

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 1

A regular session of the Carson City Board of Supervisors was held on Thursday, November 17, 1988 at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT: Dan Flammer Mayor
E.M. "Doc" Scrivner Supervisor, Ward 4
Ron Swirczek Supervisor, Ward 1
Tom Fettic Supervisor, Ward 2
Marilee Chirila Supervisor, Ward 3

STAFF:	L.H. Hamilton	City Manager
	Alan Glover	Clerk-Recorder
	Ted P. Thornton	Treasurer
	Mike Rody	Deputy City Manager
	Tom Duncan	Golf Pro/Golf Course Manager
	Dan O'Brien	Public Works Director
	Ron Wilson	Purchasing Agent
	Charles P. Cockerill	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 11/17/88 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 Flammer called the meeting to order at 9 a.m. by leading the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

APPROVAL OF MINUTES - 2/2/88 Special Session and 11/14/88 Agenda Session (1-0016) - Supervisor Swirczek moved to approve as presented. Supervisor Fettic seconded the motion. Motion carried 5-0.

LIQUOR AND ENTERTAINMENT BOARD (1-0025) - Mayor Flammer recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. A quorum was present although Sheriff McGrath was absent.

I. TREASURER - Ted P. Thornton - HARGREAVES/MCATTEE - DOING BUSINESS AS COME-ON-INN - ADDITIONAL PARTNER - 4750 HIGHWAY 50 EAST - Bernard J. Hargreaves explained his role in the business and plans to use the Nevada driver's license for identification of minors. Sheriff McGrath's memo supporting the licensing and explaining his absence was read into the record. Member Swirczek moved that the Board approve the additional partner, Bernard J. Hargreaves, on the Liquor License for the business Come-On-Inn, 4750 Highway 50 East. Member Feticc seconded the motion. Motion carried 5-0.

Chairperson Flammer adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present as noted.

AGENDA MODIFICATIONS (1-0099) - The following Items had been pulled: IV. Deputy City Manager - Golf Course Advisory Committee - A-R-DCM-1 Review and Action on New Golf Course Clubhouse Proposal; X. Community Development Director - Planning Commission Referrals - Appeal and Review Matters - A-R-CDD-8 Master Plan MPA-88/89-1 - M.S.B. Properties - Change Master Plan Classifications from Industrial and Public to Low Density Residential - Planning Commission Approved 7-0; and XI. Ordinance - First Reading - A-01-CDD-1 Change of Land Use Z-88/89-1 - M.S.B. Properties - Rezone 1

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 2

Acre from SF1A and LI to SF6000 - Planning Commission Approved 7-0. Item VIII. Golf Course - A-R-GLF-1 Discussion of the Golf Course Advisory Committee's Recommendation for the Amendment of the Golf Professional Agreement was scheduled for 11:15 a.m. Item VII. Automation Services - A-R-AUT-01 Request for Approval to Proceed with Acquisition of AS400 Pursuant to SPAN was scheduled for 1 p.m. Board discussion ensued with Supervisor-Elect Bennett on her request to consider this matter at 2 p.m.

RESOLUTIONS (1-0225)

II. CLERK-RECORDER - Alan Glover - A-R-CR-1 DISPOSAL OF COURT CLERK RECORDS
- Discussion noted the records had been microfilmed and were now ready for disposal. Hopefully, the microfilm program would advance adequately in the next year to relieve some of the structural problems encountered with the Courthouse. Supervisor Swirczek moved to adopt Resolution 1988-R-69, A RESOLUTION AUTHORIZING DESTRUCTION OF ORIGINAL RECORDS, those records being Court Cases 35375 through 39979 dated 7/1/75 through 9/28/78. Supervisor Scrivner seconded the motion. Motion carried unanimously.

III. TREASURER - Ted P. Thornton.

A-R-TR-1 CARMAZZI - DOING BUSINESS AS M.A.C. CLEANING SERVICE ENTERPRISES - SIX MONTH REVIEW OF BUSINESS LICENSE (1-0298) - Mike A. Carmazzi explained that he was still actively in business. Mr. Hamilton noted that there had been no written or verbal negative comments concerning this individual or firm. Supervisor Fetic moved that the Board approve a permanent status for the business M.A.C. Cleaning Service Enterprise. Supervisor Swirczek seconded the motion. Motion carried 5-0.

A-R-TR-2 CARSON CITY TREASURER'S MONTHLY REPORT FOR OCTOBER (1-0351) - Supervisor Swirczek moved that the Board accept the Treasurer's monthly report as submitted for the month of October 1988. Supervisor Fetic seconded the motion. Motion carried 5-0.

V. PARKS AND RECREATION - Steve Kastens.

A-R-P&R-1 ESTABLISH A PETTY CASH FUND FOR RECREATION DIVISION (1-0375) - Mr. Kastens felt the \$100 would be adequate. The proposal and procedures had been reviewed by Internal Auditor Gary Kulikowski. He supported the request. Supervisor Scrivner moved that the Board adopt Resolution 1988-R-70, A RESOLUTION ESTABLISHING A PETTY CASH ACCOUNT FOR CARSON CITY RECREATION DEPARTMENT FOR \$100, not to exceed \$25 for one single purchase. Supervisor Chirila seconded the motion. Motion carried 5-0.

A-R-P&R-2 WAIVER OF FEES FOR ASH BURIAL IN LONE MOUNTAIN CEMETERY (1-0442) - The Applicant, Janet G. Cunningham, was not present. She was aware of the meeting and had been advised to attend. Mr. Kastens explained the request and reasons for the \$80 fee. Supervisor Scrivner moved that the Board deny the waiver of fees for burial of ashes in Lone Mountain Cemetery for anyone. Mr. Cockerill noted that the Board was only considering one waiver request. Supervisor Scrivner amended his motion to be for Janet G. Cunningham. Supervisor Swirczek seconded the motion. Clarification noted that the Applicant's failure to appear had no bearing on the matter. The motion to deny the request carried unanimously.

VI. PURCHASING AGENT - Ron Wilson.

A-R-PUR-1 APPROVAL OF CHANGE ORDER NO. 2 TO CONTRACT 8788-91 - LIBRARY HVAC CONSTRUCTION (1-0540) - Clarification noted there would be no other change orders as the next time this item would be considered by the Board would be for a request for final payment. Supervisor

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 3

Scrivner moved that the Board authorize Change Order No. 2 to Contract 8788-91 for the Library HVAC Construction in the amount of \$264.85, funding source 260-000-534-35578 Capital Acquisition - Library. Supervisor Swirczek seconded the motion. Motion carried unanimously.

