

CARSON CITY REGIONAL TRANSPORTATION COMMISSION
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A regularly scheduled meeting of the Carson City Regional Transportation Commission was held on Wednesday, October 11, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, immediately following the regularly scheduled meeting of the Carson Area Metropolitan Planning Organization that began at 5:30 p.m.

PRESENT: Chairperson Richard S. Staub, Vice Chairperson Charles Des Jardins, and Commissioners Shelly Aldean and Larry Hastings

STAFF PRESENT: Andrew Burnham Public Works Director
Walt Sullivan Community Development Director
Larry Werner City Engineer
Patrick Pittenger Transportation Program Manager
Michael Suglia Senior Deputy District Attorney
Harvey Brotzman RTC Engineer
Katherine McLaughlin Recording Secretary
(CAMPO 10/11/06 Recording 5:30:05)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Request for Action Report and/or supporting documentation. Staff members making the presentation are listed after the Item's heading. Any other individuals who spoke are listed immediately following the staff listing. 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.

J. ROLL CALL AND DETERMINATION OF A QUORUM (5:53:27) - Chairperson Staub convened the meeting at 5:54 p.m. Roll call was taken. A quorum was present although Commissioner Zola was absent. Chairperson Staub noted for the record that Commissioner Michael Zola had resigned his position on RTC for personal reasons. He has apparently accepted new employment that is preventing him from participating in the RTC. Chairperson Staub wished him the best of luck. The Commission will miss him. An advertisement for his replacement will be made in the newspaper in the coming weeks.

K. APPROVAL OF MINUTES - AUGUST 9, 2006, REGULAR MEETING; AUGUST 23, 2006, SPECIAL MEETING; AND SEPTEMBER 13, 2006, REGULAR MEETING (5:54:30) - Commissioner Aldean moved to approve the Minutes from the Carson City Regional Transportation Commission meetings of August 9, the special meeting of August 23, and regular meeting of September 13 as presented. Commissioner Hastings seconded the motion. Commissioner Des Jardins advised that he was not present at the August 23 special meeting and will, therefore, abstain from voting on those Minutes. The motion to approve the August 9 and September 11 Minutes was voted and carried 4-0. The motion to approve the August 23 Minutes was voted and approved 3-0-1 with Commissioner Des Jardins abstaining.

L. MODIFICATION OF AGENDA (5:55:48) - Chairperson Staub announced that Item P-4 will be heard before Item P-3.

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M. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:56:08) - Transportation Program Manager Patrick Pittenger advised the Commission that JAC had provided more than 6,000 rides in September even though there were two fewer days in September than in August. The one complaint that had been received dealt with some saw horses which have subsequently been removed. There were believed to be many valid reasons for the increase in ridership including the issuance of a contract to Mac West and a news article. Mr. Pittenger was uncertain of the status of the "children's Halloween party at the Children's Museum". JAC will be in the Nevada Day Parade. The Commissioners were invited to ride in it.

N. PUBLIC COMMENTS (5:58:26) - None.

O. DISCLOSURES (5:58:52) - None.

P. PUBLIC MEETING ITEMS

P-1. DISCUSSION AND POSSIBLE ACTION REGARDING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN CARSON CITY BOARD OF SUPERVISORS, THE CARSON CITY REGIONAL TRANSPORTATION COMMISSION, AND THE CARSON AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) (5:59:00) - Chairperson Staub reminded the Commission of the need to make the same revisions as had been approved by CAMPO. Discussion was solicited but none given. Commissioner Aldean moved to approve an Amended Interlocal Agreement with the Board of Supervisors, Regional Transportation Commission and CAMPO to include street maintenance functions, award of bids, execution of contracts, and property acquisition as a part of the RTC oversight responsibilities pursuant to the revised edition delivered to the Commission this evening. Commissioner Hastings seconded the motion. Motion carried 4-0.

P-2. DISCUSSION AND POSSIBLE ACTION ON CONTRACT WITH DKS ASSOCIATES FOR TRAVEL DEMAND MODELING SERVICE (6:00:07) - Transportation Program Manager Patrick Pittenger - Changes made to the agreement by CAMPO were noted in Mr. Pittenger's introduction. Comments were solicited but none were given. Commissioner Hastings moved to approve the contract with DKS Associates to complete an update of Carson City's Travel Demand Model and Analysis of Downtown Circulation. Commissioners Des Jardins and Aldean seconded the motion. Motion carried 4-0.

