

Item #1

Board of Supervisor "DRAFT" minutes for the following dates are included in this section;

May 17, 2007 - Regular Meeting

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, May 17, 2007, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:

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

STAFF PRESENT:

Linda Ritter	City Manager
Ken Furlong	Sheriff
Al Kramer	Treasurer
Larry Werner	Development Services Director/City Engineer
Melanie Bruketta	Chief Deputy District Attorney
Nick Providenti	Senior Accounting Manager
Cheryl Adams	Purchasing and Contracts Manager
Ed Queihle	Senior Deputy District Attorney
Ray Saylo	Lieutenant
Katherine McLaughlin	Recording Secretary

(BOS 5/17/07 Recording 8:30:32)

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

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND INVOCATION - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Sheriff Ken Furlong lead the Pledge of Allegiance. Reverend Dick Campbell, Retired, of the Presbyterian Church gave the Invocation.

PUBLIC COMMENTS AND DISCUSSION (8:32:33) (8:42:00) - Sheriff Ken Furlong introduced the Department's "drug dog" Teddy and indicated that its second "drug dog" is Callee. Discussion between Sheriff Furlong and Mayor Teixeira indicated that Teddy recently found 79 marijuana plants. Both dogs were "funded" by the anti-meth coalition and are less than two years old. Former "drug dog" Luke has been retired. "Drug dogs" can serve until they are approximately ten years old. Mayor Teixeira welcomed Teddy to the community and looked forward to seeing good reports on his work.

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1. **ACTION ON APPROVAL OF MINUTES - 4/19/07 (8:32:40)** - Supervisor Aldean moved to approve the Minutes of April 19, 2007, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

2. **CHANGES TO THE AGENDA (8:33:02)** - City Manager Linda Ritter pulled Item 8B.

3. **SPECIAL PRESENTATIONS**

A. **PRESENTATION OF A CERTIFICATE OF RECOGNITION TO ZACHARY ANDREWS FOR HIS HEROIC ACT TO RESCUE A FELLOW STUDENT WHO WAS CHOKING (8:33:30)** - Battalion Chief Bob Charles introduced Zachary Andrews and Sierra Cartier and described the incident. He presented the Certificate of Recognition to Mr. Andrews on behalf of the City, Board of Supervisors, and Fire Department. Discussion between Mr. Andrews and Mayor Teixeira explained Mr. Andrews' age and how he had learned about the procedure. Mayor Teixeira commended him on his actions. No formal action was required or taken.

B. **PRESENTATION OF THE PURPLE HEART AWARD TO DEPUTY JOSH STAGLIANO FOR HIS BRAVERY, LEADERSHIP, AND SELFLESS ACTS OF HEROISM IN THE LINE OF DUTY (8:36:47)** - Lieutenant Ray Saylo introduced Deputy Josh Stagliano, explained the purpose of the Purple Heart Award, and read the citation into the record. Sheriff Ken Furlong pinned the award on Deputy Stagliano and presented the Certificate to him. Mayor Teixeira commended Deputy Stagliano on his brave act and presence of mind under duress. He also hoped that similar acts do not occur. Discussion between Mayor Teixeira and Deputy Stagliano explained the extent of his injury and his tenure with the Department. Deputy Stagliano expressed a desire to stay with the Department.

(8:44:05) Mayor Teixeira thanked the audience for attending the recognition of Mr. Andrews and Deputy Stagliano. No formal action was required or taken.

LIQUOR AND ENTERTAINMENT BOARD (8:43:50) - Mayor Teixeira recessed the Board of Supervisor session and immediately convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder for this date.

BOARD OF SUPERVISORS (9:10:23) - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

5. **CONSENT AGENDA (9:10:34)**

5-1. **ASSESSOR**

A. **ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBERS 009-218-04 (LOCATED AT 5049 CENTER DR.), 009-218-05 (LOCATED AT 5050 PONDEROSA DR.) AND 010-191-11 (4620 S. EDMONDS DR.) FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.055 IN THE AMOUNT OF \$1,998.89**

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B. ACTION TO APPROVE THE REMOVAL OF THE TAXES AND PENALTIES FROM PARCEL NUMBERS 009-604-18 (AUSTIN LN.), 009-604-19 (DOUBLETREE LN.) AND 009-605-27 (SINGLETREE CT.) FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.233 AND 361.765 IN THE AMOUNT OF \$21.84

5-2. FIRE - ACTION TO AUTHORIZE THE MAYOR TO SIGN THE 2007 ANNUAL OPERATING PLAN BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE - FOREST SERVICE, HUMBOLDT-TOIYABE NATIONAL FOREST CARSON RANGER DISTRICT (AGREEMENT NUMBER 06-FI-11041701-057) AND THE CARSON CITY FIRE DEPARTMENT

5-3. PURCHASING AND CONTRACTS - ACTION TO APPROVE THE RENEWAL OF CONTRACT NO. 0304-086 MECHANICAL FUELS/VEGETATION TREATMENT TO DJ SIERRA NEVADA EMERGENCY SUPPORT, INC., THROUGH JUNE 30, 2008, AT THE SAME PRICES, TERMS, AND CONDITIONS AS THE LAST RENEWAL

5-4. PUBLIC WORKS - CONTRACTS

A. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION ON THE "CARSON CITY FAIRGROUNDS/FUJI PARK PHASE 4, PART 2 PROJECT," CONTRACT NO. 2006-146, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO LUMOS AND ASSOCIATES FOR AN AMENDMENT NO.1 AMOUNT OF \$52,506 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$2,626

B. ACTION TO ACCEPT THE RECOMMENDATION OF PUBLIC WORKS TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND APPROVE THIS RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$86,702 ON THE "GOVERNOR'S FIELD DRAINAGE AND PAVING PROJECT," CONTRACT NO. 2006-037, TO SIERRA NEVADA CONSTRUCTION, INC.

5-5. DEVELOPMENT SERVICES - ENGINEERING - ACTION TO APPROVE A WAIVER OF THE SEWER CONNECTION AND PERMIT FEES FOR THE PROPERTY OWNER LOCATED AT 4831 SOUTH EDMONDS DRIVE Supervisor Livermore moved to approve the Consent Agenda that consists of seven items, two from the Assessor-5-1, one from Fire-5-2, one from Purchasing and Contracts-5-3, two from Public Works Contracts-5-4, one from Development Services-5-5, that the Board has. Supervisor Staub seconded the motion. Motion carried 5-0.

6. HUMAN RESOURCES - Director Ann Silver -ACTION TO RENEW CONTRACTS WITH SAINT MARY'S HEALTHFIRST FOR MEDICAL AND PHARMACY INSURANCE FOR A THREE (3) YEAR PERIOD AND THE STANDARD INSURANCE COMPANY FOR DENTAL, LIFE AND ACCIDENTAL DEATH INSURANCE FOR ONE (1) YEAR PERIOD (9:11:27) - Discussion pointed out that the medical and pharmacy contract is for a three-year span. Terms related to reducing the costs and providing health and wellness activities were noted. Utilization will determine future fee increases. Employee Benefits Manager McClintock and Ms. Silver had negotiated the contract terms. Mayor Teixeira relayed a conversation he had with a Saint Mary's Hospital Insurance Board Member concerning their negotiation skills. The original fee was 14% higher than the previous year. The Associations have indicated support for the new contract. Ms. Silver advised that a health fair will be held

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on June 20 and 21. Supervisor Livermore moved to renew medical and prescription plans with St. Mary's HealthFirst and to renew dental, life and AD&D benefits with The Standard Insurance Company. Supervisor Williamson seconded the motion. Motion carried 5-0.

