

CARSON CITY BOARD OF SUPERVISORS
Minutes of the May 7, 1992, Meeting
Page 1

A regular session of the Carson City Board of Supervisors was held on Thursday, May 7, 1992, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT: Kay Bennett Mayor Pro-Tem
Greg Smith Supervisor, Ward 1
Tom Tatro Supervisor, Ward 3

STAFF PRESENT: John Berkich City Manager
Kiyoshi Nishikawa Clerk-Recorder
Ted P. Thornton Treasurer
Gary Kulikowski Internal Auditor
Basil "Butch" Moreto Purchasing Agent
Mike Suglia Deputy District Attorney
Katherine McLaughlin Recording Secretary
(B.O.S. 5/7/92 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 Pro-Tem Bennett called the meeting to order at 9:05 a.m. Roll call was taken and a quorum was present although Mayor Marv Teixeira and Supervisor Tom Fetic were absent. Airport Road Church of Christ Pastor Bruce Henderson gave the Invocation and noted that this was the day the President had proclaimed as the Day of Prayer. Carson City's observance would be at 12 noon on the State Capitol steps. Everyone was invited. Mr. Berkich lead the Pledge of Allegiance. Mayor Pro-Tem Bennett noted the agenda's length and briefly reviewed procedures to be followed during the meeting.

APPROVAL OF MINUTES - Special Session of March 19 and April 14, 1992, and Regular Sessions of March 5 and March 19, 1992 - Supervisor Smith moved to approve the Minutes as stated. Supervisor Tatro seconded the motion. Motion carried 3-0.

AGENDA MODIFICATIONS (1-0098) - Item 1. D., Entertainment Permit for Larry J. Burton for an Outdoor Music Concert was pulled at his request. The Sheriff's Items were continued at his request.

CITIZENS COMMENTS (1-0125) - James Kirks reminded the Board that its meetings had been broadcast for one year. He thanked the contributors who had made this possible. He solicited volunteers to help continue this endeavor. He noted the (Chamber of Commerce) Award he and Jim Thorpe had received for their services and commended all of the other workers. Mayor Pro-Tem Bennett commended him and his crew on their efforts.

(1-0185) May Ruth French also commended the volunteers on their efforts. She expressed her feeling that the City should be dedicating more of the TCI franchise fee for PATCOM.

(1-0235) Tom Quigley explained the deplorable condition Deer Run Road is in and urged the Board to act to improve the situation. Mayor Pro-Tem Bennett directed the item be agendized. Mr. Quigley then presented a copy of the State accident report and compared it with Deer Run Road. This report was given to Mayor Pro-Tem Bennett. Supervisor Smith explained the Board restrictions on discussing items presented under this heading. (1-0302) Harry Butkin expressed his feeling that the two cent gas tax increase was to have been dedicated toward paving Deer Run Road. This money was purportedly siphoned for other matters. He felt that the City should

allocate the money for it rather than other items. The work could be accomplished for less than \$240,000. Mayor Pro-Tem Bennett explained that the matter would be agendized for further discussion. (1-0350) Tom Dotson explained the health problems he was encountering due to the dust from Deer Run Road. He felt that Bertagnolli was having his road watered two times a day at the taxpayer's expense. Mayor Pro-Tem Bennett reminded him that this issue would be agendized for a future meeting. Mr. Dotson invited the Board to come and look. (1-0401) Debra Fighter expressed her feeling that the dust problem on Deer Run Road was getting worse. Maintenance was none existent. She invited the Board to come and walk along the road.

SHERIFF - Undersheriff Vic Freeman

A. ACTION ON PROCLAMATION "BUCKLE UP AMERICA" (1-0446) - Supervisor Tatro moved that the Board proclaim "Buckle Up America" week for the week of May 18 through 25, 1992, and read the proclamation into the record. Supervisor Smith seconded the motion. Motion carried 3-0.

LIQUOR AND ENTERTAINMENT BOARD - Mayor Pro-Tem Bennett recessed the Board of Supervisors session and immediately reconvened the Liquor and Entertainment Board. Roll call was taken, however, a quorum was not present as Members Teixeira, Fetic, and McGrath were absent.

1. TREASURER - Ted P. Thornton.

B. ACTION ON AN ENTERTAINMENT PERMIT FOR THE CARSON CITY MAINSTREET GROUP FOR THEIR ANNUAL DOWNTOWN A-FAIR TO BE HELD JUNE 6, 1992, IN THE DOWNTOWN AREA, ALONG WITH A REQUEST FOR A WAIVER OF THE APPLICATION AND PERMIT FEES

C. ACTION ON A SHORT-TERM PERMIT FOR THE CARSON CITY MAINSTREET GROUP FOR THEIR ANNUAL DOWNTOWN A-FAIR TO BE HELD JUNE 6, 1992, IN THE DOWNTOWN AREA ALONG WITH A REQUEST FOR A WAIVER OF THE PROMOTION FEES - Continued due to the lack of a quorum. Re-scheduled for the June 21st meeting.

D. ACTION ON AN ENTERTAINMENT PERMIT FOR LARRY J. BURTON FOR AN OUTDOOR MUSIC CONCERT TO BE HELD AT THE SILVER STATE RACEWAY LOCATED AT 1210 RACETRACK ROAD ON 6/13/92 WITH A REQUEST TO WAIVE THE 60-DAY APPLICATION WAITING PERIOD - Pulled at the Applicant's request.

A. ACTION ON REVOCATION OF DELINQUENT LIQUOR LICENSES (1-0594) - All delinquencies had been brought current.

BOARD OF SUPERVISORS - Mayor Pro-Tem Bennett recessed the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors. A quorum was present although Mayor Teixeira and Supervisor Fetic were absent.

SHERIFF - Undersheriff Vic Freeman - **ACTION ON A RESOLUTION AUTHORIZING THE CARSON CITY SHERIFF'S DEPARTMENT TO EMPLOY TWO DEPUTY SHERIFFS FOR ASSIGNMENT WITH THE TRI-AGENCY NARCOTICS ENFORCEMENT TEAM (TRINET) (1-0638)** - Undersheriff Freeman and Mr. Berkich responded to Board questions on the funding and budget procedures. Undersheriff Freeman explained for May Ruth French the cost, funding, and staffing. Ms. French felt that the City did not need the extra cost for this personnel as there is adequate coverage available from other Agencies' and that their undercover agents. Undersheriff Freeman then responded to Mr. Kulikowski's questions on term of appointment and funding.

Mr. Berkich then referred to the Resolution, sites supporting the funding, and a proposal to use some of the forfeiture funds for vehicle acquisitions. Mayor Pro-Tem Bennett requested the status of the account be provided to the Board during the budget hearings. Supervisor Smith moved that the Board adopt Resolution No. 1992-R-22, A RESOLUTION AUTHORIZING THE CARSON CITY SHERIFF'S DEPARTMENT TO EMPLOY TWO DEPUTY SHERIFFS FOR ASSIGNMENT WITH THE TRI-AGENCY NARCOTICS ENFORCEMENT TEAM (TRINET). Supervisor Tatro seconded the motion. Motion carried 3-0.

