

CARSON CITY BOARD OF SUPERVISORS
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, January 5, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Robin Williamson	Supervisor, Ward 1 (Mayor Pro-Tem)
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Linda Ritter	City Manager
	Al Kramer	Treasurer
	Kevin Gattis	Chief Building Official
	Michael Suglia	Senior Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(BOS 1/5/06 Recording 8:30:47)	

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Agenda Report and/or supporting documentation. Staff members making the presentation are listed following 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, PLEDGE OF ALLEGIANCE, INVOCATION - Mayor Pro-Tem Williamson convened the meeting at 8:30 a.m. Roll call was taken. A quorum was present although Mayor Teixeira was absent due to illness. A moment of silence was held in lieu of an Invocation. Supervisor Aldean led the Pledge of Allegiance.

CITIZEN COMMENTS (8:32:00) - None.

1. ACTION ON APPROVAL OF MINUTES (8:32:10) - None.

2. AGENDA MODIFICATIONS (8:32:15) - City Manager Linda Ritter expressed a desire to update the Board on the flood incident and cleanup activities when Staff Reports are reached on the agenda.

3. SPECIAL PRESENTATIONS AND INTRODUCTIONS - INTRODUCTION OF KEVIN GATTIS, CHIEF BUILDING OFFICIAL (8:32:21) - City Manager Linda Ritter introduced Chief Building Official Kevin Gattis. Mr. Gattis briefly described his background and desire to work for the City. He commended staff on his reception and for their efforts to make his transition as easy as possible.

4. LIQUOR AND ENTERTAINMENT BOARD - Mayor Pro-Tem Williamson recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder.

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BOARD OF SUPERVISORS (8:38:35) - Following adjournment of the Liquor and Entertainment Board, Mayor Pro-Tem Williamson reconvened the Board of Supervisors session. A quorum of the Board was present although Mayor Teixeira was absent as indicated.

5. CONSENT AGENDA (8:38:50)

5-1. ASSESSOR

A. ACTION TO APPROVE THE PARTIAL REMOVAL AND PARTIAL REFUND OF TAXES FOR PARCEL NUMBER 002-722-01 (1104 RIDGEFIELD DR.) FROM THE 2005/2006 REAL PROPERTY TAX ROLL PER NRS 361.765

B. ACTION TO APPROVE THE PARTIAL REMOVAL OF TAXES AND PARTIAL REFUND FOR PARCEL NUMBER 010-061-78 (VACANT PARCEL ON FAIRVIEW DR.) FROM THE 2005/06 REAL PROPERTY TAX ROLL PER NRS 361.055

C. ACTION TO APPROVE THE PARTIAL REMOVAL AND PARTIAL REFUND OF TAXES FOR PARCEL NUMBER 002-134-05 (1402 MOODY ST.) FROM THE 2005/06 REAL PROPERTY TAX ROLL PER NRS 361.060

5-2. DEVELOPMENT SERVICES

A. ACTION TO RESCIND AND CANCEL ORDINANCE NUMBER 1995-61, A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND GORDON HENSMAN REGARDING ASSESSOR'S PARCEL NUMBERS 008-391-02 AT 6300 HIGHWAY 50 EAST; 008-391-07 AT 5700 HIGHWAY 50 EAST; 008-391-09 AT 5750 HIGHWAY 50 EAST, CARSON CITY, NEVADA, FOR WATER MAIN CONSTRUCTION; AND AUTHORIZE THE MAYOR TO SIGN THE CANCELLATION

B. ACTION TO APPROVE THE IMPROVEMENT AGREEMENT CANCELLATION BETWEEN CARSON CITY AND EUGENE LEPIRE, JR., AND WILLIAM KUGLER REGARDING ASSESSOR'S PARCEL NUMBERS 009-311-48 AND 49, TWO ADJACENT PARCEL MAPS COVERED UNDER ONE AGREEMENT; AND AUTHORIZE THE MAYOR TO SIGN THE IMPROVEMENT AGREEMENT CANCELLATION

C. ACTION TO APPROVE THE RELEASE OF A TEMPORARY EASEMENT DEED EXECUTED BY ROBERT W. DUNBAR AND JEANNINE V. DUNBAR, TRUSTEES OF THE DUNBAR REVOCABLE FAMILY TRUST DATED DECEMBER 30, 1997, IN FAVOR OF CARSON CITY WHEREBY ROBERT W. DUNBAR AND JEANNINE V. DUNBAR, TRUSTEES OF THE DUNBAR REVOCABLE FAMILY TRUST DATED DECEMBER 30, 1997, GRANTED A TEMPORARY EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 007-371-01 FOR THE PURPOSE TO RECONSTRUCT A PORTION OF WELLINGTON SOUTH DUE TO THE CONSTRUCTION OF THE BICYCLE/PEDESTRIAN PATH; AND AUTHORIZE THE MAYOR TO SIGN THE RELEASE AND TERMINATION OF A TEMPORARY EASEMENT DEED

D. ACTION TO APPROVE THE RELEASE OF A TEMPORARY EASEMENT DEED EXECUTED BY TIMOTHY C. MCFARREN AND SANDRA KOCH MCFARREN IN FAVOR OF CARSON CITY WHEREBY TIMOTHY C. MCFARREN AND SANDRA KOCH MCFARREN GRANTED A TEMPORARY EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBERS 007-101-45 AND 007-101-46 FOR THE PURPOSE OF BICYCLE/PEDESTRIAN PATH CONSTRUCTION; AND

