and the Commission on whether Supervisor Tatro's proposed allocation was feasible and legal. Supervisor Fettic urged the Board to seek Legislative clarification. **Supervisor Fettic then moved that the Board accept the recommendations of staff and the Commission and not fund Project No. 18, repair and maintenance of parks,** and commended Commissioner Moran on his endeavors to sensitize the Board and Legislature. **Supervisor Tatro seconded the motion** and explained his willingness to accept the proposal, however, was concerned about taking action against the legal advice which had been given. **The motion to not fund Project 18 was voted by roll call with the following results: Bennett - Yes; Smith - Yes; Fettic - Yes; Tatro - Yes; and Mayor Teixeira - Reluctant Yes. Motion carried 5-0.**

Discussion ensued between Supervisor Bennett and Mayor Teixeira on the direction which should be given to Mr. Berkich and indicated the Board would attempt to address the issues through the local Builders Association. (5-1230) May Ruth French questioned the deadline for submittal to the Legislature as she felt that action should be taken now.

BREAK: A five minute recess was declared at 7:55 p.m. When the meeting reconvened a quorum of both the Board and Commission was present.

Mayor Teixeira introduced Project 20. Mr. Kastens detailed the proposed School District and City joint use of school property on Mark Way including benefits of the program. He also felt that additional property in the central area of Carson City was needed more than the Mark Twain School property. Chairperson Livermore explained the Commission's recommendation based on its feeling that a park site was needed in the Mark Twain School area and its vote on the issue. Discussion among the Board, Commission, and Mr. Kastens indicated there is land adjacent to the Mark Twain School which is for sale, the distance between Mark Way and the Mark Twain School, questioned whether the Mark Way property was for sale, need for a park at Mark Way, parental demand for a park at the Mark Twain School, and compared the School District's applications for assistance at Fremont School and Mark Twain School. Discussion ensued among the Board, the Commission, and School District Director of Operations Frank Brunetti on the reasons the School District was seeking assistance with joint development of the Mark Twain and Fremont School playgrounds and fields, size and appraised value of the Mark Way property, and the ability to use the revenue generated from the sale of the Mark Way property for improvements to the Mark Twain School. Mayor Teixeira suggested that if RCT funds are used for the Mark Twain School improvements, the School District reimburse the RCT funds when the Mark Way property is sold. Mr. Brunetti agreed to consider this proposal. The pros and cons of this idea, including legal concerns, were discussed at length. Supervisor Smith suggested that other funds be used for the loan if RCT could not be used. Mr. Brunetti then explained the reasons the Mark Twain and Fremont School sites had been selected. Supervisor Tatro suggested the funding be allocated contingent upon a suitable agreement being obtained with the School District. Mr. Kastens felt that if the City acquired the Mark Way property, the funding would be provided to the School District for Mark Twain. Public demand for a park in Bonanza Heights, Shenandoah Heights, and Manzanita Heights, specifically in their retention basins, was explained. Reasons for recommending the Mark Way area were detailed. Discussion ensued among the Board, Commission, Mr. Kastens, and Mr. Brunetti on the value of the Mark Way property, a long-term acquisition loan, and a $70,000 RCT contingency fund. Supervisor Bennett felt the two issues should be separated and discussed on their own merits, i.e., equipment/improvement to the Mark Twain School grounds and a park in the northeast section. Clarification by Mr. Brunetti and Commissioner Greene indicated the funds for the Mark Twain School were for site preparation and not equipment. Mayor Teixeira expressed his support for the Mark Twain joint development proposal and having the RCT funds reimbursed once the Mark Way property is sold. Supervisor Fettic then suggested the funding be set aside until the issues can be researched and resolved. Mr. Brunetti explained the need for quick action. Mayor Teixeira felt that the issues could be resolved within two weeks and a special meeting held. Commissioner Marrone felt that Fremont funding should be used for Mark Twain as it is not open. Clarification indicated Fremont would open in January.

(6-0001) May Ruth French suggested the School District obtain a loan on the Mark Way property from a different source. Mayor Teixeira responded by explaining the difficulty in obtaining a loan on bare land. The proposal would have the City fund the loan.

