

CARSON CITY BOARD OF SUPERVISORS
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, September 1, 2005, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

Present:	Marv Teixeira	Mayor
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Linda Ritter	City Manager
	Noel Waters	District Attorney
	Ken Furlong	Sheriff
	Al Kramer	Treasurer
	Andrew Burnham	Development Services Director
	Larry Werner	City Engineer
	Melanie Bruketta	Chief Deputy District Attorney
	Bruce Van Cleemput	Assistant Fire Chief
	Michael Dulude	Transportation/Transit Planner
	Katherine McLaughlin	Recording Secretary
	Kimberly Adams	Property Appraiser Tech
	(B.O.S. 9/1/05 Tape 1-0007)	

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 AND INVOCATION - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Supervisor Staub led the Pledge of Allegiance. A moment of silence was held in recognition of devastation that had occurred in the Gulf States as a result of Hurricane Katrina.

CITIZEN COMMENTS ON NON-AGENIZED ITEMS (1-0033) - Discussion indicated that Don Langston wished to speak about Stewart Street, which is agenized, and that an unidentified lady had a letter she wished to present regarding it. No formal action was required or taken.

1. ACTION ON APPROVAL OF MINUTES (1-0042) - Supervisor Williamson corrected the spelling of Mr. Hadfield on Page 3 and the first name of Andrew List on the same page. Supervisor Williamson moved to approve the Minutes of December 2, 2004, as corrected. Supervisor Aldean seconded the motion. Motion carried 4-0-1. Mayor Teixeira abstained as he was not on the Board at that time.

2. AGENDA MODIFICATIONS (1-0058) - Item 11B was deferred to the next meeting. Items 9B and

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9C were removed as the parties have not resolved the issues.

3. LIQUOR AND ENTERTAINMENT BOARD (1-0073) - Mayor Teixeira 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.

BOARD OF SUPERVISORS (1-0170) - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

4. CONSENT AGENDA (1-0171)

4-1. ASSESSOR

A. ACTION TO APPROVE THE REMOVAL OF TAXES AND ANY ACCRUED PENALTIES FOR 110 CLEAR CREEK AVE. (APN: 009-224-07) FROM THE 2005/06 REAL PROPERTY TAX ROLL PER NRS 361.125

B. ACTION TO APPROVE AN AMENDED TAX BILL, DUE TO THE INCORRECT REFUND OF THE REAL PROPERTY TAXES FOR 1404 SPOONER DR. (APN: 002-551-10) PER NRS 361.768

4-2. DEVELOPMENT SERVICES - ENGINEERING

A. ACTION TO ACCEPT OFFERS OF DEDICATION OF PERMANENT WELL SITE EASEMENTS UPON, UNDER AND ACROSS LANDS OWNED BY CARSON CITY FOR PARKS AND RECREATIONAL PURPOSES TO ALLOW THE DEVELOPMENT SERVICES DEPARTMENT TO ACCESS AND MAINTAIN MUNICIPAL WATER PRODUCTION WELLS, PIPELINES, AND ELECTRICAL CONDUITS LOCATED ON THESE LANDS. THE TWO (2) MUNICIPAL WELLS FOR WHICH STAFF IS REQUESTING DEDICATIONS OF WELL SITE EASEMENTS ARE AS FOLLOWS: DEDICATION OF WELL SITE EASEMENT FOR APN 003-252-14, WELL NO. 53; DEDICATION OF WELL SITE EASEMENT FOR APN 009-303-02, WELL NO. 54

B. ACTION TO SET A HEARING AT THE SEPTEMBER 15, 2005, BOARD OF SUPERVISORS MEETING TO CONSIDER WAIVING WATER CONNECTION FEES, PERMIT FEES AND METER SET FEES AND CHARGES AND TO PAY THE COSTS FOR ABANDONING A DOMESTIC WELL ON PROPERTIES ADDRESSED 1950 ASH CANYON ROAD (APN 008-072-37) AND 1954 ASH CANYON ROAD (APN 008-072-38) DUE TO THE NEGATIVE INFLUENCE ON THE DOMESTIC WELLS BY THE CITY'S NEW WELL LOCATED ON FOOTHILL ROAD NEAR WINNIE LANE

4-3. DEVELOPMENT SERVICES - CONTRACTS - ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE CARSON CITY HALL EXPANSION (RE-BID) PROJECT, CONTRACT NO. 2004-072 AND INCREASE THE CONTINGENCY AMOUNT BY \$40,339 - Item 4-3 was pulled for discussion. Supervisor Livermore moved to approve the Consent Agenda - two items from the Assessor and two items from Development Services - as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

4-3. (1-0188) - Development Services Director Andrew Burnham - Discussion indicated that all of the carpets will be replaced. The funding source was explained. The carpet replacement will be done on the

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weekends. Comments explained the security measures that will be implemented to protect the files for the Treasurer and Assessor. A meeting of the Department Heads had occurred earlier in the week. A wall removal will disturb some offices. The carpet replacement will commence in approximately 45 days. Other construction work will commence on Tuesday. Supervisor Aldean moved to accept Development Services recommendation on the Carson City Hall Expansion Rebid Project, Contract No. 2004-072, and increase the contingency amount by \$40,339. Supervisor Livermore seconded the motion. Motion carried 5-0.

