A regular meeting of the Carson City Board of Supervisors was held on Thursday, January 5, 1989 at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT:	Marv Teixeira	Mayor
	Ron Swirczek	Supervisor, Ward 1
	Tom Fettic	Supervisor, Ward 2
	Marilee Chirila	Supervisor, Ward 3
	Kay Bennett	Supervisor, Ward 4

STAFF:	L. H. Hamilton	City Manager
	Alan Glover	Clerk-Recorder
	Paul McGrath	Sheriff
	Ted P. Thornton	Treasurer
	Gary Kulikowski	Internal Auditor
	Michael Rody	Deputy City Manager
	Mary Walker	Finance Director
	Charles P. Cockerill	Deputy City Manager
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 1/5/89; Tape 1-0001)	

Mayor Teixeira called the meeting to order at 9:05 a.m. by leading the Pledge of Allegiance. Roll call was taken and a quorum was present.

APPROVAL OF MINUTES - Agenda Sessions: 12/12/88 and 1/3/89
Regular Session: 02/18/88
Special Sessions: 02/16/88, 12/21/88, and 1/2/89 - Discussion noted that the 2/18/88 and 1/3/89 minutes were distributed on January 4th. Supervisor Chirila moved to approve the Minutes of 12/12/88, 2/16/88, 12/21/88, and 1/2/89. Supervisor Fettic seconded the motion. Motion was voted and carried unanimously.

Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. A quorum was present including Sheriff McGrath.

LIQUOR AND ENTERTAINMENT BOARD MATTERS - 1. TREASURER - ACTION ON RODGERS - DOING BUSINESS AS BOB'S SATIN LOUNGE - 112 RICE STREET (1-0061) - Discussion ensued concerning Robert Collin Rodgers, Jr., arrest and conviction record which was read into the record. The majority were alcohol related. Mr. Rodgers expressed the hope that he had "grownup" since these situations had occurred and explained how he would react if the police are called. He had been tending bar at this location for several years. The only counseling he had had was part of the DUI requirement. A restricted or conditional license with periodic reviews was suggested. Mr. Cockerill explained his request that the conditions and/or a denial be clearly defined in any motion the Board chooses to make. Mr. Rodgers agreed to voluntarily surrender his license immediately if any of the previous incidents reoccur. Member Swirczek then moved to approve the Liquor License Application for Bob's Satin Lounge, Mr. Robert Collin Rodgers, Jr., with the following condition that if any of the incidents read into the record related to DUI, battery, assault on a police officer, or any related type of activity were to occur during the time the Applicant holds his license, the license would at that time be immediately revoked, or be revoked for any other purpose as allowed by the Code. Member McGrath seconded the motion. Mr. Rodgers stated that he understood the motion as indicated and that no recourse would be allowed. Mr. Cockerill explained his feeling that the license should spell out a review period. Following discussion of this point, Member Swirczek amended his motion to require a quarterly review during the first year and a six month review after that by the Sheriff's Department as long as the Applicant is in business. Clarification indicated that the Applicant would not have to attend the meetings. Discussion noted that this would in effect police the Applicant's activities and that the Liquor License laws allow such a conditioning/restrictions. The motion to grant a conditioned license as indicated was voted by roll call with the following result: Swirczek - Yes; Fettic - No; Chirila - No; Bennett - No; McGrath - No; and Chairperson Teixeira - No. Motion failed 1-5.

Mr. Cockerill requested any motion to deny the application clearly indicate the reasons as not being in the best interest of and the welfare of the citizens of Carson City to grant this individual a license and incorporate the application, Sheriff's report, and rap sheet. Member Fettic then moved to deny the application for a Liquor License to Robert Collin Rodgers, doing business as Bob's Satin Lounge, 112 Rice Street, Carson City, Nevada, for the reasons that it will not be in the best interest of the City and it would be detrimental to the health and welfare of the citizens of Carson City to issue this license based on the 20-year record before us concerning this individual, that two of the incidents of public record occurring in 1984 were for a battery for which he was fined $110, and in 1985 a DUI conviction with a second DUI arrest, which he felt were not indicative of a real change in attitude. Member Chirila seconded the motion. Motion was then voted by roll call with the following result: Swirczek - Aye; Fettic - Yes; Chirila - Yes; Bennett - Yes; McGrath - Yes; and Chairperson Teixeira - Yes. Motion carried 6-0.

There being no other matters for discussion as the Liquor and Entertainment Board, Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present.

PETITIONS AND COMMUNICATIONS AND SPECIAL PRESENTATIONS - None.

CITIZEN COMMENTS - None.

AGENDA MODIFICATIONS (1-0495) - Action on Subdivision S-87/88 - Parker - Continued at the Applicant's request.

RESOLUTIONS (1-0495)

2. CLERK-RECORDER

ACTION ON 1989 JURY VENIRE - Following Mr. Glover's reading the certification into the record, Supervisor Swirczek moved to certify the 3,000 prospective jurors who have been selected for the 1989 Jury Venire. Supervisor Fettic seconded the motion. Motion was voted and carried unanimously.

BOARD OF EQUALIZATION - ACTION ON APPOINTMENT OF WARD 4 REPRESENTATIVE - Following Mr. Glover's introduction, Supervisor Bennett read Marvin Brown's letter of interest into the record, introduced, and nominated Marvin Brown to represent Ward 4 on the Board of Equalization. Supervisor Bennett then moved to appoint Mr. Marvin Brown to the Carson City Board of Equalization. Supervisor Fettic seconded the motion. Motion was voted and carried 5-0.

3. DISTRICT ATTORNEY - ACTION ON AGREEMENT BETWEEN CARSON CITY, STATE DEPARTMENT OF TRANSPORTATION, AND MERCHANT REGARDING HIGHWAY CONSTRUCTION (1-0638) - Mr. Cockerill explained the State proposal to realign Lloyd's Bridge and the necessary quit claims. The State had agreed to develop a new access road to the City's park which would comply with City standards at no cost to the City. The fence along Fifth Street will not be relocated until such time as Carson City expands its park. The State would bear all costs of the transaction, construction, design, etc. Mr. Hamilton noted for the record that all parties had discussed the proposal and supported the change which Parks and Recreation Director Steve Kastens acknowledged. Construction should occur during the spring. Clarification noted that the policy had been to accept the State's verbal commitments rather than have everything in writing. Mr. Cockerill explained his communication with the Attorney General's office accepting responsibility for construction of the access road into the park site which the City had obtained from BLM. Supervisor Fettic then moved to approve a revised agreement to be executed with the City and the Nevada Department of Transportation and Eleanor Merchant, including the January 4, 1989, letter from Charles Cockerill to Brook A. Nielsen and her return memo to him, when it arrives, and authorize the Mayor to sign said agreement. Supervisor Swirczek seconded the motion. Discussion indicated that Ms. Merchant's name was Bertha and Supervisor Fettic corrected the motion to so reflect. Supervisor Swirczek continued his second. Motion was voted and carried 5-0.

4. TREASURER - ACTION ON REFUNDS AND REMOVAL OF TAXES FROM 1988-89 TAX ROLL DUE TO STATE OF NEVADA ACQUISITION OF PROPERTIES (US 395 BYPASS) (1-0855) - Following Mr. Thornton's introduction, Supervisor Swirczek moved to approve the refunds and remove said parcels from the tax rolls, related to Parcels 8-161-28 with a refund of $1,477.81, 8-161-37 with a refund of $173.42, and 10-061-54 with a refund of $44.35, for a total refund of $1,695.58. Supervisor Fettic seconded the motion. Mr. Hamilton then explained the effect removal of these parcels would have on the tax rolls. Motion to refund the taxes and remove the parcels from the tax roll was voted and carried unanimously.

5. FINANCE DIRECTOR - DISCUSSION OF CAPITAL OUTLAY REPLACEMENT PROGRAM INCLUDING PUBLIC SAFETY VEHICLES AND BUILDING RETROFIT TO MEET FIRE AND SAFETY CODE REQUIREMENTS (1-0910) - Mayor Teixeira introduced the item, explained his reasons for having this matter placed before the Board for discussion and the Internal Finance Committee's recommendation. By placing the item on the Agenda and notifying the State Tax Commission of the City's intent, public input could be received, and a decision made. Discussion ensued concerning the public's perception of this matter as being a way to void the ballot results, the Internal Finance Committee's recommendation, the procedure involved, and potential for obtaining the Commission's approval. Supervisor Swirczek suggested that a half page notice be published in the Appeal notifying the residents of the Special January 10 Board meeting to discuss this matter and designate a special location where all of the supporting documentation could be obtained gratis. Comments stressed that no action would be taken until open discussion with public participation had occurred. The next Tax Commission hearing was scheduled for January 12 in Las Vegas. Another regularly scheduled meeting would not be held until sometime in June. Taking action at this time would allow the City to obtain short-term financing, which would be repaid with tax funds generated after July 1. Clarification noted that during its December 15th meeting, the Board had directed the staff to begin this process. With Mayor-Elect Teixeira's concurrence, a special meeting was scheduled for January 10. Therefore, a legal classified ad was taken out advising the public of its January 10th meeting, as required by the NRS. (Supervisor Bennett distributed copies of this ad to the other Board members but not to the Clerk or Recording Secretary.) Discussion repeatedly pointed out the need to have public input before submittal to the State Tax Commission and urgency in obtaining this prior to January 12. Supervisor Bennett stressed her feeling that part of the problem had been a breakdown in communications and urged steps to be taken to advise members-elect of such circumstances in the future.

During the foregoing discussion, Supervisor Swirczek explained his tour of the jail which is required by the Statutes to be performed annually by a Supervisor. He suggested the Sheriff open the jail for public viewing to show its poor conditions.

Discussion then ensued concerning the need to have a vehicle replacement program in force before approaching the Tax Commission. It was suggested that the increased franchise fee from Capital Sanitation be used for this purpose. The possibility of assigning one percent of the SCRRT funds for this program was also explained.

(1-1853) Chief Juvenile Probation Officer Bill Lewis expressed his feeling that as part of the public safety area his vehicular needs should be included in the process. His comments included legal requirements which his Department must fulfill which require transportation of juvenile offenders and liability concerns. Use of private vehicles for these purposes was no longer allowed due to these liability concerns.

Staff was directed to prepare resolutions establishing the vehicle replacement program, to address the public safety vehicles and the retrofit needs and place the half page ad. Copies of the backup information were to be made available for the public gratis. The vehicles and jail facility were to be open for public viewing. A Board decision will be made following public input on January 10.

(1-2081) Mr. Lewis again stressed his needs.

(1-2100) Due to Gail Thomssen's questions, it was explained that if the replacement program is not in effect, the Tax Commission would not consider the proposal.

Discussion explained that neither Mr. Lewis' vehicular needs nor any other Department's could not be addressed at this time without causing the entire procedure to begin again due to statutory requirements of the publication process. All vehicle needs had been unsuccessfully submitted to the Tax Commission 1-1/2 years ago. If the Board feels on Tuesday that other vehicles should be included in the request, it would be removed from the Tax Commission's agenda for January 12. Alternatives for meeting the other vehicular needs, including vehicle loans for juvenile transportation purposes, could be discussed during the special meeting.

The need to improve communications with the public and employees was expressed. This is to be addressed at Saturday's special meeting.

BREAK: At 10:15 a.m., a ten-minute recess was called. When the meeting reconvened at 10:25 a.m., the entire Board was present constituting a quorum.

6. PUBLIC WORKS DIRECTOR - ACTION REGARDING SUBSTANDARD STREETS IN THE STANTON PARK DEVELOPMENT - CASCADE AND GLACIER DRIVES (1-2345) - Mr. O'Brien explained that during final inspection, it was determined that these two streets did not meet Code. The Developer subsequently suggested that the City accept the streets as constructed and either restrict parking to one side or make the two streets one way. Code requirements, Developer's and staff responsibilities were also explained. Mr. O'Brien recommended bringing Glacier up to Code and accepting Cascade if it is only a minor deviation of six inches or less. He would personally verify Cascade measurements prior to acceptance. Developer Dwight Millard used large street drawings to illustrate the alternatives and explain how the deficiency occurred. His comments stressed that Cascade had the same deficiency as Glacier. He felt that there were other 34 foot wide streets in the City, including one the City had constructed. He offered to post a $40,000 bond for one year. If at the end of the year it is determined that a wider street is necessary, he was willing to rebuild it. There are approximately eight occupied homes on these two streets. Comments expressed concern was that this proposal could create a liability problem and questioned responsibility for replacing the landscaping, fencing, etc., and inconvenience to the property owners. (2-0052) Mr. Millard agreed to include these items in his bond for a total of $50,000. Mr. Cockerill explained legal problems which may occur if the streets are accepted with 34 foot widths when the subdivision map indicates a 40 foot width.

(2-0163) Gail Thomssen pointed out that the problem would remain after the one-year bond is gone.

There are 24 homes which have been constructed on these two streets. Discussion indicated that before one-way traffic or restricted parking is authorized, the residents should be polled. Mr. Millard re-emphasized his comments related to a 34-foot street which the City itself had constructed two years ago. Supervisor Fettic then explained why he could not support any of the four alternatives suggested by the Developer. Mr. Millard then suggested that the Developers put the cost of the widening in other public projects. He then expressed his feeling that the discussions had pointed a deficiency in the "orange Public Works County book" regarding a definition of streets and requirements for one-way, traffic lanes, etc. Discussion ensued concerning the pedestrian and school traffic patterns for the area and the type of resident who would live adjacent to a school.

Supervisor Swirczek then explained his feeling why one-way traffic should not be allowed and moved for the Board to disapprove the acceptance of the 34-foot developed width for Cascade and Glacier Drives in Stanton Park Development and require conformance with the 36-foot developed width. Supervisor Chirila seconded the motion. Motion was voted by roll call with the following result: Ayes - Swirczek, Chirila, Fettic, Bennett, and Mayor Teixeira. Nayes - None. Motion carried 5-0 and so ordered.

7. COMMUNITY DEVELOPMENT DIRECTOR (2-0440)

PLANNING COMMISSION REFERRAL - REVIEW AND APPEAL MATTER - ACTION ON SUBDIVISION S-87/88 - PARKER - TENTATIVE SUBDIVISION MAP FOR SAGEBRUSH SUBDIVISION ON PROPERTY ZONED SF6000 AND MFD - NORTH OF BROADLEAF LANE - PLANNING COMMISSION APPROVED 7-0 - Continued to January 19 at the Applicant's request.

DISCUSSION AND REQUEST FOR DIRECTION CONCERNING COMPREHENSIVE PROJECT REVIEW ORDINANCE (2-0443) - Mr. Sullivan explained the need to have an Ordinance spelling out the guidelines related to information which the Developer would have to provide prior to seeking Board or Commission approval of a project. This proposal would require all the information "up front rather than piecemeal." The proposal would provide three separate levels with different requirements for each depending upon the complexity of the project. Board consensus supported the proposal. Design standards for commercial buildings would be a separate issue, however, could require following the Ordinance if 7,500 gallons of water per day are used. Discussion included items which should be addressed in the Ordinance, such as the foregoing provision, as well as clarification of several terms, such as when discretionary or ministerial approval would be utilized. The need to restrict some single home construction projects in view of the building under construction on Conte was also discussed. The Board directed the City Manager to begin the process to accomplish this proposal.

(2-0927) Gail Thomassen expressed her support for adoption of restrictions on single family homes be adopted.

ACTION ON BUILDING DIVISION BUDGET AUGMENTATION FOR PROFESSIONAL SERVICES (2-0940) - Mr. Sullivan explained the need for professional services to review the hospital expansion plans which could be paid from the permit fees. The plans have been sent to the International Conference of Building Officials for review. The Board directed Mr. Hamilton to begin the budget augmentation process to accomplish this.

8. <u>ORDINANCE - FIRST READING</u> **- PUBLIC WORKS DIRECTOR - ACTION ON SEWER MAIN REIMBURSEMENT ORDINANCE AND AGREEMENT FOR STANLEY AND VIRGINIA PARSONS (APN 008-053-11, 4239 NORTH CARSON STREET)** - Pulled.

9. <u>ORDINANCES - SECOND READING</u> **- PUBLIC WORKS DIRECTOR - ACTION ON BILL NO. 139 - AN ORDINANCE ESTABLISHING CLIENT PARKING ZONES** (2-1105) - Following Mr. O'Brien's introduction, Supervisor Swirczek moved to adopt on second reading Ordinance No. 1989-1, AN ORDINANCE AMENDING CHAPTER 10.33 BY ADDING SECTION 10.33.300 THROUGH 10.33.390 TO THE CARSON CITY MUNICIPAL CODE CHAPTER 10.33 CLIENT PARKING ZONE FEE RELATING TO CLIENT PARKING ZONES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Fettic seconded the motion. Motion was voted and carried unanimously.

10. FINANCE DIRECTOR - ACTION ON BILL NO. 140 - CARSON CITY MUNICIPAL CODE ADDING A SECOND ADDENDUM TO CHAPTER 5.10 CAPITAL SANITATION FRANCHISE AMENDING RATES AND FRANCHISE FEE (2-1035) - Ms. Walker explained the changes which the

Board had directed at the last meeting. Capital Sanitation's Attorney George Allison was present and had no comments to make. Supervisor Fettic moved to adopt on second reading Ordinance No. 1989-2, AN ORDINANCE ADDING SECTION 5.10.030 (SECOND ADDENDUM) TO THE CAPITAL SANITATION FRANCHISE AMENDING THE RATES AND FRANCHISE FEE. Supervisor Swirczek seconded the motion. Motion was voted and carried unanimously.

CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES - None.

11. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS

RESOLUTIONS OF COMMENDATION TO RETIRING JUSTICE OF THE PEACE JUDGE JOHN RAY, RETIRING MAYOR DAN FLAMMER, AND RETIRING SUPERVISOR EUGENE M. SCRIVNER (2-1138) - Following discussion of the special ceremony scheduled for 7:30 p.m., the Board decided to act on the Resolutions and sign them at this time. They would be read into the record during the ceremony. Supervisor Fettic moved to adopt Resolution No. 1989-R-|, A RESOLUTION COMMENDING JUDGE JOHN W. RAY. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

Supervisor Swirczek moved to adopt Resolution No. 1989-R-2, A RESOLUTION COMMENDING MAYOR DAN FLAMMER. Supervisor Fettic seconded the motion. Motion was voted and carried unanimously.

Supervisor Bennett moved to adopt Resolution No. 1989-R-3, A RESOLUTION COMMENDING SUPERVISOR EUGENE M. "DOC" SCRIVNER. Supervisor Fettic seconded the motion. Motion was voted and carried unanimously.

MAYOR TEIXEIRA - Urged public attendance at the ceremony this evening.

SUPERVISOR BENNETT - Request an Agenda item which would have Street Superintendent Bill Barker give a report on the street snow removal policy.

SUPERVISORS SWIRCZEK, FETTIC, AND CHIRILA - None.

CITIZEN COMMENTS - (2-1285) Chamber of Commerce Executive Director Larry Osborne explained a Chamber Leadership Carson City Program and urged interested community leaders to attend. A brochure was given to the Board and Clerk. Mayor Teixeira commended him on the visibility and activities which the Chamber has undertaken under his guidance.

(2-1315) Charlie Abowd questioned the progress which had occurred on the drainage problem in his area. Mr. O'Brien explained that negotiations were going on. A letter from the District Attorney's office had been sent to the contractor's attorney indicating there has not been a waiver of the drainage ditch requirement. Mr. Cockerill felt that the ditch question should be resolved within a week or two and brought back to the Board. Mr. Abowd explained new construction which was occurring and had plugged the channel even more. Mr. O'Brien explained that he was unaware of this, however, had he been told about it earlier, would have been taken to correct the situation. He would follow through on this matter after the meeting and correct the situation as drainage requirements had been placed on that builder also.

11. SUPERVISOR SWIRCZEK - CONTINUED (2-1500) - Noted again, that, as required in the Statutes, he had toured the jail on December 31 and verified the public safety needs for the facility.

CITIZEN COMMENTS - Mr. Glover explained the Assessor's request that the record reflect he (Mr. Glover) had received a copy of the tax list for the year which is in his Courthouse office. A second copy is available at the Assessor's office. The public was invited to peruse this list.

BREAK: Mayor Teixeira recessed the meeting at 11:30 p.m. When the meeting reconvened at 7:30 p.m., the entire Board was present constituting a quorum.

<u>SPECIAL PRESENTATIONS:</u> IN HONOR OF THE RETIRING MEMBERS OF THE JUSTICE OF THE PEACE AND CARSON CITY BOARD OF SUPERVISORS - THE HONORABLE JUSTICE OF THE PEACE JOHN RAY, MAYOR DAN FLAMMER, AND SUPERVISOR EUGENE M. SCRIVNER (2-1636) - Mayor Teixeira began the presentations by welcoming the audience, explaining the purpose of the meeting, and introducing Retiring Judge John Ray. Supervisor Fettic then read into the record Resolution No. 1989-R-1 commending Retiring Justice of the Peace John Ray and gave him a framed copy. Judge Ray responded by commending his wife and the community for their support. Mayor Teixeira then presented Supervisors Swirczek, Fettic, and Chirila with keepsake photo albums containing photographs taken during their tenures. He then introduced Former Supervisor Scrivner. Supervisor Bennett read Resolution No. 1989-R-3 into the record and gave him a framed copy. Former Supervisor Scrivner expressed his enjoyment in serving, pointed out some of the differences which had occurred as well as expressing the feeling that accomplishments had been made during his tenure, and wished the new Board luck. Mayor Teixeira then gave him a plaque and keepsake photo album. Mayor Teixeira then introduced former Mayor Flammer. Supervisor Chirila read her contribution to ceremony -- "The Ode to Mayor Flammer" -- which pointed out the good times, the conflicts, as well as accomplishments of the Board during her tenure. Supervisor Fettic wished him well in his future endeavors. Supervisor Swirczek read Resolution No. 1989-R-2 into the record and presented a framed copy to him. Supervisor Swirczek then pointed out accomplishments which had occurred during his tenure in spite of the personality conflicts. Mayor Flammer acknowledged the accomplishments, humorously reflected on the golf course, and thanked the community for its support. Mayor Teixeira introduced and recognized Dottie Flammer and then presented Mayor Flammer with a keepsake photo album, a plaque, and the gavel he had used during his tenure.

Mayor Teixeira then explained the Portrait of the Mayor Program and introduced Former Mayors Ed Norton - 1939-40; Wilbur Stodieck - 1951-56; Jim Robertson - 1963-69; E.M. "Doc" Scrivner - 1969-76; Harold Jacobsen - 1977-84; and Dan Flammer - 1985-89. He then introduced Carl and Susan Ladley from Crown Photography and Jeanette Sullivan, Administrative Assistant to the City Manager. Ms. Sullivan commended the audience on its attendance, Mr. and Mrs. Ladley for the portrait, and Ms. Marie Wolf for her assistance with the ceremony. The portrait of Mayor Flammer was then unveiled. Mayor Teixeira expressed the hope that the other portraits would be completed as soon as possible.

There being no other business before the Board, Supervisor Fettic moved to adjourn. Supervisor Fettic seconded the motion. The motion was voted and carried unanimously. Mayor Flammer adjourned the meeting at 8:10 p.m.

The only formal action required during the evening session was to adjourn. No other action was taken.

A tape recording of the proceedings is on file in the Clerk-Recorder's Office. This tape is available for review and inspection during the normal business hours.

The Minutes of the January 5, 1989 Carson City Board of Supervisors

ARE SO APPROVED ON January 19, 1989.

__/s/____

ATTEST:

__/s/________________________________
ALAN GLOVER, Clerk-Recorder