

CARSON CITY BOARD OF SUPERVISORS

Minutes of the March 5, 1992 Meeting

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

PRESENT:	Marv Teixeira	Mayor
	Kay Bennett	Supervisor, Ward 4
	Greg Smith	Supervisor, Ward 1
STAFF:	John Berkich	City Manager
	Kiyoshi Nishikawa	Clerk-Recorder
	Paul McGrath	Sheriff
	Ted P. Thornton	Treasurer
	Louis Buckley	Fire Chief
	Basil "Butch" Moreto	Purchasing Agent
	Mike Suglia	Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 3/5/92 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. St. Peters Episcopal Church Rev. Elaine Morgan gave the Invocation. Mr. Suglia led the Pledge of Allegiance. Roll call was taken and a quorum was present although Supervisors Fettic and Tatro were absent.

APPROVAL OF MINUTES - None.

CITIZENS COMMENTS (1-0038) - Gigi Carlson expressed her concern that the old Cottonwoods in the downtown area should be retained as much as possible. She had passed the construction site for the new downtown parking lot. She then expressed her feeling that the Board should not restrict the period an individual wished to comment to three minutes.

LIQUOR AND ENTERTAINMENT BOARD MATTERS - Mayor Teixeira then recessed the Board of Supervisors session and reconvened the session as the Liquor and Entertainment Board. A quorum was present although Members Fettic and Tatro were absent.

1. TREASURER - TED P. THORNTON - ACTION ON A LIQUOR LICENSE FOR CYNTHIA A. THACHER AND ROGER THACHER, DOING BUSINESS AS CLUB HEARTBEAT, LOCATED AT 1105 SOUTH CARSON STREET (1-0110) - Cynthia and Roger Thacher responded to Board questions on their management plans, knowledge of liquor laws, their applications, business experience, and entertainment plans. During the discussion, Member McGrath explained the change in contacts the Sheriff's Department had with the bar since the Thachers had been managing it. Member Smith moved that the Board approve the liquor license for Cynthia A. Thacher and Roger Thacher for their business Club Heartbeat, located at 1105 South Carson Street, Carson City, Nevada. Member McGrath seconded the motion. Following Mr. Thornton's request for an amendment, Member Smith amended his motion to include subject to the final approval of the Fire Department. Member McGrath continued his second. The motion was voted by roll call with the following result: Smith - Yes; McGrath - Yes; Bennett - No; and Chairperson Teixeira - yes. Motion carried 3-1-0-2. Chairperson Teixeira wished them well in their endeavor. He then adjourned the Liquor and Entertainment Board and immediately reconvened as the Board of Supervisors session. (A quorum was present as previously noted.)

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ORDINANCES, RESOLUTIONS, AND OTHER ITEMS (1-0645)

2. TREASURER - TED P. THORNTON - ACTION ON THE TREASURER'S FINANCIAL REPORT FOR THE MONTH OF JANUARY 1992 - Discussion noted the current interest rates and the agreement with the State to enter the local government investment pool. Also, the City is considering an agreement with a bank on money market mutual funds. Supervisor Bennett moved that the Board accept the Treasurer's report as submitted for the month of January 1992. Supervisor Smith seconded the motion. Motion carried 3-0.

3. PURCHASING AGENT - BASIL "BUTCH" MORETO - ACTION ON THE AWARD OF CONTRACT 9192-212 - WATER METERS (1-0692) - Discussion among the Board and staff noted the two percent discount and that the City would attempt to complete the payment process in 15 days. Negotiations will be attempted to get the contractor to change the discount to 20 days. The Contractor was not present. Utility Manager Dorothy Timian-Palmer agreed to "hand carry" the invoice in an attempt to obtain the two percent discount. Mr. Berkich and Mr. Moreto stressed their intent to obtain the discount. Mr. Moreto also noted his goal of renegotiating contracts to obtain a discount with the necessary time frame. Supervisor Smith moved that the Board accept the Purchasing Agent's recommendation and award this contract to Bidder No. 1, R Supply Company, Inc., P. O. Box 2877, Reno, Nevada 89505, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for an open ended contract on a per unit cost basis, funding source Budget Line Item Fund No. 520-3505 and 520-0000. Discussion followed on Supervisor Bennett's request for an amendment. Supervisor Bennett then seconded the motion. Motion carried 3-0.

