

CARSON CITY REGIONAL TRANSPORTATION COMMISSION

Minutes of the February 12, 2020 Meeting

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A regular meeting of the Carson City Regional Transportation Commission (RTC) was scheduled to begin following adjournment of the Carson Area Metropolitan Planning Organization meeting on Wednesday, February 12, 2020, in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Brad Bonkowski
Vice Chairperson Mark Kimbrough
Commissioner Lori Bagwell
Commissioner Macquairie
Commissioner Greg Stedfield

STAFF: Darren Schulz, Public works Director
Lucia Maloney, Transportation Manager
Dirk Goering, Senior Transportation Planner
Todd Reese, Deputy District Attorney
Dan Stucky, City Engineer
Chris Martinovich, Transportation Engineer
Tamar Warren, Senior Deputy Clerk

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the Clerk, during the meeting, are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours. All approved meeting minutes are available on carson.org/minutes.

1. CALL TO ORDER AND DETERMINATION OF A QUORUM

(4:57:58) – Chairperson Bonkowski called the meeting to order at 4:57 p.m. Roll was called, and a quorum was present.

2. AGENDA MANAGEMENT NOTICE

(4:58:40) – Ms. Maloney indicated that since items 6-D and 6-E are “substantially related”, Staff will present both items together; however, a separate action will be taken for each item. Chairperson Bonkowski indicated that the agenda will be adopted as amended.

3. DISCLOSURES

(4:59:08) – Chairperson Bonkowski entertained Commissioner disclosures; however, none were forthcoming.

4. PUBLIC COMMENT

(4:59:16) – Chairperson Bonkowski entertained public comments; however, no members of the public were present to comment.

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5. APPROVAL OF MINUTES

5-A FOR POSSIBLE ACTION – DISCUSSION AND POSSIBLE APPROVAL OF THE DECEMBER 11, 2019 DRAFT MINUTES.

(4:59:37) – Chairperson Bonkowski introduced the item and entertained comments, changes, corrections, or a motion.

(4:59:) – Commissioner Bagwell moved to approve the minutes of the December 11, 2019 RTC meeting. The motion was seconded by Vice Chair Kimbrough and carried 5-0-0.

6. PUBLIC MEETING ITEMS

6-A FOR POSSIBLE ACTION DISCUSSION AND POSSIBLE ACTION REGARDING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND C.W. CLARK, INC., FOR THE COCHISE CROSSING DEVELOPMENT PROJECT, FOR PRO RATA CONTRIBUTIONS IN THE AMOUNT OF APPROXIMATELY \$322,800, OR A REDUCED AMOUNT, TO PLANNED TRANSPORTATION INFRASTRUCTURE CAPITAL IMPROVEMENTS.

(5:00:08) – Chairperson Bonkowski introduced the item. Ms. Maloney presented the Staff Report, incorporated into the record, and referenced a letter by CW Clark, Inc. President Craig W. Clark requesting a reduced pro rata share, noting that Mr. Clark was present in the audience and would like to address Board.

(5:03:47) – Mr. Clark introduced himself and announced that they were temporarily located in San Diego, California; however, they would soon relocate to Mountain Street, in Carson City. He also noted that they were in favor of the traffic signal; however, he believed that their contribution should be reduced because Starbucks would not be a tenant, but Panera Bread will be and would generate much less traffic. He stated that they were notified of their pro rata share when they had met with the City to discuss the tenant change, adding that he had signed an agreement letter which stated it would be “fair and reasonable” but did not believe future developments were being considered.

(5:11:15) – Commissioner Bagwell wished to understand what Mr. Clark’s recommended share would be based on the current tenants. Mr. Clark stated that a flat fee of \$100,000 could work because he was pricing his projects to sell. Discussion ensued regarding the amount of traffic generated by Panera Bread versus Dutch Brothers or Starbucks and Ms. Maloney provided a timeline of the discussions about the signal. Commissioner Macquairie was informed that the payment methodology was developed based on the direct trips generated by each future development. Vice Chair Kimbrough noted that he had “a lot of sympathy for the fact that it wasn’t there at the beginning of the game,” and that he would support a change in the amount. Mr. Clark believed that should Starbucks had chosen to stay; he would not have had an issue with the amount.

