

**Board of Supervisor "DRAFT" minutes for the  
following dates are included in this section;**

- November 14, 2006, Regular Meeting
- December 21, 2006, Regular Meeting

A special meeting of the Carson City Board of Supervisors was held on Tuesday, November 14, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 11:30 a.m.

<b>PRESENT:</b>	Marv Teixeira	Mayor
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4

<b>STAFF PRESENT:</b>	Alan Glover	Clerk-Recorder
	Melanie Bruketta	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	Susan Merriwether	Management Assistant

(SBOS 11/14/06 Recording 11:27:41)

**CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE** - Mayor Teixeira convened the meeting at 11:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum.

**PUBLIC COMMENTS AND DISCUSSION (11:28:15)** - None.

**1. CLERK/RECORDER - ACTION TO APPROVE THE CANVASS OF THE VOTE AS PRESENTED BY THE CLERK/RECORDER FOR THE 2006 GENERAL ELECTION (11:28:20)** - Clerk-Recorder Alan Glover introduced the item and thanked his staff including the hourlies and individuals who had worked during early voting periods, the Parks and Recreation employees, the Community Center staff, and the 115 individuals who had worked on election day. They had performed admirably and completed their tasks in a competent manner. Discussion noted that Douglas County may have the honor of having the oldest person working on election day, however, Carson City had some that had worked at the polls for more than 20 years. It was also felt that some of the individuals were close to the age of the individual in Douglas County. It was one of the smoothest elections Mr. Glover had operated. There were very few problems. The weather was great. Turnout for the early elections totaled 8,528 votes or 33% of the voters. Absentee voting and voter turnout on election day were described. More individuals are registered to vote than there were four years ago. Supervisor Staub congratulated Supervisors Williamson and Livermore on their successful campaign. Discussion indicated that the swearing-in ceremony will be low key and held in District Court 2 chambers on January 1 at 9 a.m. A formal announcement will be made after Governor Quinn selects the new District Judge. Supervisor Aldean moved that the Board of Supervisors approve the canvass of the vote for the 2006 General Election and the canvass of the vote for the 2006 Carson City School Bond election as presented by the Clerk-Recorder. Supervisor Staub seconded the motion. Motion carried 5-0.

Mr. Glover explained the School District Canvass Resolution. Supervisor Aldean moved to adopt Resolution No. 2006-R-39, A RESOLUTION DESIGNATED BY THE SHORT TITLE "2006 CARSON CITY SCHOOL DISTRICT CANVASS RESOLUTION"; DECLARING THE RESULTS OF AN ELECTION HELD WITHIN CARSON CITY SCHOOL DISTRICT IN CARSON CITY IN THE STATE OF NEVADA ON THE GENERAL OBLIGATION SCHOOL BOND QUESTION SUBMITTED AT THE ELECTION HELD ON TUESDAY, NOVEMBER 7, 2006, TO THE QUALIFIED ELECTORS OF THE DISTRICT; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE

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HEREOF. Supervisor Staub seconded the motion. Supervisor Williamson complimented the electorate for approving the School Bond. Mayor Teixeira noted that it would not increase the property taxes. He also complimented the voters for approving the Bond. The motion was voted and carried 5-0.

**2. ACTION TO ADJOURN (11:36:05)** - There being no other matters for consideration, Supervisors Aldean and Staub moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 11:37 a.m.

The Minutes of the November 14, 2006, Carson City Board of Supervisors meeting

ARE SO APPROVED ON \_\_\_\_\_, 2007.

\_\_\_\_\_  
Marv Teixeira, Mayor

ATTEST:

\_\_\_\_\_  
Alan Glover, Clerk-Recorder

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, December 21, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

**PRESENT:**

Mary Teixeira	Mayor
Robin Williamson	Supervisor, Ward 1
Shelly Aldean	Supervisor, Ward 2
Pete Livermore	Supervisor, Ward 3
Richard S. Staub	Supervisor, Ward 4

**STAFF PRESENT:**

Linda Ritter	City Manager
Alan Glover	Clerk-Recorder
Ken Furlong	Sheriff
Al Kramer	Treasurer
William Maddox	District Court 2 Judge
Kevin Haggarty	Information Technology Director
Andrew Burnham	Public Works Director
Bruce Van Cleemput	Assistant Fire Chief
Melanie Bruketta	Chief Deputy District Attorney
Nick Providenti	Senior Accounting Manager
Ken Arnold	Public Works Operations Chief of Special Projects
Katherine McLaughlin	Recording Secretary

(BOS 12/21/06 Recording 8:30:40)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Agenda Report and/or supporting documentation. Staff members making the presentation are listed following the Department's heading. Any other individuals who spoke are listed immediately following the item's heading. A recording of these proceedings is on file in the Clerk-Recorder's office. It is available for review and inspection during normal business hours.

**CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND INVOCATION** - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present. City Manager Linda Ritter led the Pledge of Allegiance. Reverend Bruce Henderson of the Airport Road Church of Christ gave the Invocation.

**PUBLIC COMMENTS (8:32:15)** - Mayor Teixeira wished Sam Dehne Happy Holidays. Mr. Dehne wished the Board and City Happy Holidays. He indicated that he had received two "victories" from the Attorney General's Office. He filed his complaints in good conscious. The Attorney General's Opinion indicates that the Mayor's belief that only residents of the community can speak at the meeting is in error. The second opinion was one that the Board had supported. It indicates that citizens may speak on any agenized topic. Mr. Dehne then noted that a *Nevada Appeal* article in yesterday's paper had indicated that the City is "cash

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strapped". City Manager Linda Ritter explained that the City is looking for funds to stay in operation. Mr. Dehne indicated that the City has great personnel including the Sheriff. He had been meeting with some of them. He then suggested that funds could be generated by having scheduled airline service at the Airport. He alleged that the "Feds" will dump money on the City if you have scheduled airline service. The City should not worry about people going to Reno as they will want to stay in Carson City. Airlines are safe and quiet. He then wished everyone Happy Holidays.

1. APPROVAL OF MINUTES (8:36:48) - None.
2. CHANGES TO THE AGENDA (8:36:50) - None.
3. SPECIAL PRESENTATIONS (8:36:58)

### A. INTRODUCTION OF MAXINE CORTES, COURT ADMINISTRATOR

District Court  
2 Judge William Maddox introduced Court Administrator Maxine Cortes. He also noted that an Attorney General's opinion is just that—an opinion. He briefly described Ms. Cortes' background, the reorganization and combining of the District Court Clerks with the Municipal Court Clerks, and the computer upgrades. Mayor Teixeira disclosed that he had lunch with Ms. Cortes and found her to have a wealth of knowledge. Ms. Cortes indicated that she had been in the community for five weeks. She intends to remain here. She looked forward to a working with everyone. Although Carson City is smaller than the community she left, she found the people to be friendly and "great". She looked forward to a long career with the City. Mayor Teixeira indicated that the Board/City looked forward to having her and the outstanding job she will be doing. Ms. Cortes indicated that she is getting used to the cold and snow.

### B. PRESENTATION REGARDING THE SUCCESS OF NATIONAL NIGHT OUT

(8:39:38) - Sheriff Ken Furlong described the August event, its participants, purpose, and the community's partnerships. An illustration of the results from the event was explained. A "small token of appreciation" was given to the key partners and sponsors of the event. The recipients included: Ms. Lisa Davis of the Sheriff's Office who had been the coordinator and orchestrator of the event; Mayor Teixeira for his leadership role in the Methamphetamine Coalition; Safeway Manager Craig Mueller; Target Manager John Clemment and Ruby Shelton; and Tip Top Amusement whose representative was not present. Mayor Teixeira thanked him for the recognition and creating the partnership and noted Supervisor Livermore and City Manager Ritter's involvement in the program. He also disclosed City Manager's Administrative Assistant Liz Teixeira's role in the program. He suggested that his award be placed in her office. He thanked Sheriff Furlong for the recognition and the partners for their support. No formal action was taken or required.

