

CARSON CITY BOARD OF SUPERVISORS
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A regular session of the Carson City Board of Supervisors was held on Thursday, December 17, 1992 at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada 89701, 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:	John Berkich	City Manager
	Ted P. Thornton	Treasurer
	Jack Fralinger	Health Director
	Mike Suglia	Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 12/17/92; Tape 1-0001)	

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. 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. As this was Supervisor Fettic's last meeting, Mayor Teixeira passed the gavel to him. Roll call was taken. The entire Board was present constituting a quorum. Dr. Marvin Dennis of the Good Shepherd Wesleyan Church gave the Invocation. Mayor Teixeira led the Pledge of Allegiance.

APPROVAL OF MINUTES - September 17 and October 1, 1992 (1-0047) - Mayor Teixeira moved to approve. Supervisor Smith seconded the motion. Motion carried 5-0.

CITIZEN COMMENTS (1-0055) - May Ruth French questioned the choice of colors for the Events Center. Mayor Teixeira responded that he had received many positive calls on the colors. Bruce Scott commended Supervisor Fettic on his dedication to the City and his positive role as a Supervisor.

2. SPECIAL PRESENTATION - ACTION ON RESOLUTION COMMENDING SUPERVISOR TOM FETTIC (1-0146) - Mayor Teixeira moved to adopt Resolution No. 1992-R-69, A RESOLUTION COMMENDING RETIREMENT of Supervisor Tom Fettic and read the Resolution into the record. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following results: Supervisor Smith - Expressed his feeling that it had been a fast two years, he would reserve a majority of his comments for next week, but would like to tell Tom that he had learned an awful lot about the proper ways to conduct oneself in these meetings and how to approach this job from him, he felt that Mr. Scott had stated very well with the term maturity that which Tom had brought to the Board including the ability ask common sense, level-headed questions, which he felt he had stated to Supervisor Tatro two weeks ago, he could not think of how many times you have asked a question which had gotten by the rest of us for the whole meeting, and you just set here and say, "Jeez, why didn't I think of that", next year Supervisor-Elect Ayres will be filling your seat, and he was sure she will do a wonderful job, but he would just like to say, that there will, as far as he was concerned, never been another Tom Fettic on this Board, good luck, Yes; Bennett - Yes, and with a comment to say Tom, thanks so much for all of your effort, and quiet, and sometimes not so quiet, leadership and firmness, you will be missed; Tatro - Supervisor Smith had said it had been a quick two years, I would say it has been the longest three years and three months of my life, but for me, I'm not going to be called "Young Tom" any more, and I will miss that, but in seriousness, it has been a pleasure to serve with Tom Fettic, Yes; Mayor Teixeira - I have been really blessed and fortunate to have been Mayor of this community and had the quality of individuals to work with during my term, which goes back to Ron Swirczek and

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Marilee Chirila, and with the present people seated here, but I would have to say, honestly, that I have probably learned more about doing my job and doing it correctly from the "old guy" on my left here than probably anybody else in this room, he has been an asset to me and he has been a real, real friend, Yes; and Mayor Pro-Tem Fettic - Abstain. Mayor Pro-Tem Fettic indicated it had been a pleasure for him as well. He would reserve his comments until the 29th, however, it had been a good Board. He thanked all for the opportunity to work with the Board and the community for allowing him to serve. He felt he would be remiss if he failed to mention the staff, which gets a lot of heat, some deservedly and some not, but he did not feel that a better staff could be found anywhere in the State if not the Country. The staff does wondrous things for the Board. Some of this is due to John Berkich. Without the staff, this job would be impossible. Motion carried 4-0-1.

3. CAPITAL PROJECT ADVISORY COMMITTEE - STATUS REPORT (1-0285) - Chairperson Gary Sheerin introduced Member Richard Baker. He expressed his feeling that the Committee was composed of many well-qualified individuals and had an excellent support staff. He then outlined the criteria which was felt necessary for a safe, adequate public safety complex and the surveys previously done by the City on both the public safety complex and the administrative complex. These studies were included with the criteria and comments made by the Supervisors during their last meeting. The next meeting would involve the City staff in a workshop setting and assess the total needs. This workshop would be on January 5. He felt that this would determine the size of land needed for the public safety complex, the administrative complex, and/or if the two were combined. The search for a site will then be undertaken. When a site is selected, the funding mechanism and construction or lease arrangements will be analyzed. He requested an opportunity to meet with the Board on January 13 at 7 p.m. to discuss the Board's ideas. He also suggested that the Board take an opportunity to tour the Washoe County Jail and cited reasons for his recommendation. Supervisor Bennett commended him on their efforts and requested a copy of the Minutes be submitted to the Board. Chairperson Sheerin felt that this had been occurring but would correct the situation if not. Mayor Teixeira also commended the Committee on its work ethic and efforts. Chairperson Sheerin closed his remarks by reminding the Board that the meeting was scheduled for January 13 at 7 p.m. No formal action was taken or required.