(6-0025) Carl Neathammer requested the park in his neighborhood receive additional funding. Mayor Teixeira and Supervisor Smith explained the funding restrictions. Mr. Neathammer felt the current parks should receive the funds before new parks are acquired and cited examples which needed to be addressed. If the current parks become models that are safe, clean, and people utilize, then the issue of additional parks could be considered.

Mayor Teixeira directed the City Manager to place the $70,000 in a set aside account and establish a program whereby the funding could be loaned to the School District with the School District reimbursement when the property is sold. **Mayor Teixeira then passed the gavel to Mayor Pro-Tem Fettic and moved that the Board of Supervisors take the $70,000 for Project No. 20 to be used for the site development at Mark Twain School and that the $70,000 be reimbursed to the City through some sort of lease agreement and that that money be returned upon sale of property owned by the School District and that that agreement be put together and brought forward as expeditiously as possible, if you can do it in a week, fine, if you can do it in ten days, get the agreement back for consideration by the Parks and Recreation Commission and the Board of Supervisors with concurrence by the School Board. Supervisor Smith seconded the motion.** Mayor Teixeira explained for Richard Waiton that the RCT funds have the funding right now. The motion is an attempt to determine the legally of the proposed loan. The funds were to be set aside and if staff determines the proposal is not legal, they will not be allocated. Mike McGuire suggested the land be leased and eliminate the need for repayment. Supervisor Smith explained that the difference between Fremont and Mark Twain was the fact that the City owns property adjacent to Fremont and could benefit from a lease, however, we do not have any property adjacent to Mark Twain. Critics may oppose the City leasing Mark Twain and developing the School District's playground with City funds. Mr. Berkich suggested an amendment to the motion to make it more flexible. Supervisor Tatro felt it should allow the City to acquire the land, allow the City to loan the money, or the School District to sell the land on the open market. Mayor Teixeira indicated the motion was to provide a funding source, or to take the $70,000 for use as site development at the Mark Twain School contingent upon some kind of a purchase agreement or sale of land to reimburse the City for that site development. It does not preclude the City from purchasing adjacent land or working with the District in some other form. It was only to provide a funding mechanism and allow the School District to proceed. An agreement can be struck and the School will get the site developed so that the kids can play. The funds are to be set aside until an agreement can be drafted and the revenue will be returned to the City. **The motion as indicated was voted and carried 5-0.** Mayor Pro-Tem Fettic then returned the gavel to Mayor Teixeira.

Chairperson Livermore then requested Board support on the Contingency Fund. Mr. Kastens then explained the proposal to allocate the remaining monies to a Contingency Account which would be used by staff with the Commission and Board's approval for shortages which occur in the projects which had been funded. Examples were cited. Discussion ensued on the remaining fund. Supervisor Tatro then moved that the Board accept the Parks and Recreation Commission's final recommendation that the allocation of $75,000 for a Contingency Fund for the previously funded projects be set aside in the event any of the above listed projects exceed the cost as indicated. Supervisor Fettic seconded the motion. Clarification by Supervisor Tatro indicated that "previously funded projects" included all previously funded projects including the restrooms at Edmonds Park which had been approved approximately two years ago. The motion was then voted and carried 5-0.

Commissioner Greene then moved to adjourn the Parks and Recreation Commission. Commissioner Meierdierck seconded the motion. Motion carried 6-0. Chairperson Livermore adjourned the Parks and Recreation Commission at 8:55 p.m. Mayor Teixeira commended the Commission and Mr. Brunetti for their participation.

BREAK: At 8:56 p.m. a five minute recess was taken. When the meeting reconvened at 9:01 p.m., the entire Board of Supervisors was present constituting a quorum.

14. PARKS AND RECREATION DEPARTMENT DIRECTOR - Steve Kastens

A. ACTION ON COMMUNITY CENTER RENTAL AGREEMENT BETWEEN THE CITY AND BREWERY ARTS CENTER (6-0338) - Supervisor Fettic moved that the Board approve the Community Center Rental Agreement with the Brewery Arts Center. Supervisor Tatro seconded the motion. Motion carried 5-0.