4. FIRE CHIEF - LOUIS BUCKLEY - ORDINANCES - SECOND READING

A. ACTION ON BILL NO. 108 - AN ORDINANCE AMENDING TITLE 14 OF THE CARSON CITY MUNICIPAL CODE BY DELETING SECTIONS 14.04.110 (MODIFICATIONS), 14.04.120 (APPEALS), AND 14.04.130 (NEW MATERIALS PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS) AND OTHER MATTERS RELATED THERETO (1-0855) - Mr. Buckley's introduction noted Deputy District Attorney Paul Lipparelli's letter on the appeals of the Appeal Board's decisions. Supervisor Bennett moved that the Board adopt Bill 108 on motion to delete Section 14.04.110, 14.04.120, and 14.04.130 of the Carson City Municipal Code to remove from the Municipal Code the sections that deal with the modifications, appeals, new materials, and processes or occupancies as related to the Fire Code, which is the second reading of Bill No. 108, Ordinance No. 1992-8, AN ORDINANCE AMENDING TITLE 14 OF THE CARSON CITY MUNICIPAL CODE BY DELETING SECTIONS 14.04.110 (MODIFICATIONS), 14.04.120 (APPEALS), AND 14.04.130 (NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS) AND OTHER MATTERS RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 3-0.

B. ACTION ON BILL NO. 109 - AN ORDINANCE AMENDING TITLE 14 OF THE CARSON CITY MUNICIPAL CODE TO SPECIFY THE COMPOSITION OF THE FIRE CODE APPEALS BOARD AND OTHER MATTERS PROPERLY RELATED THERETO (1-0935) - Supervisor Bennett moved to adopt on second reading Ordinance 1992-9, AN ORDINANCE AMENDING TITLE 14 OF THE CARSON CITY MUNICIPAL CODE TO SPECIFY THE COMPOSITION OF THE FIRE CODE APPEALS BOARD AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 3-0.

5. PARKS AND RECREATION DIRECTOR - STEVE KASTENS - ORDINANCE - SECOND READING - ACTION ON BILL NO. 110 - AN ORDINANCE AMENDING CHAPTER 5.20 (OPERATION OF PUBLIC EDUCATIONAL AND GOVERNMENTAL TELEVISION CHANNEL) AND ADDING SUBSECTIONS 5.20.035 (TERM OF OFFICE) AND 5.02.036 (REMOVAL FOR CAUSE) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY

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RELATED THERETO (1-0948) - Discussion among the Board and staff noted that the changes directed at the first reading had been made. Supervisor Bennett then moved that the Board of Supervisors adopt on second reading Ordinance No. 1992-10, AN ORDINANCE AMENDING CHAPTER 5.20 (OPERATION OF PUBLIC EDUCATION AND GOVERNMENTAL TELEVISION CHANNEL) AND ADDING SUBSECTIONS 5.20.035 (TERM OF OFFICE) AND 5.02.036 (REMOVAL FOR CAUSE OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 3-0.

Mr. Kastens then invited the Board to attend the PAT 35 anniversary celebration on Sunday, March 22. Mayor Teixeira outlined his montague of Board meetings for airing at the celebration. Discussion ensued among the Board and staff on the City's franchise ability for the public access services.

