Minutes of the December 6, 2001, Meeting

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, December 6, 2001, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT: Ray Masayko Mayor

Jon Plank Supervisor, Ward 2
Robin Williamson Supervisor, Ward 1
Pete Livermore Supervisor, Ward 3
Richard S. Staub Supervisor, Ward 4

STAFF PRESENT: John Berkich City Manager

Alan Glover Clerk-Recorder

Steve Kastens Parks and Recreation Director

Judie Fisher Personnel Manager

Mark Forsberg Chief Deputy District Attorney
Cheryl Adams Purchasing and Contracts Manager

Katherine McLaughlin Recording Secretary
Justine Chambers Contracts Coordinator

(B.O.S. 12/6/01 Tape 1-0001)

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

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Rev. Gary Bowers of the First Christian Church gave the Invocation. Mayor Masayko led the Pledge of Allegiance.

CITIZEN COMMENTS (1-0024) - None.

- 1. APPROVAL OF MINUTES 10/18/01 (1-0026) Supervisor Livermore moved for approval of the October 18, 2001, Minutes as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.
- **2. AGENDA MODIFICATIONS (1-0045)** Item 13A was deferred due to Bond Counsel concerns.
- 3. SPECIAL PRESENTATION ACTION ON RETIREMENT RESOLUTION COMMENDING PAULA CRUM, UTILITY BILLING TECHNICIAN II (1-0054) Personnel Manager Judie Fisher Mayor Masayko wished Ms. Crum well in her retirement and read the Resolution into the record. Supervisor Williamson moved to adopt Resolution No. 2001-R-58, A RESOLUTION COMMENDING PAULA CRUM ON HER RETIREMENT. She congratulated Ms. Crum on her retirement. She commended her on her professionalism and involvement with CCEA. She wished her well in her retirement. Supervisor Plank seconded the motion. Supervisor Plank recounted his first meeting with Ms. Crum. He commended her on

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her work ethnic. Discussion explained that Ms. Crum had taken time off prior to retirement due to a family member's illness. The motion to adopt Resolution 2001-R-58 was voted and carried 5-0. Ms. Fisher indicated that the Resolution will be mailed to Ms. Crum.

4. CONSENT AGENDA (1-0107)

- 4-1. TREASURER
- A. ACTION TO ACCEPT AMENDED CITY INVESTMENT POLICY AS SUBMITTED BY THE TREASURER
- B. ACTION ON TREASURER'S REPORT FOR THE MONTH OF OCTOBER 2001
 - 4-2. DEVELOPMENT SERVICES CONTRACTS
- A. ACTION ON REQUEST FOR CONTRACT APPROVAL FOR THE STORM-WATER MANAGEMENT PROGRAM, USER CHARGE RATE ANALYSIS, CONTRACT NO. 2001-063 TO AMEC EARTH AND ENVIRONMENTAL, INC., ONE CENTERVIEW DRIVE, SUITE 305, GREENSBORO, NORTH CAROLINA 27407, FOR AN AGREEMENT COST NOT TO EXCEED \$54,180 AND AUTHORIZATION FOR THE CONTRACTS DIVISION TO EXECUTE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$5,820
- B. ACTION ON THE AWARD OF THE CLEAR CREEK BOWMAN STORAGE BUILDING PROJECT LOCATED AT 4299 CENTENNIAL DRIVE, CONTRACT NO. 2001-020 TO STEVE MATHEWS CONSTRUCTION, 916 MONUMENT PEAK, GARDNERVILLE, NV 89410 AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 332, 338, 339, AND 624 FOR A CONTRACT AMOUNT OF \$31,450
- C. ACTION ON REQUEST FOR CONTRACT APPROVAL FOR THE GIS DEVELOPMENT PROJECT PHASE I, CONTRACT NO. 2001-065 WITH HDR ENGINEERING, INC., FOR AN AGREEMENT COST NOT TO EXCEED \$40,000
- D. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THE RELEASE OF FINAL PAYMENT ON THE CARSON CITY AQUATIC FACILITY ADDITION AND REMODEL PROJECT, CONTRACT NO. 9899-80 AS SUBMITTED BY DEVELOPMENT SERVICES TO METCALF BUILDERS, INC., 751 BASQUE WAY, CARSON CITY, NV 89706, FOR A FINAL PAYMENT AMOUNT OF \$56,193.46 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED
 - 4-3. PURCHASING AND CONTRACTS
- A. ACTION ON A RESOLUTION DECLARING CARSON CITY'S INTENT TO LEASE A PORTION OF EDMONDS SPORTS COMPLEX FOR COMMERCIAL PURPOSES AND REQUEST FOR BIDS THROUGH THE PROCESS DETAILED IN NEVADA REVISED STATUTES CHAPTER 244
- B. ACTION ON AMENDMENT NO. 1 FOR CONTRACT NO. 9900-169 INMATE COMMISSARY SERVICES WITH SWANSON SERVICES CORPORATION TO PROVIDE THE COBRA BANKER $^{\text{TM}}$ SOFTWARE AND ASSOCIATED HARDWARE TO THE SHERIFF'S DEPARTMENT
- **4-4. FINANCE ACTION ON RATIFICATION OF THE EXPENDITURE APPROVAL LISTINGS FOR THE MONTH OF OCTOBER 2001 -** Item 4-2D was pulled for discussion. Supervisor Plank moved to approve the eight items on the Consent Agenda including Item 4-3A which is Resolution 2001-R-59 and absent Item 4-2D that was part of the original items. Supervisor Williamson seconded the

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motion. Motion carried 5-0.

4-2D. (1-0145) Supervisor Williamson complimented staff and the contractor for completing the project. Parks and Recreation Director Steve Kastens described the work required to correct the project and the costs. His comments stressed that the project is under the budget of \$4 million and under the second lowest bidder. Discussion among the Board, Chief Deputy District Attorney Mark Forsberg, and Mr. Kastens ensued on the legal action taken against the original contractor and the liability that the City may incur as a result of that action. Supervisor Plank moved to accept the work as complete and approve this Release of Final Payment on the Carson City Aquatic Facility Addition and Remodel Project, Contract No. 9899-80 as submitted by Development Services to Metcalf Builders, Inc., 751 Basque Way, Carson City, NV 89706, for a final payment amount of \$56,193.46 and accept the Contract Summary as presented; the funding source is prior to this funding and 254-000-206-2000 Carson City Aquatic Facility Retention Account and Quality of Life, Parks Capital, Unreserved Fund Balance as provided for in Fiscal Year 2000-2001. Supervisor Williamson seconded the motion. Motion carried 5-0.

5. BOARD OF SUPERVISORS

A. ACTION TO SUPPORT THE CARSON WATER SUBCONSERVANCY DISTRICT AS LEAD AGENCY TO COORDINATE A STUDY OF EROSION CONTROL ALONG CLEAR CREEK (1-0252) - Supervisor Livermore explained the request and urged the Board to appoint Supervisor Williamson as the Board representative to the Subconservancy as requested in the following item. He also encouraged her to continue her work on the Clear Creek issues if she is reappointed to the Subconservancy. Benefits of having a coordinated representation through the Subconservancy were noted. Mayor Masayko asked that the Board be briefed on the progress and any issues which may arise. Supervisor Livermore moved to support the Carson Water Subconservancy District as the lead agency to continue a study of erosion control along Clear Creek. Supervisor Plank seconded the motion. Mayor Masayko stated for the record that he will sign the letter if Mr. Berkich drafts it. Supervisor Livermore indicated that letter had already prepared and is awaiting a signature. A copy of the BARF with the Board's action needs to be sent with it to the Subconservancy. Motion carried 5-0.