C. ACTION ON PUBLIC ACCESS TELEVISION COMMITTEE'S RECOMMENDATIONS TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF CARSON CITY AND THE CARSON ACCESS TELEVISION FOUNDATION TO OPERATE THE PUBLIC ACCESS CHANNEL (6-0348) - Discussion ensued among the Board, Mr. Berkich, and PATCOM Chairperson Hugh Smith on the purpose of the agreement and the funding allocations. Chairperson Smith indicated that PATCOM felt the terms were in the best interest of the involved parties. Carson Access Television Foundation (CATF) President Bill Reeves also felt the agreement was the best it could get at this time. CATF was willing to accept the terms with a provision that the terms would be negotiated again in one year. Additional public comments were solicited but none made. Discussion between Mr. Berkich and Supervisor Tatro noted the funding level would be included in the budget discussions. Mr. Berkich also explained that the City was not committing to the $150,000 funding level as TCI has not signed the agreement. The City's budget contains only $62,000 which is being pledged at this time. TCI's funding agreement is with the City. Therefore, the City should finalize the TCI agreement. Mr. Berkich felt the City should have the finalized agreement before the end of November. Supervisor Fettic suggested Mayor Teixeira pass the gavel and make the motion, which Mayor Teixeira did. Mayor Teixeira than moved that the Board approve the Public Access Television Committee's recommendation to enter into the attached agreement between the City and Carson Access Television Foundation to operate the public access channel; fiscal impact is $150,000 start-up funding contingent upon the contract with TCI and the City of Carson City and the unappropriated funds remaining in the Fiscal Year 92/93 budget for public access television for the first year of operation, which is approximately $62,000. Following a request for an amendment, Mayor Teixeira continued his motion to include the funding source as being the TCI Franchise Agreement and General Fund. Supervisor Bennett seconded the motion. Motion carried 5-0. Mayor Teixeira commended the participants on a job well done.

B. DISCUSSION AND POSSIBLE ACTION ON RANKINGS FROM THE PUBLIC ACCESS TELEVISION COMMITTEE REGARDING THE PUBLIC ACCESS COMMITTEE ACCESS CENTER SITE (6-0525) - Mr. Kastens' introduction included the criterion used to rank the various facilities and justification for the Community Center's ranking. His comments stressed the feeling that CATF, if its contract was approved, should participate in the final site selection. PATCOM Chairperson Smith noted the sites evaluated, recent contact by the Children's Museum and potential availability of its facility, CATF's desire to utilize the High School, and the cost to utilize Janell Street sites. He urged the Board to support PATCOM's recommendation. Concern was also expressed concerning the prohibition against non-educational, non-school activities at the High School. He welcomed future assignments/direction from the Board. Mayor Teixeira noted that the Board would take no action at this time on the request. CATF President Bill Reeves indicated CATF has been meeting with the School District and was attempting to resolve the issues. He supported the proposal for the Board to take no action at this time and requested an opportunity for CATF to pursue the issues. Mr. Kastens indicated his staff was willing to assist when needed. Mayor Teixeira thanked all for their assistance. Mr. Reeves commended Mayor Teixeira and Supervisor Bennett on their re-election, Supervisor-elect Ayres on her election, all the candidates on their participation in the process, and for the support and assistance provided in making public access television a reality. He urged the Board to provide direction to PATCOM so that the committee could remain a vital part of the organization. Mayor Teixeira acknowledged the need for a future meeting. Mr. Reeves thanked all the workers for their assistance.

There being no other comments, Supervisor Fettic moved to adjourn. Mayor Teixeira seconded the motion. Motion carried unanimously. Mayor Teixeira adjourned the meeting at 9:20 p.m.

The Minutes of the November 5, 1992, Carson City Board of Supervisors meeting

ARE SO APPROVED ON__January_21_____, 1993.

_/s/_______________________________________
Marv Teixeira, Mayor

ATTEST:

_/s/________________________________
Kiyoshi Nishikawa, Clerk-Recorder