

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the March 20, 2007 Meeting

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A regular meeting of the Carson City Parks and Recreation Commission was scheduled for 5:30 p.m. on Tuesday, March 20, 2007 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna Curtis
Vice Chairperson John Felesina
Sam Bauman
Leanndra Jones
Thomas Keeton
Pete Livermore
John McKenna
Glenn Tierney
Rich Wontorski

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Scott Fahrenbruch, Parks and Recreation Director of Operations
Vern Krahn, Park Planner
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

CALL TO ORDER AND DETERMINATION OF QUORUM (5:34:31) - Chairperson Curtis called the meeting to order at 5:34 p.m. Roll was called; a quorum was present.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (5:34:59) - None.

1. ACTION ON APPROVAL OF MINUTES - February 6, 2007 and February 20, 2007 (5:35:10)
- Commissioner Keeton moved to approve the minutes, as presented. Commissioner Bauman seconded the motion. Motion carried 9-0.

2. MODIFICATIONS TO THE AGENDA (5:38:00) - Chairperson Curtis modified the agenda to address various staff and commissioner introductions and presentations.

3. STAFF UPDATES - DISCUSSION ONLY - NO DELIBERATION (5:35:44) - Mr. Moellendorf introduced Mr. Benton and welcomed him. (5:38:03) Mr. Fahrenbruch reported that the Governor's Field batting cage facility special use permit application was presented to and approved by the Planning Commission on February 28, 2007. He advised of subsequent funding issues associated with the facility, and that fundraising efforts have been undertaken. He further advised of a change from the originally proposed location of the facility further to the north near the maintenance shop at Governor's Field. He will keep the commission posted as the project progresses. He responded to questions regarding landscape associated with the facility. In response to a further question, he provided more specificity regarding the

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location of the batting cage facility. He provided a status report on the progress of Silver Oak Park. Road construction of Oak Ridge Drive has begun, including installation of infrastructure and utilities. Mr. Fahrenbruch responded to questions regarding Oak Ridge Drive access to College Parkway.

Mr. Krahn reported that the Carson River Aquatic Trail Master Plan has been incorporated into the unified pathways master plan element. He advised that copies of the unified pathways master plan element will be provided to the commissioners. In response to a question, he discussed grant funding applications which have been submitted for trail construction. Mr. Krahn provided a report on the status of the demolition portion of the Fairgrounds improvement project. He advised that the site is locked down, and that salvaging operations are underway. He anticipates the demolition phase will be complete by the end of April and that the construction phases can begin. In response to a question, he advised that events will likely be canceled for the remainder of the year. Commissioner Wontorski expressed an interest in being involved in the project, and volunteered his services. Mr. Krahn reported that the urban fishing pond project has been put on hold. Nevada Department of Wildlife and City officials are supportive of the project but, due to the lack of funding, bids have been officially rejected. Mr. Krahn discussed grant funding applications which have been submitted to Trout Unlimited and the Natural Resources Conservation Service. He advised that if the grant applications are approved, the project could be rebid this summer. He further advised of having met with Tom Metcalf and other contractors to discuss methods by which project costs could be reduced.

4. NON-ACTION ITEMS - DISCUSSION AND PRESENTATION ONLY (5:54:23) - None.

5. ACTION ITEMS:

5-A. ACTION TO RECOMMEND TO THE CITY MANAGER AND THE BOARD OF SUPERVISORS THE PARKS AND RECREATION DEPARTMENT'S CAPITAL IMPROVEMENT PROJECTS BUDGET REQUESTS FOR FISCAL YEAR 2007-08 (5:54:30) - Chairperson Curtis introduced this item. Mr. Moellendorf provided background information on this item, an overview of the agenda materials, and reviewed the staff report. Mr. Fahrenbruch provided background information on the original request for the park equipment replacement program line item. He reviewed and discussed the capital requests, as outlined in the agenda materials. In response to a question, he advised that once the City's financial position is improved, the ongoing amount for park equipment replacement will likely need to be increased. Commissioner Livermore discussed costs associated with parks and recreation operations, and expressed an interest in reviewing additional budget detail. Mr. Moellendorf advised that annual review of fees and charges would be agendized for the May 15th commission meeting. He advised of having recently reviewed, together with Recreation Superintendent Barbara Singer and Mr. Fahrenbruch, current fees and charges. It is staff's opinion that services and facilities are "woefully" undercharged. Mr. Moellendorf discussed plans to simplify fees and charges. He provided an overview of the agenda materials, and advised that the Finance Department would be issuing budgets in the next few days. Staff will review the budgets and agendize review for a future commission meeting.

Mr. Moellendorf reviewed the Streets Division and Fire Department capital projects requests, as included in the agenda materials. In response to a question, Mr. Fahrenbruch discussed the status of current year capital improvement projects, funding for which is currently frozen. He advised there are no major Parks Division capital improvement projects on hold. In response to a further question, he advised that City Manager Linda Ritter has agreed to consider projects which represent critical safety issues. Projects which are already under contract or underway will move forward to completion. In response to a further question,

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Mr. Fahrenbruch discussed the option to close park restrooms, if necessary, and provide portable restroom facilities until the City's financial situation improves. He advised of capital improvements project funding allocated for renovation of the Ross Gold Park restrooms. He expressed the hope to replace the restrooms at Mills Park with the restroom facilities which are being removed from Fuji Park as part of a future capital improvements project request. He advised that now is not a good time to make additional requests because of "so many CIP projects on the books that still can't move forward." Mr. Moellendorf reiterated that capital projects have been frozen, except for those which are currently under contract or ongoing. He explained there are three sources of funding for capital projects, as follows: general funding, which is currently frozen; residential construction tax and Question #18 which are not frozen at this time. He referred to the theater improvements project for which funding has been allocated from all three sources. With regard to the Fire Department's swift water rescue training request, Commissioner Wontorski suggested requiring vendors to be qualified to perform river rescue. Commissioner Livermore noted that river rescue is a public safety issue with or without the Aquatic Trail.

Mr. Moellendorf responded to questions regarding the projects listed in the Five-Year Capital Plan Summary included in the agenda materials. He acknowledged that the department budget is available for review by the commissioners at the Parks Administration office. In response to a further question, he advised that figures listed for the joint recreation facility need to be updated. The University of Nevada Board of Regents has approved WNCC requesting \$10 million for the recreation facility. Chairperson Curtis entertained a motion. **Commissioner Livermore moved to recommend to the Board of Supervisors the Parks and Recreation Department Capital Improvement Project budget requests for fiscal year 2007-08, as presented. Commissioner Jones seconded the motion.** Chairperson Curtis called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 9-0.** Chairperson Curtis thanked staff for their presentations.

5-B. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE THE PROPOSED TITLE 17, CHAPTER 17.18 LANDSCAPE MAINTENANCE DISTRICT ORDINANCE (6:36:34) - Chairperson Curtis introduced this item. Mr. Moellendorf reviewed the staff report, and provided an overview of the proposed ordinance included in the agenda materials. Commissioner Livermore discussed concerns over the length of the ordinance, contradictions in the language and provisions, and the amount of staff resources to be invested in the associated processes. He advised of having taken the draft ordinance to David Ruf, of Greenhouse Garden Center, for review. He expressed uncertainty that the ordinance is "ready at this point," and suggested that staff coordinate a "coalition of independent contractors to help us put this together to where we don't do something out of whack here." He expressed additional concern over the potential for the Board of Supervisors becoming bogged down in hearings, and over the City competing with private businesses. [Commissioner Wontorski left the meeting at 6:53 p.m. A quorum was still present.]

Mr. Moellendorf clarified the differences between the provisions of Sections 17.18.070(2) and 17.18.111. He discussed the sequential time lines associated with the petition process. He acknowledged the possibility that residents of existing developments could petition the City to enter into landscape maintenance districts, but expressed the opinion that staff will likely be dealing with developers in the early stages of planning. He noted that the percentage stated in Section 17.18.050(2)(a) constituted a simple majority of the residents of a development, but suggested the percentage could be increased if so desired.

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by the commissioners or the Board of Supervisors. He advised of having worked fairly closely with members of the development community on the proposed ordinance. He introduced Jennifer Urban, of Lennar Development Company, and advised that she, along with others, had been provided various versions of the draft ordinance for review.

(6:56:24) Ms. Urban advised of her company's involvement in the Schulz Ranch project and in development of the draft ordinance over the last year. With regard to Commissioner Livermore's concerns, she expressed the understanding that "most of the responsibility ... is put on the developer as the petitioner to provide to the City Parks and Recreation Department Director a financing plan, a work schedule, how much money we're going to put in as a developer." The developer would create the park, the landscape thoroughfare, etc. and would petition to be able to turn that over. Ms. Urban advised of the developer's right to create a homeowner's association to maintain park and open space areas in a development. She advised of certain elements of the Schulz Ranch development which City representatives expressed an interest in being able to control. She further advised that the landscape designers have worked closely with Mr. Moellendorf to accommodate inclusion of the required detention basins, open space, dog park areas, basketball courts, etc. She explained the developer's responsibility to provide a reserve study, which extends out thirty years, and covers repair and replacement components within an association or district. Inflation factors are included in the study, and Ms. Urban advised that six months' worth of assessments are required up front. She expressed support for the process, but requested that it begin at the tentative map phase rather than the final map phase in light of the associated five-month time period. She provided background information on her experience with special assessment districts and homeowners associations, and her involvement in development of the draft ordinance over the past year.

Commissioner Livermore thanked Ms. Urban for her attendance and participation. He expressed the opinion that landscape maintenance districts for new developments, as described by Ms. Urban, would be ideal, and reiterated the opinion that the provisions of the ordinance could be accomplished "in four or five pages." Ms. Urban expressed the opinion that the ordinance was designed for developers. She acknowledged that the language opens a door for existing developments to petition to become part of a landscape maintenance district. She pointed out the provisions of Section 17.18.080, Determination of Benefit and Cost Allocations Between Assessed Property and City. In response to a question regarding the provision addressing rights of entry and access, Ms. Urban advised the language "is the least worrisome ... of the whole ordinance." She noted the importance of granting the City access in the event of fire, flood, etc. In response to a further question, she advised that some access agreements are self-extinguishing and some are not restricted as to time. Mr. Benton explained the purpose of the language to grant maintenance and construction access, as needed. In response to a question, he advised that public property is sometimes accessed through an easement across private property.

Mr. Moellendorf acknowledged the potential that any development can petition the City to enter into a landscape maintenance district, but pointed out there are no guarantees the petition will be successful. He agreed with the previous explanation that the petition has to prove "an overriding benefit to the public to enter into this agreement." In response to a previously-expressed concern, he pointed out that the Board of Supervisors is responsible for approving City contracts.

Commissioner McKenna reviewed the legislative authority to create landscape maintenance districts. He expressed support for the procedures specifying the City determining "what it wants to do;" the City recovering all costs, including Board of Supervisors hearings; and allowing the City to perform work with

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“no headaches, hassles, costs, potential lawsuits, etc.” He expressed the opinion the determination should be made based on what the Parks and Recreation Department can accommodate. He suggested simple language providing for Carson City to “do whatever it wants, whenever it wants.” He further suggested the only reason to have an agreement in place is that otherwise developers would have to write their own and present it to the City. Mr. Moellendorf pointed out that the majority of the ordinance language is pertinent to the petition process. He discussed the importance of a clearly-defined process in order to ensure the petitioner’s understanding of the requirements. Commissioner McKenna requested Mr. Moellendorf to determine how the Parks and Recreation Department could most effectively implement the provisions of the ordinance, and to do that. Ms. Urban advised that a Schulz Ranch Homeowner’s Association has been created, working closely with Mr. Moellendorf.

Planning Division Director Walter Sullivan referred to NRS 278 as the authority behind the proposed ordinance. He advised of having worked on the draft ordinance over the past eighteen months, and discussed the effort invested in making the language provisions as succinct as possible. He further advised that each of the processes were developed into flow charts to ensure there is no overlap. He noted that ten ordinances from all over the State were reviewed to develop the subject draft. Those used by Clark County and the City of Sparks were eventually chosen because of clarity and conciseness. In reference to Ms. Urban’s request, Mr. Sullivan advised that beginning the process at the tentative map stage rather than the final map stage can be worked out. Commissioner Livermore reiterated concerns over the investment of staff time associated with the processes outlined in the draft ordinance. Mr. Sullivan agreed with Commissioner McKenna’s earlier comments that the City should be reimbursed for all costs associated with landscape maintenance districts. In response to a question, he advised that landscape maintenance districts are voluntary. He discussed the benefits associated with developing a landscape maintenance district “if the process is followed, if the City is reimbursed one hundred percent.” In response to a comment, he advised that existing developments would not be forced into landscape maintenance districts. Commissioner Keeton disagreed in that the language of Section 17.18.050(2)(a) provides for 51 percent of the property owners to petition. Mr. Benton read Section 17.18.020, Authority, into the record. Ms. Urban acknowledged that developers are required to provide for landscape maintenance. In response to a comment, she advised that the majority of the start up costs are borne by the developer / petitioner. She noted that the process is quite lengthy, and anticipates that most developers would simply form a homeowners association. Mr. Benton clarified earlier comments regarding the language of Section 17.18.020 in that the statute requires the City to provide for creation of landscape maintenance districts.

In reference to Section 17.18.030, Definitions, Furnishings, Chairperson Curtis read language from the parks and recreation master plan element, and requested to add the words “shade trees, trash cans, restrooms, drinking fountains, benches, dog waste disposal stations, picnic tables, and children’s play equipment.” In response to a question regarding Section 17.18.050(2)(I), Mr. Moellendorf discussed the purpose of the assessment deposit. Mr. Sullivan advised that assessments are based on the amount of maintenance to be done, and discussion followed. In response to a question, Ms. Urban reviewed the provisions of the Schulz Ranch Homeowners Association pertinent to landscape maintenance district dues. Chairperson Curtis expressed the opinion that assessments should be variable. Ms. Urban suggested including specific language to indicate landscape maintenance assessments are pertinent to those specific parcels included in the landscape maintenance district. She noted that the entire community will have the opportunity to use common areas.

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Chairperson Curtis called for additional commission comments or questions. She called for public comment and, when none was forthcoming, entertained a motion. **Commissioner McKenna moved to recommend to the Board of Supervisors approval of the proposed Title 17, Chapter 17.18, Landscape Maintenance District Ordinance. Commissioner Jones seconded the motion. Motion carried 5-2-1, Commissioner Bauman abstaining.**

6. COMMISSIONERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION

(5:36:40) - Chairperson Curtis welcomed Commissioner Jones back, congratulated her on the birth of her son, and presented her with gifts on behalf of the commission and Mr. Moellendorf. Mr. Moellendorf noted the parks and recreation theme to the gifts. (5:52:27) In response to a question, Mr. Fahrenbruch advised of not having been previously informed of any problem with the speaker system at the Fairgrounds. He offered to look into the issue. He acknowledged that the temperature and time on the Fairgrounds readerboard are off, and advised that staff is working to correct the problem. He further acknowledged that although the Fairgrounds is temporarily closed, Fuji Park is still open and accessible to the public.

7. FUTURE AGENDA ITEMS (7:35:54) - Chairperson Curtis noted that the April 17th commission meeting would likely be canceled. In response to a question, Mr. Moellendorf anticipated agendizing the department budget for the May 1, 2007 commission meeting. In response to a comment, discussion took place regarding the propriety of discussing future agenda items in light of the Open Meeting Law. Mr. Moellendorf explained the purpose of this agenda item to serve as a guide for the commissioners to have an idea of items to be agendized for future meetings.

8. ACTION ON ADJOURNMENT (7:41:32) - Vice Chairperson Felesina moved to adjourn the meeting at 7:41 p.m. The motion was seconded and carried.

The Minutes of the March 20, 2007 Carson City Parks and Recreation Commission meeting are so approved this 1st day of May, 2007.

DONNA J. CURTIS, Chair