ACTION ON APPOINTMENT OF CARSON WATER SUBCONSERVANCY DIS-В. RICT BOARD MEMBER FROM CARSON CITY BOARD OF SUPERVISORS (1-0356) - Mayor Masayko noted for the record that the legislation establishing the Subconservancy had not required two Carson City Board of Supervisors members serve on the Subconservancy's Board. This is a policy the Board of Supervisors have pursued for some time. He also noted for the record that the Board of Supervisors cannot require the appointee to be a member of the Board of Supervisors if the Subconservancy's term of office runs beyond the Board of Supervisors term. He supported having an active Board of Supervisors member serve on the Subconservancy. He had discussed the matter with Supervisor Williamson prior to the meeting. The Subconservancy's term runs for four years—January 2001 to January 2005. Board comments supported having an elected official on the Subconservancy and thanked Greg Smith for his nine years of service on the Subconservancy Board that included serving after his term as a Supervisor had ended. Supervisor Livermore explained his intent to vacate his seat on the Subconservancy Board if he is not reelected. Supervisor Williamson expressed a desire to serve on the Subconservancy Board. She also expressed an intent to resign from that position if she is not reelected or decides not to run for another term. Supervisor Plank moved to appoint Robin Williamson to the Carson Water Subconservancy District Board as the Carson City Board of

Supervisors member for a term not to exceed the duration of her term in office as Carson City's Supervisor to the District's seat number 6. Supervisor Livermore seconded the motion. Mayor Masayko indicated that the term ends in January 2005 and that there is an understanding among the Board that Supervisor Williamson will continue to serve under this appointment so long as she remains a member of the Board of Supervisors. Motion carried 5-0.

CONSERVATION DISTRICT BOARD OF SUPERVISORS FILLING THE REMAINDER OF A TERM EXPIRING ON DECEMBER 31, 2002 (1-0475) - Mayor Masayko corrected the term expiration date to be December 31, 2002. The City's former appointee, Kay Bennett, no longer resides in Carson City and has resigned. Board comments supported Mr. Freeman's appointment. Mr. Freeman expressed his pride at having an opportunity to serve the community. His experience was highlighted. He volunteered to provide quarterly reports on the District's activities. Mayor Masayko thanked him for applying and suggested that annual reports were adequate. This report should be provided as part of the funding request during the City's budget discussions. Supervisor Williamson moved to appoint Chris K. Freeman to the Nevada Tahoe Conservation District Board fulfilling Kay Bennett's term with the term to expire on December 31, 2002. Supervisor Plank seconded the motion. Motion carried 5-0.

NON-ACTION ITEM - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE D. MATTERS (1-0571) - Supervisor Livermore highlighted his attendance at Carson-Tahoe Hospital meetings including a possible solution to how to continue the Hospital employees' PERS benefits; the Economic Development meeting; the YSA meeting; a Nevada State Fair informational meeting; the City Employees' Christmas Party; and the Mental Health Coalition meeting. He announced the December 11 kickoff of the Mental Health Coalition's strategic plan and urged the Board to attend. Supervisor Staub reported on a meeting on transportation funding alternatives and his Ely hunting trip. He apologized to the City employees for missing the Christmas Party. Supervisor Williamson reported on her attendance at the Governor and Lieutenant Governor's Business Appreciation Luncheon; a fundraising dinner for the Brewery Arts Center; Redevelopment meetings; the City Employees' Christmas Party; meetings regarding the establishment of an arts commission; the lighting of the State and City Christmas Trees; the City Hall Open House; and the Hospital Auxiliary's luncheon. Supervisor Plank reported on his TRPA meetings; a fundraiser for the Ron Wood Resource Center and thanked the Eagle Valley Golf Course for its contribution; the meeting on transportation funding alternatives; a storm water committee meeting; the Senior Center Advisory Committee meeting; the Parks and Recreation Commission meetings; a meeting with Robert Crowell and the new owners of the Sagewood and the Broadleaf Apartments regarding the need for support to continue the tax program; and the Retired Public Employees of Nevada luncheon. Mayor Masayko reported on his attendance at the Children's Museum membership reception and kickoff of the holiday season; the Nevada League of Cities recognition of Tom Grady's retirement and appointment of Don Dickerson as his replacement; the Governor's Business Appreciation Luncheon; the Job Opportunities in Nevada Board of Directors meeting; the Convention and Visitors Bureau meeting and indicated that copies of the business survey will be sent to the other Board members; the Commission on Aging meeting; the Commission to Reconstruct the V&T Railroad meeting and announced its new Board members including his appointment as Chairperson; the WNCC Open House; the Arrowhead Roundabout Opening; and the CCEA Christmas Dinner and Dance. Board comments thanked E. Clampus Vitas for its contribution of a monument in Blackwell's Pond Park.

E. NONACTION ITEM - STAFF COMMENTS AND STATUS REPORT (1-1017) - None.

6. CARSON CITY AIRPORT AUTHORITY - Legal Counsel Steve Tackes

- A. ACTION ON A MOTION FINDING THAT THE PROPOSED ORDINANCE MODIFYING THE AIRPORT THROUGH-THE-FENCE FEES DO NOT IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS, THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, ACCEPTED AND IS ON FILE WITH THE BOARD OF SUPERVISORS AND THAT THE REQUIREMENTS OF THE ACT HAVE BEEN MET (1-1030) Supervisor Plank moved to find that the proposed ordinance modifying the airport through-the-fence fees do not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business, that a business impact statement has been prepared, accepted, and is on file with the Board of Supervisors and that the requirements of the act have been met. Supervisor Williamson seconded the motion. Motion carried 5-0.
- ORDINANCE FIRST READING ACTION TO APPROVE AN ORDINANCE B. AMENDING CARSON CITY MUNICIPAL CODE 19.03.060, AIRPORT THROUGH-THE-FENCE AIRCRAFT OPERATIONS, CHANGE FEES FROM \$250 PER YEAR TO AN AMOUNT THAT DEPENDS ON THE SQUARE FOOTAGE OF THE HANGAR FOR WHICH THE ACCESS IS PERMITTED, AND BASED ON THE AIRCRAFT FOR WHICH ACCESS IS PERMITTED, WITH A MINIMUM FEE OF \$250 PER YEAR (1-1086) - Mr. Tackes' introduction indicated that anyone with access through-the-fence will be assessed the minimum fee regardless of whether he/she use the access or owns a plane. The fee is offset by the amount of property taxes paid on a structure from which the Airport receives tax monies. Mayor Masayko explained his knowledge of the discussion regarding the State's fees. Mr. Tackes explained that this issue is still being investigated. The Authority believes that as the State's hangar is not on the north or east sides of the airport, the ordinance does not apply to the State. Investigation to date has indicated that the City, during its operation of the airport, had signed off on the State's access. NDOT had allegedly indicated a willingness to pay a reasonable fee. Discussions between the Governor's office and Airport representatives has pursued the potential of the State providing the airport with snow plowing services in return for the access. Discussion pointed out that the title does not include the increased amount. Reasons for including it in the title were limned. Mr. Tackes explained the impact created by the ordinance on all firms with the through-the-fence accesses. Discussion between Supervisor Staub and Mr. Tackes corrected Section 19.03.060 Subsection 1to read "For properties with hangars, the greater of the fee...." and added to Subsection 3 the offset for the property taxes to match the business impact statement. Supervisor Staub moved to introduce Bill No. 118 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 19.03.060, AIRPORT THROUGH-THE-FENCE AIRCRAFT OPERATIONS, CHANGE FEES FROM \$250 PER YEAR TO AN AMOUNT THAT DEPENDS ON THE SOUARE FOOT-AGE OF THE HANGAR FOR WHICH THE ACCESS IS PERMITTED, AND BASED ON THE AIR-CRAFT FOR WHICH ACCESS IS PERMITTED, WITH A MINIMUM FEE OF \$250 PER YEAR as set forth in the amendment attached here to as Exhibit E as provided, however, the language proposed for CCMC 19.03.060 shall be the language reflected in the business impact statement and not the language reflected in the motion and matter that is currently before the Board. Supervisor Livermore seconded the motion. Motion carried 5-0.
 - C. ACTION ON A MOTION FINDING THAT THE PROPOSED ORDINANCE TO

INSTITUTE A NEW FEE FOR DEVELOPMENT PLAN CHECKING DOES NOT IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS, THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, ACCEPTED AND IS ON FILE WITH THE BOARD OF SUPERVISORS AND THAT THE REQUIREMENTS OF THE ACT HAVE BEEN MET (1-1365) - Supervisor Williamson moved to find that the proposed ordinance to institute a new fee for development plan checking does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business, that a business impact statement has been prepared, accepted and is on file with the Board of Supervisors and that the requirements of the act have been met. Supervisor Plank seconded the motion. Motion carried 5-0.