4. LIQUOR AND ENTERTAINMENT BOARD MATTERS - Mayor Pro-Tem Fettic then recessed the Board of Supervisors and immediately reconvened the hearing as the Liquor and Entertainment Board. The entire Board was present including Sheriff McGrath, constituting a quorum. - **SHERIFF** - Paul McGrath - **DISCUSSION AND POSSIBLE ACTION ON INVESTIGATION OF CONDUCT OF LICENSEE, "THE CHATTER BOX", TO DETERMINE WHETHER GROUNDS EXIST TO DIRECT THE DISTRICT ATTORNEY TO PREPARE AN "ORDER TO SHOW CAUSE" AND SET A HEARING TO DETERMINE WHETHER THE LIQUOR LICENSE SHOULD BE SUSPENDED OR REVOKED BASED UPON EVIDENCE AND/OR DOCUMENTATION SUBMITTED BY THE SHERIFF'S OFFICE (1-0580)** - Sheriff McGrath introduced the item and Detective Scott Burau. The owners were present. Detective Burau then outlined the ten-month computer printout of contacts related to the bar. Several of these contacts were not on the Board's printout. (The Clerk did not have a copy of this printout). The seriousness of these contacts was stressed and included serving minors and having unlicensed bartenders. He then discussed with the Board the owner's failure to respond to inquiries/contacts by the Sheriff's Department. Detective Burau indicated that, although Mr. Willens had stated he had attempted to return the telephone calls, the Sheriff's Department has no record of any attempts. All telephone calls are logged. On December 8, Mr. Willens finally responded to the written letter notifying him of the Department's intent to have this hearing. Comments indicated the Sheriff's Office was contacted approximately every third day to respond to problems surrounding the bar which is more than normal for a bar of a similar size. Sheriff McGrath then indicated that he had personally received a number of complaints from surrounding businesses about the establishment.

(1-1071) Attorney Robert Grayson, representing Larry Dee and Tacy Jane Willens, reviewed the printout indicating that, although there had been 103 calls to the vicinity, few had in fact been to the bar. He

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questioned his clients' roles in these activities. He felt that a bar could not screen its patrons and exclude potential problem makers. The business could not afford its own security which larger bars have. As the bar is located in the downtown area between two casinos, it attracts its own clientele. The two assault cases were explained and purportedly the victims had not been bar patrons. Purportedly, the bartender who was working without a license was only a temporary bartender who had a card for another establishment. The owners had not ignored the Sheriff's calls. They simply had not received them. When they received the letter, they immediately returned the call. He urged the Board to avoid the appearance of penalizing a bar owner for calling the Sheriff's Office when a problem arises. His clients wished to work with the Sheriff's Department to avoid the appearance of being a rowdy establishment. His clients would reduce the music volume and eliminate those three complaints. His clients felt that they had indicated to the clientele that if they create problems, they would call the Sheriff.

Chairperson Teixeira explained his need to leave the room, however, he wished to have his opinion on the record. He acknowledged the ability to utilize statistics any way one desired, however, he felt that an equal number of unreported calls could be found. His personal knowledge about the establishment and contacts at his office were noted. A bar operation is a privilege and the owners are responsible for their clientele. This responsibility had not been taken seriously by the owners. These problems had been going on for a long period. He had been wondering when the problems would "come to a head." If this record were common place for other establishments, the City would need at least 20 times its police force. He indicated his support for a show cause hearing. Chairperson Teixeira then stepped from the room. (A quorum was still present -- 9:55 a.m.)

Member Smith explained his evaluation of the printout. He had felt that the comments he would be hearing at this meeting would not be along the foregoing lines but would have acknowledged that there is a problem and stressed methods of changing the situation. Options open to the Board were outlined. He felt that the failure to respond to the Sheriff's Office contacts created his biggest concern. Mr. Grayson noted that he had had only a short time to discuss the situation with the Willens. Mr. Willens had indicated that he was going to discuss the situation with his bartenders and establish procedures on how to avoid future problems and obtain additional security within the premise to elevate some of the problems. Mr. Grayson would be working with him on these procedures. He reiterated his comments that the wrong message should not be sent to bartenders about calling the Sheriff's Office if a problem arises. He acknowledged the need for the Willens to change their clientele and stressed their desire to stay in business. He could not explain the reasons the Sheriff's Office had not contacted Mr. Willens as he is on premise ten to twelve hours a day.

Member Bennett then questioned the information contained on the printout. Detective Bureau explained that the printout does not tell who the calling party is. He would get this information for the Board. He stressed that his comments had not been that the Bar was initiating the calls but were due to the number related to the bar and its location. He was concerned that the Department was allowing the situation in the bar to get out of hand too often. Member Bennett then noted for Mr. Grayson that the Board routinely considers issuing a Liquor License. The Sheriff's Office is very careful about bringing a show cause issue to the Board and does so rarely. She advised him that his clients should take the situation seriously as does the Board. The residents should not be forced to pay additional monies to protect themselves from the bar, its clientele, and the owners' irresponsible acts.

Acting Chairperson Fettic then indicated that the purpose of the hearing was to determine if there is adequate grounds for a show cause hearing. He then explained that his review of the printout indicated numerous fights which was a pattern of behavior illustrating the owners were allowing people to go too far before intervening. He supported having the show cause hearing. He also felt that the owners had an attitude problem particularly in view of the lack of courtesy in returning the Sheriff's Office calls. He definitely felt that there were too many fights on the printouts.

