

CARSON CITY BOARD OF SUPERVISORS
Minutes of the May 7, 1998, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, May 7, 1998, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Tom Tatro	Supervisor, Ward 3
	Greg Smith	Supervisor, Ward 1
	Jon Plank	Supervisor, Ward 2
	Kay Bennett	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Alan Glover	Clerk-Recorder
	Al Kramer	Treasurer
	John Iratcabal	Purchasing Director
	Paul Lipparelli	Chief Deputy District Attorney
	Tim Homann	Deputy Public Works Director
	Cheryl Adams	Deputy Purchasing Director
	John Mayes	Risk Manager
	Fred Schoenfeldt	Sergeant
	Juan Guzman	Senior Planner
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 5/7/98 Tape 1-0001.5)	

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

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present constituting a quorum. Mayor Masayko read a Proclamation into the record proclaiming the day a Day of Prayer. (The Clerk did not have a copy of this proclamation.) Mayor Masayko then lead the Pledge of Allegiance.

CITIZEN COMMENTS (1-0038.5) - None.

APPROVAL OF MINUTES - February 19, March 5, March 19, and April 2, 1998 (1-0043.5) - Supervisor Smith moved to approve the Minutes as presented, which includes the March 5, March 19, and April 2 corrections which had been presented to the Board this morning. Supervisor Plank seconded the motion. Motion carried 5-0.

2. SPECIAL PRESENTATIONS

A. PROCLAMATION FOR BOYS AND GIRLS CLUB FOR THE MONTH OF MAY 1998 (1-0062.5)
- Mayor Masayko read the Proclamation into the record. Katherine Blankenship briefly described the services and growth which had occurred since its inception. She thanked the Board and community for its support. She then introduced the Annual Giving Campaign Chairperson Brian Hutchins. Mr. Hutchins gave the Board pamphlets and buttons on the campaign. (None to the Clerk.) He thanked the Board for its support and expressed the hope that the Club would continue to grow. Mayor Masayko thanked them for their support and wished them continued success with their youth services and programs. Supervisors Smith and Plank explained their personal experiences with the Club. Ms. Blankenship then explained the "Youth of the Year" Contest. Ophra Winfrey had purportedly indicated that she would award scholarships to each State's "Youth of the Year". She then explained the 2000th opening of a Boys and Girls Club.

B. PROCLAMATION FOR NATIONAL NURSING HOME WEEK, MAY 10 THROUGH 16, 1998 (1-0170.5) - Mayor Masayko invited the Board, staff and the public to attend the ceremonies at the Sierra Convalescent Center on Monday at 11 p.m. and read the Proclamation into the record. A gentleman named Sam explained the reasons for requesting support for National Nursing Home Week. Victoria Garcia, Activities Director at Carson Convalescent Center, explained her efforts to make the facility fun and enjoyable. She reminded all that love is important to the clientele and that the atmosphere needs to be home-like. She encouraged the public to tour the facility. She announced the plans to relocate Carson Convalescent to a new facility the first part of next year.

LIQUOR AND ENTERTAINMENT BOARD - Mayor Masayko recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board was present including Sheriff's Representative Fred Schoenfeldt, constituting a quorum.

3. TREASURER - Al Kramer

A. ACTION ON A BEER AND WINE LICENSE FOR TERESA CANTUA, VICE PRESIDENT OF CREEKSIDE DELICATESSEN, INC., LOCATED AT 1795 EAST COLLEGE PARKWAY (1-0232.5) - Teresa Cantua indicated she was familiar with Nevada Liquor Laws and that her employees would be informed about the laws. She also explained her location and opening date. Member Schoenfeldt noted the favorable Sheriff's report. Member Bennett moved that the Board approve packaged and on-premise beer and wine license for Teresa Cantua, Vice President of Creekside Delicatessen, Inc., located at 1795 East College Parkway. Member Plank seconded the motion. Motion carried 6-0.

B. ACTION ON A BEER AND WINE LICENSE FOR YOLANDA VILLANUEVA, DOING BUSINESS AS PLAYA AZUL MEXICAN RESTAURANT, LOCATED AT 415 EAST WILLIAMS STREET (1-0276.5) - Yolanda Villanueva indicated she was familiar with the Nevada Liquor Laws and that her employees would be informed about them. Member Schoenfeldt noted the favorable Sheriff's report. Member Smith moved to approve the beer and wine license for Yolanda Villanueva, doing business as Playa Azul Mexican Restaurant, located at 415 East William Street, Carson City, Nevada, fiscal impact is \$500 Investigation Fee, \$500 New Fee, and \$150 Quarterly Fee. Member Plank seconded the motion. Motion carried 6-0. Discussion explained the location.

C. ACTION ON A BEER AND WINE LICENSE FOR BERNICE ELIZABETH PAXMAN, LIQUOR MANAGER FOR PACPIZZA LLC, DOING BUSINESS AS PIZZA HUT, LOCATED AT 2441 NORTH CARSON STREET (1-0315.5) - Member Smith explained his intent to abstain on this application. Ms. Paxman indicated she is familiar with Nevada Liquor Laws and that her employees would also be familiar with them. Member Schoenfeldt indicated the Sheriff's Department did not oppose the application. Member Tatro moved to approve a beer and wine license for Bernice Elizabeth Paxman, Liquor Manager for PacPizza LLC, doing business as Pizza Hut, located at 2441 North Carson Street, fiscal impact is \$500 Investigation fee, \$500 New Fee, and \$150 Quarterly Fee. Chairperson Masayko seconded the motion. Motion carried 4-1-1-0 with Member Bennett voting Naye and Member Smith abstaining. Chairperson Masayko explained the vote to Ms. Paxman.

D. ACTION ON A FULL BAR LIQUOR LICENSE FOR JOANNE CHRISTINE POCIASEK, DOING BUSINESS AS THE RETREAT LOUNGE, LOCATED AT 1305 SOUTH CARSON STREET (1-0368.5) - Ms. Pociasek indicated she was familiar with Nevada Liquor Laws and that her employees would be trained on them. Member Schoenfeldt indicated the Sheriff's Department did not make a recommendation on this application. Member Smith noted the length of time since some of the items in the Sheriff's report had occurred. He also explained his stand on anonymous reports. He then explained his personal inspection of the site. Member Smith moved to approve a full bar liquor license for Joanne Christine Pociasek, doing business as The Retreat Lounge, located at 1305 South Carson Street, Carson City, Nevada, fiscal impact is \$500 Investigation Fee, \$1,000 New Fee, and \$200 Quarterly Fee. Member Plank seconded the motion. Motion carried 5-1 with Member Bennett voting Naye.

E. ACTION ON A PACKAGED LIQUOR LICENSE FOR RICHARD D. NOLLETT, DOING BUSINESS AS 7-ELEVEN, LOCATED AT 3838 U.S. HIGHWAY 50 EAST (1-0431.5) - Mr. Nollet indicated he was familiar with Nevada Liquor Laws and that his employees would receive training in them. He also indicated that a majority of the current employees were planning to continue working at the store and that they had demonstrated excellent awareness of the store's policies and the laws. Member Schoenfeldt noted the favorable Sheriff's report. Member Plank moved to approve a packaged liquor license for Richard D. Nollet, doing business as 7-Eleven, located at 3838 U.S. Highway 50 East, fiscal impact is \$500 investigation Fee, \$1,000 New Fee, and \$200 Quarterly Fee. Member Tatro seconded the motion. Motion carried 6-0.