Mayor Pro-Tem Bennett commended the Department on its entrepreneurial spirit and efforts seeking outside resources to fund their activities. Undersheriff Freeman commended Mr. Berkich on his explanation of the car acquisition proposal. May Ruth French expressed her feeling that this proposal was playing "musical chairs" with the vehicles. Supervisor Smith expressed his desire to discuss this further with her at another time.

2. TREASURER - Ted P. Thornton

A. ACTION ON THE TREASURER'S FINANCIAL REPORT FOR THE MONTH OF MARCH 1992 (1-1025) - Discussion noted the decreased interest rate and change in investment fund allocations. Supervisor Tatro moved that the Board accept the March Treasurer's Report as submitted. Supervisor Smith seconded the motion. Motion carried 3-0.

B. ACTION ON AN AFFIDAVIT OF DELINQUENT NOTICE OF MAILING FOR REAL PROPERTY TAXES (1-1125) - Mr. Thornton read the statement into the record. No action was required or taken on this matter.

C. ACTION ON REFUNDS AND REMOVAL OF REAL PROPERTY TAXES ON 1991-92 TAX ROLL FOR APN'S 7-091-78, 8-681-28, AND 8-681-29 DUE TO THE FEDERAL GOVERNMENT ACQUISITION OF PROPERTIES (1-1155) - Supervisor Smith moved that the Board approve refund and removal of taxes for Parcels 7-091-78, 8-681-28, and 8-681-29 from the 1991-92 Real Property Tax Roll due to acquisition by the Federal Government, fiscal impact is a decrease in tax revenue in the amount of \$864.27. Supervisor Tatro seconded the motion. Following Mr. Thornton's request for an amendment, Supervisor Smith amended his motion to include and authorize a refund on Parcel 7-091-78 in the amount of \$91.35. Supervisor Tatro continued his motion. Motion carried 3-0.

D. ACTION ON BUSINESS LICENSE RE-INSTATEMENTS (1-1210) - Supervisor Smith moved that the Board approve the attached list of Business License Reinstatements. Supervisor Tatro seconded the motion. Motion carried 3-0.

3. REDEVELOPMENT AUTHORITY (1-1241) - Mayor Pro-Tem Bennett 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 Bennett who reconvened the Board of Supervisors. A quorum was present as noted.

4. ACTION ON ACCEPTANCE OF BID ON SHORT-TERM FINANCING RELATIVE TO JOINT RESOLUTION 1992-RAR-1 AND 1992-R-18 (1-1457) - Mr. Thornton noted this information is the same as considered by the Redevelopment Authority and reviewed Valley Bank's bid. Supervisor Smith moved that the Board of Supervisors accept and award the bid for a short-term financing loan in the amount of \$757,200 to Valley Bank as the only responsive and responsible bidder. Supervisor Tatro seconded the motion. Motion carried 3-0.

Mr. Thornton then reviewed the items required under the heading "Documents Required" of the bid document and

the recommendation supported by Valley Bank and himself that Bond Counsel Swendseid and Stern be engaged to prepare the necessary bond documents. As this matter was not agendized, formal action could not be taken. Consensus supported the recommendation.

5. PURCHASING AGENT - Basil "Butch" Moreto

A. ACTION ON THE AWARD OF CONTRACT NO. 9192-13 - JUVENILE FACILITY ROOF REPAIR (1-1615) - Mr. Moreto and Parks and Recreation Director Steve Kastens explained the request and funding source. Supervisor Tatro moved that the Board accept the Purchasing Office Supervisor's recommendation and award Contract 9192-13 to Bidder No. 3, NRC Roofing, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$80,592 and accept a contingency amount of \$8,059.20, funding source: Fund 101-5034 = \$60,813.20, Fund 210-0000 = \$12,784, and the Contingency Account in an amount of \$15,054. Supervisor Smith seconded the motion. Motion carried 3-0.

B. ACTION ON THE AWARD OF CONTRACT NO. 9192-258 - NORTHGATE COMPLEX CARPET REPLACEMENT (1-1779) - Following discussion of the carpet color, Supervisor Smith moved that the Board accept the Purchasing Office Supervisor's recommendation and award Contract 9192-258 to Bidder No. 4, Sierra Floor Covering, 4601 B Goni Road, Carson City, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$24,968 and a contingency amount of \$2,496.80, funding source is Account 210-0000. Supervisor Tatro seconded the motion. Following discussion with May Ruth French on the amounts included in the motion and installation dates, the motion to approve the contract as indicated was voted and carried 3-0.

C. ACTION ON CHANGE ORDER NO. 1 TO CONTRACT NO. 9192-32 - CARSON CITY STREET OVERLAY PROJECT (1-1960) - Public Works Director Dan O'Brien responded to Board questions on the project. Mr. Berkich reviewed the funding sources which were clarified further by Mr. O'Brien. Mr. Berkich acknowledged the cooperative efforts extended by Michael Hohl and Tim Piersanti. Mayor Pro-Tem Bennett expressed the hope that this cooperative effort would be continued. Mr. Moreto commended Mr. O'Brien and his staff on their cooperation in preparing the bids. Mayor Pro-Tem Bennett expressed the hope that this interdepartmental cooperation would be continued.

(1-2315) Tom Quigley expressed his feeling that these funds should be utilized for Deer Run Road. Purportedly the work had already been accomplished without the benefit of a contract and these costs were to cover bid shortages. He also questioned who had authorized and was paying for the paving at the Animal Control facility and the amount of paving necessary at the Corporate Yard. Mayor Pro-Tem Bennett noted that these issues were not part of the item as agendized. Mr. O'Brien explained the change order is to the original street overlay contract and the phasing of the Corporate Yard. The Sewer and Water Enterprise Accounts had paid for the paving and not the gas tax. Reasons for paving the area were noted including the Code requirements mandate of new businesses for their parking lots. The Code would also require curbing and gutters. These requirements may be necessary as the offices expand. Comments stressed that these funds could not be used to pave Deer Run Road and vice versa as well as the cost benefits of adding the project to the larger contract for street overlays. Animal Services Director Mike Conklin explained that the paving materials had been donated by Mr. Shaw, that the labor was being paid by donated funds, and reasons for having Granite do the work. No tax funds would be used for this portion of the contract. (2-0350) Mr. Kulikowski outlined his verification of the funding and the reasons the funding sources were amended. The Board directed him to audit the funding. Mr. Kulikowski also expressed concern that in an attempt to save money, inappropriate projects had been tied together. Mayor Pro-Tem Bennett expressed her feeling that Mr. Quigley had sensitized the Board on this issue and urged caution when such items are combined. Mr. Kulikowski's audit should include research on this issue. Mr. Quigley then explained that the