Mr. Suglia then requested that any motion which the Board make include justification for the motion and

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that a specific date be indicated. Due to his involvement, Member McGrath requested Member Smith proceed with his motion. Member Smith then moved that the Board of Supervisors direct the District Attorney to prepare an order to show cause and set a hearing to determine whether the Liquor License should be suspended or revoked based upon the evidence or documentation submitted by the Sheriff's Department here today, that evidence and documentation included numerous fights at the specified location, a reported unlicensed bartender for a short period of time at the specified location, the shear number and types of calls at the location, the show cause hearing should be scheduled for --. Following discussion on the date of the second meeting in January, Member Smith continued his motion to include that the hearing will be scheduled in this room on January 7, 1993, at 9 a.m. Member Bennett seconded the motion. Discussion ensued on action which could be taken at the January 7th meeting. Member Tatro then expressed his concern that the coming holiday period would in all probability affect the results of the Show Cause hearing and cautioned the owners to respond appropriately through interaction with their bartenders and by tightening their policies and procedures. Acting Chairperson Fettic then stressed that the Board was not trying to send a message discouraging bartenders from calling the Sheriff's Office. The desired message was one that a Liquor License is a privilege and not a right. It is the owner's responsibility to keep the peace in his establishment. Member McGrath requested the date be amended to the 21st due to the notification requirements and the holidays. Member Smith amended his motion to reflect that the hearing date will be January 21, 1993, at 9 a.m. Member Bennett continued her second. The motion was voted by roll call with the following results: Ayes - Tatro, McGrath, Bennett, Smith, and Acting Chairperson Fettic. Nays - None. Chairperson Teixeira was absent. Motion carried 5-0-1.

Clarification indicated the Liquor License had not been suspended.

There being no other matters for discussion/action, Acting Chairperson Fettic adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present although Mayor Teixeira was absent as previously noted.

5. SHERIFF - Undersheriff Vic Freeman

A. ACTION ON A RESOLUTION AUTHORIZING A BANK CHECKING ACCOUNT FOR THE ADMINISTRATION OF THE INMATE COMMISSARY EXPENDABLE TRUST FUND (1-2358) - Undersheriff Freeman responded to Board questions concerning procedures which would eliminate cash from the jail commissary and improve documentation. Businesses would be advised of the account. He did not feel that it would pose a problem for the individuals to cash the checks. Internal Auditor Kulikowski supported the proposal and outlined benefits of the program. Supervisor Bennett moved that the Board adopt Resolution No. 1992-R-70, A RESOLUTION AUTHORIZING A BANK CHECKING ACCOUNT FOR THE ADMINISTRATION OF THE INMATE COMMISSARY EXPENDABLE TRUST FUND. Supervisor Smith seconded the motion. Motion carried 4-0.

B. ACTION ON CONTRACT NO. 9293-109, AN AGREEMENT BETWEEN CARSON CITY AND SWANSON INMATE COMMISSARY SERVICES, INC. FOR COMMISSARY SERVICES (1-2622) - Undersheriff Freeman corrected the funding source to be from the Operating Expenses and the total being \$250. Supervisor Bennett moved that the Board of Supervisors approve the contract with Swanson Inmate Commissary Services Inc., as a sole source, special service contract; Swanson's address is 1731 Adrian Road, Suite 3, Burlingame, California; purpose is to provide inmate commissary services; fiscal impact is \$250 and the source is from the Sheriff's Department budget. Supervisor Smith seconded the motion. Motion carried 4-0.

6. TREASURER - Ted P. Thornton - ACTION ON THE TREASURER'S FINANCIAL REPORT FOR THE MONTH OF OCTOBER 1992 (1-2752) - Mr. Thornton explained the negative check balance as being "playing the float" and that interest rates are still down. Supervisor Smith moved that the Board accept the Treasurer's Report as submitted for the month of October 1992. Supervisor Tatro seconded the

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motion. Motion carried 4-0.

7. INTERNAL AUDITOR - Gary Kulikowski - ACTION ON THE CHECK DISBURSEMENT REGISTER FOR THE MONTH OF OCTOBER 1992 (1-2845) - Supervisor Tatro moved that the Board accept the Check Disbursement Register for the Month of October. Supervisor Smith seconded the motion. Motion carried 4-0.

8. PURCHASING AGENT - Basil "Butch" Moreto

A. ACTION ON CONTRACT NO. 9293-96 - STEWART STREET WATER AND SEWER IMPROVEMENTS - PHASE I (1-2885) - Mr. Moreto distributed corrected copies of the request and explained the corrected contract amount. Discussion among the Board, Mr. Moreto, and Utility Manager Timian-Palmer included justification for the \$25,000 contingency and the overall project. Supervisor Smith moved that the Board accept the Purchasing Division's recommendation and award Contract No. 9293-96 to Bidder No. 2, T.E. Bertagnolli and Associates, P.O. Box 2577, Carson City, Nevada 89701, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$144,294.50 plus a contingency amount of \$25,000, funding source will be Stewart Street Water and Sewer Improvements Phase I, funding is provided in Fiscal Year 92-93 Budget. Supervisor Tatro seconded the motion. Motion carried 4-0.

B. ACTION ON CONTRACT NO. 9293-108 - KINGS CANYON GRAZING LEASE RESOLUTION (2-0055) - Following Mr. Moreto's explanation of the procedures, Mr. Moreto gave Mayor Pro-Tem Fettic the only bid. Mayor Pro-Tem Fettic opened the bid and Mr. Moreto read the bid into the record. It was from Anderson Home Ranch and Joost Land and Cattle Company in the amount of \$2,751. Mr. Anderson was present. Additional comments were solicited but none made. Supervisor Smith moved that the Board award Contract 9293-108 to Bidder No. 1, the Anderson/Joost Land and Cattle Company as the highest responsible bidder pursuant to the NRS requirements of Chapter 244 for a lease amount of \$2,751 per year and authorize the Mayor to sign the lease agreement. Supervisor Tatro seconded the motion. Following Ms. Timian-Palmer's request for an amendment, Supervisor Smith continued his motion to include that water rights in the amount equal to the amount of \$2,751 per year could be substituted for a cash amount. Supervisor Tatro continued his second. Motion carried 4-0.