### 4. CONSENT AGENDA (8:43:39)

4-1. FIRE - ACTION TO AUTHORIZE THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND THE CITY OF CARSON CITY AND TO ACCEPT THE GRANT AWARD OF \$52,762.55 PROVIDED FOR THE CITIZEN CORP. PROGRAM

4-2. PURCHASING AND CONTRACTS - ACTION TO APPROVE CONTRACT NO. 0607-

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057, A REQUEST FOR THE PURCHASE OF WORKDIRECTOR AND CALDIRECTOR SOFTWARE PLUS PRORATED MAINTENANCE AND ANNUAL SECURITY SUPPORT FROM CARTÈGRAPH SYSTEMS, INC., FOR FISCAL YEAR 2006/2007 IN THE AMOUNT OF \$10,000 FROM THE STREETS MAINTENANCE FUND, \$10,000 FROM THE STORM WATER DRAINAGE FUND, \$10,000 FROM THE SEWER FUND, AND \$10,000 FROM THE WATER FUND FOR A NOT TO EXCEED TOTAL COST OF \$40,000 EXEMPT FROM COMPETITIVE BIDDING

4-3. PUBLIC WORKS - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A ONE YEAR WATER LEASE AGREEMENT BETWEEN THE CARSON WATER SUBCON-  
SERVANCY DISTRICT AND CARSON CITY

4-4. PUBLIC WORKS - CONTRACTS

A. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION ON THE "BIDABILITY AND CONSTRUCTABILITY REVIEW OF THE WASTEWATER TREATMENT PLANT EXPANSION" PROJECT, CONTRACT NO. 2006-090, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO HARRIS AND ASSOCIATES, 1817 MOODY STREET, SUITE 30, CARSON CITY, NEVADA, 89706, IN THE AMOUNT OF \$76,200 AS PROVIDED FOR IN FISCAL YEAR 2006/2007 FROM THE WWTP UPGRADE PHASE 1A FUND

B. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION AND ACCEPT THE CONTRACT ISSUED FOR THE EMERGENCY RE-DRILLING OF WELL NO. 24 PROJECT - CONSULTANT SERVICES, CONTRACT NO. 2006-091, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO AQUA HYDROGEOLOGIC CONSULTING, LLC, P.O. BOX 18793, RENO, NEVADA 89511, FROM THE PRODUCTION WELLS CONSTRUCTION ACCOUNT AS PROVIDED FOR IN FY 2006/2007, IN THE AMOUNT OF \$44,682 AND A CONTINGENCY AMOUNT NOT TO EXCEED \$4,400

C. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION AND ACCEPT THE CONTRACT ISSUED FOR THE EMERGENCY RE-DRILLING OF WELL NO. 24 PROJECT, CONTRACT NO. 2006-093, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO WDC EXPLORATION AND WELLS, 500 MAIN STREET, WOODLAND, CALIFORNIA 95695, FROM THE PRODUCTION WELLS CONSTRUCTION ACCOUNT AS PROVIDED FOR IN FY 2006/2007, IN THE AMOUNT OF \$273,100 AND A CONTINGENCY AMOUNT NOT TO EXCEED \$27,300

4-5. CITY MANAGER

A. ACTION TO REAPPOINT TWO MEMBERS TO THE OPEN SPACE ADVISORY COMMITTEE FOR FOUR YEAR TERMS EXPIRING JANUARY 1, 2011

B. ACTION TO REAPPOINT ERNIE RINK TO THE CARSON RIVER ADVISORY COMMITTEE FOR A THREE YEAR TERM ENDING JANUARY, 2010 - None of the items were pulled for discussion. Supervisor Livermore moved to approve the Consent Agenda that consists of one item from the Fire Department; one item from Purchasing and Contracts; one item from Public Works; three items from Public Works - Contracts; two items from the City Manager with special recognition of Patricia Lincoln and Daniel Jacquet for their new four year terms on the Open Space Advisory Committee and to Ernie Rink for his three-year term on the Carson River Advisory Committee; consisting of a total of eight items on the Consent Agenda. Supervisor Staub seconded the motion. Motion carried 5-0.

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**5. SENATOR MARK AMODEI - PRESENTATION OF LEGISLATIVE UPDATE AND PREVIEW OF 2007 LEGISLATIVE SESSION (8:44:15)** - Sam Dehne- Senator Mark Amodei indicated that he represents the Capital Senate District. He was pleased to hear about the National Night Out. He also noted that he planned to make a similar presentation later in the day to the Douglas County Commissioners. He had previously made a similar presentation to Storey County Commissioners and planned to make similar presentations to Reno and Sparks Board of Trustees and Washoe County Commissioners. He felt that an increase in the statutory expenditure cap may occur during the next session. Justification for that increase was provided. He felt that Bills which were supported by regional coalitions and whose homework had been done will be supported by the Legislature. Justification for having regional support was provided. Water issues and proposed legislation regarding it were limned. He indicated that, while the highest and best use of the water resources is justified, it does not mean that all of the State's rural lifestyle will be lost. Lengthy litigation procedures also need to be evaluated and the time spent on the process reduced, if possible. Discussion indicated that these changes may address the constant reoccurring tribal challenges. This may include revisions that will be more restrictive regarding who has "standing" for filing protests. Senator Amodei also noted that several interesting law enforcement proposals have been submitted including those related to methamphetamine, drug penalties and intervention treatments. Comments indicated that Governor Guinn still had to make an appointment to the position of the Director for Department of Corrections. There is also a vacancy for the Director of Public Safety. Senator Amodei continued his report by describing several bills regarding the use of automated traffic control devices and enforcement procedures. Justification for using automated devices to observe and cite traffic violators was explained. A pilot program has been conducted in Clark County and Las Vegas. Drawbacks to the proposals were noted. Transportation may submit a bill draft that would allow the use of toll roads within the State. At this time toll roads are not permitted by Statute/Constitution. Legislation to revise/eliminate the prohibition will be required. Justification for the proposed bill was provided. Senator Amodei explained the effort to meet with California and Nevada legislators and provide a status report on TRPA and its challenges and activities. TRPA has expressed a desire to have toll roads. Mayor Teixeira pointed out the City's funding commitment for the Freeway and V&T Railroad. Senator Amodei acknowledged his point and indicated that without the commitment the Freeway would not have proceeded. He also explained that Clark County's roadway funding is handled by its County Transportation Commission and is constructing its beltway project. Other communities need to step forward and support their projects. He assured the Board that the Legislature will plan for future projects and develop funding sources for them. He then limned the Committees on which he and Senators Washington and Townsend will be serving. He believed that they were situated to have the best possible forum for their issues. Mayor Teixeira complimented him on his role in the process and looked forward to working with him. Both wished each other and the community Happy Holidays.

Mr. Dehne indicated that it had been a good and "entertaining" presentation. He wished that Senator Amodei had run for Governor as he would have voted for him. He then expressed his belief that the City is not receiving all of the transportation funding it should have. He urged the City to contact Reno's airport and its commission to find out its funding sources as well as the "railroad". He also expressed the hope that a close watch is kept on the "Governor-Elect". No formal action was required or taken on any of the topics.