P-4. PRESENTATION REGARDING RIGHT-OF-WAY ACQUISITION INCLUDING A DISCUSSION REGARDING THE USE OF EMINENT DOMAIN; AND P-3. DISCUSSION AND POSSIBLE ACTION REGARDING A CONTRACT TO SECURE RIGHT-OF-WAY ACQUISITION SERVICES FROM PROPERTY SPECIALISTS, INC. (6:01:50) - City Engineer Larry Werner, Property Specialists Representative Patty Paulsen, Public Works Director Andrew Burnham, Senior Deputy District Attorney Michael Suglia - Both Property Specialists and Ms. Paulsen's services, experiences, and clientele were described. The extension of Stewart Street requires the acquisition of four residences. RTC has already acquired one of those residences. Mr. Werner advised the Commission that the contract for Ms. Paulsen's services includes both Fairview and Stewart Streets. There are approximately 30 acquisitions and four or five relocations involved. Justification for hiring the firm was provided. Her contract also includes corrections

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to previously acquired properties. Discussion indicated that the property environmental assessments need to be conducted before the amount of contamination and the number of underground tanks are known. It was felt that some of the structures may have lead paint and asbestos. Ms. Paulsen included in her contract converse consultants whom the City can use. A detailed explanation of the services to be provided by the firm was given. The explanation included legal requirements found in the Statutes and billing procedures for the converse consultant(s). Ms. Paulsen stressed the need for sensitivity in handling partial takings as well as during relocations. Her present staffing level is six individuals and four consultants. She had worked with these individuals for some time and felt confident in their abilities and understanding of the requirements. Clarification indicated that the contract should include the hourly wage for the firm and that Ms. Paulsen will go through the litigation process, if necessary. She has allegedly been to court in 10 to 15 cases. A few of them were in Northern Nevada. They were part of the Sparks' Victorian Square and McCarran Airport projects. Some of the litigations were handled during pre-trial resolutions. Two of her agents are considered expert witnesses. Mr. Burnham explained that staff had issued a small contract for her services for Stewart and Fairview Streets. Ms. Paulsen indicated that they are preparing a scope of work for each project with a cost sheet that will be provided to staff on those projects. The contract is for combined projects.

(6:24:00) Chairperson Staub then read the title of Item P-3 into the record. Ms. Paulsen detailed the services and regulations that will be followed. The Commission's policies and procedures are to be included with these regulations. She urged the Commission/staff to discuss any potential condemnations with attorneys before pursuing eminent domain. Justification for using eminent domain was stressed. Discussion indicated that replacement dwellings need to be found close to where the property is located or within a 50-mile radius. If a home cannot be found for the purchase price of the current home, it may be necessary to pay more under conditions considered "last resort housing". Under no condition can the replacement housing be worse than the original home. An individual representing the property owner must have either a written document authorizing the individual to represent the owner or a power of attorney. Her firm has an interpreter as well as Spanish forms and letters. Hard copies documenting all discussions, emails, letters, etc., are kept. This information is scanned and copies given to the City. Her firm "keeps a copy for several years". She would have to look at the City's lease before determining what obligations the City has regarding relocation of the tenant. Mr. Werner also indicated that staff and Ms. Paulsen are reviewing purchase agreements and leases to determine if any regulations were overlooked when the properties were acquired. Chairperson Staub pointed out that the sale had been under "willing seller and willing buyer" circumstances. Discussion also explained that confidential information must remain confidential until the purchase is consummated. Relocation information regarding a person's health, income, social security number, and other personal information remains confidential and cannot be discussed. Anyone beyond the Commission, staff, and the auditor must have a valid reason for needing to see this information. Discussion indicated that the property owner must disclose if he has a tenant living on the property. Justification for having an inventory of the person's property who is being relocated was provided. Businesses in the path of the Reno retrack project did not have inventory listings. In that case, photographs of the merchandise were taken. If the property owner/tenant is allowed to remain on the property, RTC must provide maintenance. Discussion indicated that individuals occupying the property are asked to sign a document stating that the inventory is true and that they are in the United States legally. Identification cards are required to prove that the individual is the correct

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person with whom they are working. It is not Property Specialists' job to report the individual if he/she is here illegally. Clarification indicated that it is not necessary to deal with residents who are not listed on the leases. The selection process used to choose Property Specialists was described.

Comments also indicated that it may be necessary for RTC to relocate multiple, unrelated individuals who reside at a location if the individuals are residing at a location and paying rent regardless of the zoning. Discussion ensued on eminent domain, the pros and cons of it, and the need to have as a condemnation resolution. Mr. Werner indicated that staff will present a listing of the properties that are needed. The process supports having a condemnation resolution. Notification given to the property owners will indicate that the Commission is serious about obtaining the property(ies). Having the resolution allows staff to move forward with the project. Clarification indicated that the property list will be brought to the Commission as soon as the legal descriptions for the needed property is created. If acquisition of a parcel is deemed impossible, the District Attorney's office will be asked to file for right of entry. Staff will then post the necessary bonds. Ms. Paulsen explained the firm's contact schedule, the timetable for the property owner to respond, and their willingness to work with a responsive property owner. This reduces the property owner's ability to ignore the offer and keeps the project moving. Failure to respond means that other steps must be taken.