C. ACTION ON CONTRACT NO. 9192-227 - UNDERGROUND STORAGE TANK MANAGEMENT - AMENDMENT NO. 3 (2-0175) - This matter had been discussed in detail at the last meeting. Supervisor Tatro moved that the Board accept the Purchasing Division's recommendation and approve Amendment No. 3, Task Order No. 3, to Contract 9192-227, a Contract to Kleinfelder, Inc., pursuant to the requirements of NRS Chapter 332 for an amount of \$34,550, funding source is Health Department Professional Services for Fiscal Year 9293, to be reimbursed from the State Insurance Plan for amounts over \$10,000 less a 16 percent penalty which the City will have to pay. Supervisor Smith seconded the motion. Motion carried 4-0.

D. ACTION ON CONTRACT NO. 9293-111 - WEST GRAVES LANE - DRAINAGE EVALUATION (2-0248) - Supervisor Smith outlined this Regional Transportation project and its recommendation. Drainage problems on East Graves Lane had not been evaluated at this time. Supervisor Tatro moved that the Board approve the request for contract approval on Contract No. 9293-111 and authorize the Mayor to sign the agreement as provided with SEA Engineers, Inc., Sparks, Nevada, in an amount not to exceed \$20,600, funding source is RTC Highways and Streets Construction Project in Fiscal Year 92/93. Supervisor Bennett seconded the motion. Motion carried 4-0.

BREAK: At 10:40 a.m., a ten-minute recess was declared. When the meeting reconvened, a quorum was present although Mayor Teixeira was still absent.

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9. ADMINISTRATIVE SERVICES DIRECTOR - Mary Walker - ACTION ON CARSON CITY AND REDEVELOPMENT AUTHORITY FISCAL YEAR 1992-93 FIRST QUARTER FINANCIAL REPORTS (1-0315) - Ms. Walker reviewed the reports stressing the revenue and expenditure shortages and overages, an error in the Juvenile payroll budget figures, need for reconsideration of the Great Basin Wildlife Center and Parking Enforcement's budgets, increased SCCRT revenues, and the status of the Ambulance fund. Discussion ensued among the Board and Ms. Walker concerning the golf course's reserve contingency total, and the Board's desire to have percentages included in the budget figures. Supervisor Bennett moved that the Board of Supervisors approve Carson City and Redevelopment Authority Fiscal Year 92-93 First Quarter Financial Reports. Supervisor Tatro seconded the motion. Motion carried 4-0.

10. FIRE CHIEF - Louis Buckley - ORDINANCE - SECOND READING - ACTION ON BILL NO. 162, AN ORDINANCE TO AMEND TITLE 14 OF THE CARSON CITY MUNICIPAL CODE REGARDING ABOVE GROUND FUEL TANKS (2-0822) - Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1992-61, AN ORDINANCE AMENDING CHAPTER 14.04 OF THE CARSON CITY MUNICIPAL CODE TO PROVIDE FOR THE ABOVE GROUND STORAGE OF FLAMMABLE LIQUIDS IN TANKS LESS THAN 6,001 GALLONS IN LIMITED INDUSTRIAL (LI) ZONES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 4-0.

11. PUBLIC WORKS DIRECTOR - Dan O'Brien - ORDINANCES - SECOND READING

A. ACTION ON BILL NO. 163, AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR NORMAN H. AND VIRGINIA D. WHITE REGARDING APN 8-164-01 LOCATED AT 1977 NICHOLS LANE (2-0858) - Supervisor Tatro moved to adopt Ordinance No. 1992-62 on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND NORMAN H. WHITE AND VIRGINIA D. WHITE REGARDING ASSESSOR'S PARCEL NO. 008-162-01, LOCATED AT 1977 NICHOLS LANE, CARSON CITY, NEVADA. Supervisor Smith seconded the motion. Motion carried 4-0.

B. ACTION ON BILL NO. 164, AN ORDINANCE AND WATER LINE REIMBURSEMENT AGREEMENT FOR IRON MOUNTAIN ACQUISITION COMPANY REGARDING APN 9-215-02, SHADOW VALLEY SUBDIVISION PHASE I (2-0871) - Supervisor Tatro moved that the Board adopt Ordinance No. 1992-63 on second reading, AN ORDINANCE APPROVING A WATER LINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND IRON MOUNTAIN ACQUISITION COMPANY REGARDING ASSESSOR'S PARCEL NO. 009-215-02, LOCATED AT SHADOW VALLEY SUBDIVISION PHASE I, CARSON CITY, NEVADA, FOR WATER LINE CONSTRUCTION. Supervisor Bennett seconded the motion. Motion carried 4-0.

CITIZEN COMMENTS (2-0903) - A special visitor - Santa Claus - presented Mayor Pro-Tem Fettic with a candy cane and wished him well in his future endeavors.