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**6. FINANCE** - Senior Account Manager Nick Providenti - **ACTION TO ACCEPT THE CARSON CITY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2006 (9:06:40)** - Kafoury, Armstrong Representative Felicia O'Carroll, City Manager Linda Ritter, Finance Director Sue Johnson - Ms. O'Carroll indicated an intent to provide her reports while efforts to get the computerized slide projector operating. She explained that Kafoury, Armstrong had been awarded the bid last year and is glad to be back. She then explained the audits of Federal grants/awards received by the City. The report included four items in the Child Support Program and an item in the CDBG program. Discussion indicated that the City may be audited by the Feds next year. The State also conducts audits of the Child Support Division. The Child Support items will be brought to District Attorney-Elect Neil Rombardo's attention. Discussion explained that the City is felt to be a low risk "auditee". None of the findings will jeopardize that standing. This ranking requires an audit of 25% of the City's Federal awards/grants. If the City loses this standing, 50% of the grants/awards will have to be audited. Ms. O'Carroll then explained the "GATSBY" reporting requirements. The financial statements are the City's responsibility. Kafoury, Armstrong issues an opinion on those statements. The City has always been good about accepting this responsibility. The accounting policies were included in Note 1 if the Financial Statement. GATSBY Statement No. 44 in the Statistical Statement was limned. Justification was provided for its inclusion in the report and for the need to estimate some amounts, i.e., a structure's life, bad debt allowances, etc. No significant audit adjustments were made. Minor adjustments were noted. They did not require an adjustment. They were presented to management in the Management Letter. No difficulties or "opinion shopping" had been encountered with management. Kafoury, Armstrong had been asked on occasion to look into matters which they do as "part of their engagement". Justification for the certifications was provided. Ms. O'Carroll indicated that the City's staff was the best that they have encountered in the State. The City's staff is professional, knowledgeable, and prepare their own statements. Mayor Teixeira thanked her for the report and the commendations. Ms. O'Carroll indicated that computerized slides will not be shown due to difficulty with the equipment. She then noted that the City had issued \$15 million in bonds without an asset to offset it. The bonds were for the V&T Railroad. The bonds made the assets be in a negative position. The bonds are explainable and were felt to be a positive for the community. Mayor Teixeira advised that the City and Storey County are the only entities which have stepped forward with funding for the V&T. They hope to obtain additional support from the State. Ms. O'Carroll noted a footnote in the Financial Statement regarding any potential statute violations. None were found. If the City ever has an statute violation, the City will have to respond to the State Department of Taxation. She felt that the City was in a positive position regardless of the negative statement on assets.

Supervisor Livermore explained that he represents Ward 3 and that Supervisor Williamson represents Ward 1. Ms. O'Carroll indicated that she will notify the Finance Department so that its organizational chart can be revised.

(9:18:44) Mayor Teixeira introduced Finance Director Sue Johnson, who had been the City's part-time Internal Auditor. City Manager Ritter explained Ms. Johnson's qualifications for the position. Mayor Teixeira pointed out the City's "great reputation" and expressed the hope that it will improve. It will be a hard act for her to follow. Ms. Johnson's discovery of the insurance overpayment was noted. He suggested that a replacement for her position as part-time Internal Auditor be delayed. Ms. Johnson thanked the Board

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for the comments. She complimented the City's staff on its commitment to the financial success of the City. She believed that Mr. Providenti and the Senior Accounting Manager were key players in that effort. She looked forward to working with them and the other staff members.

Supervisor Williamson moved to accept the Carson City Comprehensive Annual Financial Report for the fiscal year ended June 30, 2006. Supervisor Aldean seconded the motion. Motion carried 5-0. Mayor Teixeira thanked Ms. O'Carroll for the report.

**7. PUBLIC WORKS - PLANNING AND ZONING - Community Development Director Walter Sullivan**

**A. REPORT TO THE BOARD OF SUPERVISORS AND POSSIBLE ACTION TO DIRECT STAFF REGARDING POSSIBLE AMENDMENTS TO THE CARSON CITY MUNICIPAL CODE TITLE 18, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS RELATING TO COMMERCIAL SIGNS AND OFF-PREMISE SIGNS (BILLBOARDS) ON PRIVATE PROPERTY ALONG THE FREEWAY CORRIDOR, INCLUDING DISCUSSION REGARDING HEIGHT AND SIZE REGULATIONS, AND OTHER MATTERS PROPERLY RELATED THERETO. (FILE ZCA 06-102) (9:21:52)** - Principal Planner Lee Plemel - Mr. Plemel's introduction included an explanation of the committee's composition, its recommendations, and thanked YESCO and Customs Signs for providing cranes at various heights along the freeway to illustrate the impacts. Supervisor Aldean disclosed NDOT's signage program which allows businesses to have logo signage announcing their services near the exit ramps on freeways. This program allows the tourists to know about the services. Mr. Plemel indicated that a copy of the State regulations is at his office. Mayor Teixeira stressed the need for tourist oriented signage regarding the V&T Railroad when it is completed. Mr. Plemel explained that the committee had discussed the need for comprehensive community signage and business signage. There is a limited opportunity for signage along the freeway. Community billboard signage and/or off-premise community signage may be explored by the committee in the future. Supervisor Aldean explained that there is an appetite to consider community signage for tourist attractions, such as the museums and the V&T Railroad, to entice people to leave the freeway. These issues will be considered by the committee in the future and the ordinance revised accordingly. Supervisor Williamson explained a Redevelopment sponsored signage program for the downtown tourist attractions. Discussion indicated that formal action was not required on this item. The ordinances will remain the same. Exceptions are allowed under the special use permit process. Supervisor Livermore pointed out the advantage of having had the sign company's equipment for the illustration was its ability to allow the committee to see the total impact to community and not just the immediate neighborhood. Although he liked the term "height by right", he felt that residents residing five or more miles from the sign also have rights. For this reason, he supported retaining the current ordinances and having the Planning Commission hear the special use permit applications. The City's standard is currently 35 feet. Public comments were solicited but none were given. No formal action was required or taken.

**B. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.12.055, OBTAINING**

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**A BUILDING PERMIT, REQUIRING THE PAYMENT OF UTILITY CONNECTION FEES AT EITHER SUBMITTAL OF BUILDING PLANS OR AT THE ISSUANCE OF BUILDING PERMIT, AND OTHER MATTERS PROPERLY RELATED THERETO. (FILE ZCA-06-207) (9:32:23) -** A copy of the ordinance was distributed to the Board and Clerk. (A copy is in the file.) Discussion explained the current practice whereby small developers pay for the permit up front in order to obtain the Growth Management Permit. Larger builders pay when the building permits are obtained. Comments pointed out that all of the Growth Management Permits have not been used for some time. The ordinance will now match the practice. Hoarding permits is not and will not be allowed. Public comments were solicited but none were given. Supervisor Aldean moved to introduce on first reading Bill No. 131, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.12.055, OBTAINING A BUILDING PERMIT, REQUIRING THE PAYMENT OF UTILITY CONNECTION FEES AT EITHER SUBMITTAL OF BUILDING PLANS OR AT THE ISSUANCE OF BUILDING PERMIT, AND OTHER MATTERS PROPERLY RELATED THERETO, File ZCA-06-207. Supervisor Livermore seconded the motion. Motion carried 5-0.

**RECESS:** A recess was declared at 9:37 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:44 a.m., constituting a quorum.

**C. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE CHANGING THE ZONING OF PROPERTY LOCATED AT 1400 AND 1410 KOONTZ LANE, APNS 009-331-21 AND 22, FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 21,000 (SF21), AND OTHERS MATTERS PROPERLY RELATED THERETO. (FILE ZMA-06-190) (9:43:12) -** Principal Planner Lee Plemel, Applicant's Representative Dennis Smith, Dr. John Yacenda, Community Development Director Walter Sullivan, Chief Deputy District Attorney Melanie Bruketta, Jim Ford, Fran McClain, Cliff Weaver, Joe Ivan, Pat Boggs, James Moran - Mr. Plemel's introduction included an email opposing the ordinance. The surrounding neighborhood did not support the zone change.

Mr. Smith acknowledged the contentiousness of the request. His justification for the zone change at this time was limned. He believed that it would provide a transition from the Residential 6,000 square foot lots on one side and the Single Family 1 Acre uses on the other sides of the applicant's property. He alleged that they had originally wanted to have more than the Applicant's two acres included in the zone change, however, additional support from the surrounding property owners was not found. The application will utilize the City's utilities to their fullest and best use while providing the City with a return on its infrastructure investments. Discussion indicated the applicant's intent to move to Dayton. He/She currently lives "up the street" from the subject property, which is vacant at this time. Additional comments were solicited.