A-R-PUR-2 RFP NO. 8889-67 SEWER AND WATER RATE STUDY CONSULTANT ANNOUNCEMENT OF FINALIST (1-0598) - Following Mr. Wilson's introduction, Mr. Hamilton explained the review committee, its recommendation, and the programs which would be left after the consultant finishes the work. Staff training would be part of the job requirements. Supervisor Swirczek noted that the review would include an evaluation of the rate structure's equity as well as the five year capital improvement program. Mr. Hamilton thanked the Board for allowing him an opportunity to pursue this course of action. Supervisor Swirczek requested the agreement include involvement with the oversight committee. (1-0841) Richard Waiton questioned the hiring of an additional consultant. He felt that an adequate number of citizens had not been included on the oversight committee. Mr. Hamilton explained the Board's direction on the committee formation and the advertising for members. Mayor Flammer then explained the purpose of the contract. Supervisor Feticc also explained that the Board did not intend to use the water and sewer user fees for other purposes. Supervisor Feticc then moved that the Board accept Guastella Associates, Inc. as the finalist as presented by the "Selection Committee" and authorize the Purchasing Agent to proceed with the negotiations with said finalist and present to the Board an agreement for their consideration. Supervisor Scrivner seconded the motion. Motion carried 5-0.

A-R-PUR-3 CONTRACT NO. 8889-14 DISCUSSION AND DIRECTION ON SENIOR CENTER BUILDING DESIGN (1-0957) - Mr. Wilson's introduction explained previous Board direction on the facility, the committee's review of two alternative floor plans and selection of the one that would be for a single floor facility with improvements to allow construction of a second floor at some future date, a second meeting to be held on this floor plan, and the request for direction from the Board. Discussion noted Mr. Eissman's comments concerning compensation for a revised drawing and procedures which would follow his written request for payment. Mr. Wilson then explained that the facility would be complete even though it was engineered in such a fashion that a second floor could be added at a later date when demand warranted and funding is available. This was not an unusual process as it was considering future expansion needs. Mr. Hamilton supported Mr. Wilson's position on the architect's fees. Mr. Eissman has been advised of the procedures should he wish to protest the City's position on the fees. Supervisor Feticc expressed his support for staff's position on the fees. Senior Citizens Center Executive Director Pat Blake was present and willing to answer any questions, however, none were directed to her. Supervisor Swirczek then moved that the Board direct the Purchasing Agent to proceed with the Senior Citizens Project using a modified floor plan and bring the proposed plan back to the Board for approval on 12/1/88. Following Mr. Cockerill's explanation of an amendment, Supervisor Swirczek continued the motion to include with the same terms and conditions of the existing agreement at no additional compensation to the Architect. Supervisor Feticc seconded the motion.

(1-1241) Mr. Wilson explained for Richard Waiton that the building would remain on schedule pursuant to the agreement with the Architect. The project would not be called Phase I or II. It would be a completed, modified single floor plan which would accommodate the current needs. It was within the Board's budget direction and motion.

There being no other comments, the motion to approve the modified floor plan as indicated was voted and carried unanimously.

VII. GOLF COURSE (1-1287) - A-R-GLF-1 DISCUSSION OF THE GOLF COURSE ADVISORY COMMITTEE'S RECOMMENDATION FOR THE AMENDMENT OF THE GOLF PROFESSIONAL AGREEMENT - Chairman of the Golf Course Advisory Committee Bob Tobias distributed a packet of information to the Board. (None to the Clerk nor Recording Secretary.) The Committee met on November 1 to review the contract between Carson City and Golf Course Manager and

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 4

Pro Tom Duncan. City staff was present and had asked several pointed questions.

BREAK: At 9:50 a.m., a ten-minute recess was called to allow the Board time to review the information. When the meeting reconvened at 10 a.m., the entire Board was present, constituting a quorum.

Mr. Tobias explained that after discussion the Committee had unanimously adopted a motion requesting the Board provide Mr. Duncan an opportunity to extend the present contract. Both the Eagle Valley Men's and Women's Clubs support Mr. Duncan.

(1-1461) Tom Duncan's attorney, Steve Hartman, requested direction from the Board concerning whether the Golf Pro and Golf Course Manager contracts were to be combined and whether an extension of Mr. Duncan's Golf Pro contract would be granted. He felt that the Committee's recommendation was to combine the contracts and amend the present agreement to allow an extension. He did not feel that the item had been agendized for discussion of the terms and conditions within the agreement. After the Board's direction is determined, they would meet with staff and work out the terms and conditions and bring the contract(s) back for Board approval.

Mr. Tobias also noted that the Committee had some time ago sent a letter to Mr. Hamilton and the Board of Supervisors recommending that Mr. Duncan's contract as the Golf Course Manager be extended through June 1989. The Committee adamantly supported a combined contract addressing the duties of both the Golf Course Manager and Golf Pro. The Committee felt that Mr. Duncan is very important to the operation of the courses. He could not address the reasons Mr. Duncan had requested consideration of an extension at this time.

Mr. Hartman acknowledged the point that the present contract does not expire until 1991. The request for an extension had been based on personal reasons. The extension was an item which he was willing to negotiate with staff.

Mr. Cockerill explained that the contract which the Committee had endorsed was the first proposal and had been discussed by staff. Since that time, a second proposal has been drafted but not reviewed by staff. This proposal was delivered to the Board, Committee, and staff yesterday. Mr. Hartman reiterated his statements that the question was the combination of duties rather than the terms and conditions of the agreement on which staff would negotiate later. Mayor Flammer noted that the Golf Course Manager contract had expired and needed to be addressed. The Golf Pro contract continued until July 1989.

Mr. Tobias then noted his past critical statements concerning the management of the courses. Since Mr. Duncan took over this position, there had been a tremendous improvement. While noting that there is some room for improvement, he personally felt that Mr. Duncan's ability to function as the manager was restricted. He urged the Board to correct this situation.

Supervisor Scrivner recommended that the City Manager be directed to negotiate no later than next week and that the contract be brought back for action at the first meeting in December. He felt that continued delay of this matter was most deplorable. Mayor Flammer felt that there was adequate time before the next meeting to address the concerns which had been indicated in the staff memoranda. Mr. Hamilton noted that the matter had been agendized as a discussion matter at Mr. Hartman's request. Mr. Hartman explained his reasons for this request. With the Board's consensus, Mayor Flammer directed the City Manager to negotiate the terms of the contract.

Supervisor Swirczek expressed his feeling that, as the second draft of the contract had combined the duties and included an extension, the Board needed to give staff direction on these matters. He felt that the contracts should be combined, however, questioned the wisdom of the extension.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 5

Mr. Hartman then explained that the extension would automatically take affect only if the Golf Course Advisory Committee, the Men's Club, the Women's Club, and the financial condition of the courses is such that the bond commitments and operational expenses have been met. Mr. Cockerill noted that staff would be providing written responses to the second contract prior to consideration by the Board.

Supervisor Chirila questioned what the Board would consider at the December 1 meeting. Mayor Flammer and Mr. Hartman felt that it would be a contract which would include whatever terms the staff and Mr. Duncan had agreed upon. Supervisor Chirila explained her reasons for feeling that the Board should not address extending the contract beyond 1991 at this time. Mr. Hartman explained that this was not in the proposal. The proposal was an attempt to establish objective criteria upon which performance would be measured and an extension determined. Supervisor Chirila questioned whether the contract would include the term "automatic" as she may have an objection to its inclusion. Mr. Hartman indicated that it may be there depending upon negotiations. The present agreement included an extension option which Mr. Duncan could request the Board act upon.