Pet Cemetery Donation Account did not have any funds in it with which to pay for the work. He questioned how this fund could pay for the work. He questioned the entire procedure. Mayor Pro-Tem Bennett explained that the Board had directed Mr. Kulikowski to check into these issues. Supervisor Tatro thanked Mr. Quigley for his questions. Staff then detailed the funding sources. They are: 256-0308, Street Overlays, in the amount of \$39,086.60 less the \$28,700 which is from the Development Agreements on Koontz Lane; Sewer Account for \$16,000; Residential Construction Tax in the amount of \$16,123.68; Water Account for \$16,000; and Capital Acquisition for \$25,675. Discussion then ensued among the Board and staff concerning whether the Board should act on the request until the audit questions have been resolved, whether a second bid could be requested when the City had a contract with a paving contractor, and reasons for having a contingency fund. Mr. Suglia felt the Board could approve the Change Order at this time. Supervisor Tatro noted that the Board had approved all of the various projects at different times during the last year. Mr. O'Brien's comments explained that the Board would not normally have seen the Change Order, however, as the Koontz Street project had caused the project to go over the funding, he needed Board approval. **Supervisor Tatro then moved that the Board accept the Purchasing Agent's recommendation and approve Change Order No. 1 to Contract 9192-32, Carson City Street Overlay Project, in the amount of \$111,742.52 to increase the contract awarded to Granite Construction Company on October 3, 1991, from \$752,900 to \$864,642.52 plus a contingency amount of five percent of that number which is \$43,232; funding sources are: 256-3038 Street Overlays in the amount of \$39,086.60 of which \$28,700 will be reimbursed to the City through the Development Agreements with adjacent property owners, 350-5000 Residential Construction Tax in the amount of \$16,123.68, Sewer Fund in the amount of \$16,000, Water Fund in the amount of \$16,000, and the Capital Acquisition Fund of the General Fund in the amount of \$25,675; as previously stated, the total Change Order amount is \$111,742.52 and the Contingency is as stated. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Smith - yes; Tatro - Yes; and Mayor Pro-Tem Bennett - Yes. Motion carried 3-0.**

Mr. O'Brien apologized for the funding confusion and emphasized that they would be correctly listed in the future. Mayor Pro-Tem Bennett expressed her hope that all of the funding sources are detailed more thoroughly in the future. She thanked Mr. Quigley for bringing the situation to light.

BREAK: At 10:45 a.m. a five minute recess was taken. When the meeting reconvened at 10:50 a quorum of the Board was present as previously noted.

6. INTERNAL AUDITOR - Gary Kulikowski - ACTION ON APPROVAL OF THE MARCH 1992 CHECK DISBURSEMENT REGISTER (2-0525) - Mr. Kulikowski reviewed his audit and the exceptions he discovered. Comments emphasized the need for RSVP to follow the normal purchasing procedures. Mayor Pro-Tem Bennett suggested a written summary of the findings be provided to the Board. Mr. Kulikowski agreed to provide the report with the Board Action Form. Supervisor Tatro moved that the Board accept and approve the March 1992 Check Disbursement Register. Supervisor Smith seconded the motion. Motion carried 3-0.

7. CLERK-RECORDER - Kiyoshi Nishikawa - ACTION ON RESOLUTIONS AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS AS FOLLOWS:

A. 1/1/91-12/31/91 MARRIAGE APPLICATIONS WITH CONSENT FORMS (1-0725) - Supervisor Smith moved that the Board adopt Resolution No. 1992-R-23, A RESOLUTION AUTHORIZING DESTRUCTION of Marriage Applications for 1991. Supervisor Tatro seconded the motion. Motion carried 3-0.

B. VARIOUS BUILDING SITE FILES (1-0755) - Supervisor Smith moved that the Board adopt Resolution No. 1992-R-24, A RESOLUTION AUTHORIZING DESTRUCTION of Community Development Site Files. Supervisor Tatro seconded the motion. Motion carried 3-0.

8. DISTRICT ATTORNEY - Deputy District Attorney Mike Suglia

C. ACTION ON RETAINER AGREEMENT BETWEEN CARSON CITY AND CHARLES COCKERILL TO PROVIDE LEGAL SERVICES (1-0765) - Mr. Cockerill responded to Board questions concerning the appeal process. Mr. Suglia explained Administrative Services Director Walker's request that the motion include terminology directing staff to return with the appropriate budget augmentation. Supervisor Smith moved that the Board approve a retainer agreement between Carson City and Charles P. Cockerill to provide legal services, fiscal impact is \$90 per hour, not to exceed \$2,250, and direct staff to return with the appropriate budget augmentation account. Supervisor Tatro seconded the motion. Motion carried 3-0.

A. ACTION ON A RESOLUTION APPOINTING THE NEVADA ATTORNEY GENERAL TO ASSIST THE CARSON CITY DISTRICT ATTORNEY (2-0904) - Supervisor Smith moved that the Board adopt Resolution No. 1992-R-25, A RESOLUTION APPOINTING THE NEVADA ATTORNEY GENERAL TO ASSIST THE CARSON CITY DISTRICT ATTORNEY and direct staff to return with the appropriate budget augmentation. Supervisor Tatro seconded the motion. Motion carried 3-0.

B. ACTION ON APPROVAL OF A COOPERATIVE AGREEMENT WITH THE STATE OF NEVADA TO PROVIDE FUNDS FOR MASS TRANSIT STUDY (2-0948) - Mr. Berkich outlined the funding. Community Development Director Walt Sullivan reviewed the original study and benefits of the proposed study. Comments stressed that the document would be a working and implemented study. Supervisor Smith moved that the Board approve a cooperative agreement with NDOT for \$25,000 in funding for a mass transit study. Supervisor Tatro seconded the motion. Motion carried 3-0.

9. UTILITY MANAGER - Public Works Director Dan O'Brien

A. ACTION ON JOINT FUNDING AGREEMENT BETWEEN U.S. GEOLOGICAL SURVEY AND CARSON CITY WATER UTILITY (2-1145) - Comments noted previous discussions on the radon and Federal requirements. Mayor Pro-Tem Bennett requested copies of the radon reports be given to the Board. Supervisor Tatro moved that the Board approve and authorize the Mayor to sign the joint funding agreement between the U.S. Geological Survey and Carson City regarding sampling for Radon-222 at various sites throughout the Carson City municipal water system at a total amount of \$5400; funding source is: \$4400 from Account 520-3502-436-0636 and \$1000 from Account 520-3502-435-2406. Supervisor Smith seconded the motion. Motion carried 3-0.