Dr. Yacenda disclosed that he is Mr. Rasner's brother-in-law and has two businesses in Carson City. He also indicated that he did not have any past or future interest in the parcels. He had read the staff report. He believed that the crux of the matter is Master Plan Goal 9.4B. This is a public policy. Public opposition is based on the belief that it will provide high density development. The master plan indicates that the concept is low density rezoning and should be allowed. If half-acre lots are not allowed in this area, they should be removed from the low density designation and placed with the 6,000 square foot lot designations. He pointed

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out that the half-acre lots are not being afforded the same opportunities provided for the 6,000 square foot lot designations. This is a public policy conflict. Goal 9.4B is a "policy decision" and not a regulatory matter. He felt that the concept provides a "natural" graduation in land use from 6,000 to 42,000 square feet. Technical considerations found in the staff report were used to illustrate the belief that the zone change will not impact the existing rural nature of the neighborhood. The master plan's language discourages spot zoning but does not forbid it. There will be some continuity with the smaller lots on the north side of the project. Continuity is not required on all four sides of a parcel. The number of sides required for continuity is a policy issue. Pages 4 and 5 of the staff report were cited to illustrate the minimal impact the proposal will have on the City and its health, welfare, and safety. Page 6 also indicated that if the Planning Commission approved the application, the findings prepared by the engineer should be made. If these findings are not supported by the Board, then the application should be returned to staff for a joint meeting with the Commission to discuss "ongoing concerns". Ongoing concerns are public policy decisions. He thanked the Board for its time.

Supervisor Livermore explained that the public policy he had referenced had been created when Sky Ranch was developed 20 years ago. It had mandated a 30-foot buffer between the Sky Ranch development and the Single Family One Acre zone. The property is located in the middle of Single Family 1 and 2 Acre lots. It is not abutting smaller zones. It does not provide protection for those uses. It does not have streets or traffic circulation patterns that are found with smaller sized lots. Dr. Yacenda stressed his point that the question is one of public policy. Public policies evolve. The concept will provide transition from the smaller lots to the larger lots. The policy allows 21,000 square foot lots to be in the area. The Board should honor the policy and allow the smaller half acre lots. Supervisor Livermore explained that his proposal allows for transition to the smaller lots at the expense of the larger lots. He also disclosed that he resides in the area and had attended the Planning Commission meeting. He supported keeping the transition area where it is now. The application would allow a conversion of the entire neighborhood to a higher density.

Supervisor Staub expressed his belief that the Board would take action of some kind on the request during the meeting today. He suggested that Dr. Yacenda ask the Board to refer the matter back to the Planning Commission if he did not want the Board to act on the application. Referring the matter back to the Planning Commission would allow him to discuss his public policy issues with the Commission. Supervisor Staub also indicated that he was not certain what action the Board would take regarding the application.

Dr. Yacenda then indicated that he represented the Applicant. Mr. Smith then stated that they agree with the request to go back to the Planning Commission for more discussion. Mr. Sullivan disclosed that the Statutes contain requirements regarding the timeframe during which the Board must act on the application. The Commission had reviewed the application and voted against it on a 6-0 vote. The Applicant must provide information regarding changes in the neighborhood and provide specific findings supporting the request to change the zoning. Staff believes that the Applicant had failed to provide the necessary findings as there has not been a great deal of changes within the neighborhood. The Applicant had also been asked to find other property owners who would support the application. If the application is approved, Mr. Sullivan believed that it would be spot zoning. Discussion between Mayor Teixeira and Mr. Sullivan indicated that the Applicant/Mr. Smith/Dr. Yacenda could request a continuance, however, the Board did not have to honor the request.

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Discussion among Supervisor Aldean, Mr. Sullivan and Mr. Plemel noted that Mr. Rasner had submitted similar requests in the past. Mr. Rasner had also requested the Master Plan designate the area as medium family residential and SF 12,000. The request was withdrawn at the Planning Commission hearing. Clarification between Mayor Teixeira and Dr. Yacenda indicated that he had requested no action be taken today. They were not asking for a withdraw of the application at this time. Ms. Bruketta indicated that the request is for the application to be returned to the Planning Commission. Discussion among the Board indicated the desire by three members to vote on the application with two members supporting a return to the Commission. Mayor Teixeira then solicited additional comments supporting the application. None were given. Comments opposing the application were requested.

Mr. Ford opposed the application due to his belief that it will impact the neighborhood and its lifestyle. Ms. McClain felt that the Board had considered the application on numerous occasions. The only person supporting it was a relative. Additional homes are not needed in the area. The residents had accepted the 30-foot buffer when Kingsley was developed. People residing on Saliman want the horses on Koontz gone. The residents on Koontz want to keep their rural lifestyle. This is the second time they have had to fight to maintain it. The property was purchased with the knowledge that two houses will be allowed on the two-acre parcel. It should remain at that level. Mr. Weaver indicated he had mixed emotions about the application. His support would be based on greed although he loved the lifestyle and living in the neighborhood. He believed the request would create spot zoning. He also believed that if the application is approved, another individual within 100 yards of the site will request a zone change on Monday morning. Although he could not afford to ignore the financial advantage of the change, he questioned where the encroachment will stop. The line should be held. He did not want the change at this time. Mr. Ivan felt that allowing the request will open the door to additional zone changes. He questioned where it will be stopped. Ms. Boggs pointed out that Medium Density zoning does not mean that it has to be developed at this time. Rezoning the lots at this time does not make sense to her. She also felt that, if the lots are developed at this time, she would be looking at the back of the houses instead of the rural area she has been paying taxes on. She also expressed a desire to not have to return to defend her lifestyle. There have been too many meetings regarding the property already. It is time to stop. Mr. Moran felt that the zone change would devalue his property as it would limit the ability to have livestock. As people are requiring larger homes, he would be forced to look at two story houses. The two story houses would be constructed as that is "the only way the project will pay". He opposed the request "totally as it restricts his property". He could not subdivide his property. He would be turned into an island.

Mr. Plemel explained that the Board had established the policy within the master plan. The Planning Commission and Board interpret the policy when making zoning decisions. An implication of entitlement to any zoning within the master plan designation is not the legal case. A zoning application must be submitted containing specific findings which include compatibility. Page 3 of his staff report, which is Page 7 of the Board's packet, defines the need to be consistent with the master plan designation and clearly states that a property entitlement is not represented for the highest density within the land use density range. This had been stated during the master planning process and had been a concern to the public.

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Supervisor Livermore moved to deny an ordinance changing the zoning of property located at 1400 and 1410 Koontz Lane, APN 009-331-21 and -22, from Single Family One Acre to Single Family 21,000. Supervisor Aldean seconded the motion. Motion was voted by roll call with the following result: Supervisor Williamson - Yes; Supervisor Staub - Yes; Supervisor Livermore - Yes; Supervisor Aldean - Yes; and Mayor Teixeira - Yes. Motion carried 5-0. Board comments clarified the Board action as upholding the Commission's denial on a 5-0 vote.

**D. PRESENTATION OF THE CARSON CITY MASTER PLAN ANNUAL REPORT AND RECOMMENDATIONS FROM THE PLANNING COMMISSION REGARDING THE IMPLEMENTATION OF THE CARSON CITY MASTER PLAN. (FILE MPA-06-212) (10:26:020)**

Supervisor Aldean explained her concern regarding mixing residential uses in commercial areas due to the limited amount of commercial area available in the community. She suggested that key neighborhoods be identified that will not have residential developments. Mr. Plemel explained that the master plan policy does not restrict the locations of mixed uses. Page 9, under established mixed use zoning districts, includes two policies that are considered high priorities for staff. Item 2.1.D is to develop standards for mixed use development to address compatibility issues. Staff is working on ordinances for the multi-family and PUDs for subdivision projects which will address compatibility issues and, more specifically, those developments with residential uses in commercial zones. He committed to undertaking this matter within the coming year. Mr. Sullivan disclosed a discussion/presentation held with the Commission regarding the issue. He committed to working on this issue very heavily during the coming year. Mayor Teixeira indicated that the concept of having retail on the ground floor and residential on the top is appropriate in the downtown area as well as other areas. No formal action was required or taken.

RECESS: A recess was declared at 10:30 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:36 a.m., constituting a quorum.

**E. ACTION TO APPROVE A TENTATIVE PLANNED UNIT DEVELOPMENT APPLICATION KNOWN AS MILLS LANDING FROM CAPITAL ENGINEERING (PROPERTY OWNER: DGD DEVELOPMENT AND MSB PROPERTIES) TO ALLOW A MIXED USE DEVELOPMENT ON APPROXIMATELY 10.14 ACRES RESULTING IN 94 SINGLE FAMILY DWELLING UNITS ON APPROXIMATELY 7.7 ACRES AND A COMMERCIAL/RETAIL DEVELOPMENT ON APPROXIMATELY 2.4 ACRES WITH ASSOCIATED VARIANCES TO ALLOW A REDUCTION IN THE 30 FOOT MINIMUM BUILDING SETBACK FROM AN ADJACENT RESIDENTIAL ZONING DISTRICT TO VARY FROM 20 FOOT DRIVEWAY REQUIREMENT, PUD PERIPHERY SETBACKS AND RELATED PARKING VARIANCES FROM CITY REQUIREMENTS AND A SPECIAL USE PERMIT REQUEST TO ALLOW RESIDENTIAL USES IN GENERAL COMMERCIAL (GC) ZONING DISTRICT IN ADDITION TO MODEL HOMES, TEMPORARY SALES OFFICE AND ASSOCIATED FLAGS/FLAGPOLES AND ASSOCIATED ZONE CHANGE ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 1208 EAST WILLIAM STREET AND STATE STREET, APN(S) 002-441-21 AND 002-441-23. (FILE TPUD-06-202) (10:36:10)** - Senior Planner Jennifer Pruitt, Capitol Engineering Representative Susan Dorr, Jim Bawden, Mark Sivazlian - Ms. Pruitt stated for the record that there had been several meetings between City staff and

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the Applicant and his/her designers. The design had required collaboration on various suggestions and research. Both the City staff and the Applicant have discussed the project with concerned property owners and believe that the concerns have been resolved. The three issues of concern related to the buffer on the north side of the project, having sidewalks on both sides of the streets, the reduced driveway aprons and whether they provide adequate space to meet the community's/residential parking needs. The design that had been distributed addresses the buffer and sidewalk issues. The parking concerns have also been addressed. She reiterated for the record that they have been in contact with the Applicant and the neighbors regarding these concerns. The Applicant has clearly taken the concerns, incorporated them into the plan, and worked with the development to the north. There will be improvements to their open spaces. She concurred that these changes were "nice things to do", however, the project's approval was not contingent upon them. The Commission had a lengthy discussion on these items. It was determined that the Applicant could work with staff to resolve the issues. The Applicant has stipulated to those changes and will do so during the meeting.

Ms. Dorr described the project, including its location, through the use of computerized slides. Mr. Bawden indicated that half of the Millennium project had been sold as starter homes for young families. Their study of Northern Nevada's demographics indicated a need for additional housing for the first time home buyers and for the senior population. The Millennium homes had a starting price of \$98,500 and ranged in size from 900 to 1400 square feet. Today these homes are retailing at \$240,000 to \$260,000. Ms. Dorr continued her description of the project, justifying its design and pricing, and stressing its affordability. Their research regarding the commercial area was limned. A map illustrating the shopping and walking area for the development was shown to illustrate the commercial support provided to the development. Discussion indicated that its pocket park will be maintained by the Homeowners Association. Residential Construction Tax funds will not be used for the park. There will be 100 plus parking spaces provided in the development. The driveways will be shorter. Justification for having sidewalks on both sides of the street was provided. The revised site plan was included in the Board's packet and shown as part of the slides. She then explained the revisions made at the Planning Commission's meeting, including the 20-foot buffer between the project and the northern neighbor(s) and its landscaping, which included trees. Space for the additional buffer was created by reducing the length of the driveways and by moving the housing further south. Sidewalks on both sides of the street were also added as part of the redesign. As the streets will be privately owned, the homeowners' association will be responsible for snow plowing and parking and street enforcement. It will not be a "gated community". Supervisor Staub suggested that signage be posted at the entrances to advise the motorist that on-street parking is not allowed. Discussion explained that Capital Sanitation will pickup the trash at the curb. An illustration of this service was shown. Public comments were solicited.

Mr. Sivazlian indicated that he had concerns when the development was discussed at the Planning Commission. Landmark and Mark Rotter have been gracious in acknowledging those concerns. His concerns related to the setback between the development and his townhouse, the parking and the traffic design. Discussion explained that Mr. Sivazlian's townhouse had been converted to a condominium. The Long Street Townhouses were then sold as owner occupied or to be held by investors. He had purchased his unit. A description of the units and the amount he paid for his was provided. He complimented City staff and the Commission on their efforts to encourage good developments. He urged the Board to provide appropriate guidelines for staff in making their decisions. Flexibility needs to be included to provide a balance between

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uses. He also thanked the Board for allowing him to express his concerns. Mayor Teixeira felt that neighbors will continue to bring items of concern to the attention of the Board, Commission, and staff. He thanked Mr. Sivalzlian for his comments. Additional public comments were solicited but none given.

Supervisor Staub moved to approve a Tentative Planned Unit Development application known as Mills Landing from Capital Engineering, property owner: DGD Development and MSB Properties, to allow a mixed use development on approximately 10.14 acres resulting in 94 single family dwelling units on approximately 7.7 acres and a Commercial/Retail development on approximately 2.4 acres with associated Variances to allow a reduction in the 30-foot minimum building setback from an adjacent residential zoning district, to vary from 20-foot driveway requirement, PUD periphery setbacks, and related parking variances from City requirements and a Special Use Permit request to allow residential uses in General Commercial, GC, zoning district in addition to model homes, temporary sales office, and associated flags/flagpoles and associated zone change on property zoned General Commercial, GC, located at 1208 East William Street and State Street, APNs 002-441-21 and 002-441-23, File TPUD-06-202. Supervisor Livermore seconded the motion. Motion carried 5-0.

**F. ACTION TO APPROVE A TENTATIVE COMMON OPEN SPACE SUBDIVISION MAP APPLICATION KNOWN AS SUMMER HAWK FROM CAPITOL ENGINEERING (PROPERTY OWNER: STANTON PARK DEVELOPMENT AND HANSLER, LLC) TO ALLOW CONSTRUCTION OF 201 RESIDENTIAL UNITS ON APPROXIMATELY 75 ACRES WITH APPROXIMATELY 473 ACRES IN OPEN SPACE TOTALING APPROXIMATELY 548 ACRES ON PROPERTY ZONED CONSERVATION RESERVE (CR)/SINGLE FAMILY 12,000 (SF 12) AND TO ALLOW A LOT SIZE REDUCTION FROM THE CONSERVATION RESERVE (CR) AND SINGLE FAMILY 12,000 (SF12) STANDARDS TO AN 8,000 SQUARE FOOT MINIMUM LOT SIZE, IN ADDITION TO A REDUCTION IN SETBACK/LOT WIDTH STANDARDS. THIS DEVELOPMENT IS LOCATED APPROXIMATELY 1,030 FEET WEST OF THE INTERSECTION OF RHODES AND SOUTH CURRY STREET APN'S 009-021-02, 009-031-01, 02, 07, AND 009-151-01. (FILE TSM-06-203) (11:05:20)**

Senior Planner Jennifer Pruitt, Applicant's Representative Mark Rotter, Open Space Manager Juan Guzman, David Ruf - Mr. Sullivan explained that the District Attorney's office had indicated that I. W. Helgren's issues are civil matters and have no bearing on the development. Mr. Helgren's letter raises the same issue as had been raised at the Planning Commission's meeting. Mr. Sullivan supported the District Attorney's opinion. Ms. Pruitt indicated for the record that the project had gone through conceptual reviews by staff, the Planning Commission, the Parks and Recreation Commission, and the Open Space Advisory Committee. It has also had several reviews by the Engineering Division, the Planning Division, the Fire Department, the Parks and Recreation Division, and many other City Departments. The revised conditions of approval were limned. The Applicant had made the necessary findings to support his application. The Planning Commission and staff recommended approval. Mr. Sullivan explained the project's review by the Parks and Recreation Commission and staff. Conditions 46 to 50 address their concerns related to the restroom facilities. When the Applicant submits the development plans, they will be reviewed to ensure their compliance with Parks and Recreation standards. The Applicant/Applicant's Representative had stipulated at the Planning Commission hearing that he understood the portable toilet

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situation and that it would be part of the plan. Ms. Pruitt then explained for the record that a Condition 48 had not been included in the Conditions of Approval and that one had never existed.