12. UTILITY DIRECTOR - Dorothy Timian-Palmer - STATUS REPORT ON WATER QUALITY OF WELLS IN SOUTHEAST CARSON CITY (2-0921) - Ms. Timian-Palmer explained the test well on Muldoon and Clearview which did not produce an adequate source of water, however, due to the noticing procedures a meeting had been scheduled. The meeting was then used to discuss with the residents health data indicating the nitrates are increasing in the domestic wells. This problem is not occurring in the municipal wells because they are deeper. The septic tanks are polluting the domestic wells. The meeting also provided an opportunity to discuss the City's water management program. It was her feeling that the meeting was very positive and provided a lot of input. She had offered to provide free nitrate testing to the residents as the Department's lab is certified and has the proper expertise to perform the test. The offer is open to any resident of the City. To date, 20 wells are being tested. The results will be plotted and additional meetings held.

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B. ACTION ON PROPOSED ADDENDUM TO THE CONTRACT BETWEEN CARSON CITY AND ORMSBY SANITARY LANDFILL (2-1005) - Discussion noted that flyers had been included with the bills explaining the recycling program, however, people do not understand the reason for the containers and may not have read the flyers. Supervisor Smith moved that the Board approve an addendum to the contract between Carson City and Ormsby Sanitary Landfill, Inc., which provides for the reimbursement of recycling fees collected by Ormsby Sanitary Landfill, Inc., to Capital Sanitation; there is no immediate fiscal impact, however, there may be a slight increase in the franchise fee to the City. Supervisor Tatro seconded the motion. Motion carried 4-0.

14. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES - City Manager John Berkich, Deputy City Manager Pat Sorenson, and Administrative Assistant to the City Manager Jeanette Sullivan

A. DISCUSSION AND ACTION FOR THE CITY OF CARSON CITY TO OFFICIALLY RELINQUISH SPONSORSHIP OF THE RETIRED SENIOR VOLUNTEER PROGRAM (2-1065) - The Washington and San Francisco offices have approved the transfer. Written documentation should be received shortly. Supervisor Tatro moved to approve formal relinquishment of RSVP sponsorship by Carson City effective 12:01 a.m. on January 1, 1993. Supervisor Bennett seconded the motion. Motion carried 4-0.

B. ACTION ON IMPLEMENTATION OF THE AMERICAN DISABILITIES ACT INVENTORY AND PROPOSED AUGMENTATION TO FUND THE WORK (2-1116) - The improvements totalled approximately \$19,000 and would complete approximately one-third of the necessary improvements. Examples were cited and should be completed by April 1. The remaining items were structural and would be included in the next budget. Supervisor Smith moved to approve the proposed implementation to correct deficiencies as outlined within the attached "ADA Inventory" dated November 25, 1992; in addition, direct staff to augment the following budgets for fiscal year 9293 in order to fund the requirement improvements: Building Maintenance Fund - \$11,765; Parks Maintenance Fund - \$2,145; and Street Maintenance Fund - \$4,875, for a total amount of \$18,890; fiscal impact is \$18,890; and the funding source is Capital Acquisition, carryover from prior year. Supervisor Tatro seconded the motion. Motion carried 4-0.

H. DISCUSSION ON THE LEASE OF FAIRGROUND PROPERTY (2-1249) - Mr. Berkich's introduction noted that the Fairground's site plan had been completed. Parks and Recreation Director Steve Kastens explained the committee which had developed the site plan and the translation of that booklet into the pictorial diagram of the site. Facility users have reviewed the diagram and suggested two minor modifications which have been made. (During his explanation, Mayor Teixeira returned -- 11:15 a.m. A quorum was present as previously noted.) The Commission has reviewed the plan and approved it unanimously. It is scheduled for Board consideration in January. He then explained the area which a private party has indicated a desire to lease. He noted the question concerning when the plan would be completed. At present, the lease would eliminate some of the proposed parking area and would require a modification in other areas to accommodate this need at some future date. Supervisor Smith then explained his concern about the City becoming involved in the business of providing overnight camping sites and the necessity to have a developed site for such camping. The proposed plan did not include such a facility. Mr. Kastens agreed that this issue had not been explored. If it is determined that a facility is needed, the plan will be altered accordingly. Mayor Pro-Tem Fetic then noted that this issue was not agendized, however, the discussion indicated a potential conflict between the site plan and the desired area for leasing. Supervisor Smith then expressed his opinion that if there is a need for a developed camping area, the lease could address that need. Supervisor Bennett then indicated that the proposed by-pass route was not included in the site plan. Mr. Kastens explained by use of the drawing the area where preliminary telephone contacts indicated the State was interested in acquiring for the bypass. At this time, they were skirting the entire park. A letter has been filed with the State indicating a desire to acquire any of these parcels which the State does not need for the bypass. Mayor Teixeira then noted a meeting he and Mr. Berkich had had with NDOT. They noted

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NDOT's interest in the lease and concerns about its impact on its route. Mayor Teixeira requested the lease proposal be delayed until additional information is available from NDOT.

(2-1658) Richard Walton questioned whether the area would be in the proposed Highway 50 loop alignment. Mayor Pro-Tem Fettic indicated that at this time no interest had been indicated for this alignment.

Discussion ensued among the Board and Mr. Kastens indicated that a projected buildout date for the master plan had not been established and, likewise, its cost was unknown. No action was taken or required on this item.