ORDINANCE - FIRST READING - ACTION TO APPROVE AN ORDINANCE D. AMENDING CARSON CITY MUNICIPAL CODE 19.02.020, AIRPORT OPERATIONS, TO INSTITUTE A NEW FEE FOR DEVELOPMENT PLAN CHECKING IN THE AMOUNT OF \$0.0175 PER SQUARE FOOT OF THE CONSTRUCTION PROJECT TO OFFSET THE ENGINEERING REVIEW COSTS INCURRED BY THE AIRPORT AUTHORITY (1-1400) - Discussion explained that the proposal will require consideration of the plan by the Airport Authority and the Airport Manager prior to submittal to the City for its review. The City fees will still be required. The proposed fee is \$0.0175 cents a square foot. The fiscal impact was estimated to be \$2,000. The fee is for structures constructed on the airport. Tom Keeton pointed out the typographical error "mo" in line eight in the body of the ordinance. Mr. Tackes explained that this "typo" is correct in the Code and that the ordinance draft contained the error. The underlined section is the portion being added to the Code. Supervisor Staub moved to adopt on first reading Bill No. 119, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 19.02.020, AIRPORT OPERATIONS, TO INSTITUTE A NEW FEE FOR DEVELOPMENT PLAN CHECKING IN THE AMOUNT OF \$0.0175 PER SQUARE FOOT OF THE CONSTRUCTION PROJECT TO OFFSET THE ENGINEERING REVIEW COSTS INCURRED BY THE AIRPORT AUTHORITY. Supervisor Livermore seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 10:02 a.m. The entire Board was present when Mayor Masayko convened the meeting at 10:10 a.m., constituting a quorum.

- 7. **COMMUNITY DEVELOPMENT -** Director Walter Sullivan Mayor Masayko indicated that there were several ordinances for consideration on first reading which culminate the lengthy efforts to amend Title 18.
- A. ORDINANCE FIRST READING ACTION ON A-00/01-4(1) AN ORDINANCE AMENDING TITLE 18, ZONING, BY DELETING THE CURRENT CODIFIED ORDINANCE IN ITS ENTIRETY, ADOPTING NEW TEXT IN ITS ENTIRETY, AND MAKING THE CARSON CITY DEVELOPMENT STANDARDS A PART OF TITLE 18, ZONING, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1538) Senior Planner Skip Canfield, Chief Deputy District Attorney Mark Forsberg, Senior Planner Lee Plemel, Chamber of Commerce Chief Executive Officer Larry Osborne, Builders Association of Western Nevada President Ron Kipp, Tom Metcalf, Glen Martel The public zoning issues will be addressed in January. Mr. Sullivan thanked all of the committee participants who had worked on the revisions. Discussion explained the reasons for segregating the development standards from the Code. They include flexibility and do not require every structure to look like the previous structures.

It had taken 2 to 2½ years to create the development and design standards. It is a balance between the public and private sectors. Revisions may be required after the Code is modified to provide the desired flexibility. Staff will not wait ten years before making these changes. Board comments complimented the staff, Commission and participants on their efforts. Supervisor Williamson suggested that resolutions of commendation be given to the participants. Mr. Sullivan agreed to do so. Supervisor Williamson also complimented staff on the improved graphics. She encouraged the Department to use graphics and provide examples for applicants to illustrate the intent. Discussion pointed out that "should" in the Design Standards allows the applicants flexibility in their projects and for staff to consider alternatives. For this reason the Standards had not included a prohibition against metal buildings in the downtown area but allows staff to encourage other structures in that district. Mr. Sullivan referenced Section 115 to illustrate how the standards for the facade, building colors, aesthetics, etc., of a building will provide consistency with an area. The downtown design standards include similar language. Supervisor Livermore explained his contact with staff regarding the City's ordinances and whether it would be possible to bury a family member in the backyard. Mr. Sullivan indicated that about five years ago a similar request was made in Carson City. A Statute allows such burials in counties with a population of less than 50,000. Cemeteries are allowed in the Single Family 5 Acre, General Commercial, Industrial, Conservation Reserve, and Public zones with a Special Use Permit. Burials in other residential zones are not allowed. A section of the Code includes this restriction. The document is dynamic and will need updating and revisions periodically in the future. Comments pointed out that even City projects must comply with the Code and Development Standards as illustrated by the Library's proposed storage unit and the Commission's efforts to mitigate its aesthetic impact. Supervisor Plank express-ed his hope that the Code will include the Cemetery office and shop. Mr. Sullivan pointed out the various

design standards for various sections of the City. He agreed that the use of "should" will allow metal buildings to be constructed in some zones. The use of "shall or must" prohibit the structures. Mayor Masayko pointed out that with the right exteriors, metal buildings should be allowed. The Code should not preclude every metal building. Mr. Sullivan explained a major project review that had occurred yesterday on a metal structure and the aesthetical changes that were suggested to make the structure more compatible with the neighborhood. Mayor Masayko felt that if it becomes necessary to tighten the Code, the Board can consider revisions. Flexibility should be allowed to a degree. Mr. Sullivan explained that the Commission had discussed allowing staff to have additional administrative powers, however, had agreed to reconsider those matters after a history has been established. He also indicated that the flexibility is within the proposed Code and that staff will be able to work cooperatively with the developers for the betterment of the community. It also allows some administrative latitude for staff which can expedite those projects and reduces the Commis-sion's workload. The reasons the industrial sections were not revised were noted. The revisions to the public zone were included in the ordinance. These were the only zoning issues impacting the zoning districts and the map. Reasons the public noticing for cellular towers was not changed were explained. Mr. Plemel is working on a cellular tower standard and master plan which will include both the development standards and the locations. Supervisor Staub stressed his concern that the noticing line not be drawn at 300 feet or 30 residences due to the impact on the community surrounding cellular towers. Mr. Forsberg explained the District Attorney's concerns with having a fluid noticing requirement based on the belief that such a standard would be arbitrary and capricious and subject to challenge. If the standard is not adequate for all issues, it should be adjusted accordingly. Supervisor Staub opined that the standard as indicated should be the mini-mum. Staff should not be criticized for going beyond that standard. Flexibility should be provided within the Code to allow staff to look at the development and impact of the project and determine the need to go beyond the minimum noticing standard if deemed appropriate in staff's expert opinion. Mr.

Forsberg explain-ed that going beyond the minimum standard would taint the process due to the discretion that the flexibility provides. There always is and always has been individuals who complain that they were not noticed and believe that they should have been noticed. It is considered a legitimate complaint if the Code/Statute requires their notification and it was not given. When discretion is allowed in the noticing, it provides a valid excuse for a complaint as you no longer treat everyone the same. Mayor Masayko concurred and felt that there are occasions when people should notify themselves through telephone calls or media reports. Mr. Plemel suggested that a larger noticing area be developed for cellular facilities. This would be considered through the public process and brought back to the Commission/Board for consideration. Mayor Masayko pointed out that this would require the same consideration for future unknown uses. The latitude should be provided to add requirements as needed without making the addition so cumbersome while recognizing the changes in time, staffing and public needs. Supervisor Williamson suggested that staff work with Supervisor Staub and NNDA and determine how other communities are addressing this issue. She also suggested that the notices be given and understandable in English. Her family experience indicates that even if the notice is given to everyone at the same time, a portion of the individuals at the noticing will insist that they were never noticed. Supervisor Plank felt that the individuals who claimed to have never been noticed will admit that the notice was received but the failed to pay attention to it. It would not be possible to "fix" these individuals. Public testimony was then solicited.