7. **REDEVELOPMENT AUTHORITY (9:15:49)** - Mayor Teixeira 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 - Following adjournment of the Redevelopment Authority, Chairperson Williamson returned the gavel to Mayor Teixeira who reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

8. **BUSINESS DEVELOPMENT** - Redevelopment/Economic Development Mgr. Joe McCarthy

A. **ACTION TO APPROVE A REDEVELOPMENT INCENTIVE TO REIMBURSE CARSON GAMING, LLC, \$500,000 OVER A SEVEN YEAR PERIOD FROM TAX INCREMENT PRODUCED IN THE PROJECT AREA TO HELP DEFER COSTS ASSOCIATED WITH CURRY STREET IMPROVEMENTS THAT HAVE AN AREA-WIDE BENEFIT TO BUSINESSES AND DEVELOPMENT PROJECTS WITHIN THE REDEVELOPMENT PROJECT AREA 2 (9:21:58)** - Carson Gaming, LLC, Representative Jason Woodbury - Supervisor Williamson moved to approve a redevelopment incentive to reimburse Carson Gaming, LLC, \$500,000 over a seven-year period from tax increments produced in the project area to help defer costs associated with Curry Street improvements that have an area wide benefit to businesses and development projects within Redevelopment Project Area No. 2. Supervisors Livermore and Aldean seconded the motion. Mr. Woodbury indicated that Carson Gaming is satisfied with the concept although it hoped that the conservative repayment schedule would be less than seven years. The motion to approve the program was voted and carried 5-0.

B. **ACTION TO ADOPT A RESOLUTION BY THE CARSON CITY REDEVELOPMENT AUTHORITY THAT RECOMMENDS TO THE CARSON CITY BOARD OF SUPERVISORS TO CREATE AN AMENDMENT TO THE BOUNDARIES OF REDEVELOPMENT PROJECT AREA NO. 2 BY ADDING THE FORMER KMART BUILDING PROPERTY AND THE NORTH TOWN SHOPPING PLAZA TO THE REDEVELOPMENT DISTRICT AND, PURSUANT TO NRS 279.608, ENSURE THAT SUCH AN AMENDMENT DOES NOT CAUSE ANY SUBSTANTIAL CHANGE TO THE COMMUNITY'S MASTER PLAN (8:33:02) (9:24:20)** - Pulled.

9. **FINANCE** - Senior Accounting Manager Nick Providenti

A. **ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE "2007 WATER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) WATER**

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IMPROVEMENT AND REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2007; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND COVENANTS RELATING TO THE PAYMENT OF SUCH BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF SUCH BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE WATER SYSTEM OF THE CITY; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD THE ISSUANCE OF SUCH BONDS; AND PROVIDING OTHER MATTERS RELATING THERETO (9:24:26) - City Manager Linda Ritter explained Finance Director Johnson's absence. Mr. Providenti explained that the Debt Management Commission had approved \$20 million in bonds with a three-year time limit for this project. The proposed issuance is for \$13 million. The Commission's action eliminates the need to return for future issuances to a limit of \$20 million. The funds will be used to acquire/construct the capital projects that were previously listed to justify the rate increase. The bonds are being issued as general obligations in order to obtain the best rating possible. They also have a pledged revenue source. Bank financing is proposed as it will save \$200,000 to \$300,000, or more, in underwriting fees. Public comments were solicited but none were given. Supervisor Staub moved to introduce on first reading Bill No. 112, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE "2007 WATER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) WATER IMPROVEMENT AND REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2007; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND COVENANTS RELATING TO THE PAYMENT OF SUCH BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF SUCH BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE WATER SYSTEM OF THE CITY; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD THE ISSUANCE OF SUCH BONDS; AND PROVIDING OTHER MATTERS RELATING THERETO; fiscal impact is \$18,038,661 including principal and interest. Supervisors Williamson and Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 2006-07 BUDGET IN THE AMOUNT OF \$57,592,577 (9:29:15) - Supervisor Aldean moved to adopt Resolution No. 2007-R-10, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 2006-07 BUDGET IN THE AMOUNT OF \$57,592,577. Supervisor Williamson seconded the motion. Motion carried 5-0.

C. ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2006-07 BUDGET IN THE AMOUNT OF \$1,003,365 (9:31:30) - Supervisor Williamson moved to adopt Resolution No. 2007-R-11, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2006-07 BUDGET IN THE AMOUNT OF \$1,003,365. Supervisor Aldean seconded the motion. Motion carried 5-0.

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RECESS: A recess was declared at 9:33 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:39 a.m., constituting a quorum.

10. PARKS & RECREATION - OPEN SPACE

A. DISCUSSION ONLY REGARDING A PRESENTATION OF THE PROJECTS RECOMMENDED FOR APPROVAL BY THE CONGRESSIONAL DELEGATION IN ROUND 8 OF THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT WHICH AFFECT CARSON CITY, AND UPDATE ON THE WHITE PINE BILL BY GREG MCKAY THE NEVADA LOCAL GOVERNMENT REPRESENTATIVE ON THE FEDERAL ADVISORY COMMITTEE FOR THE SOUTHERN NEVADA PUBLIC LAND ACT (9:38:55) - Fire Chief Stacy Giomi, Nevada Local Government Representative on the Federal Advisory Committee for the Southern Nevada Public Land Act Greg McKay - Fire Chief Giomi introduced Mr. McKay. Mr. McKay described his duties and the purpose of the presentation. His comments listed the local projects in Round 8 and indicated the need for a nonfederal funding method for the projects. Discussion noted the sheep that are working to reduce the fuel load on "C" Hill and the area along the western edge of the City. Mr. McKay indicated that Round 9 will commence after the Lake Tahoe summit. He, as the local representative, will represent the City's interest and projects. Supervisor Williamson thanked him for coming. She explained that the Lakeview area's fuel reduction program is included in that round. The City supports the fuel reduction program(s). A coordinated effort supporting this program was encouraged. Mr. McKay indicated that the comment period for this round ends on May 28. Comments supporting, opposing, or augmenting the program should be sent to him. Mayor Teixeira directed that the record indicate that Mr. Guzman has arrived-9:43 a.m. Discussion between Supervisor Aldean and Mr. McKay indicated that a portion of the biomass from the Forest Service fuel reduction program will be sent to the biomass plant at the City's landfill as soon as the "issues" have been worked out. Funding for biomass activities is included in the funding requests. Mr. McKay hoped that more biomass activities can be done. Supervisor Aldean pointed out that the Lake Tahoe residents are unable to burn in their fireplaces. The Forest Service's burning is problematical to them. She encouraged the removal and recycling of these materials via biomass operations. Mr. McKay concurred. Mayor Teixeira thanked him for his presentation. No formal action was required or taken.