13. COMMUNITY DEVELOPMENT DIRECTOR - Principal Planner Rob Joiner - PLANNING COMMISSION REFERRALS - APPEAL AND REVIEW MATTERS

A. ACTION ON Z-92/93-7 REGARDING A CHANGE OF LAND USE REQUEST FROM CARSON CITY TO AMEND THE ZONING MAP DESIGNATION FOR THE CARRIAGE SQUARE SUBDIVISION FROM SINGLE FAMILY 21000 PLANNED UNIT DEVELOPMENT (SF21000-PUD) LOCATED SOUTH OF WEST WINNIE LANE AND NORTH OF WEST LONG STREET AND ENCOMPASSES VICTORIA LANE, CABROLET DRIVE, CHAISE DRIVE, CALASH DRIVE, CLYDESDALE DRIVE, CHAPARRAL DRIVE, CHAISE COURT, AND STAGECOACH LANE (APNs 8-771-01 THROUGH 21; 8-772-01 THROUGH 10; 8-773-02 THROUGH 06; 8-774-01 THROUGH 14; 8-775-01 THROUGH 05; AND, 8-779-01 THROUGH 16 - PLANNING COMMISSION APPROVED 6-0-1-0 (2-1691) - Discussion noted the error in the master plan, which was felt to be an oversight. Supervisor Smith moved to introduce on first reading Bill No. 166, AN ORDINANCE CHANGING THE LAND USE DESIGNATION ON A PLANNED UNIT DEVELOPMENT LOCATED AT CARRIAGE SQUARE TO ACCURATELY REFLECT THE PUD NATURE AND DENSITY OF THIS PROJECT AS SHOWN ON CITY'S OFFICIAL ZONING MAP. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON Z-92/93-8 REGARDING APPROVAL OF A RESOLUTION FROM CARSON CITY TO CORRECT THE ZONING MAP DESIGNATION AS SHOWN ON THE OFFICIAL CARSON CITY ZONE MAP FOR APN 8-141-21 FROM MOBILE HOME PARK (MHP) TO RETAIL COMMERCIAL (RC) ON PROPERTY LOCATED AT 3300 AIRPORT ROAD - PLANNING COMMISSION APPROVED 7-0-0-0 (2-1765) - Supervisor Smith moved to adopt Resolution No. 1992-R-71, A RESOLUTION TO CLARIFY ANY AMBIGUITY WITH REGARD TO THE ZONING MAP DESIGNATION OF A PARCEL OF LAND LOCATED IN CARSON CITY AT 3300 AIRPORT ROAD AND MORE PARTICULARLY KNOWN AS ASSESSOR'S PARCEL NUMBER 8-141-21. Supervisor Tatro seconded the motion. Motion carried 5-0.

14. G. ACTION TO AUTHORIZE FUNDING FOR IMPLEMENTATION OF CARSON CITY'S COMMITMENT TO CONTINUOUS QUALITY IMPROVEMENT KNOWN AS CHANGEMASTERS (2-1805) - Mr. Berkich iterated the reasons for the request and cited several examples to support the program as well as the Hospital's joint venture with the City. Ms. Sullivan outlined the reasons for selecting the firm to assist the City and its functions. Her comments stressed that the maximum funding request was \$30,000 and the savings which could be recognized. Supervisor Bennett then elaborated on the Hospital Board of Trustees' support for the program and funding allocation. Chamber of Commerce President Kevin Honkamp indicated the Chamber's support for the program in concept. The Chamber's reservations about the program were also explained and the Board was cautioned to evaluate the results careful. Clarification indicated that the Chamber did not feel that the City was risking \$30,000 as there are chances of receiving a larger return for the investment.

(3-0015) Richard Walton supported Mr. Honkamp and the program.

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Mr. Berkich then thanked the public and Chamber for their support of the program and reiterated his reasons for seeking Board support for the program.

Clerk-Recorder's Office and Supervisor-Elect Janice Ayres' support for the program was also indicated. Supervisor-Elect Ayres also expressed her feeling that a majority of the City's employees also supported the program.

Supervisor Smith then moved that the Board of Supervisors allocate an amount not to exceed of \$30,000 from Capital Acquisitions to underwrite Carson City Total Quality Implementation and Training Program at the discretion of the City Manager, fiscal impact is not to exceed \$30,000, funding source is prior year General Fund and Enterprise Funds Savings. Supervisor Tatro seconded the motion. The motion was voted by roll call with the following results: Bennett - Yes; Mayor Teixeira - I absolutely support the concept, I think it is probably overdue, this is John Berkich's baby and he wants to see it happen and I am sure it will happen, I have a reservation of voting positively for it at this time because it is not budgeted for and I don't see us having to get into the program without a definition of exactly how that funding stream might sink in regardless of its merit, it should compete on an equal basis with every other program in the community, and I think that is only three or four months away, so with that I will vote against it even though I support it wholeheartedly, No; Smith - Yes; Tatro - Yes; and Mayor Pro-Tem Fettic - Yes. Motion carried 4-1 with Mayor Teixeira voting Naye.

C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 165, AN ORDINANCE ADDING CHAPTER 2.03 TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE CARSON CITY MUNICIPAL CODE REGARDING CARSON CITY SYMBOLS AND EMBLEMS AND OTHER MATTERS PROPERLY RELATED THERETO (3-0178) - Supervisor Smith moved to adopt on second reading Ordinance No. 1992 - 64, AN ORDINANCE ADDING CHAPTER 2.03 TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE CARSON CITY MUNICIPAL CODE REGARDING CARSON CITY SYMBOLS AND EMBLEMS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

D. ACTION ON A RESOLUTION DESCRIBING THE CONTENT AND DESIGN OF THE OFFICIAL SEAL OF THE CONSOLIDATED MUNICIPALITY OF CARSON CITY (3-0218) - Supervisor Smith moved that the Board adopt Resolution No. 1992-R-72, A RESOLUTION DESCRIBING THE OFFICIAL SEAL OF THE CONSOLIDATED MUNICIPALITY OF CARSON CITY. Mayor Teixeira seconded the motion. Motion carried 5-0.