B. ACTION ON REQUEST TO WAIVE MUNICIPAL CODE 12.01.210 REGARDING WATER MAIN EXTENSION AND ACTION ON REQUEST TO OVERTURN THE UTILITY DIRECTOR'S DECISION ON MUNICIPAL CODE 12.01.220 REGARDING FIRE PROTECTION (2-1230) - Mr. O'Brien's introduction included the reasons for staff's position. Discussion noted the adjacent property development agreement had not required the property owner to extend the line along the entire frontage. Mr. Rasner was now being required to install the fire hydrant entirely at his cost. (2-1540) Mr. Scott Rasner explained his acquisition of the property and discovery that the costs to install the water and fire hydrants would prohibit him from constructing his home and deny him his property rights. He felt that the City had been arbitrary in enforcing the ordinances. (A copy of this report was given only to the Board.) He then reviewed the map and his report on the history of the extensions. He felt that he could have supported a 330 foot extension but should not be required to do the 440 foot extension. Discussion ensued among staff, the Board and Mr. Rasner on reasons the extension procedure had been a policy and not an ordinance, procedures for extending the fire hydrant, and lack of Code requirements for residential extension of the fire hydrant. Mr. Rasner felt that the Code requirements for fire hydrant extension related to only subdivisions and not a single residence as is his property. Mayor Pro-Tem Bennett noted that the cost of extensions are bore by new development. Mr. Rasner felt his case was unique as

there would be no one else developing in his area who could share the cost. This point and the lack of procedures to grant a variance were debated at length. Supervisor Smith expressed a willingness to have the City fund 110 feet of the extension. Concern was expressed about establishing a precedence for waiving the requirement. Discussion ensued with Water Utility Supervisor Tom Hoffert on the size and cost to extend the water line. Supervisor Smith suggested the City fund the fire hydrant and that Mr. Rasner fund the water line extension. Mr. Rasner did not feel that either of the other residents would participate for some time in the waterline extension. Mr. Hoffert also explained the tapping fees. **Supervisor Smith moved that the Board deny a request by Mr. Scott Rasner regarding a waiver of Municipal Code 12.01.210. Supervisor Tatro seconded the motion. Motion carried 3-0.** Supervisor Smith then moved that the Board approve a request by Mr. Scott Rasner regarding overturning the Utility Director's decision on Municipal Code 12.01.220 and allow the City to participate in the cost of the fire protection facilities being required by the Fire Marshall regarding the development of parcels 9-174-05 and 9-174-03 in the amount not to exceed 75 percent of the total cost of the hydrant. **Supervisor Tatro seconded the motion.** Clarification by Supervisor Smith indicated the 75 percent was to be of the entire cost to install the equipment, which he felt was approximately \$1500. **Supervisor Smith then continued his motion to include and allow staff to provide the Board with the appropriate account for the same level of budget augmentation if the funding can't be located within the Department budget. Supervisor Tatro continued his second.** Clarification indicated that Supervisor Smith had only used the \$1500 as an estimate of the cost as the actual amount was unknown. **The motion to participate in an amount not to exceed 75 percent of the cost of the fire protection facilities was voted and carried 3-0.**

10. PUBLIC WORKS DIRECTOR - Dan O'Brien

A. ACTION ON THE SCHEDULING OF A PUBLIC WORKSHOP ON THE CREATION OF A STORM DRAINAGE UTILITY (3-0025) - Discussion noted that it may require more than one meeting. Supervisor Smith moved that the Board direct staff to proceed with the scheduling of a Storm Drainage Utility Workshop for June 11 at 6:30 p.m. Supervisor Tatro seconded the motion. Motion carried 3-0.

B. ORDINANCES - FIRST READING

i. ACTION ON AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR MICHAEL HOHL MOTORS LOCATED AT 3700 CARSON STREET (3-0094) - Discussion noted the terms which would require the improvements to be constructed. Supervisor Smith moved that the Board introduce on first reading Bill No. 121, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MICHAEL HOHL MOTORS REGARDING ASSESSOR'S PARCEL NOS. 9-151-20 AND 9-151-21 LOCATED AT 3700 SOUTH CARSON STREET, CARSON CITY, NEVADA. Supervisor Tatro seconded the motion. Motion carried 3-0. Discussion noted the time required to reach this point.

ii. ACTION ON AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR CARSON DETOXIFICATION CENTER AT 105 NORTH ROOP STREET (3-0195) - Comments noted that the Center had agreed to fund all of the improvements on both Roop and Musser. Mr. Berkich thanked Mr. Hank Thomas of Northern Nevada Title for his assistance. Supervisor Tatro disclosed his wife's employment at Northern Nevada title and expressed his feeling that it would not affect him financially or bias his vote on this issue. Supervisor Tatro moved to introduce on first reading Bill No. 122, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CARSON DETOXIFICATION CENTER REGARDING ASSESSOR'S PARCEL NUMBERS 4-174-01 AND 4-174-05, LOCATED AT 105 NORTH ROOP STREET, CARSON CITY, NEVADA. Supervisor Smith seconded the motion. Motion carried 3-0.

iii. ACTION ON AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR GRANITE CONSTRUCTION COMPANY AT 5855 SHEEP DRIVE (3-0265) - Supervisor Smith moved that

the Board introduce on first reading Bill No. 123, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND GRANITE CONSTRUCTION COMPANY REGARDING ASSESSOR'S PARCEL NO. 8-521-68, LOCATED AT 5855 SHEEP DRIVE, CARSON CITY, NEVADA, and approval to execute the Development Agreement. Supervisor Tatro seconded the motion. Motion carried 3-0.

C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 120 REGARDING AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR HOT SPRINGS ROAD AND PROPOSED GONI ROAD WITH RONALD O. BOULTER (3-0295) - Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1992-19, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND RONALD O. BOULTER, REGARDING ASSESSOR'S PARCEL NO. 8-131-15, LOCATED AT HOT SPRINGS ROAD AND PROPOSED GONI ROAD, CARSON CITY, NEVADA. Supervisor Tatro seconded the motion. Motion carried 3-0.

D. PUBLIC WORKS AND UTILITY DEPARTMENTS - ACTION ON CHANGE ORDER NO. 5 TO CONTRACT W-5 - CARSON CITY WASTEWATER TREATMENT AND DISPOSAL FACILITIES (3-0325) - Discussion ensued among the Board and staff on the reasons a contingency amount had not been approved with the original contract, however, the project should be completed in a month. Supervisor Tatro moved that the Board accept Change Order 5 to Contract W-5, Secondary Clarifier and Return Sludge Pump Station in the total amount of \$4,489 with Federal reimbursement of \$3366.75 for a City share of \$1122.25 and authorize the Mayor Pro-Tem to sign, funding source is Sewer Fund 515. Supervisor Smith seconded the motion. Motion carried 3-0.

BREAK: A lunch recess was taken at 12:30 p.m. When the meeting reconvened at 1:35 p.m. a quorum of the Board was present as noted previously.

11. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION TO APPROVE A RESOLUTION TO CHANGE THE NAME OF THE URBAN FORESTRY ADVISORY COMMITTEE TO CARSON CITY SHADE TREE COUNCIL (3-0387) - Mr. Kastens' introduction included Chairperson Jay Meierdierck. Discussion noted feedback on the Committee was positive. Chairperson Meierdierck explained the reasons for recommending the change. Mayor Pro-Tem Bennett commended him on their activities and wished them well. Supervisor Smith moved that the Board adopt Resolution No. 1992-R-26, A RESOLUTION CHANGING THE NAME OF THE URBAN FORESTRY ADVISORY COMMITTEE TO THE CARSON CITY SHADE TREE COUNCIL. Supervisor Tatro seconded the motion. Motion carried 3-0.

12. PERSONNEL MANAGER - Judie Fisher

A. ACTION ON APPOINTMENT OF MEMBERS TO THE PATCOM 35 ADVISORY BOARD (3-0467) - Richard Hyde had withdrawn. John McKenna, Jr., and Eugene Quarterson were interviewed by the Board concerning their interest in the position and knowledge of the Board. Mayor Pro-Tem Bennett commended each on his willingness to volunteer. Ms. Fisher explained her recommendation that Mr. McKenna be appointed. Another announcement for applicants would be made shortly as all of the other terms were expiring shortly. A decision was continued until later in the meeting.

C. ACTION ON APPOINTMENT OF MEMBERS TO THE GOLF COURSE ADVISORY COMMITTEE (3-1092) - Chick James and (3-1305) Phil Martin were interviewed by the Board concerning their interest in the position and knowledge of the Golf Course and its operation. The perceived conflict of interest due to Mr. Martin's employment as a Marshall at the Course and serving on the Committee was discussed with him. Mayor Pro-Tem Bennett thanked each for volunteering and expressed a desire that he would remain active in the community if not appointed. A decision on the appointment was made later in the meeting.

Clarification indicated the Agenda Item on a resolution had been posted in error.

B. INTERVIEWS AND ACTION ON THE APPOINTMENT OF MEMBERS TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR CARSON CITY (3-1746) - (3-2455) Eugene Quarterson, (3-2733) Gary Barrett, (4-0006) Peter Dube, (4-0148) Robert Lauder, (4-0425) Tom Card, (4-0570) Archie Cooke, (3-2025) Edward Shaw, (3-1746) John Anderson, and (3-2275) Hap Snelling responded to Board questions concerning their interest in the position, industry education procedures, knowledge of the Board, and ability to remain objective in the decision-making process. Art Hannafin, Ralph Eissman, and Larry McGinnis had applied for the Board, however, were unable to be attend the interviews. Mayor Pro-Tem Bennett thanked each for applying and expressed a desire that each would remain active in the community. A decision was delayed until later in the meeting.

BREAK: At 3:15 p.m. a five minute recess was taken. When the meeting reconvened at 3:20 p.m. a quorum was present as noted previously.

13. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan

A. PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL MATTERS - DISCUSSION AND POSSIBLE ACTION REGARDING M-91/92-17, AN ABANDONMENT REQUEST FROM STANTON PARK DEVELOPMENT TO ABANDON PUBLIC UTILITY AND DRAINAGE EASEMENTS BETWEEN APN'S 2-549-08 AND 09 LOCATED SOUTH OF MOUNTAIN PARK DRIVE AND WEST OF CARRIAGE CREST DRIVE AND ALL OF THE PARCEL RECORDED AS DOCUMENT NO. 125697 LYING SOUTHWEST OF CARRIAGE CREST DRIVE APPROXIMATELY 3,106 SQUARE FEET (4-0780) - Following clarification of an adjacent property lot line adjustment, Supervisor Smith moved the Board approve M-91/92-17, a request to abandon public utility and drainage easements as defined in the staff report based on the two findings and subject to the conditions of approval as contained in the staff report. Supervisor Tatro seconded the motion. Comments from the Applicants were solicited but none made. Motion carried 3-0.

B. ORDINANCES - FIRST READING

i. DISCUSSION AND POSSIBLE ACTION TO RECONSIDER OR RESCIND BILL NO. 113, AN ORDINANCE AMENDING SECTIONS OF THE CARSON CITY MUNICIPAL CODE REGARDING TRAILERS, ETC., CONDITIONAL USES, AND PRIMARY PERMITTED USES AND OTHER MATTERS PROPERLY RELATED THERETO

ii. DISCUSSION AND POSSIBLE ACTION ON A-91/92-19 REGARDING AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY 18.05.031(2), (3), AND (5c) INVOLVING MOBILE HOME SITING AUTHORIZATION, TEMPORARY RECREATION VEHICLE LOCATIONS AND ZONING DISTRICTS WHICH ALLOW NIGHT WATCHMAN'S QUARTERS; AND, 18.06.167 RELATIVE TO INCLUDING NIGHT WATCHMAN'S QUARTERS AS A CONDITIONAL USE AND OTHER MATTERS RELATED THERETO (4-0876) - Procedures for rescinding Bill 113 were discussed. Mayor Pro-Tem Bennett passed the gavel to Supervisor Tatro. Supervisor Bennett moved that the Board reconsider Ordinance 1992-13 as presented by the Director of Community Development. Supervisor Smith seconded the motion. Motion carried 3-0.

Mayor Pro-Tem Tatro returned the gavel to Mayor Pro-Tem Bennett. Supervisor Smith then moved that the Board rescind Ordinance 1992-13, AN ORDINANCE AMENDING SECTIONS 18.05.031 AND 18.06.167 OF THE CARSON CITY MUNICIPAL CODE AFFECTING THE USE OF TRAILERS, RECREATIONAL VEHICLES

IN CERTAIN ZONES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 3-0.

Supervisor Smith then moved to introduce on first reading Bill No. 124, AN ORDINANCE AMENDING SECTIONS 18.05.031 AND 18.06.167 OF THE CARSON CITY MUNICIPAL CODE AFFECTING THE USE OF TRAILERS, RECREATIONAL VEHICLES IN CERTAIN ZONES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 3-0.

iii. DISCUSSION AND POSSIBLE ACTION ON A-91/92-20 TO AMEND CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY SECTION 18.06.055 INVOLVING MAXIMUM BUILDING HEIGHT AS IT RELATES TO REAR YARD SETBACKS (4-0175) - Supervisor Tatro moved that the Board introduce Bill No. 125 on first reading, AN ORDINANCE AMENDING SECTION 18.06.055 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM BUILDING HEIGHT RELATING TO REAR YARD SETBACKS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 3-0.

iv. DISCUSSION AND POSSIBLE ACTION TO AMEND CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY SECTION 18.06.065 INVOLVING MAXIMUM BUILDING HEIGHT AS IT RELATES TO REAR YARD SETBACKS (4-1149) - Supervisor Tatro moved that the Board introduce Bill No. 126 on first reading, AN ORDINANCE AMENDING SECTION 18.06.065 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM BUILDING HEIGHT RELATING TO REAR YARD SETBACKS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 3-0.

v. DISCUSSION AND POSSIBLE ACTION TO AMEND CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY SECTION 18.06.085 INVOLVING MAXIMUM BUILDING HEIGHT AS IT RELATES TO REAR YARD SETBACKS (4-1155) - Supervisor Tatro moved that the Board introduce Bill 127 on first reading, AN ORDINANCE AMENDING SECTION 18.06.085 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM BUILDING HEIGHT RELATING TO REAR YARD SETBACKS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 3-0.