6. INTERNAL AUDITOR - GARY KULIKOWSKI - ACTION ON APPROVAL OF OCTOBER, NOVEMBER, DECEMBER 1991 AND JANUARY 1992 CHECK DISBURSEMENT REGISTERS (1-1102) - Mr. Kulikowski explained his audit of the registers and responded to Board questions on his selection process, the exceptions he found, and procedures correcting them. He also noted an earlier exception whereby a Department had paid sales tax on its purchase. The firm reimbursed the City and the check was deposited. Additionally, the City has an agreement in effect with Paul Howarth and Associates which had been approved by the Board in 1987. The exception he had indicated was in error as the payment was in accordance with this agreement. Supervisor Smith suggested a report card on Departments be maintained. Supervisor Bennett moved that the Board approve the October, November, December 1991 and January 1992 Check Disbursement Registers as presented by the Internal Auditor. Supervisor Smith seconded the motion. Motion carried 3-0.

7. UTILITIES DIRECTOR - DOROTHY TIMIAN-PALMER

A. ACTION REGARDING THE DISBURSEMENT OF FINE MONIES ASSESSED AGAINST SMITH'S INC. TO THE WESTERN STATES HAZARDOUS WASTE PROJECT (1-1988) - Discussion ensued among the Board and staff on the proposal, the training provided by Western States Hazardous Waste Project, and proposal to utilize the remainder of the fine for monitoring and as a superfund for mitigation costs of any problems which may arise. (1-2092) Ms. Timian-Palmer responded to May Ruth French's statements about Chromalloy and allegations that it would violate the standards. Smith's violation had entailed a small amount of heavy metals and had taken longer to detect. Reasons for this problem were included in the discussion. Mayor Teixeira explained Chromalloy's operation. Ms. French's comments included allegations that Chromalloy had violated California's hazardous waste standards. Ms. Timian-Palmer noted that it would be Chromalloy's responsibility to correct any problems encountered at the wastewater treatment plant if the standards are violated. (1-2310) Ms. Timian-Palmer then invited Gigi Carlson to meet with her on the "dump" in Kings Canyon which Ms. Carlson felt was draining into the City's water. Supervisor Bennett moved that the Board approve the payment by Smith's, Inc., of \$2,500 to Western States Hazardous Waste Project; this represents ten percent of the total fine amount of \$25,000; the balance of \$22,050 shall be paid to Carson City; fiscal impact is an increase of \$22,050 to Carson City. Following Supervisor Smith's request for a correction, Supervisor Bennett corrected the amount to the City to be \$22,500. Supervisor Smith seconded the motion. Motion carried 3-0.

B. ACTION ON CHANGE ORDER NO. 1, AND RELEASE OF RETENTION AND ACCEPTANCE OF THE CONSTRUCTION OF THE GOLF COURSE FIRE MAIN, CONTRACT NO. 9192-131 (1-2385) - Discussion clarified the funding and noted the reasons for bringing the request to the Board. Supervisor Smith moved that the Board approve and authorize the Mayor to sign Change Order No. 1 in the amount of \$9,461.35 and to accept the Golf Course Fire Main Project awarded to L.M. Munns General Engineering Company under Contract No. 9192-131 and authorize payment of the final retention; funding source is Account 540-5200-451.78-57. Supervisor Bennett seconded the motion. Motion carried 2-1 with Mayor Teixeira voting Naye. Reasons for his vote were noted.

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8. COMMUNITY DEVELOPMENT DIRECTOR (1-2506) - WALT SULLIVAN - ORDINANCES - SECOND READING

A. ACTION ON BILL NO. 111 (Z-91/92-7) - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBERS 8-121-45, 47, 60 AND 8-131-64, APPROXIMATELY 37.06 PLUS ACRES LOCATED EAST OF HOT SPRINGS ROAD FROM MULTI-FAMILY APARTMENT (MFA) AND SINGLE-FAMILY 6000 (SF6000) TO LIMITED INDUSTRIAL (LI) ZONING - Supervisor Bennett moved that the Board adopt on second reading Ordinance No. 1991-11, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBERS 8-121-45, 47, 60, AND 8-131-64 APPROXIMATELY 37.06 PLUS OR MINUS ACRES LOCATED EAST OF HOT SPRINGS ROAD AND SOUTH OF THE INTERSECTION OF GRAVES LANE AND HOT SPRINGS ROAD FROM MULTI-FAMILY APARTMENT (MFA) AND SINGLE-FAMILY 6000 (SF6000) TO LIMITED INDUSTRIAL (LI) ZONING. Supervisor Smith seconded the motion. Motion carried 3-0.

