

CARSON CITY BOARD OF SUPERVISORS  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, February 15, 2007, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Richard S. Staub	Supervisor, Ward 4
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Ken Furlong	Sheriff
	Al Kramer	Treasurer
	Sue Johnson	Finance Director
	Roger Moellendorf	Parks and Recreation Director
	Andrew Burnham	Public Works Director
	Rory Planeta	Chief of Alternative Sentencing
	Melanie Bruketta	Chief Deputy District Attorney
	Nick Providenti	Senior Accounting Manager
	Ken Arnold	Public Works Operations Manager
	Cheryl Adams	Purchasing and Contracts
	Claudia Saavedra	Alternative Sentencing Coordinator
	Katherine McLaughlin	Recording Secretary
	Kevin McCoy	Senior Compliance Officer

(BOS 2/15/07 Recording 8:30:42)

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, constituting a quorum. Sheriff Ken Furlong led the Pledge of Allegiance. Reverend Ken Haskins of the First Christian Church gave the Invocation.

**PUBLIC COMMENTS AND DISCUSSION (8:32:08)** - Lou deBottari submitted a written copy of his remarks to the Clerk. (A copy is in the file.) He applauded the Board's decision to increase the water rates as water is "wet gold" in the West. He espoused his belief that water should not be controlled by a few to the detriment of many. The December 7, 2006, Board decision to contract with Vidler allegedly points in that direction. He had been unable to find a copy of the RFP for this contract. He questioned the City's ability to implement any project if the Vidler contract is terminated. He also questioned the reasons for needing additional water rights in the future if the City has, as alleged, an adequate number of water rights to reach

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buildout. The five-year Vidler contract ties future Board's ability to negotiate other contracts. Is it a legal and binding contract? The lack of an AG's opinion on this was also questioned. Why is the City pushing for a bill to allow water districts to enter into for profit contracts with a private for profit company? His concern regarding the public's lack of an ability to comment on such contracts was voiced. He believed that it was a "cozy arrangement" as an alleged City employee is now working for Vidler after expressing a belief that the City lacked knowledgeable personnel to run such a program. He urged the Board to act to reconsider its original action and conduct a public hearing on the subject. After the public hearing has been held, new bids should be solicited for the necessary personnel who will not share in any profits. All of the proceeds should go to the City. The City should be able to improve the water system, decrease the arsenic level, and provide high quality water for the parks and golf courses. Selling the reclaimed water to entities outside the City limits will prevent the City from ever having the ability to use the water in the future for recharging our groundwater supply. Mayor Teixeira asked him to contact his office so that they can discuss his concerns. No formal action was taken or required. Additional public comments were solicited.

Gil Yanuck, representing the Carson City Fair Water Rate Coalition, thanked City Manager Ritter and Supervisor Livermore for attending the February 8 meeting with City staff on the water rates. The Coalition is awaiting answers on some of the questions/issues. A presentation containing that information will be made to the Board in the future. Additional comments were solicited.

Mayor Teixeira reminded Sam Dehne that his guitar is to be considered a prop and not be played. Mr. Dehne felt that other individuals will support his playing and questioned the Mayor's ear for music. He announced that he is running for president, gave his website address, and encouraged the public to read it. He noted the proposal to have the Democratic presidential contenders debate the issues next week at the Community Center. He voiced his belief that the American media is corrupt and that something should be done about it. He also felt that politics in America and the voting system are deceptive. The voting system should return to the paper and pencil format used 50 years ago with your friends counting the ballots. The public would then know its vote had counted. Additional comments were solicited but none were given. No formal action was taken or required on any of the items.

**1. ACTION ON APPROVAL OF MINUTES - 1/4/07 AND 1/18/07 REGULAR SESSIONS AND THE SPECIAL 1/9/07 WESTERN NEVADA LEGISLATIVE COALITION MEETING AND LEGISLATOR WELCOME LUNCHEON (8:41:00)** - Supervisor Aldean moved to approve the regular meeting minutes of the Carson City Board of Supervisors dated January 4, 2007, and January 18, 2007, as presented and, in addition to that, she moved to approve the Special Meeting Minutes from the Carson City Board of Supervisors from the January 9, 2007, Western Nevada Legislative Coalition meeting. Supervisor Williamson seconded the motion. Motion carried 5-0.

**2. CHANGES TO THE AGENDA (8:41:50)** - None.

**3. LIQUOR AND ENTERTAINMENT BOARD (8:41:55)** - Mayor Teixeira then recessed the Board of Supervisors session and convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder for this date.

**BOARD OF SUPERVISORS (8:46:03)** - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. The entire Board was present, constituting a

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quorum.

**4. CONSENT AGENDA**

**4-1. FINANCE -ACTION TO ADOPT THE CARSON CITY PLAN OF CORRECTIVE ACTION FOR FY 05-06 STATUTORY VIOLATIONS INCLUDED IN THE ANNUAL AUDIT**

**4-2. PURCHASING AND CONTRACTS - ACTION TO APPROVE CONTRACT NO. 0607-069, FY 2006-2007 ANNUAL AUDIT WITH KAFOURY, ARMSTRONG AND CO. THROUGH MARCH 1, 2008, FOR A NOT TO EXCEED COST OF \$71,500**

**4-3. CITY MANAGER - ACTION TO REMOVE ONE PROPOSED BILL DRAFT REQUEST FROM THE CARSON CITY LEGISLATIVE AGENDA REGARDING CHANGING THE CARSON CITY CHARTER TO ALLOW THE BOARD OF SUPERVISORS TO, BY ORDINANCE, PROVIDE THE SAME BENEFITS PROVIDED TO UNCLASSIFIED PERSONNEL TO ELECTED OFFICIALS (8:46:15)** - Supervisor Livermore moved to approve the Consent Agenda consisting of three items, 4-1 from Finance, 4-2 from Purchasing and Contracts, and 4-3 from the City Manager, as presented. Supervisor Staub seconded the motion. Motion carried 5-0.

**5. FINANCE - Director Sue Johnson - ACTION TO ADOPT A RESOLUTION CONCERNING THE FINANCING OF WATER PROJECTS; DIRECTING THE CLERK TO NOTIFY THE CARSON CITY DEBT MANAGEMENT COMMISSION OF THE CITY'S PROPOSALS TO ISSUE GENERAL OBLIGATIONS THEREFORE; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE REIMBURSEMENT OF EXPENDITURES FROM THE PROCEEDS OF BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF (8:46:36)** - Lou deBottari, Public Works Operations Manager Ken Arnold, City Manager Linda Ritter - Discussion between the Board and Ms. Johnson indicated that \$9 million in bonds have already been issued for water projects. The proposed \$20 million will make a grand total of \$29 million. Capital improvement projects proposed for these bonds total \$27 million dollars. The City does not have the ability to fund the projects without the bonds. If not approved, Ms. Johnson will have to ask for a \$40 million bond next year. Supervisor Aldean moved to adopt Resolution No. 2007-R-1, A RESOLUTION CONCERNING THE FINANCING OF WATER PROJECTS; DIRECTING THE CLERK TO NOTIFY THE CARSON CITY DEBT MANAGEMENT COMMISSION OF THE CITY'S PROPOSALS TO ISSUE GENERAL OBLIGATIONS THEREFORE; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE REIMBURSEMENT OF EXPENDITURES FROM THE PROCEEDS OF BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF; fiscal impact water fund estimate of \$33,168,428 includes principal and interest. Supervisor Williamson seconded the motion.

Mr. Arnold described the projects which will be funded with the bond proceeds for Mr. deBottari. They included maintenance programs, a large arsenic project, Marlette and Hobart systems and the repayment of their bonds, two new wells, tank maintenance, and extension/replacement of water lines. Some of the projects will bring the City's system into compliance with EDA and EPA requirements, provide additional sampling, and make system improvements to meet future mandates that go beyond the arsenic requirements. Mayor Teixeira noted that the use of the bonds will provide the improvements. The bonds will be repaid by the user base fees. Mr. deBottari indicated that he supported the use of bonds for capital improvements but not for maintenance items. He alleged that the School District has gotten into trouble by doing maintenance improvements with bonds, e.g., the replacement of carpet. It is wrong to include maintenance items in the bonds. Mr. Arnold explained that the term "maintenance" is misleading. The normal service and supply account provides for the day-to-day maintenance items. The proposal is for system upgrades. Ms. Ritter

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indicated that there is an established list of capital improvements that will be made. Mayor Teixeira encouraged Mr. deBottari to attend the meeting as suggested earlier. Supervisor Aldean reiterated that the bonds total \$29 mill and that \$27 million is for capital costs and improvements to the system.

The motion to adopt Resolution No. 2007-R-1 was voted and carried 5-0.