(1-2362) Mr. Osborne indicated that the Chamber had been actively involved with the ordinances and the revisions. It is a dynamic and living document that will be revised in the future. The Chamber supports its flexibility. He cautioned against creating prohibitions and rigid standards. The Code should be business friendly while also providing for aesthetically pleasing and enjoyable standards for the residents. A metal building can be dressed to look like other types of structures. An offensive structure does not have to be a metal building. The City has examples of historical structures as well as structures constructed only six months ago that some individuals find offensive. The flexibility in the ordinance allows staff to work with the developer to find a compromise. The Chamber was disappointed that the Code modifications did not include Chapters the Chamber disagrees with and the industrial zone. Efforts will be made to address the industrial zone in the future. The Chamber supports the document as presented and appreciates being involved in the process. Mayor Masayko disclosed for the record that he had discussed the industrial issues with Mr. Osborne and that he had urged the Chamber and its members to reopen the discussions and attempt to address the "troublesome" issues that are out there. Additional comments were solicited.

Support for the ordinance was voiced by Messrs. Kipp, Metcalf and Martel. All had participated in the process and liked the flexibility that will be provided in the ordinance. The document is a compromise. Everyone did not get everything he/she wanted. Revisions may be needed in the future. Additional comments were solicited but none were given.

Board comments thanked them for their participation and commended the Planning Commission on its efforts. The document is an indication of the City's willingness to work with developers. Additional public comments were solicited but none were given. Mr. Sullivan distributed a revised Page 1 for the Ordinance to the Board and Clerk. Supervisor Williamson moved to introduce Bill No. 120 on first reading, AN ORDINANCE AMENDING TITLE 18, ZONING, BY DELETING THE CURRENT CODIFIED ORDINANCE IN ITS ENTIRETY, ADOPTING NEW TEXT IN ITS ENTIRETY, AND OTHER MATTERS PROPERLY RELATED THERETO; and making Development Standards a part of Title 18. Supervisor Plank seconded the motion. Following a request for an amendment, Supervisor Williamson amended her motion to include

with the exception of the P, Public, Zone. Supervisor Plank concurred. The motion carried 5-0.

- B. ACTION ON A-00/01-4(B) A RESOLUTION ADOPTING FEES FOR SERVICES PROVIDED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT (1-2679) Supervisor Plank moved to approve A-00/01-4B and adopt Resolution No. 2001-R-60, A RESOLUTION ADOPTING FEES FOR SERVICES PROVIDED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT; no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.
- C. ORDINANCE FIRST READING ACTION ON M-01/02-8 AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 2, ADMINISTRATION AND PERSONNEL, BY DELETING 2.12, PLANNING COMMISSION, FROM THE LISTING OF CHAPTERS AND BY DELETING THE TEXT OF CHAPTER 2.12, PLANNING COMMISSION, IN ITS ENTIRETY, AND OTHER MATTERS PROPERLY RELATED THERETO (1-2748) Supervisor Williamson moved to approve M-01/02-8 and introduce Bill No. 121 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 2, ADMINISTRATION AND PERSONNEL, BY DELETING 2.12, PLANNING COMMISSION, FROM THE LISTING OF CHAPTERS AND BY DELETING THE TEXT OF CHAPTER 2.12, PLANNING COMMISSION, IN ITS ENTIRETY, AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Plank seconded the motion. Motion carried 5-0.
- ORDINANCE FIRST READING ACTION ON M-01/02-9 AN ORDINANCE D. AMENDING CARSON CITY MUNICIPAL CODE TITLE 7, ANIMALS, CHAPTER 7.13, LICENS-ING AND REGULATIONS, SECTION 7.13.190, KEEPING OF ANIMALS IN ZONED AREAS; BY ADDING SUBSECTIONS 7.13.190(2) THROUGH (10), WHICH CLARIFIES ON WHICH PARCELS HORSES, SWINE, FOWL, SHEEP OR ANIMALS OF A SIMILAR NATURE MAY BE KEPT; DEFINES "ANIMAL UNIT EQUIVALENTS", DEFINES "ANIMAL DENSITY", CLARIFIES THE MAINTENANCE OF LIVESTOCK; DEFINES WHERE THE SLAUGHTER OF ANIMALS MAY BE ALLOWED; CLARIFIES STANDARDS REGARDING THE KEEPING OF HAZARDOUS OR OFFENSIVE ANIMALS: SETS STANDARDS FOR THE KEEPING OF BEES; AND OTHER MATTERS PROPERLY RELATED THERETO (1-2815) - Health Director Daren Winkelman, Chief Deputy District Attorney Mark Forsberg - Mr. Sullivan was not aware of there being a fee to maintain sheep within the City boundaries. Supervisor Plank felt that it is a tax and not a fee. Discussion indicated that it is not a portion of Title 18. Supervisor Plank moved to approve M-01/09-9 and introduce Bill No. 122 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 7, ANIMALS, CHAPTER 7.13, LICENSING AND REGULATIONS, SECTION 7.13.190, KEEPING OF ANIMALS IN ZONED AREAS; BY ADDING SUBSECTIONS 7.13.190.2 THROUGH 10, WHICH CLARIFIES ON WHICH PARCELS HORSES, SWINE, FOWL, SHEEP OR ANIMALS OF A SIMILAR NATURE MAY BE KEPT; DEFINES "ANIMAL UNIT EQUIVALENTS", DEFINES "ANIMAL DENSITY", CLARIFIES THE MAINTENANCE OF LIVESTOCK; DEFINES WHERE THE SLAUGHTER OF ANIMALS MAY BE ALLOWED; CLARIFIES STANDARDS REGARDING THE KEEPING OF HAZARDOUS OR OFFENSIVE ANIMALS; SETS STANDARDS FOR THE KEEPING OF BEES; AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Staub seconded the motion. Discussion noted that Mr. Winkelman will not enforce CC&Rs. Animals will be allowed in permitted zones to the designated limits. Mr. Forsberg indicated that the ordinance does not purport to have any effect on a

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subdivision's CC&Rs. A CC&R prohibition/restriction will limit the property owner's ability to have animals. The residents, however, will have to enforce the CC&Rs. Staff will look at the ordinance and may suggest a revision in the future related to this section. The motion to introduce Bill 122 was voted and carried 5-0.

- E. ORDINANCE FIRST READING ACTION ON M-01/02-10 AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 9, HEALTH AND WELFARE, CHAPTER 9.05, FOOD ESTABLISHMENTS, SECTION 9.05.050, INSPECTION OF FOOD ESTABLISHMENTS, BY ADDING SUBSECTIONS 9.05.050(4) THROUGH (10), WHICH ESTABLISH RULES AND REGULATIONS FOR THE OPERATION OF MOBILE CANTEENS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-3057) Supervisor Plank moved to approve M-01/02-10 and introduce on first reading Bill No. 123, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 9, HEALTH AND WELFARE, CHAPTER 9.05, FOOD ESTABLISHMENTS, SECTION 9.05.050, INSPECTION OF FOOD ESTABLISHMENTS, BY ADDING SUBSECTIONS 9.05.050.4 THROUGH 10, WHICH ESTABLISH RULES AND REGULATIONS FOR THE OPERATION OF MOBILE CANTEENS, AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisors Livermore and Williamson seconded the motion. Motion carried 5-0.
- F. ORDINANCE FIRST READING ACTION ON M-01/02-11 AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 11, HIGHWAYS AND SIDEWALKS, BY ADDING CHAPTER 11.30, DEVELOPMENT STANDARDS, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 11.30, DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-3142) Supervisor Williamson moved to approve M-01/02-11 and introduce on first reading Bill No. 124, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 11, HIGHWAYS AND SIDEWALKS, BY ADDING CHAPTER 11.30, DEVELOPMENT STANDARDS, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 11.30, DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Plank seconded the motion. Motion carried 5-0.
- G. ORDINANCE FIRST READING ACTION ON M-01/02-12 AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 12, WATER, SEWERAGE AND DRAINAGE, BY ADDING CHAPTER 12.16, DEVELOPMENT STANDARDS, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 12.16, DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-3204) Supervisor Staub moved to approve M-01/02-12 and introduce Bill No. 125 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 12, WATER, SEWERAGE AND DRAINAGE, BY ADDING CHAPTER 12.16, DEVELOPMENT STANDARDS, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 12.16, DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.
- H. ORDINANCE FIRST READING ACTION ON M-01/02-13 AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 13, PARKS AND RECREATION, BY ADDING CHAPTER 13.08, DEVELOPMENT STANDARDS, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 13.08, DEVELOPMENT STANDARDS,