Supervisor Fetic expressed his support of the direction given to Mr. Hamilton and staff to negotiate the contract terms with Messrs. Hartman and Duncan. On December 1 the merits would be discussed by the Board. Mayor Flammer again directed the staff to negotiate the contract and have the matter placed on December 1 agenda for action as well as discussion.

(1-2250) In response to Gail Thompson's question, it was explained that Mr. Duncan is a City employee. As Golf Course Manager, he is paid \$100 a month. As Golf Pro, he receives a commission. Reasons for the commission contract were explained. Ms. Thompson questioned the wisdom of this decision and expressed a desire to discuss this point in more detail during the December 1 meeting.

Mr. Hamilton then explained that staff would negotiate appropriately, however, it may be that a mutual agreement on all terms cannot be reached. This may require the Board to consider two different proposals -- one from Mr. Duncan and one from the Board. Supervisor Scrivner felt that this was an indication that staff was not willing to negotiate. He felt that only one contract should be presented to the Boar for discussion. Mr. Hartman stressed that good faith efforts would be made in an attempt to reach a compromise. Mayor Flammer then redirected that only one proposal be submitted and that it contain all those items which had been mutually agreed upon. Mr. Hamilton agreed to negotiate in good faith. Supervisor Swirczek expressed his feeling that if there are major differences the Board should be allowed to resolve them. Mr. Hartman felt that this was the intent.

No formal action was taken on this matter as it was agendized for discussion only.

IX. PUBLIC WORKS DIRECTOR - Dan O'Brien.

A-R-PW-2 PRESENTATION BY NEVADA DEPARTMENT OF TRANSPORTATION REGARDING CARSON CITY FREEWAY BYPASS INTERCHANGE LOCATIONS (1-2506) - Nevada Department of Transportation Deputy Director Ron Hill reviewed the revised by-pass alignment including potential interchange locations and grade separations. Board concern about the need for interchanges at 50 and Fifth Street was discussed at length. Mr. Hill explained the need to widen Fifth Street in order to accommodate traffic and the Federal distance standards/requirements for interchanges as interchanges were planned for Fairview and 50. Mr. Hill also explained to the best of his ability the type of interchanges which will be constructed at the north and south ends of the bypass sometime after the year 2000. At this time, he felt that construction would commence at the north end in the year 2004. (2-0008) Chief Right-of-Way Agent Jack Crawford explained that of the projected \$35 to \$38 million project only \$5.5 million in property has been acquired to date and the location of same. The map being used to explain the proposed interchange locations was clarified as being merely a conceptual site location. Mr. Hill noted that signage would be uniform with other freeway signage. (2-0091) Mr. Hill explained for Richard Waiton

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 6

the potential effect the bypass would have on Carmine and Lompa. Mr. Waiton then explained the potential funding as had been indicated to him by Assemblyman-Elect Gary Sheerin and a potential in-lieu of tax on the property in the bypass right-of-way which is being considered by the Legislature. This proposal was purportedly for those properties which would be rented until removed/destroyed. (2-0152) Mr. Hill explained for Gail Thomssen the fencing to prohibit pedestrian/animal access to the bypass. Supervisor Scrivner commended the Department on its presentation. Mr. Thornton clarified that the \$38 million indicated was only for right-of-way acquisition and not construction. (2-0192) Dwight Millard expressed his concern that an access to the downtown area was not being provided, therefore, people wishing to go downtown would not utilize the bypass. This would not reduce the traffic burden on Carson Street. He stressed his feeling that an interchange was needed at Fifth Street. Mr. Hill agreed to evaluate the need. Mr. Hill also acknowledged that the bypass could be brought closer to Saliman and away from the Prison, however, noted the concern with the Linear Park and wetlands in that area. Also the interchange located at 50 would have to be maintained. NDOT Assistant Supervisor of Roadside Development and Environmental Services Walt Wagner detailed by use of the map the environmental concerns. Discussion ensued concerning the need for an interchange at Fifth including safety concerns related to the Fremont School and child care center. Supervisor Chirila felt the City should not reprioritize the RTC funds for Fifth Street improvements. (2-0438) Gene Lepire questioned the route at Stewart and its impact on his RV park at Clear Creek and 395. He explained the traffic accidents occurring at West 50 and South 395. Mr. Hill responded by noting the public hearing process which would occur prior to reaching a determination of the intersection's final design. Mr. Lepire responded by explaining the three different interchanges he was aware of having been proposed. No formal action was taken on this matter by the Board.

A-R-PW-4 STATUS REPORTS - CURRENT LOTS UNDER DEVELOPMENT IN THE WESTWOOD PUD (2-0555) - Mr. O'Brien explained the drainage ditch location and development around it. Liability concerns were noted and research on them may be accomplished within two to three weeks. The need to complete the ditch was also noted. Mr. O'Brien explained the drainage requirements now being required of all the lots, financial responsibility for these improvements, maintenance concerns, and legal questions. Discussion pointed out the need for a hillside ordinance and legal concerns about the developer's responsibility. Mr. Hamilton stressed the need to develop the policy manual prior to creating an ordinance. Examples were given to support this position.

(2-1040) Charlie Aboud explained some photographs, which he presented to the Board, showing the drainage problem his lot encounters from the adjacent lot where construction is now occurring. This was created by only two hours of rain. As an established resident, he felt the Board should resolve the problem posthaste particularly in view of the steps he had taken to prohibit the creation of a problem for others by his lot. In response to Supervisor Scrivner's questions, Mr. Aboud explained the photographs which were taken this morning. Mr. Aboud had "demanded hay bales be used temporarily to dam the water flow." Mr. O'Brien explained the inspection process for the adjacent site. The developer had been present earlier in the meeting, however, could not remain until this item was discussed. Mr. O'Brien would require the developer to address the problem posthaste. Mr. Aboud expressed his feeling that Public Works should be able to "red tag" the project until the problem is resolved, which Supervisor Scrivner supported. Mr. O'Brien responded by explaining the desire to "work with all the involved individuals." If satisfaction is not obtained from this process, a work stoppage order would be considered.

No formal action was taken on this matter.

SHENANDOAH HEIGHTS CLEANUP (2-1349) - As a result of a meeting with Nevada National Bank, the vehicle has been removed and the area cleaned up. Bonanza Drive has been closed off. Supervisor Scrivner suggested photographs be taken for the Board when such reports are given. Supervisor Feticc noted that "Jay" had called and advised that "something good was happening." No formal action was taken on this matter.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 7

REGIONAL TRANSPORTATION COMMISSION PROJECTS (2-1403) - The Arrowhead and Goni utility relocation, Goni and Hot Springs remaining utility relocations, and Silver Sage and Koontz Lane utility relocation problems were explained. The storm drain extension on Koontz was discussed with Supervisor Scrivner. Discussion then ensued on the trailers and campers at the Hot Springs. This matter was agendaized for the next meeting. No other action was taken.