5. DISTRICT ATTORNEY - Noel Waters - ACTION TO APPROVE ACCEPTANCE OF STATE OF NEVADA OFFICE OF THE ATTORNEY GENERAL STOP (SERVICES-TRAINING-OFFICERS-PROSECUTORS) VIOLENCE AGAINST WOMEN GRANT AWARD NO. 2005-WF-AX-0023 IN THE AMOUNT OF \$45,000.00 WITH MATCHING FUNDS OF \$15,000.00 FOR A TOTAL OF \$60,000.00 (1-0245) - Mr. Waters' introduction stressed the importance of the position and indicated that this is the last year of the grant. Supervisor Livermore moved to approve acceptance of the State of Nevada Office of the Attorney General STOP Violence Against Women Grant Award No. 2005-WF-AX-00(2)3 in the amount of \$45,000 with matching funds of \$15,000 for a total of \$60,000. Supervisor Williamson seconded the motion. Motion carried 5-0.

6. FIRE - Assistant Fire Chief Bruce Van Cleemput - ACTION TO ENTER INTO A COOPERATIVE FIRE PROTECTION AGREEMENT BETWEEN THE UNITED STATES DEPT. OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CARSON CITY FIELD OFFICE (AGREEMENT NUMBER NV-034-03-0001) AND THE CARSON CITY FIRE DEPT., FOR THE PROVISION OF MUTUAL AID FOR WILDLAND FIRES AND APPROVAL OF THE ANNUAL OPERATING PLAN (1-0307) - Supervisor Aldean moved to enter into a cooperative fire protection agreement between the United States Dept. of Interior, Bureau of Land Management, Carson City Field Office, Agreement Number NV-034-03-0001, and the Carson City Fire Dept. for the provision of mutual aid for wildland fires and approval of the annual operating plan; fiscal impact is unknown. Supervisor Livermore seconded the motion. Motion carried 5-0.

7. AIRPORT AUTHORITY - Legal Counselor Steve Tackes

A. ACTION TO APPROVE THE LAND EXCHANGE BY THE CARSON CITY AIRPORT AUTHORITY WITH TOM GONZALES (KCXP INVESTMENTS, LLC) AND THE SHELDON FAMILY TRUST (SHELDON LAND AND DEVELOPMENT, LLC.), TO ACQUIRE LAND IDENTIFIED IN THE MASTER PLAN IN EXCHANGE FOR AN AIRPORT LEASE PER NRS 224.281 AND RESOLUTION ADOPTED JULY 20, 2005 AND APPROVED AUGUST 17, 2005, AND CORRESPONDING APPROVAL OF THE ESCROW INSTRUCTIONS AND AIRPORT LEASE AGREEMENT BETWEEN THE CARSON CITY AIRPORT AUTHORITY AND KCXP INVESTMENTS, LLC, FOR AIRPORT LOT 207 (1-0365) - The uniqueness of the proposal was noted. The FAA will reimburse the Airport Authority. The Airport Authority had unanimously approved the exchange. The purchase price is supported by the appraisal. Supervisor Staub moved to approve the land exchange by the Airport Authority with KCXP Investments, LLC, and Sheldon Land and Development, LLC, to acquire land identified in the master plan via exchange of an airport lease per NRS 224.281 and resolution adopted July 20, 2005, and approved August 17, 2005, along with approval of the corresponding escrow instructions and Airport Lease Agreement between the Carson City Airport Authority and KCXP Investments,

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LLC, for Airport Lot 207; fiscal impact is none to the City. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE AN ANTENNA TOWER LEASE BY THE CARSON CITY AIRPORT AUTHORITY WITH CLEARWIRE, LLC (1-0432) - Supervisor Staub moved to approve the antenna tower lease by the Carson City Airport Authority with Clearwire, LLC, and no fiscal impact to the City. Supervisor Livermore seconded the motion. Motion carried 5-0.

8. REGIONAL TRANSPORTATION COMMISSION - Development Services Director Andrew Burnham - **ACTION TO APPOINT AND SWEAR CINDY VOGEL AND/OR STEPHEN JOHNSON OF JOHNSON-PERKINS & ASSOCIATES, INC., AS THE APPRAISER FOR CARSON CITY REGARDING THE PREPARATION OF A SELF-CONTAINED APPRAISAL OF THE FOLLOWING FOUR PROPERTIES: APN 2-153-06, APN 2-138-07, APN 2-138-06 AND APN 2-134-05, ALL LOCATED WITHIN THE NORTH STEWART STREET EXTENSION PROJECT CORRIDOR IN CARSON CITY, NEVADA (1-0485)** - Open Space Manager Juan Guzman, Gold Fry - A public hearing will be held in late September or early October with the residents. Notices will be sent to all of the residents in the neighborhood regarding that meeting. Discussion indicated that eventually all of the properties required for the extension of Stewart Street will be appraised. Justification was provided for acquiring these four parcels at this time. Discussions have been held with the School District regarding the Pioneer School. The proposal is to trade some of the Church property for the portion of the school property that is needed. The entire design has not been completed. The four properties are needed. Supervisor Williamson explained her concern that the notices are understandable when sent to the residents as well as meet the technical requirements of the Statutes. Mr. Burnham indicated that staff is analyzing the noticing provisions in an attempt to create a "friendlier" and more understandable notice. Public comments were solicited.

Mr. Fry explained the notices he had received from a "stranger" over the telephone, a realtor, and the *Nevada Appeal*. He was chagrined at the City staff's lack of contact regarding the proposal. Discussion indicated that the acquisition is subject to eminent domain. The Frys had intended to keep the property as an investment for at least ten years. Mayor Teixeira indicated that City staff will be contacting them. Mr. Burnham indicated that he would talk to him about the process. Mayor Teixeira indicated that if his questions are not answered he is to contact the Board.

Mayor Teixeira read Mr. And Mrs. David L. Vhay's letter into the record. (A copy is in the file.) They opposed the extension due to their belief that the freeway will reduce the need for it. Mr. Burnham explained the public hearings conducted on the Roop Street widening project. He acknowledged that these hearings had occurred some time ago and the public may have forgotten about the meetings. Additional comments were solicited but none were given.

Mr. Guzman indicated that Cindy Vogel is present and could be sworn in during the meeting. Supervisor Staub moved to appoint and swear Cindy Vogel and/or Stephen Johnson---, Cindy Vogel, who was present, of Johnson-Perkins and Associates, Inc., as the appraiser for Carson City regarding the preparation of a self-contained appraisal of the following four properties: APN 2-153-06, APN 2-138-07, APN 2-138-06, and APN 2-134-05, all located within the North Stewart Street extension project corridor in Carson City, Nevada; fiscal

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impact is approximately \$20,000. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Teixeira swore in Ms. Vogel

Supervisor Aldean noted that the owners may wish to investigate tax exchanges as an alternative as it may provide some protection for their equity. Mr. Guzman indicated that the City's realtor is knowledgeable about such alternatives. At this time the City is only seeking an appraisal of the property.

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

A. ACTION TO ADOPT BILL NO. 124, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.05.025, TEMPORARY CONSTRUCTION CONTAINERS AND AMENDING THE CARSON CITY DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.10, PERSONAL STORAGE, DIVISION 2, PARKING AND LOADING, SECTION 2.3, GENERAL PARKING REQUIREMENTS, AND OTHER MINOR TYPOGRAPHICAL CORRECTIONS (FILE ZCA 05-119) (1-0698) - Supervisor Aldean moved to adopt Bill 124 on second reading, Ordinance No., 2005-25, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.05.025, TEMPORARY CONSTRUCTION CONTAINERS AND AMENDING THE CARSON CITY DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.10, PERSONAL STORAGE, DIVISION 2, PARKING AND LOADING, SECTION 2.3, GENERAL PARKING REQUIREMENTS, AND OTHER MINOR TYPOGRAPHICAL CORRECTIONS. Supervisor Williamson seconded the motion. Motion carried 5-0.

B. ACTION FOR A MOTION TO RECONSIDER THE BOARD OF SUPERVISORS DECISION OF FEBRUARY 17, 2005, DENYING AN APPEAL OF THE PLANNING COMMISSION'S DECISION OF DENIAL OF A SPECIAL USE PERMIT APPLICATION FROM THE ROBERT POLICHIO FAMILY TRUST TO ALLOW THE INSTALLATION OF A 400 SQUARE FOOT BILLBOARD, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 2794 HIGHWAY 50 EAST, APN 008-161-07 (FILE SUP-04-041); AND C. ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION'S DECISION OF DENIAL OF A SPECIAL USE PERMIT APPLICATION FROM THE ROBERT POLICHIO FAMILY TRUST TO ALLOW THE INSTALLATION OF A 400 SQUARE FOOT BILLBOARD, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 2794 HIGHWAY 50 EAST, APN 008-161-07 (FILE SUP-04-041) (1-0058) (1-0735) - Deferred.

10. DEVELOPMENT SERVICES - ENGINEERING - City Engineer Larry Werner

A. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 12 WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.09 FLOOD DAMAGE PREVENTION, SECTION 12.09.020 DEFINITIONS WHICH DELETES THE REFERENCE TO PUBLIC WORKS DIRECTOR AND ADDS LOCAL FLOODPLAIN ADMINISTRATOR, ADDING SECTION 12.09.025 STATUTORY AUTHORIZATION WHICH DETAILS THE STATUTORY AUTHORITY FOR ADOPTING THIS CHAPTER

OF THE MUNICIPAL CODE, AMENDING SECTION 12.09.060 GENERAL PROVISIONS WHICH DESCRIBES THE BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD, AMENDING SECTION 12.09.070 ADMINISTRATION, SECTION 12.09.080 PROVISIONS FOR FLOOD HAZARD REDUCTION, SECTION 12.09.090 VARIANCE PROCEDURES, AND SECTION 12.09.100 LETTER OF MAP AMENDMENT BY CHANGING THE ADMINISTRATOR FROM THE PUBLIC WORKS DIRECTOR TO THE LOCAL FLOODPLAIN ADMINISTRATOR AND OTHER MATTERS PROPERLY RELATED THERETO (1-0740) - A typographic error was corrected on Page 10 Subsection 2C – “floor” should be “flood”. Additional comments were solicited but none were given. Supervisor Williamson introduced Bill No. 125, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 12 WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.09 FLOOD DAMAGE PREVENTION, SECTION 12.09.020 DEFINITIONS WHICH DELETES THE REFERENCE TO PUBLIC WORKS DIRECTOR AND ADDS LOCAL FLOODPLAIN ADMINISTRATOR, ADDING SECTION 12.09.025 STATUTORY AUTHORIZATION WHICH DETAILS THE STATUTORY AUTHORITY FOR ADOPTING A FLOODPLAIN MANAGEMENT PROGRAM, AMENDING SECTION 12.09.060 GENERAL PROVISIONS WHICH DESCRIBES THE BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD, AMENDING SECTION 12.09.070 ADMINISTRATION, SECTION 12.09.080 PROVISIONS FOR FLOOD HAZARD REDUCTION, SECTION 12.09.090 VARIANCE PROCEDURES, AND SECTION 12.09.100 LETTER OF MAP AMENDMENT BY CHANGING THE ADMINISTRATOR FROM THE PUBLIC WORKS DIRECTOR TO THE LOCAL FLOODPLAIN MANAGER AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Aldean seconded the motion. Motion carried 5-0.

B. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 12 WATER, SEWERAGE, AND DRAINAGE BY ADDING CHAPTER 12.19 STORM WATER SYSTEM ILLICIT DISCHARGES AND CONNECTIONS, SECTION 12.19.010 PURPOSE/INTENT, WHICH DESCRIBES THE PURPOSE OF THIS ORDINANCE, SECTION 12.19.020 DEFINITIONS, WHICH ADDS A SECTION FOR DEFINING TERMS USED IN THIS ORDINANCE, SECTION 12.19.030 APPLICABILITY, WHICH STATES THAT ALL WATER ENTERING THE STORM DRAIN SYSTEM IS SUBJECT TO THIS ORDINANCE UNLESS SPECIFICALLY EXEMPTED, SECTION 12.19.040 RESPONSIBILITY FOR ADMINISTRATION, WHICH AUTHORIZES THE CARSON CITY DEVELOPMENT SERVICES DEPARTMENT TO ADMINISTER THIS ORDINANCE, SECTION 12.19.050 ULTIMATE RESPONSIBILITY, WHICH STATES THAT THIS ORDINANCE SETS MINIMUM STANDARDS, SECTION 12.19.060 WATERCOURSE PROTECTION, WHICH STATES THAT ADJACENT PROPERTY OWNERS MUST PROTECT WATERCOURSES, SECTION 12.19.070 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES, WHICH STATES THAT DISCHARGERS MUST COMPLY WITH THEIR NPDES PERMIT, SECTION 12.19.080 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES, WHICH STATES THAT THE CITY WILL ADOPT REQUIREMENTS IDENTIFYING BEST MANAGEMENT PRACTICES, SECTION 12.19.090 DISCHARGE PROHIBITIONS, WHICH DESCRIBES ILLEGAL DISCHARGES AND CONNECTION, SECTION 12.19.100 MONITORING OF DISCHARGES, WHICH STATES THAT CITY HAS REASONABLE ACCESS TO AND MAY MONITOR DISCHARGES, SECTION 12.19.110 SUSPENSION OF MS4 ACCESS, WHICH STATES THAT THE CITY MAY STOP A DISCHARGE

DUE TO EMERGENCY SITUATIONS, SECTION 12.19.120 NOTIFICATION OF SPILLS, WHICH REQUIRES THAT FACILITIES THAT HAVE A SPILL OR ILLEGAL DISCHARGE MUST NOTIFY THE CITY, SECTION 12.19.130 VIOLATIONS- - REMEDIES, WHICH STATES THAT CARSON CITY DEVELOPMENT SERVICES WILL HAVE ENFORCEMENT POWERS TO ENFORCE THIS ORDINANCE, SECTION 12.19.140 REQUEST FOR HEARING, WHICH DEFINES THE APPEAL PROCESS, SECTION 12.19.150 CORRECTIVE MEASURES AFTER APPEAL, WHICH DESCRIBES PROCEDURES AFTER AN APPEAL, SECTION 12.19.160 INJUNCTIVE RELIEF, WHICH DESCRIBES PROCEDURES IN OBTAINING INJUNCTIVE RELIEF TO PREVENT FURTHER ILLICIT DISCHARGES, SECTION 12.19.170 COMPENSATORY ACTION, WHICH DESCRIBES PROCEDURES OF COMPENSATORY ACTION IN LIEU OF OTHER ENFORCEMENT PROCEEDINGS, SECTION 12.19.180 VIOLATIONS DEEMED A PUBLIC NUISANCE, WHICH DEFINES THAT A VIOLATION IS ALSO A PUBLIC NUISANCE, SECTION 12.19.190 CRIMINAL PROSECUTION, WHICH DESCRIBES THE TERMS UNDER WHICH THE CITY MAY PURSUE CRIMINAL PROSECUTION, SECTION 12.19.200 REMEDIES NOT EXCLUSIVE, SECTION 12.19.210 SEVERABILITY, AND OTHER MATTERS PROPERLY RELATED THERETO (1-0798) - Mr. Werner's introduction stressed that the ordinance meets the Federal requirements. The District Attorney's office had worked with him to ensure that the mandatory Federal contents are included in the ordinance, however, the terminology is the City's and are not too "harsh". It is an enforcement ordinance and "very negative". The purpose of the ordinance was limned. The ordinance enables the City to check the storm drain system and prohibit dumping into it. The sewer system has the same prohibition that has been in force for 30 years. Discussion pointed out that runoff from irrigated sites carry fertilizer which is exempt under the discharge provisions. Page 6, Section 10 was revised to reference Section 12.19.090 rather than 12.19.070. Page 10, first line was revised to add "in" at the end of the line so that it reads: "...shall be deemed 'in' compliance...". Page 14 Section 12.19.130 Sub 1 was revised to remove "the" from the second line so that it reads: "...violates any provision...." The first line at the top of Page 14 was corrected to make withstanding one word rather than two. Supervisor Aldean moved to introduce on first reading Bill No. 126, an Ordinance amending Carson City Municipal Code Title 12 as agenized and published with the corrections as noted. Supervisor Williamson seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 9:27 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:37 a.m., constituting a quorum.