AND OTHER MATTERS PROPERLY RELATED THERETO (1-2327) - Supervisor Livermore moved to approve M-01/02-13 and introduce Bill No. 126 on first reading, TITLE 13, PARKS AND RECREATION, BY ADDING CHAPTER 13.08, DEVELOPMENT STANDARDS, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 13.08, DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Staub seconded the motion. Motion carried 5-0.

- I. ORDINANCE FIRST READING ACTION ON M-01/02-04 AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 15, BUILDINGS AND CONSTRUCTION, BY ADDING CHAPTER 15.90, DEVELOPMENT STANDARDS, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 15.90, DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-3281) Supervisor Plank moved to approve M-01/02-04 and introduce on first reading Bill No. 127, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 15, BUILDINGS AND CONSTRUCTION, BY ADDING CHAPTER 15.90, DEVELOPMENT STANDARDS, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 15.90, DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.
- J. ORDINANCE FIRST READING ACTION ON M-01/02-15 AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE BY DELETING THE CURRENT CODIFIED TEXT OF TITLE 20, SIGN CONTROL, AND INDICATING THAT THE TEXT HAS BEEN MADE A PART OF DIVISION 4, SIGNS, OF THE CARSON CITY DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-3321) Supervisor Williamson moved to approve M-01/02-15 and introduce Bill No. 128 on first reading, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE BY DELETING THE CURRENT CODIFIED TEXT OF TITLE 20, SIGN CONTROL, AND INDICATING THAT THE TEXT HAS BEEN MADE A PART OF DIVISION 4, SIGNS, OF THE CARSON CITY DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Plank seconded the motion. Motion carried 5-0.

(1-3525) Mr. Sullivan indicated that he would provide a listing of the participants to the Board at the next meeting. He thanked his staff members for their work on the ordinances. Mayor Masayko noted Deputy District Attorney Neil Rombardo's participation in the process.

K. ORDINANCE - FIRST READING - ACTION ON M-01/02-2 - AN ORDINANCE APPROVING A THIRD ADDENDUM TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP TO MODIFY PARAGRAPH 2.4 OF THE DEVELOPMENT AGREEMENT TO INCLUDE THREE ACRES TO BE GIVEN TO THE BOYS AND GIRLS CLUB OF WESTERN NEVADA AND OTHER MATTERS PROPERLY RELATED THERETO (1-3390) - Mayor Masayko explained for the record the previous agenda problem regarding this item and that public testimony had been received at the November 15 meeting. No formal action was taken by the Board at that meeting. The participants were told that their comments would be carried forward to this meeting. No testimony was presented in opposition to the proposal to split out the three-acre parcel. The School District and the City's Parks and Recreation Dept. had representatives

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present at that meeting. A map was available to illustrate the location if anyone desired to see it. Public testimony was solicited but none was given. Supervisor Plank moved to approve M-01/02-2 and introduce Bill No. 129 on first reading, AN ORDINANCE APPROVING A THIRD ADDENDUM TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP TO MODIFY PARAGRAPH 2.4 OF THE DEVELOPMENT AGREEMENT TO INCLUDE THREE ACRES TO BE GIVEN TO THE BOYS AND GIRLS CLUB OF WESTERN NEVADA AND OTHER MATTERS PROPERLY RELATED THERETO; and there is no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

Mayor Masayko asked that the Boys and Girls Club Representatives attend the next Board meeting in case there are any questions. He thanked them for attending today's meeting.

8. REDEVELOPMENT MANAGER - Rob Joiner

B. DISCUSSION REGARDING THE ABANDONMENT OF WEST NINTH STREET BETWEEN SOUTH CURRY STREET AND SOUTH NEVADA STREET AND PLANS FOR EXPANSION OF THE BEST WESTERN CARSON STATION HOTEL CASINO (2-0008) - Capital City Entertainment Chief Executive Officer Steve Bilyeu - Discussion explained the expansion plans which included a parking lot and renovation of the current structure. Construction will commence on January 15 and be completed by May 15. The original plan had included a parking garage. Ninth Street was abandoned for this purpose and will be integrated into the parking lot. For this reason, a reversal of the action to abandon Ninth Street was not being considered. The Board complimented Mr. Bilyeu on the project and the investment. A delay in the project was noted. Supervisor Williamson volunteered to assist with expediting the project. No formal action was required or taken.

REDEVELOPMENT AUTHORITY (2-0088) - Mayor Masayko then recessed the Board of Supervisors session and passed the gavel to Chairperson Williamson who convened the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder.

BOARD OF SUPERVISORS (2-0728) - Following recessing of the Redevelopment Authority, Chairperson Williamson returned the gavel to Mayor Masayko who reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

- A. ACTION ON AMENDMENT TO THE CARSON CITY REDEVELOPMENT PLAN, SPECIFICALLY BY ADDING OWNER PARTICIPATION RULES AS AN ADDENDUM FOR THE CARSON CITY REDEVELOPMENT PROJECT NUMBER ONE, ORIGINALLY ADOPTED FEBRUARY 20, 1986, AND AMENDED ON DECEMBER 16, 1999 (2-0730) Mayor Masayko explained that no action was required by the Board based on the Redevelopment Authority's decision to return the resolution to the staff. He ruled the item deferred. No formal action was taken.
- 9. CLERK-RECORDER ORDINANCE SECOND READING ACTION ON BILL NO. 117 AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) DELETING SECTION 2.02.015 (WARD BOUNDARIES) AND ADDING SECTION 2.02.010 (WARD BOUNDARIES) AND OTHER MATTERS PROPERLY RELATED THERETO (2-0742) Mayor Masayko disclosed that he had not received any comments on the proposed ordinance. Public comments were

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solicited but none were given. Supervisor Plank moved to adopt on second reading Bill No. 117, Ordinance No. 2001-16, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 2.02.012 (WARD BOUNDARIES) AND OTHER MATTERS PROPERLY RELATED THERETO; and there is no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

RECESS: A lunch recess was declared at 12:25 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 1:30 p.m., constituting a quorum.

11. BOARD OF SUPERVISORS - ACTION TO SUSTAIN OR REVERSE THE DECISION OF THE CARSON CITY SHERIFF TO DENY A WORK PERMIT FOR KATHERINE WELLS (2-0783) -

Sergeant Ron John, Katherine Wells - Discussion between Sgt. John and Mayor Masayko explained that the work card permit had been denied based on the Code and Ms. Wells' criminal record. The Hearing Officer considered the mitigating circumstances and had overturned the Sheriff Office's denial. Mayor Masayko directed that the record show that the Hearing Officer, Allison Joffee, had conducted a hearing that was recorded and judicially sound. Ms. Joffee recommended to the Board of Supervisors that in this case the evidence she had received indicated that Ms. Wells' employer is aware of the felony and is willing to employ her. The Gaming Control Board/Commission has to act on the application. If they determine that Ms. Wells is unsuitable to have the work card, Ms. Joffee's decision to overturn the denial will return to its original state. Ms. Wells is present. Mayor Masayko indicated that the Board Members had copies of the hearing, her application for the work card, and the background information that the Sheriff's Department had used. Discussion indicated that the Board also had a copy of the letters from the City Manager's office. The Board's latitude in making its decision was noted. Mayor Masayko thanked Ms. Wells for attending the meeting. Supervisor Plank explained that the Sheriff's Office had done what it was required to do. The Hearing Officer has more latitude. Based on his reading of the information that was provided by the Hearing Officer and the Sheriff's Department, Katherine Wells is currently employed in the neighboring county and the employer wants to employ her in Carson City. In view of the information, the fact that the issue is 14-15 years old, and that there have been no problems since, Supervisor Plank moved to reverse the decision of the Carson City Sheriff to deny a work permit for Katherine Wells and grant the permit. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Masayko explained to Ms. Wells that her work card needed to be approved by the State Gaming Regulators. Ms. Wells indicated that she understood.

