A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, September 5, 1996, at the Community Center Sierra Room, 851 East Fifth Street, Carson City, Nevada, beginning at 10 a.m.

PRESENT: Mary Teixeira Mayor

Greg Smith Supervisor, Ward 1 Janice Ayres Supervisor, Ward 2

Tom Tatro Supervisor, Ward 3

Kay Bennett Supervisor, Ward 4

STAFF PRESENT: John Berkich City Manager

Alan Glover Clerk-Recorder Noel Waters District Attorney

Rod Banister Sheriff

Al Kramer Treasurer

Steve Kastens Parks and Recreation Director

Judie Fisher Personnel Director
Basil "Butch" Moreto Purchasing & Contrs. Director
Dorothy Timian-Palmer Utilities Director

Paul Lipparelli Deputy District Attorney
Tim Homann Deputy Public Works Director

Daren Winkelman Health Officer

Ken Arnold Environmental Control Manager

Katherine McLaughlin Recording Secretary

(B.O.S. 9/5/96 Tape 1-0001.5)

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

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE, AND ROLL CALL** - Mayor Teixeira convened the meeting at 1 p.m. Rev. Al Tilstra of the Seventh Day Adventist Church gave the Invocation. Supervisor Smith lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

APPROVAL OF MINUTES - Regular Sessions of July 3, July 18, and August 1, 1996 and Special Session of July 10, 1996 (1-0025.5) - Supervisor Bennett moved to approve. Supervisor Ayres seconded the motion. Motion carried 5-0.

2. SPECIAL PRESENTATIONS - Personnel Director Judie Fisher - ACTION ON RETIREMENT RESOLUTIONS FOR BILLY BARKER, SHEILA CLEMENT, GARY HOFFMAN, HAROLD HOLBROOK, CATHERINE NAGEL, GENE PATTERSON, KERRY PYLE, BRUCE RICKER, DOROTHY SMITH, AND JOE STRANDE (1-0032.5) - Mayor Teixeira individually commended each on his/her tenure and wished him/her success in his/her future endeavors. Supervisor Tatro moved that the Board of Supervisors adopt Resolution No. 1996-R-43, RESOLUTION COMMENDING RETIREMENT for Billy Barker and read the entire Resolution into the record. Supervisor Smith seconded the motion. Motion carried 5-0.

Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1996-R-44, RESOLUTION COMMENDING RETIREMENT for Sheila Clement and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0.

Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1996-R-45, RESOLUTION COMMENDING RETIREMENT for Gary Hoffman and read the entire Resolution into the record. Supervisor Ayres seconded the motion. Motion carried 5-0.

Supervisor Ayres moved that the Board of Supervisors adopt Resolution No. 1996-R-46, RESOLUTION COMMENDING RETIREMENT for Harold Holbrook and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira briefly noted his knowledge of and work with Mr. Holbrook through the years.

Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1996-R-47, RESOLUTION COMMENDING RETIREMENT for Catherine Nagel and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0. Ms. Nagel expressed her pleasure at having worked for the District Attorney's office.

Supervisor Ayres explained her knowledge of and work with Gene Patterson at RSVP. She felt that many of the groups who had worked with him over the years would miss him. She wished him success in his future endeavors. Supervisor Ayres moved that the Board of Supervisors adopt Resolution No. 1996-R-48, RESOLUTION COMMENDING RETIREMENT for Gene Patterson and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Mr. Patterson expressed his pleasure at having worked with the various different organizations over the years. Motion carried 5-0.

Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1996-R-49, RESOLUTION COMMENDING RETIREMENT for Kerry Pyle and read the entire Resolution into the record. Supervisor Ayres seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board of Supervisors adopt Resolution No. 1996-R-50, RESOLUTION COMMENDING RETIREMENT for Bruce Ricker and read the entire Resolution into the record. Supervisor Ayres seconded the motion. Motion carried 5-0.

Mayor Teixeira noted Ms. Smith's title of the "Lady of the Marriage License Bureau". Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1996-R-51, RESOLUTION COMMENDING RETIREMENT for Dorothy Smith and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0. Clerk-Recorder Alan Glover expressed his regret at seeing her leave. He thanked her for her public relations efforts. He felt that her sense of humor would be missed. Mayor Teixeira, Clerk-Recorder Glover and Supervisor Ayres explained the retirement dinner which had been held for Ms. Smith.

Supervisor Tatro explained his work with Mr. Strande and wished him success in his retirement. Supervisor Tatro moved that the Board of Supervisors adopt Resolution No. 1996-R-52, RESOLUTION COMMENDING RETIREMENT for Joe Strande and read the entire Resolution into the record. Supervisor Bennett seconded the motion. Motion carried 5-0.

**CITIZEN COMMENTS** (1-0350.5) - Gloria Manning expressed her concern about the truck traffic on Graves Lane and, specifically, the noise created and gas fumes the trucks create. Sheriff Banister indicated that the road is posted for truck traffic and agreed that there had been problems for five or six years.