(6:57:50) Discussion indicated that RTC funds can be used for property acquisition as it leads to the construction process. Mr. Burnham then explained that the proposed contract is task oriented with a not to exceed funding amount of \$350,000. Mr. Werner explained the cost estimates that had been developed to reach this not to exceed amount. It includes a \$50,000 contingency.

Chairperson Staub pointed out that the reasons individuals wish to remain on the property are not always connected to money. It may be the "family roots". Ms. Paulsen indicated that this is the "personal parts". Examples of extraordinary steps that have been taken to accommodate such individuals were provided. This is the reason her firm has weekly contact with the property owner. Public comments were solicited but none were given.

Commissioner Des Jardins moved to select Property Specialists, Inc., for right-of-way acquisition assistance and to approve a contract for an amount not to exceed \$350,000 to be paid out of the Regional Transportation Fund and for a term of two years and to authorize the City Engineer to execute the Task Orders developed through this contract and the fiscal impact is \$350,000. Commissioner Aldean seconded the motion. She advised that she was impressed with Ms. Paulsen and the "disadvantaged business". She also recalled the RTC/City's objective of employing disadvantaged businesses. A certain percentage of the contracts need to be, basically, directed toward people and companies falling under that definition. The proposed contract "hits two birds with one stone". Additional comments were solicited but none were given. The motion to approve the contract was voted and carried 4-0.

Item P-4 did not require formal action. None was taken on it.

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P-5. DISCUSSION AND ACTION TO SELECT ONE OF THE OPTIONS AS DESCRIBED IN THE MEMORANDUM FROM THE CITY ENGINEER DATED SEPTEMBER 25, 2006, FOR THE DISTRIBUTION OF COSTS FOR THE RECONSTRUCTION OF OLD CLEAR CREEK ROAD; TO DIRECT STAFF TO NOTIFY THE PROPERTY OWNERS OF THEIR POTENTIAL COST; TO CONDUCT A WORKSHOP TO DETERMINE THE ACCEPTANCE OF THE PROPOSED COST DISTRIBUTION AND THEN TO REPORT THE RESULTS OF THE WORKSHOP TO THE COMMISSION TO DETERMINE WHETHER THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT SHOULD PROCEED (7:02:47) - City Engineer Larry Werner's introduction included the belief that NDOT does not want to participate in the project. NDOT has purportedly indicated that it does not have any funding for it. Other entities who may not want to participate included the State of Nevada Public Lands Division and the Washoe Indian Tribe. The fiscal involvement of Clear Creek LLC was questionable. Mr. Werner's cost estimates were explained. He was uncertain whether the property owners will want an assessment district based on the estimated median cost of \$15,000 even though it is a one time expense. Discussion explained that once the right-of-way is brought up to an acceptable standard and dedicated to the City/Douglas County, maintenance will need to be addressed. Nevada does not have an enabling statute allowing for the establishment of maintenance districts. If the property remains in private ownership, the property owners will remain responsible for the maintenance. This is the current status of the roadway's maintenance. Public Works Director Andrew Burnham explained that the City responds to requests for service on a fairly limited basis which he felt is twice a year. Mr. Werner advised that the City has done some repair work on the roadway. Chairperson Staub explained the reasons for bringing the matter to the Commission. If the residents are unwilling to make the commitment, RTC/the City should walk away from the roadway. Discussion indicated that a formal commitment to participate has been obtained from State Public Lands Division. The Forest Service may have access to Rural Highway Funds and should be a participant at the round table. If the process is successful, it will resolve a long-standing problem for both Carson City and Douglas County. There will be continued pressure on the roadway regardless of the Clear Creek LLC development. If something happens on the road, everyone will be in court. Chairperson Staub urged staff to move forward with the project and not shelve it. Mr. Werner asked the Commission to select an option so that he can notify the property owners. Discussion indicated that Mr. Werner has discussed the roadway with Douglas County Public Works Director Mitch Dion. He has the same concerns as Carson City has. If a solution is found, they are allegedly willing to pay. Commissioner Aldean felt that this commitment should be in writing. Mr. Burnham indicated that Douglas County Manager Dan Holler had allegedly committed to forming an improvement district for their residents. A representative from Douglas County should participate in the workshop. The project is contingent on everyone agreeing to move forward with it. Commissioner Aldean suggested that the residents be allowed to select the option to be pursued rather than the Commission. Mr. Werner concurred and indicated that this would provide a "softer" notification letter than his original concept. Public comments were solicited but none were provided. Commissioner Aldean moved to present Option No. 2 as described in the memorandum from the City Engineer dated September 25, 2006, for the distribution of costs for the reconstruction of Old Clear Creek Road to the Old Clear Creek Road stakeholders; to direct staff to notify the property owners of their potential cost; to conduct a workshop to determine the acceptance of the proposed cost distribution; and then to report the results of the workshop to the Commission to determine whether the formation of a local improvement district should proceed. Commissioner Des Jardins seconded the motion. Motion carried 4-0.