914 EAST TELEGRAPH NUISANCE (2-1525) - The complaint and notification to the owner were explained. The owner had addressed the major problem and Mr. O'Brien was working with him on removing the two inoperative vehicles. No formal action was taken.

WATER TECHNICIAN (2-1585) - Charles Welch was selected by the Committee and would commence work on December 5. Mr. O'Brien felt the first project would be rif-raffing around Well 41. Mr. Welch's previous employment was noted. No formal action was taken.

AUTOMATIC METER READING (2-1625) - Following a video presentation of the proposal which would allow automatic meter reading via the telephone, Mr. O'Brien and Automation Services Manager Pam Case outlined the proposal to test 100 units within Carson City. Southwest Gas has agreed to join the test. Purportedly PG&E and Sierra Pacific Power Company were interested in the test. There are twenty-four units on line at this time. Water Superintendent Tom Hoffert explained the time required for new installations and related cost. The four units which had been done took one-half an hour each to do at a material cost of approximately \$10 each. The problems encountered during retrofits were explained and were costing approximately \$25.21 each in materials. Labor costs were averaging approximately \$150 per site. Equipment costs were averaging \$90 per site. This totals approximately \$275 each. Discussion also noted that one four-plex was being installed. (2-2461) Gail Thomssen felt that the time was right but questioned the responsibility for landscaping which is removed when the line is installed, responsibility for the costs, and how water conservation occurred. Mr. O'Brien noted that the trial would only occur at authorized, selected sites. The savings would be created in manpower and reading requirements. The installation process was explained. Ms. Case noted that the measure would not conserve water. The savings would be from reduced manpower needs. Mr. Hamilton's personal involvement with the trial was explained. Ms. Case explained that one "MIU" can be utilized by two adjacent properties. Her landscaping did not indicate destruction had occurred. She felt this was an indication of the work being done. Mr. Hoffert explained the photographs which are taken before construction occurred in an attempt to return the landscaping to its original site. No formal action was taken.

BREAK: At 12:15 p.m., a lunch recess was taken. When the meeting reconvened at 1:45 p.m., the entire Board was present.

X. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan.

PLANNING COMMISSION REFERRALS - CONSENT MATTERS (2-2802)

A-R-CDD-1 VARIANCE V-88/89-3 - WETSELAAR - VARY FROM MINIMUM REAR YARD SETBACK ON SF6000 - 806 WEST MUSSER STREET - PLANNING COMMISSION APPROVED 5-2

A-R-CDD-2 VARIANCE V-88/89-2 - M.S.B. PROPERTIES - VARY FROM MINIMUM LOT SIZE ON MFD - 3502 AND 3506 EMERSON STREET - PLANNING COMMISSION APPROVED 3-2-2 - Supervisor Fetic moved to approve as read into the record by the City Manager. Supervisor Swirczek seconded the motion. Motion carried 5-0.

PLANNING COMMISSION REFERRALS - APPEAL AND REVIEW MATTERS (2-2894)

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 8

A-R-CDD-6 MISCELLANEOUS M-88/89-3 - NEWMAN - ABANDON A PORTION OF PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT INTERSECTING THE SOUTH SIDE OF EAST FIFTH STREET, APPROXIMATELY 195 FEET EAST OF SALIMAN ROAD - PLANNING COMMISSION APPROVED 5-0-2 - Supervisor Swirczek moved that the Board approve M-88/89-3, an abandonment request from James J. Newman to abandon a portion of private access and public utility easement intersecting the south side of East Fifth Street approximately 195 feet east of Saliman Road subject to the listed conditions of approval. Supervisor Feticc seconded the motion. Motion carried 5-0.

VII. AUTOMATION SERVICES - A-R-AUT-1 - REQUEST FOR APPROVAL TO PROCEED WITH ACQUISITION OF AS400 PURSUANT TO SPAN - Automation Services Manager Pam Case explained the request to acquire an IBM AS400 rather than upgrade the System 36. Board direction during the 1988-89 budget review allocated \$60,000 to upgrade the system. Since that time, the SPAN master plan had been adopted and IBM has introduced its new AS400. When the tax override question was proposed, staff felt that the remaining funds for the upgrades and some of Question 12 funds should be used to acquire an AS400. (3-0115) With the failure of Question 12, staff re-evaluated the situation and still feels that the AS400 should be acquired with the remaining \$46,800 for the upgrades. This would cover the payments of \$22,036 for remainder of this year and \$15,740 for the period July through November of next year. Annual payments were \$37,776 for the next four years with the final payment being \$15,740. Additionally, there is a \$10,000 grant for the Sheriff's office and \$15,000 from the sale of the System 36 available for this purpose; however, the value of the System 36 decreases daily. She then outlined her decision to place both the System 36 upgrades and the AS400 on a list of potential orders. This procedure is used for similar purchases and is considered legal as it reduces the time involved to procure the equipment. Today is the deadline for making a decision on this purchase. The alternatives are to: 1. Acquire the AS400 realizing that future funding is being committed and will have to be addressed in the budget. 2. Upgrade the System 36. or, 3. Do nothing until a future date at which time the City would have to go through the waiting list again. Upgrades to the System 36 would decrease in value as it becomes more obsolete, therefore, is not considered a wise investment. Also, IBM will begin decreasing its service on the System 36 even though the System 36 maintenance contracts become more expensive. A decision is also needed due to the demand on the current System 36, which was almost at its optimum use. Software upgrades for the System 36 could not be transferred to the AS400. Funding is available for this year and next. The remaining 3-1/2 annual payments would have to be addressed by the Board. This procedure has been used to purchase other equipment in the past such as the terminals obtained last year.

(3-0415) Supervising Accountant Martha Westover read into the record Finance Director Mary Walker's letter of opposition. Her concerns were: Staff's unauthorized reservation of equipment with an intent to purchase without appropriate funding circumventing purchasing procedures and policies. Whether there is a true emergency requiring immediate Board action without consideration of all the implications and alternatives. The appearance of questionable financial management, which would hurt the City's integrity and credibility, created specifically in view of the impending layoffs. Whether a five-year financial commitment should be made during a tight fiscal period. A complete review of the capital acquisition needs should be made and properties established prior to allocation of funding. This normally occurs during the budget process. Examples were cited to support other capital needs and improvements. Such commitments would place a burden on a future Board, which takes office in January, and should be allowed the opportunity to consider the matter. While acknowledging the need for automation and upgrades to the system, prudent financial management is necessary and may be lost by a hasty decision. It may be possible to obtain a lower interest rate if additional research is undertaken with the savings being used for other items. Lack of consideration for funding of additional terminals and connections was pointed out. Therefore, the proposal was felt to be piece meal. Ms. Walker urged the Board to delay action on the proposal until the Board has time to establish a good financial program during the normal budgetary process.