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(5:21:39) – Commissioner Stedfield questioned whether the amount requested was reasonable. Ms. Maloney explained to Chairperson Bonkowski that the City had an executed agreement with Dutch Brothers and Staff were in the process of negotiating three additional developer agreements. Discussion ensued regarding the allowance of performance bonds and Ms. Maloney stated that Staff preferred having cash on hand for grant matches. Mr. Schulz noted that there could be a way to have enough notification for the bondholder to convert it to cash for a [grant] match. Chairperson Bonkowski reiterated the options for the possible consideration of Mr. Clark's request: 1) "the full traffic impact of the Center" for \$322,800; 2) The exclusion of Chick-fil-A because of the timing of the lease signing for \$154,800; and 3) the offer of the \$100,000 flat fee by Mr. Clark.

(5:29:28) – Commissioner Bagwell wished to understand whether refunds would be issued should more than 100 percent of the signal cost is collected, and Ms. Maloney clarified that "if the cost of the project comes in under [the collected amount] we will refund that portion," Chairperson Bonkowski noted that the flat fee in the form of a reduced amount would be different from the prorated amount and a refund would not be possible. He also entertained public comments.

(5:32:19) – Jack Brower of SVN/Gold Dust Commercial introduced himself as the commercial real estate broker for the Dutch Brothers on South Carson Street. Mr. Brower explained that the \$66,000 charge prior to issuing the building permit was "a backwards way of doing business" as it had not been addressed during the Major Project Review (MPR). He also wished to see his client "get a fair shake" in comparison to the contributions from other businesses.

(5:33:28) – Commissioner Bagwell believed it would be "difficult to change the rules of the game mid-stream" and believed that if a flat fee is negotiated, she would support it without a refund. Vice Chair Kimbrough was in favor of the \$154,800 excluding Chick-fil-A. Commissioner Macquairie agreed with the Vice Chair's recommendation. Commissioner Bagwell was concerned about the executions of a construction bond. Mr. Schulz noted that "it's relatively rare" for the City to execute a construction bond and believed that the concept was acceptable. Chairperson Bonkowski invited Mr. Clark back to the microphone.

(5:39:48) – Mr. Clark explained that his loan had been approved for \$100,000; therefore, he had no choice but go with a bond should the Commission vote in favor of the \$154,800 with the goal of paying it "as soon as the project sells." Chairperson Bonkowski entertained a motion. Mr. Clark believed it was not fair because Panera Bread would not generate the amount of traffic generated by Starbucks.

(5:41:53) – Commissioner Bagwell moved to approve a development agreement amending the RTC's approved template to a fixed fee of \$154,800 and allowing a bond to be utilized instead of the cash payment. The motion was seconded by Vice Chair Kimbrough. Chairperson Bonkowski entertained comments and Ms. Maloney inquired about the timing of the execution of the bond and Commissioner Bagwell believed a building permit would not be issued without executing the bond. Vice Chair Kimbrough wished to understand the reason behind this fixed rate versus other requests that may arise, and Commissioner Bagwell clarified that in this particular case, Mr. Clark had "a mixed project that started before the agreement." Vice Chair Kimbrough wished to ensure that the minutes reflected the reason for a fixed rate. **Motion carried 5-0-0.**

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6-B FOR POSSIBLE ACTION – DISCUSSION AND POSSIBLE ACTION REGARDING CONTRACT NO. 1718-083A SOUTH CARSON COMPLETE STREET PROJECT - CONSTRUCTION MANAGER AT RISK (CMAR) CONSTRUCTION SERVICES, WITH SIERRA NEVADA CONSTRUCTION, INC. FOR A TOTAL NOT TO EXCEED AMOUNT OF \$20,033,758.51 TO BE PARTIALLY FUNDED FROM THE REGIONAL TRANSPORTATION FUND.

(5:44:48) – Chairperson Bonkowski introduced the item. Mr. Stucky referenced the Staff Report and supporting documentation which are incorporated into the record. He also gave a brief overview of the project and noted that public input had been received. Additionally, he reviewed the project timeline, noting that the project would be complete by the Spring of 2021. Chairperson Bonkowski entertained public comments, and when none were forthcoming, a motion. Vice Chair Kimbrough inquired about the ratification process and Mr. Reese explained that although the Board of Supervisors had approved the contract, the Commission and Staff would be ‘dotting all the “i”s and crossing all the “t”s, and making sure that all the relevant approvals have been given.’ Chairperson Bonkowski suggested correcting Mr. Stucky’s title in the Staff Report.