F. ACTION ON AN OUTDOOR CONCERT TO BE HELD JULY 3, 1998, AT PINION PLAZA, LOCATED AT 2171 HIGHWAY 50 EAST (1-0475.5) - Chief Financial Officer Steve Bilyeu introduced Casino Marketing Manager Shawn Sever. Discussion explained the \$500 Investigation Fee and \$20 permit fee. Member Smith volunteered to work with Mr. Kramer on the ordinance revision. Member Tatro explained a couple of comments he had received about last year's operation and suggested that the handicapped parking be kept open. Mr. Bilyeu indicated he had received the same comments and would make sure it is not an issue this time. Member Plank also explained several calls he had received about the noise. The purposed site should not have this problem. Chairperson Masayko noted comments he had received regarding the lateness of the concert. The change in location is an improvement and may address this situation. Additional comments were solicited but none given. Member Plank moved to approve an outdoor concert to be held July 3, 1998, at the Pinion Plaza, located at 2171 Highway 50 East, fiscal impact is a \$500 Application Fee, as discussed, and a \$20 Liquor Permit. Member Tatro seconded the motion. Motion carried 6-0.

BOARD OF SUPERVISORS - There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

4. CONSENT AGENDA

A. TREASURER - INFORMATION ON AFFIDAVIT OF DELINQUENT NOTICE MAILING FOR REAL PROPERTY TAXES

B. SHERIFF - ACTION ON APPROVAL OF THE CONTRACT BETWEEN CARSON CITY SHERIFF'S DEPARTMENT AND WASHOE COUNTY SHERIFF'S DEPARTMENT FOR SERVICES OF WASHOE COUNTY DEPUTY SHERIFFS TO PROVIDE MARITIME PATROL AND LAW ENFORCEMENT ACTIVITIES IN THE WATERS OF LAKE TAHOE WITHIN THE BOUNDARIES OF CARSON CITY

C. CLERK-RECORDER

i. ACTION ON THE ESTABLISHMENT OF A GUARDIANSHIP OF A MALE PERSON WHO IS 76 YEARS OLD

ii. ACTION ON THE ESTABLISHMENT OF THE GUARDIANSHIP OF A FEMALE PERSON WHO IS 87 YEARS OLD

iii. ACTION ON THE ESTABLISHMENT OF THE GUARDIANSHIP OF A FEMALE PERSON WHO IS 74 YEARS OLD

D. CITY MANAGER - ACTION TO APPROVE A REQUEST FOR ADDITIONAL FUNDING IN THE AMOUNT OF \$138,335 FOR THE COMMUNITY BUSINESS RESOURCE CENTER

E. PUBLIC WORKS DEPARTMENT

i. ACTION ON DEDICATION OF PUBLIC UTILITY EASEMENT FROM LONG'S DRUG STORES CALIFORNIA, INC., CONSISTING OF A STRIP OF LAND TEN FEET WIDE ALONG THE ENTIRE PERIMETER OF THE SITE (LOCATED ON THE EAST SIDE OF AIRPORT ROAD BETWEEN CARMINE STREET AND HIGHWAY 50 EAST) FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND APPURTENANCES

ii. ACTION ON DEDICATION OF AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER LINES AND APPURTENANCES FROM LONG'S DRUG STORES CALIFORNIA, INC., SPANNING FROM CARMINE STREET TO HIGHWAY 50 EAST,

CONTAINING APPROXIMATELY 21,684 SQUARE FEET OF PROPERTY

iii. ACTION ON DEDICATION OF STREET RIGHT-OF-WAY FOR THE WIDENING OF CARMINE STREET AND AIRPORT ROAD ALONG THE FRONTAGE OF THE LONG'S DRUG STORE PROJECT, LOCATED ON THE EAST SIDE OF AIRPORT ROAD BETWEEN CARMINE STREET AND HIGHWAY 50 EAST, FROM LONG'S DRUG STORES CALIFORNIA, INC., CONTAINING APPROXIMATELY 14,177 SQUARE FEET

iv. ACTION ON DEDICATION OF A SLOPE EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF EARTH EMBANKMENTS AND APPURTENANCES ON THE SOUTH SIDE OF DEER RUN ROAD FROM JOHN C. SERPA, ON APN 08-541-84

v. ACTION ON DEDICATION OF A SLOPE EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF EARTH EMBANKMENTS AND APPURTENANCES ON THE SOUTH SIDE OF DEER RUN ROAD FROM DP-SDA VENTURES, LLC, ON APN 08-541-83

vi. ACTION ON DEDICATION OF AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER LINES AND APPURTENANCES ON THE SOUTH SIDE OF DEER RUN ROAD FROM JOHN C. SERPA ON APN 08-541-84

vii. ACTION ON DEDICATION OF AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER LINES AND APPURTENANCES ON THE SOUTH SIDE OF DEER RUN ROAD FROM DP-SDA VENTURES, LLC, ON APN 08-541-83

viii. ACTION ON DEDICATION OF A 20 FOOT WIDE DRAINAGE EASEMENT AT THE INTERSECTION OF ROOP STREET AND HOT SPRINGS ROAD FROM BRUCE LANGSON ON APN 08-126-01 FOR THE CONSTRUCTION AND MAINTENANCE OF STORM DRAINAGE FACILITIES

ix. ACTION ON DEDICATION OF AN EASEMENT FOR WATER LINES, ITEMS APPURTENANT OR INCIDENT THERETO AND MAINTENANCE THEREOF FROM BRUCE LANGSON ON APN 098-126-01, LOCATED ON THE SOUTH SIDE OF EAST COLLEGE PARKWAY, CONTAINING APPROXIMATELY 600 SQUARE FEET OF PROPERTY

F. UTILITIES DEPARTMENT - ACTION ON DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR ROGER W. SWENINGSON, ASSESSOR'S PARCEL NO. 3-101-02, LOCATED AT 504/506 SOUTH MINNESOTA FOR SEWER AND WATER MAIN

G. COMMUNITY DEVELOPMENT - ACTION REGARDING A STREET NAME CHANGE FROM MARLSTONE COURT TO SIMON'S COURT IN THE SILVER OAK PLANNED UNIT DEVELOPMENT

H. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9798-231 - UTILITY BILLING CONTINUOUS PRE-PRINTED FORMS, AWARD

ii. ACTION ON CONTRACT NO. 9798-182 - PROPERTY/LIABILITY INSURANCE BROKER CONSULTANT, CONTRACT APPROVAL

iii. ACTION ON CONTRACT NO. 9798-229 - REINFORCED CONCRETE PIPE, AWARD

iv. ACTION ON CONTRACT NO. 9798-248 - PARKS DEPARTMENT PLAYGROUND EQUIPMENT, AWARD

v. ACTION ON CONTRACT NO. 9798-261 - LANDFILL TIER II NMOC EVALUATION, CONTRACT APPROVAL

vi. ACTION ON CONTRACT NO. 9394-53 - CITY-WIDE COPIERS, CONTRACT RENEWAL

vii. ACTION ON CONTRACT NO. 9798-56 - PARKING STUDY AND MAPPING SERVICES, AMENDMENT NO. 1 AND REQUEST FOR AUTHORIZATION FOR ADDITIONAL AMENDMENTS

viii. ACTION ON CONTRACT NO. 9798-108 - COMMUNITY CENTER MECHANICAL RETROFIT, FINAL PAYMENT

ix. ACTION ON CONTRACT NO. 9697-118 - CARSON CITY SOUTH LIFT STATION RELOCATION, FINAL PAYMENT (1-0560.5) - Chief Deputy District Attorney Paul Lipparelli explained the typographical error in the APN for Bruce Langson's dedication. The correct number is 08-126-01. None of the items were pulled for discussion. Supervisor Tatro moved that the Board approve the Consent Agenda as presented. Supervisor Smith seconded the motion. Motion carried 6-0.