Mr. Rotter gave a computerized slide presentation illustrating the area and its views, defined the purpose of the common open space development, which was used to create the clustered development, and the constraints that supported the creation of a clustered development. An emergency vehicle access will be provided at the "top" of the project. It will provide access to "C" hill and can be used to maintain its Flag. Motorized vehicles will not be allowed to use the pathways. The pathways may be gated for that reason. Supervisor Staub expressed concern about the closing of a public access to an area used by the general public for years. Mr. Rotter indicated that the developer did not have a position regarding closing or keeping the pathway access open. He then explained the pathways, the streets, the step up and down homes, the size of the homes, potential buyers, and the estimated price range. He indicated a desire to be consistent with the Master Plan and allow public access to the paths and parkways. The trail head was noted. The fire protection and fuels management plan, the defense zones and space were highlighted. A Fire Safe Council is desired for the area. Justification for having one was limned. A landscape maintenance district will be created and will care for the open space. The developer will be responsible for maintenance of the landscaping for two years. Then the district will be responsible for it. The 201 homes will be constructed over a four or five-year period. Discussion explained that the fuel management will be handled by the developer until the district takes it over.

Benefits of the proposed trail system were noted. Discussion pointed out the views and biking and hiking benefits of the area. Supervisor Williamson explained the intent to obtain 20 acres in a triangle from the Mormon Church to the "C" and Flag due to the public use of that area. Mr. Sullivan explained that the access to this area is due west of the State Railroad Museum. Supervisor Staub explained that this access route had been closed to vehicles and his concern regarding closure of the entire area to the public. The public needs to be notified about the plan to prohibit vehicular access to the "saddle road".

Open Space Manager Juan Guzman explained that the property currently used for black powder shooting is privately owned. The shootings occur with the property owner's permission. The Master Plan identified the area as a location where motorized vehicular use would be prohibited. Vehicular access to the trail head will be allowed. Supervisor Staub indicated that he realized the property is privately owned. His concern relates to the need to provide public notification that the closure to vehicular access will be instituted. Mr. Guzman felt that the Master Plan process had provided that notification. He was willing to provide additional notification if desired. Discussion explained the length of time and number of meetings involved in the Master Plan process. Supervisor Aldean supported Supervisor Staub's recommendation. Mr. Rotter indicated that the Applicant had not decided to close the area to vehicles. He then described the pathway, the park locations and their amenities. Views from the parks were shown. As stipulated at the Planning Commission meeting "Park 2" will have a Sani-hut enclosure. The pathways will be 15 feet wide to provide emergency vehicle access or, if desired, public vehicular access. "Park 3" is the trail head parking location. It will have a Sani-hut enclosure. Discussion indicated that the developer had agreed to use the Residential Construction Tax for the park and pathways. The developer is creating more amenities than the taxes will cover. Supervisor Livermore complimented the developer on his willingness to do this. Mr. Rotter

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completed his explanation of the project and its amenities which included improvements to Curry Street and for drainage. Discussion assured the Board that the landscape district agreement will include wording allowing grazing on the hillside. Public comments were solicited.

Mr. Ruf indicated that he had spent a lot time with the developer and was satisfied with the project. He then explained his concern about the ability for large tractor trailer rigs to turn around on Rhodes Street, as they currently do. Connecting Rhodes to Betts will create additional traffic which may impede this ability. The developer is working with him to develop a plan that will get the large tractor trailer rigs off of Rhodes Street. He then explained his development agreement with the City mandating that he curb and gutter Curry Street and Rhodes Streets. He questioned whether it will be possible to include installing "purple pipe" and bringing effluent to the area for use if a fire should occur. The pipe should be laid in Fairview prior to construction for the freeway. He then explained his traffic concern with the extension of Stewart Street to Curry Street and the lack of a bicycle lane on Curry Street. He suggested that the sidewalk be placed on one side of Curry and the bike lane be on the opposite side. He urged the Board to reconsider the Curry Street improvements to address his concerns. He also voiced his support for the project. Additional comments were solicited but none were given.

Supervisor Staub moved to approve a Tentative Common Open Space Subdivision Map application known as Summer Hawk from Capitol Engineering, property owner: Stanton Park Development and Hansler, LLC, to allow construction of 201 residential units on approximately 75 acres with approximately 473 acres in open space totaling approximately 540 acres on property zoned Conservation Reserve, CR/Single Family 12,000, SF12, and to allow a lot size reduction from the Conservation Reserve, CR, and Single Family 12,000, SF12, standards to an 8,000 square foot minimum lot size in addition to a reduction in setback/lot width standards; this development is located approximately 1,030 feet west of the intersection of Rhodes and South Curry Street; APNs 009-021-02, 009-031-01, 02, 07, and 009-151-01. Supervisor Livermore seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 11:51 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 1:30 p.m., constituting a quorum.

**8. CITY MANAGER - Linda Ritter**

**A. ACTION TO APPROVE AN AGREEMENT TO EXTEND CABLE FRANCHISE WITH FALCON CABLE SYSTEMS II, L.P., LOCALLY KNOWN AS CHARTER COMMUNICATIONS, FOR A PERIOD OF FIVE (5) YEARS (1:30:18)** - Vice President of Governmental Relations Marsha L. Berkbigler, BAC Executive Director John Procaccini, General Manager Scott Dockery, David Morgan - Mayor Teixeira explained that Charter Communications is now known as Falcon Cable Systems. He also noted the time taken to complete the negotiations. He disclosed that Falcon plans to install cable between the Legislative Building and the Brewery Arts Center in addition to giving the City \$200,000 for Cable Access Television. Justification for connecting the City and Brewery to the Legislative Building was provided. He thanked the individuals who had worked on the agreement. He then explained his desire to have obtained some additional items but, based on the real world market, felt that this was the best that could

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be obtained. Justification for Falcon's stand on the "payment" was provided. The agreement requires any other cable company wishing to come into Carson City to provide the same standards as those mandated for Falcon. He expressed his appreciation to Cable Access individuals for their assistance with the agreement. It is a five-year contract. He hoped that the next contract can be negotiated and finalized before his term expires.

Ms. Berkbigler expressed her appreciation for completing the negotiations and extending the franchise. She also indicated that there were some things the firm would like to have done, however, were not possible in today's market. An example of the changing market regulations was provided. She felt that the contract was beneficial for both parties.

Mr. Procaccini felt that the process will allow them to move to the next step and provide a school for young people to learn the skills of televised programs. The media center has been built and is ready for equipment. He appreciated all of the assistance that had been afforded to him during the negotiation process. He also thanked Falcon staff for their assistance and the establishment of a working relationship between staffs. He felt that Mr. Dockery's assistance had helped create a system that will make a difference. Discussion between Mr. Procaccini and Mayor Teixeira explained the purpose of the access channels and the need for new equipment. Mayor Teixeira hoped that some of the former programs that had been aired over CAT-10 and 26 will return and that other public programs can be added. This is to include Legislative sessions and committees which will be seen throughout the State. All of the equipment acquired for the station is owned by the City but under the Brewery Arts Center's custody. Comments again thanked Mr. Dockery and his staff for their assistance.

Discussion between Mayor Teixeira and Mr. Dockery explained the progress that had been made on installing the fiber optic lines and its approximate cost.

Supervisor Livermore pointed out that the franchise agreement is with Charter Communications. It may be necessary to bring the contract back to amend the name. He also explained his involvement in the negotiations. Discussion indicated that the City had signed a "stop gap" agreement with the Brewery in order to keep the access channels operating. A new agreement is being negotiated. Mr. Procaccini explained the programs which will commence after the agreement is signed. An "entire presentation" regarding the service will be provided in the near future. He assured the Board that its technical and competency will be improved with the new equipment. Supervisor Staub complimented the participants on their successful negotiations. He felt that it was great for the City and a new era for Carson Access. Discussion explained the Buskey Group's participation in the initial negotiations. Mayor Teixeira disclosed his role in the negotiations. It had resulted in providing the items that are necessary to operate the station. There had been give and take on both sides. No one side received everything wanted. He also indicated that Mr. Procaccini and his staff had actively participated in the negotiations. He felt that effort had resulted in a five-year partnership.

Supervisor Aldean also complimented the participants in the negotiations. She noted that the agreement does not require deletion of the franchise as contained in the Code. Discussion indicated that legislation had eliminated the current franchise and that future legislation may eliminate additional sections of the Code.

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Mayor Teixeira advised that the contract provisions considered by the Buskey Group are out-of-date in today's market. No one will sign any documents similar to it. It was, however, at the time the best job for the community. Public comments were solicited.

Mr. Morgan was glad that the agreement had been finalized.

Supervisor Aldean disclosed that she had conferred with the Deputy District Attorney. Her company is currently in very preliminary negotiations with Charter (Falcon) to provide it some space at the Southgate Shopping Center. She, however, is not required to abstain from the vote. Mayor Teixeira disclosed that he was "happy to put the item to bed".

Supervisor Livermore moved to approve an agreement to extend the cable franchise with Falcon Cable Systems II, L.P., locally known as Charter Communications, for a period of five years. Supervisor Staub seconded the motion. Supervisor Aldean explained that after further thought she would abstain on the vote. The motion was voted by roll call with the following result: Supervisor Staub - Yes; Supervisor Livermore - Yes; Supervisor Williamson - Yes; Supervisor Aldean - Abstain; and Mayor Teixeira - Yes. Motion carried 4-0-1.

Mr. Procaccini thanked City staff for its guidance and assistance. Ms. Berkbigler on behalf of Charter thanked all of the participants.

**B. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE REPEALING CARSON CITY MUNICIPAL CODE TITLE 5 PUBLIC UTILITY FRANCHISES AND REQUIREMENTS, CHAPTER 5.19 CABLE SYSTEMS WHICH REGULATES THE OCCUPANCY AND USE OF PUBLIC WAYS BY CABLE SYSTEMS AND PROVIDES FOR THE ESTABLISHMENT OF CUSTOMER SERVICE STANDARDS AND OTHER MATTERS PROPERLY RELATED THERETO (1:54:05)** - Supervisor Livermore moved to introduce on first reading Bill No. 132, AN ORDINANCE REPEALING CARSON CITY MUNICIPAL CODE TITLE 5 PUBLIC UTILITY FRANCHISES AND REQUIREMENTS, CHAPTER 5.19 CABLE SYSTEMS WHICH REGULATES THE OCCUPANCY AND USE OF PUBLIC WAYS BY CABLE SYSTEMS AND PROVIDES FOR THE ESTABLISHMENT OF CUSTOMER SERVICE STANDARDS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Staub seconded the motion. Motion carried 5-0.

**C. ACTION TO ADOPT A RESOLUTION IN SUPPORT OF THE CARSON CITY, NEVADA, APPLICATION FOR INVESTMENT ASSISTANCE TO THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION FOR FUNDING FOR THE RECONSTRUCTION OF CURRY STREET FROM LAKE GLEN DRIVE TO KOONTZ LANE** - Western Nevada Development District (WNDD) Executive Director Ronald Radil, Redevelopment/Economic Development Manager Joe McCarthy - Discussion explained that this is a pre-application. If approved, an application will be submitted. The resolution of support is required as part of the pre-application process. Supervisor Williamson disclosed her involvement with WNDD as the Board's representative and hoped that the City will be successful in its funding effort. Mr. Radil described the application process. Discussion explained an application submitted

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for "ear marked" funding for the V&T Railroad restoration process. It indicated that the City could also seek to have additional funds "ear marked" by Congress for specific projects. Supervisor Staub voiced concerns about the lack of consideration and information being given to RTC regarding the application. Ms. Ritter indicated that during the final stages of the process, the item will be considered by the RTC. The pre-application is a "test to determine if it will fly". Supervisor Aldean's involvement was noted. Supervisor Aldean moved to adopt Resolution No. 2006-R-41, A RESOLUTION IN SUPPORT OF THE CARSON CITY, NEVADA, APPLICATION FOR INVESTMENT ASSISTANCE TO THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION FOR FUNDING FOR THE RECONSTRUCTION OF CURRY STREET FROM LAKE GLEN DRIVE TO KOONTZ LANE; fiscal impact is additional funding of approximately \$2.5 million for the project. Supervisor Staub seconded the motion. Motion carried 5-0.

**D. UPDATE REGARDING ACQUISITION OF THE REVERSIONARY INTERESTS OF THE BUREAU OF LAND MANAGEMENT IMMEDIATELY SOUTH OF HIGHWAY 50 ADJACENT TO LAND NOW OCCUPIED BY CENTENNIAL PARK (2:01:50)** - BLM Representative Charles Tim, Jerry Vuccaro - Ms. Ritter's introduction included an explanation of the reasons the property was not included in the City's Lands Bill. She estimated that the acquisition process may take an additional six months to complete although this time frame will depend on the amount of time required to obtain the appraisal. They are currently performing the record of survey.

Mr. Tim also believed that the process will be completed within six months, which he felt was a reasonable amount of time. The appraisal should be completed soon. The notice of realty action will take approximately 60 days to complete. He was uncertain when it will be published as it must be forwarded from the Carson City office to Washington, D.C., for a legal review. That process may take a month or more. It will then be sent to the Federal Register for review. Once these steps are completed and, if there are no issues, a direct sale can be made to the City. The direct sale will involve some bureaucratic work in the Reno BLM office. Then the property will belong to the City. Additional comments were solicited.

Mr. Vuccaro explained that he had filed a complaint in 1993 or 94, however, the District Attorney's office still has not enforced the criminal trespass laws against the property. He alleged to have an email from Mr. Tim indicating that the process would have been completed in April. Now, he is being told it will be an additional six months. He alleged that the Attorney General's office wants to see the transaction completed. He alleged that the appraiser is Dan Leck. He also alleged that Deputy District Attorney Michael Suglia had indicated that the City already had a record of survey completed six months ago. Ms. Ritter responded that it has not been completed. It is in the process and almost completed. When it is completed, it will be recorded. Mr. Vuccaro alleged that the District Attorney's office had known about the violation for more than 20 years and had used the excuse of having discretionary power over prosecution. He purported that the District Attorney-Elect had accepted campaign funds from Mr. Burnbaugh. He hoped that the District Attorney-Elect will consider criminal trespass issues in four to six months. He believed that it is neglect on the city's part to have failed to do anything about the matter. Thirteen years is long enough for law and order to halt the misuse of the property. Mayor Teixeira explained that he was uncertain about the issue. He had only been in office for two years. Mr. Vuccaro repeated his belief that it has gone on far too long. Mayor Teixeira indicated that his points had been made. Additional comments were solicited but none were given.

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No formal action was required or taken.