12. TREASURER - Al Kramer - ORDINANCES - FIRST READING

A. ACTION TO APPROVE AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 4 <u>LICENSES AND BUSINESS REGULATIONS</u> AMENDING CHAPTER 4.14 <u>GAMING LICENSES AND REGULATIONS</u> TO REQUIRE THOSE WHO APPLY FOR A CARSON CITY GAMING LICENSE TO OPERATE A GAMING ESTABLISHMENT UNDER AN UNRESTRICTED GAMING LICENSE FROM THE STATE OF NEVADA TO HAVE A MINIMUM OF 100 HOTEL/MOTEL ROOMS AS A REQUIREMENT FOR OBTAINING A CITY GAMING LICENSE AND OTHER MATTERS PROPERLY RELATED THERETO (2-0919) - Carson Gaming Association Representative and Capital City Entertainment Chief Executive Officer Steve Bilyeu; Convention and Visitors Bureau Executive Director Candy Duncan, Ormsby House General Manager Larry Tiller, Carson City Gaming Association Legal Counselor Mark Amodei, Joe Masini, Chief Deputy District Attorney Mark Amodei - Mayor Masayko explained that Mr. Bilyeu had given the Board a document containing approximately six pages prior to resumption of the Board's meeting. (A copy was not given to the Clerk.)

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Mr. Kramer explained the ordinance. Mr. Kramer indicated for the record that it is his understanding that an unrestricted gaming license is issued for any gaming establishment having more than 15 slot machines. When there are less than 15 machines, they are considered as being secondary to the primary business. He had not considered any exemptions or variances beyond those contained in the ordinance, i.e., less than a 24-month lapse in the license. He was willing to consider exemptions or variances if cases arise in the future justifying it. He did not believe that the original ordinance should include such items. Clark and Washoe Counties and Las Vegas have similar ordinances. The pros and cons of including exemptions in the ordinance and various numbers for imposition of the ordinance were discussed. Mr. Kramer explained his belief that additional tourists are needed to support the growing gaming industry in the community. Without tourists, the establishments will be splitting the local trade which he believed will be detrimental to the local industry.

Mr. Bilyeu indicated that all of the other Association Members or their representatives were present. The ordinance will encourage the Association Members to make larger investments in the Carson City gaming industry. It will protect them from being undercut by other operations. It will encourage outside gaming establishments to come into Carson City and make investments. This is the level of competition that they wish to compete against rather than watch the current clientele be split into smaller divisions. The ordinance will require the current and future casino operations to make a sizeable financial investment in the community. The benefits to the City include an increase in the sales tax revenue, room taxes, and property taxes. It will force the new establishments to advertise and seek clientele from areas outside the City. If the City continues to allow the small slot "shops" to proliferate the area, the clientele market will continue to shrink to the determent of all. He urged the Board to adopt the ordinance and require larger investments and expansion of the tourist base.

Ms. Duncan indicated that she was only expressing her personal opinion and not representing the Convention and Visitors Board. She stressed the need for more first class hotel rooms and a community center. They will provide additional room tax and support more advertising of the City as a destination point. The Bureau's advertising is and will be in addition to that provided by a full service hotel. A visitor's survey conducted during the summer indicated that 44% percent of the tourists are staying in surrounding communities and not Carson City. The City does not have an image that indicates there are lots of hotels and first class rooms available. Discussion indicated that additional hotels will reduce/halt the leakage that is occurring due to the current lack of rooms.

Mr. Tiller explained that he represents Cubix Corporation and Cubix Ormsby that are owned by Al Fiegehan and Don Leer. Renderings were given to the Board illustrating the "serious investment" that they are making to the community by renovating the Ormsby House. It will be the type of facility that is needed in Carson City. They are not afraid of competition and "like it at this level". (The renderings were returned to Mr. Tiller.)

Mr. Amodei explained his involvement in the research which had developed the concept that was presented to Mr. Kramer. Copies of the information will be made available to the Board after the meeting. (A copy was not given to the Clerk.) He alleged that all of the other communities in the State who have obtained a standing as a metropolitan planning organization (MPO) have adopted similar ordinances. The proposal is a "minimalistic" approach to the concept. Examples of purpose statements and more restrictive requirements mandated by the other MPOs were provided. All of the MPOs include a grandfathered clause for existing operations. The ordinance will be required of prospective licensees. Justification for requesting the ordinance

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was iterated and stressed the need for increased tourism. The other MPOs used the business license process to mandate the room requirements. His reasons for feeling that the Board had the authority to implement the ordinance were also provided. He indicated he is not an expert on how to handle the Lucky Spur property and had left that portion of the ordinance up to the Board and the District Attorney's office. He felt that the issue with the Lucky Spur will be, as it has been in the past, timing. The ordinance cannot address that issue. He had not looked for procedures that would allow appeals or variances. If the Board wishes, it can amend the ordinance to allow such procedures.

Supervisor Staub noted that there are a lot of sports bars in Las Vegas and more are being built. He questioned whether a graduated system was provided in the other communities. Mr. Amodei indicated that the lowest requirement in the State currently is 200 rooms. The rural resorts in Clark County require 200 rooms. The strip requires 300 rooms. The business license requirements for the strip mandate that the gaming operation cease immediately if the number of rooms drops below 300. The sliding scale is used when additional gaming is added, i.e., Clark County requires 25 more rooms for every "x" number of machines over the minimum. He offered to provide a copy of Clark County's Code or an executive summary for the Board after the meeting. Clark County's ordinance had not been used as a base due to its volume. Examples were cited illustrating those requirements and to justify the proposed ordinance. Supervisor Staub asked for an executive summary of Clark County's ordinance. Mr. Amodei then volunteered to provide a synopsis of the "neighbor-hood gaming ordinance". It addresses the "PJ" and sports bars. He reiterated the Gaming Association's intent and reasons for proposing the ordinance. The sports bars do not compete with the gaming establishments for the same clientele. He was not aware of any other communities/counties that are considering similar legis-lation. Two gaming establishments who have expressed a desire to construct in Douglas County and the size of their hotels were cited to illustrate his belief that they want the community to grow the gaming tourist infrastructure in Carson City. He agreed that the proposed operations are being developed due to their financial abilities and belief that there is a large demand for rooms in that location. He also indicated that Douglas County and Carson City are not comparable in some respects when considering their ability to be a tourist attraction and designation. He pointed out that half of the tourists who do come to Carson City for business, or whatever reasons, are not spending the night. The message needs to be sent that the City has available quality rooms. The ordinance provides one year for individuals to obtain an unrestricted gaming license without having to have the hotel rooms. This restriction was suggested as a result of discussions with the Gaming Board/Commission and the problems encountered in Clark County. Comments indicated that the Tamarack Casino on South Virginia Street in Reno had been constructed without the hotel amenities required elsewhere in Washoe County due to the benefits it provided an area of the County which did not feel threatened by another gaming establishment. Mr. Amodei reiterated the request that the gaming standard for Carson City be increased as indicated. The status quo does not raise the bar. The standard must start some- where. He also reminded the Board that it could include discretionary factors in the ordinance allowing lesser standards based on other criteria. Mayor Masayko pointed out that the ordinance does not address any standards for the Washoe tribal lands or the surrounding Counties. Those areas could have lower standards and create unfair competition for the City. Mr. Amodei pointed out that neither Douglas nor Lyon Counties are in a direct line from Lake Tahoe to Reno. The 100 room hotel is the lowest economical point for construction of the building. Smaller hotels are not normally found with casinos. The gaming standards for the unrestricted license was used as it is an established standard. Douglas and Lyon Counties will adopt similar standards in the future when a need is determined for having them.