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Mr. Werner indicated that the notice will be sent out in two weeks. Due to the holiday season, a meeting will be held in the next month or so. Chairperson Staub expressed a willingness to participate in the meeting(s). The other Commissioners are to be notified about the meeting(s). If it is determined that a quorum will be present for any of the meetings, the meeting(s) will be posted. The first meeting is to be a round table.

Q. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS)

Q-1. PRESENTATION ON STEWART STREET-NORTH MOODY EXTENSION (7:15:47)

- City Engineer Larry Werner indicated that the "horizontal alignment" will be brought to the November meeting. Ms. Paulsen will then be able to start the acquisition process. The project should be ready to go out to bid in the Spring. A condemnation resolution may be requested to keep from delaying the project. Chairperson Staub felt that the Commission should consider the resolution. Mr. Werner explained that this is the process that has been used in the past for other projects and had been favorably received. No formal action was required or taken on this Item.

Q-2. PROJECT STATUS REPORTS (7:17:45) - City Engineer Larry Werner explained the status of the Northridge-Roop signal. The signal may be turned on on October 26. Discussion explained that the \$3 million in funding for Fairview will be carried forward from last year's budget and allocated. The budget for other projects will be carried forward under the same procedure. Public Works Director Andrew Burnham advised that the budget figures presented to the Board were larger than those given to the Commission. The figures will be reconciled. No formal action was required or taken on this Item.

Q-3. FUTURE AGENDA ITEMS (7:19:42) - Transportation Program Manager Patrick Pittenger explained NDOT's request that the Highway 50 corridor study be agenized for next month. He also proposed agenizing the Street Maintenance activity report. Public Works Director Andrew Burnham advised that this report is in flux as this is the first time a report has been required for the Commission. The Division has been advised that budget issues should be presented on a periodic basis.

Mr. Pittenger indicated that periodic updates on the transit system will be provided in the future. Strategic issues will be reviewed during these presentations. He introduced Paul Summers and Dennis Jackson from MV Transit. He complimented them on their services. He repeated his announcement concerning the increase in ridership. A majority of the complaints he had received on the JAC service related to the desire to have service at other locations. He indicated a need to discuss agreements that have been entered into as well as ones that have not been entered into, i.e., the JAC service into Douglas County. He advised that the RTC/the City had failed to honor its financial commitment to Washoe RTC for its service until recently. The need to notice when street closures will impact the JAC service and to post bus stop signs along the detours were limned. Such closures do impact the ridership. He reiterated that the ridership numbers are up. Chairperson Staub thanked Mr. Summers and Mr. Jackson for attending the meeting.

Mr. Burnham suggested that a workshop on the budget and RTC projects be held after the modeling upgrade is completed. Justification for having the workshop was provided. A January workshop was suggested as

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it will coincide with budget preparations. Chairperson Staub concurred and asked that DKS consider the proposed closure of West Washington at Carson Street in its analysis due to the impact it will have on the west side. Mr. Burnham concurred. Discussion indicated that Frank Page had contacted staff about the counter on Roop and Musser. Commissioner Des Jardins recalled the request that a study be conducted regarding the number of neighborhoods with only one access/egress and possible solutions that will provide a secondary access/egress. Justification for the study was provided. Mr. Burnham suggested that it be agenized for January's meeting. Mr. Werner cautioned that solution for many of the neighborhoods may not be simple. No formal action was required or taken on any of these items.

R. ADJOURNMENT - RTC (7:27:30) - Commissioner Aldean moved to adjourn. Commissioner Des Jardins seconded the motion. Motion carried 4-0. Chairperson Staub adjourned the meeting at 7:28 p.m.

The Minutes of the October 11, 2006, Carson City Regional Transportation Commission meeting

ARE APPROVED ON November 8, 2006.

/s/
Richard S. Staub, Chairperson