Mr. Hamilton then explained that the Data Processing Committee had met with Ms. Walker and reviewed her concerns. The Committee still unanimously supported its original recommendation, particularly in view

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 9

of other purchases made under the same procedure, e.g., a new street sweeper. A non-appropriation clause would be included in the contract. He had agendized the matter to allow both appointed and elected staff members to make a presentation to the Board and have the Board provide direction on how to proceed.

Ms. Case's response agreed that she had, in fact, placed the equipment on order. A commitment to purchase the equipment had not been made and would only be made at the Board's direction. The emergency was due to the need to have to make that decision today. The request was also made due to the need to have Board approval prior to a change in funding allocations. Commitment of funds beyond one year have been made for many purchases. Implementation of the automation master plan was being fiscally responsible as the AS400 is its "hub" and will allow some of those projects to proceed. Also, automation was the only way that the City's high personnel costs could be reduced in a more effective, efficient manner. If a lower interest rate is found, it would be utilized. Even if Question 12 had been approved, the master plan would have been implemented in phases as there are \$1.2 million worth of automation needs.

Treasurer Ted Thornton, Assessor Kit Weaver, Deputy Community Development Director -- Planning Eric Toll, Public Works Director Dan O'Brien explained their reasons for supporting the request to purchase the AS400 at this time. These reasons included impending personnel and service cuts which the computer may help address, current computer limitations, possible meanings to Question 12's rejection by the electorate, present computer needs which cannot be met, the feeling that the risk of being unable to fund the computer in the future is minute, and its unified staff support. Purchasing Agent Ron Wilson explained standard marketing practices.

Internal Auditor Gary Kulikowski explained that he had abstained from voting on the issue when it was presented to the Data Processing Committee due to a lack of adequate knowledge about its needs. He did feel it was unlikely that the computer would be "repossessed" if the Board decided not to fund it in the future. He also objected to Ms. Walker's comments that it was not sound fiscal responsibility due to his feeling that there were many fiscal reasons to procure the system. The present system was "pieced together." The new AS400 may generate a savings due to availability of additional software packages including some which Douglas County had he felt the City could use. He urged prioritization of the capital acquisition needs.

Comments by Parks and Recreation Director Steve Kastens, Community Development Director Walt Sullivan, Deputy City Manager Michael Rody, and Assistant Sheriff Greg Biggin continued to support the new computer. Mr. Sullivan's comments noted a pending request for an abandonment of Ninth Street and sale to the Ormsby House which would increase the Capital Acquisition Funds. The lack of new software programs and maintenance service on the 36 were also stressed.

Supervisor Swirczek acknowledged the feeling that computerization was needed, however, voiced his opposition to the comments on funding for fiscal year 1991 that "...By this time the City would hopefully have some of the revenue shortfalls resolved." He felt this showed fiscal irresponsibility. "...Additionally, there is a fund out clause in all contracts that will allow us to turn in the system if money is not available..." If the entire City was based on a data processing system, this would be a most unrealistic and illogical response. He urged the Board to review the proposal during the budget process. He then noted that during the last budget process, he had supported the Sheriff's uniform handgun proposal, however, the Sheriff's priority was additional computerization. Apparently, the computer needs were not necessary as the system has neither been updated nor crashed. Therefore, he could not support the "emergency." Likewise, if the market supports the need for equipment, the computer would remain available for future purchase.

Ms. Case explained that computer files were removed from the Sheriff's system in an attempt to wait for Question 12 funding. The need was still critical for the Sheriff's Office. She felt that the City will be forced to address its financial situation. Commitments have been made during the last several years affecting future expenditures which was similar to the computer purchase proposal.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 10

(3-2081) Nevada State Director of Data Processing Hale Bennett expressed his feeling that the City should consider either using the State's system or purchasing additional System 36s with the funding it has. His comments included Charter requirements authorizing State computer use by local entities. Even though the System 36's value decreases, the programs and service contracts are available. Only new applications and programs are not being created. Additional System 36s would increase the available space and, perhaps, meet the City's demands. The State has adopted a new policy which authorizes the purchase of older main frames which does not require retraining staff and is cheaper. Until a request and an evaluation are made, Mr. Bennett could not indicate whether there is adequate space to meet 100 percent of the City's need nor whether it would be cheaper. He felt that the State, who uses less than 50 percent of its computer capacity, did more computer work than the City. An additional System 36 would cost \$13,500, which was the latest resale figure received by Ms. Case, but would provide a 100 percent increase in the City's capacity. (During this discussion, Supervisor Chirila left the room -- 3:05 p.m. -- a quorum was present.)

Supervisor Scrivner expressed his desire to purchase an additional System 36 rather than the AS400. Discussion ensued between Mayor Flammer and Mr. Bennett regarding how the shared computer may work. Mr. Bennett stressed until a written request is submitted, the procedure could not be accurately determined. His computer could address many requests at one time. (Supervisor Chirila returned -- 3:10 p.m. A quorum was present as noted.)

Ms. Case then acknowledged the point that additional System 36s could be purchased, however, stressed that the State had resources the City could not provide including staff, technical expertise, etc. The more mainframes the City owns, the more staff is required to maintain them. Service contracts increase proportionately as the mainframes are phased out of service. These overhead costs make such proposals unattractive to the City but the State may be able to afford them. At this time, the City did not have the capability of being able to utilize the State's System 3081 due to differences in operating procedures and system languages. Tying into the State system and continuing to run the System 36 would not expand the present system's space nor provide additional programs without "off loading" to the State system. there would be an investment cost related to terminals, etc., if the City eliminated its mainframe and tied directly to the State's system. She expressed a willingness to work with the State in a joint effort to share resources, however, felt that the AS400 was critical to the master program. Going to the State system would not protect the City's system and investment. The master plan had considered purchasing additional stand alone systems. These systems do not communicate with one another which creates fragmented data and systems and incomplete tasks. Unless these systems are tied together, these problems are not resolved. This is an additional cost. She felt that overhead could be reduced by the purchase of the AS400. (Mayor Flammer gave the gavel to Mayor Pro-Tem Scrivner and stepped from the room -- 3:20 p.m. A quorum was still present.)

Discussion ensued among the Board and staff concerning the availability of the AS400, reasons for Question 12's failure, the perception purchasing the AS400 at \$145,000+ would have on the public, the urgency to make a decision today, budgetary problems, holding another special election on the Question 12 issue, and employee morale if the hardware is purchased but raises are not considered and pending layoffs mandated. (During this discussion, Mayor Flammer returned. A quorum was present as noted.)

(4-0051) Ms. Case acknowledged the budget problems and stressed the need to be more efficient and effective as possible with the limited resources. Capital acquisition funds cannot be used for personnel. Communication and education would be essential to a new ballot question. Supervisor Feticc felt that this issue should be discussed in January or February after a budget review has occurred. Ms. Case explained that if no action is taken today, there would be 3 to 6 month delay in obtaining the equipment. Also, the volume procurement agreements are to be renegotiated in January and will undoubtedly be more costly. If no action is taken, then the upgrades will not be ordered and no changes will occur. This has been occurring for the last six months. Problems are now beginning to occur. More terminals and new programs will not be added. (Mayor Flammer took over the gavel.)

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 11

Mayor Flammer was inclined to have the next Board consider the issue even though it is the present Board's problem. Supervisor Scrivner supported Supervisor Fetic's comments related to Question 12's failure. While noting the impending layoffs and need to establish integrity and trust in the community, he felt that the Board had little choice but to purchase the new system. The present demands were more than the system could address. He, too, was inclined to give the issue to the new Board. In view of the need, he urged the other members to proceed with the purchase. Supervisor Scrivner then moved to purchase the AS400. Following clarification by Mr. Cockerill, Supervisor Scrivner amended his motion to direct the Purchasing Agent to begin the process of purchasing the AS400 so that we can get on with this program and explained his feeling that the public would not be upset with the purchase due to the demand for services currently being provided. When a second was not forthcoming, Mayor Flammer passed the gavel to Mayor Pro-Tem Scrivner and seconded the motion. Supervisor Swirczek noted that there are other computer manufacturers besides IBM. He urged staff to evaluate Mr. Bennett's offer particularly if it will save the City money. He urged the Board to direct staff to meet with Mr. Bennett and report back on what can and cannot be done and whether the System 36s can be tied together and keep the City going for five to seven, or more years with no detrimental effect. This would allow time to determine the City's financial picture. This would not lose anything while gains would be made. Mayor Pro-Tem Scrivner then ruled that public comment could not be taken as the Board was discussing the question. The motion authorize staff to proceed with purchasing the AS400 was voted by roll call with the following result: Scrivner - Yes; Chirila - No; Fetic - No; Swirczek - No; and Mayor Flammer - Yes. Motion died on a 2-3 vote. (Mayor Pro-Tem Scrivner returned the gavel to Mayor Flammer.)

Supervisor Swirczek then expressed his feeling that staff should be directed to evaluate Mr. Bennett's offer within two weeks or one month so that the present Board can complete the matter. He wanted a complete evaluation of the services which the State could provide and the pros and cons on getting an additional System 36 as had been suggested. Upon the Board's concurrence, Mayor Flammer so directed staff.

Supervisor Fetic stressed that his no vote was based on his questions on the nature of the immediate urgency of the matter and other questions which had not been addressed. Supervisor Swirczek stressed that it was not a vote against automation -- automation would have received a yes vote.

(4-0388) Dwight Millard then expressed his feeling that he should have been allowed to speak before the motion stopped all public comment. He had come specifically to speak to the issue. He felt that Question 12 had been defeated due to the public's concern about efficiency. Both the Building and Planning Departments were not on the computer. The Public Works enterprise funds are not automated. He did not feel that the contractor who is to analyze the water and sewer rates would be able to obtain all of the necessary information in the six week period authorized. His personal experience indicated that the water billing system did not update its information in a two-month period. He felt that the amount of efficiency the new system would provide would more than pay for itself. Supervisor Fetic stressed that he was committed to automation but was not prepared to "jump off the bridge today due to a deadline, when two weeks would not make that much of a difference." Mr. Millard felt that testimony had indicated that the matter had been deferred until after Question 12 was presented to the electorate. He then went on to elaborate on his feeling that the Committee's recommendation should be adhered to in view of the inefficiency he found within the City. Supervisor Swirczek responded by expressing his feeling that the Board was responding to an automation problem but due to the additional information presented today, further study of the matter was necessary. He elaborated on problems he had found with the water billing system. He felt that the additional information would either support or reject the Committee's recommendation. Mr. Millard felt that all the Committee had to do was upgrade the System 36 and it would be in compliance with the Board's directive. He then noted the length of time involved in getting a water engineer who, in the four short months she had been with the City, saved the City \$5,000 on its electricity bill. He did not feel that the State system was the answer. He felt that promises had been made to the builders that the Building Department would be automated -- questioning when -- and that when the water hookups were increased, studies would be completed and automation undertaken to track the funds. The present system could not provide this

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 12

information. Supervisor Swirczek explained that one of the objectives under the present study of the water and sewer rates by the consultant would evaluate the software available for utility billing systems. Research would expand on all possibilities and not restrict the City to a limited method.

(4-0595) BREAK: A ten-minute recess was taken at 3:40 p.m. When the meeting reconvened at 3:50 p.m., the entire Board was present constituting a quorum.

Mr. Hamilton expressed his appreciation of staff's time and position as well as the Board's direction. He then explained his reasons for bringing the matter to the Board for direction.

IX. PUBLIC WORKS DIRECTOR - Dan O'Brien.

A-R-PW-1 CARMINE STREET DEDICATION BY CAROLINE CASE, ET AL. (4-0652) - Supervisor Swirczek moved that the Board accept the dedication of a portion of Carmine Street by Caroline Case, et al., with the understanding that the improvements to same will be constructed at the Developer's expense. Supervisor Feticc seconded the motion. Motion carried 5-0.

A-R-PW-3 CARSON CITY WASTEWATER TREATMENT AND DISPOSAL FACILITIES CONTRACT I-2, PRISON FARM IRRIGATION, NEVADA BELL SERVICE RELOCATION PAYMENT AUTHORIZATION (4-0712) - Supervisor Feticc moved that the Board approve and authorize the payment of \$2,165 to Nevada Bell for service relocation work performed at Nevada State Prison's Medium Security Prison Farm as a result of improvements associated with Contract I-2 at the Carson City Wastewater Treatment and Disposal Facilities. Supervisor Scrivner seconded the motion. Discussion ensued concerning the grant funding, the project's eligibility for same, staff assigned to filing and processing the grant applications, project auditing and review committee. The motion to approve the payment was voted and carried unanimously.

A-R-PW-5 REVIEW AND APPROVAL OF UNITED STATES GEOLOGICAL SURVEY COOPERATIVE AGREEMENTS GROUNDWATER AND STREAM GAUGING STUDY (4-0825) - Following Mr. O'Brien's introduction, Dorothy Timian-Palmer explained the site locations, need for the study, and funding source. Supervisor Swirczek began a motion, however, withdrew it. Supervisor Feticc then moved that the Board adopt the cooperative agreement between Carson City and the United States Geological survey covering the following: 1. Monthly water resource conditions reporting of surface and groundwaters at a participation cost of \$500; and, 2. The operation and maintenance of ten stream gauging stations at a City yearly participation cost of \$29,600 and a one-time installation cost for three additional sites of \$4,000 for a total cost of \$33,600, one and two totalling \$34,100, source of funding 420 and 520. Supervisor Swirczek seconded the motion. Motion carried 5-0.

A-R-PW-6 REVIEW AND APPROVAL OF CHANGE ORDERS NUMBERED 1, 2, AND 3 TO TANSTAAFL BOOSTER PUMP STATION, PROJECT 1988-003 (4-0983) - Supervisor Feticc moved that the Board approve Tanstaafl Change Order No. 1 at no additional cost above the original bid amount. Supervisor Scrivner seconded the motion. Motion carried 5-0.

Supervisor Scrivner moved that the Board approve Tanstaafl Change Order No. 2; this change order has no additional cost above the original bid amount. Supervisor Swirczek seconded the motion. Motion carried 5-0.

Supervisor Swirczek moved that the Board approve Tanstaafl Change Order No. 3 to Project No. 1988-003 in the amount of \$2,725 over the original bid amount. Supervisor Feticc seconded the motion. Motion carried 5-0.

Mr. O'Brien explained the project's status. He then suggested the Board consider authorizing staff to make

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 13

change orders without prior Board approval to an amount which it may wish to determine. He questioned the wisdom of having a change order for \$2700 come to the Board in view of staff costs. A contingency could be established within the original contract. Mr. Cockerill noted that any changes over the original bid amount of \$10,000 are required to be returned to the Board. Supervisor Scrivner suggested status reports be given to the Board under this proposal.

BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-1114)

XII. BRIEFING WITH MAYOR-ELECT MARV TEIXEIRA, SUPERVISOR-ELECT WARD 2 TOM FETTIC, AND SUPERVISOR-ELECT WARD 4, KAY BENNETT - Mr. Hamilton suggested this matter be continued to a special meeting. Supervisor Swirczek directed that the Board and Mayor-Elect and Supervisor-Elect all receive the same information. He also requested all of the master plan components and a financial report as of the end of October be provided and agendized as part of the special meeting. Mr. Hamilton explained an organizational chart and a major policies/procedures synopsis. Discussion ensued on a potential meeting date. Mr. Cockerill explained a legal requirement document for Board members which his office had prepared and the Legislative Council Bureau's list of required Board duties. Mr. Hamilton then explained the delay in providing the Board with the report on the Commissions/Committees as had been requested by the Board. Supervisor Swirczek suggested the goals and objectives report also be included on the agenda. Mr. Hamilton also explained a desire to have a special goals and objectives session after the first of the year. Mayor Flammer explained the statutory date when the new Board would take office.

BREAK: At 4:15 p.m., a recess was taken. When the meeting reconvened at 7 p.m., the entire Board was present constituting a quorum. Staff members also present included: City Manager Hamilton, Clerk-Recorder Glover, Community Development Director Sullivan, Deputy Community Development Director -- Planning Toll, Deputy District Attorney Auer, and Recording Secretary McLaughlin.

Mayor Flammer called the meeting to order by leading the Pledge of Allegiance.

XIII. COMMUNITY DEVELOPMENT DIRECTOR - PLANNING COMMISSION REFERRALS - B-02-CDD-1 BILL NO. 138 - CHANGE OF LAND USE Z-88/89-4 - JANE AND SAMUEL CHESNEY - REZONE PROPERTY FROM SF6000 TO RO - CORNER OF ROBINSON AND MINNESOTA (4-1395) - Following Mayor Flammer's introduction, Mr. Sullivan noted the packet and outlined the Board's alternatives. Supervisor Swirczek clarified page two of the excerpt of the Minutes to reflect that his intent was to rezone that portion of the Historic District that was zoned RO in the land use plan and not the entire Historic District area.

(4-1497) Jane Chesney reviewed previous Board decisions/discussions on this matter, her appeals of several decisions, and her legal recourse if not approved. She felt that comments from individuals opposed to her request should be restricted to only those individuals who had been aggrieved by the change or would be. A copy of her statement was given to the Board and Clerk.

(4-1793) Local architect and Westside Development Company representative Art Hannafin explained his opposition to the proposal based on Board decisions concerning zoning and the acquisition and development of the Westside Court. In view of previous Board action on this matter, his clients had authorized him to seek legal counsel. He then turned the podium over to his Attorney Bob Herman.

(4-1910) Mr. Herman detailed his reasons for feeling that the Board should deny the change based on staff and the Commission's recommendation as well as the previous Board decision which was upheld by the Supreme Court. He felt that Ms. Chesney should not have again requested the Board change the zoning once the Court ruled. He then explained that the only substantial change in the district had been the Westside project and reasons for his feeling that Mrs. Chesney's request would be detrimental to the area and the Westside Court property values. A copy of an appraisal provided by Brad Lencioni was given to the Board

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 14

to support the value change. (A copy was not given to the Clerk.) He felt there was currently an adequate amount of RO space available throughout the City. To approve the request would create a "spotty RO zone" and eventually all of the Historic District will be destroyed. He then displayed photographs on a poster board which showed several residences in the Historic District which were not in the RO zone but had been improved. He noted that Westside Court would be forced to challenge the Board's decision if the present zoning is changed.

(4-2604) Local real estate broker Tom Johnson noted his experience in real estate and his role with Westside Court. He then explained his feeling of the impact the change would have on the market and Westside Court.

(4-2782) Margie M. Richards explained the two homes she owns in the District and her reasons for feeling that the change would be detrimental to her values based on the negative factors she found in the adjacent RO zone. She urged the Board to hold the line. She felt the Westside Court project should be the basis for denying the petition. Her comments also stressed her hope that the Board would preserve the only large concentration of Victorian homes in the State. She then introduced her attorney.

(5-0007) Herbert F. Ahlswede expressed his feeling that Ms. Chesney's request was for the Board to overrule the Supreme Court. He then reviewed the Board's and Court's action on the request. He questioned the Board's justification for such a decision based on the lack of changes in the area. He felt the request was "spot changing the zoning," which he explained. He felt the change would eliminate any reason for the owners to improve and maintain their properties. Supervisor Swirczek then expressed his feeling that this was not a spot zone as the land use map of the master plan designated the area RO. He read from some information he had obtained at the Law Library to support his contention that the request would not be spot zoning.

(5-0165) Attorney Robert Crowell expressed his opposition to the request based on his feeling that it was not in the best interest of the community or consistent with the land use. He had opposed the Governor's Walk proposal as it would allow commercial encroachment on his residential area. He then explained his decision to expand his residence based upon the Board's decision related to Governor's Walk. He felt that this had been a substantial investment which was done in a fashion to maintain the integrity of the surrounding structures. This was the revitalization of an older home. He felt to allow commercial encroachment in the neighborhood would allow depreciation of the area and residential values and create a domino effect resulting in low income commercial development throughout the area.

(5-0285) Historic Architectural Review Committee Chairperson John Copoulos urged the Board to consider the opposition's comments and requested reconsideration of the previous vote on this issue.

(5-0312) Mr. Auer explained for Paul Carrington the purpose of the hearing. Based on his statement, Mr. Carrington then expressed his feeling that the historic district ordinance indicates that the zoning changes which should only be made after HARC has approved the request. He acknowledged that the Board was to have final say over those decisions and that the residents of the District have the same rights as other areas in addition to the responsibility for caring for the properties within the District. He acknowledged the fact that these older homes were expensive to maintain, however, felt that it was a responsibility the owners had accepted when the decision was made to purchase such homes. He felt that the majority of the residents in the area would not support the request. He polled the individuals present which indicated only three of those present supported the request. He felt that this was a clear indication that the residents were seeking a fair hearing and justice which only the Board could provide as the elected representatives. He then explained that the Applicant had raised the same points in her request, however, he did not feel that she had considered the neighbors, their desires, and the impact her proposal would have on the City. In view of the need by some of the residents for assistance and incentives to maintain their properties, he suggested incentives be provided by legislation. He suggested that a committee of staff and the Westside ad hoc committee meet to

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 15

establish such an incentive. This would eliminate the need to change the zoning as requested. This would create equity without encroachment. He felt that a bed and breakfast facility would be a better use and urged the Board to deny the Applicant and work with the committee for the betterment of all.