B. ACTION TO REJECT ON SECOND READING, BILL NO. 109, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 17, ESTABLISHING CHAPTER 17.18, LANDSCAPE MAINTENANCE DISTRICTS, SECTION 17.18.010 ESTABLISHES THE PURPOSE; SECTION 17.18.020 ESTABLISHES AUTHORITY; SECTION 17.18.030 ESTABLISHES DEFINITIONS; SECTION 17.18.040 ESTABLISHES PARKS DIRECTOR'S RESPONSIBILITIES; SECTION 17.18.050 ESTABLISHES PROCEDURES FOR APPLYING TO CREATE A MAINTENANCE DISTRICT; SECTION 17.18.060 ESTABLISHES PROCEDURES FOR REVIEW OF MAINTENANCE DISTRICT PETITIONS; SECTION 17.18.070 ESTABLISHES PROCEDURES FOR ESTABLISHMENT OF THE BOARD APPROVED MAINTENANCE DISTRICT; SECTION 17.18.080 ESTABLISHES DETERMINATION OF BENEFIT AND COST ALLOCATIONS BETWEEN ASSESSED PROPERTY AND CITY;

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SECTION 17.18.090 ESTABLISHES ASSESSMENTS; SECTION 17.18.110 ESTABLISHES ALLOCATION OF PUBLIC MONEY TO PAY THE COSTS INCURRED BY CARSON CITY IN ASSUMING MAINTENANCE; SECTION 17.18.111 ESTABLISHES REVIEW AND DISSOLUTION OF MAINTENANCE DISTRICT; AND SECTION 17.18.112 ESTABLISHES APPEAL PROCEDURES (9:44:42) - Parks and Recreation Director Roger Moellendorf, Lannard Homes Attorney/Representative Noel Waters - Justification for rejecting the ordinance was based on the need to address some issues which have arisen. Mayor Teixeira expressed a desire to "park this car" as a lot of time and effort have gone into the ordinance. It bothered him that they were starting over. Mr. Moellendorf felt that 80 to 90% of the ordinance had been agreed upon. There are some finite details that need to be worked out. He felt that the ordinance could be reconsidered on June 7 but asked for 30 days as a maximum.

Mr. Waters expressed his appreciation for the Board's patience. He described the meetings that had been held regarding the ordinance. He felt that the ordinance contained "substance" and was confident that the remaining "issues" could be addressed in 30 days. This includes time for the Parks and Recreation Commission to consider and act on the ordinance. He did not wish to discuss the issues today. He indicated that District Attorney Joel Benton, Open Space Manager Juan Guzman, and Parks Planner Vern Krahn were great to work with. As attorneys have now become involved with the ordinance, it was necessary to request a rewrite of the ordinance. Board comments noted that at the last meeting Lannard's representative had indicated a need to act quickly on the ordinance. Mr. Waters described the concerns regarding the petition process to establish a landscape district and the lack of an ordinance dictating the procedure. Supervisor Aldean stressed the need for the ordinance to be all encompassing and not structured for one firm. Mr. Waters explained that the ordinance also allows already developed subdivisions to establish landscaping districts. Supervisor Livermore objected to the ordinance even though the previous Lannard representative had indicated that it is similar to ordinances they had worked under in other communities. He also believed that it would be several months before the ordinance's functions and intricacies are known. He disclosed his request for a copy of the concerns and will compare them to his previous concerns. Mr. Waters indicated that he was aware of Supervisor Livermore's concerns. He felt that they are addressed and preserved in the ordinance.

Additional comments were solicited. None were given. Supervisor Livermore moved to reject on second reading Bill No. 109, an ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 17, ESTABLISHING CHAPTER 17.18, LANDSCAPE MAINTENANCE DISTRICTS, SECTION 17.18.010 ESTABLISHES THE PURPOSE; SECTION 17.18.020 ESTABLISHES AUTHORITY; SECTION 17.18.030 ESTABLISHES DEFINITIONS; SECTION 17.18.040 ESTABLISHES PARKS DIRECTOR'S RESPONSIBILITIES; SECTION 17.18.050 ESTABLISHES PROCEDURES FOR APPLYING TO CREATE A MAINTENANCE DISTRICT; SECTION 17.18.060 ESTABLISHES PROCEDURES FOR REVIEW OF MAINTENANCE DISTRICT PETITIONS; SECTION 17.18.070 ESTABLISHES PROCEDURES FOR ESTABLISHMENT OF THE BOARD APPROVED MAINTENANCE DISTRICT; SECTION 17.18.080 ESTABLISHES DETERMINATION OF BENEFIT AND COST ALLOCATIONS BETWEEN ASSESSED PROPERTY AND THE CITY; SECTION 17.18.090 ESTABLISHES ASSESSMENTS; SECTION 17.18.110 ESTABLISHES ALLOCATION OF

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PUBLIC MONEY TO PAY THE COSTS INCURRED BY CARSON CITY IN ASSUMING MAINTENANCE; SECTION 17.18.111 ESTABLISHES REVIEW AND DISSOLUTION OF MAINTENANCE DISTRICT; AND SECTION 17.18.112 ESTABLISHES APPEAL PROCESS. Supervisor Aldean seconded the motion. Motion carried 5-0.

11. DEVELOPMENT SERVICES - ENGINEERING - Director/City Engineer Larry Werner

A. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN EASEMENT DEED BETWEEN THE STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION (NDOT) AND CARSON CITY WHEREBY CARSON CITY AGREE(S) TO CONVEY 50 FOOT PUBLIC ACCESS EASEMENT OVER OVERLAND DRIVE, COCHISE STREET AND WEST ROLAND STREET FOR THE EXPRESS PURPOSE OF PROVIDING PUBLIC ACCESS TO NDOT'S PROPOSED PARK AND RIDE LOT NEAR THE INTERSECTION OF JUNCTION DRIVE AND WEST ROLAND STREET AND TO THE MATERIAL PIT LOCATED ADJACENT TO U.S. 50 WEST. THE FINAL LEGAL DESCRIPTION FOR THE EASEMENT IS SUBJECT TO MINOR MODIFICATIONS BY THE CITY ENGINEER (10:10:38)

- Discussion described the location of the site, reasons the property was being turned over to the State, and the developer's cooperation. Supervisor Aldean moved to approve and authorize the Mayor to sign an easement deed between the State of Nevada, Department of Transportation, and Carson City whereby Carson City agrees to convey a 50-foot public access easement over Overland Drive, Cochise Street and West Roland Street for the express purpose of providing public access to NDOT's proposed park and ride lot near the intersection of Junction Drive and West Roland Street and to the material pit located adjacent to US 50 West; the final legal description for the easement is subject to minor modifications by the City Engineer. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN GOLD M. AND BETTY J. FRY AND CARSON CITY WHEREBY GOLD M. & BETTY J. FRY AGREE TO SELL AND CONVEY ALL THAT CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 002-138-07, FOR THE APPRAISED VALUE OF \$400,000 (10:14:15)

Mr. Werner's introduction included noting that the City will relocate the tenants at the City's cost. RTC had heard and approved the request. Discussion indicated that 38 parcels will be acquired for the project. Efforts were made to reduce the amount of impact as much as possible. A right-of-way consultant was retained to assist with the project. Supervisor Aldean moved to approve and authorize the Mayor to sign an agreement between Gold M. and Betty J. Fry and Carson City whereby Gold M. and Betty J. Fry agree to sell and convey all that certain real property described as Assessor's Parcel Number 002-138-07 for the appraised value of \$400,000. Supervisor Staub seconded the motion. Motion carried 5-0.

C. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT FOR THE ACQUISITION OF AN EASEMENT OF APPROXIMATELY 372 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 09-191-11 AND OF AN EASEMENT OF APPROXIMATELY 657 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 09-287-

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02 FROM MARIA I. DUFUR, JOE L. DUFUR, ALBERT DUFUR, AND MICHAEL DUFUR FOR THE CONSTRUCTION OF A SANITARY SEWER LINE FROM THE EAST SIDE OF SOUTH CARSON STREET IN THE ABANDONED PATRICK STREET ALIGNMENT TO THE WEST SIDE OF SOUTH CARSON STREET (10:17:19) - Supervisor Williamson moved to approve and authorize the Mayor to sign an agreement for the acquisition of an easement of approximately 372 square feet of land which is a portion of APN 09-191-11 and of an easement of approximately 657 square feet of land which is a portion of APN 09-287-02 from Maria I. Dufur, Joe L. Dufur, Albert Dufur, and Michael Dufur for the construction of a sanitary sewer line from the east side of South Carson Street in the abandoned Patrick Street alignment to the west side of South Carson Street; fiscal impact is \$20,000. Supervisor Aldean seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 10:20 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:25 a.m., constituting a quorum.