AUTHORIZE THE MAYOR TO SIGN THE RELEASE AND TERMINATION OF TEMPORARY EASEMENT DEED

E. ACTION TO APPROVE THE RELEASE OF A TEMPORARY EASEMENT DEED EXECUTED BY WELLINGTON CRESCENT PROPERTY OWNERS ASSOCIATION IN FAVOR OF CARSON CITY WHEREBY WELLINGTON CRESCENT PROPERTY OWNERS ASSOCIATION GRANTED A TEMPORARY EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 007-371-30 FOR THE PURPOSE TO RECONSTRUCT A PORTION OF WELLINGTON SOUTH DUE TO THE CONSTRUCTION OF THE BICYCLE/PEDESTRIAN PATH; AND AUTHORIZE THE MAYOR TO SIGN THE RELEASE AND TERMINATION OF A TEMPORARY EASEMENT DEED

5-3. PARKS AND RECREATION - ACTION TO SUPPORT THE PARKS AND RECREATION DEPARTMENT'S SUBMISSION OF FOUR GRANTS WITH THE NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) FOR THREE GATEWAY (WELCOME) SIGNS AND ONE FENCE ENHANCEMENT PROJECT - Supervisor Aldean pulled Item 5-3 for acknowledgment of the individuals who found and developed the grant applications. Supervisor Livermore moved to approve the Consent Agenda consisting of three items from the Assessor and five items from Development Services for a total of eight items. Supervisor Staub seconded the motion. Motion carried 4-0.

5-3. (8:40:18) - Supervisor Aldean recognized NDOT Statewide Transit Coordinator Sandy Stanio for finding the grant and Parks and Recreation Director Roger Moellendorf for putting the application together during Christmas vacation. Supervisor Livermore requested public participation be allowed during the prototype selection process. Supervisor Aldean concurred and advised that the Convention and Visitors Bureau also wants to participate. The process should be inclusive. Mayor Pro-Tem Williamson complimented Supervisor Aldean for seeing the opportunity and following through on it. Additional comments were solicited but none were given. Supervisor Aldean moved to support the Parks and Recreation Department's submission of four grants with the Nevada Department of Transportation, NDOT, for three gateway welcome signs and one fence enhancement project. Supervisor Livermore seconded the motion. Motion carried 4-0.

6. CLERK/RECORDER

A. ACTION TO ADOPT A RESOLUTION ESTABLISHING THE REASONABLE VALUE OF THE PUBLIC GUARDIAN'S SERVICES AT \$180 PER HOUR (8:42:40) - Public Guardian Susan Swenson, City Manager Linda Ritter - A brief summary of Ms. Swenson's duties was provided. She felt that 85% of her clients were indigent and unable to pay for her services. The fees are used to pay for her office and staff expenses. A portion of the fee is paid by the client's estate after the individual dies. The budget for her office varies by the number of clients. The City pays Ms. Swenson's salary and for her supplies. The fees are by Social Security, VA, and other similar sources. She is made the public guardian when there are no family members or the family members are incapable of being the guardian. Supervisor Livermore moved to adopt Resolution No. 2006-R-1, A RESOLUTION ESTABLISHING THE REASONABLE VALUE OF THE PUBLIC GUARDIAN'S SERVICES AT 180 PER HOUR. Supervisor Aldean seconded the motion. Motion carried 4-0.

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B. ACTION TO REAPPOINT PUBLIC GUARDIAN (8:47:23) - Supervisor Staub moved to reappoint Susan Swenson as the Ex Officio Public Guardian of Carson City for a four-year term commencing on November 26, 2005, to serve in the unclassified service at Grade 12. Supervisor Livermore seconded the motion. Mayor Pro-Tem Williamson complimented Ms. Swenson on her dedication. Motion carried 4-0.

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

A. ACTION TO CONSIDER A TENTATIVE PLANNED UNIT DEVELOPMENT (PUD) APPLICATION KNOWN AS COMBS CANYON, CONSISTING OF 78 DWELLING UNITS AND COMMON OPEN SPACE ON 82 ACRES WEST OF COMBS CANYON ROAD AND/OR NORTH OF TIMBERLINE DRIVE, ASSESSOR'S PARCEL NUMBERS 007-091-72 AND 007-091-91 INCLUDING VARIANCES TO THE FRONT, SIDE AND REAR SETBACKS, VARIANCES TO THE LOTS SIZES, STREET WIDTHS, DENSITY AND SIDEWALK LOCATION BASED ON FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL IN THE STAFF REPORT, FILE TPUD-05-163 (8:48:40) - Senior Planner Jennifer Pruitt, Lumos and Associates Senior Planner Audra Miller and Engineer Randall Long, Bruce Kittess, Fred Brown, Garry Wyatt, Chief Deputy District Attorney Michael Suglia, Jacqueline Wyatt, Lee Moore - Ms. Pruitt's introduction indicated that additional information has been included in the packet on the low income housing component. Additional information regarding how it will operate has also been requested. The amount of open space proposed by the PUD is 79% of the project. The City's Code requires 30% of the PUD to be in open space. Discussion elaborated on the concern regarding how to guarantee the low income housing element's continuation into perpetuity. Both the Planning Commission and staff were concerned about this matter. Supervisor Aldean pointed out that the Applicant's legal counselor William Davis' letter of March 28, 2005, indicates that 20% of the units (16 units) will be reserved by deed restrictions for sale to low income housing. She felt that this was the only way that the City could guarantee that it would be low income housing. She also pointed out that nothing in the subsequent correspondence or the project as submitted to staff that makes this statement a condition of approval. Mr. Sullivan concurred. He also explained information from the State Division of Housing which indicates that the median income housing is 120%. According to the LA attorney, this is a tax credit project. State Housing has indicated tax credit projects must be at 60% the median income housing. The 120% median income housing is for home projects. Clarification of this information has purportedly been requested from the applicant, however, it has yet to be received by City staff. Discussion also pointed out that some of the information that had been provided was for low income leasing and that the buyer could acquire the property for a higher cost. The proposal does not require the property to be owner occupied. The concern is that, if the buyer cannot obtain low income tenants or they do not work out, the buyer could disregard the need to have low income tenants and rent to others. The inability to obtain low income housing loans is included in the list of items which could negate the low income housing element. No information had been provided in response to the staff's questions regarding these issues. The applicant was asked to clarify this matter during their comments. Mr. Sullivan explained that the questions regarding the low income housing element had been directed exclusively to Mr. Davis and his firm. The technical work on the subdivision was performed by Lumos and Associates, with whom the staff has a good working relationship. Mr. Sullivan then reviewed the PUD findings which supported staff's contention that the

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required findings have not been met. He then reviewed the list of individuals who had spoken at the Planning Commission meeting and summarized the Commission's action denying the application.