**E. ACTION TO APPOINT TWO MEMBERS TO THE REGIONAL TRANSPORTATION COMMISSION, ONE TO FILL A TWO YEAR TERM TO EXPIRE DECEMBER 31, 2008, AND ONE TO FILL A PARTIAL TERM TO EXPIRE DECEMBER 31, 2007 (2:09:31)** - Management Assistant Rose Gardner - The Board/Mayor Teixeira thanked each of the applicants for applying. The following individuals were interviewed: (2:10:19) Larry Hastings; (2:18:40) Russ Carpenter; and (2:31:32) Gianna Marie Shirk. The Board pointed out that there are only two vacancies and three applicants to each individual. The Board was then polled. Supervisor Livermore moved to appoint Larry Hastings to the Regional Transportation Commission for a two-year term ending December 31, 2008. Supervisor Staub seconded the motion. Motion carried 5-0.

Board discussion noted the quality of the applicants and the lack of vacancies. It was felt that Ms. Shirk should return and consider other commissions/committees. Supervisor Livermore moved to appoint Russ Carpenter to the Regional Transportation Commission to fill a partial term to expire December 31, 2007. Supervisor Aldean seconded the motion. Mayor Teixeira urged Ms. Shirk to apply for other commissions/committees including the Parks and Recreation Commission. The motion to appoint Mr. Carpenter to the partial term was voted and carried 5-0.

**F. REVIEW OF THE CITY MANAGER'S PERFORMANCE FOR THE PERIOD DECEMBER 1, 2005 THROUGH DECEMBER 1, 2006 (2:46:25)** - Mayor Teixeira reminded the Board that the discussion is not to relate to a pay issue. It is an evaluation of the City Manager's job performance. Any changes to her duties should be indicated. He liked her ability to manage people as a coordinator, director, and cheerleader. A list of jobs she is working on was included in the packet. A lot of things have been accomplished and more need to be done.

Ms. Ritter indicated that she is having a "good time". Things are going well. She has an exceptional management team which makes coordination easy. There are tremendous elected officials who are part of the management team. She enjoys doing budgets and financial statements. She looked forward to the budget challenges facing the City. There are a lot of exciting things happening in the City. She foresaw even more occurring in the future. She looked forward to serving the public in the coming year. She asked for feedback from the Board as improvements are always possible.

Supervisor Staub indicated that he did not have any comments regarding the work plan. He then explained that by his own choice he did not have an office at the City Hall, however, communications with Ms. Ritter are very important. The media used to do that is her choice. His only concern has been the lack of knowledge regarding matters reported by the news media. He felt that Ms. Ritter is competent and professional and serves the Board well. He asked that regular reports on what is occurring be provided.

Supervisor Livermore indicated his concerns were with the television cable issue and the difficulties that have been encountered with minorities and personnel. He felt that there had been preconceived ideas regarding the position that caused it to go in an undesired direction. The major concern at this time is the struggle to

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grow the economic base and sales taxes to pay for services. He was certain that she will advise him on how we should spend the money and manage payroll to get the most benefits even though it may not be under the customary procedures. He saw this as a challenge but felt certain that an action plan has or will be created.

Supervisor Aldean felt that the list was very ambitious. Ms. Ritter is being very opportunistic in her goal to have Freeway Project 2B out to bid this year as her information indicates that it is Freeway Project 2A that is going out to bid. She also does not have an office at the City Hall. She, however, meets with Ms. Ritter or calls her on Mondays. She appreciates the updates. This is something that the Department Heads also need to foster. For example, the use of Open Space funds to hire a second person was reported by the news media before the Board had considered the concept. She knew that Ms. Ritter had also been surprised by the decision. She recognized the different funding source that was used for the position. She reiterated her belief that better communication, specifically with Department Heads, needs to be fostered. She appreciated Ms. Ritter's hard work. She felt that Ms. Ritter runs a tight ship and that her employees enjoy working for her.

Supervisor Williamson indicated that she enjoys working with Ms. Ritter. Ms. Ritter has made the government her own. She hires individuals with whom she can work and enables them to go forward. Sometimes there are premature public announcements. Ms. Ritter has created a good enabling atmosphere. Her Department Heads do not have to clear everything through Ms. Ritter. It serves the residents well. Communications can always be improved. It is an improvement over the previous City Manager. Communications can be provided from a variety of sources. She then explained her involvement with an employee survey on Ms. Ritter. She felt that the employees had been very supportive of Ms. Ritter. They felt very empowered and able to go forward and do what is necessary for the residents. It is a dynamic time and organization with a challenging future. She was certain that they will be able to work through the challenge and do good things.

Mayor Teixeira expressed his desire to not have any more communication than he has. He felt that it is overdone at this time. He believed that the City should learn from the financial challenge it is facing. He acknowledged the resource the former Finance Director had been, however, the City needs to have a financial and a capital plan that addresses future needs and levels the field during slow economic times. Ms. Ritter responded by indicating that the job listing she had provided was based on last year's goals. She intends to bring to the Board some financial policies which will allow the City to save funds during good times and continue to spend during bad times. Mayor Teixeira reiterated his belief that we need a capital plan so that discipline can be used as former Finance Director Mary Walker had initiated and make the City look good during bad times. Ms. Ritter should not be held responsible for the economic downturn. The bureaucracy should, however, be able to solve it. He asked for a plan to be incorporated in the 2007-08 budget to do that. Ms. Ritter explained that policy resolutions and Codes need to be adopted. Mayor Teixeira urged her to bring the documents forward and allow the Board to make the decisions. He also explained that it was hard for former Finance Director Minton to tell the Board that retail sales were down. The City is dependent on sales. Without it, the City will be in trouble. He urged Ms. Ritter to meet with Supervisor Staub more often. He complimented her on how the community perceives her to be and noted that he receives lots of positive accolades regarding her and her abilities. He then asked for an appraisal of the new computerized personnel

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system at end of the first quarter of its use. He did not think it works. He also asked for a report regarding having City Engineer Werner as a pivotal point for Planning, Building and Community Development and how that is working.

Supervisor Aldean noted that Western Nevada Community College should be listed as one of the City's partnership agencies. She acknowledged that the Partnership Carson City program is up and operating. It should be expanded to include the Community Coalition on Gangs. This is a large social issue which needs to be addressed in the coming years.

Discussion indicated Ms. Ritter's desire to leave the City's Internal Auditor position open for two months. She will then recruit and refill the position. Mayor Teixeira indicated that Ms. Ritter had heard the comments. He encouraged her to consider them seriously. He felt that the Board/City was fortunate to have her. Additional communication is needed. He urged her to "hit" the others with it. He stated that, on behalf of the Board, she had been doing her job well and that there are challenges facing her. No formal action was required or taken.

**9. BOARD OF SUPERVISORS - NON-ACTION ITEMS:**

**A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (3:04:35) -**

Mayor Teixeira displayed and described the Sierra Business Council Award won by the City's Envision Carson City Program. He suggested that it be placed at the City office. It is a prestigious award for the community and its Planning staff. Supervisor Aldean wished the community Happy Holidays. Supervisor Livermore announced and invited the Board and community to attend the Elected Officials Swearing-In Ceremony on January 1, 2007, at 10 a.m. in District Court II chambers. Mayor Teixeira wished everyone Happy Holidays. He also announced his intent to agenize the Board's committee and commission assignments for the January 4<sup>th</sup> meeting. He asked the Supervisors to provide Ms. Gardner with a list of their assignments and indicate any that they wished to trade. He felt that it had been a great year for the Board and community. He again wished everyone Happy Holidays.

**B. STAFF COMMENTS AND STATUS REPORT - None.**

**10. ACTION TO ADJOURN (3:09:10) -** Supervisor Aldean moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 3:10 p.m.

The Minutes of the December 21, 2006, Carson City Board of Supervisors meeting

ATTEST: \_\_\_\_\_ ARE SO APPROVED ON \_\_\_\_\_, 2007.

Alan Glover, Clerk-Recorder

Marv Teixeira, Mayor