Supervisor Livermore explained that a gaming license had been issued for Dottie's which will be located in

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the vicinity of the Pinion Plaza and may syphon business from it. Justification for modifying the ordinance based on this example was provided. Mr. Amodei reiterated his belief that the Board needed to raise the bar. Supervisor Staub concurred but felt that flexibility should be included in the ordinance to allow accommodation of special situations. Supervisor Plank felt that the variances may be allowed when distances between establishments are adequate. The size of Carson City may, however, reduce the ability to grant such variances. Mayor Masayko pointed out that, if another sports bar came to town and wanted 25 slot machines, the bar may be so high that it may not be feasible for the operation to proceed. He did not feel that this product threatens the local casinos. Mr. Amodei then explained that the Tamarack, which had been discussed, was grandfathered as it had an unrestricted license at the original pub. He reiterated his belief that the concept is a responsible method of establishing a higher standard and his willingness to provide the requested information. Mayor Masayko asked Mr. Amodei to include in his research Clark County's distance require-ment that eliminates the need to construct hotel rooms. Supervisor Livermore suggested that the primary purpose of the establishment be the determining factor for consideration of the room requirement, i.e., an unre-stricted gaming license for a casino operation requires the 100 rooms. If the primary purpose is that of a food establishment and it has an unrestricted license, the rooms should not be required. Supervisor Williamson explained her support for the proposed ordinance based on her belief that the patrons should frequent the casinos, that casinos in neighborhoods should not be allowed, and the loss of tourism due to the lack of quality hotels/motels. She believed that, if variances are included in the ordinance, all of the applicants will seek a variance. The standard must be established before the desired facilities will be provided. The Code will not be effective for a year. Opportunities needing variances can be considered after that date. The proposal assists the City in meeting its goal of having more hotel rooms.

Mr. Bilyeu reiterated the Association's support for the ordinance. The Association also believes that a sports bar with 25 to 30 slot machines is a casino and not a sports bar. It will attract locals and not tourists. Additional public comments were solicited.

Mr. Masini opined his belief that a business impact statement is required for this ordinance. He also indicated that the Board has the ability to raise the bar, if desired. Mayor Masayko agreed that the terms he had cited

are required in a business impact statement and that one may be needed. Mr. Masini also explained his desire to slow the process, evaluate the impacts, and obtain answers to the questions that have been raised before the ordinance is adopted.

Mr. Amodei opined his belief that an impact statement was unnecessary as the ordinance provides a year delay in implementation. The ordinance does not include any fees for the same reason. The ordinance will provide a positive impact on businesses due to the increased tourism. Mayor Masayko expressed his intent to take time for staff to do an impact statement. He was willing to raise the bar but is concerned about the proposed degree.

Mr. Forsberg opined that a business impact statement is needed. He also felt that the District Attorney's office was aware of the proposed, however, had missed the need for an impact statement. Clarification indicated that the impact statement should be done before the first reading is approved. The amount of time needed for development of the statement was discussed.

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Supervisor Staub moved to defer Item No. 12A until the next Board meeting to provide sufficient time for Senator Amodei to provide the Board with the information he has indicated on the record that he will provide to the Board and to provide sufficient enough time for Mr. Kramer to conduct and provide the Board with the impact study. Supervisor Plank seconded the motion. He felt that the ordinance does not immediately impact any existing businesses. He preferred to not get "hung up" on something that may cause some difficulty in the future. He was willing, therefore, to accept legal counsel's advice and hoped that the item can be returned in two weeks and not be deferred beyond that period. Mayor Masayko hoped that the item will be back in two weeks. He was certain that the proponents recognize the Board's sentiment. He did not want to do something in haste that must be corrected later. Following a request for an amendment to the motion, Supervisor Staub amended his motion to change the business impact study to be a business impact statement. Supervisor Plank concurred. He also noted that the Board has done other business impact statements. The Board can act on the ordinance even if it creates an impact. The ordinances approved earlier in the meeting did not impact businesses. Mayor Masayko felt that the business impact statement provides notice to anyone disagreeing with the finding an opportunity to be heard before the Board considers the ordinance. Supervisor Livermore agreed that the Board could proceed with the ordinance even if there is an impact. Mayor Masayko concurred and indicated that by deferring the item, the Board is following the statute requirements and allowing public discourse to occur. Supervisor Plank felt that someone will contest the impact statement regardless of what it finds. Mayor Masayko concurred. Mr. Bilyeu questioned whether the Board could vote on the ordinance and not delay the process. Mayor Masayko and Supervisor Plank explained that the Board's legal counsel had opined that the Board should have the impact statement before moving forward with the ordinance. The intent is to act as quickly as possible on the ordinance. If possible, it will be reconsidered in two weeks. The motion to defer the Item until Mr. Amodei can provide the requested information and staff develops an impact statement was voted and carried 4-1 with Supervisor Livermore voting Naye.

RECESS: A recess was declared at 2:55 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 3:05 p.m., constituting a quorum.

B. ACTION TO APPROVE AN ORDINANCE AMENDING CARSON CITY MUNICIPAL

BUSINESS LICENSES TO ADD OTHER CATEGORIES OF BUSINESSES TO THE LIST OF THOSE EXEMPT FROM BEING REQUIRED TO HAVE A BUSINESS LICENSE AND OTHER MATTERS PROPERLY RELATED THERETO (2-2478) - Chief Deputy District Attorney Mark Forsberg - Discussion indicated that if a band has a residence/business location in Carson City, it should have a license. An out-of-town band or a group of individuals/a casual entertainment group that does not charge for playing at a Carson City licensed establishment will be exempt from the requirement to have its own business license. A band that is playing at a location similar to the Pony Express Pavilion and charging an entrance fee is required to have a business license. The band in the Pony Express Pavilion example is operating under as its own business and not under someone else's license. Reasons an impact statement was not required for this ordinance were discussed. The ordinance does not change the garage sales' regulations. Public comments were solicited but none were given. Supervisor Williamson moved to introduce on first reading Bill No. 130, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 4 LICENSES AND BUSINESS REGULATIONS AMENDING CHAPTER 4.04 BUSINESS LICENSES TO ADD OTHER CATEGORIES OF BUSINESSES TO THE LIST OF THOSE EXEMPT FROM BEING REQUIRED TO

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HAVE A BUSINESS LICENSE AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Plank seconded the motion. Motion carried 5-0.

C. ACTION TO APPROVE AN ORDINANCE AMENDING CARSON CITY MUNICIPAL

CODE TITLE 5 PUBLIC UTILITY FRANCHISES AND REQUIREMENTS DELETING CHAPTER 5.12 OTHER PUBLIC UTILITIES SECTION 5.12.20 TELEPHONE COMPANIES WHICH IS A 3% BUSINESS LICENSE FEE ON TELEPHONE COMPANIES AND OTHER MATTERS PROPERLY RELATED THERETO (2-2685) - Supervisor Plank moved to introduce on first reading Bill No. 131, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 5 PUBLIC UTILITY FRANCHISES AND REQUIREMENTS DELETING CHAPTER 5.12 OTHER PUBLIC UTILITIES SECTION 5.12.20 TELEPHONE COMPANIES WHICH IS A 3% BUSINESS LICENSE FEE ON TELEPHONE COMPANIES AND OTHER MATTERS PROPERLY RELATED THERETO; and the fiscal impact related thereto is none. Supervisor Williamson seconded the motion. Motion carried 5-0.