12. DEVELOPMENT SERVICES - PLANNING - Director Walter Sullivan

A. A PRESENTATION TO THE BOARD OF SUPERVISORS FROM THE HISTORIC RESOURCES COMMISSION (HRC) OF THE HISTORIC PRESERVATION AWARDS PROGRAM (9:54:50) - Yerington House Representative Leslie Bigstrom, HRC Chairperson Mark Drews, Senior Planner Jennifer Pruitt, Nevada Division of Museums and History Acting Administrator Peter Barton, Nevada Department of Cultural Affairs Director Dr. Michael Fischer, Curator of History for the Museum Wendell Huffman - Ms. Pruitt announced that May is Historic Resources Month. Chair Drew explained the selection process, the purpose of the award, and recognized the Yerington House owners for their restoration efforts. It is an anchor for Robinson Street. The house's history was highlighted. Mayor Teixeira congratulated the owners. Chair Drews presented the Award to Ms. Bigstrom. He then explained the selection of the Barber-Belknap House. It was originally outside the district, however, the owners had the property annexed into the district. Its architecture was described. He commended them on their restoration efforts. He complimented Peter Smith for his time on the Commission. Patricia Cooper-Smith accepted the award on behalf of Mr. Smith. Their love of the house was noted. Chair Drews then described the reasons the State Railroad Museum was selected for recognition of its work restoring the McKeen Motor Car No. 2. He acknowledged Al Bernhardt's donation of the car to the museum. He thanks the volunteers and museum employees for their restoration efforts. Mr. Barton acknowledged the Commission and thanked the Commission, Board, and Planning staff for the recognition. He also acknowledged Mr. Bernard, Mayor Teixeira, and Senator Amodei's roles. He introduced his staff and volunteers who were present and explained their roles in the restoration. Mayor Teixeira and Mr. Barton explained the manpower hours and restoration effort that had been undertaken on the car. Dr. Fischer indicated that the car will be finished when it is finished. No promises were made regarding that date. Mayor Teixeira commended the Department and the volunteers on their efforts. Discussion indicated that the car may have made runs to Virginia City. It was anticipated that the car will be completed in 15 to 24 months. Status of the project was limned. The car will be painted maroon as research has indicated this was the original color. Mr. Huffman displayed a photograph of the car and relayed a story about one of its trips to Virginia City when it overheated at Gold Hill. The car is 70 feet

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long and holds 80 people. Mayor Teixeira suggested that the car be used on the V&T Railroad tracks. He also believed that the car reached Virginia City on only two occasions. Chair Drews explained his awareness of the car being run on the tracks in Carson City. He suggested that this use be reconsidered. He commended the Museum on its restoration and preservation efforts. He urged the staff to continue its efforts. Mayor Teixeira commended all of the individuals who work to preserve the City's historical features. Chair Drews disclosed that the City's website will include the application for nominations for next year. Supervisor Livermore commended Chair Drews for his commitment and dedication to the Commission, the Commission members for their service, and Ms. Pruitt for her service to the Commission. Chair Drews invited the public to visit the website and see the progress that has been made on the McKeen Car and the other properties. Supervisor Williamson thanked the property owners who had opened their homes for the Wild West Tours. No formal action was required or taken.

B. ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF THE SPECIAL USE PERMIT APPLICATION, FROM MATT HANSEN, LICATA HANSEN ASSOCIATES ARCHITECTURE, TO ALLOW A NEW AIRCRAFT HANGAR PROJECT, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 2600 COLLEGE PARKWAY, LEASED PARCEL NO. 207, ASSESSOR'S PARCEL NO. 008-901-01, BASED ON SEVEN FINDINGS AND SUBJECT TO THE NINE CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT (FILE SUP-07-025) (10:24:48) - Senior Planner Jennifer Pruitt, Jerry Vuccaro, Dottie Kelley, Scott Greggor, KCXP Investment Attorney Jim Wilson, Airport Authority Legal Counsel Steve Tackes, Bill Kelly - Ms. Pruitt noted for the record that staff had prepared a report that had been given to the Board, appellant, applicant, and residents of the City who have requested copies. She then highlighted the staff report including Mr. Vuccaro's letter of appeal, the Airport Authority's review and approval of the hangar project, and the Planning Commission's approval of the special use permit. She read CCMC 18.02.060 sections related to appeal which were found on Pages 3 and 4 of the packet. Appeal items contained in Mr. Vuccaro's letter which were not admissible for consideration by the Board were: B, D, 2, 3, 4, 5, 10 and 11. Mr. Vuccaro's issues and staff's response to it were then summarized. Airport Authority Chair Steve Lewis had signed the application as owner. Over the years the applications for permits have been signed by various individuals including the Authority Chair, the Airport General Manager, former City Managers, and former leasees. The Board and Authority have recently adopted a formal policy regarding who should sign future permit applications. Allegations regarding the safety of the airplanes were addressed by letters from the Fire Department which are included in the packet. The request that the members of the Authority be replaced by new individuals who do not have any conflicts of interest and that the new Authority reconsider the application has no basis for reconsideration. Ms. Pruitt then described the proposed hangar to indicate that the height of Project 2 is 26 feet and the Project 3 is 58 feet. The Capitol Building is 128 feet tall. City staff does not know the fuel capacity of the jets that will be stored in the hangars. This issue should be discussed with the Authority. The Authority had determined that the proposed use is appropriate for the airport based on the data that had been furnished. Planning staff submitted a report which had included all of the comments received from the Authority and City Departments and Divisions. The project is the same as any other applicant's. The concerns regarding parking had been addressed by both the Authority and the Commission. The Authority had determined the need and, therefore, required that additional parking be

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provided. Ms. Pruitt urged the Board to consider only those issues that are appropriate for an appeal in accordance with the City's Code. The applicant, his/her team, and the appellants were present. Questions for staff were solicited but none were given. Mayor Teixeira indicated that Chief Deputy District Attorney Bruketta would be relied upon to keep the Board, staff, and the audience on track with the comments.

Mr. Vuccaro then espoused his reasons for feeling that not all of the issues regarding the proposal had been addressed. His attendance at the Commission meeting was described to support his contention. He also indicated that he had attended the Airport Authority meeting. Both the Chair and Vice Chair for the Authority had abstained when voting on the project. His belief that individuals should not serve on a Board if there is a conflict was explained. He then explained his objection to having the Authority Chair sign the application for a special use permit. It is a fine lease from which the City will not receive very much in return. He alleged that he asked the Authority members to disclose if they have a conflict of interest due to this application. He purported that no one to date has responded to this request. He felt that if Chair Lewis has any financial relationship with Mr. Gonzales, any actions taken by the Authority should be declared null and void. He then questioned the reasons Mr. Sullivan serves on the Board as he had recused himself due to the need to make a presentation to the Planning Commission. Mr. Sullivan purportedly serves as a "citizen at large". He felt that it should be a "neighborhood representative". The Board reminded Mr. Vuccaro to stay on the topic. Mr. Vuccaro then explained his safety concerns related to having passenger jets flying in and out of the Carson City Airport. He alleged that Commissioner Peery indicated an intent to allow any jet fuel fires to burn themselves out. Mr. Vuccaro felt that Commissioner Peery should be removed for that statement and indicated that he did not wish to be in the community if it can't fight such a fire. Ms. Pruitt read the appeal items on Page 4 which were determined to be unappealable for the record. They were: B, D, 2, 3, 4, 5, 10 and 12. Mr. Vuccaro then questioned the ordinance change to Title 19 that would allow residential uses at the airport. Allowing this use will "open Pandora's box". He then espoused his belief that Authority Chair Lewis should not have signed the application. Mr. Gonzales, as the legal owner of the project, should have signed it. Chair Lewis should be investigated. The application does not say whom he represented at the time he signed the application. Mr. Vuccaro then alleged that a representative for Mr. Gonzales had indicated that he had three airplanes and a car collection. Mr. Vuccaro questioned whether the car collection will be allowed to be kept at the airport. Title 19 allegedly requires the use to be limited to aircraft. He felt that the application should be returned to the Authority and a determination regarding the use be made. He also indicated that he was not opposed to Mr. Gonzales building hangars for aircraft uses, however, it should be done without "favorable treatment from the Chair". He repeated his request that the item be returned to the Authority. He then read from Page 12 regarding Mr. Sullivan's response about the fire equipment that would respond to a fire at the airport. Although the Fire Department purportedly does not have a piece of equipment dedicated to fighting aircraft fires, its units can deliver the appropriate foam to fight a Class B fire. The Department also has mutual aid agreements with adjoining fire departments who have the same ability. The Reno Fire Department has the appropriate equipment, however, its response time is considerable. This may be the reason for the "let it burn" attitude. Mr. Vuccaro alleged that it may be possible to realign the runaway in four or five years if Federal funds are obtainable. His personal knowledge of the flight path for the airport was limned. The realignment will take aircraft over the golf courses. If the Board does not return the item to the Authority, he will ask for a Federal grand jury to investigate the use of the Federal

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funds and failure to address public safety issues for the citizens. He felt that the Board should listen to the public as there are "two City officials who are not giving better direction regarding the decisions the Board is making". Additional public comments were solicited.

Ms. Kelley asked that all projects be put on hold until after the runway is realigned. The aircraft follow her street to align with the runway. Mayor Teixeira asked that she keep her comments on the issue of the hangar. Ms. Kelley explained that it is a question of more jets using the runway and repeated her request that the item be continued until the runway is moved. She alleged that City officials have questioned the reasons they purchased their property 31 years ago. The airport will have to expand in the future. The City is responsible for the health and safety of the residents. They are now suffering from the noise and fumes caused by the aircraft. They were not opposed to the aircraft. They want the runway realigned to move the aircraft away from the residential area. They also want a test flight over the area so that the ceiling can be raised from 800 to 1,000 feet. She reminded the Board of a plane crash into a home in the area. They should not have to wait another five to ten years for the runway to be realigned. She urged the Board to borrow the funds from recreation and protect the residents by moving the runway. Mayor Teixeira explained that the trip to Washington, D.C., had been an effort to obtain Federal funds. The City does not have the resources to move the runway. Ms. Kelley reiterated that the residents' safety and welfare are more important than another recreational center. Mayor Teixeira indicated that the meeting could not discuss this issue.

Mr. Greggor explained the location of his home. He had obtained some signatures opposing the proposed use. (A copy of the petition is in the file.) He pointed out that the more jet traffic using the airport will require a larger airport. Relocation of the runway will send the airplanes over his neighborhood. At this time, the Governor's airplane flies over his residence. It shatters his peace and quiet. The Board should use eminent domain to create an annex to the airport. He did not believe that it made sense to expand the airport at this time. Reno currently has an inversion problem. The same thing will occur here. There is no control over the aircraft noise. They are told to contact the FAA. The City needs a noise ordinance. He did not wish to move. He does want peace and quiet.

(11:01:22) Mr. Wilson felt that the City had an excellent opportunity to have a \$10 million project which will create additional jobs in the community. It will also generate fees and taxes and jump start improvements at the airport. He compared the opportunity to the one that was created when the land was donated in the 1940s for an airport. It will be the largest investment at the airport and may triple the tax revenue. KCXP's 50 year lease requires construction of hangars. Benefits to the community were expounded. Construction must start in August. Any delay will jeopardize that schedule. He agreed that everyone should consider safety issues. They cannot control who flies, what is flown, when it flies, where it goes, or with whom. These are airport and FAA issues. The Authority did its job by making a recommendation to the Commission. All of the issues have been considered. Justification for Chair Lewis and Vice Chair Sullivan's abstention was provided. The Commission had considered and reviewed all of the comments and the staff report. It then approved the application. The question before the Board is "Did the Commission error when it found by a preponderance of evidence and approved the application?". If there is no error, the Board should approve the application. He then explained that Chair Lewis' signature

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is not the correct issue to consider as he is not the legal owner of the project. The ordinance requires the *property owner to sign the application*. The assessed property owner by the Assessor's records indicates that the Carson City Airport Authority owns the property as indicated on Page 11. The Authority Chairperson is Mr. Lewis. Mr. Sullivan, as the Planning Director, had determined that the application was complete. A new protocol for signing such applications for the Authority has been developed. The safety issues have been addressed. The Fire Department knows about the proposed use and has vehicles/equipment with which to fight a fire. *The structure is 58 feet high. Fuel capacity and heights are regulated by the Authority and the FAA.* The applicant does not have authority over the pilots and cannot restrict their flight paths. Staff had determined that there are no welfare, health or safety issues with the structure. Parking was addressed within the documents. They do not intend to use the structures to store vehicles. If vehicles are there, they will belong to the pilots who are flying the aircraft. This is an Authority issue. The pilots will use the residential amenities for short periods as a convenience. A car rental facility is not located at the airport. Relocation of the runway is not part of the appeal. A delay will jeopardize the project. The LLC will pay Valley Construction \$1.3 million. Valley Construction will then commence construction of the structures.

Supervisor Aldean explained her belief that the Board had control over the airport and its uses due to the mandate to provide for the citizens' health, safety and welfare. She felt that a traffic analysis should have been required when the application was reviewed by the Planning Commission. Additional hangars will increase the traffic. It does impact the quality of life for the Apollo residents. Realignment of the runway will improve the safety and capacity. An extension to the contract could be requested, if needed. Mr. Wilson pointed out that it would require both parties to agree to the delay. The LLOC has more than \$900,000 invested in the project. Postponement would impact the investment. They have followed the procedures. Supervisor Aldean explained that safety is an issue considered by the Commission. The Board is considering another safety issue. Mr. Wilson urged her to separate the building from the flying of the aircraft. LLOC cannot control the operation of the aircraft. The purpose of the contract is to build hangars. It appears as if the City is attempting to get out of the lease. Supervisor Aldean pointed out that the City had not been aware of the magnitude of the project. Mr. Wilson indicated that the City already has hangars present on the Airport.

(11:15:22) Mr. Tackes indicated that the agreement could be modified, if they agree. The intent in 2005 was to have additional hangars. He also pointed out that leased property creates a revenue stream. It is important to the Authority. This appears to be contradictory to the economic development of the airport for the good of the community. Supervisor Aldean pointed out that the master plan relocating the runway was developed in 2003. It is now realistic in 2010. The FAA and other Federal people are scrutinizing *funding for small airports. The City relies on that funding.* Without it, we may not be able to relocate the runway. Mayor Teixeira pointed out the need for a continuing revenue source to keep the airport operational. Discussion between Supervisor Staub and Mr. Tackes indicated that there are two other projects which were approved during the last year. The increase in the economic vitality of the airport is based on the realignment of the runway. It may require relocation of several parking spots. Supervisor Staub disclosed that he had agonized over the proposed use and could empathize with the residents who live in the flight path. He acknowledged the attendance of Chair Lewis and former Chair Arvell. Efforts

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have been taken to realign the runway and fine tune the master plan. These will benefit everyone. Carson City is a small/medium size community with aircraft flying over homes. The economic vitality commission told the Authority to have a more vital role in the community. This will increase the City's vitality. The proposed runway will make the airport more of an asset and attractive for expansion. Supervisor Staub is not a police officer. He is the liaison between the Authority and the Board. The Authority had questioned Mr. Gonzales and his representatives when the lease was approved. The pilots use of the living quarters had not been an issue. It is not possible to find a public telephone nor a car rental agency at the airport. The Authority does its job diligently. The State Legislature established the Authority. It has inherent problems as a result of a conflict of interest mandated by the composition. His attempts to revise the composition were explained. The proposal is an economically viable project sought by the Authority. Regarding the safety issues, the FAA controls the air while the Board controls the ground. There is a clear jurisdictional separation between the two. The proposed project is a good project and one that the airport will be proud of. Fees have been paid upfront. The airport needs them to realign the runway which will cost \$25 million. The fees were used to acquire additional property from Mr. Serpa for the realignment. The Airport Authority is moving forward with the project and is considering the residents' safety. Money, however, is the limiting factor. The Authority attempts to spend its funding judiciously.

Ms. Kelley espoused her belief that someone needs to monitor the pilots as they are not following the rules. Supervisor Staub explained that efforts to correct the flight patterns have been rebuffed. The numbers can be given to the FAA, however, transient pilots come and go. They are not well versed on the actual pattern. Efforts to educate them have had little success. The residents are willing to provide the aircraft numbers to the volunteers. When it is a local pilot, Airport Manager E. Weaver or an Authority Member contacts the pilot(s). Former Chair Weaver's efforts to correct the flight patterns were explained. The FAA controls the air. The Authority and Board cannot control it. The aircraft numbers are turned over to the FAA. The Title 19 subcommittee is attempting to raise the ceiling to 1,000 feet and address the concerns. Volunteers are being trained to watch for these errant pilots. These pilots will/are being spoken to. As the violations do not occur on a regular basis and due to the lack of funding, a regular employee to catch the offenders has not been used. Ms. Kelley felt that monitoring the runway does not tell the true picture of what is happening over the residential area. Supervisor Staub asked that she allow them to commence the program before closing it. He felt that it would be a positive start. Ms. Kelley believed that the runway would be relocated. The runway needs to be moved. Residential development should have been halted. Additional comments indicated Mr. Vuccaro's desire to speak on issues pertinent to the appeal.

Mr. Kelley explained an incident that had occurred in the neighborhood. The pilot was flying 40 to 60 feet above his house. Mayor Teixeira indicated that this is an FAA issue. The issue before the Board is in regard to the hangars. Mr. Kelley hoped that there are no more crashes. He also questioned how an experienced pilot could run out of gas.

Mr. Vuccaro felt that the issue is one of tax monies pushing aside safety issues. Mayor Teixeira indicated that this is his assumption. Mr. Vuccaro reminded the Board that Supervisor Staub had indicated that the

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funds for the prepaid lease had been used to acquire property. This could be a concession granted for approval of the project. Mr. Gonzales was needed for his revenue. Mr. Vuccaro also wanted a 50-year lease to build a jet ranch. The Board could then use the funds for park and airport improvements. He felt that the runway realignment should occur before additional projects are approved. Safety issues should be funded with tax dollars first.

Supervisor Aldean read a letter from Comstock Aviation Owner and former Airport Authority Board Member Bob Thomas expressing his objections to the proposed project. They were based on location of the airport and the revibration of aircraft noises in the valley. He believed that the project should be located at the Minden airport. Although today's jet aircraft are quieter than previous models, they are noisy. The proposed project will increase the number of jets using the airport. The current limited amount of jet activity is being well handled. He believed that the saying, "the airport was here first" does not apply as the aircraft used today is far different from that of yesteryear. There were few jets flown from the airport. The Authority has worked diligently with its neighbors. The Airport Manager has done an excellent job of shielding the Board from public complaints about noise. When the jet ranch comes into full swing, the airport will become an albatross around the Board's neck.

Supervisor Staub moved to uphold the Planning Commission's decision to approve the Special Use Permit SUP-07-025, presented by Matt Hansen for a new aircraft project at 2600 College Parkway, leased parcel number 207/APN 008-901-01, based on staff's findings and conditions of approval; all appropriate issues of the appeal of the applicant (appellant) are hereby denied; all other issues are deemed not appropriate for appeal consideration pursuant to CCMC 18.02.060 requirements, as noted were heard or barded, barred procedurally by the appeal requirements. Supervisor Livermore seconded the motion. Supervisor Livermore explained his tenure in the community and noted the safety issues with the original fire fighting single seat aircraft. They were a major safety concern and sight to watch during takeoffs and landings. Today it is a safe mode of transportation regardless of its location. The property was donated for the airport at the location where it now sets. The City does not have miles of vacant property nor the capital for its relocation. It is a current and vital function of the City as the State Capitol. The Board is being told frequently by people at the podium that scheduled airline service is needed. The airport has been there a long time. Supervisor Aldean indicated that she was attempting to articulate her concerns. She has been contacted by individuals who want the airport to be relocated. She would counter the statements regarding relocation of the airport that the City does not have the ground for its relocation. If it is relocated, it will be moved to Lyon County. This is not a viable option. The majority of the concerns are voiced by reasonable people who do not expect its closure or a significant reduction in its activities. They want reasonable consideration and peace and quiet restored to their neighborhoods. It is hoped that this will occur by moving the runway to the north. Based on those improvements, its widening, relocation, and lengthening, it will increase the capacity. They do not want their homes in the flight path. Her concern is the lack of a realistic, viable funding plan being proposed by the Airport Authority. We need to work with the Airport Authority and the Board of Supervisors to get the funds and resources to get the realignment done. The Authority and Board need to work aggressively to get the funds and identify the resources and complete the project. Her involvement with the master plan indicated that the project was to have been done in 2003. It was anticipated at that time

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that the improvements would be done and then the hangar projects with the increased traffic would have occurred. She was not faulting anyone for this failure. The Board needs to be more prudent and aggressive in finding the resources including bonding if necessary to get relief for the residents. The vast majority of the residents are very reasonable and very realistic about the airport and the fact that this is an important revenue generator. Supervisor Staub advised Supervisor Aldean that he had spoken to City Manager Ritter about this topic a few days ago and that he will bring an agenda item forward to the Airport Authority that will request the City assist it with putting this type of program together. Additional comments were solicited but none were given. **The motion to uphold the Planning Commission's approval and deny the appeal was voted by roll call vote with the following result: Supervisor Williamson - Yes; Supervisor Livermore - Yes; Supervisor Aldean - No; Supervisor Staub - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.**

C. ACTION TO CONSIDER A TENTATIVE SUBDIVISION MAP APPLICATION KNOWN AS COMBS CANYON PHASE II, FROM LUMOS ENGINEERS FOR BARTON PROPERTIES, INC., (PROPERTY OWNER: COMBS CANYON, LLC) TO REVIEW A SUBDIVISION MAP THAT CONSISTS OF 19 LOTS ON APPROXIMATELY 25 ACRES, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE(SF1A) LOCATED ON COMBS CANYON ROAD, APN 007-091-72 (FILE TSM-07-027); AND D. ACTION TO CONSIDER A VARIANCE APPLICATION TO ALLOW A GREATER LOT DEPTH THAN ALLOWED PURSUANT TO THE CARSON CITY MUNICIPAL CODE 18.04.190 RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS ON FOUR OF THE PROPOSED 19 LOTS (LOTS 3-6) IN THE COMBS CANYON II SUBDIVISION, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE(SF1A) LOCATED ON COMBS CANYON ROAD, APN 007-091-72 (FILE VAR-07-028) (11:43:42) - Deputy City Engineer Jeff Sharp, Lumos Engineers and Applicant's Representative Randall Long, Bruce Kittess, Gil Yanuck - Mayor Teixeira disclosed a need to leave during the presentation. At that time he will relinquish the gavel to Mayor Pro-Tem Staub. Mr. Sullivan's introduction included notation of the Board's concerns voiced at the last meeting. A memorandum is included in the packet addressing those concerns. Mr. Sharp highlighted the new conditions of approval which were found on Page 5 of the packet. Mr. Long indicated that the applicant concurred with the conditions. Supervisor Aldean pointed out that the revised sidewalk plan may not be the sidewalk desired by the Parks Department, however, it is a more reasonable solution. Discussion explained the location proposed for school bus drop-off and pickups. The bus is chained up during inclement weather.