Mayor Pro-Tem Williamson stressed that no new information will be allowed during the hearing. The appeal must be based on information provided at the Commission meeting.

(9:08:13) Ms. Miller indicated that neither she nor Mr. Long had participated in the discussion/decision regarding affordable housing. The Applicant's local legal counselor, Daniel Christianson, was not present. She was uncertain whether she or Mr. Long will be able to respond to their questions regarding the affordable housing component. She asked that the Board overturn the Commission's recommendation and indicated that they will not be presenting any new information. The architect has purportedly revised the colors "a little bit". Sixteen units are for affordable housing rentals. The remainder is to be "fee simple". She addressed the compatibility issues and explained the sizes of the lots and structures. The project will be connected to the City's sewer system. Clustering allows them to keep 79% of the area for open space. The plan shows changes in technology and provides for efficient use of the land. The Hillside Ordinance does not prohibit construction on the steeper slopes. Clustering allows them to limit the impacts. Extension of the sewer line to the furthest corner of their property benefits the City as it provides for future connectivity beyond the property.

(9:17:15) Mr. Long indicated he is available to discuss the infrastructure issues. He had given an extensive background on the conditions and how the PUD mitigates them to the Planning Commission. He felt that staff's review had agreed with the engineered mitigations subject to the conditions contained in the November 10th letter. The Applicant purportedly had agreed to the reports and conditions. Today's focus should be on the land use and the compatibility issue. He could address any of the engineering issues. Neither the owner nor his legal counsel were present. Discussion indicated that the development will be served by the City's water and sewer system and will make some improvements at the intersection. Clarification indicated that the developer had not planned to be present and his legal counsel had other commitments.

Mayor Pro-Tem Williamson asked for public comments and that the speakers no repeat themselves. She thanked the audience for taking the time to attend the meeting.

Mr. Kittess hoped that the Board would not overlook good planning of the past due to the need for taxes and an attorney's claim that the City must accept the project. His 40 years in California home building qualified him to state that the PUD is a "slock" plan. Justification for this belief was provided. A description of the PUD "cookie cutter" structures and lot sizes illustrated his belief that the PUD is not compatible with adjacent custom-built home and large lot developments. He also felt that the proposal for affordable housing on a hillside was nonsense as it costs more to build on hillsides. The 70 acres are on a "billy goat" area. Use of the PUD ordinances and clustering the homes are not an entitlement. It should not be automatically approved. The buyer has known for more than two years what the neighbors felt was compatible to their area. His remarks should not be considered as a NIMBY (Not In My Back Yard) response. The neighbors will support one and two story homes on one acre lots similar to their subdivision. He urged the Board to uphold the Planning Commission's denial.

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Mr. Brown described and showed the Board a poster board full of photographs illustrating the area and residences in the Silver Oak and Kings Canyon subdivisions which were felt to be comparable developments. (A copy of the photos was not given to the Clerk.) He also described his reasons for feeling that there had been 100 people at the Commission hearing, however, not all of them had remained for the discussion/action on the application. He urged the Board to reconsider its meeting time for items as working individuals cannot attend the daytime meeting(s). He believed that if the item had been heard at night more individuals would have attended the meeting. He then reminded the Board that the December 31 flood had closed Combs Canyon Road due to the erosion had occurred in the Canyon. It was not comparable to the 1997 flood which had caused even more erosion to occur.

Mr. Wyatt also supported Mr. Brown's belief that more individuals would have attended the meeting if it had been held in the evening. A copy of Dr. Kent Gabriel's statement was distributed to the Board and Clerk. (A copy is in the file.) Mayor Pro-Tem Williamson and Chief Deputy District Attorney Suglia reminded Mr. Wyatt that new material could not be presented. Mr. Wyatt felt that the Applicant's representatives had presented new material regarding the trails, the architectural colorings, and the parking. He agreed to not present any new information. He then described his lot and the topography surrounding it, the Canyon, and the Applicant's property. He felt that Applicant's proposed open space area was "disconnected" from the remainder of the clustered project and the harmonious blending of the Lakeview and Timberline developments. He also believed that the traffic volume that will be generated by the proposed project was underestimated. As only 196 parking spots had been provided within the project, it could not handle his estimated volume of 234 vehicles. He was concerned about the impact this additional traffic would have on Combs Canyon, which is used as an emergency access to Medical Parkway and Lakeview and as a detour for Highway 395. Combs Canyon is now closed due to flood damage. If an accident closes Highway 395 at this time, a detour is not possible. He objected to the contrast in lot sizes proposed by the development. He then highlighted Dr. Gabriel's written comments. Mr. Wyatt questioned the feasibility of installing the sewer line as it will "destroy" the pine trees. He questioned Lumos and Associates contention that the creek runs at a one foot depth. He alleged to have photographs illustrating it cresting over driveways, "outsourcing" the creek bed and running down Combs Canyon Road to the entrance of the proposed project. It had eroded the roadway and exposed the high voltage power line to Timberline. He urged the Board to protect the surrounding area and not approve the proposed Southern California subdivision.

Mayor Pro-Tem Williamson disclosed that she resides in Lakeview. She knows the area and is aware of the soil conditions.

(9:39:58) Ms. Wyatt, a former California resident, explained her personal experience in Southern California with a housing tract similar to the proposed PUD. Her father had purportedly warned her about the potential for the California tract to be flooded unless the flood water is allowed to flow through open doors in the homes. Her "greatest concern" is the fact that proposed site has been hit by forest fires on two different occasions. Her observations about the last fire were described. The residents of the proposed tract will be unable to save anything without adequate space between the structures. In order for the developer to address the water problem in the area, he will have to breach the "ditch". Her neighbor's driveway has had water flow over it. They have attempted to repair the driveway on two separate

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occasions with dirt and heavy rock. She urged the Board to consider the damage Mother Nature can cause.

Mr. Moore explained his concern about the runoff from the cluster homes and driveways which he felt would increase in both speed and volume as it flows down the Canyon. The last flood had cost him \$1,000 to remove the debris. It also required Mr. Richards to have to empty the intersection of debris to get to his office. He questioned where the development will stop if the project is approved. It will increase the runoff and flooding. He also felt that the subdivision's traffic will increase the use of Combs Canyon. He believed that the number of vehicles per residence will average four. This is in addition to traffic by UPS, landscapers, etc. The fire stations are all on the other side of Highway 395. Large culverts are needed to mitigate the runoff. He questioned how the Board could approve the request for residences on less than an acre after the Commission had denied the applicant. If the project is allowed, it will open Pandora's box as other residents in the area will want to subdivide their property. He then announced that he had free dirt for anyone wishing to come for it. Additional public comments were solicited but none were given.

Discussion between the Board and staff indicated that a simple majority vote, 3, was required to pass a motion.

Supervisor Aldean expressed her disappointment in the fact that neither the Applicant nor his legal counsel were present to respond to questions on the affordable housing aspects. She did not feel that the developer had put his "best foot forward" nor addressed the residents' concerns regarding compatibility. The PUD ordinance is an important tool for the City. PUDs have been constructed that are attractive and have preserved open space. She felt that the proposed project is deficient. No one is denying the Applicant's right to develop the property, but he/she should do so in a more compatible and sympathetic manner.

Supervisor Livermore acknowledged that he does not live in the neighborhood. He disclosed that he had served on the Parks and Recreation Commission for many years. He is cognizant of the compatibility and open space issues. He had studied a contour map. He believed that the Sunridge Development is similar to the project and had been a "snow job". As a Commissioner he was aware of the maintenance and time required shoring up the hillside and addressing other problems in that area. He felt that the proposal is a similar "snow job". It is his job to protect the public's pocketbook. Over the years this project will cost a substantial amount to maintain the open space, which is a substantial liability to the community.

Supervisor Staub thanked the residents for attending the meeting and making their presentations. He agreed that holding the meeting during the daytime had limited the participation. He acknowledged that the Board has held special meetings to discuss serious issues in the past. He apologized for the failure to do that with this item. The Board does recognize the residents and their concerns. He thanked Lumos and Associates Planner Miller and Engineer Long for attending the meeting and making the presentation. He was very concerned about the Applicant and his counsel's failure to be present. It is their responsibility to prove that the project has met the standards for development which must be based upon the information that had been presented to the Planning Commission. The Commission had voted 7-0 after having heard that evidence. He had not seen anything that would convince him that their action was inappropriate or illegal. He believed that the Board should uphold the Commission's denial.

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Supervisor Aldean then moved to uphold the Planning Commission's recommendation to deny a Tentative Map Planned Unit Development, Combs Canyon, consisting of 78 dwelling units and common open space on 82 acres west of Combs Canyon Road/North of Timberline Drive, Assessor's Parcel Numbers 007-091-72 and 007-091-91, including variances to the front, side, and rear setbacks, variances to the lots sizes, street widths, density and sidewalk locations based on findings and subject to the conditions of approval in the staff report. Supervisor Livermore seconded the motion. Motion carried 4-0.

RECESS: A recess was declared at 9:52 a.m. Mayor Pro-Tem Williamson reconvened the meeting at 10:02 a.m. A quorum was present although Mayor Teixeira was absent.

B. ACTION TO CONSIDER A TENTATIVE PLANNED UNIT DEVELOPMENT APPLICATION KNOWN AS EAGLE VILLAGE CONDOMINIUM PROJECT FROM WESTERN ENGINEERING (PROPERTY OWNERS: MICHAEL AND JUDITH BRAY AND JONATHAN AND SUSAN WARREN) TO DEVELOP 36 MULTI-FAMILY RESIDENTIAL DWELLING UNITS (CONDOMINIUMS) ON 3.66 ACRES NORTH OF EAGLE STATION LANE, ASSESSOR'S PARCEL NUMBER 009-123-32 BASED ON THE STAFF REPORT FINDINGS AND SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL AS CONTAINED IN THE STAFF REPORT - FILE TPUD-05-191 AND SUP-05-192 (10:02:10) - Senior Planner Jennifer Pruitt, Applicant's Representative Robert Loveberg, Realtor Susan Warren, Michael Bray, Senior Deputy District Attorney Michael Suglia - Ms. Pruitt's introduction included a request that the record show that the staff report includes reference to the zoning which is General Commercial and that the highest and best use in the General Commercial zoning is commercial. She also noted for the record that the development standards on Page 18 of the staff report are different from those normally found for commercial and residential developments. Development of the site is challenging due to the surrounding commercial uses. The proposed conditions of approval address those issues. Discussion explained the commercial uses surrounding the site. The proposal is for two bedroom units. Ms. Pruitt was uncertain whether the project included senior housing. She believed that families could reside there. The entire project is to be developed as a single phase. Supervisor Staub read the stipulation on Page 8 that requires the project to be subject to CC&Rs that current and future owners of the units acknowledge Southwest Gas' commercial use of their property. Ms. Pruitt explained and read Condition of Approval No. 31 which recognizes the other commercial users and their ability to continue to use their property. Supervisor Livermore explained his previous support for having turnarounds for school buses within residential projects where families reside. Ms. Pruitt indicated that this is an issue which the School District discusses with the Applicant. Supervisor Livermore indicated that he did not see anything in the packet regarding this issue. He then expounded on his reasons for believing that a turnaround should be required for the school buses and asked that one be included.

Mr. Loveberg indicated for the record that Western Engineering Representative Dennis Smith and the Applicants were present. He advised that the Applicants had agreed and stipulated to staff's conditions at the Planning Commission meeting as well as the other stipulations. They are in full cooperation with the staff in meeting any of the concerns. Additional information was provided to the staff at the Commission meeting regarding some of the issues that were raised. He believed that staff had found these stipulations to be acceptable. The Applicants are more than happy to work with the City so that a good

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project is provided. He then described the location of the property and their belief that it will not be developed for commercial uses for some time. Mixed uses are allowed as a conditional use in commercial zones. Mixed uses vitalize and diversify commercial uses. The market for this project is to individuals who want to live in such a project as they work in the vicinity and do not want to drive across town. It will be marketed for owner occupancy. Interest in the project has already been received from individuals wanting to live in the project. Surrounding residential uses were noted. Eagle Station Lane is a quiet street with less traffic than that on Roop/Silver Sage. The noise issues can be mitigated. The CC&Rs will include a disclosure statement indicating that the commercial uses have a right to exist. Staff had been given information regarding the proposed sound wall that will encompass the project. He believed that the project will be a good mix with the commercial uses as indicated by the fact that they have buyers waiting to purchase the units based on the location and type of development that is proposed. There is extensive open space in the project which exceeds City requirements. The open space and type of units will provide an attractive project.

Discussion indicated that Mr. Loveberg was not certain whether the Applicants had considered the traditional mixed use structure which has commercial uses on the lower floor and residential above them. He explained the belief that there is a reduced value in having additional commercial space with the proposed open space area. The residential use is a better and more beneficial use of the property. The Applicants' similar project in Minden was described. Mr. Loveberg also indicated that the driveway and parking area will allow a school bus to access the site and pickup students. The radius meets Fire Department requirements. More than the required amount of parking spaces are provided. Tandem parking in the driveways is available for the guests. Enclosed parking is provided for the residents. He then explained the concern about the NRS mandated minimum five acre requirement for PUDs. Justification for requesting a variance from this requirement was provided. Discussion reiterated that the project will be marketed for owner occupancy. Mr. Loveberg acknowledged that there is no guarantee that this will occur. He then described the elevations and estimated price ranges.

Ms. Warren indicated that she had done the project in Minden. The two bedroom units were quickly sold. They did not have the fire standards, turnaround, or parking proposed with the unit. It was marketed for owner occupancy and the mix was believed to 75/25. Mayor Pro-Tem Williamson explained the Board's desire to have owner occupancy and asked that they encourage this standard. Ms. Warren indicated that the price range is in the low \$310,000 or \$319,000 for a quick turnaround sale. They have 36 reservations, however, contracts have not been signed pending Board approval. Two of the potential buyers are acquiring the units for their children. The units will be family occupied. There will be an extensive association to care for the common areas outside of the units, the trash pickup, walking trails, and gardens. It will be a pretty view from the street. Discussion indicated that the units are to have two bedrooms and two bathrooms. There will not be a club house. There will be walking trails and barbeque(s). There will be adequate parking. Mr. Bray indicated that "toys" will not be allowed per the CC&Rs. Ms. Warren also indicated that the size of the animals is also limited. They had discussed the project with Mervyns and Raleys. Although they are located in beautiful retail area, there are lots of units that are vacant. The residents of the project will provide a "shot in the arm" for a coffee or a sandwich shop in the shopping center. She also believed that the residents will help reduce the vandalism and graffiti problems found in the vicinity. The project will be beneficial to the neighborhood.

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Supervisor Aldean disclosed for the record her intent to abstain as she had expressed her opposition to the project in her capacity as the President of the Glenbrook Company that owns property to the south. The property is not immediately adjacent to the subject parcel. The Company has a vested interest in the Southgate Shopping Center. She had spoken to Penney's management. They have concerns about the compatibility of the development. She was certain that the Applicants will do a wonderful job. Her concern is based on her holistic view of the needs. The entire thrust during the last few months, and perhaps years, has been to maximize commercial development and the receipt of sales tax revenues. Although the property is not on the boulevard, she believed that it is strategically located and, with the creation of redevelopment or its expansion to include the property, there will be an opportunity to use the property for its highest and best use. Even though she, as either as a member of her company or individually, would not be impacted either positively or negatively by approval or denial of the application, she did not think that it was appropriate to be a dual representative in this manner. She wished to stress her concern about the long term compatibility. Even with the language that has been proposed in Condition 31, the question is what will happen if there is a wholesale renovation and redevelopment of the area. They are not dealing with existing uses but with future uses. She had seen what happened on Fairview. In that case there was a manufacturer in an area that obviously evolved and has evolved over time located close to Quail Run. Even though the residents had purchased their homes knowing that there was a light industrial use next door, they drove the manufacturer out of town as they changed the use by causing a hue and cry. People tend to be more sympathetic to homeowners due to the large investments that they make into their homes. She is concerned about long term compatibility. She believed that as a community they need to be very cognizant of that. Sales tax revenues are king in the State of Nevada. We have to maximize our ability to collect that sales tax revenue. A lot of interesting, and, she thought, positive things are happening in and around that area. She was concerned that the property, even though it has been vacant for an extended period of time, is not being put to its highest and best use. Even though the Applicants can and will do a wonderful job developing a delightful little community, those are her concerns. She reiterated that due to her dual representation, she did not intend to vote.

Mr. Suglia commended her for taking this stand due to the possible appearance of a conflict of interest. The District Attorney's advice to her had been that abstention is not required. Supervisor Aldean, however, had made the decision on her own to abstain. His other advice was to respectfully request that she not engage in the debate once the abstention has been made. He then advised the Board that, as one member is absent and one member is abstaining, passage would require an affirmative vote by the other three members who are present.

Supervisor Staub advised that he held the same concerns as had been voiced by Supervisor Aldean. Southwest Gas and the shopping center to the west in their current configuration are being forced upon buyers of the residences if they want a home in Carson City. In the future when Southwest Gas moves to its new location, their property will be sold to someone else for commercial purposes. The same possibility exists for the shopping center or it may change and "go up". When the City runs out of property, there will be a lot of commercial sites that will "go up" instead of out. In 20 years the residents will not be happy with that. They will come before a future Board and say that they had never been told, were not aware of, or had not contemplated that what once existed on the adjacent commercial property would change its configuration. They had assumed that it would remain as it currently is. By allowing the project to go

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forward, the Board will be prejudicing the commercial uses of the property surrounding the site whether the Board wants to admit it or not at this time. He did not think that any agreement or CC&Rs will change the perception of future citizens of Carson City regarding the commercial areas around the proposed residential development and the ability of the commercial areas to change. He was substantially concerned about this future compatibility issue. He then advised that he is a proponent of private property rights and allowing people to do what they want to do with their private property within limitations. He had also watched what had happened on Fairview Drive and the manufacturer's move out of town. More recently at another facility on Fairview Drive had been opened as a distribution center. The residents adjacent to that property also complained. He was not going to support the project. He believed that they are opening a dilemma that future Boards will have to deal with. At this point he did not think that they should go down that road.

Discussion between Mayor Pro-Tem Williamson and Mr. Suglia indicated that the item could be continued with the Applicants' concurrence. If concurrence is not granted, findings to support a denial should be provided if the motion is against the project. Ms. Warren then asked for a continuance. Mayor Pro-Tem Williamson then continued the item to the next meeting when the entire Board will be present. No formal action was taken.

8. CITY MANAGER - Linda Ritter

A. CONDUCT INTERVIEW WITH SUSAN E. JOHNSON FOR THE POSITION OF INTERNAL AUDITOR (10:43:13) - Mayor Pro-Tem Williamson and Supervisor Staub disclosed that they had talked to Ms. Johnson. The Board interviewed Ms. Johnson. She had not researched the job's duties. She believed that the Board should redefine the duties to ensure that the necessary internal controls are provided and to leverage the resources to identify areas where efficiencies could be gained. Outsourcing performance audits will allow for efficiencies to be found. The interview indicated the current job description is generic. Ms. Johnson felt that the job itself is in flux at this time. Its primary purpose is to think outside the box, prioritize the concerns, and determine where the risks lie. She will not have the ability to check all financial records. She could make recommendations based on her internal audit background regarding potential risk areas. She believed it would take her six months to learn the City and its concerns. She should then be able to follow up on those items. Her employment history had been in the private sector. She believed that her private sector audit skills could be transferred/blended into one meeting the needs of the City as illustrated by an example of her audit work at Harrah's. Board comments emphasized that the only position at this time is for an internal auditor. It may be possible for some secretarial assistance to be provided by the City Manager's staff. The detail work would be her responsibility. She again indicated that she had not reviewed the previous auditor's work. She did not want a part-time position that is actually a full-time position. She is currently teaching at the University and has some extra time to spend on another position. She urged the Board to be cognizant of the fact that she would not be able to do 40 hours of work in a 19-hour work week. It was explained that the District Attorney's office had submitted a letter to the Board regarding future audit concerns related to some contracts. Ms. Johnson should develop an audit plan and present it to the Board which will describe what can be done in 19 hours. Board comments encouraged her to look at what the previous internal auditor had done and the ordinances regarding the position. If it is not possible to perform the duties in 19 hours, she should advise

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the Board that the functions of the office require a full-time position which would not be she. A report telling the Board where the audit functions should be going should be provided within six month and on a regular basis thereafter. Ms. Johnson concurred. The Board thanked her for applying. No formal action was taken.

B. ACTION TO OFFER THE POSITION OF INTERNAL AUDITOR TO SUSAN E. JOHNSON AND TO SET THE HOURLY COMPENSATION RATE FOR THE POSITION (10:54:56) - Supervisor Staub moved to offer the position of Internal Auditor to Susan E. Johnson and to set the hourly compensation rate at \$28.50 per hour with a maximum of 19 hours per week. Supervisors Aldean and Livermore seconded the motion. Motion carried 4-0.

C. ACTION TO SUPPORT AN APPLICATION TO THE NEVADA COMMISSION ON ECONOMIC DEVELOPMENT FROM VITAMIN RESEARCH PRODUCTS, INC., FOR SALES AND USE TAX AND PROPERTY TAX ABATEMENT AS A RESULT OF EXPANSION OF THEIR OPERATION IN CARSON CITY (10:55:28) - Northern Nevada Development Authority Area Business Development Manager Larie Trippet summarized Vitamin Research Products, Inc., application. Supervisor Aldean noted that theoretically the City will be losing some sales tax revenues and personal property tax revenue. The revenue will not exist without the expansion. Supervisor Livermore pointed out that the City could not spend something it does not have. Supervisor Aldean moved to support an application to the Nevada Commission on Economic Development from Vitamin Research Products, Inc., for sales and use tax and personal property tax abatement as a result of expansion of their operation in Carson City. Supervisor Livermore seconded the motion. Supervisor Staub pointed out that the abatement on the sales and use tax is \$7,469.00 and the personal property tax is \$817.00. Mr. Trippet indicated that his Nevada Commission on Economic Development's report shows that the sales and use tax abatement is \$40,665.00 and the personal property tax abatement over ten years will be \$24,174.00. The breakeven period is less than one year on both items. Supervisor Staub explained that his numbers were from a December 19, 2005, addendum from Vitamin Research Products. Mayor Pro-Tem Williamson suggested that his figures were for a one year period and Mr. Trippet's could be for the ten-year period. Supervisor Staub asked that the figures be on the record. The motion was voted and carried 4-0. Mayor Pro-Tem Williamson indicated that a letter will be sent as requested.

D. PRESENTATION ON NEVADA DIVISION OF FORESTRY, SIERRA FOREST FIRE PROTECTION DISTRICT'S ACCOMPLISHMENTS AND WILD LAND FIRE MANAGEMENT PROGRAMS IN CARSON CITY FOR THE PAST YEAR (11:00:18) - Nevada Division of Forestry Fire Management Officer Michael Klug introduced Brad Butti, who is assigned to the Fire Station near the College. Other individuals who had planned to attend were unable to do so due to the flood. The recent precipitation was felt to be relief from the drought. He felt that the fire danger for next year is higher in the valley and lower at the higher elevations. The cheat grass in the valley is a major concern. The list of fires in the State last summer were limned. The number of large fires started by humans was noted. Efforts to address this problem were described. He then explained the fuel reduction projects they had undertaken including one at the Clear Creek Youth Camp. Their work with Cooperative Extension Director JoAnne Skelly to reduce the use of flammable landscaping materials by homeowners was limned. Their forest health and fuel management programs were noted. Aerial inspection of insect infestation sites

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has indicated a decrease in the bark beetle areas. Efforts to rehabilitate the Waterfall Fire area and its funding were described. Other projects were noted including those that the Conservation crews have been working on. A third helicopter has been obtained due to Senator Amodei's efforts. It is stationed at the Minden airport. It allows the area to have two helicopters at all times. The desire to have Type 1 Helicopters was explained. They are controlled at the Federal level and are circulated throughout the area. The National Guard reserves one of its helicopters for use by the Forest Service. It is a Type 1. The NDF hand crews started working throughout Carson City before the flooding commenced. They had been requested by Fire Chief Giomi. They had 500 people working to control the flooding. There are still 100 individuals working on recovery. He stressed the effort to provide a comprehensive wildland fire prevention program which includes consideration of the range land's need to have periodic fires for its ego system. The coordinated effort reduces the devastation caused when uncontrolled fires occur. He looked forward to working with Carson City, the Fire Department, and the Fire Safe Councils to reduce the fire dangers as much as possible in the future. Board comments thanked him for responding quickly to the City's request for assistance and for their help during the flood. The crews were seen working throughout the community. Officer Klug indicated that the Division was happy to be here.

E. ACTION TO AUTHORIZE MAYOR TEIXEIRA TO SIGN A LEASE WITH THE COMMUNITY COUNSELING CENTER PROVIDING FOR A DETOXIFICATION CENTER AT 900 EAST LONG STREET, THE LOCATION OF THE FORMER CARSON-TAHOE HOSPITAL REHABILITATION CENTER (11:12:48) - A lease for the office space will be considered by the Board at a future meeting. The proposed lease is for replacement of the rehabilitation center only. The area covered by the lease is on the second floor. The lease for office space may include a portion of the lobby. Clarification indicated that there may also be some sharing of reception duties. Supervisor Livermore expressed concern about the type of personnel that will be in the lobby area. Supervisor Livermore moved to authorize Mayor Teixeira to sign a lease with the Community Counseling Center providing for a detoxification center at 900 East Long Street, the location of the former Carson-Tahoe Hospital Rehabilitation Center. Supervisor Staub seconded the motion. Motion carried 4-0.

Senior Deputy District Attorney Michael Suglia explained that the lease had been the result of a team effort and thanked Open Space Manager Juan Guzman and Supervisor Shelly Aldean for their assistance.

RECESS: A recess was declared at 11:16 a.m. A quorum of the Board was present when Mayor Pro-Tem Williamson reconvened the meeting at 11:21 a.m. Mayor Teixeira was absent as indicated.

F. ACTION TO APPOINT ONE MEMBER TO THE LIBRARY BOARD OF TRUSTEES, TERM TO EXPIRE JUNE 2006 (11:22:10) - The Board interviewed: Joe Bookwalter; (11:31:43) Maxine Nietz; (11:40:46) Mac Homan; and (11:51:01) Bob Kennedy. Board comments thanked each for applying. The Board was polled. Reasons for each selection were provided. Board comments noted the quality of the applicants and that only one vacancy existed which makes the selection difficult. Supervisor Livermore moved to appoint Bob Kennedy to fulfill a term on the Carson City Library Board of Trustees which expires June 2006. Supervisor Staub seconded the motion. Motion carried 4-0.

9. BOARD OF SUPERVISORS - NON-ACTION ITEMS :

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A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - None.

B. STAFF COMMENTS AND STATUS REPORT (12:13:57) - Public Works Director Andrew Burnham, Fire Chief Stacy Giomi, City Manager Linda Ritter, Finance Director Tom Minton, City Engineer Larry Werner, Dave Morgan - A power point presentation was given highlighting the major points of the flood that occurred on December 31. (A copy is in the file.) It emphasized precautionary steps staff took preparing for an incident. These efforts began shortly after the Waterfall Fire was extinguished. Staff also took the weather forecasts seriously and began gearing up for an incident on December 29. The stream gauges in Kings Canyon, Ash Canyon, and Clear Creek were watched. The incident took out the gauges in Kings and Ash Canyons. Clear Creek had not been included in the flood watch area. Some flooding along Clear Creek at the mobile home park had occurred. Problems with the command post van were limned. Reasons for moving the staging area to Fire Station 2 were provided. The incident plan was displayed and briefly explained. The coordination between the Public Works teams and with the Fire Department made the response effort more efficient and provided the ability to move crews around based on events in the field. On Monday contractors were brought on to assist with cleanup. The Public Works emergency phone was staffed commencing at 5 p.m. on Friday. All calls for assistance were routed to that number. The command post was originally located at the Northgate Complex. Justification for this placement was provided. When it was determined that the amount of facility support needed could not be provided there, the command post was moved to Fire Station 1. Mr. Burnham opined that Fire Station 1 will be the primary command post in the future as a result of this experience. Debriefing has been occurring.

Board comments pointed out the concern about the public's lack of knowledge as to how to contact the City for assistance. Reasons for not using the reverse communication system were provided. It may be activated for such incidents in the future. The media should have been asked to provide the telephone number. It was believed that the public knew how to find the number, however, experience indicated otherwise. Ms. Ritter indicated that SNCAT will have an established procedure that will determine how and when the emergency number is to be aired on the local PEG channels. Mr. Burnham indicated a need to provide better information regarding the locations where sand bags can be obtained. There were 170,000 sand bags located throughout the community. The neighborhood responses were tremendous and eliminated the need for the City crews to provide assistance. Mayor Pro-Tem Williamson complimented Dave Morgan and Tammy Link for their efforts to keep the local community informed of the situation and provide up-to-the-minute reports. The City had been completely overlooked by the other television and radio media. Employee dedication was briefly noted.

Mr. Minton indicated that the City time sheets were estimates and not the final figures. Comments also emphasized that the emergency/incident training had paid off as it allowed responses to be coordinated and handled in a timely manner. The need for contractors assistance was indicated. Contractors are now performing a majority of the cleanup effort as the City does not have the equipment or manpower to do it. The contracts will be brought to the Board for approval at a future date. The City received a good response from contractors when they were called. The City also needs to prearrange more crews in the future due to the lag time needed for them to respond. This program may cost the City some funds if it is determined later that they are not needed. The gain in response time may justify the expense. Some of the mutual aid

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contracts were activated, however, these responders had incidents of their own and could not assist the City. As Fire Chief Giomi had determined early on that the City needed the inmate crews, he asked for and the City received the majority of them before the other communities recognized the need for them. It may not be possible to do this when another incident occurs.

Fire Chief Giomi suggested that a procedure be established which would appoint an individual as the contact person to manage contracted resources who would activate the local associated general contractors. This program is being used in Washoe County and has worked well for them.

Mr. Werner distributed and explained the preliminary damage assessment and mitigation sheet. (A copy is in the file.) Private property was not included in the listing. The items are eligible for FEMA reimbursement. It is a very preliminary listing. Mitigation needs to include replacement of the storm drainage system in the downtown area. This project is not eligible for FEMA reimbursement. Flooding areas and how to mitigate them were limned. The listing was incomplete and will be revised in the future. The estimated costs may be less than that indicated, however, this is not the normal experience. Mr. Werner also indicated that the pot holes in the streets were not included in the listing. Staff is fielding a lot of calls about them. Comments also noted that the freeway drainage system had addressed the Sclaris flooding problem even though the entire system has not been finished. The Vicee basin helped reduce the flooding in the downtown area. It is now full of sediment and needs to be cleaned out.

Discussion indicated that Brunswick Canyon needs to be studied to address the potential of damage to the railroad line prior to an event.

The Governor has declared the State/area a disaster. The FEMA process was limned. If a presidential declaration of a disaster is issued, the City will be eligible for 75% reimbursement from FEMA. Private property owners will be eligible for low interest loans. Comments also indicated that the work that had been done since the 1997 incident to reduce flooding had reduced the amount of damage even though the City received more water than experienced in the 1997 event. Slides illustrating the flood were shown. Problems encountered with people driving around road closed signs and/or attempting to drive through flooded areas were noted. Combs Canyon was closed as the street had washed out. A crew is working on it and hopes to have the street reopened by 5 p.m. today. Discussion explained the flooding at Fifth Street and the water quality pond at Butti. The pond worked, however, it is not completely constructed. The wastewater treatment plant operated throughout the flood. Its crews had stayed on site to protect the plant. Its ponds were used to handle the excess flow. A discharge into the river did not occur. The landfill will accept any mud at no charge to the residents. The NDF crews were valuable as they had handfilled thousands of bags. The sandbag machine did not work. The City still has 50,000 sandbags at the Corporate Yard. They have ordered another 100,000 sandbags. The sewerline was exposed in one area. It did not break. Only one or two calls were received from the Clear Creek area. A study is needed of the V&T Bike Trail area to determine why its runoff did not go into Combs Canyon.

The Board complimented the crews/staff on their efforts. Not all of the EOC crews were called out. FEMA training elements now include participation with contractors. It may be mandated that the City develop and participate in the national system. Funding may be tied to this participation. Benefits of the

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training were noted. Debriefing has already commenced. Improvements can and will be made to the response program. A copy of the final report is to be provided to the Board. Ms. Teixeira was commended for her efforts to keep the Board apprised of the situation. Mr. Burnham briefly explained the Health Department's involvement. Board comments recognized the effort and dedication of the City staff who had responded.

Dave Morgan complimented Curtis Horton on his efforts to keep him and his assistant informed throughout the event. He also expressed his hope that the new PEG vendor will enhance the cable system and/or add internet capabilities to the communication system for the public's benefit.

No formal action was required or taken on this report.

10. ACTION TO ADJOURN (1:07:58)- Supervisor Aldean moved to adjourn. Supervisor Livermore seconded the motion. Motion carried 4-0. Mayor Pro-Tem Williamson adjourned the meeting at 1:08 p.m.

The Minutes of the January 5, 2006, Carson City Board of Supervisors meeting

ARE SO APPROVED ON February 16, 2006.

/s/

Marv Teixeira, Mayor

ATTEST:

/s/

Alan Glover, Clerk-Recorder