11. DEVELOPMENT SERVICES

A. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0506-035 CARSON CITY COMMUNITY TRANSIT SERVICE OPERATIONS TO MV TRANSPORTATION, INC., AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 332 FOR THE OPERATION OF ALL FIXED ROUTE SERVICES BEGINNING OCTOBER 1, 2005, AND THE CONTINUED OPERATION OF THE DEMAND RESPONSE SERVICE FOR A COST OF \$606,147 FOR THE PERIOD OF OCTOBER 1, 2005, THROUGH SEPTEMBER 30, 2006; \$619,679 FOR THE PERIOD OF OCTOBER 1, 2006, THROUGH SEPTEMBER 30, 2007; AND \$666,953 FOR THE PERIOD OF OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2008, PLUS OR MINUS ADJUSTMENTS FOR FUEL COSTS AND PERFORMANCE INCENTIVES WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL TWO (2) YEAR PERIODS SUBJECT TO NEGOTIATION (1-0930) - Transportation/Transit Planner Michael Dulude - Displays of the bus designs

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were shown. Representatives from MV Transportation were present. Mr. Dulude indicated that it is his responsibility/duty to monitor the service provider's performance. A "sting" operation is one method that may be used to monitor the service. Supervisor Livermore advised the Board that at the Chamber of Commerce Manufacturers' meeting concerns had been expressed regarding the need for transit service in the industrial area and to Dayton. Individuals/firms have expressed an intent to use the service. He felt that positive results of the program with RTC funding will develop a permanent transit service for the community. Mr. Dulude explained that staff had been receiving positive feedback from the public and businesses regarding the program as well as requests to expand the service. There will be four routes with four buses in addition to the dial-a-ride service. OARC and RSVP will continue to operate their on-demand services. Supervisor Staub explained that there will be adjustments made to the routes and schedules as deemed appropriate in the future to meet the needs. The savings provided by the lower than expected bids will allow them to purchase additional buses when demand dictates it. The funds also provide the opportunity to expand the system quickly. Mayor Teixeira voiced his skepticism about the service's ability to get people out of their vehicles. If it is not used, a decision regarding keeping the service will have to be made. Supervisor Williamson felt that the cost of gas may be a decision making factor in the ridership. She hoped that an incentive will be provided to get people to try the service. The service must be publicized and accessible. Information on where to obtain the tickets must be provided. Mr. Dulude indicated that all of the ticket locations have not been established. It may be possible to have them at the Northgate offices, the Butti offices, City Hall, the Library, and the Community Center. The passes will be less than the cash price. A suggested price of \$26 for adults or a dollar a ride was indicated. Seniors, disabled and youth prices may be 50¢. Cash or tickets will be accepted. Public comments were solicited but none were given. Supervisor Staub moved to approve the award of Contract No. 0506-035, Carson City Community Transit Service Operations, to MV Transportation, Inc., as the lowest responding (responsive) and responsible bidder pursuant to NRS Chapter 332 for the operation of all fixed route services beginning October 1, 2005, and the continued operation of the demand response service for a cost of \$606,147 for the period of October 1, 2005, through September 30, 2006; \$619,679 for the period of October 1, 2006, through September 30, 2007; and \$666,953 for the period of October 1, 2007, through September 30, 2008, plus or minus adjustments for fuel costs and performance incentives with the option to renew for two additional two-year periods subject to negotiation; fiscal impact is \$606,147. Supervisor Aldean seconded the motion. Motion carried 5-0.

Mr. Dulude explained the color scheme for the "JAC"--Jump Around Carson--bus, which is the fixed route service, will be green with a blue top. The "JAC" Assist, which is the demand response for the elderly and disabled, bus will be silver with a green top.

B. STAFF PRESENTATION OF CITYWIDE CAPITAL PROJECTS FOR FY 2003-2004, FY 2004-2005, AND STATUS OF CURRENT PROJECTS UNDERWAY (1-0058) (1-1178) (1-1780) - Pulled.

12. FINANCE - Director Tom Minton

A. ACTION TO ADOPT A RESOLUTION INDICATING INTENT OF CARSON CITY, NEVADA, TO ISSUE ECONOMIC DEVELOPMENT REVENUE BONDS TO FINANCE ADDITIONAL COSTS OF A PREVIOUSLY APPROVED PROJECT FOR THE CONSTRUCTION AND EQUIPMENT OF HEALTH AND CARE FACILITIES BY CARSON-TAHOE HOSPITAL; FIXING

THE TIME AND PLACE OF A HEARING CONCERNING SUCH BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE CONCERNING SUCH HEARING; AND PROVIDING FOR A PRELIMINARY AGREEMENT WITH CARSON-TAHOE HOSPITAL (1-1182) - Bond Counselor Jennfer Stern - Supervisor Livermore read his prepared statement into the record declaring his conflict of interest due to his being a member of the Hospital Board of Trustees for which he receives a monthly stipend, in addition to his being the Chairperson of the Hospital Finance Committee and the Treasurer for the Hospital Corporation. The Hospital is a nonprofit corporation. The proposed item involves a financing source which will benefit the Hospital in its development of its property, The District Attorney's Office had advised him that he has a potential conflict of interest in this matter and, therefore, he will abstain from participating in it. Supervisor Staub advised that he is a voluntary member of the Hospital Finance Committee. He does not receive a stipend for this service. He did not believe that he has a conflict of interest regarding this matter. Therefore, he intended to participate in and vote on the matter.

Mr. Minton's introduction included introducing Bond Counselor Jennifer Stern, Hospital's Legal Counselor Mike Pavlakis, and Hospital Chief Financial Officer Sharon Jo Hansen.

Ms. Stern explained that the Hospital's name has been changed to Carson-Tahoe Regional Health Care. The purpose of the resolution was described. The City will not be liable for repaying the bonds. This is indicated in the agreement. The bonds will be issued by Carson City. They are low interest bonds.

Ms. Hansen thanked the Board for its assistance in obtaining the bonds. She advised the Board about a new open heart program that will be provided by the Hospital and its plan to attract additional physicians. Mayor Teixeira welcomed her and expressed the Board's pleasure at being able to assist the Hospital in its development. He also noted that the Hospital had paid its connection fees and that the secondary access issue is being resolved. Ms. Hansen indicated that the keys to the new regional hospital will be turned over to them on September 23. Patients will be relocated to the facility on December 3. The Board was invited to the opening ceremonies.

Supervisor Staub moved to adopt Resolution 2005-R-34, A RESOLUTION INDICATING INTENT OF CARSON CITY, NEVADA TO ISSUE ECONOMIC DEVELOPMENT REVENUE BONDS IN THE AMOUNT OF \$15 MILLION TO FINANCE ADDITIONAL COSTS OF A PREVIOUSLY APPROVED PROJECT FOR THE CONSTRUCTION AND EQUIPPING OF HEALTH AND CARE FACILITIES BY CARSON-TAHOE HOSPITAL; FIXING THE TIME AND PLACE OF A HEARING CONCERNING SUCH BONDS; PROVIDING FOR THE PUBLICATION OF A NOTICE CONCERNING SUCH HEARING; AND PROVIDING FOR A PRELIMINARY AGREEMENT WITH CARSON-TAHOE HOSPITAL; fiscal impact is subject to the final sale. Supervisor Williamson seconded the motion. Motion carried 4-0-1 with Supervisor Livermore abstaining.

B. ACTION TO APPROVE A PLAN FOR EXPENDITURE OF THE PROCEEDS OF A 1/8 CENT SALES TAX IMPOSED PURSUANT TO NRS 377B TO FINANCE A PORTION OF THE COST OF RECONSTRUCTING THE VIRGINIA & TRUCKEE RAILROAD FROM VIRGINIA CITY TO CARSON CITY, NEVADA (1-1278) - Bond Counselor Jennifer Stern, Ken Dorr of Capital Engineering, John Wagner, Ann Groso, Carol Reilly, Tom Keeton, David Morgan - Ms. Stern explained the purpose of the bonds and other items which must be considered before the sales tax is imposed. Today's

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action merely establishes the plan under which the funds will be administered. Ms. Stern indicated she would have to research the laws to determine if the funds must be spent inside the City's boundary. Mayor Teixeira pointed out that, if there is a funding restriction on where the funds are to be spent, there are enough projects that must be done to construct the railroad from Virginia City to Carson City to use all of the money. Discussion indicated that the Nevada Commission for Reconstruction of the V&T Railway is responsible for spending the funds. The City administers the funds and has oversight on their use. Mr. Minton then explained the late material which had been passed out to the Board. A mixup had occurred regarding the Congressional funding level. The amended plan was reduced by \$800,000 due to this error. The tax must be implemented by December 1 so that the tax collection can start on December 6.

Mr. Dorr reminded the Board that the project came into existence in May 1992. He also pointed out that it took ten months in 1869 to design and construct the railroad. They have been working on its restoration for 13 years. NDOT's environmental assessment was approved two years ago. Things have been rolling since that time. Phase 1, the Overman Pit crossing, should be substantially completed within two weeks. The Commission is now working on Phases 2 through 4. The phasing is based on permitting and funding issues. There are approximately 15–16 miles of mainline track that needs to be laid before reaching Carson City. The key components to it were listed. The estimated cost of the project including Phase 1 is \$34.2 million. Phase 1 to date has cost approximately \$6.7 million. At this time, there does not appear to be any show stoppers in the project. There are challenges, i.e., the second tunnel, right-of-way acquisitions, etc. Right-of-way commitments and equipment for meeting the challenges were noted. Verbal commitments have been made. Whether the actual commitments will become reality is still unknown. Almost all of the funding is now in place. Appraisals are being required. Donations are being sought and have been verbally committed to. The revenue that has been provided is primarily for construction. An EDA grant for Lyon County restricts \$800,000 for construction in Lyon County. Plans are to use these funds for Tunnel 2. The \$10 million in Federal funds are also restricted to construction. The bonds will provide the flexibility needed. None of the funds are for ongoing maintenance. The funds will be used for construction, studies, right-of-way acquisitions, all phases of the project. There are lots of Federal agencies watching over the project. The project is funded due to the \$10 million provided by Senator Reid, the \$500,000 provided by the Legislature, and the \$15 million from the City. In the future additional funds will be needed for rolling stock and other acquisitions. Comments complimented Mr. Dorr for his personal dedication and service to the program. The Commission signed a contract with him for his current services. He had responded to a RFP and was selected by a team of individuals who had reviewed the RFPs. The first phase of the reconstruction was the Overman Pit which came in under the engineer's estimate. The Commission's confidence in Mr. Dorr and his abilities was noted. Mr. Dorr advised that a lot of other individuals have also donated time and effort to the project. Its importance to Northern Nevada was stressed.

Mr. Wagner indicated out that the tax is to be used to repay \$30 million in bonds. Mayor Teixeira corrected him and indicated that only \$15 million in bonds is being issued. Mr. Wagner felt that, when it is combined with the "jail" debt, the City is issuing a lot of debt. Residents will drive to Douglas County to avoid paying the sales tax. Mayor Teixeira agreed that no one likes to pay taxes. Mr. Wagner conjectured that a ballot question would not be approved by the electorate. He felt that the Virginia City hotels will benefit from the additional tourists as the City's hotels are already fully booked. Once in Virginia City, the tourists will shop there and avoid Carson City. The proposal is not an economic boom for Carson City. The General Fund will have to be used to meet the bond payments if sales tax revenue is inadequate. The City will be spending a

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lot of money for something it will not own. A ballot question should be presented to the electorate. According to the *Nevada Appeal's* unofficial poll of its readers, 74% of the public oppose the tax. The electorate had also rejected a storm water sales tax at the last election. The residents do not want another tax. Mayor Teixeira explained that his comments were premature. The Board is considering the plan and how the funds are to be spent. Mr. Wagner indicated that he will return.

Ms. Grosio opposed the imposition of another sales tax on the City residents. The first time the proposal was voted on it was defeated by 98 votes. She would vote against the ballot question again. She advises her clients that if they are not allowed time to consider a proposal, they should reject it. She advised the Board to deny the offer for the same reason.

Ms. Reilly supported the project as it was an important part of the City's history. She did, however, have a problem with the tax. She questioned the tax rate in the future.

Mr. Keeton was not sure that it would be the "greatest thing" for the community. The Board is elected to make decisions regarding taxes for the community. The electorate will be able to vote its support/rejection of the tax during the next election when at least two Board members' terms will be decided. The residents can also call/contact the Board members and let them know how they feel about any issue.

Mr. Morgan felt that the *Nevada Appeal* poll was not as scientific as his personal poll. It showed that 65% of the residents support the reconstruction of the railroad.

Supervisor Aldean read a quote made by Edmond Burke supporting the Board's philosophy to thoroughly studying all issues before making a decision. The tax is not being implemented today. It will not be imposed without a thorough analysis. Supervisor Aldean moved to approve a plan for expenditure of the proceeds of a 1/8 cent sales tax to reconstruct the Virginia and Truckee Railroad from Virginia City to Carson City, Nevada, with the project financed by the issuance of Carson City General Obligation Bonds, additionally secured by pledged revenues in an amount not to exceed \$15 million; the plan of expenditure expires on January 1, 2027. Supervisor Williamson seconded the motion. Supervisor Livermore indicated that he understood the process which the Board is commencing and movement to a final decision in October/November. One of the things he wished to reiterate at this point is that, although we are looking at an expenditure of a bond that takes us to a dollar volume and we have potential proposed date of when the bonds will be repaid, he wanted to talk about the sunset portion of the proposal. This proposal at this point sunsets on either the date that is here or the date that the bonds are repaid. The sunset date needs to be thoroughly established within the proposal so that in five years from now, or some other future time, when the Board is deciding to extend the bonds or several bonds by using the same funding source it will be known. He wants it on the record at this time. This is the terms for his continuing discussion and debate on the issue. He wanted to make sure that they will talk about the sunset clause and that it has some part of clarity to it. The motion was voted by roll call with the following result: Supervisor Staub - Aye; Supervisor Williamson - Aye; Supervisor Aldean - Yes; Supervisor Livermore - Yes; and Mayor Teixeira - Yes. Motion carried 5-0.

RECESS: A recess was declared at 10:24 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:30 a.m., constituting a quorum.