Pete Bachstadt questioned Charter Section 2.180 concerning the sale of animals by the Animal Control Department and Municipal Code Section 5.20, 30, and 40 which mandates the licensing of individuals selling, gifting, or disposing of animals on private or public property and the sale for experimental purposes. He was also concerned about a potential conflict between the Charter and the Ordinances. He requested information from the City if the Department is selling animals indicating to whom, for what reason, and the amount of revenue being generated from these sales. If the City does not intend to sell animals, he questioned the reasons for having the Charter indicate the intent and the source of expertise for the section. Animal Control had stopped reporting its revenue in

1989. Some of its revenue is generated from deposits for sterilization. He questioned whether the forfeited funds were used for this purpose and the number of animals sterilized. He also questioned the reasons for maintaining and having the outdated and cruel gas chamber as there is a certified euthanasian on staff. Legal recourse under the "cruelty to animals" statutes is seldom pursued due to the feeling that animals do not have rights as they cannot own property. He requested answers from staff and left a copy of his letter with Mr. Berkich.

Additional comments were solicited but none given.

**LIQUOR AND ENTERTAINMENT BOARD** (1-0431.5) - Mayor Teixeira then recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board was present constituting a quorum, including Sheriff Banister.

3 LIQUOR AND ENTERTAINMENT BOARD CONSENT AGENDA - TREASURER - Al Kramer - ACTION ON WAIVER OF PROMOTER FEES FOR A CRAFT FAIR THAT WAS SPONSORED BY WALMART AND PROCEEDS GIVEN TO UNITED WAY (1-0434.5) - Member Smith moved that the Board approve the Liquor and Entertainment Board Consent Agenda as presented. Member Tatro seconded the motion. Motion carried 6-0.

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

- 4. BOARD OF SUPERVISORS CONSENT AGENDA
  - A. ASSESSOR
    - i. ACTION ON CORRECTION OF CLERICAL ERROR ON TAX ROLL
    - ii. ACTION ON OVERASSESSMENT OF REAL PROPERTY DUE TO FACTUAL

## **ERROR**

- B. UTILITIES DIRECTOR ACTION ON CHANGE ORDERS NUMBER 1 AND FINAL PAYMENT ON CONTRACT NO. 9495-203, SILVER OAK WELL NO. 46
  - C. PURCHASING DIRECTOR
    - i. ACTION ON CONTRACT NO. 9697-53 1996 CHIP SEAL CONTRACT
    - ii. ACTION ON CONTRACT NO. 9697-38 WATER METERS
    - iii. ACTION ON CONTRACT NO. 9697-41 PLANT FILTER MEDIA
- iv. ACTION ON CONTRACT NO. 9596-226 TENNIS COURTS
- RESURFACING, FINAL PAYMENT
- v. ACTION ON CONTRACT NO. 9596-243 ASSISTANCE WITH RESPONSES TO NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMENTS ON LANDFILL APPLICATION
- vi. ACTION ON CONTRACT NO. 9697-078 WORK PICKUP TRUCK, JOINDER WITH NEVADA STATE PURCHASING (1-0445.5) Supervisor Smith pulled Contracts 9697-53 and Contract 9596-243. Supervisor Bennett pulled the Assessor's Item on overassessment of real property. Supervisor Tatro moved that the Board approve the Consent Agenda as presented with the deletion of the three items, first Action on Overassessment of Real Property due to Factual Error; second Action on Contract 9697-53; and third Action on Contract 9596-243 Assistance with Responses to Nevada Department of Environmental Protection Comments on Landfill Application. Supervisor Ayres seconded the motion. Motion carried 5-0.
- C. i. (1-0467.5) Discussion between Supervisor Smith and Deputy Public Works Director Homann indicated the remainder of the budgeted amount would be used for chip seal projects next spring. There had been three bids. The bid which was recommended for acceptance was felt to be a good bid. Funding for this work is provided by subdivisions and allows for consolidation of smaller projects. There are no local firms in the chip sealing business nor are there any in Northern Nevada. It is a specialized field. Supervisor Smith moved that

the Board of Supervisors accept the Purchasing Department's recommendation and award Contract 9697-35 to Bidder No. 1, Franklin Construction Inc., 4405 Airport Road, Paradise, California 95969, as the lowest responsive and responsible bidder pursuant to the regulations of NRS Chapters 332, 338, 339, and 624 for a contract amount of \$163,289 and a contingency amount of \$25,000; funding source is Street Sealing - Gas Tax as provided for in 9596 and 9697 budgets. Supervisor Ayres seconded the motion. Motion carried 5-0.