C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 119 (A-91/92-17) REGARDING AN ORDINANCE AMENDING SECTION 12.09.060 SUBSECTION 2 (BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (4-1175) - Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1992-20, AN ORDINANCE AMENDING SECTION 12.09.060 SUBSECTION 2 (BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 3-0.

12. A. ACTION ON APPOINTMENT OF MEMBERS TO THE PATCOM 35 ADVISORY BOARD - CONTINUED (4-1215) - Discussion ensued on the legislative procedures. Supportive comments on both Applicants were discussed. Supervisor Tatro then moved that the Board appoint John McKenna to the PATCOM 35 Advisory Board. Supervisor Smith seconded the motion. Motion carried 3-0.

B. INTERVIEWS AND ACTION ON THE APPOINTMENT OF MEMBERS TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR CARSON CITY - CONTINUED (4-1358) - Following discussion of the Applicants, Supervisor Tatro moved that the Board appoint Phil Martin to the Golf

Course Advisory Committee. Supervisor Smith seconded the motion. Motion carried 3-0.

C. INTERVIEWS AND ACTION ON THE APPOINTMENT OF MEMBERS TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR CARSON CITY (4-1435) - The quality of the applications and the Applicants were discussed for each category prior to the motion. Supervisor Tatro moved that the Board appoint John Anderson to the Building and Fire Code Board of Appeals in the General Contractor category. Supervisor Smith seconded the motion. Motion carried 3-0.

Supervisor Tatro moved that the Board appoint Eugene Quarterson as a member of the Building and Fire Code Board of Appeals for the Electrical Engineer category. Supervisor Smith seconded the motion. Motion carried 3-0.

Supervisor Smith moved that the Board appoint Art Hannafin to the Architectural category of the Building and Fire Code Board of Appeals. Supervisor Tatro seconded the motion. Motion carried 3-0.

Supervisor Tatro moved that the Board appoint Robert F. Lauder to the Building and Fire Code Board of Appeals for the Structural Engineer category. Supervisor Smith seconded the motion. Motion carried 3-0.

Mayor Pro-Tem Bennett solicited comments concerning Applicant McGinnis. None were made. Supervisor Tatro moved that the Board appoint Archie Cooke to the Building and Fire Code Board of Appeals for Carson City in the Mechanical Engineer category. Supervisor Smith seconded the motion. Motion carried 3-0.

Discussion indicated the appointments were for two years.

14. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES - STATUS REPORTS (4-1914)

A. FRANCHISE WITH T.C.I. OF NEVADA, INC. (4-2005) - None.

B. HISPANIC COUNCIL AND NEIGHBORHOOD YOUTH ISSUES (4-1941) - Progress and community support were noted.

C. CHANGEMASTERS (4-1967) - Progress was outlined.

D. MAINTENANCE OF CLEAR CREEK ROAD (4-2005) - None.

15. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS

A. MAYOR TEIXEIRA AND C. SUPERVISOR FETTIC - None.

B. SUPERVISOR SMITH (4-2015) - Results of the Parks and Recreation election of officers was reported. (4-2125) Events Center bid opening had occurred. He felt the metal roof had come in underbid and may allow other projects to have funding.

D. SUPERVISOR TATRO (4-2025) - A Virginia City-Carson City train status report was given. Convention and Visitors Bureau grant awards were outlined.

E. SUPERVISOR BENNETT (4-2168) - Reported on the Carson-Tahoe Hospital budget. A rate

increase will be submitted to the Board of Trustees later this month. Progress of the physician recruitment program was felt to be positive. The Hospital is taking an active role in health care issues at the State and Federal levels. TRPA has had its 91 evaluations and recommendations adopted. This "report card and road map" will guide the next five year activities. The Lake's clarity, however, is continuing to decline. Additional effective measures are continually being evaluated by TRPA. A summary of the 91 evaluations will be provided to the other Board Members.

BREAK: At 4:10 p.m. a recess was called. When the meeting reconvened at 6 p.m. Supervisors Smith and Tatro and Mayor Pro-Tem Bennett were present.

16. PUBLIC WORKS DIRECTOR - Dan O'Brien - ACTION ON UNIVERSITY HEIGHTS HOMEOWNERS ASSOCIATION'S REQUEST FOR THE CLOSURE OF FOOTHILL ROAD BETWEEN COMBS CANYON ROAD AND EAGLE VALLEY RANCH ROAD (4-2371) - Mr. O'Brien indicated staff could support closure of the dirt road provided access is maintained for emergency vehicular use. He owns property in the subdivision and is a member of the Association. The Nevada Forestry Division and the City Fire Department did not oppose the closure provided emergency access is provided. The 1986 fire was cited as a reason to support the need for the second access. Nevada Department of Transportation does not have any plans at this time to pave Eagle Valley Ranch Road. Marilee Swirczek's letter was noted. Mayor Pro-Tem Bennett polled the audience to determine the number supporting/opposing the proposal. She then outlined procedures to be followed when making a presentation. (4-2545) University Heights Home Owners' Association President Jonas Sipaila submitted a petition containing 57 signatures representing 75 percent of the 52 homes in the University Heights Subdivision No. 2. He then used the overhead projector to illustrate problems the residents have with Foothill, i.e., its meandering through the Association's common area as well as other private properties, the dust, speed and safety problems, liability, and traffic enforcement problems. The Association recommended closure south of Combs Canyon at the point where the dirt road commences. James Stender expounded on the dust, vibration, and traffic problem he encountered with trucks on the road. Vehicular mechanical problems found with vehicles continually utilizing the road were also noted. Wilbur Stodieck felt that the road had been utilized for many years. The County had maintained and owned it. There was a real need for it if trucks are using it. He owns property in the area which had doubled its assessed value. When this property is developed it will need the road for access. He opposed the proposal to request a key in order to visit his property. Two of the adjacent property owners are attempting to sell their parcels and closure would be detrimental to these efforts. He questioned the wisdom of closing the access should an emergency arise and the Children's Home be forced to evacuate. The City's requirement of developers for two access routes was noted. The dust is enhanced by the wind which then creates the problem. If the wind is eliminated, so will the problem. Mr. O'Brien felt the road was entirely on the Harootunian or Association property. (5-0135) Executive Director of the Eagle Valley Children's Home Dr. Robinson opposed the closure based on safety concerns for the children should an emergency demand evacuation of the facility. Mr. Sipailas explained the Association's desire to have the road gated at both ends and pointed out that all of the City's cul-de-sacs provide only one access. Dr. Robinson continued his opposition based on the clientele at the Children's Home citing the 1987 (1986) fire as an example. Foothill has the same road problems as Eagle Valley Ranch Road. The proposed AM-PM store at Eagle Valley Ranch Road and Highway 395 will attract Association owners and other residents increasing the traffic flow on these dirt roads. Additionally, residents have and are invited to continue to use the playground facilities at the Home which mandates utilizing the roads. The requirement that a key or bolt cutters be used to open gates during an evacuation was an unfair burden to place on the care providers. (5-0268) Carl Neathammer opposed the closure base on his his concern for the safety of the Children's Home clients. Supervisor Smith explained that the proposal was to place gates across the road and that the Sierra Forest Fire Station employees would open the gate the instant an emergency occurs. Mr. Neathammer felt that the clientele should be considered as transporting them is a major task. (5-0385) Jay Meierdierck expressed his feeling that the road had been there for many years and was used by the general public. The subdivision should have paved its portion of the road when it was developed. The gate would be ignored and a

new road cut around it if other roads/trails are not utilized. The fire station volunteers' response time may take longer than anticipated. Supervisor Smith felt there was an individual at the station around the clock. Mr. Meierdierck felt that the gate may not be the first priority when a truck is needed. Supervisor Smith felt that boulders, etc., would be utilized with the gate to prohibit individuals from going around the gate. Speeding concerns and potential conflicts between cars and bicycles were noted. May Ruth French suggested Foothill Road be paved and the extension of Graves be abandoned, the Association should pave its portion, and the Harootunians' should pave foothill. In response, the Board and staff explained the reasons for speeding on dirt roads, related safety problems when speeding, that none of the road was on Association property, and that the Harootunians would be required to pave the road when their property is developed. Ms. French suggested undulations be placed in the road. Liability concerns were explained. Harootunian's attorney, Mr. Farmer, had not responded to inquiries on the Trust's position on the closure. Mr. Suglia expressed legal concerns about the City taking any type of action on private property. Discussion ensued on sites where the gate could be installed. Mr. Berkich read Sally Biyeu's letter of opposition into the record. Mr. O'Brien relayed Phil Marshall's comments opposing the permanent closure into the record. The pros and cons of the proposed closure were debated at length among the Board, Mr. Sipaila, and staff. Supervisor Smith suggested the Fire Departments and the Harootunians be contacted and the Board reconsider the issue at the next meeting. Gene Sheldon suggested "crash gates" be utilized. **Supervisor Smith moved that the Board of Supervisors continue the request for closure of Foothill Road until the earliest possible meeting where staff can present the Board with: The fact that they received permission from the Harootunians that if we do go ahead with this, to allow us to close the road; and to further direct staff to bring back information and hopefully invite members of the Sierra Forest Fire Protection District and the Carson City Fire Department as well as the Sheriff's Department here to place their comments on the record on how a situation will be handled out there should an emergency arise.** He noted that this may require more than two weeks, but hopefully could be accomplished within 30 days, due to safety concerns for the children when school recesses for the summer. **Supervisor Tatro seconded the motion.** He questioned the wisdom of adding the Harootunian requirement and suggested that the motion be subject to their approval. He felt that the road should remain open due to the concerns related to the Eagle Valley Children's Home. A compromise is very possible and the closure may not last more than two years. **Supervisor Smith amended the motion to withdraw the Harootunian approval prior to being able to conduct the hearing. Supervisor Tatro continued his second.** Mr. Sipaili felt that the odds being considered weighed more favorably for closure than a fire occurring around the Children's Home. Supervisor Smith responded justifying the continuation. Following discussion of the appropriate date for continuation, **Supervisor Smith amended his motion to designate the meeting for discussion as being May 21. Supervisor Tatro seconded the motion.** (5-1285) Mayor Pro-Tem Bennett acknowledged Nancy Kaifish's suggestion that the Association block its property. She also expressed a desire to fence her property through which the road ran. Private property owners could fence their property, however, the City had to follow correct legal procedures to fence private property. She was requested to delay her action for two weeks. (5-1390) Marilee Swirczek urged both sides to cooperate in resolving issue, suggesting residents would assist in removing the clientele at the Children's Home and/or open the gates. She felt that the Eagle Valley Ranch Road was a safer, faster egress. Likewise, the Association would have only one egress if the road is closed. The Association was also concerned about the teenage drivers who are speeding and have an accident on the road. **The motion to continue the matter until May 21 and to allow staff to determine the Fire Departments and Sheriff's positions on the closure was voted by roll call with the following result: Yes - Tatro, Smith, and Mayor Pro-Tem Bennett. No - None. Motion carried 3-0.**

BREAK: A ten minute recess was taken at 7:05 p.m. When the meeting reconvened at 7:15 p.m., a quorum was present as noted.

17. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan - PLANNING COMMISSION REFERRALS - APPEAL AND REVIEW ITEMS - DISCUSSION AND POSSIBLE ACTION ON M-91/92-14 REGARDING PLANNING COMMISSION DENIAL OF APPEAL OF ADMINISTRATIVE DECISION