13. CITY MANAGER - Linda Ritter

A. PRESENTATION OF A PROPOSAL TO ENHANCE RECREATION ON THE CARSON RIVER AND ADVANCE PROTECTION OF ITS ENVIRONMENT AND ACTION TO APPROVE FUNDING IN THE AMOUNT OF \$12,500 TO COMPLETE A FEASIBILITY STUDY AND INITIAL PLAN FOR THE PROJECT (1-1818) - Nevada Tourism's Media Relations Manager Chris Chrystal, Scientist Lynn Zonge, Nevada Commission on Tourism Director Bruce Bommarito, Parks and Recreation Commission Chairperson Tom Keeton - Ms. Chrystal introduced Mr. Bommarito and Ms. Zonge and espoused the benefits improving the Carson River could have on Carson City and Nevada. (A copy of her list of "talking" points is in the file.) The development of the Truckee River was used to illustrate these benefits. She hoped that it does not take five years for development to occur on the Carson River. Justification for comparing it with Reno was provided. Its benefits included the ability to be "dovetailed" into the V&T Railroad project and the added benefits this joint use will provide. Potential funding sources were limned. Reasons for starting with the Carson City portion of the River were provided. They hope to eventually include the entire length of the River which will provide a variety of recreational uses. Supervisor Livermore pointed out that Carson City may have the smallest portion of the River but the majority of it has public access. This makes it a desirable location to commence the project.

Ms. Zonge explained slides of the River which supported the project. Her comments also noted that some of the Counties may not wish to participate in the program as well as the need to acquire some of the privately owned parcels along the River. She estimated that there may be \$10 million of Q1 funds available for the project. Supervisor Williamson explained that Carson City's share is \$2.5 million and that these funds will require matching funds. Additional funding may be available if the other Counties do not wish to participate. Ms. Zonge explained the need to involve the stakeholders and the community in developing the project. Benefits of this approach were noted. A copy of the Truckee River Plan was given to the Board for their review. (A copy was not given to the Clerk.) Discussion noted that this plan had cost \$75,000. It was felt that it could be used as a "spring board" for the City's program and that some of the vision work had already been accomplished. It has been determined that a detailed economic analysis is not needed. For these reasons, the estimated cost was \$25,000.

Mayor Teixeira explained his support of the project due to his belief that the "money is there". Mr. Bommarito explained that the funding will study its economic feasibility and estimate development costs. The City is pay \$12,500. The Commission will "find" the remaining \$12,500 for the study. Supervisor Livermore suggested that the plan be blended into the City's Recreation and Trails Master Plan. His support for the program was noted. Mr. Bommarito described the economic benefits reaped by Reno as a result of the Truckee River project. Supervisor Aldean urged them to keep Lyon County in the loop and for them to support the project. Mr. Bommarito concurred and explained that the Truckee River project had started in Reno. They are now working with Sparks on its portion of the River. The plan is for the project to run from Verdi to Vista. Mayor Teixeira felt that it is an opportunity for the community which should not be overlooked. Public comments were solicited.

Chairperson Keeton felt that the individuals who will do the feasibility study are already aware of the results. No motorized vehicles will be allowed in the area. He was surprised that the Carson River Advisory Committee was not present. He supported the project if it "cleans up the River". He wished to see the River used but

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not stressed from overuse and abuse. Limited access will address these concerns. The program will cost some money but must be done. Additional comments were solicited but none were given.

Mayor Teixeira reported on Ms. Ritter, Dave Morgan, Sheriff Furlong, and his trip through the Brunswick Canyon including the abandoned cars and litter that they saw. The debris must be removed if the V&T Railroad is to traverse along its banks. Public use of the area will discourage the transient element now living there. He urged the Board to approve the plan. Additional comments were solicited. Supervisor Livermore reiterated his support for the project.

Supervisor Livermore moved to approve funding in the amount of \$12,500 to complete a feasibility study and initial plan for the project; and the funding source is a grant. Ms. Ritter indicated that the City has a grant fund for the project. This fund was established for unanticipated items which could not be budgeted. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira thanked the Tourism Representatives for their report.

B. ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY EMPLOYEES ASSOCIATION (CCEA) EFFECTIVE JULY 1, 2005, TO JUNE 30, 2008 (1-2882) - CCEA President Becky Beisenstein - Discussion explained Article 15.2 Pay for Required Spanish and the amount of time required to obtain the incentive pay for speaking Spanish. The Department Head will be responsible for monitoring the time spent to earn the incentive. President Beisenstein expressed her amazement at how well the negotiations had gone and commended the participants on their professionalism during it. She felt it was a good contract and urged the Board to approve it. Supervisor Williamson moved to approve an Agreement between Carson City and the Carson City Employees Association effective July 1, 2005, to June 30, 2008; and the fiscal impact is 2005/06 - 3%; 2006/07 - 3%, and 2007/08 - 3%. Supervisors Aldean and Livermore seconded the motion. Motion carried 5-0.

14. BOARD OF SUPERVISORS - NON-ACTION ITEMS

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-3026) - Supervisor Livermore urged the public to attend the Salsa y Salsa activities on September 16. Tickets should be reserved for the award ceremony and dinner.

B. STAFF COMMENTS AND STATUS REPORT - None.

15. ACTION TO ADJOURN - Supervisor Aldean moved to adjourn. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 11:22 a.m.

The Minutes of the September 1, 2005, Carson City Board of Supervisors meeting

ATTEST:

ARE SO APPROVED ON October 6, 2005.

/s/
Alan Glover, Clerk-Recorder

/s/
Marv Teixeira, Mayor