- C. v. (1-0535.5) Discussion between Supervisor Smith and Environmental Control Manager Ken Arnold explained the reasons the contractor had completed the work before being approved for the extra amount and staff's reasons for recommending approval. The extra work had doubled the original cost. The work would have been required in order to respond to the State's questions. The contractor is now aware of procedures. Supervisor Smith moved that the Board accept the Purchasing Department's recommendation and Amended Contract No. 9596-243 originally executed by the Deputy Purchasing Director on May 31, 1996, in the amount of \$9,000; funding source is the Landfill Professional Services as provided for in the FY 9697 Budget. Supervisors Tatro and Ayres seconded the motion. Motion carried 5-0.
- CARSON CITY AIRPORT AUTHORITY Representative Steve Tackes A. ACTION ON APPROVAL OF AN AIRPORT LEASE BETWEEN CARSON CITY AND AT&T UNDER WHICH AT&T WILL PAY THE AIRPORT AUTHORITY TO PLACE A CELLULAR ANTENNA ON THE AIRPORT BEACON TOWER AND AN EQUIPMENT ROOM AT ITS BASE IN CONFORMANCE WITH AIRPORT AUTHORITY ACTION AND APPROVAL ON AUGUST 22, 1996; AND, B. ACTION ON APPROVAL OF AN AIRPORT LEASE BETWEEN CARSON CITY AND WILLIAM AND PAMELA JEWETT REGARDING A RENEGOTIATION OF THE EXISTING LEASE ON PARCEL 19 OF THE AIRPORT TO BRING ITS RENT AND OTHER TERMS UP TO THE LEVEL OF CURRENT LEASES IN CONFORMANCE WITH AIRPORT AUTHORITY ACTION AND APPROVAL ON AUGUST 22, 1996 (1-0598.5) - Mr. Tackes indicated that the FAA did not have a problem with the proposal to put the AT&T antenna on the tower. This is becoming a standard practice and the Authority is hoping other cellular providers will follow suit. The renegotiated benefits of the lease were noted. Clarification indicated that if FAA does not approve the antenna height or the new tower, the lease would not go into effect. Contacts with other airports regarding the antenna lease had proven financially beneficial as the Authority had been able to increase the original fee. These contacts also indicated that the use does not create any interference. Deputy District Attorney Lipparelli explained the addendum and thanked Mr. Tackes for his legal assistance with the Airport Authority and, specifically, the model lease agreement. The Clerk had the originals. Supervisor Smith moved that the Board of Supervisors accept and approve the standard antenna lease with AT&T in the amount of \$600 per month as presented by the Airport Authority. Supervisor Tatro seconded the motion. Following a request for an amendment, Supervisor Smith amended his motion to include including the addendum. Supervisor Tatro continued his second. Motion carried 5-0.

Supervisor Smith moved that the Board of Supervisors accept and approve the renegotiation of an existing lease with William and Pamela Jewett on Parcel 19 at the Airport in the amount of \$8,780.30 per year which replaces the old rent as presented by the Airport Authority. Supervisor Tatro seconded the motion. Motion carried 5-0.

Mayor Teixeira thanked Mr. Tackes for his dedication and predicted that he would soon be back on the Authority.

### 6. UTILITY DIRECTOR

A. ACTION ON CONTINGENCY FUNDING FOR THE MOSQUITO ABATEMENT PROGRAM (1-0725.5) - Health Officer Daren Winkelman - Comments indicated staff had requested additional funding during the budget but had been directed to return for additional funds when/if necessary. Discussion among Supervisors Smith and Tatro and Mr. Winkelman explained the meeting at Eagle Valley Middle School on the mosquito problem and staff's commitment to work with the community and the ranchers to develop a better program next year. Board comments commended staff on its efforts to work with the public and willingness to develop alternatives. Supervisor Tatro moved to approve a request for an additional \$10,000 for the Mosquito

Abatement Program from the General Fund Contingency Account. Supervisors Ayres and Bennett seconded the motion. Motion carried 5-0. Mr. Winkelman indicated that some of the funding would be spent now and some next spring.

B. ACTION ON A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND JENNIFER M. BACIGALUPI REGARDING ASSESSOR'S PARCEL NUMBERS 3-181-09, 3-181-10, AND 3-241-07, LOCATED ON NORTH IRIS STREET AND WEST TELEGRAPH STREET IN CARSON CITY, NEVADA, FOR SEWER AND WATER MAIN REPLACEMENT (1-0872.5) - Deputy Utilities Director Jay Ahrens - Discussion explored the reasons for the cost increase and the work which had been accomplished. Oversizing is the City's responsibility as are the design costs. The City does not pay for bidding costs as City staff will provide this service. The City was only paying for 73 percent of the costs which is the City's share. Supervisor Ayres moved to approve the additional expenditure of \$421.58 for engineering fees not accounted for in the Development Agreement between Carson City and Jennifer M. Bacigalupi regarding Assessor's Parcel Numbers 3-181-09, 3-181-10, and 3-241-07 located on North Iris Street and West Telegraph Street in Carson City, Nevada, for sewer and water main replacement, Ordinance No. 1996-43 adopted on August 1, 1996; fiscal impact is \$421.58; funding source is 515 Replacement; funding provided in 96/97 budget. Supervisor Tatro seconded the motion. Motion carried 5-0.