5. BOARD OF SUPERVISORS

A. ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0587.5) - Supervisor Smith announced that at the May 18 Subconservancy District meeting applicants for the Executive Director's position would be interviewed. He also announced his candidacy for Supervisor Ward 1 and indicated that he had filed the appropriate paperwork for the position. Supervisor Bennett explained her involvement with the Subconservancy and the search for an Executive Director. She reported on the Nevada Tahoe Conservation District's approval of a grant from the Tahoe Bond Act funds, the status of the Highway 28 design, the TEAM Tahoe meeting and the status of its shuttle service, the Tahoe Conservation District's need to recruit a new Executive Director, and CSWD's formation of the Carson River Coalition. Supervisor Plank reported on Senior Center Advisory Council meeting and reminded the Board and public to attend the Senior Follies, a Senior Center's fundraiser for Meals on Wheels, on May 29 and 30. He then reported on the Carson River Conference, and the Carson City Convention and Visitors Bureau meeting. He had agendized the request for payment of the Housing Consortium public hearing notices. WNDD will considered this request at its meeting on May 12th in Carson Valley beginning at 8 a.m. He had also attended a special meeting with the Senior Center Chairperson and the Parks and Recreation Department regarding expediting the Cemetery Office's relocation. He then reported on the Debt Management Commission's meeting. He requested the BLM Plan for public use of the Pine Nuts be agendized for a Board discussion/action and encouraged the Board and public to support the Carson City High School Girls Varsity Softball team on Friday and Saturday. Supervisor Tatro did not have a report. Supervisor Bennett thanked the Board for the joint meeting with the Hospital Board of Trustees and the decisions made at that meeting. She then reported on the Trustees' decision to seek an RFP for affiliation rather than to follow Washoe Med's program. Administrator Smith is establishing a task force to study the process. She felt that the RFP would be based on community values and issues. Mayor Masayko announced the National Day of Prayer activities which were to be held at noon at the westside of the Capitol Building and his plans to attend as well as the Nevada Hispanic Services luncheon honoring five Hispanic students. He then reported on his participation in the National Library Week activities, the Week of the Child, the Arbor Day Celebration, Walk America, the status of the Sister City Programs, the Statewide Transportation Technical Advisory Committee meeting, the Nevada Association of Counties' quarterly meeting, and his NACO information and resource binder which will be kept in the office for the Board and public's information on its activities. He then explained his discussion with Reno Mayor Jeff Griffin on the U.S. Conference of Mayors convention which will be held in Reno June 18-22 and Carson City's role. The entire Board should be receiving invitations shortly. The Supervisors were encouraged to attend as much as possible. He then explained his Northridge Drive ribbon-cutting activities.

B. STAFF COMMENTS AND STATUS REPORTS (1-0935.5) - None.

6. TREASURER - Al Kramer - ACTION ON A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING OF SEWER PROJECTS FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-0936.5) - Discussion noted the bonds would be repaid using sewer revenue, however, the taxpayers would be required to make any payments which the revenue could not meet. The bonds could be repaid without increasing the sewer fees. The treatment plant improvements were briefly noted. It will not change the quality of the effluent. Public comments were solicited but none given. Supervisor Tatro moved that the Board adopt Resolution No. 1998-R-20, A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING OF SEWER PROJECTS FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND

PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Smith seconded the motion. Motion carried 5-0.

7. PERSONNEL DIRECTOR - City Manager John Berkich - **ORDINANCE - SECOND READING - ACTION ON BILL NO. 115 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) TO ADD DEPUTY CITY MANAGER (1-1018.5)** - Supervisor Tatro moved to adopt Bill 115 on second reading, Ordinance No. 1998-17, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) TO ADD DEPUTY CITY MANAGER. Supervisor Plank seconded the motion. Motion carried 5-0.

8. PARKS AND RECREATION DIRECTOR - Steve Kastens - **ACTION ON THE NAMING OF THE NEW PARK SITES IN THE NORTHRIDGE/MOUNTAIN PARK SUBDIVISION (1-1025.5)** - Landmark Homes Representative Ron Kipp, Norma Jean Hessie, Jim Bohlston, Pat Murphy - Comments explained the locations, the proposed amenities, reasons the ten foot wide path would not be stripped to designate the pedestrian and bike areas, the history behind the names, and the families' support for the selections. Comments also supported having plaques delineating the historical significance of the sites. Mayor Masayko commended Mr. Kipp on his research. Ms. Hessie also thanked Mr. Kipp and Landmark Homes for their support in naming the parks after her relatives. Supervisor Plank explained the presentation which Mr. Kipp had made to the Parks and Recreation Commission and the Commission's and former Commissioner Scholley's struggle to name the numerous City parks. The decision to eliminate recognition of the Wandering Skipper Butterfly by naming a park after it was noted. The Fulstone family's support at the Commission's meeting was described. He indicated that all of the Commission's recommendations for park names had included direction for a plaque. He also expressed a willingness to accept any contribution(s) the developer(s) wishes to make. Supervisor Plank then moved to approve the Parks and Recreation Commission's recommendation to name the new park sites in the Northridge/Mountain Park Subdivision as follows: 1. The small entrance park and wetlands on the east end of the subdivision to be named "Fulstone Park/Wetlands"; 2. The three acre detention basin/park to be named "Blackwell's Pond Park"; 3. The two acre park site to be named "Steinheimer Park"; 4. Lone Mountain Open Space area to be named "Lone Mountain Park; and, 5. The linear park area on the north side of Northridge Drive will not be named. Supervisor Tatro seconded the motion. Mayor Masayko read Dolly DeChambeau's letter into the record supporting the naming of the three acre detention pond/park "Blackwell's Pond". (A copy is in the file.) Motion carried 5-0.

9. UTILITIES DIRECTOR - Environmental Control Manager Ken Arnold

A. ACTION ON THE AWARD OF \$14,479 IN CONTRACT FUNDING FROM THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION TO CARSON CITY TO CONTINUE THE PUBLIC EDUCATION PROGRAM REGARDING RECYCLING AND WASTE REDUCTION (1-1415.5) - The previous grant had provided 1500 copies of "Trash Talk" which were given to third grade students. (A copy is in the file.) Its purpose and the programs/tours were described. The grant will continue the funding for another year and produce videos for airing on the local PAT-10 and 26 channels. Mayor Masayko noted that Mr. Arnold had previously received a grant for these programs and the benefits of the program. Supervisor Plank also pointed the hidden advantage to the program is that it extends the life of the landfill. Comments commended Mr. Arnold on the program. Supervisor Plank moved to approve and authorize the Mayor to sign the attached Contract DEP, which was assumed to be the Division of Environmental Protection, Number 98-034 by and between the Nevada Division of Environmental Protection, NDEP, and Carson City, thereby accepting \$14,479 in funding to continue the City's public education program regarding recycling and waste reduction. Supervisor Tatro seconded the motion. Motion carried 5-0.

BREAK: A twelve minute recess was declared at 10:03 a.m. The entire Board was present when the meeting was reconvened at 10:15 p.m., constituting a quorum.

B. ACTION TO APPROVE GRANT OF TEMPORARY CONSTRUCTION EASEMENT OR LICENSE BY WELLINGTON CRESCENT HOMEOWNERS ASSOCIATION ACROSS CERTAIN

PORTIONS OF WELLINGTON CRESCENT FOR CONSTRUCTION OF WATER TANK IN ASH CANYON (1-1535.5) - Chief Deputy District Attorney Lipparelli explained Wellington Crescent Property Owners Representative Michael G. Chapman's faxed request for a continuance. A portion of the fax was read into the record indicating that the final easement should be completed by the May 21st Board meeting. Homeowners Association Representative Mary Keating's telephone conversation with Senior Planner Juan Guzman had requested the appeal of the special use permit also be continued for the same period. This is Item 10 on the agenda. Mayor Masayko described the relationship between the Items. (During the discussion Supervisor Bennett left the dais--10:20 a.m. A quorum was present.) Supervisor Smith moved that the Board of Supervisors defer action on the Temporary Construction Easement or License by Wellington Crescent Homeowners Association across certain portions of Wellington Crescent properties for construction of a water tank in Ash Canyon until the May 21, 1998, meeting. Member Plank seconded the motion. Motion carried 4-0-1 with Supervisor Bennett absent.