**6. HEALTH - CODE ENFORCEMENT - Senior Compliance Officer Kevin McCoy - ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CHAPTER 10.24 STOPPING, STANDING AND PARKING, SECTION 10.24.145 ENFORCEMENT OF HANDICAPPED PARKING SPACES ON PRIVATE PROPERTY, BY CHANGING THE SECTION TO CONFORM TO STATE LAW AS SET FORTH IN NEVADA REVISED STATUTE 484.408 AND OTHER MATTERS PROPERLY RELATED THERETO (8:52:57)** - Treasurer Al Kramer - Supervisor Livermore requested information regarding the number of citations issued by the volunteer patrol under this Section and the amount of fines that had been paid. He did not have a problem with the proposed fine. Mr. Kramer advised that a count of the citations indicated that there had been approximately 500 issued. Approximately 50% of these citations were waived as the individual had a placard but had failed to place it in the designed location. His Department had not tracked the citations by the individual writers. Reasons for Supervisor Livermore's request were provided. Mr. Kramer acknowledged that there had been an increase in the number of citations issued under this Section when the volunteer patrol enforcement program was started. He had thought that the percentage of "write offs" was higher than the count indicated. Mayor Teixeira pointed out that the revision is to comply with the Statutes. He also felt that there is no valid reason for able-bodied individuals to park in the handicapped spaces. Supervisor Williamson moved to introduce on first reading Bill No. 104, AN ORDINANCE AMENDING CHAPTER 10.24 STOPPING, STANDING AND PARKING, SECTION 10.24.145 ENFORCEMENT OF HANDICAPPED PARKING SPACES ON PRIVATE PROPERTY, BY CHANGING THE SECTION TO CONFORM TO STATE LAW AS SET FORTH IN NEVADA REVISED STATUTE 484.408 AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 5-0.

Supervisor Williamson complimented Mr. McCoy on his dedication and service to the community. She indicated that Mr. McCoy is patient and professional and works to resolve issues.

**7. PARKS AND RECREATION - OPEN SPACE - Manager Juan Guzman - DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE AND SALE AGREEMENT CALLING FOR THE USE OF OPEN SPACE FUNDS TO MAKE AN OFFER FOR THE FEE TITLE ACQUISITION OF THE DESORMIER 19-ACRE PROPERTY LOCATED AT 4706 GOLDEN EAGLE LANE, APN 10-502-01 (8:57:52)** - Computerized maps and slides of the area were shown and explained. Access concerns were noted. Mr. Guzman explained that the access "license" over BLM property can be transferred to the City after the City purchases the property. This access route was indicated on the aerial map. Discussion noted the appraiser's background, his experience, and his assumptions that were used to establish the property's value—that the property can be parceled into three lots and that each lot could have a residence constructed on it. It was felt that the topography may not support three residences and questioned whether the access road could meet the minimum requirements for the three residences. Mr. Guzman indicated that the proposed aquatic access to the River is located further downstream. The property's river frontage is not being considered as a location for this purpose. He also indicated that BLM intends to acquire the two properties located across the River from this site through the use of the Southern Nevada Public Lands funds.

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Potential access routes to the property were noted. Supervisor Staub's personal knowledge of the area was disclosed. Electrical power is within 1300 feet of the property. Supervisor Williamson acknowledged that it may be expensive to develop the property, however, it has nice views of the river and the Open Space Advisory Committee's number one priority is to acquire River property. Its wildlife was noted. Other parcels in the Tortilla Flats area have been acquired by BLM and more are in negotiations. Their acquisitions will complete the trails master plan. The parcel will provide a public recreational area. Current vehicular use of the area was noted. Mr. Guzman also explained that if the Question 18 funds are used to acquire the property, Question 1 funds will be requested to reimburse the Question 18 funds. Concerns regarding a clause in the Question 1 funding contract requiring reimbursement of any Question 1 funds should the State decide to use the area for a roadway were noted. This clause is the reason a contract(s) seeking State Question 1 reimbursement for other properties has not been submitted to the Board for consideration. Mr. Guzman reiterated that the Desormiers had accepted the City's offer of \$300,000, which is the appraised value. The access issue will be addressed after escrow closes. Public comments were solicited but none were given. Supervisor Aldean expressed her concerns regarding the value of the property, whether three single family homes could be constructed on the site, and the purchase price's ability to establish the market value for other properties in the area. She believed that the offer was too high. Additional comments were solicited but none were given. Supervisor Livermore moved to approve the purchase and sale agreement calling for the use of Open Space funds to make an offer for the fee title acquisition of the Delmeyer (Desormier) 19-acre property located at 4706 Golden Eagle Lane, APN 10-502-01; fiscal impact is approximately \$300,000 from the Open Space Acquisition Fund plus approximately \$2,500 for the close of escrow and \$3,000 for an environmental review phase 1. Supervisor Williamson seconded the motion. The motion was voted by roll call with the following result: Supervisor Williamson - Yes; Supervisor Aldean - No; Supervisor Staub - No; Supervisor Livermore - Yes; and Mayor Teixeira - Yes. Motion carried 3-2.