13. DEVELOPMENT SERVICES - CONTRACTS

- A. ACTION ON THE ENERGY CONSERVATION RETROFIT AGREEMENT FOR PHASE 2 CONSTRUCTION IMPLEMENTATION PROJECT, CONTRACT NO. 2000-138, AMENDMENT NO. 1 AND AUTHORIZE THE PARKS DEPT. TO ISSUE PAYMENT TO CMS VIRON ENERGY SERVICES, 3131 EAST CAMELBACK ROAD, SUITE 200, PHOENIX, AZ 85016 FOR A NOT TO EXCEED AMENDMENT AMOUNT OF \$1,300,866 (1-0045) (2-2765) Deferred.
- B. ACTION ON THE AWARD OF THE 2001 SEWER REHABILITATION PROJECT, HIGHWAY 50 EAST PROJECT, CONTRACT NO. 2001-053 TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO THE REQUIREMENTS OF NRS CHAPTERS 332, 338, 339, AND 624 AND APPROVAL OF CONTINGENCY AMOUNT TO BE DETERMINED AT THE MEETING (2-2766) Contracts Coordinator Justine Chambers Discussion pointed out that the contract had not been received by the Board prior to the meeting and the difference between the lowest bidder and the next low bidder. Supervisor Williamson moved to accept the Development Services recommendation and award the 2001 Sewer Rehabilitation Project, Highway 50 East Project, Contract No. 2001-053 to Bidder No. 2, Essential Form Technologies Incorporated, 5100 East Second St., in Benica, California, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of \$63,674 and a contingency amount of \$9,551.10, with a budget allocation of \$100,000, and the funding source is 515-0000-434-7950 Sewer Line Replacement as provided for in Fiscal Year 2001/2002. Supervisor Plank seconded the motion. Motion carried 5-0.
- 14. DEVELOPMENT SERVICES Director Andrew Burnham UTILITIES ACTION ON A RESOLUTION ESTABLISHING THE CARSON CITY UTILITIES ADVISORY COMMITTEE TO ADVISE THE BOARD ON MATTERS RELATED TO A WATER AND SEWER RATE STUDY (2-2845) Finance Director David Heath Discussion explained the duties, policies, and rate methodologies which may be assigned to the Committee, the City staff that will be involved, and the beginning date. Concerns were expressed regarding the ability to obtain enough volunteers for the committee. Comments also suggested that the mobile home resident reside in a mobile home park. Supervisor Plank moved to adopt Resolution No. 2001-R-62, A RESOLUTION ESTABLISHING THE CARSON CITY UTILITIES ADVI-

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SORY COMMITTEE TO ADVISE THE BOARD ON MATTERS RELATED TO A WATER AND SEWER RATE STUDY; funding source is the Utilities Department Operating Accounts. Supervisor Livermore seconded the motion. Motion carried 5-0.

15. CITY MANAGER - John Berkich

- A. STATUS REPORT ON THE RECENT EFFORTS OF THE EMERGENCY MANAGE-MENT ADVISORY COMMITTEE (2-3110) Mr. Berkich's introduction included introducing the team members who were present Fire Chief Buckley, Development Services Director Burnham, and Health Director Winkelman. The Board complimented staff for taking on the assignment and for providing training so that the City will be prepared if an incident occurs. Discussion stressed the need to work with the State as the City is considered its first responder; (3-0002) the number of State employees, inmates, and Legislators who must be added to the City's response plan; the need to include these numbers in grant applications; future reports that will be provided; and the need to include Project Impact in the program.
- B. CLOSED SESSION ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.030 TO CONSIDER THE PROFESSIONAL COMPETENCE OF THE CITY MANAGER (3-0100) Supervisor Livermore moved to recess into closed session pursuant to NRS 241.030 to consider the professional competence of the City Manager. Supervisor Plank seconded the motion. Motion carried 5-0. Mayor Masayko recessed the meeting at 3:40 p.m.

OPEN SESSION - Mayor Masayko reconvened the Open Session at 4:55 p.m. The entire Board was present, constituting a quorum.

C. ACTION REGARDING BOARD REVIEW OF THE CITY MANAGER'S PROFES-SIONAL COMPETENCE AND SETTING OF COMPENSATION (3-0120) - Mayor Masayko summarized the purpose of the Closed Session. Mr. Berkich's general performance was on the high side of commendable according the Board's ranking of 32.8. The bonus rankings indicated that there was \$12,000 at risk and he had earned two-thirds of that bonus for about \$8,000. The Board is generally quite satisfied with his efforts. Mr. Berkich had worked very, very hard. Some of the things the Board had urged him to do was to work smarter as he is only one person. One of the issues the Board had discussed was delegation. The control point of Mr. Berkich's salary is \$107,700. The commendable ranking of 32.8 drives approximately 92 percent of the salary. This is a base salary of \$99,000. This would be an increase of \$5,195/\$5,300. Mr. Berkich disclosed and corrected his salary to be \$96,701 as the cost-of-living adjustment had been applied to the \$94,000. Mayor Masayko indicated that the cost-of-living could be applied to it but his base salary based on the \$107,700 is \$99,000. The cost-of-living should be added to that. Supervisors Livermore and William-son agreed. The bonus will be \$8,000 which will be retroactive back to July. Mayor Masayko also indicated that he and Mr. Berkich had discussed the need for the information to come forward on a timely basis. Consideration of this issue on a timely basis is an advantage to Mr. Berkich for the obvious reasons. Mayor Masayko did not expect to see, unless there is a special circumstance, the 92 percent of the control point move significantly unless there is a reason to do so during the performance evaluation and that it could escalate without the Board's authorization. If Mr. Berkich feels that the \$107,700 should move, he should discuss it with the Board. The time to talk about it is during the budget process and during surveys. His recommend-ation was for a \$99,000 base salary plus the cost-of-living and an \$8,000 bonus.

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Mr. Berkich explained that the salary of \$94,000 was increased by a cost-of-living to \$96,700 which was the two percent that had been granted. The cost-of-living is already in his salary. The \$99,000 should be the new salary which included the cost-of-living, otherwise it would be a doubling of the cost-of-living. In response to questions, he indicated that he was happy with that figure.

Mayor Masayko expressed his desire to see Mr. Berkich be more aggressive with the bonus amount which could go up to \$21,000 next year. This is where the compensation is. He did not expect to move the salary level again without a valid reason except for the cost-of-living.

Discussion indicated that a motion to set the compensation was warranted. Mr. Berkich reiterated that he was comfortable with the offer. Supervisor Livermore moved to address the City Manager's compensation at the figure of 92 percent of the control point which equates to \$99,000 even plus an \$8,000 bonus retroactive to July 1, 2001. Supervisor Staub seconded the motion. Supervisor Williamson thanked Mr. Berkich for his work and expressed her feeling that the community is well served by his efforts and talents. Mr. Berkich expressed his feeling that the City had a great team and that the team is responsible for a lot of the things that are accomplished. There is a great group of employees and a great management team. He was fortunate to be where he is. It is a great community and he appreciated the opportunity to work for the community and the Board. Mayor Masayko felt that Mr. Berkich succeeds very well the vast majority of the time. Supervisor Plank compared things with how they had been years ago. He commended Mr. Berkich on his staff selections which include Mr. St. John and the current staff. They are a tremendous group of people to whom he felt that Mr. Berkich could delegate more than he does. The motion was voted and carried 5-0. Mayor Masayko congratulated Mr. Berkich and expressed his feeling that he had earned it and would continue to earn it.

There being no other matters for consideration, Supervisor Livermore moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 5:07 p.m.

The Minutes of the December 6, 2001, Carson City Board of Supervisors meeting

	ARE SO APPROVED ON <u>May 5</u> , 2005.
	<u>/s/</u>
	Marv Teixeira, Mayor
ATTEST:	
_/s/	
Alan Glover, Clerk-Recorder	