

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

September 21, 2006, Regular Meeting

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, September 21, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4
STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Andrew Burnham	Public Works Director
	Larry Warner	City Engineer
	Walter Sullivan	Community Development Director
	Roger Moellendorf	Parks and Recreation Director
	Juan Guzman	Open Space Manager
	Michael Suglia	Senior Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	Jennifer Pruitt	Senior Planner

(BOS 9/21/06 Recording 8:27:06)

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. City Manager Linda Ritter lead the Pledge of Allegiance. Retired Rev. Dick Campbell of the Presbyterian Church gave the Invocation.

PUBLIC COMMENTS AND DISCUSSION (8:29:52) - Sam Dehne gave the Board a copy of a video purportedly containing his "humanitarian" effort to get more people to attend the meetings. It allegedly did not contain any advertisements except for a church bulletin. He indicated that Channel 26 is doing a good job, however, it needs to air the Board meetings more frequently. He alleged that he had been asked about the lack of airings for the Board meetings. He vocalized his disappointment in the Attorney General's failure to respond to his two requests for opinions regarding the Board's procedures for hearing public comments on nonagenized items. He noted that an opinion had been given regarding a Sparks City Council procedure. He also indicated that Sy Ryan had purportedly sent his regards to the Board. He then indicated that he is running for the "Reno Commission" and that, if he is elected, his district will be within one mile of the Mayor's home. He also alleged that the Reno Airport is overloaded and that it is time to have regional jets fly into Carson City from Las Vegas. He felt that the citizens would love having the service here. Mayor Teixeira noted the noise factor created by the jets. Additional public comments were solicited.

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Community Development Director Walter Sullivan explained that the Nevada Chapter of the American Planning Association had recently held a conference in Carson City during which several awards were distributed for excellence in the field of city planning. The 2006 De Boer Award for an elected official who had advanced and promoted the cause of city planning in the public arena was given to Mayor Teixeira. Mr. Sullivan presented the plaque to Mayor Teixeira. He explained that Mayor Teixeira had promoted the visual preference survey which he had learned about while attending a Mayors' conference. Mayor Teixeira had also participated in two master plans during his tenure as Mayor. He had also participated in other planning accomplishments. City staff had submitted his name for recognition due to his participation. He congratulated the Mayor on the recognition. He explained that Mr. De Boer was the City Planner and Architect for Boulder City during construction of the Boulder Dam. Mayor Teixeira thanked the staff and others who were responsible for the getting him the award. He indicated that he was very honored by the recognition and that he does not normally receive such accolades. Additional comments were solicited.

"Rocking Reverend" Ken Haskins congratulated Mayor Teixeira on the recognition. He then announced his next show will be held on November 3 and 4 at the Brewery Arts Center. Barbara Lewis with Sly, Slick and Wicked, aka "the Mac Daddys of Soul" will perform. A poster was given to the Board. (A copy is in the file.) Additional citizens comments were solicited.

Joshua Johnson, BAC-TV Booth Operator, explained that the Board's meetings are aired live and rerun twice a week. The schedule is published in the "Nevada Appeal". A schedule will be put on the internet with a copy being emailed to Mr. Dehne weekly. They hope to rerun the Board meetings on a more frequent basis, however, may not be able to have the times in the schedule due to programming problems encountered by the lack of knowledge regarding the amount of time that will be required for the meetings and the printing deadlines. Mayor Teixeira commended him and the other operators on their efforts. He also thanked Mr. Sullivan for the award. Additional comments were requested but none were given. No formal action was taken or required on any of these items.

1. ACTION ON APPROVAL OF MINUTES - 8/17/06 REGULAR SESSION, 8/22/06 AND 8/28/06 SPECIAL SESSIONS (8:39:19) - Supervisor Aldean moved to approve the Minutes of the Regular Meeting of August 17, 2006, of the Board of Supervisors and the Special Meetings of the Board of Supervisors held on August 22 and 28 as presented. Supervisor Livermore seconded the motion. Motion carried 5-0.

2. CHANGES TO THE AGENDA (8:39:50) - City Manager Linda Ritter pulled Item 8B, the NACO prescription card, due to the need to tweak the contract.

3. CONSENT AGENDA (8:40:09)

3-1. ASSESSOR

A. ACTION TO APPROVE THE PARTIAL REMOVAL OF THE TAXES FROM PARCEL NUMBERS 007-475-01 (PORTION OF SEC. 7), 007-475-02 (SNOWFLAKE DR/FERN MEADOW DR.), 007-481-28 (FLINTWOOD DR.), 007-493-01 (PORTION OF SEC. 6), 007-545-01 (PORTION OF N. ORMSBY BLVD), 007-545-02 (ROBB DR.), 007-545-03 (TURNER CT.), FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.484 IN THE AMOUNT OF \$16.06

B. ACTION TO APPROVE THE REMOVAL OF THE TAXES AND PENALTIES FROM PARCEL NUMBER 002-751-08 (LOCATED ON EMERSON DR.), FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.320 IN THE AMOUNT OF \$141.67

3-2. PUBLIC WORKS - ENGINEERING - ACTION TO APPROVE A RIGHT-OF-WAY GRANT OFFER PRESENTED TO CARSON CITY BY THE BUREAU OF LAND MANAGEMENT (BLM) FOR THE PURPOSES OF CONSTRUCTION, OPERATION, AND MAINTENANCE OF BURIED MUNICIPAL UTILITIES, ACCESS ROAD AND DRAINAGE STRUCTURE LOCATED AT 4600 CONTE DRIVE, CARSON CITY, NEVADA

3-3. PARKS AND RECREATION - OPEN SPACE - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A FUNDING AGREEMENT BETWEEN CARSON CITY (GRANTEE) AND THE STATE OF NEVADA ACTING BY AND THROUGH ITS DIVISION OF STATE LANDS (GRANTOR) FOR THE QUESTION 1 CONSERVATION AND RESOURCE PROTECTION GRANT PROGRAM - Sam Dehne pulled Item 3-3 due to his belief that it warranted discussion to acknowledge the grant. He also indicated that he had not intended to step on anyone with his comments about the televising of the Board's meetings. Supervisor Livermore moved to approve the Consent Agenda with its three remaining items, two from the Assessor and one from Public Works - Engineering, as presented. Supervisor Staub seconded the motion. Motion carried 5-0.

3-3. (8:41:54) Sam Dehne questioned the grant total and expressed his feeling that grants should be acknowledged as they benefit the City. Parks and Recreation Director Roger Moellendorf explained that the grant is for funding from the Question 1 program. It will be used for Phase 2 of the Riverview Park. The grant amount is \$145,548. Supervisor Livermore moved to approve and authorize the Mayor to sign a funding agreement between Carson City, Grantee, and the State of Nevada acting by and through its Division of State Lands, Grantor, for the Question 1 Conservation and Resource Protection Grant Program. Supervisor Williamson seconded the motion. Motion carried 5-0.

7. FINANCE - Director Tom Minton - ACTION TO ADOPT A RESOLUTION AMENDING THE RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$50,000,000 PRINCIPAL AMOUNT OF CARSON CITY, NEVADA, HOSPITAL REVENUE BONDS (CARSON-TAHOE HOSPITAL PROJECT) SERIES 2003B TO FINANCE A PORTION OF THE COSTS OF A PROJECT FOR THE NONPROFIT CORPORATION CARSON TAHOE REGIONAL HEALTH-CARE; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF AN AMENDMENT TO THE ORIGINAL LOAN AGREEMENT AND SUPPLEMENT TO THE ORIGINAL INDENTURE OF TRUST ELIMINATING THE REQUIREMENT THAT A BOND RESERVE FUND BE FUNDED AND MAINTAINED IN CONNECTION THEREWITH; AND RATIFYING ALL CONSISTENT ACTIONS THERETOFORE TAKEN (8:43:59) - Hospital Bond Counsel and Sherman and Howard Attorney Robert Mitchell, Hospital Chief Executive Officer Ed Epperson, Sam Dehne - Mr. Mitchell explained the Hospital's Series 2003B Bond reservation of \$3.3 million. As the regional hospital facility has been constructed, the bank is willing to accept the letter of credit. The funds will be used for other project costs. The bank is now confident about the Hospital's financial standing. The bond holder must consent to the release of the reserve funds. He felt confident that this requirement would not pose a problem for the hospital to obtain. The proposed resolution amends the original 2003 resolution and allows the funds to be released and used for hard costs of the project.

Supervisor Livermore disclosed that he is a member of the Hospital Board of Directors. He will, therefore, abstain from the discussion and decision on this issue. Supervisor Staub disclosed that he is a member of the Hospital Finance Committee. He is an unpaid member. He will not abstain from the action on this item.

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Mr. Minton indicated that the request is favorable for the Hospital as it increases their cash on hand. They have managed their cash very carefully. The City is not liable for the outstanding debt. The City serves as a conduit issuer for the Hospital.

Discussion between Supervisor Aldean and Mr. Mitchell explained that the bonds are short term variable rate bonds for \$50 million. The rate is set every week. There are approximately 20 bond holders. They are large mutual fund organizations. They have discussed the proposal with these firms. The bondholders have indicated that they do not have a problem with the proposal. They purchased the bonds based on the strength of the letter of credit.

Mr. Epperson reiterated that the City is not liable for repayment of the bonds. It helps with the Hospital's daily cash on hand. The \$3.3 million will cover approximately 11 to 12 days of cash requirements. The bond had contained a covenant restricting the bond amount to 90% of the project costs, which they have met. Mr. Dehne adamantly supported the Hospital's request due to his feeling that it does a "wonderful" job as experienced by one of his close family members. The bond will help the Hospital. Mr. Dehne then began to express his belief that he could do a wonderful impersonation of Bob Dylan. Mayor Teixeira asked Mr. Dehne to remain on the topic.

Supervisor Aldean moved to adopt Resolution No. 2006-R-36, A RESOLUTION AMENDING THE RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$50,000,000 PRINCIPAL AMOUNT OF CARSON CITY, NEVADA, HOSPITAL REVENUE BONDS, CARSON-TAHOE HOSPITAL PROJECT, SERIES 2003B TO FINANCE A PORTION OF THE COSTS OF A PROJECT FOR THE NONPROFIT CORPORATION CARSON TAHOE REGIONAL HEALTHCARE; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF AN AMENDMENT TO THE ORIGINAL LOAN AGREEMENT AND SUPPLEMENT TO THE ORIGINAL INDENTURE OF TRUST ELIMINATING THE REQUIREMENT THAT A BOND RESERVE FUND IN THE AMOUNT OF \$3.3 MILLION BE FUNDED AND MAINTAINED IN CONNECTION THEREWITH; AND RATIFYING ALL CONSISTENT ACTIONS THERETOFORE TAKEN. Supervisor Williamson seconded the motion. Motion carried 4-0-1 with Supervisor Livermore abstaining.

8. CITY MANAGER

C. PRESENTATION BY DAVID FRASER, EXECUTIVE DIRECTOR OF THE NEVADA LEAGUE OF CITIES (NLC) REGARDING THEIR ACTIVITIES AND LEGISLATIVE PACKAGE (8:50:35) - Mr. Fraser announced the October 4-7 annual NACO meeting at the Chateau in Incline Village and urged the Board to attend. Copies of the NLC 2007 Legislative Compact, its Legislative Advocacy Policy, and its Legislative Bill Drafts were distributed to the Board prior to the meeting. (A copy was later given to the Clerk and is in the file.) These documents have been approved by the NLC Board of Directors subject to the members' approval during the annual meeting. Supervisor Livermore advised that the City is a member of the National League of Cities. Mr. Fraser highlighted the agenda for the NLC annual meeting including the proposed recognition of two mayors with more than 30 years of service and the Public Official of the Year Award. He briefly described the informational packet that had been distributed. Mayor Teixeira pointed out that the Nevada Association of Counties will have its own legislative package. He hoped that they will mirror each other wherever possible. He expressed the hope that he could attend some/all of the NLC annual meeting and asked that it be placed on his calendar. Mr. Fraser indicated that the Mayors'

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session will be held on Thursday, October 5. He again thanked the Board for granting him time to discuss the programs with the Board and for taking his item out of order. Supervisor Livermore explained that NLC's softball star is City Manager Ritter. Discussion indicated that she may not make the game which will be the second time she was not present at an NLC convention. No formal action was required or taken on any of the items.

A. ACTION TO APPROVE THE APPOINTMENT OF RORY PLANETA TO THE POSITION OF CHIEF OF ALTERNATIVE SENTENCING EFFECTIVE OCTOBER 2, 2006 (8:56:48) - City Manager Linda Ritter, Rory Planeta, Sam Dehne - Ms. Ritter introduced Mr. Planeta. Mayor Teixeira complimented the Court and City officials on their selection of Mr. Planeta. He disclosed that he has worked with Mr. Planeta on the meth coalition and described Mr. Planeta's involvement with TRINET. Mr. Planeta described his law enforcement background and his reasons for joining the community's meth coalition. He expressed his pleasure at having been selected as the Chief of Alternative Sentencing for the City. Supervisor Williamson moved to approve the appointment of Rory Planeta to the position of Chief of Alternative Sentencing effective October 2, 2006. Supervisor Aldean seconded the motion.

Mr. Dehne felt that the decision should not be acted upon so quickly. Alternative Sentencing is an important program to the community. It is between the community and jail. Mr. Planeta has a lengthy history in law enforcement. He recommended Mr. Planeta's appointment. He also felt that Alternative Sentencing is a critical issue which needs attention.

The motion to appoint Mr. Planeta to the position of Chief of Alternative Sentencing was voted upon and carried 5-0. Mayor Teixeira wished Mr. Planeta success in his new position.

4. PUBLIC WORKS - ENGINEERING - City Engineer Larry Werner

A. ACTION ON A MOTION FINDING THAT A PROPOSED ORDINANCE ADDING EROSION AND SEDIMENT CONTROL TO THE CARSON CITY MUNICIPAL CODE AND DIVISION 13, EROSION AND SEDIMENT CONTROL, AND TO THE DEVELOPMENT STANDARDS, DOES NOT IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS NOR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS, THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, ACCEPTED AND IS ON FILE WITH THE BOARD OF SUPERVISORS AND THAT THE REQUIREMENTS OF THE CHAPTER 237 OF THE NEVADA REVISED STATUTES HAVE BEEN MET BY STAFF'S ACTION; B. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.16 DEVELOPMENT STANDARDS, BY ADDING DIVISION 13, EROSION AND SEDIMENT CONTROL, WHICH CONTAINS SECTION 13.1 INTRODUCTION; SECTION 13.2 MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL; SECTION 13.3 CONSTRUCTION SWPPP; SECTION 13.4 CHECKLISTS FOR CONSTRUCTION SWPPPS; SECTION 13.5 BEST MANAGEMENT PRACTICES; APPENDIX 1 RECOMMENDED STANDARD NOTES FOR EROSION CONTROL PLANS AND REFERENCES; AND C. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 12, WATER, SEWERAGE, AND DRAINAGE BY ADDING A NEW SECTION TITLED CHAPTER 12.18 EROSION AND SEDIMENT CONTROL. THIS NEW SECTION CONTAINS CHAPTERS 12.18.010

DEFINITIONS; 12.18.020 APPLICABILITY; 12.18.030 EXCEPTIONS TO APPLICABILITY; 12.18.040 PERMITS AND FEES; 12.18.050 FAILURE TO COMPLETE THE WORK; 12.18.060 DENIAL OF PERMIT; 12.18.070 RESPONSIBILITY OF PERMITTEE; 12.18.080 GENERAL REQUIREMENTS; 12.18.090 INSPECTION OF SITES UNDER PERMITS; 12.18.100 MAINTENANCE REQUIREMENTS; 12.18.110 NOTIFICATION OF NEEDED MAINTENANCE; 12.18.120 ACTS RESULTING IN VIOLATION OF FEDERAL CLEAN WATER ACT; 12.18.130 ENFORCEMENT AND 12.18.130 REQUEST FOR HEARING (9:00:40) - The ordinances do not create a fiscal impact. The business community worked with staff for over a year on the ordinances. A brief description of the ordinances was provided. Sheena Beaver, Builders Association of Western Nevada Representative, had been present earlier in the meeting but had to leave due to another commitment. A letter of support from the Association is to be obtained and in the Board's packet for second reading. Clarification indicated that the ordinances will impact all parcels containing an acre or more and any smaller lots that are have been determined will create a significant impact on the surrounding area, e.g., Clear Creek. Both residential and commercial developments are addressed in the ordinances. Supervisor Aldean had submitted written comments to staff before the meeting. Her suggestions will be included in the ordinance for second reading. Supervisor Aldean moved to find that a proposed ordinance adding Erosion and Sediment Control to the Carson City Municipal Code and Erosion and Sediment Control to the Development Standards does not impose a direct and significant economic burden on a business nor directly restrict the formation, operation or expansion of a business, that a Business Impact Statement has been prepared, accepted and is on file with the Board of Supervisors and that the requirements of the Chapter 237 of the Nevada Revised Statutes have been met by staff's action; no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

Supervisor Williamson moved to introduce on first reading Bill No. 122, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.16 DEVELOPMENT STANDARDS, BY ADDING DIVISION 13, EROSION AND SEDIMENT CONTROL, WHICH CONTAINS SECTION 13.1 INTRODUCTION; SECTION 13.2 MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL; SECTION 13.3 CONSTRUCTION SWPPP; SECTION 13.4 CHECKLISTS FOR CONSTRUCTION SWPPPS; SECTION 13.5 BEST MANAGEMENT PRACTICES; APPENDIX 1 RECOMMENDED STANDARD NOTES FOR EROSION CONTROL PLANS AND REFERENCES. Supervisor Livermore seconded the motion. Comments were solicited but none were given. Motion carried 5-0.

Supervisor Aldean moved to introduce on first reading Bill No. 123, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 12, WATER, SEWERAGE, AND DRAINAGE BY ADDING A NEW SECTION TITLED CHAPTER 12.18 EROSION AND SEDIMENT CONTROL. THIS NEW SECTION CONTAINS CHAPTERS 12.18.010 DEFINITIONS; 12.18.020 APPLICABILITY; 12.18.030 EXCEPTIONS TO APPLICABILITY; 12.18.040 PERMITS AND FEES; 12.18.050 FAILURE TO COMPLETE THE WORK; 12.18.060 DENIAL OF PERMIT; 12.18.070 RESPONSIBILITY OF PERMITTEE; 12.18.080 GENERAL REQUIREMENTS; 12.18.090 INSPECTION OF SITES UNDER PERMITS; 12.18.100 MAINTENANCE REQUIREMENTS; 12.18.110 NOTIFICATION OF NEEDED MAINTENANCE; 12.18.120 ACTS RESULTING IN VIOLATION OF FEDERAL CLEAN WATER ACT; 12.18.130 ENFORCEMENT AND 12.18.130 REQUEST FOR HEARING; fiscal impact - none. Supervisors Williamson and Staub seconded the motion. Motion carried 5-0.

5. PUBLIC WORKS - PLANNING AND ZONING - Community Development Director Walter Sullivan

A. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM SINGLE FAMILY 12,000 (SF-12) AND GENERAL INDUSTRIAL (GI) TO GENERAL COMMERCIAL (GC), ON PROPERTY AT 4820 EAST NYE LANE, APN 008-382-14 (SF-12), AND 4880 EAST NYE LANE, APN 008-382-36 (GI), SUBJECT TO THE FOUR FINDINGS CONTAINED IN THE STAFF REPORT (FILE NO. ZMA-06-144) (9:09:17) - Supervisor Livermore moved to introduce on first reading Bill No. 124, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM SINGLE FAMILY 12,000 (SF-12) AND GENERAL INDUSTRIAL (GI) TO GENERAL COMMERCIAL (GC), ON PROPERTY AT 4820 EAST NYE LANE, APN 008-382-14, SF-12, AND 4880 EAST NYE LANE, APN 008-382-36, GI, SUBJECT TO THE FOUR FINDINGS AS CONTAINED IN THE STAFF REPORT. Supervisor Staub seconded the motion. Motion carried 5-0.

B. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING OF THE EASTERN HALF OF PROPERTY LOCATED AT 7051, 7101, 7171 AND 7207 CENTER DRIVE, APN'S 009-311-29, -30, -31 AND -46, A TOTAL OF APPROXIMATELY 4.7 ACRES, FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 6,000 (SF6), BASED ON THE THREE FINDINGS CONTAINED IN THE STAFF REPORT (FILE NO. ZMA-06-137) (9:09:15) - Principal Planner Lee Plemel - The map that is the exhibit to the ordinance is located on Page 17. The proposal adheres to the master plan which is the result of the applicants working with staff on the master plan. The parcels may be annexed into the Schulz development. The property owner to the east is attempting to work the applicants to obtain an access through the Schulz project. The possibility of selling to the adjacent property owner was also noted. The applicants' property will have the same CC&Rs as those proposed for the Schulz Ranch. The applicants have also indicated that they will meet the conditions of approval on the Schulz Ranch. They must go through the subdivision process. This is only the beginning of the process. Mayor Teixeira expressed his hope that in the future such developers will be included in the maintenance district as they will benefit from those improvements and should have the same responsibility with an assessment on their tax roles. Mr. Plemel agreed. Comments were solicited but none were given. Supervisor Staub moved to introduce on first reading Bill No. 125, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING OF THE EASTERN HALF OF PROPERTY LOCATED AT 7051, 7101, 7171 AND 7207 CENTER DRIVE, APN'S 009-311-29, -30, -31 AND -46, A TOTAL OF APPROXIMATELY 4.7 ACRES, FROM SINGLE FAMILY ONE ACRE, SF1A, TO SINGLE FAMILY 6,000, SF6, BASED ON THE THREE FINDINGS CONTAINED IN THE STAFF REPORT; no fiscal impact. Supervisor Williamson seconded the motion. Discussion between Supervisor Aldean and Mr. Sullivan corrected a typographical error on Page 3 where the 7207 address was listed as 7202. Mayor Teixeira complimented Supervisor Aldean on catching the error. The motion was voted and carried 5-0.

C. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, DIVISION 2 PARKING AND LOADING, SECTION 2.2(A) RESIDENTIAL PARKING REQUIREMENTS BY DELETING PARKING REQUIREMENTS SPECIFIC TO PLANNED UNIT DEVELOPMENTS AND ADDING A REQUIREMENT TO PROVIDE GUEST PARKING SPACES WHEN PUBLIC STREET WIDTHS ARE REDUCED TO PRECLUDE ON-STREET PARKING, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZCA 06-138) (9:15:35) - Principal Planner Lee Plemel, Sam Dehne, Deputy City Engineer Jeff Sharp - Discussion justified the ordinance and used Silver Oaks, University Heights, and

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Millennium to illustrate the need. Only the PUD process allows parking to be located off site. The proposal will provide options for modernized developments. Discussion pointed out that the City has no control over the location of the postal cluster boxes and prohibiting overnight parking in that area.

Mr. Dehne indicated that he had seen such developments in Reno. He did not understand the terminology as indicated by his quote from the Board Action Request form. He felt that anyone requesting a PUD should be held to the strictest parking standards possible. He also noted the noise problem associated with parking in PUDs. He felt that the parking needs should be analyzed to ensure that the neighborhood will not be impacted by the project. He urged the Board to reject the ordinance and direct staff to tidy it up and bring it back as it was not articulated very well. Supervisor Aldean explained that the ordinance should read that it be consistent with other residential parking requirements. It will apply to all subdivisions regardless of the PUD standing.

Mr. Sharp explained that the ordinance will provide an incentive for PUD's to have wider streets. This incentive is not provided under the current ordinances. By requiring guest parking, the developer no longer has a reason to make the streets narrow with parking lots provided elsewhere. The ordinance will provide a better product.

Supervisor Aldean moved to introduce on first reading Bill No. 126, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, DIVISION 2 PARKING AND LOADING, SECTION 2.2.A RESIDENTIAL PARKING REQUIREMENTS BY DELETING PARKING REQUIREMENTS SPECIFIC TO PLANNED UNIT DEVELOPMENTS AND ADDING A REQUIREMENT TO PROVIDE GUEST PARKING SPACES WHEN PUBLIC STREET WIDTHS ARE REDUCED TO PRECLUDE ON-STREET PARKING, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Staub seconded the motion. Motion carried 5-0. Mr. Sullivan complimented Mr. Sharp for his assistance with the ordinance.

D. ACTION TO ADOPT A RESOLUTION AMENDING RESOLUTION NO. 2006-R-34 TO INCLUDE A GROWTH MANAGEMENT FEE OF \$100, IDENTIFIED AS A GROWTH MANAGEMENT FEE OF \$100.00, IDENTIFIED AS "A GROWTH MANAGEMENT FEE" IN SECTION 18.12.055(2), OBTAINING A BUILDING PERMIT, AND OTHER MATTERS RELATED THERETO (FILE NO. GM-06-038) (9:27:35) - Senior Planner Jennifer Pruitt - Clarification indicated that the original resolution did not include the fee. The staff had been assessing the \$100 fee. The amendment will provide a specific site for the fee. Supervisor Williamson moved to adopt Resolution No. 2006-R-37, A RESOLUTION AMENDING RESOLUTION NO. 2006-R-34 TO INCLUDE A GROWTH MANAGEMENT FEE OF \$100, IDENTIFIED AS A GROWTH MANAGEMENT FEE OF \$100.00, IDENTIFIED AS "A GROWTH MANAGEMENT FEE" IN SECTION 18.12.055(2) OBTAINING A BUILDING PERMIT AND OTHER MATTERS RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 5-0.

E. ACTION TO APPROVE A MASTER PLAN AMENDMENT APPLICATION FROM CARSON CITY (PROPERTY OWNERS: CITY OF CARSON CITY; LARSEN, ELMER AND CARROL 2003 TR), TO CHANGE LAND USE DESIGNATION OF A 0.246-ACRE PORTION OF PROPERTY LOCATED AT 653 SHENANDOAH DRIVE, APN 8-754-19, FROM MEDIUM DENSITY RESIDENTIAL TO PARKS AND RECREATION, AND TO CHANGE THE LAND USE

DESIGNATION OF A 0.053-ACRE PORTION OF APN 8-754-21 FROM PARKS AND RECREATION TO MEDIUM DENSITY RESIDENTIAL, BASED ON THE THREE FINDINGS CONTAINED IN THE STAFF REPORT (FILE MPA-06-139); AND F. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING OF A PORTION (0.246 ACRES) OF APN 008-754-19, LOCATED AT 653 SHENANDOAH DRIVE, FROM SINGLE FAMILY ONE ACRE (SF1A) TO PUBLIC COMMUNITY (PC), AND TO CHANGE THE ZONING OF A PORTION (0.053 ACRES) OF APN 008-754-21, LOCATED TO THE NORTHEAST OF APN 008-754-19, FROM PUBLIC COMMUNITY (PC) TO SINGLE FAMILY ONE ACRE (SF1A), SUBJECT TO THE THREE FINDINGS CONTAINED IN THE STAFF REPORT (FILE NO. ZMA-06-125) (9:30:04) - Principal Planner Lee Plemel - Supervisor Williamson disclosed her involvement in the settlement discussions and the Supreme Court ruling regarding the Shenandoah detention basin. It resulted in a property trade, the City assuming the cost of the fence, and the sharing of the paperwork costs. Supervisor Williamson moved approve a Master Plan Amendment application from Carson City, property owners: City of Carson City and Larsen, Elmer and Carrol 2003 TR, to change the Land Use Designation of a 0.246 acre portion of property located at 653 Shenandoah Drive, APN 8-754-19, from Medium Density Residential to Parks and Recreation and to change the Land Use Designation of a 0.053-acre portion of APN 8-754-21 from Parks and Recreation to Medium Density Residential based on the three findings contained in the staff report; File No. MPA-06-139. Supervisor Aldean seconded the motion. Motion carried 5-0.

Supervisor Williamson moved to introduce on first reading Bill No. 127, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING OF A PORTION, 0.246 ACRES, OF APN 008-754-19, LOCATED AT 653 SHENANDOAH DRIVE, FROM SINGLE FAMILY ONE ACRE TO PUBLIC COMMUNITY AND TO CHANGE THE ZONING OF A PORTION OF 0.053 ACRES OF APN 008-754-21, LOCATED TO THE NORTHEAST OF APN 008-754-19, FROM PUBLIC COMMUNITY TO SINGLE FAMILY ONE ACRE SUBJECT TO THE FINDINGS CONTAINED IN THE STAFF REPORT. Supervisor Aldean seconded the motion. Motion carried 5-0.

G. ACTION TO APPROVE A TENTATIVE PLANNED UNIT DEVELOPMENT APPLICATION KNOWN AS NEWPORT VILLAGE, FROM ASCEND 2006, LLC, C/O JIM KIERNAN AT NORTHERN NEVADA TITLE (PROPERTY OWNER: JEANETTE M. JENSEN), TO ALLOW A PLANNED UNIT DEVELOPMENT OF 43 RESIDENTIAL LOTS ON PROPERTY ZONED MOBILE HOME 12,000 (MH12), LOCATED AT 3860 EAST NYE LANE, ASSESSOR'S PARCEL NUMBER 008-192-69, BASED ON THE 11 FINDINGS AND SUBJECT TO THE RECOMMENDED 42 CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT (FILE TPUD-06-143); AND H. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM MOBILE HOME 12,000 (MH12) TO MOBILE HOME 6,000 PLANNED UNIT DEVELOPMENT (MH6-P) ON 5.4 ACRES LOCATED AT 3860 EAST NYE LANE, ASSESSOR'S PARCEL NUMBER 008-192-69, BASED ON THE THREE FINDINGS IN THE STAFF REPORT (FILE ZMA-06-142) (9:35:05) - Senior Planner Jennifer Pruitt, Applicant's Representative Jeff Foster, Jim Kiernan -Discussion explained the site's location. A petition supporting the applicant had been submitted. One individual spoke at the Commission meeting supporting the project. Mayor Teixeira indicated that it was not necessary for the Applicant's representative to make a full presentation as the Board had done its homework.

Mr. Foster indicated that the PUD will have 43 homes with CC&Rs. It will not be a gated community. There will be a Homeowners Association with monthly dues. The CC&Rs do not prohibit renting the units. Mr. Kiernan explained that Millennium had CC&Rs. It is owner occupied and not rented. They are attempting to provide work force housing, however, material costs keep sky rocketing. The proposed project will have bigger, functional porches than Millennium's. A builder has not yet been selected. The price may commence in the mid-\$200,000 range. The target is \$240,000 to \$250,000, however, material costs keep going up. Mayor Teixeira indicated that he likes the project. They have met the criteria and had worked with their neighbors. Mr. Kiernan indicated that he has been a resident of the community for some time. Staff was helpful in developing the project. With common sense, it is possible to develop a good project for the developer, the neighborhood, the residents, and the community. Mayor Teixeira felt that the project shows it. The project fits and will raise the value of the neighborhood. He complimented them on their efforts. Additional comments were solicited.

Supervisor Aldean referenced a letter from Kathleen Thompson concerning the street crosswalk markings and asked that the Street Department be requested to enhance the crosswalk markings. Mr. Sullivan indicated that there had been discussions between Mr. Foster, Deputy City Engineer Sharp, and RTC Engineer Brotzman regarding the street alignment, crosswalks, bus stops, etc. He agreed to look into the crosswalk matter.

Supervisor Williamson moved to approve a Tentative Map Planned Unit Development application known as Newport Village from Ascend 2006, LLC, c/o Jim Kiernan at Northern Nevada Title, property owner: Jeanette M. Jensen, to allow a Planned Unit Development of 43 residential lots on property zoned Mobile Home 12,000 located at 3860 East Nye Lane, Assessor's Parcel Number 008-192-69, based on the 11 findings and subject to the 42 recommended conditions of approval contained in the staff report. Supervisors Livermore and Staub seconded the motion. Supervisor Williamson felt that the master plan had provided developers with an opportunity to have different kinds of housing stock. This project fits that concept. She supported it and thanked the applicant for it. The motion was voted and carried 5-0.

Supervisor Livermore moved to introduce on first reading Bill No. 128, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM MOBILE HOME 12,000 TO MOBILE HOME 6,000 PLANNED UNIT DEVELOPMENT ON 5.4 ACRES LOCATED AT 3860 EAST NYE LANE, ASSESSOR'S PARCEL NUMBER 8-192-69, BASED ON THE THREE FINDINGS IN THE STAFF REPORT. Supervisor Staub seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 9:49 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10 a.m., constituting a quorum.

6. PARKS AND RECREATION - OPEN SPACE - Manager Juan Guzman

A. ACTION TO AUTHORIZE THE OPEN SPACE MANAGER TO SIGN A CONTRACT WITH RESOURCE CONCEPTS, INC., FOR \$183,700 TO COMPLETE TASKS 1 AND 2 OF THE NATURAL RESOURCES CONSERVATION SERVICE WATERFALL FIRE REHABILITATION ASSESSMENT PROJECT, FUNDED THROUGH A NATURAL RESOURCES CONSERVATION SERVICE GRANT (9:59:48) - Mr. Guzman's introduction included an explanation of the Grantor's request that the City study the area and determine what type of rehabilitation should be used to accomplish success before beginning the project. Discussion indicated that approximately half of the original funding is still

available. A request for \$400,000 will be made for rehabilitation. Mayor Teixeira described City Manager Linda Ritter's efforts to obtain the Federal funding for this project. He complimented her on it. He also felt that it made sense to plan before implementing the project. Supervisor Staub moved to authorize the Open Space Manager to sign a contract with Resource Concepts, Inc., for \$183,700 to complete Tasks 1 and 2 of the Natural Resource Conservation Service Waterfall Fire Rehabilitation Assessment Project, funded through the Natural Resource Conservation Service grant; fiscal impact for Task 1 is \$92,000, Task 2 is \$75,000, and a ten percent contingency of \$16,700. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION ON THE JOINT RECOMMENDATION FROM THE CARSON RIVER ADVISORY COMMITTEE, OPEN SPACE ADVISORY COMMITTEE, PARKS AND RECREATION COMMISSION, AND ADVISORY BOARD TO MANAGE WILDLIFE TO REVISE THE CITY'S CURRENTLY ADOPTED PRIORITIZED LIST FOR QUESTION 1 STATE OF NEVADA CONSERVATION AND RESOURCE PROTECTION GRANT PROGRAM PROJECTS, AS PRESENTED (10:04:24) - Parks Planner Vern Krahn, City Manager Linda Ritter, Public Works Director Andrew Burnham, Parks and Recreation Director Roger Moellendorf - Completion of the master plan and half of the original Question 1 priorities created a need to develop and prioritize a new list of projects. The suggested list includes Open Space acquisitions, trail projects, and other projects. Discussion indicated that staff did not need to review each of the 17 projects as the staff report provided the same information. The revenue stream will determine which ones can and will be pursued. The Committees and Commissions felt that staff would not pursue funding options unless the items are on the list. The funding opportunities must be located by November 2008. The projects on the east side of the City will be included in the City's Lands Bill. The projects on the west side have the ability to be accomplished on their own. Clarification indicated that the V&T Multi-Use Trail in Combs Canyon is not part of the Lands Bill, however, the Silver Saddle Ranch is. Discussion explained that the September 21st memorandum is the revised project list. Project number six is the lower Ash Canyon land. It entails obtaining a conservation easement if an agreement can be reached with the Joosts, their family trust, or the Masonic Lodge. If an agreement cannot be reached with any of these parties, the project will be dropped. Clarification indicated that the acquisition of the Masonic Lodge will require its purchase while the Joost property may entail a conservation easement. Project No. 14 had been dropped although it is included in the listing due to the need to "cover all the bases". The Combs Canyon V&T Multi-Use Trail is not the V&T Railroad project. Project No. 4 is the Carson River Canyon Trail. It will be located either above or below the V&T Railroad line. It is a single track rural trail and non-vehicular path. The linear trail extension was left on the list in case funding does not materialize as Mr. Burnham has indicated is possible. An item must be on the list or it cannot use Question 1 funds. The linear trail extension is considered critical to the community. The amount of funding is unknown at this time. If it is not adequate, the Question 1 funds could be used to complete the project. Mr. Burnham indicated that an agreement with NDOT regarding Phase 2A of the freeway needs to be approved by RTC and CAMPO. He will be discussing the agreement with NDOT Freeway Project Manager Gallegos on Monday. Discussion indicated the belief that Phase 2A may be put out to bid in November. Concerns were expressed about how the Legislators will see the freeway project when it convenes in January. Mayor Teixeira encouraged Mr. Burnham to get the freeway project moving. Supervisor Staub encouraged him to look at the utility relocation work being done on Fairview. The utilities must be relocated before the freeway reaches Fairview. It is not considered a part of the freeway project as the City is handling it instead of NDOT. Supervisor Livermore explained that there is \$2.5 million available to the City from the Question 1 funds. The City must preform its due diligence or it will not be eligible to use the funds. There is a time limit on the use of the funds. Mr. Krahn indicated that the projects must be identified and funded by 2008 with all the money having been spent

by 2011. Supervisor Livermore explained that the list of 17 projects is extensive and thorough for that reason. Mr. Krahn then explained the status of the Carson River Canyon Trail. Its concept partners the City with Tourism. It will be considered by the Board on October 17. Mr. Moellendorf advised that there have been a lot of joint meetings between the Parks Department, Lyon County, State Tourism, and the Subconservancy regarding this project. The reorganization of the Lyon County Parks and Recreation Department set the project backwards due to changes in personnel and the need to bring the new individuals up to speed. It was felt that there is \$5 million in funding available for this project. The deadline for the project is the same as that of the other Question 1 projects. Mayor Teixeira urged staff to push the project as it is doable and the funding is there. It will provide the community and the residents with another recreational venue. It has a lot of recreational potentials. Supervisor Williamson explained the Subconservancy's funding role and that there is only \$2.5 million for each of the four Counties who are members of the Subconservancy. She also indicated that there is lots of competition for these funds. Applications must be viewed favorably by the County. In this case both Carson City and Lyon County must support the Carson River Canyon Trail. Mr. Moellendorf indicated that by working with Lyon County, it may be possible to leverage some matching grant funds. Supervisor Livermore explained the need for locations to put into and take out of the River which would be provided by the partnering with Lyon County. He agreed that there is a potential for matching funds for the project. Additional comments were solicited. Mr. Guzman advised that there is no competition between himself and Mr. Krahn. He saluted Mr. Krahn on his ability to get additional funding for the project. Supervisor Livermore moved to approve the joint recommendation from the Carson River Advisory Committee, Open Space Advisory Committee, Parks and Recreation Commission, and Advisory Board to Manage Wildlife to revise the City's currently adopted prioritized list for Question No. 1 State of Nevada Conservation and Resource Protection Grant Program projects, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

C. ACTION TO APPROVE IN CONCEPT THE BASIS FOR A CONSERVATION EASEMENT WITH MR. MICHAEL FAGEN, OWNER OF THE HORSE CREEK RANCH, FOR THE 200-ACRE MEADOW AREA, LOCATED TWO MILES WEST OF THE PAVED TERMINUS OF KINGS CANYON ROAD, APN 7-051-78 (10:27:40) - Steve Walker, Colin Franzen, Michael Fagen, Jeff Schulz, Senior Deputy District Attorney Michael Suglia - Mr. Guzman's introduction included an explanation of a conservation easement. The concept allows the City/community to have an easement over the property forever or, at the very least, for more than 200 years. The easement will be on the meadow only and not the entire property owned by Mr. Fagen. The City/Open Space already owns 300± acres of Horse Creek. Mr. Fagen currently owns 200 acres there. His intent is for his two children to have 20 acres each with the ability to construct one house on each parcel. He also intends to construct a lodge that can be used for conventions/seminars with small groups being allowed to stay overnight.

Mr. Walker limned his background and his role in establishing the value of the conservation easement. The need to ensure that the resource values remain throughout the life of the easement were stressed. The resource values included the meadow, production abilities on the upland area, the ground water recharge system which is important to Carson City, etc. He urged the Board to obtain the easement on the Horse Creek Ranch. Computerized slides were shown highlighting his Baseline Condition Report. (A copy of his report, including photographs and maps of the area, is in the file.) A topographical map was used to illustrate various locations during his explanation of the resources on the property. Clarification indicated that there are 40 acres in the meadow lands and that the remainder is considered uplands. Annual/periodic maintenance requirements were included within the report. The water rights on the property were adjudicated in the 1870s

and should remain in use for that purpose. Clarification indicated that the City would not receive revenue from any grazing allowed on the easement. The City should, however, monitor this usage to ensure that the resource values remain. This will be done through a process of evaluating photographs taken at seven specific locations throughout the lifetime of the easement. This information must be provided to the State and insures that the State funds have not been "wasted". Gully erosion and shrub invasion into the meadow needs to be monitored. Discussion indicated that the meadow will not be open to public access. It will be observed from portions of Kings Canyon Road. These locations were illustrated on the map. There are provisions for a limited number of field trips to the meadow which must be pre-approved by Mr. Fagen and conducted by either Carson City or the Carson City School District. The lodge can be used by the public through the use of a semi-private reservation system. There will be an endowment established to help cover the costs of the periodic reviews. Mr. Walker suggested and supported repairing the gully which he felt was the only real problem with the property at this time. He supported continuing the current grazing level. He had assigned 150 animal units per month to the grazing level. He hoped that the recreational use continues and that the meadow is kept in good condition in the future. Recognition of the need to irrigate the meadow was emphasized. He also recommended that monitoring of the timber production, wildlife habitats, and the irrigated portions of the meadow. Mr. Walker reiterated that the major benefit gained from the easement is the ability to recharge the aquifer at a high point on the watershed. Water that irrigates the meadow recharges the aquifer or is used by the plants. The water that goes below the plant's root zone into the aquifer reappears as water discharge in Clear Creek further down the gradient or stays in the groundwater and is pumped by the well near the prison. The question of how you appraise the benefit of the water recharge depends on how it is quantified and the ambiance of an open, green meadow in a semi-arid, dry environment. Discussion then pointed out that the area had been logged during the Comstock era. The trees currently growing on the property have a low productivity as a forest. Therefore, its timber value is not very high. Their value to the wildlife was noted.

Mr. Guzman advised that Mr. Fagen has concurred with the recommendation(s). Discussion ensued on the value of the easement if a wildfire moves through the area. Mr. Walker agreed that it would take time for the property to recover. He did not believe that the meadow would burn due to the natural irrigation in the wetlands. It will take the riparian area three to four years to recover. Mr. Guzman indicated that Mr. Fagen had agreed to partner with the City to rehabilitate the area if a wildfire occurs. Once the City rehabilitates the area, Mr. Fagen has agreed to maintain it. He was uncertain whether the type of vegetation could be agreed upon. He also felt that, if Mr. Fagen fails to agree to the vegetation, he would not maintain it. Therefore, it should not be there. Mr. Guzman also pointed out the City's rehabilitation efforts for the Waterfall fire area which had obtained funding through grants. Mr. Guzman illustrated the areas owned by the City totaling 300 acres and the location of Kings Canyon Road. Mr. Guzman then advised that the City has been talking to the Hutchinsons about acquiring their property. He had also talked to the Schulz family and the Forest Service about the plans.

Mr. Fagen introduced Mr. Franzen. Mr. Franzen advised that he grew up in Carson City and had spent time on the property. He was interested in the conservation easement concept and development of a responsible building in the area. Although the highest and best use of the property would be to have a gated community with ten expensive houses, it is not the desire nor the intent. They are attempting to keep the area pristine and to share it with the public without creating a lot of traffic. As a compromise, they were suggesting that a lodge be built for civic groups. Examples of those groups were provided. Reservations will be required and handled by a not-for-profit organization which sustains itself. The effort to keep the building from being seen

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from Kings Canyon Road was described. Although it will be in the tree line, it may be possible to see the lodge from the meadow and/or Mr. Schulz' property. Material that will help camouflage the lodge was lined. The building should accommodate wedding parties with a maximum of 100 people. It may serve 25 overnight guests. It may be a challenge to make this happen as the City's ordinances do not at this time allow the concept. Paving and utilities will detract from the environment. Mr. Fagen asked for direction from the Board. Mayor Teixeira responded that common sense should be used in this instance. It would be a unique area if desired by the Board and community. Staff should work with them on the project which includes changing the rules, if necessary. Discussion explained the complexity of having a conservation easement that includes the concept including the problems created by the lack of knowledge regarding the footprint of the building. The original draft of the conservation easement became similar to a "TRPA" document in length and complexity. The conceptual easement agreement now proposes to cover 200 acres with 40 acres segregated on the north side along Kings Canyon. Their development will be restricted by the Conservation Reserve zoning. The 160 remaining acres would be restricted to having a barn which is considered an agricultural use. Mr. Franzen then described the lodge, its location, its construction materials, the multi-use hall, and the sleeping area which he indicated would be for 12 people.

Mr. Guzman then explained the IRS requirement that Mr. Fagen have and pay for an appraisal. The Statutes mandate that the City will have an appraisal. He suggested that Mr. Fagen have the property appraised and the City have it reviewed by two separate appraisers. Mr. Fagen concurred. Mr. Guzman suggested that Mr. Kimmel, who had work for the City on other occasions, be retained as the appraiser. Appraisal issues were noted and will be discussed with him. The appraisal needs to include issues mandated by State as it is providing \$1.5 million for the property and conservation easement.

Discussion indicated that the zoning is the only building restriction proposed at this time and in the future. Mr. Guzman pointed out that this is the negative side of not spelling out the restrictions in the conservation easement. Leaving it out, however, makes the easement easier to negotiate. Discussion then questioned whether the total acreage of the easement should be 160 acres or 200 acres with Mr. Guzman leaving the final determination up to the Board. Mr. Fagen described and illustrated on the map the current access routes to the property. The lodge users are to use Kings Canyon Road when weather allows. (11:08:45) During inclement weather, a route from Highway 50 through Bill Schulz' property will be used. Mr. Fagen and Mr. Schulz have allegedly exchanged easements which will allow the Highway 50 access. Mr. Fagen also indicated that he had been discussing with Mr. Guzman improvements needed at Highway 50 which could allow car pooling and eliminate excessive traffic through Mr. Schulz' ranch.

Mr. Schulz indicated that he did not speak for the entire extended Schulz family. Discussion between Mr. Schulz and Mr. Franzen indicated that the lodge will be 12,000 square feet in size. There may be two cabins in addition to the lodge. Mr. Fagen indicated a desire to have four cabins, however, the material and energy costs make it more economical to enlarge the lodge. Mr. Schulz felt that the family may not want to see two - 20 acre parcels with a house on each parcel. There have not been any houses on the property for 95 years. He was not opposed to the concept but is worried about future ramifications to his family. They own the meadow below the proposed site. Mr. Fagen's property purportedly has ten building sites. Mr. Schulz' property purportedly has five building sites. They have been keeping area as pristine as possible for 95 years. Mr. Schulz indicated that he was unsure whether his family would want to use the lodge. Today was the first time he had seen the plans and they shocked him. Supervisor Aldean pointed out that Mr. Fagen wants to make the area productive. Mr. Schulz does not own it but has been using the area for grazing. That ability

will remain. She hoped that his family will agree with the concept. Mr. Fagen pointed out that, if he sold the property, it would be developed causing traffic concerns. He was uncertain whether there would be a better time to develop the area. Mr. Schulz concurred and expressed concerns about having a wildfire in the area. He was uncertain how the family would view the concept. They will talk it over. He was certain that it will change the look of the valley. He proposed to stay abreast of the plan and be as involved in the future as possible.

Mr. Suglia explained to the Board that the agenda was for approval in concept only the conservation easement. Direction had been given to Mr. Guzman during the discussion regarding documents the Board should see in the future. Mayor Teixeira indicated that the discussion had provided directions on the negotiations. Once the details are worked out, the Board can review them. Mayor Teixeira felt that there had been lots of discussion on the concept. It is the best possible plan for everyone. Supervisor Williamson explained that she is part of a large family and could understand Mr. Schulz' desire to discuss the issue with them before making a commitment.

Supervisor Williamson moved to approve in concept the basis for a conservation easement with Mr. Michael Fagen, owner of the Horse Creek Ranch, for the 160-acre meadow area, located two miles west of the paved terminus of Kings Canyon Road, APN 7-051-78. Supervisor Aldean seconded the motion. Discussion ensued among Supervisors Staub and Williamson and Mr. Guzman regarding whether to reduce the total acreage to 160 acres. Mr. Guzman felt that leaving the acreage at 200 provides flexibility. If an agreement cannot be reached on that amount, the documents will indicate whatever amount is ultimately determined to be included in the easement. Mayor Teixeira reiterated that it is a conceptual plan. Supervisor Williamson amended the motion to be for 200 acres. Supervisor Aldean concurred. The motion as amended was voted and carried 5-0.

RECESS: A recess was declared at 11:20 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 11:27 a.m., constituting a quorum.

8. CITY MANAGER - Linda Ritter

B. ACTION TO APPROVE A MANAGED PHARMACY BENEFITS SERVICES AGREEMENT WITH CAREMARKPCS HEALTH, L.P., FOR A CONSUMER CARD PROGRAM (8:39:50)
- Pulled.

D. PRESENTATION OF CARSON CITY'S FY 2005-06 YEAR END UNAUDITED FINANCIAL INFORMATION (11:27:21) - Finance Director Tom Minton - Copies of the computerized slides are in the file. Ms. Ritter explained the concern regarding the decrease in sales tax revenue. The estimated sales tax revenue had been quite conservative, however, the decrease is more than had been estimated. Mr. Minton's previous estimates had always been under the actual revenue stream.

Mayor Teixeira explained the impact the ad valorem cap had on the City's planning and funding abilities. The City is living/dying based on the sale tax revenue. The only cuts that can be made are in the service level. The State mandates that the cities and counties negotiate with their employees or go to arbitration. The State does not negotiate or arbitrate with its employees. Cuts will have to be made if the sales tax revenue does not rebound. This creates a sad situation for the Board.

Discussion indicated there is an error in the tax rate total as the rate should be higher than "122" as the operating rate is "124". Ms. Ritter emphasized the need to address indigent care. Ms. Ritter and Mr. Minton continued to summarize the slides. Discussion ensued on the decrease in auto sales and the efforts to increase them by building new auto sales facilities and the creation of Redevelopment's incentives. Mayor Teixeira stressed the need to increase retail sales to help balance the revenue stream. Supervisor Staub advised that Redevelopment-Economic Development Manager McCarthy is attempting to do that.

Mr. Minton indicated that Carson City is not the only county hit by a decrease in sales revenue. Lyon and Douglas Counties are both experiencing a decrease in the sales tax revenue. Discussion pointed out that both Douglas and Lyon Counties are guarantee counties whereas Carson City provides a subsidy for other counties. Concerns regarding the lack of an ongoing, stable capital improvement funding mechanism were stressed. The list of capital items needed in 2008 was discussed. Funds in the stabilization fund had been reduced to \$3 million by the emergency funding for the Waterfall Fire. Funds have been saved for the Sheriff's Administrative Facility. The annex for Building and Community Development may be warranted but may not be provided. The Community Center parking lot may also be removed from the capital improvement list. Mayor Teixeira described financial decisions that were made to balance the 1989 budget. The increase in court costs and mandated services were felt to be created by growth in surrounding counties and not Carson City's growth. This funding demand will reduce funding for non-mandated services such as the parks and library. Ms. Ritter indicated that voluntary separation programs will be presented to the Board in the future. The capital programs and the vehicle replacement program will be re-evaluated. Other funding sources for the capital improvements and mandated services will be sought.

Supervisor Williamson explained that if the School District's bond proposal is not approved, the funding that would have gone for that purpose will be returned to the General Fund. It does not go back to the taxpayers nor will the property tax be reduced. She stressed that the Board does not wish to balance its budget on the "School District's back". The Board hopes that the voters approve the bond proposal. The Board will find other funding sources.

Supervisor Livermore advised that he did not wish to arrange the capital at the expense of the employees. The City has a good field of very professional employees who need to be treated fairly and equitably even though they are a major part of the budget. Additional comments were solicited but none were given. No formal action was taken or required.

E. ACTION TO APPROVE A VOLUNTARY SEPARATION PROGRAM EFFECTIVE OCTOBER 1, 2006 THROUGH DECEMBER 31, 2006 (11:51:32) - Finance Director Tom Minton, Human Resources Director Ann Silver - Ms. Ritter comments indicated that the proposal will allow Departments to reorganize and reduce the number of employees. The employees are to volunteer for the termination by providing suggestions on how to more efficiently perform their duties. As the labor market is tight right now, it may provide the individual an opportunity to enter a different field. The position vacated will not be refilled. It is permanently lost. Employees working for Public Safety and Fire Departments cannot participate. Mayor Teixeira felt that when the population stabilizes at buildout, the same employee level will not be needed. Ms. Ritter explained that the service level remains as the redevelopment needs increase thereby changing the services. Mayor Teixeira agreed that there are positions which could be changed. He had left IBM under a similar restructuring program. Mr. Minton explained the payback estimates which included the PERS and health insurance costs. Ms. Silver explained the notification and application procedures. She

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emphasized that the Department Heads are not to suggest an employee take advantage of the program nor discuss the program with an employee. All questions should be referred to her Department. It is not an early retirement program. All full time employees can apply. If selected, the individual will not be able to return to work for the City in any capacity for 18 months. An application does not guarantee that the individual will be terminated. Reorganization of the Department must occur in order to maintain the same service level. The extended time line gives the employee adequate time to analyze the program before making a decision. A team will be established to evaluate the need for the position which will occur before a decision is made regarding the position. To date, Ms. Silver had received 33 inquiries and two applications. Discussion justified the closing date for the applications. Douglas County's program is ongoing. Their employees do not take advantage of the program for that reason. Ms. Ritter recommended trying the program as described. The incentive is needed to make the program work, otherwise, it merely becomes another retirement program. Mr. Minton explained that natural attrition will not occur if the program is ongoing. Ms. Ritter also indicated that the need for a capital improvement program restricts the ability to replace the position with a different title. Discussion indicated a position's need is evaluated whenever an individual terminates his/her position. Layoffs during funding shortages do not always keep valuable employees. The proposed program provides a reason to restructure a department. Ms. Silver was not aware of any other entity with a similar program as that being proposed. The Savings Without End Program is still in effect. Ms. Silver felt that some individuals had taken advantage of that program but was not sure when or why interest in it had waned. Supervisor Staub suggested that, if a Department determines it needs the position and the individual who left, there be a clause which will allow the former employee to refund the money to come back to work. Discussion also indicated that management will prohibit refilling the position at its level without Board consideration of the position and its need. Grant positions should not be used to justify the hirings. Individuals who are retiring at the end of the year may file an application for the program, however, unless the position is eliminated, they may not be eligible for the incentive pay. Supervisor Staub suggested that a 30-day window for the program be considered again in the future. The employee should not wait 11 months to apply. Ms. Ritter agreed to consider reopening the plan after the initial trial period. Mayor Teixeira summarized the program as being voluntary. The City had never been forced to layoff employees during his tenure as Mayor. Reorganization had occurred through other means. The proposal is pro-active and allows both the employee and Management to "play". The impact on other employees by the elimination of the position will be evaluated as well as the impact on the service levels. This is the reason an employee is not assured that his application will automatically be approved. Supervisor Williamson moved to approve a Voluntary Separation Program effective October 1, 2006, through December 31, 2006, which has an unknown fiscal impact. Supervisor Aldean seconded the motion. Motion carried 5-0.

9. PUBLIC WORKS - ACTION TO ADOPT A POLICY FOR THE ON-GOING PURCHASE AND REPLACEMENT OF VEHICLES, BASED ON REPLACEMENT OF PUBLIC SAFETY VEHICLES AT 60,000 MILES AND ALL OTHER CITY VEHICLES AT 80,000 MILES WITH A REVIEW OF THE INDIVIDUAL VEHICLE'S MAINTENANCE RECORD (12:16:45) - Public Works Operations Chief of Special Projects Ken Arnold - Lemons should be gone at 60,000. Good vehicles may be kept longer. Sheriff Furlong had allegedly agreed to delay this year's acquisitions with the exception of two- four wheel drive vehicles. Efforts are being made to find better deals. Mayor Teixeira urged staff to evaluate the proposed use of vehicles and questioned the need for some staff members to use SUVs. Discussion indicated that Toyotas "can't make the bids". For this reason the City does not have any in its fleet. Supervisor Staub encouraged staff to analyze the maintenance logs as well as the mileage as it is possible for high usage to occur on a vehicle that would generate 60,000 miles on a one year old vehicle. Mr. Arnold agreed

and indicated that if the vehicle is running good, it will be kept longer. Discussion justified revising the City's vehicle replacement program. Supervisor Aldean moved to adopt a policy for the on-going purchase and replacement of vehicles based on replacement of Public Safety vehicles at 60,000 miles and all other City vehicles at 80,000 miles with a review of the individual vehicle's maintenance records and serviceability. Supervisor Livermore seconded the motion. Motion carried 5-0.

10. BOARD OF SUPERVISORS - NON-ACTION ITEMS:

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (12:23:10)-

None.

B. STAFF COMMENTS AND STATUS REPORT - None.

RECESS: A recess was declared at 12:24 p.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 6 p.m., constituting a quorum. Staff members present included City Manager Ritter, Community Development Director Sullivan, Redevelopment/Economic Development Manager McCarthy, Principal Planner Lee Plemel, Deputy City Engineer Jeff Sharp, Senior Deputy District Attorney Michael Suglia, Recording Secretary Katherine McLaughlin, and Senior Planner Jennifer Pruitt.

11. PUBLIC WORKS - PLANNING AND ZONING - Community Development Director Walter Sullivan

A. ACTION TO CONSIDER A TENTATIVE PLANNED UNIT DEVELOPMENT (PUD) APPLICATION KNOWN AS CLEAR VIEW RIDGE FROM RANDALL LONG, LUMOS AND ASSOCIATES, INC. (PROPERTY OWNER: ERNESTO FLORES), CONSISTING OF 75 SINGLE FAMILY DWELLING UNITS AND COMMON OPEN SPACE ON 3.84 ACRES, LOCATED AT ROVENTINI WAY, ASSESSOR'S PARCEL NUMBER(S) 009-263-02,03,04 AND 05, BASED UPON 12 FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL IN THE STAFF REPORT (FILE TPUD-06-146); B. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE (SF1A)/RETAIL COMMERCIAL (RC) TO MULTI FAMILY APARTMENT-PLANNED UNIT DEVELOPMENT (MFA-PUD), ON PROPERTY NORTH OF OVERLAND STREET AND SOUTH OF ROVENTINI WAY, APN'S 009-063-02, 009-263-03, 009-263-04 AND 009-263-05, SUBJECT TO THE FOUR FINDINGS CONTAINED IN THE STAFF REPORT (FILE ZMA-06-145); AND C. ACTION TO CONSIDER AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM RANDALL LONG, LUMOS AND ASSOCIATES, INC. (PROPERTY OWNER: ERNESTO FLORES) TO ABANDON A PORTION OF APPROXIMATELY 2,999 ± SQUARE FEET ON ROVENTINI WAY AND A PORTION APPROXIMATELY 2,997 ± SQUARE FEET ON OVERLAND STREET, ADJACENT TO APN'S 009-263-02, 03, 04, AND 05, BASED ON SEVEN FINDINGS AND SUBJECT TO SIX CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT AND TO AUTHORIZE THE MAYOR TO SIGN THE ORDER OF ABANDONMENT (FILE AB-06-147) (5:58:51) - Senior Planner Jennifer Pruitt, the Applicant's Engineer Randall Long of Lumos and Associates, Applicant's Attorney John Griffin, Applicant's Architect Rob Williams, Applicant Ernesto Flores, Applicant's Attorney Jason Woodbury, Ray Carroll, Mike Kechely, Tony Pilant, Russell Carpenter, Gene Robinson, Jean Bondiott, Greg Wilson, Joe Conragan, Jeannie White, Senior Deputy

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District Attorney Michael Suglia - During Mr. Sullivan's reading of the agenda items, he corrected the APN 009-063-02 Item B to be 009-263-02 as indicated in the other agenda items. It was felt that this error was a typo and did not impact the ability to consider the item. Protocol for the meeting was discussed. It indicated that new information could be introduced at the Board level without being sent back to the Planning Commission as the Commission had recommended denial. An appeal of its decision had not been made. Approval of the abandonment should include the necessary findings and that the public will not be damaged by the abandonment. Discussion between Ms. Pruitt and Mayor Teixeira explained that the 12,000 square foot-centralized park with all of the other green areas may total more than the 35% that has been indicated as open space. Mr. Sullivan explained that the private open space, which the public is kept from using, cannot be counted as part of the open space.

(6:13:10) Mr. Griffin introduced the team members who were to make presentations. He advised that the project is a mirror image of the master plan and its guidelines.

Mr. Long explained the reasons for selecting the site, staff's original request that the Applicant hold off on submitting the application until after the master planning process was completed, the purchase of the site, a comparison of the project with ones in Reno and Minden, and the features of the project. Discussion indicated that all of the streets within the project are alleyways. Parking is prohibited along the sides. Fire access is allowed in the alleys and provided along Roventini and Overland. Mayor Teixeira reiterated that the park contains only 12,000 square feet. Mr. Long continued his description of the project. Mayor Teixeira pointed out that the sewer needs to be extended to the project. Ribeiro's project will participate in the extension of utilities to the area. Mr. Long described the utility improvements including water and sewer extensions and the creation of drainage improvements. The traffic study was then limned. The project, the Ribeiro project, and a 130-unit adjacent project will not change the current signal service levels. Curb, gutter and sidewalk improvements will be made. There will be CC&Rs and a homeowners' association. The key elements of the C&CRs were listed. It was felt that they would make it a successful project. Mr. Long was uncertain of the Reno project's surrounding uses. Supervisor Aldean explained her reasons for asking about its surrounding uses. Mr. Long felt that the City is required to bring the sewer to the east side of Carson Street. If the Ribeiro project is not completed, which includes the extension of the sewer, the extension across Carson Street will be the City's responsibility. The Applicant will be required to bring it to the project site. A development agreement allowing the Applicant to be reimbursed for extending the lines will be requested. Supervisor Aldean indicated that a commercial development that increases the sales taxes could justify the City's extension of the services. Mr. Sharp was uncertain what the City's obligation is. He would have to get back to the Board with an answer. Discussion between Mayor Teixeira and Mr. Sullivan indicated that without a reimbursement agreement, there may be no incentive for the Applicant to extend the services. Both Mayor Teixeira and Mr. Sullivan felt that an agreement was justified. Discussion indicated Mr. Long's belief that some of the CC&Rs were stricter than normal. It was felt that such CC&Rs increase the functions and values of the development. The Reno and Minden projects were 18 months to one year old. Their designs were similar to that proposed for the project. Supervisor Livermore indicated that he was impressed with the lack of clutter and litter on their porches.

Discussion between Mr. Sullivan and Supervisor Staub noted the differences among the proposed project, Silver Oaks, and University Heights and, specifically, the on-street and guest parking. Variances have been granted to allow the use of on-street parking for projects. Mr. Long indicated that the CC&Rs will clearly define how to handle parking of a third car for the residents. Two car garages are provided for two vehicles

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per unit. A third vehicle must be stored off site in an "approved facility". Enforcement of the CC&Rs will be left to the Homeowners Association. It will affect only those individuals who are residents of the project. Mr. Sullivan explained that the City Code prohibits sleeping in RVs and cars on the street. Supervisor Staub expressed his concern and the need for the developer to recognize that the lack of onsite guest parking within the development. This could cause problems in the future. The CC&Rs should include control over guest and residential parking on public streets. Mr. Long indicated that they can require an owner and his/her guest to comply with the CC&RS. The Association will enforce the policy. He also indicated that many areas have controlled the parking by providing guests with parking permits. The City could also place restrictions on the parking. Mayor Teixeira also felt that Supervisor Staub's point is a critical issue as it is a public street. If the units are acquired by young families, this could become a glaring negative for the project. The Homeowners Association will be stuck with the enforcement. Only a "tight" Association may be able to control the situation. He also believed that young families will occupy the units. The units are considered starter homes for young families. The concept has a lot of positives. The parking is the glaring negative. A poll of the audience supported his contention regarding this matter. Mr. Griffin felt that the parking issue could be handled in the same fashion as his example at UNR games in Reno. He also pointed to the master plan to support the proposed concept as it encourages the reduction of onsite parking and provides for the use of on-street parking. He then described problems the developer encountered when providing on-street parking within his other projects. He also noted that guests do not park in alleyways but access the units from the front porches. The problem found with the on-street parking is a question of who gets to park their recreational toys and third vehicles in the alleyways. Supervisor Staub agreed that the master plan supports the off-street usage, however, the developer needs to build enforcement within the CC&Rs on this issue.

(6:46:14) Mr. Griffin then indicated that the proposed buffering along Roventini will be provided in detail later in the presentation. He advised that the original purchase agreements will require the original buyer to live in the units for two years. They cannot control the use by the third or fourth buyers or if there are extenuating circumstances and an individual is forced to sell. Mr. Griffin described the surrounding uses to the Reno and Minden projects. He then introduced Mr. Williams.

Mr. Williams explained his role in the process, the reasons for the designs, and, with the use of computerized slides, the features of each unit in the project. Discussion indicated that there are ten feet between the units. This area is considered private open space. The residents may, if desired, place a dog run in that location although metal cages are not allowed along Roland. Pets are limited in size to 25 lbs. or less. The private space can be fenced. Mr. Williams also described the 12,000 square foot park. Discussion indicated that there will not be any "parameters" on the fencing. It was felt that young families will be interested in having the units as the stairs may discourage empty nestors and seniors. Comments questioned mixing the empty nestors and seniors with families. Mr. Williams explained the demographics for the Reno and Minden comparisons which indicates that the two can be mixed successfully. He acknowledged that there were larger parks in the "close" proximity to these two developments. Supervisor Aldean pointed out that the proposed development lacks this amenity. She also felt that requiring children to cross a busy highway to reach a larger park is not a feasible alternative. Mr. Williams indicated that this was the reason they had included the 12,000 square foot park in their development. Justification for the bolder colors than currently found in the City's historical area was based on the belief that bolder colors were used during the Victorian era. Mayor Teixeira indicated that the colors are determined by the developer. His personal observation of homes in San Francisco indicated that the bolder colors are desired. Mr. Flores and Mr. Williams indicated that the houses are to be sold as illustrated. Variances in the styles and colors will not be allowed. Mr. Williams continued

his description of the homes and homes in "Wavecrest" in Northern California to illustrate the landscaping. He noted that its fencing will not be included in the proposed development and that the Wavecrest homes are only six feet apart as compared to the proposed project's ten feet. A photograph illustrating a portion of the alleyway was shown.

(7:09:35) Mr. Woodbury reminded the Board that the Commission's decision is a recommendation. The Board can reverse, revise, or uphold its recommendation. The staff had recommended approval based on its professional review of the project and the findings listed in the staff report. The Commission denied the application based on the open space, traffic circulation, street design, density, parking, compatibility, and public benefit. He explained his reasons for believing that staff's findings were justified. Thirty-five percent of the area is contained in open space. The Code requires 30%. The Code does not spell out how the open space is to be used. Personal preferences cannot be used to deny the open space. The traffic study had been reviewed by Mr. Sharp and the Engineering Division. They found that it did not adversely impact the City streets and that it is consistent with the Carson City transportation plan. The traffic pattern complies with all federal, state, and local laws, regulations, and guidelines. Again, personal preference does not justify denying the application. The Fire Department had reviewed the plan and was not concerned with the traffic patterns. The density complies with the master plan which was adopted by the Board and Commission after 20 months of community input and work. It expresses the community's desire regarding how the City should look in the future. He acknowledged that there are friction and conflict areas within the plan due to differences between current uses and those proposed. In such instances, the master plan must prevail, otherwise, it is merely words on paper. The master plan identified the area as being for mixed uses which included residential uses and allows a maximum of 36 units per acre. The proposed use is 20 units per acre which is a "significant" concession by the developer. Justification for the proposed concept was limited. Although the *Planning Commission* felt the 20 units per acre is too dense, the master plan allows for a higher density. The master plan should prevail. Discussion explained that the project is considered mixed use due to the zoning and goals allowed within that zoning. The project does not include retail commercial development. On street parking is also encouraged by the master plan. Surrounding uses were described. Mr. Woodbury acknowledged that the concept does not provide a perfect match but does provide a buffer between the commercial development and the single family one acre residential uses. He encouraged the Board to consider the benefits that the project will provide for the community, including implementation of the master plan, extension of the City sewer and water systems, participation in the storm drainage program, safer streets, attractive visual appeal, increased pedestrian access to the neighborhood, and increased taxes including park fees. He then described the confusion expressed by the Planning Commission regarding the abandonment request. The abandonment will not reduce the amount of paved roadway now being used. In fact, the development will widen the paving from 24 feet to 35 feet. It will also provide curb, gutter and sidewalk amenities and eliminate the drainage ditch which will improve vehicular safety. The abandonment asks for five feet along one block of two streets. Their rights-of-way are 60 feet wide. The abandonment reduces the right-of-way to 55 feet. Public Works requirements mandate a 50-foot wide right-of-way. As the Commission had failed to indicate a reason for finding that the abandonment failed to create a public benefit, he could not explain their finding. He urged the Board to reject the Commission's denial for those reasons. Supervisor Aldean pointed out that the Commission may have decided that it should be denied as motions denying the project and zoning change had already been voted. Mr. Woodbury indicated that he was attempting to point out that there are public benefits from the abandonment whereas the Commission had indicated there were not. He then summarized his comments emphasizing that the project meets the master plan requirements and

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follows its suggestions. Justifications for any variances have been provided. He believed that the Commission's decisions were based upon personal preferences and should, therefore, be overturned.

Supervisor Staub pointed out that the project needed five to seven variances in order to work. They included lot sizes, setbacks and parking. He also indicated that the project may comply with the master plan but fails to meet the PUD standards without the variances. Mr. Woodbury indicated that the Board's decision will determine the reasonableness of the variances. It is a creative project and not a cookie cutter subdivision. The project as a whole and overall is consistent with the master plan.

Discussion between Mr. Woodbury and Supervisor Livermore indicated that Mr. Woodbury had not personally participated in the master planning process. He was uncertain whether any member of the team had participated. Supervisor Livermore then described his reasons for feeling that the interpretation of the master plan depends upon the individual as indicated by the turnout for a park meeting regarding relocation of the shooting range. He also noted the similarities and differences between a design proposed for a project adjacent to College Parkway (Nye Lane) and the proposed project.

Mr. Griffin explained that the variances are required as the City Code has not been revised to provide the flexibility foreseen in the master plan. The CC&Rs, long term quality of the units, and the maintenance questions will be resolved during future meetings by staff and the developer. Mayor Teixeira explained that the City does not enforce CC&Rs. It is the Homeowners Association that enforces them. Mr. Griffin concurred. He also indicated an intent to make them as strong as possible. A copy of the preliminary CC&Rs was distributed to the Board and the Clerk. (A copy is in the file.) He read Paragraph 4 which prohibits the parking of owners' vehicles on Roventini, Cochise, Voltaire, and Overland. Guests will be required to comply with the parking requirements of the Association and the City. The City's ability to restrict the parking through the use of permits, metering, etc., is included in the proposed CC&Rs. He then described the "buffering" proposed along the west side of the project which faces the single family one acre units. The concept reduced the number of units from eight to six; increased the units' costs; provided additional grass, open space, and landscaping; and lowered the pitch of the roofs. The history of the zoning since 1979 was limned. He felt that the project complied with the mixed uses conceived in 1979 and supported by the 1994 vision preference survey. The uniqueness of the amenities was iterated including the usable front porches, safe sidewalks, shade trees, and small lawns requiring minimal irrigation. It provides the residents with the opportunity to have the "American dream" of home ownership. The demand for single family affordable housing in Carson City was also cited to support the project. The project is considered multi-family units but provides the concept of single family units. The 2006 master plan goals are similar to those adopted in 1994. Community support for the project was cited. The project is the first to implement the master plan goals. The project will be developed in phases with the western side being the final phase and construction to occur in 2009. At that time additional commercial development in the vicinity may have occurred. He thanked the Board for considering the issues and the staff for its assistance.

RECESS: A recess was declared at 7:48 p.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 7:54 p.m., constituting a quorum.

(7:54:50) Mr. Carroll felt that the traffic study had not included the impact of a movie theater at Fandangos, a proposed high density project on five acres at the south end of Overland, and a potential strip mall located where a mobile home park had been. He was also concerned about the safety of "60" children playing in the

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streets. He read the School District's breakdown of the impact on the local schools. He felt that the listed schools were at capacity now and will need to expand their buildings and increase the teacher-student ratios as a result of these students. He listed the variances requested by the project. He opined that the project should be required to comply with the Code rather than be granted variances. The neighborhood recognizes the need for the area to be developed, however, this type of development should not be allowed in this area. The neighborhood supports controlled growth.

Mr. Kechely indicated that he had sent packets to the Board. Everyone should have had an opportunity to read the petition letters including a letter dated September 17. Discussion between Mayor Teixeira and Mr. Kechely pointed out that the presentation protocol was different from that made at the Commission meeting. Mr. Kechely then used Master Plan Section 1.4B and Goal 9.3 to support denial of the project as allegedly the project fails to maintain the established neighborhood's quality of life and character. Goal 9.4 indicates that infill and redevelopment will minimize impacts to the character and function of rural neighborhoods. He did not believe that the project was right or best for either the area or the community. The project increases the current zoning uses from one to 20 per acre. The project should be converted to multi-family duplexes and more open space provided. The proposed project provides unusable open space. The MFD zoning will also provide onsite parking and reduce the density. The neighborhood could then support the development.

Mr. Pilant believed that the Commission understood the master plan as evidenced by its votes against the project. The project fails to meet the spirit of the master plan at the very least. The project eliminates the onsite parking in order to get more units on the parcels. His calculation of the density indicated that the density of the project is higher than had been indicated. He failed to understand the traffic study and the findings that 76 homes with alleyways, reduced street right-of-way, and on-street guest parking does not impact the neighborhood. Although the project may be pretty, it is too many units and provides no room for the children to play.

Mr. Carpenter supported the project but felt that it should be located in the downtown area. He believed that it is the ideal project for downtown and meets the master plan he had participated in developing. He also indicated that he was happy to participate in the process without having to take time off from work to do. He left the legal issues to the Board to decide.

Mr. Robinson felt that the Board should look at the Northridge development to see the impact that the proposed project will have on the neighborhood. He then indicated that he was present to discuss the personnel and budget issues that had been agenzized for the same meeting. Mayor Teixeira explained that his comments should have been heard at the beginning of the Board meeting or during discussion of the budget itself. This evening's session is for discussion on the zoning and the proposed project.

Ms. Bondiott felt that the master plan provides seamless transition between residential uses regarding their massing, heights, and scale. The proposed massing does not match the single family one acre uses of the neighborhood. The proposed heights are more than the indicated 30 feet, specifically, when the two story structures are considered. The neighborhood is currently comprised of small houses on large lots. The proposed project is just the reverse.

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Mr. Wilson felt that the proposal located city uses in a rural neighborhood. He wanted to see a fewer number of units and lower building heights. If the developer wants to have pedestrians, he should move to a larger city or Europe as American's love their cars. Growth will be centered in one spot. He also questioned the reasons the "casinos' attorneys" supported the project.

Mr. Conragan explained that he has children and wants to have horses for them. He questioned the compatibility of having them adjacent to the proposed project and its traffic. He acknowledged the need for community growth and revenue, however, the project does not match the family style neighborhood. He did not wish to lose his quality of life found at his ranch style home. The neighbors enjoy motor sports and having quick and easy access to the canyons. Discussion between Mayor Teixeira and Mr. Conragan indicated that he would still have access to that area. Mr. Conragan noted that there will be 15 homes constructed in one area close to where he rides his bike. He believed that those residents will call the cops on him for riding there.

Discussion between Mayor Teixeira and Ms. White indicated that the Homeowners Association will be responsible for snow removal for the development. The City will not remove any snow from its internal streets. Ms. White felt that the Association will place the snow on the City streets forcing the City to remove it. She also felt that the density was too high. The neighborhood recognized that the property will be developed. The project should be something that makes everyone happy.

(8:18:05) Mr. Suglia then reviewed the Board's options regarding the project including upholding the Commission's decision, Mr. Woodbury's recommendation of reversing the Commission's decisions, and using some of the Commission's findings plus its own recommendations to make the decision legally sustainable if the project is denied. The first action should be a decision regarding the zoning map amendment. CCMC 17.09.050 should be considered in that decision. The master plan does not grant an entitlement. He also pointed out that the Commission had talked about the project as not being in the "public's interest" rather than in the "public's benefit".

Mayor Teixeira indicated that he has the highest respect for his Board. They will debate the issues. He also noted that the School District's enrollment has been decreasing annually. There have been lots of comments regarding the project. The comments were made to protect whatever the speakers wished. Comments and/or a motion was solicited.

Supervisor Aldean indicated that there are many attractive aspects to the project. A similar project had been approved earlier in the meeting on the east side of Carson City. The proposed density of that project was more than in this project. She also lives in a rural area and understands the need to protect that environment. The neighborhood wants a lower density. Her personal observation from her family's development of Glenbrook was sited to indicate that by lowering the density, the developer could make more money. She believed that there are other options open to the developer that would not impose the density on the neighborhood. Her motion should not tort the development. She wished to see a similar project with a reduced density that could be attractive to the empty nestors whom she believed would be able to pay more for the units. The master plan is an effort to correct mistakes that have been made previously in planning the community. Such mistakes created friction zones. She did not wish to create more friction zones in the future. Discussion between her and Mr. Suglia indicated that she could, if desired, reference the findings for denial, add to those

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findings, and/or use some and eliminate others. Mr. Suglia also believed that Supervisor Staub's point was an excellent addition to the Commission's decision.

(8:24:25) Supervisor Williamson asked the Applicant if he had any compromises that could be forthcoming. Mr. Flores explained the effort undertaken to design the proposed project which had taken more than 15 months. He also indicated that his neighbors could build the same type of project and may as they had indicated by their contacting him about buying their property. He alleged that the master plan would allow a neighbor to construct 125 units adjacent to his property but that he is prohibited from doing so. He could not redesign the project in a fashion that would provide the quality and the park. The variances are required as the Code does not allow the flexibility to meet the master plan concepts for residential mixed uses. Until the Code is revised every developer attempting to do residential mixed uses will have the same barriers. It will take six months to obtain the Code revisions. He pointed out that earlier today the Board had considered a Code revision that amends the on-street parking requirements for PUDs. In two weeks the Board will reconsider that ordinance. At that time the development requirements will be changed and he would be able to do it without a variance. A parking requirement and a height limit do not exist for the project at this time. He then explained that he had been invited/recruited to come and invest in the community. He has worked with everyone. Several agencies and departments were listed as an illustration. Removal of two units will provide a parking area and make the development look like others in the community. Those projects have 20 foot streets with a setback. He is proposing a 26-foot wide alleyway which meets Code. The need to extend the sewer, specifically if Ribiero does not develop, with a changing market and interest rates, may not make the project feasible. He also indicated that he had purchased the property and invested in the project. He had given his best "shot" at a project for the community that had invited him to come. Supervisor Aldean thanked him for his comments and indicated that she had not been aware of his effort. She could understand his frustration.

(8:33:08) Mr. Sullivan read the definition of a PUD from the ordinance. He advised that every PUD has variances. He also indicated that part of the PUD allows the developer to increase the density, however, he/she must increase the open space to 30%. This requirement makes smaller lots. Variances for lot sizes create variances for setbacks. He reiterated that all PUDs have variances. He hoped that he had corrected this misunderstanding. Mayor Teixeira explained his question when the parking ordinance was considered earlier in the meeting. Mr. Sullivan indicated that this project had applied for a variance of the City's parking standard. The variance will help the project, which he classed as an urban project. Flexibility for that type of project is needed when addressing the Code. He agreed that Silver Oaks and University Heights had not needed this flexibility. Mayor Teixeira indicated that the Board's action earlier today will standardize the process. Mr. Sullivan concurred. Mayor Teixeira requested a motion.

Supervisor Williamson acknowledged the 20-month long effort and all of the input provided by the public to develop the new master plan. Those individuals had wanted to do infill projects and not move outside the City boundaries. She recognized that her motion will make people angry, for which she apologized. Supervisor Williamson then moved to approve a Tentative Map Planned Unit Development application known as Clear View Ridge (from) Randall Long, Lumos and Associates, Inc., property owner: Ernesto Flores, consisting of 75 single family dwellings and common open space on 3.84 acres located at Roventini Way, Assessor's Parcel Numbers 009-263-02, 03, 04, and 05 based upon 12 findings and subject to the conditions of approval in the staff report and modifications of Conditions of Approval 41, 51, and 52. Supervisor Livermore seconded the motion. Comments were solicited but none were given. The motion was voted by

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roll call with the following results: Supervisor Staub - Yes; Supervisor Aldean - No; Supervisor Williamson - Yes; Supervisor Livermore - Yes; and Mayor Teixeira - It is a done deal. My vote does not make any difference. I note that you gave an impassioned speech. I understand. You should understand, all, or at least what I was trying to do, was, and I wasn't trying to ask for much. All I want is the best product that I can get for my community. As you stated, you are the whipping post. You are the first out of the barrel. I told you this. It was going to be an uphill fight. I honestly believe the product you are bringing is fine. I believe you just shoe horned too many. I needed more guest parking. So, I wanted—. The parking was the big issue with these people. It is unfortunate that we did not get additional. I hope that, possibly, you can take that, but, you know, your's is a bottom line issue and I respect that. So with that, I will vote no on the project. Motion carried 3-2 with Supervisor Aldean and Mayor Teixeira voting Naye.

Supervisor Williamson moved to introduce on first reading Bill No. 129, AN ORDINANCE EFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE/RETAIL COMMERCIAL TO MULTIFAMILY APARTMENT-PLANNED UNIT DEVELOPMENT ON PROPERTY NORTH OF OVERLAND STREET AND SOUTH OF ROVENTINI WAY, APN 009-063-02, I'm sorry, 263-02----. Following discussion on the APN's number, Supervisor Williamson continued her motion APN 009-263-02, 03, 04, AND 05 subject to the four findings contained in the staff report. Supervisor Livermore seconded the motion. Mayor Teixeira called for affirmative votes and called for a motion on the next item. Clarification of the vote indicated that the motion had carried 5-0 as the issue was mute.

Supervisor Williamson moved to approve an abandonment of public right-of-way application from Randall Long, Lumos and Associates, Inc., property owner: Ernesto Flores, to abandon a portion of approximately 2,999 square feet on Roventini Way and a portion approximately 2,099 square feet on Overland Street, adjacent to APN 009-263-02, 03, 04, and 05, based on seven findings and subject to six conditions of approval contained in the staff report and to authorize the Mayor to sign the order of abandonment. Supervisor Livermore seconded the motion. Comments were solicited but none given. Motion carried 5-0.

12. ACTION TO ADJOURN (8:39:55) - Supervisor Livermore moved to adjourn. Supervisor Aldean seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 8:41 p.m.

The Minutes of the September 21, 2006, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 2006.

Marv Teixeira, Mayor

ATTEST:

Alan Glover, Clerk-Recorder