TO REFUSE TO ISSUE A LETTER ALLOWING ON-STREET PARKING TO BE USED FOR FULFILLMENT OF FUTURE PARKING REQUIREMENTS FOR PROPERTY LOCATED AT 112 EAST JOHN STREET ON APN 2-152-02 - PLANNING COMMISSION DENIED APPEAL 6-0-1-0 (4-1501) - Mr. Sullivan reviewed the supporting documentation, the Planning Commission's recommendation, the District Attorney's opinion that parking requirements cannot be grandfathered, and staff's position. He responded to the Board's questions on non-conforming uses and its effect on the parking requirements, grandfathering applications, Code exemption of the downtown area from the parking requirements, the term grandfathering, denial of a Church parking requirement appeal in the immediate vicinity, variance requirements which allow new businesses to address a lack of parking, special use permits which allow utilization of adjacent parking, and the Applicants' request. Discussion ensued among the Board and Mr. Suglia on the downtown exemption and the term grandfathering. (5-2362) Terry and Donna Anderson felt that there had been an unwarranted delay in resolving their request. Grandfathered parking had occurred in the City for many, many years. Staff was "misinterpreting" the Code to deny grandfathering of parking. The 1978 zoning ordinance was a "police action" and made this as well as many other properties non-conforming. He cited the same church which had "relocated around the corner" to support his position. Mayor Pro-Tem Bennett requested he stay on the issue before the Board and not the property rights given to other properties at any other City location. Mr. Anderson continued to stress his position that the Department had "since 1978 allowed grandfathering of businesses at other sites which utilized more parking spaces than provided" and by citing other court cases. He felt this evidence had been ignored by the Planning Commission. Mr. Suglia felt that these sites did not support the Anderson position. The appeal was for "future parking requirements" and not the legal non-conforming uses. The purpose of the "Municipal Government Zoning Ordinance" Manual which the Andersons had used for court reference was explained. Mayor Pro-Tem Bennett again asked Mr. Anderson to focus his comments to the reasons the Board should grant future parking spaces. Mrs. Anderson expressed her feeling that they were being prohibited from exercising their right to request this. They felt that the impact of their request affected the entire City. Mr. Sullivan acknowledged for Mr. Suglia that the specific reference cited had been part of the Planning Commission information and was included in the record. Mrs. Anderson continued to stress her feeling that the requirement would have a detrimental impact on the community. Her experience in the Planning Division indicated that four different City Planners had grandfathered parking throughout the City. The Church site was utilized to illustrate her position. There were 11 other properties included in the Board packet which she explained. She then explained for Supervisor Tatro that her uses had not changed. Supervisor Tatro's comments stressed that as long as the use does not change or terminate for one year or the structure "burn down", the parking requirements would not change. Mr. Sullivan noted the information the Andersons were attempting to present was contained in the Board's packet. Mrs. Anderson explained the reasons the request had been made. Mr. Sullivan responded that changes in uses, even if the use reverted to an original use after a 12 month period, would require meeting the Code requirements unless Variances or Special Use Permits are used. Staff was attempting to bring the sites illustrated by the Andersons into compliance. (6-0087) May Ruth French expressed her feeling that the Andersons should be allowed to re-introduce their facts. Mayor Pro-Tem Bennett responded by stating that she had, as previously indicated by Supervisor Tatro, read the entire packet. The Board had been a lot of preparatory time on this issue as had the Planning Commission and staff. She was attempting to restrict the comments to the issue which she restated. Ms. French felt that as the meeting was being aired on public television, the entire matter should be reheard. Supervisor Smith also stated that he had also read the entire packet. He felt that the issue was far reaching and not restricted just to the Andersons. He was unprepared at this time to vote on the issue. Senior Planner Juan Guzman responded that the request did not effect the entire City as the "rules were established" long ago. Parking requirements, Variances, and Special Use Permits have specific requirements and are tied to a specific site. The question may clarify how staff looks at applying the rules. Supervisor Smith reiterated his position that he could and would not vote on the issue until he heard both sides. Mayor Pro-Tem Bennett then requested Mr. Anderson to continue his presentation, however, he refused based on his feeling the issue was biased and would only "go forward" with his presentation in "another room". Ms. French expressed her feeling that staff was not giving the Andersons a "fair shake" based on their examples of differing requirements. Mayor Pro-Tem Bennett explained at

length her reasons for requesting that the Applicant remain on point, her concern about granting parking spaces for unknown future uses, and the danger of such a precedence. Mr. Suglia supported her position. Mayor Pro-Tem Bennett suggested the issue be continued for two weeks to allow staff time to analyze the entire street and its parking needs. City Engineer Tim Homann outlined several proposals on John Street. Reasons he had not recommended abandonment of some of the right-of-way for parking were also noted. Mayor Pro-Tem Bennett suggested that he use his creative abilities and evaluate this issue. He was directed to consider the costs factors in his evaluation. Due to the lack of any other alternative at this time, **Supervisor Tatro moved that the Board table the issue indefinitely. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Ayes - Smith, Tatro, and Mayor Pro-Tem Bennett. Nays - None. Motion carried 3-0.**
BREAK: A ten minute recess was taken at 8:10 p.m. When the meeting reconvened at 8:20 p.m., a quorum was present as noted previously.

18. JOINT MEETING BETWEEN THE CARSON CITY BOARD OF SUPERVISORS AND THE CARSON CITY REGIONAL PLANNING COMMISSION (6-0684) - Roll call was taken of the Planning Commission. Commission Members present were: Chairperson Lee Pisiewski, Mike Efford, William Mally, Maxine Nietz. Commission Member Ed Skudlarek arrived at 8:45 p.m. Commission Members absent were: Jeffery Fontaine and Archie Pozzi. A quorum of the Commission was present. Mayor Pro-Tem Bennett apologized to the Commission for the delay.

DISCUSSION REGARDING: MASTER PLAN UPDATE, DEVELOPMENT IMPACT FEES, AND A WORKSHOP SERIES ON CARSON CITY 2040 - A LOOK AT THE FUTURE (6-0735) - Discussion ensued among the Commission, the Board, and staff on the need for a Master Plan update, justification for impact fees, the budget and its constraints, pros and cons of assessment districts as a procedure to address impact fees, the impact adjacent Counties and tourists have on Carson City services, potential cost of an update, the need for more frequent meetings with the Commission, justification for a workshop series on the City's future in addition to a contractor to update the master plan, legal concerns related to undeveloped property owners' rights and any potential changes that the master plan update would have on those rights, justification for a long-term in addition to short-term master plan, need for ordinance amendments which could be addressed by the master plan update, and the need for the Board to hold a goals and objectives session. Comments directed the impact fee issue be a part of the master plan update. (Commissioner Skudlarek arrived at 8:45 p.m. A quorum was present as noted previously.) Comments also directed that the impact fee issue be resolved through workshops if the master plan update is not funded. (6-2621) Master Plan Update problems in Washoe and Douglas County were noted to support the workshop proposal. The role of these workshops had in the consultant's activities was illustrated. (7-0015) Phoenix' difference in procedures for handling variances was cited to justify the need for Code revisions. Mr. Sullivan requested the Board have at least three meetings prior to its goals and objectives session--meetings with the Parks and Recreation Commission, Tourism, and the Planning Commission. Chairperson Pisiewski felt that once the Commission has determined an issue at the workshop, staff comments would be solicited. Parks and Recreation Commissioner Jay Meierdierck noted the goals and objectives of its recently adopted master plan which mandated joint meetings with other City advisory members as well as workshop sessions every fall. A specific goal to develop a Carson River Corridor was outlined as a example. Mayor Pro-Tem Bennett thanked the Commissioners for their time, efforts, and dedication to the City as well as their willingness to take on the master plan issues. She requested another special the Board and Commission session be held once the master plan issues are established. (Commissioner Skudlarek left the meeting at 9:43 p.m. A quorum was still present.) Supervisor Tatro expressed his appreciation of the Commission's role and thanked them for their service. Supervisor Smith added his thanks. **Commissioner Nietz moved to adjourn the Planning Commission. Commissioner Efford seconded the motion. Motion carried 4-0. Chairperson Pisiewski adjourned the Planning Commission.**

There being no other matters for discussion/action by the Board of Supervisors, **Supervisor Tatro moved to adjourn. Supervisor Smith seconded**

the motion. Motion carried 3-0. No other formal action was taken or required on this Item. Mayor Pro-Tem Bennett adjourned the meeting at 9:48 p.m.

The Minutes of the Carson City Board of Supervisors May 7, 1992, meeting

ARE SO APPROVED ON _____ July _16_____, 1992.

_____/s/_____
Marv Teixeira, Mayor

ATTEST:

_____/s/_____
Kiyoshi Nishikawa, Clerk-Recorder