E. ACTION ON A RESOLUTION DESCRIBING THE CONTENT AND DESIGN OF THE OFFICIAL FLAG OF THE CONSOLIDATED MUNICIPALITY OF CARSON CITY (3-0242) - Supervisor Smith moved that the Board adopt Resolution No. 1992-R-73, A RESOLUTION DESCRIBING THE OFFICIAL FLAG OF THE CONSOLIDATED MUNICIPALITY OF CARSON CITY. Supervisor Bennett seconded the motion. Motion carried 5-0.

F. ACTION ON A RESOLUTION DESCRIBING THE CONTENT AND DESIGN OF THE OFFICIAL LOGO FOR THE CONSOLIDATED MUNICIPALITY OF CARSON CITY (3-0259) - Supervisor Smith moved that the Board adopt Resolution No. 1992-R-74, A RESOLUTION DESCRIBING THE OFFICIAL LOGO OF THE CONSOLIDATED MUNICIPALITY OF CARSON CITY. Mayor Teixeira seconded the motion. Motion carried 5-0.

I. STATUS REPORT REGARDING FRANCHISE WITH T.C.I. OF NEVADA, INC. (3-0275) - Mayor Teixeira questioned the status of the addendum agreement submitted to TCI's Corporate offices sometime ago. Mr. Berkich responded by explaining that the Corporate office had indicated concern regarding the language of this agreement based on the new regulatory environment. Mayor Teixeira then directed that TCI be notified to attend the Board's January 7th meeting commencing at 6 p.m. and that the

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item be agendized for discussion and action. A second item was to be agendized for the same meeting and time to consider the City's recourse based on their refusal to sign that agreement. If TCI does not plan to attend this meeting, he then directed that the Board be notified in writing by December 30 of its reasons for failing to appear.

J. STATUS REPORT REGARDING THE BLISS MANSION (3-0340) - A temporary roof has been constructed. Caretakers are checking the building daily. Tarps have been hung in an attempt to alleviate as much as possible any future damage. The owner will be in Carson City in two or three weeks and a meeting is being scheduled.

15. CLERK-RECORDER - Kiyoshi Nishikawa and Deputy Public Guardian Dennis Greene - ACTION ON PROPOSED GUARDIANSHIP OF 90-YEAR-OLD FEMALE RESIDENT (3-0365) - Mayor Teixeira moved that the Board of Supervisors authorize the City Public Guardian's Office to become the guardian of the referenced resident. Supervisor Tatro seconded the motion. Motion carried 5-0.

16. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS

A. MAYOR TEIXEIRA (3-0440) - Directed an item be agendized for the second meeting in January addressing the plan to utilize outside plan checkers.

B. SUPERVISOR SMITH, AND C. SUPERVISOR FETTIC (3-0455) - None.

D. SUPERVISOR TATRO (3-0458) - **ACTION TO APPOINT A MEMBER OF THE BOARD OF SUPERVISORS TO THE V&T RAILROAD SOCIETY** - Clarified that this Society is not connected with the Society which had taken possession of Engine No. 27. The V&T Railroad Society has no position on its ownership. He withdrew the request for appointment of a Board member to the Society.

E. SUPERVISOR BENNETT (3-0485) - Elaborated on the Hospital Board of Trustees action at is meeting concerning the funding provided to Changemasters and requested a special meeting be held in January to address the Board's goals and objectives. A citizen's commitment toward zero tolerance was explained and his/her support for the Washoe Indian Tribe's zero tolerance program noted. She then thanked the community and Board for their support during her recent family tragedy.

17. REDEVELOPMENT AUTHORITY (3-0592) - Mayor Pro-Tem Fettic then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor Pro-Tem Fettic, who reconvened the Board of Supervisors. The entire Board was present, constituting a quorum.

CITIZEN COMMENTS (3-0632) - Richard Waiton noted his involvement with and wished Mayor Pro-Tem Fettic well in his future endeavors.

BREAK: At 12:20 p.m., Mayor Pro-Tem Fettic recessed the meeting. When the meeting reconvened at 6 p.m., a quorum was present although Supervisor Smith was absent. Staff members present included: City Manager Berkich, Deputy District Attorney Suglia, Principal Planner Joiner, and Recording Secretary McLaughlin.

18. ACTION REGARDING THE SIERRA PACIFIC POWER COMPANY PREFERRED ROUTE FOR THE 120 KV POWER LINE PROJECT LOCATED IN SOUTH CARSON CITY (3-0675) - Mayor Pro-Tem Fettic explained the reasons Mayor Teixeira had passed the gavel to him and introduced the item. Sierra Pacific Power Company's District Manager Ray Masayko reviewed Board direction taken at the December 3 Board meeting and the meeting held in this endeavor. He then introduced

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the Project Administrator Michael Pidlypchak. Mr. Berkich reviewed the Board's packet which included a letter from Northern Nevada Correctional Center Warden Brenda Burns opposing the plan to use prison property, a petition of opposition to the Red and White line, and Gary and Debbie Helseth's letter requesting expansion of the current line. (The Clerk did not have a copy of the Helseths' letter.) Mr. Pidlypchak expounded further on the meetings held with the homeowners and the computer simulated photographs illustrating the visual impact the lines would have on the area. He then responded to Board questions on the reasons "H" frames were used beginning at the river crossing and, by use of an aerial photograph, the different routes still under discussion and poles which would be used on each.