(5:49:13) – Vice Chair Kimbrough moved to ratify the award of the contract. The motion was seconded by Commissioner Macquairie and carried 5-0-0.

(5:49:30) – Chairperson Bonkowski recessed the meeting.

(5:51:49) – Chairperson Bonkowski reconvened the meeting. All Commissioners were still present.

6-C FOR POSSIBLE ACTION – DISCUSSION AND POSSIBLE ACTION REGARDING CONTRACT NO. 19300092, AIRPORT ROAD RECONSTRUCTION AND UTILITY REPLACEMENT PROJECT, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$2,196,700, TO BE PARTIALLY FUNDED WITH SURFACE TRANSPORTATION BLOCK GRANT FUNDS.

(5:51:53) – Chairperson Bonkowski introduced the item. Mr. Stucky presented the Staff Report and supporting materials, all of which are incorporated into the record. There were no Commissioner and/or public comments; therefore, Chairperson Bonkowski entertained a motion.

(5:53:15) – Commissioner Macquairie moved to ratify the award of the contract. Commissioner Bagwell seconded the motion. The motion carried 5-0-0.

ITEMS 6-D AND 6-E

(9:53:35) – Chairperson Bonkowski introduced both items and reminded the Commission that the items will be heard concurrently but will be voted on separately. Mr. Goering presented the Staff Report and supporting documentation incorporated into the record and responded to clarifying questions. There were no public comments. Chairperson Bonkowski entertained the appropriate motions for each item.

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6-D FOR POSSIBLE ACTION – DISCUSSION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO COOPERATIVE AGREEMENT P502-17-063, BETWEEN THE CARSON CITY RTC AND THE NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) FOR THE I-580 MULTI USE PATH TO COLORADO STREET PROJECT, TO INCREASE THE PROJECT AMOUNT FROM \$750,000 TO \$1,141,771 AND THE LOCAL MATCH FROM \$37,500 TO \$57,089, AND TO AUTHORIZE THE TRANSPORTATION MANAGER TO SIGN THE PROPOSED AMENDMENT.

(5:57:20) – Commissioner Bagwell moved to approve Amendment No. 1, and to authorize the Transportation Manager to sign the amendment. The motion was seconded by Vice Chair Kimbrough and carried 5-0-0.

6-E FOR POSSIBLE ACTION – DISCUSSION AND POSSIBLE ACTION REGARDING A DETERMINATION THAT A&K EARTH MOVERS, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 338, AND WHETHER TO AWARD CONTRACT NO. 19300081 TO A&K EARTH MOVERS, INC. FOR CONSTRUCTION OF THE I-580 MULTI-USE PATH TO COLORADO STREET FOR A TOTAL NOT TO EXCEED AMOUNT OF \$1,030,700.

(5:57:46) – Commissioner Bagwell moved to award the contract as presented. Commissioner Stedfield seconded the motion. Chairperson Bonkowski entertained public comments and when none were forthcoming, a vote. The motion carried 5-0-0.

6-F FOR POSSIBLE ACTION – DISCUSSION AND POSSIBLE ACTION REGARDING SUBMITTAL OF A GRANT APPLICATION WITH THE NEVADA AGING AND DISABILITY SERVICES DIVISION (ADSD) IN THE AMOUNT OF \$96,750 FOR THE PERIOD JULY 1, 2020 TO JUNE 30, 2021, AND TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE APPLICATION AND ASSOCIATED CERTIFICATIONS AND ASSURANCES.

(5:58:19) – Chairperson Bonkowski introduced the item. Ms. Maloney reviewed the Staff Report and highlighted the grant application components. Chairperson Bonkowski entertained public comments and when none were forthcoming, a motion.

(6:01:52) – Vice Chair Kimbrough moved to approve submittal of the grant application as presented, and to authorize the Public Works Director to sign the application and associated Certifications and Assurances. The motion was seconded by Commissioner Bagwell and carried 5-0-0.

6-G FOR POSSIBLE ACTION – DISCUSSION AND POSSIBLE ACTION REGARDING CARSON CITY'S PORTION OF FEDERAL FISCAL YEAR (FFY) 2020 SURFACE TRANSPORTATION BLOCK GRANT (STBG) FUNDS AND ANY REMAINING

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OR UNUSED FFY 2019 STBG FUNDS TO THE NORTHRIDGE DRIVE RECONSTRUCTION PROJECT.

(6:02:17) – Chairperson Bonkowski introduced the item. Mr. Goering presented the Staff Report and accompanying agenda materials. Ms. Maloney clarified that “Staff were very specific with the language we used in the Staff Report about it being an approximate estimation for Federal Fiscal Year (FFY) 20. Although it is February, NDOT [Nevada Department of Transportation] has yet been unable to provide CAMPO with a Federal Fiscal Year allocation amount, even though that allocation was made available to them as of October 2019.” She added that Carson City Staff did not actually know how much money they had yet which might ultimately differ from this amount. There were no public comments. Chairperson Bonkowski entertained a motion.

(6:04:52) – Commissioner Bagwell moved to allocate the FFY 2020 Surface Transportation Block Grant funds, and any remaining and unused FFY 2019 Surface Transportation Block Grant funds to the Northridge Drive Reconstruction Project as presented. The motion was seconded by Commissioner Macquairie and carried 5-0-0.

7. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - NON-ACTION ITEMS:

7-A TRANSPORTATION MANAGER’S REPORT

(6:05:40) – Ms. Maloney updated the Commission on the JAC bus purchases and noted that they had received two bids, adding that an award was planned to be heard by RTC in the March meeting. She also informed the Commission that the kickoff for the Regional Transportation Plan 2050 was planned for the March CAMPO meeting. Ms. Maloney explained that the CAMPO- funded ADA Transition Plan for the Carson City Right of Way has been drafted and circulated to NDOT for review, with a public hearing scheduled for March 2020 and RTC review in April 2020. She also noted that a speed limit establishing and changing policy had been drafted by Staff and was being reviewed internally. She believed that the plan may be reviewed by RTC in March 2020. Ms. Maloney also responded to clarifying questions by the Commissioners.

7-B STREET OPERATIONS ACTIVITY REPORT

(6:09:22) – Chairperson Bonkowski introduced the item. Ms. Maloney noted that due to the January meeting cancellation, two Street Operations Activity Reports were included in the agenda materials. She referenced the reports and highlighted several items such as the sidewalk work taken place in November, the sanding, and storm drain cleaning in preparation for the snow and rain events. She also noted that delineator installations should be included when considering future pedestrian improvements. Ms. Maloney responded to clarifying questions and informed the Commission that she would bring back additional information regarding the brine mixture used for snow events.

7-C PROJECT STATUS REPORT

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(6:16:33) – Chairperson Bonkowski introduced the item. Mr. Martinovich reviewed the report, incorporated into the record, and responded to clarifying questions. There were no public comments.

8. BOARD COMMENTS: FOR INFORMATION ONLY – STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE RTC BOARD.

(6:23:08) – Chairperson Bonkowski entertained Board comments. Vice Chair Kimbrough expressed concern that the upcoming trend in electric vehicles would eventually impact road funds which are collected via fuel taxes. He also wondered whether there were plans for public education on the matter. Commissioner Stedfield noted that the Department of Motor Vehicles had begun collecting mileage information at the time of vehicle registration. Ms. Maloney stated that the CSR3 Working Group in Nevada, chaired by Assemblywoman Danielle Moreno, meets monthly and has been discussing electric vehicles that do not contribute to the fuel tax. Commissioner Bagwell noted that the current electric vehicle presence in Nevada was below one percent; therefore, the cost of collecting fees would outweigh the revenue generated, adding that a long-term plan was still necessary.

9. THE NEXT MEETING IS TENTATIVELY SCHEDULED – 4:30 P.M., WEDNESDAY, MARCH 11, 2020, AT THE SIERRA ROOM - COMMUNITY CENTER, 851 EAST WILLIAM STREET.

(6:28:28) – Chairperson Bonkowski read the agenda item into the record and clarified that the RTC meeting will immediately follow the Carson Area Metropolitan Planning Organization meeting which starts at 4:30 p.m.

10. PUBLIC COMMENT

(6:28:38) – Chairperson Bonkowski entertained public comments; however, none were forthcoming.

11. ADJOURNMENT: FOR POSSIBLE ACTION

(6:28:55) – Chairperson Bonkowski adjourned the meeting at 6:28 p.m.

The Minutes of the February 12, 2019 Carson City Regional Transportation Commission meeting are so approved this 11th day of March 2020.