10. COMMUNITY DEVELOPMENT DIRECTOR - Senior Planner Juan Guzman - ACTION ON U-97/98-31 - AN APPEAL OF THE REGIONAL PLANNING COMMISSION'S DECISION TO APPROVE A REQUEST FROM MARK BRETHAUER, CARSON CITY UTILITIES DEPARTMENT (PROPERTY OWNER: STATE OF NEVADA) TO ALLOW AS A CONDITIONAL USE A THREE MILLION GALLON WELDED STEEL WATER TANK JUST NORTH OF AN EXISTING THREE MILLION GALLON STEEL WATER TANK ON PROPERTY ZONED CONSERVATION RESERVE (CR), LOCATED AT 3490 ASH CANYON ROAD, APN 7-101-09 (PLANNING COMMISSION APPROVED 6-0-0-1) (1-1615.5) - Mr. Guzman repeated the comments made in the previous Item regarding the request to continue the matter until May 21. (Supervisor Bennett returned at 10:25 a.m. A quorum was present.) Supervisor Smith moved to defer action on the Regional Planning Commission's decision to approve U-97/98-31, a request from Mark Brethauer, Carson City Utilities Department, to allow as a conditional use a three million gallon welded steel water tank just north of an existing three million gallon steel welded water tank on property zoned Conservation Reserve located at 3490 Ash Canyon Road, known as Assessor's Parcel Number 7-101-09, until the May 21, 1998, meeting. Supervisors Plank and Tatro seconded the motion. Motion carried 5-0.

11. PUBLIC WORKS DIRECTOR - Deputy Public Works Director Tim Homann

A. ACTION ON A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY 372 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 08-797-49 LOCATED AT 4023 GARSON COURT AND OWNED BY RAYMOND L. MAHEUX AND ELIZABETH A. MAHEUX, HUSBAND AND WIFE FOR THE CONSTRUCTION OF GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE A STIPULATION TO ENTRY ON THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING (1-1655.5) - Supervisor Smith explained a proposal which will not require the taking of this property and a change to the intersection which will require all traffic to make right turns. No cross traffic or left turning movements would be allowed. Diagrams of the proposal were distributed to the Board and Clerk. Advantages to the suggestion were noted. Supervisor Smith requested the Board take no action on the request at this time and allow the Regional Transportation Commission to hold a hearing on the proposal. Preliminary discussions have supported the modification. Supervisor Smith also explained the proposal to extend Panamint to Highway 50 and to cul-de-sac Sherman. Examples of the "worm" which will eliminate cross traffic and left turns were provided. Supervisor Bennett suggested an allowance for U-turns be provided within a short distance so that the left turns could be accommodated. Supervisor Smith felt that this would occur at Nye Lane. Discussion explained the reasons for having RTC hold the public hearing. Comments also indicated that the Board would not consider the proposal unless a controversy arises. Supervisor Tatro suggested the issue be agendaized for the next Board meeting in case there is a controversy. Mayor Masayko agreed to do so and, thereby, avoid a delay in the project. If RTC makes a decision, the item will be pulled. (Supervisor Bennett stepped from the room at 10:40 a.m. A quorum was still present.) Discussion also noted the decision by RTC to open the process for more public

comment and reasons for that decision. Supervisor Tatro elaborated on his reasons for suggesting that the Board also agendaize the issue for the next meeting. (Supervisor Bennett returned--10:42 a.m. A quorum was still present.)

(1-2045.5) Public comments were solicited. Raymond Maheux questioned the reasons a public hearing had not been conducted on the plan to construct Graves Lane as a five lane structure. Purportedly all of the sketches indicate the roadway is a two lane structure. This had been misleading to the buyers who purchased property along the route. He felt that there should be a public hearing concerning whether the residents want the road. He questioned whether there is a plan for a sound wall north and south of Sherman.

(1-2095.5) Additional public comments were solicited. Don Luark responded by indicating that there had been public hearings on the proposed street. He supported closing Sherman to cross traffic and thanked the Board for considering it. Although he would loose property to the Graves Lane extension, he could support the change in the plan for Mr. Maheux. He thanked the Board for listening and expressed his feeling that the process had worked. Mayor Masayko and Supervisor Bennett thanked him for his comments. Additional public testimony was solicited but none given.

Supervisor Smith moved that the Board postpone any action on the possible lawsuit regarding the public interest and necessity of the lawsuit to exercise the power of eminent domain with regard to 372 square feet of land which is a portion of Assessor's Parcel Number 08-797-49 located at 4023 Garson Court and owned by Raymond and Elizabeth A. Maheux, husband and wife, for the construction of Graves Lane from Lompa Lane to U.S. Highway 50 until such time as the decision can be reached regarding the intersection of Sherman and Graves Lane. Supervisors Tatro and Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY 373 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 08-721-09 LOCATED AT 3931 TARA STREET AND OWNED BY GLEN L. MEAD AND CATHERINE A. MEAD, HUSBAND AND WIFE, FOR THE CONSTRUCTION OF GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING (1-2155.5) - The luxury of redesigning the street could not be afforded in this area. Mr. Lipparelli reviewed the process. Both the Maheux and Meads had been notified by letter that these items had been agendaized for Board discussion/action today. Personnel from the District Attorney's office had delivered the letters last Thursday. Discussion noted the amount of property being acquired and questioned the source of the dispute. Public comments were solicited but none given. Supervisor Bennett moved that the Board adopt Resolution No. 1998-R-21, **A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE TITLE TO APPROXIMATELY 373 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 08-721-09 LOCATED AT 3931 TARA STREET AND OWNED BY GLEN MEAD AND CATHERINE A. MEAD, HUSBAND AND WIFE, FOR THE CONSTRUCTION OF GRAVES LANE FROM LOMPA LANE TO U.S. HIGHWAY 50 AND TO AUTHORIZE A STIPULATION TO ENTER ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING.** Supervisor Smith seconded the motion. Motion carried 5-0.

C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 114 - AN ORDINANCE DELETING A PORTION OF SECTION 10.24.145 (ENFORCEMENT OF HANDICAPPED PARKING SPACES ON PRIVATE PROPERTY) OF THE CCMC WHICH PROVIDES FOR THE CHARGING OF A \$10 FEE TO A PERSON WHO WAS CITED FOR FAILURE TO DISPLAY A HANDICAPPED PARKING PERMIT WHO LATER PROVES HE HAD THE PERMIT AND OTHER MATTERS PROPERLY RELATED THERETO (1-2298.5) - Supervisor Tatro moved that the Board adopt Bill No. 114 on second reading, Ordinance No. 1998-18, **AN ORDINANCE DELETING A PORTION OF SECTION 10.24.145**

(ENFORCEMENT OF HANDICAPPED PARKING SPACES ON PRIVATE PROPERTY) OF THE CCMC WHICH PROVIDES FOR THE CHARGING OF A \$10 FEE TO A PERSON WHO WAS CITED FOR FAILURE TO DISPLAY A HANDICAPPED PARKING PERMIT WHO LATER PROVES HE HAD THE PERMIT AND OTHER MATTERS PROPERLY RELATED THERETO, fiscal impact is estimated at \$1500 revenue loss in the Parking Enforcement Budget. Supervisor Smith seconded the motion. Motion carried 5-0.

12. CLERK-RECORDER - Alan Glover - ACTION TO FIX A DATE FOR A HEARING ON COMPLAINT FOR DECLARATION OF PUBLIC NUISANCE ON PROPERTY LOCATED AT 900 AND 904 MINNESOTA STREET (1-2345.5) - Chief Deputy District Attorney Lipparelli - Discussion explored the process and established June 4th as the hearing date. The matter could be withdrawn by the complainants if the issue is resolved before June 4th. Supervisor Smith moved that the Board of Supervisors fix the fourth day of June, 1998, as the date for a hearing on the complaint for declaration of a public nuisance on property located at 900 and 904 Minnesota Street. Supervisors Tatro and Bennett seconded the motion. Motion carried 5-0.