RECESS: A recess was declared at 9:16 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:23 a.m., constituting a quorum.

**8. ALTERNATIVE SENTENCING - PRESENTATION OF THE DEPARTMENT OF ALTERNATIVE SENTENCING ANNUAL REPORT BY DIRECTOR RORY PLANETA (9:23:00)** - Justice of the Peace Robey Willis, Sheriff Ken Furlong, Alternative Sentencing Coordinator Claudia Saavedra - Judge Willis summarized the history of the Department including the hiring of Ms. Saavedra. He complimented Mr. Planeta on his management skills based on his belief that the Department is being run better than it ever has. He believed that wrongful arrests will be at their minimum due to the current maturity of the staff. He also complimented Mr. Planeta on his work to educate the community on its drug problems and the Assistant Chief on his skills and maturity. He felt that they were the right people for their jobs. Mayor Teixeira thanked him for his comments.

Mr. Planeta introduced Assistant Chief Summers, Community Service Coordinator Saavedra, and Grant Position Officer De Guzman, who were present. Mr. Planeta summarized his report. (A copy is in the file.) He thanked Matt Fisk for his assistance in preparing the report. Mayor Teixeira noted Mr. Planeta's active participation in the anti-drug program and the need for additional drug testing. Discussion indicated that the Division can collect fees for drug tests if the court orders it. The drug testing fees were described. It was felt that approximately half of the individuals who have tested positive were using meth. Board comments thanked Mr. Planeta and his staff for the successful program and for saving the community money as the individuals are able to continue working in the community and are not setting in jail. Problems encountered

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with the weekend inmates were noted. Mr. Planeta explained that his Division is not involved with these individuals until after they complete their jail sentences. Discussion noted that the City had recently taken back the City's electronic monitoring program. Justification for this decision was provided. Mayor Teixeira encouraged staff to discuss the possibility of contracting the supervision of individuals living in adjacent counties with their counterparts. Justification for the suggested contracting was provided.

Sheriff Furlong opined that the relationship between his Department and Alternative Sentencing is the best it has ever been. He also felt that it was essential for them to work together for the safety of the community. He believed that better automation systems would improve the Division's ability to function. The lack of funding is keeping this from occurring.

Ms. Saavedra explained that 25% of the caseload is sentenced to perform community service. The main focus has been to support and give back to the community. She attempts to place younger individuals in areas where they can obtain a skill. Examples illustrating the benefits of this effort were noted. Locations where individuals have been placed were listed. Clarification indicated the age of her "young people" starts at 18. Supervisor Livermore suggested that benefits created from the embarrassment of having the community see an individual picking up trash along the highway/roadways could be an added incentive to change his/her direction. Ms. Saavedra explained that in the beginning the effort was to have the individual perform community service. The current effort is directed toward helping rehabilitate the individual. She described the effort to eliminate graffiti in the community. Originally, she had used whatever color of paint she had to cover the graffiti. Today, she attempts to remove it and match the paint. Supervisor Livermore explained his personal knowledge of her speedy efforts to cover the graffiti. He complimented her on that effort. Ms. Saavedra explained that the Sheriff's Deputies are great at reporting any graffiti that they find. She responds as quickly as possible when told about it.

Supervisor Staub explained his desire to see the individuals make restitution whenever possible. Justification for addressing the victims was provided. Mr. Planeta supported implementing a program to ensure restitution occurs. Mr. Planeta then continued his report. Comments indicated that the low 25% recidivism rate illustrates that the program works. Clarification indicated that, if an individual has not made restitution as court ordered before completing his sentencing, the judge may extend the sentence. It was also indicated that the individual may have other outstanding requirements as well as the restitution. The individual will then remain under the Department's supervision. Letters advising the individual that he/she has failed to pay all of the fines and fees are sent to his/her address. Warrants can be issued if no response occurs. Garnishment may be considered in the future. The Department is considered the enforcement arm for the Judges and District Attorney's office. Comments indicated that restitution may be difficult and not cost effective to obtain. It is a necessary requirement. Supervisor Staub questioned whether a criminal judgement could be used to obtain a garnishment. He urged staff to analyze this issue before implementation.