(5-0756) Mike Spears expressed his concern about the domino effect which would commence if the encroachment is authorized.

(5-0785) Jan Anderson expressed her feeling that during her 17-year tenure she had made a large investment in the community. The Historic District was one of the finest decisions made for the community's benefit. She urged retention of this beautiful district. Tourists repeatedly return to Carson City due to the charm created by this District. Without the district, the tourist draw would be reduced. She then expressed her feeling that the Governor's Walk proposal was commercialization of the district and that the Planning Commission and public comment were being ignored for the benefit of one individual. She urged the Board to retain the uniqueness of the area.

Procedures were discussed by Mayor Flammer and Mr. Auer.

(5-0905) Hank Thomas noted that there had been little public support for the proposal throughout the numerous meetings. He acknowledged the fact that the historical homes are expensive to maintain, however, suggested that the entire District including its boundaries and zoning be reviewed before the Change of Land Use requested is approved. He felt there were other avenues available which would preserve the area and specifically the District.

(5-0978) Will Wieprecht read Nevada Landmarks Society President Margaret Herleman's letter of opposition due to the feeling that the encroachment would weaken the integrity of the District and its value.

(5-1015) Jane Chesney expressed her feeling that the residential ten percent of the District should not be allowed to override the remaining 90 percent. The original Court opinion was restricted in the area addressed. She felt this had been changed when the master plan was changed after the Court decision. Purportedly her zoning had been changed twice with the promise that "one of these days the original zoning which she had purchased would be restored." She did not feel that the down zoning had been fair to her and was the taking of property rights. She did not feel that it was fair that she be used as the boundary line. The proposal for a bed and breakfast was a first step in Governor's Walk, however, as a planner she felt the need was stronger to have benefits and burdens adjusted to the common good. Supporting structures would not be eligible for bed and breakfast facilities. The proposal would allow "big houses" to benefit from the proposal even though it would be unfair to the smaller houses. She preferred to see a plan rather than piecemealing. This would allow an economic base for the area. In this endeavor, she felt a committee should establish such a plan. She did not feel that Mr. Thomas should be included in the protests as his home is within the RO zone. She urged the Board to support the request in fairness and establish an incentive program to save even the smallest building in the District.

Discussion ensued among the Board and Mr. Sullivan concerning the master plan study of the entire Historical District. Supervisor Fetic explained his position that the change would not further the objectives of the City, that the proposal was not consistent with the character of the Historical District, that the proposal was detrimental to the immediate vicinity, and, further, that the proposal would not have merit and value to the community as a whole. Reasons for this position were based upon the zoning as established years ago, the desire to finalize a study on the issue, and hope that the request would not be the death of the Historical District. His view of the District was then outlined. Supervisor Chirila then expressed her feeling that the request should be compared with other areas including the master plan which is RO, that the line restricting the RO zone was arbitrary in view of the office directly across the street, and that although the Supreme Court case was discussed, the Board still had the right to implement the master plan. Supervisor Swirczek then moved that the Board adopt on second reading Ordinance 1988-38, AN ORDINANCE EFFECTING A

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 16

CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBER 2-232-06, SAID AREA BEING LOCATED AT THE CORNER OF ROBINSON AND MINNESOTA STREETS IN CARSON CITY, NEVADA, FROM SINGLE FAMILY 6000 (SF6000) TO RESIDENTIAL OFFICE (RO) ZONING based on the reasons as stated at the first reading and due to his feeling that it does lead to the preservation of the historic structures discussing this evening and does not take away from the integrity of the Historic District, it preserves the buildings that need to be preserved for the history of Nevada while at the same time allowing us to move forward. Following Mr. Auer's request for additional facts even though the reasons were originally spelled out during the first reading, Supervisor Swirczek continued his motion to include that the Board feels that the change of zoning would further the objectives of Carson City which is to preserve the past while allowing Carson City to move forward, the change is consistent with the character and use of the historic district area, the proposal is found not to be detrimental to the immediate vicinity, the proposal is consistent with the objectives of the master plan, the proposed change of land use does result in a proposal that has merit and value to the community as a whole, in addition, the applicant has submitted the five following reasons for justification: The application is consistent with the public program which adjusts the benefits as well as the burdens of the preservation of life equally and fairly; the application is consistent with the existing master plan for comprehensive land use planning which classifies the subject project as residential office; this application is consistent with the traditional purpose and criteria governing the Historic District; this application is consistent with the purposes of the Redevelopment District to improve the project area economically, physically, aesthetically, and to revitalize the urban center; this application is consistent with the historic precedence of multiple uses of the property which is the yardstick for measuring reasonable and compatible reuse in the present. Supervisor Chirila seconded the motion. The motion was voted by roll call with the following result: Feticc - No; Scrivner - No; Chirila - Yes; Swirczek - Yes; and Mayor Flammer - Yes. Motion failed 2-3.

Mayor Flammer expressed his feeling that the result was not a victory. Supervisor Scrivner explained his vote this evening as well as his previous vote. He felt that the proposal to have a committee evaluate/establish incentives suggested by Messrs. Carrington and Thomas and the staff's intent to evaluate the District should be followed through to the mutual benefit of all within the District. He found the present situation very difficult based on his previous administrative decision establishing the Historic District. The desire to see Bed and Breakfast establishments in the District was noted. He did not feel it would impose a traffic problem if this type of use is utilized. He felt Carson City was the only area without this type of use in its Historic District. Mayor Flammer then expressed his feeling that the issue of preservation of the Historic District was not the only issue under discussion. He could not support the request to change the zone to Residential Office based on the feeling that it would establish a procedure whereby encroachment could occur on residential areas throughout the City. He, too, supported a compromise between the two uses and urged the Board to follow through on this proposal.

(5-1775) Mr. Carrington requested direction be given establishing the committee. Mayor Flammer and Supervisor Feticc explained that this could not be done at this time as the matter had not been agendaized. Mayor Flammer then commended all of the participants on their decorum.

BREAK: At 8:35 p.m., a ten-minute recess was taken. When the meeting reconvened at 8:45 p.m., the entire Board was present constituting a quorum.

There being no other matters for discussion/action, Supervisor Swirczek moved to adjourn. Supervisor Chirila seconded the motion. Motion carried 5-0. Mayor Flammer adjourned the meeting at 8:45 p.m.

The Minutes of the November 17, 1988, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 1991.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 17, 1988 Meeting
Page 17

MARV TEIXEIRA, Mayor

ATTEST:

KIYOSHI NISHIKAWA, Clerk-Recorder