Mr. Kittess thanked Engineering for revisiting the conditions. He preferred to have a seven-foot shoulder rather than the proposed sidewalk and parking bays. He questioned how the curb cuts could be made at this time as the homes will be custom built. Turnouts are needed. Mayor Teixeira pointed out that the proposed changes make it a better plan. Mr. Kittess asked for an eight-foot shoulder and that people be allowed to park on the sidewalk if necessary. Mayor Teixeira then passed the gavel to Mayor Pro-Tem Staub and left the meeting--12:00 noon. (A quorum was still present.)

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Mr. Yanuck felt that the hill needed to be pulled back as space for placement of the snow is needed. Discussion between Mr. Sharp and Mr. Yanuck indicated that the developer will prepare the storm drain analysis and City staff will approve it.

Mr. Long explained the original idea for the pathway was to provide connectivity. The Parks Department wanted a single track that was separated from the road similar to a nature trail that would wrap around the south side to the V&T Trail and to the north to Lakeview. They had concerns with this concept due to the public and private issues. Now they are required to provide a public sidewalk along the front as well. He asked if it is appropriate to have both the trail and the sidewalk. If not, then he asked that Condition 38 be removed. This eliminates the trail. They are still be obligated to do the sidewalk. They concur with the 48 initial conditions and the seven additional conditions with one stipulation of maintaining the trail on private property. This stipulation is eliminated if Condition 38 is removed. Ms. Pruitt indicated for the record that connectivity is still required for Lot 1. Following discussion between Supervisor Aldean and Mr. Long, it was determined that the Condition he wished to eliminate is number 34. Clarification by Ms. Pruitt and Mr. Sullivan indicated that Condition 34-2 and 3 should remain. Mr. Long agreed to this revision as he will be providing connectivity between the subdivision and adjacent development. Additional comments were solicited. None were given.

Mayor Teixeira returned at 12:07 p.m. (The entire Board was present, constituting a quorum.) Supervisor Aldean moved to approve a Tentative Subdivision Map application known as Combs Canyon Phase II from Lumos Engineers for Barton Properties, Inc., property owner: Combs Canyon, LLC, to review a subdivision map that consists of 19 lots on approximately 25 acres on property zoned Single Family One Acre located on Combs Canyon Road, APN 007-091-72, subject to the conditions of approval and any stipulations made by the applicant or his representative and based on the findings of fact contained in the staff report subject to one amendment which is the elimination of original condition number 34 with the exception of subparagraphs 2 and 3. Discussion indicated that an unnamed additional condition is contained in the motion. Supervisor Livermore seconded the motion. Following a request for clarification regarding the seven additional conditions, Supervisor Aldean amended her motion to clarify that in addition to the original conditions that the approval was based on inclusion of the additional seven conditions that were discussed here this afternoon. Supervisor Livermore concurred. The motion as amended was voted and carried 5-0. Mayor Pro-Tem Staub congratulated Mr. Long, the Applicant, and staff on their working together to resolve the issues and get the project approved. Mayor Teixeira concurred. Mayor Teixeira also thanked Mr. Kittess for sensitizing the Board at the first hearing on the issues.

Mayor Pro-Tem Staub returned the gavel to Mayor Teixeira. (The entire Board was present as previously noted, constituting a quorum.)

(12:08:56) Supervisor Aldean then moved to approve a variance application to allow a greater lot depth than allowed pursuant to the Carson City Municipal Code 18.04.190 Residential Districts Intensity and Dimensional Standards on four of the proposed lots, lots 3 through 6, in Combs Canyon II Subdivision on

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property zoned Single Family One Acre located on Combs Canyon Road, APN 007-091-72, as contained in the staff report. Supervisors Livermore and Williamson seconded the motion. Motion carried 5-0.

E. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, SUBDIVISION OF LAND, CHAPTER 17.09, PLANNED UNIT DEVELOPMENT, AND CHAPTER 17.10, COMMON OPEN SPACE DEVELOPMENT, MAKING VARIOUS AMENDMENTS TO THE PROVISION FOR LOT SIZE, SETBACKS, OPEN SPACE AND OTHER PROVISIONS RELATING TO SUCH SUBDIVISIONS; AMENDING THE RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS TABLES OF TITLE 18, ZONING, CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.190, RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, AND CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, MODIFYING REQUIREMENTS FOR SETBACKS AND OPEN SPACE IN THE MULTI-FAMILY APARTMENT (MFA) ZONING DISTRICT AND MODIFYING REQUIRED SETBACKS WITHIN THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT; AMENDING THE NON-RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS TABLES OF CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.195, NON-RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, AND CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, MODIFYING SETBACK REQUIREMENTS FOR RESIDENTIAL OFFICE (RO) AND GENERAL OFFICE (GO) ZONING DISTRICTS; AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.14, CORNICES AND UNCOVERED PORCHES, REQUIRING MINIMUM SETBACKS FOR FRONT PORCH PROJECTIONS INTO SETBACKS; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, ADDING SECTION 1.17, MULTI-FAMILY APARTMENT DEVELOPMENT STANDARDS, AND ADDING SECTION 1.18, RESIDENTIAL DEVELOPMENT STANDARDS IN NON-RESIDENTIAL DISTRICTS, TO PROVIDE FOR CONSOLIDATED DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN MULTI-FAMILY APARTMENT ZONING DISTRICTS AND OTHER NON-RESIDENTIAL (COMMERCIAL) ZONING DISTRICTS RELATING TO SETBACKS, OPEN SPACE AND OTHER DEVELOPMENT STANDARDS, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZCA-07-045) (12:10:12) - Principal Planner Lee Plemel's introduction included noting that the Builders Association of Western Nevada may have concerns with the ordinance although they were contacted in March and April regarding it. An example of the concern related to the proposal to include the front yards in the open space calculations. There are some more defined standards for the developers. Discussion between Mayor Teixeira and Mr. Plemel indicated that the density is set by the zoning. The project behind Albertson's would have failed to meet the open space requirement under the proposed ordinance as the front yards and the small side yards are not included in the open space calculations. Similar projects will not be allowed in the future if the ordinance is adopted on second reading. The developer would have lost some lots under the proposed ordinance. Open space is defined as green area. Parking spaces, street areas, and storage areas are not included in its calculations. Public comments were solicited but none were given. Supervisor Williamson moved to introduce on first reading Bill No.

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113, amending Carson City Municipal Code Title 17, Subdivision of Land, Chapter 17.09, Planned Unit Development, and Chapter 17.10, Common Open Space Development, and amending Title 18, Zoning, Chapter 18.04, Use Districts, Section 18.04.190, Residential Districts Intensity and Dimensional Standards, Section 18.04.195, Non-Residential Districts Intensity and Dimensional Standards, and 18.16, Development Standards, Division 1, Land Use and Site Design, as published on the agenda. Supervisor Aldean seconded the motion. Motion carried 5-0.

13. BOARD OF SUPERVISORS - NON-ACTION ITEMS:

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (12:16:18)

- Supervisor Staub noted that the Carson City High School Golf Team made zone for the first time since 1999 and went on to State where they took second place. He congratulated Coaches Butler and Green and the team members. Supervisor Aldean congratulated the Wild Cats on their efforts. Comments pointed out that they must win the Regionals to go on. Mayor Teixeira commended Planning staff on the technical work that had been presented regarding the contentious items discussed earlier. Mr. Sullivan advised that his Department is working closely with the District Attorney's office as well as Code Enforcement, Business License, Engineering and Building Divisions which was the result of the new alignment of the Community Development Department. Mayor Teixeira also thanked Mr. Werner for his role in the realignment. Supervisor Staub indicated that the kudos come from more than just staff. He has received many from individuals in the community with whom Mr. Sullivan and his staff deal. Mayor Teixeira felt that there was a better cohesion now than there had been in the bureaucracy. No formal action was required or taken.

B. STAFF COMMENTS AND STATUS REPORT (12:17:17) - None.

RECESS: A recess was declared at 12:20 p.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 5:32 p.m., constituting a quorum. Staff members present included: City Manager Ritter, District Attorney Rombardo, Sheriff Furlong, Finance Director Johnson, Public Works Director Burnham, Undersheriff Albertsen, Community Relations Officer Teixeira, Recording Secretary McLaughlin, and Business Manager for the Sheriff's Office Kathy Heath.

14. CITY MANAGER - Linda Ritter -ACTION TO APPROVE THE 2007/2008 FISCAL YEAR BUDGET FOR CARSON CITY, INCLUDING THE GENERAL FUND, ENTERPRISE FUNDS AND ALL OTHER FUNDS (5:32:05)

- Finance Director Sue Johnson - Discussion between Ms. Ritter and Mayor Teixeira explained staff's effort to educate the public about the budget. Mayor Teixeira expressed his amazement that only two individuals were present who were not staff. It was felt that individuals may be watching the televised airing of the discussion. Computerized slides were shown highlighting the budget. (A copy is in the file.) Discussion indicated that the option to increase the franchise fees one percent impacts a \$300 utility bill by \$3. It would, however, provide funding for the two sheriff's deputies and the one prosecutor requested by the Sheriff and District Attorney. The ending fund balance enables the City to have a budget with a negative balance. The Board was cautioned that this process will eventually eat away at the ending fund balance and impact the City's bond/credit rating. The

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need to have an ending fund balance and a stabilization policy were justified by citing emergencies such as the Waterfall Fire. Employee turnover may help address some of the shortage. The proposed budget was basically flat with little growth. Ms. Ritter encouraged the Board to increase the stabilization fund to the maximum 10% as allowed by the Statutes. Discussion noted the effort to reduce personnel costs while improving the method in which the City does business. Reductions totaling \$1.4 million have already been made without substantially cutting services. Without increases in revenue, the City will be forced to cut personnel. A program that will utilize funds from the landfill to support the capital program was noted. Outsourcing jobs is also on the table. Partnering services with the School District is being discussed, i.e., the bus services. The tax cap is now hitting everyone. Cost containment is mandatory. Cuts will have to continue to be made for several years. The need to negotiate with the employee associations was noted. The employees have worked with management to reduce the health insurance costs. Board comments supported holding the line on personnel costs until the revenue picture is better. Staff must find new ways to do the jobs. Technology should be used, if possible, to make people more productive. Revisions in data technology, which were described, may make it possible for Information Services to reduce its staff by one individual. Personnel/Information Services are still looking for a "fix" for the payroll program which may include outsourcing. The decision to retain vehicle maintenance has been due to the inability to have a contractor available on a 24-7 basis. It was also indicated that not all contracted services are more economical than having staff perform the duties. Parks Operations Director Fahrenbruch has created an analysis illustrating which services can and cannot be contracted. It also illustrates the loss of oversight that occurs when contracting occurs. A study of departmental vehicle usage will indicate where vehicles can be reduced/consolidated. There may be a few of the Sheriff's vehicles which can be transferred to other Departments. Car allowances can be a cheaper alternative to vehicle maintenance, however, the Board's experience with a former City Manager was cited to illustrate the problems with this program. Public comments were solicited but none were given. Ms. Ritter then indicated that at the end of the first quarter of the new fiscal year she will present some ideas to the Board for consideration and will provide a status report on the City's finances. Monthly sales tax revenue reports will be given to the Board. If there is a proposal to change the service level, a report will be given to the Board. Any other changes will be handled internally. The residents should not notice a difference in the service levels. Any fee increases will be presented to the Board for consideration. Staff will be challenged to make reductions before seeking fee increases. Mayor Teixeira directed that any increases in the sales tax monies should be placed in the stabilization fund. Ms. Ritter concurred and indicated that staff will develop a model illustrating the impacts. This model should predict staffing needs which will prevent overhiring. Mayor Teixeira pointed out the need for a funding mechanism for parking lot improvements, roofing projects, and infrastructure improvements. Once the City gets behind on these improvements, it will never catch up. Ms. Ritter reiterated that this is the reason a stable funding source is needed for capital improvements. This program will be brought to the Board during the first quarter of the new fiscal year. Clarification also indicated that once the budget is completed, staff will work on the capital improvement listing. Some of the older projects are several years old and have yet to be done. Their need will be analyzed. Some of the projects have funding. She hoped that the new listing will be able to speak to development of the projects that are needed.

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Supervisor Williamson moved to approve the 2007-2008 Fiscal Year Budget using Option 3 for Carson City including the General Fund, Enterprise Funds, and all other funds. Supervisor Aldean seconded the motion. The motion was then voted by roll call with the following result: Ayes - Supervisors Staub; Livermore - understood the Sheriff's need for two additional SET members and the District Attorney's need for an additional prosecutor. He, however, was struggling with the proposal to increase the franchise fees. He had promised the voters no increase in fees. He also knew the importance of partnering with other people. Many have stepped up to the plate. Parents are paying 150% more for their children to play. It takes a total commitment from the entire community. He did not wish to be a politician who does not keep his word, however, the issue is one of public safety which is important and will get his yes vote--Yes; Aldean; and Williamson; and Mayor Teixeira. Nayes - None. Motion carried 5-0.

Mayor Teixeira explained that it is not pleasurable to have to do this. The Board, City Manager and Finance Director must protect the fiscal integrity of the City and be fiducially responsible to the community. The one percent franchise fee increase will impact everyone. He directed that staff step up and present the fee increases for action as quickly as possible. Ms. Ritter indicated that the business impact statement will be included with the ordinances. Mayor Teixeira indicated that the Board has placed itself in a box by advising that positions will be cut, services fine tuned, and implementation of a small tax increase. No one likes to do it. Thirteen positions have been eliminated. More may be cut in the future through attrition, etc., to make up the \$600,000 shortfall. It is a team work program. He complimented the Board and Finance Director Johnson on the action. The District Attorney has a smile on his face but it is not a win-win situation. It is a necessity. He also noted that the Sheriff is now on his way. No more long shifts that eat up the overtime. People will get back to their families.

15. ACTION TO ADJOURN (6:04:35) - Supervisor Aldean moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 6:05 p.m.

The Minutes of the May 17, 2007, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 2007.

Marv Teixeira, Mayor

ATTEST:

Alan Glover, Clerk-Recorder