Mayor Teixeira complimented the Department on the progress that had been made since it was originally established. He urged staff to develop memorandums of understanding with the surrounding Counties in order to make supervision more cost effective when supervising those individuals who live in other Counties. Mr. Planeta indicated that staff is working on an agreement with Washoe and Lyon Counties that address this issue. Mayor Teixeira hoped that the caseload will decrease over time and that funding from other sources can be found. He complimented staff on the program. Ms. Saavedra acknowledged that a lot of changes have

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occurred since the Department was established. She believed that the Department is on the right track. They all have the same goals and objectives. No formal action was required or taken.

**9. CITY MANAGER - Linda Ritter**

**A. ACTION TO ADD A PROPOSAL TO ALLOW CARSON CITY TO CREATE A 474 FIRE DISTRICT IN THE SAME MANNER AS OTHER NEVADA COUNTIES TO THE CARSON CITY LEGISLATIVE AGENDA (9:57:48)** - Fire Chief Stacy Giomi - An explanation of the 473 and 474 Districts, their purposes, and benefits which would be open to the City was provided. A 474 District must be approved by the Board and the electorate before being established. It could protect the City from having to pay for fighting wildland fires. The original bill draft was developed to update the 50-year-old language. Adding Carson City's ability to establish a 474 District is only one line in the bill. Supervisor Williamson moved to add a proposal to allow Carson City to create a 474 Fire District in the same manner as other Nevada Counties to Carson City's Legislative Agenda. Supervisor Aldean seconded the motion. Motion carried 5-0.

**B. UPDATE ON TAHOE REGIONAL PLANNING AGENCY ACTIVITIES BY MEMBER SHELLY ALDEAN (10:04:30)** - Supervisor Aldean explained the reasons for giving the presentation. She then gave a power point presentation highlighting the importance of Lake Tahoe, its uniqueness, the purpose of TRPA, its goals, core values, the effort to improve the clarity level and reduce the Lake's degradation, the threshold categories which monitor the impact on the region, its effort to reduce the noise level created by recreational uses on the Lake, the environmental improvement program including control and/or eradication of invasive plants and crustaceans, TRPA's major undertakings including the pathway plan, and the Agency's consideration of the natural, social, and financial wealth and well-being of the area that changed the Agency's direction to a moderate course as illustrated by its current position that only scientifically defendable positions are to be pursued. Political pressures are no longer allowed to dictate the direction. The pier policy was used to describe this change in philosophy. Environmental groups are opposed to the decision to allow over the next 22 years a total of 220 additional private docks and 10 additional public docks. Private property owners without docks do not believe this is an adequate number. As a dock adds value to the shoreline property, the fee for a dock was established at \$100,000. Again, the environmentalists believe this is not enough while the private property owners think it is too much. The funds may be used to develop public access to the Lake. The shores land plan theory is to go slow in determining where they should be located. Mitigation measures should be used to minimize the impacts of a project. She then explained her effort, as Carson City's representative, to take a moderate stance. Safeguarding the environment and protecting private property rights are not mutually exclusive. There are ways under which both can be done. She supported staff's proposal to have scientifically defensible decisions, specifically, as it is necessary to defend their actions in court. This will avoid being paralyzed by special interest groups while providing a balance between the environment, the economy, and the social needs of people in the region. The Lake is a huge resource for the City and should not be taken for granted. It promotes tourism and enhances the recreational opportunities for people who live and work in the Carson City area. She appreciated the faith that had been placed in her by the Board. She has enjoyed the four years she has spent on TRPA. There is more to be accomplished. She requested an opportunity to provide periodic reports on the Agency. Mayor Teixeira complimented her on the report. Discussion explained that meetings are held monthly beginning at 8:30 a.m. and are rather lengthy. Issues that will be considered in the near future/the next meeting included a review of the Heavenly Valley environmental issues and a development at

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Homewood. Mayor Teixeira noted that she takes the time to do the necessary homework and loves the work. He could not find anyone else who would accept the position at the time she was appointed. The feedback that he has received regarding her appointment has been positive and indicates that she provides the needed balance on the Board. No formal action was required or taken.

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

**A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (10:24:09) -**

Mayor Teixeira described the successful Legislators' Welcome. He complimented the Nugget staff on the dinner and the City staff on their roles. More than 30 sponsorships for the event had been sold which paid for the entire reception. No formal action was required or taken.

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

**11. ACTION TO ADJOURN (10:26:45) -** Supervisor Aldean moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 10:27 a.m.

The Minutes of the February 15, 2007, Carson City Board of Supervisors meeting

ARE SO APPROVED ON March 15, 2007.

/s/  
Marv Teixeira, Mayor

ATTEST:

/s/  
Alan Glover, Clerk-Recorder