(3-1035) Chuck Wright expressed his feeling that the current line running through his property is on his property and that the Company does not have an easement for it. Mr. Pidlypchak explained further the poles which would be used in the route designated red and white on the aerial photograph. Clarification indicated Mr. Wright owns forty acres at the "bridge". He preferred single poles to the "H" frames, however, felt that he would become accustomed to either line. He did not wish to have a 120 KV line within 20 feet of his horses. He felt it would impact the salability of his property and preferred that the prison property be used for the line.

(3-1205) Lisa Stoeberl indicated she had not been advised of the Saturday meeting. The proposed red and white line would pose a hardship on her family to build on her property due to the terrain. She owns five acres. By use of the topographic map which the Board had, she illustrated the proposed routes. She supported the yellow line. She also noted her concerns about health issues which the line may or may not pose.

(3-1295) Denis Benardello opposed the increased voltage. He owns six acres. Two poles would be located in his road.

(3-1362) - Rick and Nicole Woodson opposed having the increased voltage "over their heads." They preferred the prison route which is not feasible.

(3-1425) Gary Helseth lived along the red route and preferred that route. He questioned why BLM property straight east of the river crossing is not being considered. His contacts with BLM indicated they do not want the visual impact his route would create, however, the BLM route would require fewer easements and could use "H" frames. Discussion between Mr. Helseth and Tiffany Greenameyer clarified the proposed route. Ms. Greenameyer indicated her representation of Mr. Butterfield and that he would oppose that route. He supported crossing prison lands.

(3-1615) May Ruth French expressed her concern about the potential health hazards the lines could create. Her comments stressed her feeling that the visual impact should not be the major concern. She supported the yellow route. Mayor Pro-Tem Fettic explained the attempt was to mitigate as much of the impact as possible while meeting the community needs.

(3-1701) Scott Leftwich supporting using the current easement (red and white line), otherwise, he would have lines on both sides of his home.

(3-1755) An unidentified lady opposed the red and white line and indicated Mr. Wright also opposed this line. (3-1765) Mr. Pidlypchak explained for an unidentified gentleman the number of poles which would be used if a single frame is used. At the very maximum, no more poles would be used and in all probability fewer would be needed. Other design potentials were explained. At present the Company has a ten foot right-of-way. The Company would need to widen this easement to forty feet or twenty feet on either side of the poles. Buildings would not be allowed in this area, however, lawns are allowed.

(3-1915) Mr. Woodson explained the current river crossing and questioned the impact an additional

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easement width would have on the beaver. He opposed the crossing of wetlands. He suggested the reduced poles be utilized and the prison route selected. Mr. Pidlypchak explained that the poles did not have to be "H" frames, however, more poles would be required. Mr. Woodson felt that the single poles would not create as much visual impact as the "H" frames.

(3-2001) An unidentified gentleman felt that if the line is allowed to be constructed at this time, it would never be undergrounded at a future date.

Mr. Pidlypchak then explained the height and distance requirements for different types of poles and frames.

(3-2091) Barbara Wright explained why the original line was located on her property and questioned why she should have to give up additional land.

Mr. Pidlypchak explained that the red and white route would have been ranked 6th if cost was the only factor. The preferred route was the green route. BLM's opposition to the yellow route was noted. Clarification for an unidentified lady indicated all opposition to the green line had been based on the visual aspects. No tax monies were being spent on the project. Sierra Pacific had agreed at the Board's request to analyze the red and white route and to meet with the property owners. Mayor Pro-Tem Fettic then closed the public testimony.

BREAK: A five-minute recess was declared at 6:45 p.m. When the meeting reconvened at 6:50 p.m., a quorum was present although Supervisor Smith was absent as previously noted.

Mayor Teixeira then explained the pros and cons of each route and his support for the green line. Additional Board comments were solicited but none made. Mayor Teixeira then moved that the Board approve the route established by the green on the map and that Sierra Pacific make every endeavor to keep that the lowest silhouette possible to carry the 120 KV necessary in that general area. Discussion indicated that route "H" was the preferred route. Supervisor Tatro seconded the motion. Additional Board comments were solicited but none made. The motion was voted by roll call with the following result: Ayes - Mayor Pro-Tem Fettic; Tatro, Bennett and Mayor Teixeira. Nayes - None. Motion carried 4-0.

Mayor Teixeira commended Mayor Pro-Tem Fettic on his tenure and service to the community as well as the audience on its participation this evening. He noted the complexity of the issue. He again urged Sierra Pacific to keep the profile as low as possible. Mr. Helseth also thanked all the participants for their questions and Sierra Pacific for taking the time to respond. Mayor Pro-Tem Fettic thanked him for his comments and participation. Mayor Teixeira also noted the demeanor of the comments and professional attitude exhibited during the discussions. Supervisor Tatro echoed his comments and stressed that even though additional meetings were required it had allowed the democratic process to work. He also commended Mayor Pro-Tem Fettic on his dedication and community efforts.

There being no further matters for discussion, Supervisor Tatro moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 4-0. Mayor Pro-Tem Fettic adjourned the meeting at 6:55 p.m.

The Minutes of the December 17, 1992, Carson City Board of Supervisors meeting

ARE SO APPROVED ON February 18, 1993.

/s/
MARV TEIXEIRA, Mayor

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ATTEST:

/s/
KIYOSHI NISHIKAWA, Clerk-Recorder