13. DISTRICT ATTORNEY - Chief Deputy District Attorney Paul Lipparelli - **ACTION TO CONSENT TO THE CONVEYANCE OF SHARES OF STOCK OF CAPITAL SANITATION REPRESENTING MORE THAN A QUARTER INTEREST IN THE COMPANY TO USA WASTE (1-2468.5) -** Mr. Berkich, George Allison, USA Waste Northwest Regional Vice President Doug Sobey, Environmental Control Manager Arnold, Tom Green, Julius Ballardini - Mr. Lipparelli and Mr. Berkich explained the reasons for requesting the Board's consent to the conveyance. USA Waste had indicated to staff that it intended to offer employment contracts to several of Capital Sanitation's key employees, including current Reno Manager Tom Green. Capital Sanitation's agreement expires in January 2001. USA Waste had indicated it would accept all of the terms and conditions of the current agreement as is indicated in its April 30th letter. (A copy is included in the packet.) USA Waste had also indicated in that letter that it would continue the landfill operation. Mr. Berkich advised that a copy of its annual report available for review. (A copy is not included in the packet.) Comments indicated the firm is traded on the stock exchange. Letters of recommendation were also included in the packet. Environmental Control Manager Ken Arnold had talked to individuals in Winnemucca who also recommended the firm. Mr. Lipparelli explained that USA Waste is acquiring Ormsby Landfill, which is owned by Capital Sanitation. The Ormsby Landfill agreement does not require the Board's oversight of the transfer. Mr. Lipparelli also noted for the record that Doug Sobey was present and had attended some of the staff meetings on the transfer. He had been forthright in responding to questions and offered the letter which is included in the packet dated April 30.

Mr. Allison introduced Mr. Sobey and indicated that the letter which had been referenced was in draft form. He displayed the original. The first letter had been marked draft in the event that there were to be any changes made. None were made. He then introduced Mr. Green and explained his employment as the Ballardinis' Reno General Manager.

Mr. Sobey gave the Board a packet of information. (A copy was not given to the Clerk.) Mr. Sobey briefly described his firm. His firm hires employees from any firm it takes over in order to be able to maintain the same operational philosophies as much as possible. The only difference would be that these employees would be reporting to Mr. Sobey rather than to the Ballardinis. Benefits of working for a larger firm were noted. He indicated that his firm has the necessary technology to handle the landfill which would be at no extra charge. Board comments emphasized the intent to maintain the current fees and watch over the operation as the firm takes over. Supervisor Smith explained his personal check of a few of the references. Board comments commended Mr. and Mrs. Ballardini on their services and for their cooperation on several City programs over the years. Comments emphasized the void which would be left and the difficulty USA Waste may encounter in attempting to fill this void. Mr. Sobey indicated for the record that his firm is willing to accept the Landfill and Sanitation contracts under the same terms and conditions as they are now operating. He also understood that the City may be interested in making a few "minor" changes which would be the exceptions. The service is considered "local" and to be a successful operation, it is necessary to maintain this local feeling. This is the purpose behind having local employees.

(1-2915.5) Supervisor Bennett thanked Mr. Ballardini for fixing the scales.

Mr. Arnold explained his knowledge of the Winnemucca operation. Mr. Sobey had assured Mr. Arnold that daily covers will be used and that USA Waste would provide some free services for the City's education program which Mr. Arnold had presented earlier in the meeting. His staff would be working closely with the City staff on that program. The firm understands Environmental Control's role in the process. He also felt that it would be a good working relationship. Supervisor Bennett commended Mr. Arnold and his staff on their dedication and efforts at that the landfill. Mr. Berkich echoed her comments and pointed out the advantages of the landfill programs and the community's recycling efforts. There are 17 years remaining in the life of the landfill. Mayor Masayko also pointed out the funding program for its closure.

Mr. Green explained his experience with the Ballardinis, the importance in having a local operation, and his difficulty in leaving the "family". He welcomed the opportunity to serve the community. He agreed that there were "big shoes which must be filled" but with the backing USA was going to provide, he felt that it would be possible to do so. It is a service job. This will be his philosophy in the future. The Ballardinis had offered to assist at any time a phone call is made.

(1-3135.5) Mr. Ballardini acknowledged that it was a sad day for him to be leaving after 36-37 years. He indicated he would remain in the community and work on other projects. He would still be available if needed. He emphasized the cooperation he had received from City staff over the years. Mayor Masayko commended him and his staff on the many years of quality customer service he had given to the community.

(1-3187.5) Supervisor Smith moved that the Board of Supervisors consent to the conveyance of shares of stock of Capital Sanitation representing more than a quarter interest in the company to USA Waste and to formally put on the record a heartfelt congratulations and thank you to the Ballardinis and all of the folks at Capital Sanitation for their many years of service. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Masayko welcomed USA Waste and wished the Ballardinis the best in the future.

OTHER MATTERS (1-3224.5) - Mayor Masayko requested a notice be posted on the door advising the public that the remaining items would be heard at 1 p.m. as agendized.

BREAK: A lunch recess was declared at 11:33 a.m. Mayor Pro-Tem Tatro reconvened the meeting at 1:08 p.m. A quorum of the Board was present although Supervisor Bennett and Mayor Masayko were not present.

14. CITY MANAGER - John Berkich

A. ACTION TO APPROVE IN CONCEPT THE FORMATION OF A CITIZENS ADVISORY COMMITTEE AND THE METHOD BY WHICH THE MASTER PLAN FOR STORM DRAINAGE WILL BE DEVELOPED (1-3242.5) - Supervisor Bennett arrived during Mr. Berkich's introduction--1:10 p.m. (A quorum was present as previously indicated.) His introduction included the need to analyze the funding source(s). Clarification indicated that the consortium would be responsible for the technical information such as the master plan, the engineering work, the identification of the storage sites, improvements required to the present infrastructure, etc. The citizens' advisory group will analyze this information and consider issues such as the final programs, etc. Supervisor Plank suggested the committee be developed by an ordinance rather than under a resolution. He did not feel that the committee would ever be dissolved. Staff's rationale for the resolution was noted. Supervisor Bennett felt that the program would be irrevocable and have a tremendous impact on the community for generations. She urge the consortium and committee to conduct a thorough, complete, and scientific analysis of alternatives. She felt that the proposal implied that the City would conduct upstream storage. She questioned the wisdom of constructing upstream storage facilities on decomposing granite surfaces, how the structures would be maintained if constructed, and the impact on the watershed. She emphasized the need to analyze these proposal carefully and to consider other alternatives also. Before construction occurs, it will be

important for everyone to understand all of the issues and alternatives. She then explained how the Carson River Advisory Committee had been formed as an example of the Board's ability to use a resolution to create a committee. She was unsure whether it would be necessary to use an ordinance to create the committee. (Mayor Masayko arrived during her comments--1:16 p.m. A quorum was present as indicated.) The pros and cons of a resolution versus ordinance were discussed. Mr. Berkich then explained who WRC of Nevada was and why they are involved with the process. Mayor Pro-Tem Tatro indicated for the record that Mayor Masayko was present but that he would retain control over the gavel.

(2-0065.5) Bruce Scott of Resource Concepts indicated he had heard Supervisor Bennett's comments and shared her concerns. He expressed his support for having a citizen's committee and advantages of such a committee. Supervisor Bennett expressed her desire to analyze more than the mechanical movement of water from the watershed to the river. The study should include the impact such movement would have on both the ground and surface water tables as well as the uphill storage of water before a situation is created that is irreversible. Mr. Scott agreed that it is a multifaceted issue. The 1997 flood had indicated that the watershed is one only one component. The sediment also needs to be recognized involved as it compounds the situation and lasts much longer than the water. He hoped that the final product would look like it had a broad base and not like it had been done by an engineer. It is a resource issue as well as a technical one.