#### C. ORDINANCES - FIRST READING

ACTION ON AN ORDINANCE AMENDING SECTION 12.05.020 OF THE CARSON CITY MUNICIPAL CODE, CONNECTION TO MUNICIPAL SEWER SYSTEM REQUIRED, TO ALLOW EXCEPTIONS TO THE CONNECTION REQUIREMENT FOR PARCEL LESS THAN THREE ACRES WHEN UTILIZING SPECIALIZED INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AND OTHER MATTERS PROPERLY RELATED THERETO (1-0950.5) - Deputy Utilities Director Jay Ahrens, Utilities Director Dorothy Timian-Palmer, Health Officer Daren Winkelman, Western Engineering Representative Dennis Smith - Discussion explained staff's research on the denitrification systems, DEP's letters of support, the restriction to four parcels or less, the acreage restriction to not less than one acre, the need for a second ordinance to establish monitoring procedures, the system's need for maintenance and its estimated cost, and the use of permits to control the maintenance requirements. Supervisor Bennett requested a follow-up report on the program. The Code would require any parceling of five or more units to be reviewed by the Board under the Subdivision requirements. Mr. Smith indicated the system he represented has been used in other areas and explained the State testing program. Ms. Timian-Palmer explained that her Division was not recommending any one firm. The Department would maintain a list of State approved firms which the public could use to make a selection. Carson City would only allow systems indicated on the State list. Mr. Smith stressed the need for public education if the system is to function correctly. Mayor Teixeira explained his concern about the density factor which would be allowed with the product. He felt that property owners would attempt to up-zone their property. Ms. Timian-Palmer felt that the system's cost factors may mitigate some of his concern as it could be more cost effective to extend the sewer main. Mayor Teixeira recommended the ordinance spelling out the permit process be approved at the same time as the proposed ordinance. He also felt that the total costs should be established before approval of the ordinances. Ms. Timian-Palmer felt that the sample testing would be conducted at the treatment plant and would not be prohibitive. She committed to providing the Board with these ongoing maintenance costs before the first system goes into the ground. She also indicated that the buyer would be aware of the costs before the system goes into the ground as staff will inform them at the time the permit is taken out. Mr. Smith then explained his firm's maintenance agreement. The sale price includes two year's worth of free maintenance. The annual cost thereafter is approximately \$60 per year. Testing should not increase the total price to \$150 a year. These figures are in today's dollars. Supervisor Smith moved that the Board of Supervisors introduce Bill 149 on first reading, AN ORDINANCE AMENDING SECTION 12.05.020 OF THE CARSON CITY MUNICIPAL CODE, CONNECTION TO MUNICIPAL SEWER SYSTEM REQUIRED, TO ALLOW EXCEPTIONS TO THE CONNECTION REQUIREMENT FOR PARCEL LESS THAN THREE ACRES WHEN UTILIZING SPECIALIZED INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

BREAK: An eleven minute recess was declared at 11:25 a.m. When the meeting was reconvened at 11:36 a.m., the entire Board was present, constituting a quorum.

- **4. A. ii. ACTION ON OVERASSESSMENT OF REAL PROPERTY DUE TO FACTUAL ERROR (1-1445.5)** Assessor Kit Weaver explained the error. The Subdivision in question is Quail Run. Supervisor Tatro indicated that this is not one of his father-in-law's subdivisions and, therefore, he did not have a conflict of interest. Mr. Weaver then explained the procedure mandated to correct the error. Supervisor Bennett moved that the Board of Supervisors accept the recommendation of the Assessor to approve the corrections as presented to the Board in compliance with NRS 361.768, fiscal impact is an \$876.96 decrease in revenue for taxes. Supervisors Tatro and Ayres seconded the motion. Motion carried 5-0.
- 6. C. ii. ACTION ON AN ORDINANCE AMENDING CHAPTER 12.06 OF THE CARSON CITY MUNICIPAL CODE TO PROVIDE FOR THE REGULATING OF INDUSTRIAL BUSINESS INDIVIDUAL SEWAGE DISPOSAL SYSTEMS; ESTABLISH NEW WASTEWATER DISCHARGE LIMITS; AND OTHER MATTERS PROPERLY RELATED THERETO (1-1562.5) Environmental Control Manager Ken Arnold Mr. Arnold and Supervisor Smith noted staff is working with the impacted commercial entities, including the Chamber of Commerce, and that they support the program. Supervisor Smith moved to introduce Bill No. 150 on first reading, AN ORDINANCE AMENDING CHAPTER 12.06 OF THE CARSON CITY MUNICIPAL CODE TO PROVIDE FOR THE REGULATING OF INDUSTRIAL BUSINESS INDIVIDUAL SEWAGE DISPOSAL SYSTEMS; ESTABLISH NEW WASTEWATER DISCHARGE LIMITS; AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

## 7. **COMMUNITY DEVELOPMENT DIRECTOR -** Senior Planner Sandra Danforth

- A. ACTION ON S-95/96-6 A FINAL SUBDIVISION MAP APPLICATION FROM BERNHARD FAMILY TRUST (HIDDEN MEADOW ESTATES SUBDIVISION) TO DEVELOP A 27 PARCEL SUBDIVISION ON APPROXIMATELY 27 ACRES OF LAND ZONED SINGLE FAMILY 21,000 (SF21000), LOCATED ON THE EAST SIDE OF CARSON RIVER ROAD ON THE SOUTH SIDE OF BUZZY'S RANCH ROAD, APN 10-071-22 (1-1708.5) Discussion between Mrs. Danforth and Supervisor Tatro indicated that under the notification process property owners within 300 feet of the property involved in the subdivision had been notified and that some of the property now in the subdivision had been included in a BLM land exchange. Supervisor Smith moved that the Board of Supervisors approve the Hidden Meadow Estates Final Map, S-95/96-2, to develop a 27-parcel subdivision on an approximately 27 acre parcel of land zoned Single Family 21,000 located on the east side of Carson River Road on the south end of Buzzy's Ranch Road, APN 10-071-22, subject to the original findings and conditions of approval. Supervisor Ayres seconded the motion. Motion carried 5-0.
- B. ORDINANCE SECOND READING ACTION ON BILL NO. 148, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 18.05.051 ANIMALS AND FOWL, AND OTHER MATTERS PROPERLY RELATED THERETO Supervisor Ayres moved to adopt on second reading, Bill No. 148, Ordinance No. 1996-46, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 18.05.051 ANIMALS AND FOWL, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Mrs. Danforth thanked the community for working with staff on the ordinance to create a win-win situation. The motion to adopt Ordinance 1996-46 on second reading was voted and carried 5-0. Mayor Teixeira thanked Fran Hall for her assistance on the ordinance.

#### **8. CLERK-RECORDER -** Alan Glover

A. ACTION TO APPROVE THE CANVASS OF THE VOTE (1-1815.5) - Mr. Glover read the canvass into the record. Discussion explained the voting district process which Mr. Glover felt had been successful. Mr. Glover encouraged the electorate to read their General Election sample ballots as the voting time

in the booth is restricted to ten minutes. The length of this ballot may require enforcement of this statute. Discussion indicated the potential for mail-in elections in the future as it had provided a higher turnout than the normal process. Approximately 3,000 people had taken advantage of early voting or used absentee ballots. The Primary had had a 44 percent turnout ratio. The General may have as high as an 82 percent turnout as it is a presidential election and there are bond issues for consideration. Supervisor Tatro moved that the Board approve the canvass of the vote of the Primary Election held on September 3, 1996. Supervisor Bennett seconded the motion. Motion carried 5-0.

**B.** ACTION ON THE ESTABLISHMENT OF THE GUARDIANSHIP OF AN 81 YEAR OLD MALE (1-1991.5) - Supervisor Bennett moved that the Board of Supervisors authorize the City/County Public Administrator to become the Guardian of the above referenced resident. Supervisor Tatro seconded the motion. Motion carried 5-0.

### 9. **CITY MANAGER** - John Berkich

- A. ORDINANCE SECOND READING ACTION ON BILL NO. 146 AN ORDINANCE AMENDING SECTION 5.20 (OPERATION OF PUBLIC EDUCATIONAL GOVERNMENTAL TELEVISION CHANNEL) OF THE CARSON CITY MUNICIPAL CODE INCLUDING 5.20 (OPERATION OF PUBLIC EDUCATIONAL GOVERNMENTAL TELEVISION CHANNEL), 5.20.010 (DECLARATION OF PURPOSE), 5.20.040 (DUTIES OF CCTC), AND 5.20.050 (MEETINGS) AND OTHER MATTERS PROPERLY RELATED THERETO (1-2008.5) Administrative Assistant to the City Manager Liz Hernandez Supervisor Ayres moved that the Board adopt on second reading, Bill No. 146, Ordinance No. 1996-47, AN ORDINANCE AMENDING SECTION 5.20 (OPERATION OF PUBLIC EDUCATIONAL GOVERNMENTAL TELEVISION CHANNEL) OF THE CARSON CITY MUNICIPAL CODE INCLUDING 5.20 (OPERATION OF PUBLIC EDUCATIONAL GOVERNMENTAL TELEVISION CHANNEL), 5.20.010 (DECLARATION OF PURPOSE), 5.20.040 (DUTIES OF CCTC), AND 5.20.050 (MEETINGS) AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion and expressed a concern which she indicated she would address under Board of Supervisors Comments. The motion to adopt Ordinance No. 1996-47 was voted and carried 5-0.
- ACTION TO DIRECT STAFF TO RECEIVE PROPOSALS FOR MASTER OPERATOR В. SERVICES AT THE EAGLE VALLEY GOLF COURSE; AND, C. STATUS REPORT ON THE FORMATION OF A NON-PROFIT CORPORATION FOR THE FUTURE MANAGEMENT OF EAGLE VALLEY GOLF COURSE (1-2059.5) - Mr. Berkich distributed copies of a memo on the Golf Course RFP process to the Board and Clerk. The decision to notify all of the potential bidders that the date for submittal of their bid was postponed had been due to the Board's indication of an interest in the non-profit corporation process. Supervisor Smith expressed his concern that the potential RFP bidders feel that the non-profit concept is a done deal. He wanted to see what the RFP process would develop even though he felt that the Board should delay action on the RFP. Mr. Berkich also explained that the RFP required the bidder to submit a good faith surety bond and the desire to eliminate the need for the bidders to incur an unnecessary expense. Supervisor Bennett explained a conversation she had had with a group who was prepared to submit a proposal which supported Supervisor Smith's comments. Supervisor Smith then questioned the impact continual delays will have on the future operation of the course. He suggested an October 1 deadline on the non-profit program. Mr. Berkich explained that the local BLM office had indicated a willingness to approve the concept, however, its Regional Office in Sacramento has final authority over the issue. Mayor Teixeira expressed his feeling that the process may become embroiled in a political quagmire if something is not done soon. He was also opposed to having people go through a complex process requiring time and money to submit the RFPs only to be told that the non-profit concept is desired. He voiced his frustration at the Federal delay. He felt that the Federal concerns were unwarranted. He suggested that if BLM's approval is the only flaw, the Board should decide if everything else will work. He felt this would push the Federal bureaucracy to respond. Mr. Berkich reiterated that the staff is pushing for a speedy answer. Supervisor Ayres felt that the process should be completed. A decision on the RFPs should be made. She pointed out her expertise with the Federal government and its failure to move quickly. She had been contacted by many

individuals who did not like either plan. She acknowledged that a majority of these individuals were senior citizens.

Supervisor Smith questioned whether the Board's decision to send two individuals to Baltimore to check into the operation had been done. Supervisor Smith suggested the issue be reconsidered at the second meeting in October which would provide time for the trip to Baltimore, for full Board participation in the discussion, two additional Committee meetings and/or special meetings if necessary, and time to complete the BLM review. He felt that this would establish a deadline on the RFP process.

Mr. Lipparelli pointed out that this would establish a very short period for responses to the RFP. The current contracts expire January 1. This may not allow adequate time to get a new contractor on line before the contracts expire. Therefore, he urged the Board to finalize the process as soon as possible in October. Mayor Teixeira felt that the Board understood the urgency. This is the reason he felt that the Board should move with or without the Federal approval. Discussion indicated there are only five individuals/firms eligible to submit RFPs.

Supervisor Tatro felt that the local BLM response should be available by September 19. The Board could then indicate that a final response from BLM is not available, however, the local office indicates this. He felt certain that the Sacramento response would not be available in all reality until after a final decision has been made by the Board. BLM could not approve an unwritten contract. The RFP indicates that BLM will have to approve the final contract. Therefore, if a favorable recommendation is given by the local BLM office, the RFP should be released with a submittal date of October 1st. Staff could review the RFP between October 1 and 15 and make a recommendation. During this timeframe the non-profit aspects could be finalized. Both items should be ready for Board review and action on October 19. The issues which were of concern in Mr. Berkich's August 16 memo were: the employees, existing bonds, and BLM. The employee issue could not be finalized until the ultimate decision is made. The bonds should be resolved in the interim. BLM cannot be finalized until a contract is written. The only other alternative he could see is whether the Board should make a decision on the non-profit concept before requesting submittal of RFPs. Mayor Teixeira supported making this decision first due to the time and costs factors. Supervisor Tatro felt that the entire issue should be resolved before November 1.

(1-2421.5) Supervisor Bennett supported his recommendation and questioned the options if the January 1st date arises and a contract has not been consummated. Mayor Teixeira agreed that the Board had done everything to get the issue resolved and should continue to push on the few remaining questions. He felt that the RFPs would not be submitted until the non-profit question is resolved or if a response is given, it may be from only one firm. If the five eligible bidders are certain that one will be selected, the bidding will provide the best response possible. He questioned whether the best product could be obtained before the non-profit question is resolved.

Supervisor Tatro then questioned the reasons a decision could not be made on October 1 about the non-profit concept. He also reiterated the comments concerning the need to send someone to Baltimore. Mayor Teixeira supported Supervisor Tatro's recommendation that a decision be made at the first meeting in October on the non-profit concept. Mr. Berkich pointed out that the risk is that BLM may deny the entire process. He felt that if the local support is given, the upper echelon would support the program. He agreed to bring the issue back the minute something is provided and committed to that date being October 3. He indicated that staff is trying hard to press their button. Mayor Teixeira felt that if a decision is made on October 3 to reject the non-profit, then the RFP firms should be asked to submit proposals within two weeks. He felt certain that they are ready to bid now. Supervisor Ayres agreed with Mayor Teixeira that the potential RFP bidders would not submit a proposal if they felt they would be competing with the non-profit concept. Clarification indicated that if the non-profit concept is approved on October 3, the RFP process would become moot. The \$100 deposit for the RFP packets will be returned if this decision is made. Mayor Teixeira also urged staff to visit Baltimore before October 3.

Supervisor Bennett questioned whether the non-profit concept could be consummated before January 1. She urged staff to develop an interim strategy. Mayor Teixeira and Supervisor Tatro recommended this be included in the October 3 discussion. Mr. Lipparelli indicated that the Committee had discussed and approved an comprehensive interim plan which had been developed by Mr. Hair. It would cover the period between the

termination of the contracts and getting a non-profit corporation on line which was targeted as being April 1. This is an aggressive program. Mr. Berkich supported his statements by indicating that this is a "Plan B". This plan will be discussed further at the next Committee meeting. It includes the potential for the City employees at the courses to be "temporary City employees". The main staff concern is to provide a high level public course. He assured the Board that there would be golf operations available for use by the public. This final plan should be ready no later than the first meeting in October. He then requested that the timeframe for submittal of the RFPs be changed to require submittal by October 11th. This would provide staff time to review them and for the Committee to make a recommendation before consideration by the Board on the 17th. Mayor Teixeira clarified his recommendation to be that the Board would make a decision on October 3 about the non-profit concept. The RFPs could be requested for submittal 30 days later. Discussion indicated the feeling that Mr. Berkich's accelerated timetable could be followed particularly if the bidders are notified today that the Board would be making a final decision on the non-profit concept at its October 3rd meeting. Mayor Teixeira felt that the period January 1 to March 31 should be an easy transition period.

(1-2877.5) Golf Course Advisory Committee Member Mark Sattler explained that the Committee had delayed making a decision on the RFPs due to the representation that there would not be many proposals until after the non-profit concept is finalized. There had been a plan to have a special meeting on the BLM and bond issues, however, it was cancelled by staff. He felt that the Committee could meet on these issues and provide an answer for the Board by its next meeting. He had opposed bringing a contingency plan to the Board before a decision is made on the non-profit concept. Mr. Berkich explained his contact with the Committee Chairperson. BLM had not provided an answer at the time of the special meeting. He did not feel that a firm decision could have been made without this missing element, therefore, the meeting had been cancelled.

Mayor Teixeira indicated that the Committee should make a decision before October 3 on the non-profit concept with whatever information is available at that time. The Board could then make a final decision on it at the October 3rd meeting. The RFPs could then be called for if the non-profit concept is abandoned. Whatever date is selected for the submittal deadline must be workable and allow the Board to make a final decision no later than the first meeting in November. Mr. Berkich felt that this was doable and clearly indicated that the Board would make a decision based upon whatever information is available at that point.

Supervisor Tatro felt that BLM could only make a decision to go or not. He was willing to make a final decision with the information which is available and with the Committee's recommendation. He felt that a decision should be made on October 3. He was certain that BLM would not make a final determination until a contract is issued. Supervisor Tatro then moved that the Board direct staff to agendize for the October 3 meeting action on formation of a non-profit corporation for the future management of the Eagle Valley Golf Course and on the same agenda action to direct staff to receive proposals for the master operator services at the Eagle Valley Golf Course and any other actions that become apparent that will be necessary at that meeting to effect a final decision so that the Board can chose either a non-profit corporation or master operator services and move forward at that time without having to leave anything in the air. Supervisor Smith seconded the motion. Discussion ensued on whether to add to the motion a deadline for the RFPs. Supervisor Tatro amended his motion to include direction to staff to notify the prospective RFP respondents that the Board will make a determination on October 3 whether to chose master operator services or non-profit corporation for the operation of the Eagle Valley Golf Courses. Supervisor Smith continued his second. Following Mayor Teixeira's request for another amendment, Supervisor Tatro amended his motion again to include and that prior to the October 3rd meeting this information be presented to the Golf Advisory Committee and to also bring the contingency plan along with the non-profit corporation consideration for Board approval at the October 3 meeting. Supervisor Smith continued his second. Supervisor Tatro indicated that the contingency plan should be presented in whatever state it is in. Mayor Teixeira indicated that staff "should give us what you've got". Supervisor Tatro indicated that this is part of the information provided in his motion under "without leaving anything in the air". The motion as amended was voted and carried 4-1 with Supervisor Ayres voting Nave.

(1-3110.5) Bob Tobias commended the Board for making a commitment. He could not understand the reasons for the continual downward turn which is occurring at the courses. He felt certain that the Board's action on October 3

will correct the intolerable situation which is occurring there now.

**D.** STATUS REPORT ON THE PROPOSED SKATEBOARD PARK IN MILLS PARK (1-3136.5) - Mr. Berkich indicated efforts are pursuing having the contractors donate labor rather than materials. There are several concerns related to this process. Supervisor Ayres noted that South Lake Tahoe has opened its park and urged staff to contact them about their process. She had requested information on their process and, upon receipt of same, would seek to have a meeting to get the park constructed.

#### 10. BOARD OF SUPERVISOR

- A. MAYOR TEIXEIRA ACTION ON A RESOLUTION DECLARING "HALLOWEEN" ACTIVITIES ON WEDNESDAY, OCTOBER 30, 1996, AND "NEVADA DAY" ACTIVITIES ON THURSDAY, OCTOBER 31, 1996 (1-3198.5) Supervisor Tatro moved that the Board adopt Resolution No. 1996-R-53, A RESOLUTION DECLARING "HALLOWEEN" ACTIVITIES ON WEDNESDAY, OCTOBER 30, 1996, AND "NEVADA DAY" ACTIVITIES ON THURSDAY, OCTOBER 31, 1996, and read the entire resolution into the record. Supervisor Bennett seconded the motion. Motion carried 5-0.
- B. SUPERVISOR BENNETT ACTION ON A RESOLUTION APPOINTING A MEMBER OF THE CARSON CITY BOARD OF SUPERVISOR TO GOVERNING BODY OF THE NEVADA TAHOE CONSERVATION DISTRICT AS THE REPRESENTATIVE OF THE INCORPORATED CITIES WITHIN THE DISTRICT AND OTHER MATTERS PROPERLY RELATED THERETO (1-3265.5) Supervisor Smith noted Page 2, Paragraph 3 which ratifies action taken by Supervisor Bennett previously in this role. Supervisor Smith then moved that the Board of Supervisors adopt Resolution No. 1996-R-54, A RESOLUTION APPOINTING A MEMBER OF THE CARSON CITY BOARD OF SUPERVISORS TO GOVERNING BODY OF THE NEVADA TAHOE CONSERVATION DISTRICT AS THE REPRESENTATIVE OF THE INCORPORATED CITIES WITHIN THE DISTRICT AND OTHER MATTERS PROPERLY RELATED THERETO and that that Supervisor to be Supervisor Bennett. Supervisor Ayres seconded the motion. Motion carried 5-0.
- NON-ACTION ITEMS INTERNAL COMMUNICATIONS AND ADMINISTRATIVE C. MATTERS (1-3315.5) - Supervisor Bennett explained the request from the Carson River Advisory Committee to televise its meetings. Their meetings had been televised in the past, however, purportedly due to a funding shortage, this service had been terminated. The Committee has been told to find a volunteer to tape the meetings. She had also been informed that Mayor Teixeira had denied a request for use of the Board's publication funds for this purpose. Both of these decisions had been made without discussion with or inclusion of the impacted Committee. CAT-10 was given \$96,000 in ongoing funding during the Board's budgetary process plus an additional \$10,000 for other necessary work. This amounts to 40 percent of the entire franchise fee. She requested this issue be agendized and that a list of the other committee meetings which are not being televised be provided. She questioned the policy. Mayor Teixeira noted that the matter was not agendized for discussion/action. He then explained his policy to deny funding requests for any items outside the budget regardless of whom originates the He also expressed his feeling that Supervisor Bennett should have called him about the matter. Supervisors Tatro and Ayres did not have a report. Supervisor Smith briefly outlined the recent RTC meeting. A Bowers Lane issue will be presented to the Board for consideration/action. Improvements made in the Paratransit activities under the stewardship of Tim Bailey were noted. Concerns about Mud Lake Dam and its expandability voiced at the Subconservancy meeting were outlined. He then questioned the status of the graffiti ordinance. Mr. Berkich indicated he would check into this issue. Mr. Lipparelli indicated that the negotiations had been completed with the Fire Chiefs' Association. The tentative agreement had been reached and will be brought to the Board soon.

There being no other matters for consideration, Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 1:05 p.m.

The Minutes of the September 5, 1996, Carson City Board of Supervisors meeting	
1996.	ARE SO APPROVED ON_September_19,
_/s/ ATTEST:	Marv Teixeira, Chairperson
_/s/ Alan Glover, Clerk-Recorder	