B. ACTION ON BILL NO. 112 (A-91/92-9) - AN ORDINANCE ADDING SECTION 18.06.221.5 ADDING WATCHMAN'S QUARTERS AS AN ACCESSORY PERMITTED USE, AND OTHER MATTERS PROPERLY RELATED THERETO (1-2580) - Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1992-12, AN ORDINANCE ADDING SECTION 18.06.221.5 ADDING WATCHMAN'S QUARTERS AS AN ACCESSORY PERMITTED USE, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 3-0.

C. ACTION ON BILL NO. 113 (A-91/92-11) - AN ORDINANCE AMENDING SECTION 18.05.031 (TRAILERS, ETC.), SECTION 18.06.167 (CONDITIONAL USES), SECTION 18.06.221 (PRIMARY PERMITTED USES), AND SECTION 18.06.231 (PRIMARY PERMITTED USES) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2590) - Following Mr. Sullivan's reading of the agenda title, Supervisor Bennett moved that the Board approve Ordinance No. 1992-13 on second reading, AN ORDINANCE AMENDING SECTION 18.05.031 (TRAILERS, ETC.), SECTION 18.06.167 (CONDITIONAL USES), SECTION 18.06.221 (PRIMARY PERMITTED USES), AND SECTION 18.06.231 (PRIMARY PERMITTED USES) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Comments were solicited but none made. Motion to adopt Ordinance 1992-13 was voted on and carried unanimously.

D. ACTION ON BILL NO. 114 (A-91/92-10) - AN ORDINANCE AMENDING SECTION 18.06.167 OF THE CARSON CITY MUNICIPAL CODE TO ALLOW RETAIL AND WHOLESALES OF WELDING SUPPLIES AND GASES AS A CONDITION USE IN THE GENERAL COMMERCIAL DISTRICT (1-2645) - Supervisor Bennett moved to adopt Ordinance No. 1992-14 on second reading, AN ORDINANCE AMENDING SECTION 18.05.167 OF THE CARSON CITY MUNICIPAL CODE TO ALLOW RETAIL AND WHOLESALE SALES OF WELDING SUPPLIES AND GASES AS A CONDITIONAL USE IN THE GENERAL COMMERCIAL DISTRICT. Supervisor Smith seconded the motion. Motion carried 3-0.

9. ADMINISTRATIVE SERVICES DIRECTOR - CITY MANAGER JOHN BERKICH - ORDINANCES - SECOND READING (1-2669)

A. ACTION ON BILL NO. 115 - AN ORDINANCE PROVIDING FOR THE REPAYMENT OF THE FIRE PROTECTION BONDS SERIES JUNE 1, 1991 FROM AB 104 SUPPLEMENTAL CITY-COUNTY RELIEF TAX (SCCRT) FUNDS AND EFFECTING A CORRESPONDING DECREASE IN THE AD VALOREM PROPERTY TAX RATE AND OTHER MATTERS PROPERLY RELATED THERETO - Supervisor Smith moved that the Board adopt on

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second reading Ordinance No. 1992-15, AN ORDINANCE PROVIDING FOR THE REPAYMENT OF THE FIRE PROTECTION BOND SERIES JUNE 1, 1991 FROM AB 104 SUPPLEMENTAL CITY-COUNTY RELIEF TAX (SCCRT) FUNDS AND EFFECTING A CORRESPONDING DECREASE IN THE AD VALOREM PROPERTY TAX LEVY AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 3-0.

B. ACTION ON BILL NO. 116 - AN ORDINANCE ESTABLISHING THE CARSON CITY CAPITAL FACILITIES FUNDS, (A CAPITAL PROJECTS FUND ESTABLISHED PURSUANT TO NRS 354.604) PROVIDING FOR THE ALLOCATION OF FUNDING AND PROPER ACCOUNTING CONTROL THEREOF, AND OTHER MATTERS PROPERLY RELATED THERETO (1-2120) - Supervisor Bennett moved that the Board adopt on second reading Ordinance No. 1992-16, AN ORDINANCE ESTABLISHING THE CARSON CITY CAPITAL FACILITIES FUND, (A CAPITAL PROJECTS FUND ESTABLISHED PURSUANT TO NRS 354.604), PROVIDING FOR THE ALLOCATION OF FUNDING AND PROPER ACCOUNTING CONTROL THEREOF, AND OTHER MATTERS PROPERLY RELATED THERETO. When a second was not forthcoming, Mayor Teixeira passed the gavel to Mayor Pro-Tem Bennett and seconded the motion. Motion was voted by roll call with the following result: Smith - No; Mayor Teixeira - Yes; and Mayor Pro-Tem Bennett - Yes. Motion carried 2-1-0-2.

10. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES - JOHN BERKICH - STATUS REPORTS REGARDING: (1-2775)

A. FRANCHISE WITH T.C.I. OF NEVADA, INC. - None.

B. HISPANIC COUNCIL - Meetings are continuing. Attendance and momentum are increasing. Progress is being made on the issues.

C. COMMUNITY COUNCIL ON YOUTH (1-2810) - A meeting with the School District was held this morning on the Community Reclamation Project Supervisor Tatro had proposed. The task force would be meeting in a week on this project. The School Board would consider Supervisor Tatro's proposal on March 24.

D. CHANGEMASTERS; AND E. MAINTENANCE OF CLEAR CREEK ROAD (1-2858)
- None.

CITIZEN COMMENTS (1-2859) - Gigi Carlson read May Ruth French's letter on the funding projections from TCI. As the franchise fee is passed on to the users, she questioned this procedure. Mayor Teixeira invited Ms. French to contact him on any issue.

11. CLERK-RECORDER - KIYOSHI NISHIKAWA - ACTION TO DIRECT THE PUBLIC ADMINISTRATOR TO INVESTIGATE THE NEED FOR A GUARDIAN FOR IRA RAYMOND (1-2915) - Nevada State Social Worker Stephen Brann explained the request. Supervisor Smith moved that the Board authorize the Public Administrator to investigate the need for and the appropriate person to serve as a guardian for Ira Raymond. Supervisor Bennett seconded the motion. Discussion ensued among the Board, Mr. Nishikawa, and Mr. Brann on the procedure and reasons for completing the process by March 12. Motion carried 3-0.

12. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS AND PROCLAMATIONS - ITEMS REQUESTED BY THE MEMBERS OF THE BOARD OF SUPERVISORS (1-3097)

B. SUPERVISOR SMITH; C. SUPERVISOR FETTIC; AND D. SUPERVISOR TATRO
- None.

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E. SUPERVISOR BENNETT - DISCUSSION AND POSSIBLE ACTION REGARDING A JOINT MEETING WITH THE AIRPORT AUTHORITY - Requested Mr. Berkich agendize a joint evening meeting with the Airport Authority. She then explained a TRPA Legislative Oversight Committee established by the last legislature. She has been selected to serve on the Committee.

A. MAYOR TEIXEIRA - Noted a letter on the House of Representatives Bill HR 3560 which had been endorsed by the US Conference of Mayors and the US National Association of Counties. He requested Board direction on a letter of support for the Bill to the State's Congressional representatives. Supervisor Smith felt the matter should be agendized as he was not adequately familiar with the proposal to make a snap decision at this time. Mayor Teixeira noted the time frame necessary but was willing to delay the matter.

Supervisor Smith moved to adjourn. Supervisor Bennett seconded the motion. Motion carried unanimously. Mayor Teixeira adjourned the meeting at 10:35 a.m.

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

ARE SO APPROVED ON May 7, 1992.

/s/
KAY BENNETT, Mayor Pro-Tem

ATTEST:

/s/
KIYOSHI NISHIKAWA, Clerk-Recorder