Supervisor Smith felt that the formation of the committee was very important as expressed by Mr. Scott. He urged the Board to remember the staffing needs when the budget issue is discussed, particularly for Community Development. Although it may cost in the beginning, the savings generated by the end result is much greater as indicated by the Capital Projects Advisory Committee. Mayor Pro-Tem Tatro felt that the committee would be staffed by Public Works and not Community Development. He agreed that it would require a recording secretary.

(2-0132.5) Clerk-Recorder Alan Glover noted the impact the committee would have on his office and requested direction on whether to amend his budget or how the Board wished to handle this service. Mayor Pro-Tem Tatro suggested he meet with Mr. Berkich and if there other departmental resources which Mr. Berkich can identify available, the budget supplement would not be necessary. If such resources cannot be identified, a budget supplement should be developed. Additional public comments were solicited but none given. Mayor Pro-Tem Tatro supported the concept.

Supervisor Smith moved that the Board of Supervisors approve in concept the formation by ordinance of a citizens advisory committee and the method by which the master plan for storm drainage will be developed. Supervisor Bennett seconded the motion. Motion carried 5-0.

Mayor Pro-Tem Tatro returned the gavel to Mayor Masayko.

B. ACTION TO FIND THE CARSON CITY MUNICIPAL GOLF CORPORATION IN COMPLIANCE WITH VARIOUS TERMS AND CONDITIONS OF THE LEASE AGREEMENT AND TO APPROVE IN CONCEPT THE PLANNED IMPROVEMENTS (2-0190.5) - Mr. Berkich's introduction indicated that the entire Corporation's Board was present. Corporation Chairperson Wes Meyers indicated the list of planned capital improvements had not been developed as of this date. Ideas/concepts are being studied and will be presented to his Board for approval. Once that occurs, they will be presented to the Board of Supervisors' for consideration/approval. Vice Chairperson Wally Murray indicated there had been a recent public meeting and indicated his Board had decided to establish a process whereby the public could access the Board and its meetings. A promise had been given to take timely actions on any public requests. It was felt that this will address the public's concern about access and provide the mechanism for input. Mayor Masayko supported the Board's decision to open the process to the public and commended the Corporation on this decision. Vice Chairperson Murray noted the advantages to having public participation. Supervisor Smith pointed out the advantages provided by the change in the weather and the public's ability to play golf, and to meet the Corporate officers and staff. He had received only compliments on the operation, the new pro shop, the course, and driving range. He commended the Corporation on its efforts. Mayor Masayko thanked the officers for the quality report and

encouraged them to make their future reports/programs available to the public for comment. He also urged them to keep the costs to an absolute minimum due to the course's financial condition and well-being. Additional public comments were solicited but none given. Supervisor Bennett moved that the Board of Supervisors approve and find that the Carson City Municipal Golf Course is in compliance to various terms and conditions of the lease agreement as presented in the Board packet today. Supervisor Tatro seconded the motion. Motion carried 5-0.

C. ACTION TO DIRECT STAFF TO PREPARE AN ORDINANCE AMENDING CHAPTER 5.20 (CARSON CITY TELEVISION COMMISSION) OF THE CARSON CITY MUNICIPAL CODE (2-0380.5)

- Discussion between the Board and staff indicated the Commission had been developed as a result of the need to provide public access television programming and in compliance with the cable franchise terms. Commission Chairperson Maxine Nietz noted the Commission's recommended revisions, staff's revision, and Consultant Buskey's revision. The difference between the Commission's version and staff's revision was based on the different philosophies of the Commission's role as related to television and the new, innovative emerging technologies and/or other types of systems which may be developed in the future. Three news articles from today's paper were cited to support the desire/need to expand the Commission's role by the use of the term "video distribution systems". Staff preferred "cable systems". The second area of disagreement related to the Commission's involvement in franchise and contract agreements. The Commission could provide public participation in the process for renewing TCI's franchise agreement. She noted the increasing competition in this field to support her belief that the rates will be impacted. The Commission felt that it should be allowed to hold its own public hearings, distill the public input, define those issues, and present a final agreement to the Board. Mr. Berkich agreed that the Commission should play a major role in the development of a franchise agreement. This is Item 5 of the ordinance. He felt that the disagreement was with involvement in technologies, products or services over which the City lacks legal authority. Its function, as stated in CCMC 5.20.010.2, was read to re-enforce the reasons for avoiding entry into any areas where the City lacks such authority. He also urged the Board to avoid making commitments/promises to the public/community which the City could not fulfill.

Discussion ensued between Chairperson Nietz and the Board on the Commission's current authority which includes video distribution systems. Staff's version restricts/narrows the Commission's authority. One-quarter of the City does not receive cable television. These individuals do not have the ability to watch their government in action. The worldwide web is coming to television soon as evidenced by a contract recently signed by TCI for programming language to create this ability. Issues which should be considered in this arena include protection mechanisms for children and programming accessibility. The FCC has several thick books regulating these issues. Other issues include the ability for non-cable viewers to receive Channels 26 and 10. Ms. Nietz was unaware of any other areas which have this ability but felt that Commissioner Quarterson may know of them. Mr. Berkich reiterated his comments that the FCC had not given the City any regulatory authority over the worldwide web, other television medians, transmission of programming, quality of programming, etc. He agreed that these issues are important and emphasized that the City lacks the ability to do anything about these issues. Staff had retained Sue Buskey's services in order to determine what other communities are doing. She had participated in the process and staff's recommendation to restrict the Commission's role.

Commissioner Quarterson expounded on his belief that the FCC provides control over the other programs by using the term video distribution systems. These regulations will be developed in the near future. For this reason the Commission was attempting to be pro-active with its terminology. Television is very technology driven and times are changing. The Commission's ordinance would "live" for ten years. Without the ability to pursue these issues, the Commission could not react to public concerns until after the Board reacts and enables it to do so. This would also require additional consultants. Other communities have included the term in their ordinances. Others have not. He did not feel that it was necessary for the Commission to continue meeting every month. As only 80 percent of the community receives cable television and as the City must continue to support competition in the television world, the Commission's task is to determine a mechanism for serving the other 20 percent, maintain competition, and stay abreast of competition. The Public Service Commission does not become involved until/unless the Legislature directs them to do so. Legislative activity on this issue was explained. All of the regulations are mandated by the Feds. He agreed that the Commission felt its role would be, if and when the

Federal regulations are presented, as a community advocate for all aspects of public distribution. Although some of the Commission members do not feel that they have the appropriate knowledge level to do so at this time, they would like to have the authority and ability to provide this service. He agreed with staff that the regulatory authority to be an advocate has not yet been authorized. The question is whether to restrict the Commission to those areas as legally enabled or to provide a broader issue to address future needs. The current process for addressing problems with Channel 4 were cited as an example. Supervisor Smith explained his original concept of the difference between staff and the Commission. Commissioner Quarterson then explained another example citing Channel 5, which is a Reno public broadcast channel. This station is willing to provide Carson City coverage if the public interest is high enough.

Mr. Berkich felt that the position which Commissioner Quarterson had described is one of a consumer advocate which is different from the purpose established in the ordinance. He pointed out the desire to have cellular service in different areas of the community as an example. He suggested the advocacy group be formed under the guise of CATF. Supervisor Smith questioned the need for two groups to provide the same service and whether the public would be misled if the ordinance included such services. Mr. Berkich explained staff's concern that this would occur and the concern about potential liability from the implied service and the use of City resources for services which lack the appropriate federal/state powers.

Discussion between Mayor Masayko and Administrative Assistant Liz Teixeira indicated the number of complaints had dropped since Carol Eure became the General Manager. Ms. Teixeira estimated there had been ten complaints during the last year. These complaints were felt to have occurred around rate increase times. Mayor Masayko also felt that these complaints were the result of the rate increase and explained the reasons he felt that the Commission had been created. Times have changed since then. The need for the Commission at this time was questioned due to the change in competition and the market. He thanked the members who had served on the Commission since its inception. He pointed out the staffing requirements as a counter point to the need and questioned its cost benefit ratio. He suggested the Commission become a franchise advisory group. Public input and interest in the group is waning. The City also has Sue Buskey as a customer advocate as well as CATF who performs a service, has a mission statement, etc. TCI is a different company than it was ten years ago. The public can get its attention. He again questioned the cost benefit of the Commission and whether it meets the public needs and fulfills their requirements under the ordinance as drafted. If the need arises for the Commission, it could be reactivated.

Supervisor Bennett expressed her intent to discuss the proposed changes and not the need for the Commission. These issues were separate and should be so agendized. Therefore, she requested the comments return to the agenda. She agreed that the television technology is changing rapidly and expressed her desire to have a process whereby the community could have access through either staff or a Commission to handle their concerns. She reiterated her suggestion that the structure be agendized.

Supervisor Smith supported Mayor Masayko's comments and indicated that he understood Supervisor Bennett's concern also. He pointed out the Commission's original request had been for the Board to find something for it to do or dissolve it. The suggestions were both noble and laudable attempts to move the Commission into the next realm. He questioned whether it is necessary to have a Commission which functions as a part of City government. Perhaps a different structure could be developed such as Mr. Berkich had recommended under CATF. Government exudes regulation which is the reason many individuals call when a problem arises.

Supervisor Bennett pointed out the number of complaints which the Board receive from the community and the need to have an advocate to respond to same. The Commission, as well as any other publicly appointed body, functions well as an advocate on one particular issue. She urged the Board to move slowing when eliminating this function.

Supervisor Tatro explained his understanding of the reasons the Commission had been created, the original purpose and need, the current lack of complaints, the change in managers at TCI which may have had some bearing on the decrease in complaints, the Commission's changing roles, his reluctance to establish within an

ordinance criteria regarding issues which the Board has no power to handle, and his feeling that the Commission's role should be constrained to those areas which the Board could regulate. Supervisor Smith felt that the issue had not changed from the request made six months ago questioned the reasons for retaining a Commission without a function. He agreed that the City could not count on TCI to retain the current manager/management style. Supervisor Tatro felt that the Commission needed to actively participate in the franchise agreement. Ms. Teixeira indicated that the current agreement expires in three years. TCI must notify the City within the next 12 months if it wishes to continue the contract.

Discussion indicated that the ordinance provides for two meetings a year but that the Commission had been meeting bimonthly for an hour to an hour-and-a-half. Discussion explained the reasons for the frequent meetings, the issues which had been considered, and the Commission's desire to continue to be pro-active. He agreed that things are running "fine" at this time and that a moratorium on the Commission could be made. The Commission has been quite active behind the scenes and had done a good job for the Board. Mayor Masayko recognized the benefits of the Commission and its contributions, dedication and hard work. Times have changed. He, too, supported a moratorium and not abolishment. Supervisor Plank felt that this could be addressed by using the two meetings per year clause without Board action. This would keep the Commission alive and active if a need arises. Mayor Masayko acknowledged this ability although he felt that the community would respond if volunteers are solicited. Supervisor Smith also supported the possibility that some of the members would leave while others may remain. Either process appeared to be the same. He commended Commissioner Quarterson on his professionalism and ability to make what appeared to be neutral comments involving an emotional issue based on good solid facts. He, too, questioned the need to meet for a meeting's sake, however, this could change, as indicated, in an instant. He supported leaving the Commission intact with the two meetings a year quota or at the call of the chair. This would allow reaction to a change in circumstances without mandating reviving an ordinance, recruiting, appointment, etc.

Supervisor Bennett also commended Commissioner Quarterson on his dedication and efforts. She pointed out the foresight which had caused the Commission to be developed and its role through the years. His request had been that the Board use foresight in its future role in the changing technical world of video distribution. She urged the Board to support his concept. Supervisor Bennett then moved that the Board of Supervisors direct staff to prepare an ordinance amending Chapter 5.20 on the Carson City Television Commission and in that ordinance, the amendments of which are before the Board, it contain within the definitions, the definition of video distribution system as a means of cable television system. Motion died for lack of a second.

Discussion indicated that Mr. Pavlakis' memo should be included with staff's amendments if this option is selected by the Board. The Buskey version included training and funding. Supervisor Smith moved to direct staff to prepare an ordinance amending Chapter 5.20 on the Carson City Television Commission of the Carson City Municipal Code pursuant to the Buskey information reflecting the attachment and also reflecting the language incorporated in the memo from Mr. Pavlakis. Supervisor Tatro seconded the motion. Supervisor Smith stated that, as he had stated earlier, that the way Commissioner Quarterson had outlined the other types of issues and as one of the forty percent of the people in town without cable, everything that Commissioner Quarterson had said is absolutely correct. Where he was uncomfortable, as Supervisor Tatro had outlined earlier, is in reflecting those needs and, as Supervisor Bennett had put it, foresight and whatnot in the structure by ordinance of a Carson City governmental commission. Maybe there is a better way, a more effective way to do that and still address those needs because he thought they were valid issues which will become more valid as we go on. As Supervisor Tatro also outlined earlier, he was somewhat uncomfortable placing those in an ordinance form for a City government commission to deal with outside the regulatory powers. He did agree that they were valid needs and needed to be addressed in some form. Mayor Masayko commented that he was not so sure that as the Board sets here today that the Board needed to choose between options A and B. He preferred to table the motion and direct staff to see if they could do what we said we want to do and maybe it will take a hiatus or moratorium. What the motion here is doing is simply modifying it and carrying the Commission forward with a function or some other functions that perhaps take a lower profile but would still require care, feeding, and maintaining as if it were a fully functioning organization. He preferred to have staff come up with something which would place it on standby, so to speak. He could not support the recommended ordinance changes. Additional comments and questions were solicited but

none given. The motion as indicated was voted by roll call with the following result: Ayes - Smith. Nays - Tatro, Bennett, Plank and Mayor Masayko. Motion failed on a 1-4 vote.

Mayor Masayko passed the gavel to Mayor Pro-Tem Tatro. Mayor Masayko then suggested a motion to table action on the ordinance amendment and to ask staff to consult with the Television Commission, the Consultant Sue Buskey and CATF, who also has a role in this, and bring back an amended ordinance that will accomplish the, if you will, some kind of a moratorium or the standby approach for the Carson City Television Commission, in essence, with flexibility for the members and reorganization for those folks who want to continue to do research and talk to customers and bring issues before the staff or before the Commission, but, again, so that it is not quite so, so, I will call it "governmentized" in an ordinance and so that they will have some flexibility to be in place so that if we need them or so they can function if they see a need, maybe they will have to waive a flag and let us know that they are going to start meeting again and getting back together on a regular schedule. Someone must put this on standby. Although I cannot tell staff what it looks like. This is my motion. Supervisor Plank seconded the motion. Mayor Pro-Tem Tatro asked Mayor Masayko to summarize his motion. Mayor Masayko summarized his motion as being to table and direct staff to come back---. Mayor Pro-Tem Tatro indicated that this was adequate. The motion was then voted by roll call with the following result: Mayor Masayko - Yes; Supervisors Plank - Yes; Smith - Okay; Bennett - Yes; and Mayor Pro-Tem Tatro - Yes. Motion carried 5-0.

BREAK: A five minute recess was declared at 2:55 p.m. The entire Board was present when the meeting was reconvened at 3 p.m., constituting a quorum. Mayor Pro-Tem Tatro retained control over the gavel.

D. ACTION TO APPROVE CARSON ACCESS TELEVISION FOUNDATION'S (CATF) REQUEST FOR FUNDING AND ANNUAL REPORT (2-1636.5) - Ms. Teixeira explained the clause within the three year contract with CATF mandating an annual report from CATF and Board's consideration/approval of any funding. CATF's Executive Director Tish Sammon briefly reviewed the highlights of her report, the budget, and next year's goals and objectives by using overhead slides. Discussion explained the reasons for the low number of televised Hospital Board meetings. Ms. Sammon indicated that interactive telephone calls could be transmitted over the air from the Sierra Room with appropriate notification and equipment. Ms. Sammon committed to reminding her operators to be sure and indicate the date when meetings were taped on programs which are not aired live. She also explained that Channel 26 is being used solely for government programming and emphasized the need to coordinate these programs. Supervisor Bennett commended her on the changes which have occurred and her response to issues which she has brought to Ms. Sammon's attention. Mayor Masayko explained his former role as a CATF Trustee and supported Supervisor Bennett's comments regarding the improved quality of programming. Public comments were solicited but none were given. Mayor Pro-Tem Tatro thanked Ms. Sammon for her presentation and acknowledged the quality service provided by CATF and the need for that service. He emphasized that the service had been provided for a lot less money and better results than that provided by the adjacent neighbors. No formal action was required or taken.

BREAK: There being no other matters for consideration until 6 p.m., Mayor Pro-Tem Tatro recessed the meeting at 3:20 p.m. The entire Board was present at 6 p.m. when Mayor Masayko reconvened the meeting. Staff members present included: City Manager Berkich, Chief Deputy District Attorney Lipparelli, Administrative Assistant Teixeira, and Recording Secretary McLaughlin.

CITIZEN COMMENTS (2-2125.5) - Rabbi Katherine Thayer of the Baha'i Faith presented to the Board and Clerk a copy of the "National Prayer for America".

16. COMMUNITY SUPPORT SERVICES - Administrative Assistant Teixeira - **PRESENTATION OF APPLICATIONS FOR ANNUAL FUNDING OF CARSON CITY COMMUNITY SUPPORT SERVICES GRANT ALLOCATIONS FOR FISCAL YEAR 1998-99 (2-2160.5):** **A. ORMSBY ARC (2-2185.5)** - Executive Director Mary Winkler; **B. NEVADA DAY COMMITTEE (2-2369.5)** - Representative Ed Blanchard; **C. HOME HEALTH SERVICES OF NEVADA (2-2478.5)** - Cynthia Martinez; **D. COMMUNITY COUNSELING CENTER (2-2592.5)** - Executive Director Mary Jenkins; **E. COMMUNITY COUNCIL ON**

YOUTH (2-2669.5) - Chairperson Linda Lang; **F. RETIRED SENIOR VOLUNTEER PROGRAM** - Representative Margie Brand; **G. ADVOCATES TO END DOMESTIC VIOLENCE (2-3325.5)** - Executive Director Lisa Lee; **H. NEVADA HISPANIC SERVICES (2-3532.5)** - Rachel Knecht; **I. BREWERY ARTS CENTER (3-0092.5)** - Executive Director Joe McCarthy; **J. CARSON TREATMENT CENTER (3-3329.5)** - Executive Director Maryellen Waltz, Board Members Perry Comeaux and Steve Browne; **K. NEVADA-TAHOE CONSERVATION DISTRICT (3-0546.5)** - Administrator Suzanne Pearce; **L. CARSON VALLEY CONSERVATION DISTRICT (3-0771.5)** - Ms. Teixeira and (3-0910.5) Dan Kaffer; **M. WESTERN NEVADA RESOURCE AND DEVELOPMENT CENTER (3-0795.5)** - Coordinator Dan Kaffer; **N. NEVADA RURAL HEALTH CENTERS, INC. (1-0965.5)** - Executive Director Ken McBain; **O. STEWART COMMUNITY BAPTIST CHURCH (3-1095.5)** - Rev. Randy Woodley; **P. CHILDREN'S MUSEUM OF NORTHERN NEVADA (3-1235.5)** - Executive Director Susie Meehan; **Q. NEIGHBORHOOD BEAUTIFICATION COMMITTEE/CARSON PRIDE WEEK (3-1420.5)** - Ms. Teixeira; **AND, R. YOUTH AGENCIES (UTILITIES) (3-1565.5)** - Ms. Teixeira - Representatives briefly described/discussed their purposes, services, budgets, and funding requests. Ms. Winkler explained the supplemental request for \$11,910 for transportation costs. Mr. Blanchard described the new "territorial" concept for parade entries. Benefits of having Nevada Day become a three day weekend were noted. The campaign efforts were described. Youth transportation needs were discussed including alternative systems, and the City's transit system and its reduced fares program. Board comments thanked the representatives for their dedication and efforts. (3-1098.5) Copies of the application for the Community Baptist Church were distributed to the Board and Clerk. Rev. Woodley revised his application to be for \$7500 for the stove hood. He had discussed the program with other community service providers, i.e., FISH, the Advocates, and the Crises Pregnancy Center.

Supervisor Tatro placed (2-2330) the Ormsby OARC supplemental request for \$11,910 for transportation costs on the wish list and (2-2769.5) the Community Council on Youth's transportation program on the one-shot funding list with the caveat that the transit system and its voucher program be used, if possible. (2-3055.5) Supervisor Tatro commended Ms. Lang and Jack Araza on their dedication and hard work on the Community Council on Youth program. (3-0493.5) Supervisor Tatro explained his objection to the use of the DUI funds to support the Carson Treatment Center's request and suggested instead that the General Fund be used. Board comments supported this proposal.

(2-2541.5) Mayor Masayko questioned whether the Home Health Services is eligible for indigent funds and requested statistics to seek such funding. Its funding restrictions were noted. Mayor Masayko placed the following items on the first cut list: (2-2582.5) \$2,000 for the Home Health Services; Community Council on Youth's supplemental request for additional on-going funding; (3-0955.5) the Western Nevada Resource Conservation and Development dues of \$200 with the caveat that if it is funded it will be added to the list of other agencies whose dues are paid by the City; and the Stewart Community Baptist Church's request for \$7500 from one-shot funds. (3-1008.5) Mayor Masayko requested Mr. McBain meet with him and NACO representatives to determine if a legislative packet should be developed for funding the Nevada Rural Health Centers. (3-1384.5) Mayor Masayko encouraged staff to develop an innovative funding mechanism to assist the Children's Museum. (3-1565.5) He also indicated that the Youth Agencies utility funding request was to be placed on the wish list and considered in the next round.

Supervisor Smith placed (2-3305.5) RSVP's supplemental funding request and (3-0465.5) Carson Treatment Center's request for an additional \$5,000 from on-going funding on the wish list.

Supervisor Bennett placed \$14,000 from on-going funding for the Nevada Hispanic Services and (3-0725.5) Nevada-Tahoe Conservation District's request for \$5,000 on the wish list. Supervisor Bennett also expressed her intent to obtain a copy of the Conservation District's video for review by the other Board Members. She challenged the public to match the Board's funding for the Children's Museum and volunteered to help obtain funding. (3-1495.5) She then suggested that USA Waste be approached about sponsoring the CPR banner. Supervisor Plank expressed a willingness to work with her on this proposal. Supervisor Smith briefly described his concept of how the banner should be

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worded.

Supervisor Plank placed the following items on the wish list: (3-1075.5) \$15,000 for the Nevada Rural Health Center's funding; (3-1348.5) \$10,000 for the Children's Museum from the one-shot funding; and \$1,000 in funding for the Carson Pride and Revitalization's banner.

BREAK: A ten minute recess was declared at 7:35 p.m. The entire Board was present when the meeting was reconvened at 7:45 p.m., constituting a quorum.

(3-1569.5) There being no other matters for consideration, Supervisor Plank moved to adjourn. Mayor Masayko seconded the motion. Motion carried unanimously. Mayor Masayko adjourned the meeting at 8:45 p.m.

The Minutes of the May 7, 1998, Carson City Board of Supervisors meeting

ARE SO APPROVED ON ____August_6____, 1998.

_____/s/_____
Ray Masayko, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder