

CARSON CITY BOARD OF SUPERVISORS
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, April 19, 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
	Al Kramer	Treasurer
	Larry Werner	Development Services Director/City Engineer
	Walter Sullivan	Community Development Director
	Roger Moellendorf	Parks and Recreation Director
	Melanie Bruketta	Chief Deputy District Attorney
	Jennifer Pruitt	Senior Planner
	Katherine McLaughlin	Recording Secretary

(BOS 4/19/07 Recording 8:30:29)

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. Supervisor Staub led the Pledge of Allegiance. Rev. Ken Haskins of the First Christian Church requested a moment of silence in memory of the Virginia Tech incident and the death of JohnD Winters. He then gave the Invocation.

PUBLIC COMMENTS AND DISCUSSION (8:33:24) - Jim Peckham of the Childrens' Museum expressed disappointment in yesterday's media report that the Museum will not be considered for Federal block grants. Its new leadership and growth were limned. More displays and exhibits have been added. Additional room is needed, however, the second floor of the building cannot be used as there is only one stairwell. Funding for architectural and engineering drawings is available, however, additional funding is needed to renovate the historical building. The desire to continue to grow and provide an indoor place for the children with unique programs was indicated. He also noted the seniors' use and their voluntary support of the Museum. There are programs for youth including under privileged youths. They serve a lot of different elements of the community. Additional funding is needed to expand the programs to attract

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both tourists and residents. Connections to other Children's Museums were noted. He urged the Board to provide assistance in any fashion possible.

Gianna Shirk, a member of the Shade Tree Council, distributed flyers regarding upcoming events and invited the Board and public to attend them. The events included "Graffiti Clean Up Day", Carson Pride Week, and Arbor Day. Volunteers were solicited to assist with the graffiti clean up and Carson Pride Week.

Carson City Treasurer Al Kramer announced a website containing a public service announcement sponsored by the State Treasurer. It lists names of individuals who have unclaimed funds or items. He urged the public to look at the website and claim their forgotten property. The website is: www.nevadatreasurer.gov. He advised that an individual named Noah Teixeira has \$1500 waiting for him. Additional comments were solicited.

Sam Dehne advised that he had analyzed the need for scheduled airline service to Carson City. He alleged that it would provide funding for the community and that Carson City is the only State Capitol without scheduled airline service. His airline background was described to illustrate his knowledge of the topic. He acknowledged that the Carson Airport needs an instrument landing system. He claimed that scheduled airline service will increase the number of tourists coming to Carson City and be used by businessmen of the community. He urged the City Manager/Board to contact Senator Reid and obtain some of the "pork" that is distributed by Congress. He alleged that Sparks has successfully done so and that Reno's airport was the same size as Carson City's 20 years ago. Additional comments were solicited but none were given.

1. ACTION ON APPROVAL OF MINUTES - 3/15/07 (8:42:30) - Supervisor Williamson moved to approve the Minutes of March 15, 2007. Supervisor Staub seconded the motion. Motion carried 4-0-1 with Supervisor Aldean abstaining as she was not present at that meeting.

2. CHANGES TO THE AGENDA (8:44:45) - City Manager Linda Ritter advised that Items 4-7, 5, and 7-B had been pulled. No formal action was required or taken.

3. SPECIAL PRESENTATION - PRESENTATION OF A PROCLAMATION FOR "NATIONAL DNA DAY" APRIL 25, 2007 (8:43:15) - Supervisor Staub read the proclamation into the record. A copy is in the file. No formal action was required or taken.

4. CONSENT AGENDA (8:45:50)

4-1. JUSTICE COURT

A. ACTION TO APPROVE THE APPOINTMENT OF SILVIA LOPEZ TO THE PANEL OF SUBSTITUTE JUSTICES OF THE PEACE FOR THE SOLE PURPOSE OF PERFORMING MARRIAGES

B. ACTION TO APPROVE THE APPOINTMENT OF NOEL WATERS TO THE PANEL OF SUBSTITUTE JUSTICES OF THE PEACE

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4-2. ASSESSOR

A. ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBER 009-204-05 (LOCATED AT 4930 SILVER SAGE DRIVE), FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.055 IN THE AMOUNT OF \$350.04

B. ACTION TO APPROVE THE REMOVAL OF THE TAXES AND PENALTIES FROM PARCEL NUMBERS 009-795-01 (2316 PINTAIL DRIVE), 009-795-02 (2304 PINTAIL DRIVE), 009-794-03 (2292 PINTAIL DRIVE), 009-795-04 (2280 PINTAIL DRIVE), 009-795-05 (2268 PINTAIL DRIVE), 009-795-06 (2254 PINTAIL DRIVE) AND 009-795-07 (2242 PINTAIL DRIVE) FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.765 IN THE AMOUNT OF \$2,400.58

C. ACTION TO APPROVE THE PARTIAL REMOVAL AND REFUND OF TAXES FOR PARCEL NUMBER 010-502-01 (LOCATED AT 4706 GOLDEN EAGLE LANE) FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.060

4-3. TREASURER - AFFIDAVIT OF DELINQUENT NOTICE MAILING FOR REAL PROPERTY TAXES

4-4. DEVELOPMENT SERVICES - PLANNING - ACTION TO APPROVE A TENTATIVE SUBDIVISION MAP APPLICATION KNOWN AS SUMMER HAWK FROM CAPITAL ENGINEERING (PROPERTY OWNERS: STANTON PARK DEVELOPMENT AND HANSLER, LLC), TO ALLOW MODIFICATION OF THE PLACEMENT OF THE PROPOSED BUILDING ENVELOPE ONLY IN RELATION TO THE CONSTRUCTION OF 201 SINGLE FAMILY RESIDENTIAL UNITS WITH APPROXIMATELY 86.2% COMMON AREAS/OPEN SPACE ON APPROXIMATELY 548.2 ACRES ON PROPERTY ZONED CONSERVATION RESERVE (CR)/SINGLE FAMILY 12,000 (SF12) LOCATED ON RHODES STREET AND CURRY STREET, APN'S 009-021-02, 009-031-01, 009-031-29, 009-031-07 AND 009-151-01, BASED ON THE CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT. (FILE TSM-06-203)

4-5. FIRE - A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE OFFICIAL ALL-HAZARDS INCIDENT RESPONSE SYSTEM FOR CARSON CITY AND APPOINTING THE FIRE CHIEF/EMERGENCY MANAGEMENT DIRECTOR AS THE SINGLE POINT OF CONTACT FOR IMPLEMENTATION OF THE NIMS.

4-6. CITY MANAGER - ACTION TO APPOINT JACK "WES" CLYDE TO THE ADVISORY BOARD TO MANAGER WILDLIFE FOR A TERM THAT EXPIRES JULY 2007

4-7. FINANCE - ACTION TO ADOPT A RESOLUTION CREATING THE CARSON AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) FUND, A SPECIAL REVENUE FUND - Supervisor Livermore moved to approve the Consent Agenda consisting of two items from Justice Court with special recognition to Sylvia Lopez and Noel Waters; three items from the Assessor, 4-2; one item from the Treasurer, 4-3; one item from Development Services, 4-4; one item from Fire, 4-5, resolution number 2007-R-5; one item, 4-6, from the City Manager, with special recognition of the appointment of Jack "Wes" Clyde to the Advisory Board to Manage Wildlife, for a total of nine items on the Consent Agenda, as presented. Supervisor Staub seconded the motion. Motion carried 5-0.

5. DEVELOPMENT SERVICES - ENGINEERING - ACTION ON A RESOLUTION

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DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO AN EASEMENT OF APPROXIMATELY 372 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 09-191-11 AND TO AN EASEMENT OF APPROXIMATELY 657 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 09-287-02 MARIA I. DUFUR, JOE L. DUFUR, ALBERT DUFUR, AND MICHAEL DUFUR FOR THE CONSTRUCTION OF A SANITARY SEWER LINE FROM THE EAST SIDE OF SOUTH CARSON STREET IN THE ABANDONED PATRICK STREET ALIGNMENT TO THE WEST SIDE OF SOUTH CARSON STREET AND TO AUTHORIZE A STIPULATION TO ENTRY ONTO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING (8:44:45) - Pulled.

6. PARKS AND RECREATION - Director Roger Moellendorf - **ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 17, ESTABLISHING CHAPTER 17.18 LANDSCAPE MAINTENANCE DISTRICTS, SECTION 17.18.010, ESTABLISHES THE PURPOSE; SECTION 17.18.020, ESTABLISHES AUTHORITY; SECTION 17.18.030, ESTABLISHES DEFINITIONS; SECTION 17.18.040, ESTABLISHES PARKS DIRECTOR'S RESPONSIBILITIES; SECTION 17.18050, ESTABLISHES PROCEDURES FOR APPLYING TO CREATE A MAINTENANCE DISTRICT; SECTION 17.18.060, ESTABLISHES PROCEDURES FOR REVIEW OF MAINTENANCE DISTRICT PETITIONS; SECTION 17.18.070, ESTABLISHES PROCEDURES FOR ESTABLISHMENT OF THE BOARD APPROVED MAINTENANCE DISTRICT; SECTION 17.18.080, ESTABLISHES DETERMINATION OF BENEFIT AND COST ALLOCATIONS BETWEEN ASSESSED PROPERTY AND CITY; SECTION 17.18.090, ESTABLISHES ASSESSMENTS; SECTION 17.18.110, ESTABLISHES ALLOCATION OF PUBLIC MONEY TO PAY THE COSTS INCURRED BY CARSON CITY IN ASSUMING MAINTENANCE; SECTION 17.18.111, ESTABLISHES REVIEW AND DISSOLUTION OF MAINTENANCE DISTRICT; AND SECTION 17.18.112, ESTABLISHES APPEAL PROCEDURES (8:46:56)** - Dave Campbell - Mr. Moellendorf's introduction included a review of the Board's concerns and the revisions that had been made to the ordinance at the last meeting. Discussion explained the reasons the developer is required to maintain the landscaping for two years before turning it over to the City. The district will remain in effect until one of the parties wishes to dissolve it. Supervisor Aldean suggested a revision on Page 13-14, Item 4, that will allow the Board to deny the establishment of a district for any reason. Supervisor Staub suggested that the Commission also be allowed to deny the establishment of a district for any reason. Supervisor Aldean felt that few petitions will be submitted for the establishment of a district and noted the need to have proof indicating that the developer had given notice to the buyers of the new subdivision's residences that a district will be formed and there will be a cost for the maintenance of the landscaping. Supervisor Livermore pointed out that, if the Planning Commission makes the district a condition of approval for a subdivision, it will not be possible for the district to be dissolved at a future date. A petition to enter into a district could be dissolved at a future date. He also expressed acceptance of the requirement that 67% of the residents sign the petition requesting establishment of a district. He wished Mr. Moellendorf success with the concept. Additional comments were solicited.

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Mr. Campbell felt that automatic denial of a petition to establish a district by the Parks and Recreation Director's failure to make a decision within 20 days was the wrong approach. Mr. Moellendorf explained that this clause affects new developments. Mr. Campbell felt that the longer time frame should be provided before automatic denial occurs. Mayor Teixeira acknowledged Mr. Campbell's concern. He pointed out that this is a new concept and is for new subdivisions primarily. He did not believe that developed subdivisions will be interested in establishing a district. New subdivisions will be addressed under the development agreement. Mr. Moellendorf supported his comments by explaining that only older, developed subdivisions will need to file a petition to establish a district. He also pointed out that the subdivision will have to deed the landscaped areas that are to be maintained to the City or provide an access easement for them. Supervisor Aldean explained her reasons for changing the original wording from de facto approval to automatic denial. She felt certain that if there is a benefit for the City, the 20-day time frame will be met. Mr. Moellendorf also indicated that the Parks Director and the developer will be working together on the establishment of the district. The City will know what infrastructure has been included, the maintenance costs, etc. He did not believe that it will be something that comes "out of the blue" and surprises the developer. Clarification between Supervisor Livermore and Mr. Moellendorf also pointed out that the entire process for establishment of a district does not have to be completed within 20 days. The 20-day time frame is for the Parks Director to determine if the statutory requirements for the establishment of a district have been met. Acceptance and establishment of the district will occur after the Parks and Recreation Commission and the Board have approved the application. Additional comments were solicited but none were given.

Supervisor Livermore moved to introduce on first reading Bill No. 109, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 17, ESTABLISHING CHAPTER 17.18 LANDSCAPE MAINTENANCE DISTRICTS, SECTION 17.18.010, ESTABLISHES THE PURPOSE; SECTION 17.18.020, ESTABLISHES AUTHORITY; SECTION 17.18.030, ESTABLISHES DEFINITIONS; SECTION 17.18.040, ESTABLISHES PARKS DIRECTOR'S RESPONSIBILITIES; SECTION 17.18.050, ESTABLISHES PROCEDURES FOR APPLYING TO CREATE A MAINTENANCE DISTRICT; SECTION 17.18.060, ESTABLISHES PROCEDURES FOR REVIEW OF MAINTENANCE DISTRICT PETITIONS; SECTION 17.18.070, ESTABLISHES PROCEDURES FOR ESTABLISHMENT OF THE BOARD APPROVED MAINTENANCE DISTRICT; SECTION 17.18.080, ESTABLISHES DETERMINATION OF BENEFIT AND COST ALLOCATIONS BETWEEN ASSESSED PROPERTY AND CITY; SECTION 17.18.090, ESTABLISHES ASSESSMENTS; SECTION 17.18.110, ESTABLISHES ALLOCATION OF PUBLIC MONEY TO PAY THE COSTS INCURRED BY CARSON CITY IN ASSUMING MAINTENANCE; SECTION 17.18.111, ESTABLISHES REVIEW AND DISSOLUTION OF MAINTENANCE DISTRICT; AND SECTION 17.18.112, ESTABLISHES APPEAL PROCESSES as amended. Supervisor Staub seconded the motion and indicated that Supervisor Aldean's changes should occur in Section VIII.b.1 and 2 and Section VIII.4.b.1 and 2 which address denial and adoption. Mr. Moellendorf agreed to make the changes. Supervisor Livermore concurred with the changes. The motion to introduce Bill 109 as amended was voted and carried 5-0.

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7. DEVELOPMENT SERVICES - PLANNING AND ZONING - Community Development
Director Walter Sullivan

A. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE ZONING CODE AMENDMENT FROM CARSON CITY PLANNING DIVISION FOR AN AMENDMENT TO TITLE 18 ZONING AND DEVELOPMENT STANDARDS, SPECIFICALLY TO THE LIGHTING ORDINANCE REGARDING PERFORMANCE STANDARDS RELATIVE TO DISPLAY AND SECURITY LIGHTING, AND OTHER MATTERS RELATED THERETO. (FILE ZCA-06-181) (9:06:40) - Dave Campbell, Carol Edmond, Chamber of Commerce Executive Director Ronni Hannaman, Sam Dehne - Mr. Sullivan's introduction included criteria that will require implementation of the standards. Discussion between Mayor Teixeira and Mr. Sullivan attempted to explore the amount of renovation required before the requirements are mandated and locations where light shields are already located. Discussion also indicated that a lot of the older parking lots create light pollution. The new parking lots already conform to the proposed standards, e.g., the new Walmart and the proposed Home Depot. The ordinance may increase the costs for State and City public facilities. The costs for new commercial/industrial structure will remain the same. An unnamed individual from Western Nevada Community College (WNCC) had allegedly informed Mr. Sullivan that the new lighting standards will reduce electrical costs. Sierra Pacific Power Company purportedly has a commercial/industrial rebate program that rebates electrical charges if they retrofit their buildings. Governors Field is the result of a tour taken by Parks and Recreation Director Roger Moellendorf and Supervisor Livermore. WNCC is interested in Governors Field's lighting and is allegedly interested in discussing the program with the prison system. It may be interested in the cost savings generated by the renovation. Mayor Teixeira's desire to have soft lighting of the historical structures is included in the ordinance. Mayor Teixeira espoused his reasons for wanting to have this lighting. Discussion indicated that historical structures and buildings of interest should be lit. The Bryant Building was not felt to be such a structure even though Mayor Teixeira felt that it should be lit. Mr. Sullivan explained the State's ability to do whatever it desires. He also advised that the City had a good working relationship with the State Buildings and Grounds Division and that new State buildings may comply with the Code. Mr. Sullivan assured the Board that the ordinance is a balanced approach and a compromise between those wanting dark skies and those wanting night lighting. The ordinance does not change the lighting requirements for the Flag. Mayor Teixeira felt that the ordinance is a good first step. Changes will be made to it as time marches on as it may not address all of the concerns. Mr. Sullivan indicated that a building permit has been issued for the new "Bodine's" project. Its parking lot and the building will meet all of the standards in the proposed ordinance. He also thanked Maggie Tracy for her presentations to the Planning Commission on the dark skies concept. She provided a balance between the groups and understood the City's need to "walk before we run". Mr. Sullivan asked the Board for direction regarding the renovation percentage that is required before implementation of the standards. He suggested that it be 50%. He committed to providing a status report in a year and to inform the Board if problems are encountered. Mayor Teixeira felt that the Board would know if there is a problem. Discussion indicated that the airport's rotating beacon is grandfathered and should be listed among the exemptions on Page 6 in Item 6. Justification for the Chamber's recommendation that business lights remain lit at night was based on their need for security lighting. Supervisor Williamson supported the ordinance as it provides a balance between the two views.

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Security and highlighting of businesses are recognized needs. The dark skies also have value. She complimented Mr. Sullivan and Ms. Pruitt on their ability to balance the needs. She reminded the Board that there are businesses who are currently violating the ordinances. Mr. Sullivan explained that Code Enforcement will be responsible for investigating any violations and prosecuting them if necessary. Supervisor Williamson also pointed out that there are benefits to making the improvements and controlling the wattage. Mr. Sullivan explained Planning Commissioner Peery's request that Sierra Pacific Power Company be contacted and asked to make a ten to 15 minute presentation on its assistance program for those who convert their lighting and illustrating the payoff. One unnamed individual allegedly had saved \$10,000 by making the conversion. Discussion indicated that Christmas/seasonal lighting is not impacted by the ordinance. New subdivisions will be required to comply with the ordinance standards. Residents living in the SF1A district with yard lights can shield the lighting and use florescent bulbs. Mr. Sullivan has been discussing the need to retrofit yard lights with Chuck Adams of Sierra Pacific Power Company. Mayor Teixeira advised that the majority of the complaints he has received are about motion activated security lights. Mr. Sullivan explained that the ordinance does not address residential lighting. Staff will attempt to work with the neighbors when complaints are made. It is, however, a private issue. Mayor Teixeira felt that individuals wanting/need the security blanket provided by the motion sensors have a right to have the lighting. Discussion indicated that gas fired torches cannot be shielded. Additional Board questions were solicited but none were given. Public comments were then solicited.

Mr. Campbell indicated that he objected to the ordinance as it does not address his concerns and desire to have dark skies. He commended staff on its efforts to balance the different views. He felt that illumination measurements should be used to determine the amount of light on the street. This would allow the standard to be changed as technical changes are made in the future. He wanted all lighting that escapes from the property controlled. The terms "glare" nor "intensity" are not defined. The ordinance has built in conflicts unless these terms are defined to include the ability to be measured objectively. There should be a sunset date for grandfathered lighting. This time frame could be as much as 20 to 30 years. He supported requiring implementation of the ordinance's standards at small percentages possible. The ordinance does not provide for implementation of the standards when the accumulative sum of all the projects reaches an established percentage. This failure allows a business to make renovations and/or improvements totaling 40% this year and 40% next year. Paragraph 1.3.3.1 fails to define the term "minimize", therefore, this section has little meaning as it means "nobody can make it better". He questioned "photometric plans", their standards, and measurements. He alleged that a study had been conducted indicating that business signage can be turned off at night without losing business. His professional background was limned to illustrate his researching experience and justify his efforts to contact chambers of commerce to support the study. He urged the Board to require the lights be turned off at night. Mayor Teixeira explained that a businessperson would see this ordinance as government interference. The businessperson would desire to make the decision him/herself. Mr. Campbell pointed out that there are lots of rules regarding what an individual may and may not do on public property, e.g., graffiti is not allowed on public property. Some individuals see graffiti as an art form. There are rules on air and sewage for the protection of the public good. He believed that he should control things at his business which impact the night skies for the same reasons. Mayor Teixeira indicated that he respected Mr. Campbell's position. It is evident that he is quite passionate about the night skies. Mr. Campbell

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indicated that he understood the Mayor's business concerns, however, research may indicate that what is believed is not the fact. Mayor Teixeira explained that his research is based on the contacts he receives daily. Mr. Campbell urged him to test the alternative. Additional comments were solicited.

(9:42:38) Ms. Edmond felt that the City/clients can tell people to turn off the lights. Carson City should be the showcase as it is the State Capitol. Lighting needs to be improved at the library which could become an illustration of how the State should light its buildings. Global warming is being accepted as a concern. Dark skies use less power. Solar energy can produce electricity. The more the residents do to mitigate global warming, the more the community will stand out as an example to others. Additional comments were solicited.

Ms. Hannaman advised that the business community wishes to comply with the ordinance. Grandfathering is important to the business community. The car dealers, who are paying 40% of the City's sales tax revenue, need the lighting as they must have visibility. The proposed 50% implementation point for renovations was felt to be fair. Requiring implementation for a smaller percentage will be very expensive for them. If an individual wants dark skies, they should go to "Virginia City and Gold Hill". Business is important to Carson City. Her personal research indicates that an individual can find support for whatever position he/she wishes to take. Her personal research on dark skies indicates that a majority of her contacts did not care about it. It is not a major issue. She believed that Flagstaff has 57 hotels which are lit. She pointed out the City's gang concern and questioned what impact the failure to have the lights would have on the new Walmart parking lot. The majority of the hotels in Carson City and the new businesses have conformed to the proposed lighting standards. WNCC purportedly does not have a problem with the current lighting. The biggest problem with transient lighting is caused by the prisons. She was uncertain about what could be done to address this problem. She also pointed out that Reno has lost its dark sky and questioned what the City could do to control it. She repeated her opening statements that the businesses do not feel that the ordinance is a problem so long as grandfathering is allowed and the implementation for renovations remains at 50%.

Mr. Dehne supported the ordinance and acknowledged Mr. Sullivan's hard work on it. His personal experience with lighting at the Atlantis' was explained to illustrate that residents can control it. He supported exempting the airport's beacon from the ordinance. Beautiful buildings should have soft lighting to highlight the structure for tourists/residents. He felt that scheduled airline service would help bring tourists to the community to observe these buildings. Additional comments were solicited but none were given.

Supervisor Aldean moved to introduce on first reading Bill No. 110, an ordinance amending the Zoning Code Amendment from Carson City Planning Division for an amendment to Title 18 Zoning and Development Standards, specifically to the Lighting Ordinance regarding performance standards relative to display and security lighting, and other matters related thereto, exempting the airport's rotating beacon where appropriate in the document and establishing 50% as the desired percentage under Section 1.3.1 and subject to an annual report by the Director of Community Development on the effectiveness of the ordinance once implemented. Supervisor Williamson seconded the motion. The motion was voted and

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carried 4-1 with Mayor Teixeira voting Naye.

RECESS: A recess was declared at 9:50 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:57 a.m., constituting a quorum.

B. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 3 LANDSCAPING, ADDING PROVISIONS REGARDING TURF AREAS, TREES AND SHRUBS WITHIN THE HISTORIC DISTRICT, TREE PROTECTION MEASURES, RIPARIAN CORRIDORS, PLANTING DETAILS AND GENERAL LANDSCAPING DETAILS, AND OTHER MATTERS RELATED THERETO. (FILE ZCA-07-023) (8:44:45) - Pulled. (9:57:20) Mr. Sullivan advised the Board that the item had been pulled in order for staff to meet with the Builders Association of Western Nevada regarding the amendments.

C. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE TO CHANGE THE ZONING ON A PORTION OF THE SUBJECT PARCEL LOCATED AT 2300 EAGLE VALLEY RANCH ROAD, APN 007-511-06, FROM CONSERVATION RESERVE (CR) TO RETAIL COMMERCIAL (RC). (FILE ZMA-07-026) (9:58:40) - Discussion indicated that there are two other SF1A parcels in the vicinity which may be rezoned in the near future. The zone change provides the subject parcel with the same zoning as the surrounding parcels have. Supervisor Aldean moved to introduce on first reading Bill Number 111, AN ORDINANCE TO CHANGE THE ZONING ON A PORTION OF THE SUBJECT PARCEL LOCATED AT 2300 EAGLE VALLEY RANCH ROAD, APN 007-511-06, FROM CONSERVATION RESERVE TO RETAIL COMMERCIAL and the address of the subject parcel will be included in the actual bill attached to the action packet. Supervisor Williamson seconded the motion. Motion carried 5-0.

D. ACTION TO APPROVE A TENTATIVE SUBDIVISION MAP APPLICATION KNOWN AS COMBS CANYON PHASE II, FROM LUMOS ENGINEERS FOR BARTON PROPERTIES, INC., (PROPERTY OWNER: COMBS CANYON, LLC) TO REVIEW A SUBDIVISION MAP THAT CONSISTS OF 19 LOTS ON APPROXIMATELY 25 ACRES, AND A VARIANCE TO ALLOW FOR GREATER LOT DEPTH THAN ALLOWED PER CITY MUNICIPAL CODE ON FOUR OF THE PROPOSED LOTS ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED ON COMBS CANYON ROAD, APN 007-091-72, BASED ON THE CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT. (FILE TSM-07-027) (10:00:40) - Senior Planner Jennifer Pruitt, Applicant's Representative Randall Long, Development Services Director/City Engineer Larry Werner, Carol Leidemann, Deputy City Engineer Jeff Sharp, Bruce Kittess, Shelly Conner, George Conner, Bee Staheli, Mary Fischer - Mr. Long indicated that they had read the staff report and supported the 48 conditions as well as the "two clarification conditions". None of the lots have been sold as the final map has not been approved. The entire development is for sale. The developer may "flip" the property as soon as the zoning is completed. He then used the power point to display the parcel map which he described. The parcels illustrated the conceptual locations of the building pads, the combined driveways and the "hammer heads". The hammer heads are to be used to turn

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the vehicles around so that the residents may drive out onto Combs Canyon rather than back into the street. The concept is for the homes to be custom built. The use of the rear 33% of the lots is discouraged. There will be a homeowners association, an architectural review committee, and CC&Rs.

Mr. Sullivan indicated that several of the conditions of approval for the subdivision relate to the CC&Rs. The CC&Rs will be reviewed by staff. When approved, they are "cast in stone" and any new developer will have to comply with them. The seller will be required to place a covenant on the property that will require the buyer to comply with them. Discussion between Supervisor Livermore and Mr. Sullivan indicated that the wildland urban interface is addressed in two of the conditions. A study must be conducted and presented to the Fire Department regarding it. The homeowners association must pay to maintain the fuel level at its lowest level possible. The costs will be bore by the homeowners association.

Mr. Long then described the utility infrastructures, the street improvements, and the bicycle/pedestrian trail, and the easements which will be required for these improvements. Additional right-of-way will have to be obtained for the roadway in Section 2. The trail will be on private property in some locations. There will be a separation between the roadway and the trail. Clarification by Mr. Long indicated that there is adequate space between the homes and the street for the trail. The location of the trail is conceptual at this time. The four foot wide trail will be made of DG. Discussion between Mr. Long and Supervisor Livermore indicated that the Parks Department will maintain the trail. No provision for maintenance funding had been provided. Supervisor Livermore recommended that the homeowners association be required to provide the funding for both the wildland/urban interface maintenance and the trail maintenance. Mr. Long indicated that the sections on private property will be maintained by the homeowners association. Mr. Werner indicated that the concept is to have the homeowners association be responsible for maintaining the wildland/urban interface and the trails. An assessment district is not proposed for this subdivision. Supervisor Livermore cited the Long Ranch Subdivision to illustrate his concerns and the possibility that in the future the City could be asked to maintain the trail. Mr. Werner disclosed that the construction plans for the Longview Subdivision indicated that the trail was not dedicated to the City. This proposal uses some public rights-of-way. There will be an easement for all of the trail. Clarification indicated that the trail is conceptual at this time. The final design has yet to be established. Supervisor Livermore indicated his discomfort with this portion of the plans. He disclosed that until more details are available, he could not support the project. Mr. Sullivan asked Mr. Long if he would stipulate to having the CC&Rs include the homeowners association's responsibility for maintenance of the pathway. Mr. Werner explained that the City could not maintain the portion on private property. Mr. Long agreed to include the clause in the CC&Rs as the parks on private property will be maintained by the homeowners association.

(10:22:59) Mr. Long continued his review of the zoning and conditions of approval including the reasons a larger post office cluster box was not going to be used to serve the subdivision. The plan will have two to four adjacent parcels share the same location. This will eliminate the need for U-turns. The individual will park in his/her driveway and not on the right-of-way. The post office has agreed to this design.

Supervisor Livermore noted that Conditions 40 and 41 indicate that the Applicant will work with the

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School District to establish the student pick-up/drop-off locations. He suggested that this location be separated from the cluster box locations. Mr. Long agreed that it may not be appropriate for some locations, however, there will be seven or eight cluster boxes under the proposed concept.

Discussion between Supervisor Williamson and Mr. Long explained that U-turns for any individuals will not be "promoted" by the development. Mr. Long indicated that he had been working on this subdivision for six years. There had been numerous meetings about it. He had attended all of them. He believed that the project provides compatibility with the neighborhood and the CC&Rs comply with all of the directions that they have been given. Discussion also indicated that the first development is still in the tentative map stage and that no movement has occurred on bringing the utilities to it.

Ms. Leidemann expressed her concerns regarding the bicyclist's safety along the current roadway. She asked that they be required to use the proposed pathway/trail. Mayor Teixeira indicated that the City could not force them to use it. Mr. Sharp advised that there will be a five foot dedicated bicycle path along the property frontage. Ms. Leidemann asked that the developer be required to widen the entire street from his property to the "next neighborhood" due to her safety concerns. Mayor Teixeira explained that the developer is required to address the property that he owns. He also indicated that vehicles scare him when he is riding his bicycle. The City does not have the funds to make the road improvements she wanted. Ms. Leidemann felt that the roadway needed improvements. Mayor Teixeira explained that the Utility Department is responsible for the water pressure and has indicated that it will maintain the service level. Ms. Leidemann indicated her concern is due to the landscaping and irrigation needs which will have an impact on the surrounding area. Mayor Teixeira explained that this relates to the fire concerns. Ms. Leidemann asked that no junipers or fire hazards be allowed in the landscaping.

Mr. Kittess thanked Mr. Sharp and Ms. Pruitt for meeting with him on the project. He believed that the parcel should not have been created 20 years ago. The zoning has been there for some time. He understood how an entitlement works. The original zoning allowed one house on one to three acres. This would have been a total of five or six homes with private drives. The master plan changed the zoning. They could support the proposed 23 homes. Phase 1 is nice. Phase 2 is not so good. He felt that 200 to 300 homes will be placed on the Weise property at the top of the hill. They will use Combs Canyon for access. Although the Board could not deny the project, it will be an engineering nightmare. The proposed street will be a problem worse than encountered in Lakeview. Vehicles currently cross the center line when encountering a bicyclist on Combs Canyon. The shoulders will not be there for the bicyclists when the curbs are installed. As the City has 60 feet of right-of-way width, there should be adequate room for the 34 foot roadway and a separated bicycle path; however, this is not the case from the corner of Combs to the front of Lot 19. The roadway will be only 25 feet wide for 300 feet as the State owns the adjacent property. He questioned how all of the roadway and trail improvements will be able to fit into that area. He then pointed out that parking along the right-of-way is not allowed. He questioned where the contractor will have his employees park when constructing the homes. He advised that the lots are located on hillside slopes of 15 to 30% grades. The trail will be located in areas that range from 15 to 33% grades. The driveways will be at 12% grade. The pathway will cross each of these driveways. He questioned how continuous the trail will be. There will be 19 neighbors. He suggested that they join the Lakeview

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homeowners association. The homeowners association will be required to maintain the roadway. He urged the Board to continue the item and send it back to staff for additional work. He also felt that a 60-foot easement is required to have a 34-foot wide roadway. This will require cutting into the slope which will increase the grade for the lot.

Ms. Conner advised that Garry Wyatt had asked her to deliver his letter to the Board and Clerk. (A copy is in the file.)

Mr. Conner advised that Phase 1 is for sale in its entirety. He trusted that all of the provisions for a successful Phase 2 can be met. As the developer is going to "flip" the property, he questioned whether a new developer will comply with all of the requirements. He felt that the current developer should be responsible for the project. He urged the Board to keep this failure in mind when considering the project. Additional comments were solicited.

Ms. Staheli expressed concerns regarding the safety of the students living in the homes and the school buses who will be picking them up or dropping them off. She was certain that if and when Phase 1 is developed, Phase 2 will follow.

Ms. Fischer reminded the Board that Lakeview is used as a short cut to reach Reno. Once the college property is developed for 300 homes, the traffic volume will increase. The entire street should be developed to City standards and not left half done. She urged the Board to ensure that the CC&Rs are there. They may sound good but the City does not enforce them. The homeowners must enforce them which is difficult for the neighbors to do. A lot of the "feel good items" in CC&Rs do not occur due to the lack of enforcement. Additional public comments were solicited but none were given.

Mr. Long indicated that Mr. Sharp had addressed the bicycle lane. The trail is for pedestrian traffic. The bicycle lane will be four feet wide. This will provide a separation between the vehicles and the bicyclist. It is a narrow roadway. The water pressure will be maintained as improvements to the service are required. It is a tentative map. Although he was not certain of the developer's plans for the project, he was certain that it will be sold. Mayor Teixeira pointed out that the Board could not enforce anything regarding this intent. Mr. Long advised that the school bus concern will be addressed in the improvement plan phase of the project. He hoped that it will be done at the same time as Phase 1 and that the comprehensive plan can be developed for both phases.

(10:47:03) Supervisor Williamson disclosed that she had a letter from a neighbor which she wished to read into the record. She then explained her concerns regarding the inability to enforce the no parking along the right-of-way and in the "hammer head" portion of the driveway. She felt certain that in the wintertime people will park along the right-of-way. She suggested that a parking pad off the roadway be provided. Mr. Long described the "hammer head" driveway which will be used to keep the vehicles from backing onto Combs Canyon. The roadway will be signed as a tow away area which will prohibit parking. He did not feel that it would be possible to have an additional pad along the roadway for parking.

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Mr. Sullivan sketched the “hammer head” for the Board and explained that the Commission had a similar concern with the lack of parking for delivery vehicles. The “hammer head” is supposed to provide the residents with an ability to drive onto Combs Canyon rather than back into traffic. Mayor Teixeira pointed out that the residents could use the “hammer head” for parking their toys/travel trailers, etc. Mr. Sullivan indicated that the CC&Rs will prohibit this usage. The area can be used for the delivery vehicles.

Supervisor Livermore expressed his appreciation for Mr. Long’s presence although he felt that the principal developer should have been present. The Board should have someone present who can address the Board’s concerns. Mr. Long had a “tough sell” today. Additional comments were solicited.

(10:52:34) Supervisor Williamson read a letter from Miles Shaw into the record. Mr. Shaw was concerned about safety of the pedestrians, drivers, bicyclists, and students loading/unloading the school buses on Combs Canyon. He supported the guard rails, prohibition against backing onto Combs Canyon, the bike trail, and mitigation of the storm runoff which includes consideration of the topography. He also felt that the developer will flip the property once the Board approves the application. He questioned who will be responsible for enforcement of the conditions of approval and the CC&Rs.

Discussion between Mr. Sullivan and Supervisor Aldean indicated that the City has quite a few recently approved “paper subdivisions” and several lots in Lakeview that have not been developed. The tentative map process requires a developer to start the process over if the map is not finalized in two or three years. Granting a variance is a discretionary act by the Board/Commission. Supervisor Aldean reminded the Board that its action approving Phase I had granted the use of this property as an offset to the reduced number of residences in Phase I. This agreement reflects her feeling that the property does not have a lot of development potential. She felt that the project is a challenge. In her mind it is a real stretch due to the amount of cut and fill that will be required for development, its drainage problems, and other issues. She had visited the property yesterday. She would like to see a project with fewer homes. The master plan had identified the parcel as developable at a ratio of one home for everyone to three acres. She felt that the development was ill-conceived. Although staff had indicated that the hardship is not self imposed, in reality, it is due to the developer’s decision to develop property which is topographically challenged. She was dismayed that the Applicant was not present and that Mr. Long must defend the project. She liked to see developers in the room so that they can discuss the projects with them to determine how dedicated they are and their desire to be a good neighbor and good citizen in Carson City. She did not see that today.

Mayor Teixeira indicated that he disliked the project and the set back. It is not a case of taking lemons and making lemonade. He felt certain that the hammerheads will be used for other purposes. He questioned the size of the garages. There will be problems with the development. He questioned where people will park when they cannot reach their homes in this elevation. He did not have a comfort zone with the project. The project will create potential hazards to keeping the road clear. He also felt that they were “stuffing” the project. He noted that a motion of denial will require making findings to support a denial. Additional comments were solicited but none were given.

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Supervisor Aldean moved to deny the tentative subdivision map application known as Combs Canyon Phase II from Lumos Engineers for Barton Properties, Inc., property owner: Combs Canyon, LLC, to review a subdivision map that consists of 19 lots on approximately 25 acres and a variance to allow for greater lot depth than allowed per City Municipal Code on four of the proposed lots on property zoned Single Family One Acre located on Combs Canyon Road, APN 007-091-72, based on the inability to make the variance findings. Supervisor Williamson seconded the motion. Mr. Sullivan indicated that staff would like to continue the item to the next meeting so that proper findings can be made. Supervisor Aldean indicated that she was denying the variance so that the applicant can reexamine the project and address the concerns. She did not have a problem with deferring action. Mr. Sullivan explained that the application is for a subdivision and a variance. Denial of the variance must have appropriate findings. Mayor Teixeira supported the continuance. Supervisor Aldean withdrew her motion. Supervisor Williamson withdrew her second. Mayor Teixeira directed that the items be continued and brought back in two weeks. Discussion between Supervisor Staub and Mr. Sullivan indicated Mr. Sullivan needed to check the Statutes as there may be a time frame for the Board to act on the application. If the Board fails to act within that time frame, the application could be approved without any conditions. Supervisor Aldean then moved to continue the item for two weeks. Mr. Sullivan indicated that this is an adequate amount of time to provide the findings. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira urged Mr. Long to bring his developer with him to the next meeting.

8. BOARD OF SUPERVISORS - NON-ACTION ITEMS

- A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - None.**
- B. STAFF COMMENTS AND STATUS REPORT - None.**

RECESS: A recess was declared at 11:03 a.m. Mayor Teixeira reconvened the meeting at 6 p.m. The entire Board was present, constituting a quorum. Staff members present included: City Manager Ritter, Community Relations Officer L. Teixeira, Chief Deputy District Attorney Bruketta, and Recording Secretary McLaughlin.

9. CITY MANAGER - Linda Ritter - PRESENTATION OF APPLICATIONS FOR ANNUAL FUNDING OF CARSON CITY COMMUNITY SUPPORT SERVICES GRANT ALLOCATIONS FOR FISCAL YEAR 2007-2008 (6:01:12) - Community Relations Officer Liz Teixeira - Mayor Teixeira explained the Board's previous direction reducing all budgets by ten percent. Additional funding is not possible. An update on their community activities was solicited. Ms. Teixeira described her notification to the agencies and briefly reviewed the spread sheet that indicated the proposed budget of \$261,000 of which \$171,000 is in ongoing funds and \$90,000 is in one shot funds. Supervisor Aldean pointed out that there are credits to the funding amounts for RSVP and CCOY due to leases. Supervisor Staub disclosed his discussion with Ms. Ritter regarding the CCOY lease and the impact the credit creates on it grants. CCOY has asked that it be allowed to write a check to cover the rent to eliminate the impact on the grants. Both Ms. Teixeira and Ms. Ritter agreed that the issue can be worked out.

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Representatives of the following organizations gave presentations explaining their programs and discussed this information with the Board. The organizations and their representatives were: (6:06:00) Carson City Symphony President Elinor Bugli; (6:16:40) Nevada Day Committee Reg Creasey; (6:24:14) RSVP Executive Director Janice Ayres; (6:36:13) Ormsby ARC Executive Director Mary Winkler; (6:44:22) Home Health Services of Nevada Kathy McConnahea; (6:51:42) Community Counseling Center Executive Director Mary Bryan; (7:00:08) Community Counseling on Youth (CCOY) Executive Director Eric Ohlson; (7:10:49) Advocates to End Domestic Violence Executive Director Lisa Lee; (7:22:09) Nevada Hispanic Services, Inc., Executive Director Rachel Knecht; (7:26:48) District Manager Doug Martin of the Nevada Tahoe Conservation District; and (7:33:29) Brewery Arts Center Executive Director John Procaccini. Board comments thanked each of the organizations for their services.

Ms. Ayres gave the Board and Clerk a report indicating the volunteer service provided to the City in 2006. (A copy is in the file.) (6:35:23) The Carson City Library Foundation did not apply for a grant. The informational packet included an accounting of its funding for last year. (6:35:44) HealthSmart was kept in the budget. A determination of where these funds will be spent will be made later. Discussion noted they had initiated the Circle of Health Program which is part of the City's ten year plan to end homelessness. Mr. Martin gave the Board a packet of information. (A copy is in the file.) No formal action was taken on any of the funding requests.

10. ACTION TO ADJOURN (7:50:40) - Supervisor Aldean moved to adjourn. Supervisors Livermore and Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 7:52 p.m.

The Minutes of the April 19, 2007, Carson City Board of Supervisors meeting

ARE SO APPROVED ON May 17, 2007.

/s/
Marv Teixeira, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder