

CARSON CITY REDEVELOPMENT AUTHORITY
Minutes of the June 1, 2000, Meeting
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A meeting of the Carson City Redevelopment Authority was held during the regularly scheduled meeting of the Carson City Board of Supervisors on Thursday, June 1, 2000, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, which began at 8:30 a.m.

PRESENT: Chairperson Robin Williamson and Members Ray Masayko, Jon Plank, Pete Livermore, and Kay Bennett

STAFF PRESENT: John Berkich City Manager
Alan Glover Clerk-Recorder
Rob Joiner Redevelopment Director
Mark Forsberg Chief Deputy District Attorney
Neil Rombardo Deputy District Attorney
Katherine McLaughlin Recording Secretary
(B.O.S. 6/1/00 Tape 2-0667)

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

Mayor Masayko recessed the Board of Supervisors session and passed the gavel to Redevelopment Authority Chairperson Williamson. Chairperson Williamson convened the meeting by indicating for the record that a quorum was present. Member Bennett had not yet arrived. (See Board of Supervisors Minutes of June 1, 2000, for discussion/action on the other Agenda items.)

11. DISTRICT ATTORNEY - Deputy District Attorney Neil Rombardo - ACTION TO APPROVE A SETTLEMENT AGREEMENT BETWEEN CARSON CITY, A CONSOLIDATED MUNICIPALITY AND POLITICAL SUBDIVISION OF THE STATE OF NEVADA, AND THE CARSON CITY REDEVELOPMENT AUTHORITY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, AND EUGENE J. LEPIRE, SR., AND JUDY L. LEPIRE, DOING BUSINESS AS COMSTOCK COUNTRY R.V. RESORT, SETTLING THE APPEAL BEFORE THE BOARD OF SUPERVISORS REGARDING THE CARSON CITY PLANNING COMMISSION'S DECISION TO APPROVE SPECIAL USE PERMIT U-99/00-26, A SPECIAL USE PERMIT ALLOWING COSTCO TO BUILD A FACILITY OVER 50,000 SQUARE FEET AT 700 OLD CLEAR CREEK ROAD (2-0671) - Discussion indicated a desire to delay the item until later in the meeting pending the arrive of the Lepires' attorney. Chairperson Williamson indicated, for the public's information, her intent to not consider the agreement until after the Lepires have signed it.

12. REDEVELOPMENT DIRECTOR - Rob Joiner

B. ACTION ON A REQUEST BY CARSON CITY CINEMA GROUP, LLC, FOR AN EXTENSION TO THE \$100,000 SET-ASIDE OF INCENTIVE FUNDING FOR IMPROVEMENTS TO THE PROPERTY KNOWN AS THE WASHINGTON STREET STATION PROJECT, LOCATED AT 716 NORTH CARSON STREET, APN 3-283-04, FROM JUNE 1,2000 TO SEPTEMBER 1,2000 (2-0685) -

Discussion noted progress is occurring daily on the structure and requested modification of the deadline to December 31. Member Masayko moved that the Redevelopment Authority approve a request by Carson Cinema Group, LLC, for an extension to the \$100,000 set-aside of incentive funding for improvements to the property known as the Washington Street Station project located at 716 North Carson Street, APN 3-283-04, from June 1, 2000, to December 31, 2000; fiscal impact is zero. Member Livermore seconded the motion. Motion carried 4-0.

B. ACTION REGARDING A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE NORMAN AND BETTY METCALF FAMILY TRUST RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO. 4-055-09, LOCATED IN CARSON CITY, NEVADA (2-

0742) - Discussion indicated that a total of \$258,000 would be paid to the developers when both projects are completed. The improvements which had been made were noted. Funding is available to meet these commitments. The landscaping on Ninth and Plaza will be maintained by the Metcalf Family Trust and will be consistent with both projects. Member Plank moved that the Redevelopment Authority recommend to the Board of Supervisors approval of an ordinance approving a development agreement between Carson City and the Norman and Betty Metcalf Family Trust related to the development of Assessor's Parcel No. 4-055-09 located in Carson City, Nevada; fiscal impact is \$42,000; if approved, the Redevelopment Revolving Account will be reduced by \$42,000. Member Livermore seconded the motion. Motion carried 4-0.

C. ACTION TO APPROVE A RESOLUTION BY THE CARSON CITY REDEVELOPMENT AUTHORITY ENTERING INTO AN INDEMNITY AGREEMENT WHICH INDEMNIFIES UNITED GENERAL TITLE INSURANCE COMPANY AND NORTHERN NEVADA TITLE COMPANY FOR A UNITED STATES OF AMERICA PIPELINE RIGHT-OF-WAY WHICH ENCUMBERS THE TITLE OF THE FUTURE COSTCO SITE, ALSO KNOWN AS APN 9-302-05 (2-0842) - Deputy District Attorney Neil Rombardo - Efforts to locate the pipeline and determine the Federal Agency holding title to the right-of-way were unsuccessful. If at some future date, a Federal Agency requires the right-of-way, the City will ask it to use established rights-of-way. The agreement was developed in response to the title company's request to remove a potential cloud to the title. Member Plank moved to approve Resolution No. 2000-RAR-19, A RESOLUTION BY THE CARSON CITY REDEVELOPMENT AUTHORITY ENTERING INTO AN INDEMNITY AGREEMENT WHICH INDEMNIFIES UNITED GENERAL TITLE INSURANCE COMPANY AND NORTHERN NEVADA TITLE COMPANY FOR A UNITED STATES OF AMERICA PIPELINE RIGHT-OF-WAY WHICH ENCUMBERS THE TITLE OF THE FUTURE COSTCO SITE, ALSO KNOWN AS APN 9-302-05. Member Livermore seconded the motion. Motion carried 4-0.

RECESS: (2-0919) Mr. Rombardo requested the Authority continue with the Board of Supervisors agenda while he conferred with Mr. Elmore, the Lepires' attorney. Chairperson Williamson recessed the Redevelopment Authority and returned the gavel to Mayor Masayko.

(2-1385) Mayor Masayko recessed the Board of Supervisors session and passed the gavel to Redevelopment Authority Chairperson Williamson. Chairperson Williamson reconvened the Redevelopment Authority. (The entire Authority was present, constituting a quorum. See Board of Supervisors Minutes of June 1, 2000, for discussion/action on the other Agenda items.)

11. DISTRICT ATTORNEY - Deputy District Attorney Neil Rombardo - ACTION TO APPROVE A SETTLEMENT AGREEMENT BETWEEN CARSON CITY, A CONSOLIDATED MUNICIPALITY AND POLITICAL SUBDIVISION OF THE STATE OF NEVADA, AND THE CARSON CITY REDEVELOPMENT AUTHORITY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, AND EUGENE J. LEPIRE, SR., AND JUDY L. LEPIRE, DOING BUSINESS AS COMSTOCK COUNTRY R.V. RESORT, SETTLING THE APPEAL BEFORE THE BOARD OF SUPERVISORS REGARDING THE CARSON CITY PLANNING COMMISSION'S DECISION TO APPROVE SPECIAL USE PERMIT U-99/00-26, A SPECIAL USE PERMIT ALLOWING COSTCO TO BUILD A FACILITY OVER 50,000 SQUARE FEET AT 700 OLD CLEAR CREEK ROAD (1-1390) - Lepires' Attorney Rick Elmore, Development Services Director Andy Burnham, Chief Deputy District Attorney Mark Forsberg, Community Development Director Walter Sullivan, Eugene Lepire, Judy Lepire - Mr. Rombardo highlighted the agreement and corrected a typographical error in Article 4. Discussion elaborated on the grade difference and the latitude the Planning Commission had given to Community Development concerning the sound wall and grade. The agreement had not been signed by the Lepires.

Mr. Elmore espoused his feeling that neither he nor his clients had been remiss in their attempts to close the agreement. The grade difference and its impact on the height of the sound wall were then described as making the sound wall only five feet high and ineffective. Only if 12 feet of sound protection is provided will an agreement be reached. The term "approximate 1.9 acres" could be used as long as it is understood that the small portion required for the curb and gutter is not included. The conveyance of the 1.9 acres is to occur when the street improvements are completed or before the "CofO" is issued to Costco. Justification for not signing the agreement without

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resolving the sound wall issue was provided.

Mr. Burnham elaborated on the grade difference and the proposal to relocate the wall further back on the Costco site to provide the 12 foot high buffer. The setback cannot be determined until additional discussion occurs with Costco. The normal resolution for such a grade difference is the use of a retaining wall, however, in this case the retaining wall would only be five feet high on the Costco side. The intent had been for a 12 foot sound wall on the Costco side. In order to accomplish the 12 foot wall on the Costco side, the wall will be 19 feet high on the Lepires' side. As the grade tapers down the further one goes from Clear Creek, the wall is reduced until the 12 foot height is reached which occurs near the Lepires' building. For this reason staff was recommending a 2 to 1 or 3 to 4 ratio difference between the wall and property line. This process estimated that staff's recommendation would require a 12 foot difference between the property line and sound wall. This may impact the drainage facility's location. As there is 100 feet between the building and the property line, Mr. Burnham felt certain that these issues could be mitigated, however, without Costco's design team, the impact could not be determined at this time. The 30 foot landscaped buffer could be part of this solution.

Mr. Rombardo indicated that he had not been the individual who had mislead the community concerning his ability to contact Mr. Elmore and the Lepires. The news media's commentaries may have created the misrepresentation. His contact with Mr. Elmore was limited.

Mr. Elmore suggested a revision to Section 3.151 that added: "In agreeing to waive their rights herein, the Lepires are relying expressly on the conditions indicated by the representatives of the City that there will be no grade differential on either side of the wall along the western boundary line of the common property line between Costco and the Lepires". Authority comments noted that there is a grade differential there now. Mr. Elmore described his justification for this revision. Mr. Burnham indicated that the grade differential will remain at some point along the boundary even after the sound wall is installed. Discussion between the Authority and Mr. Burnham indicated that staff's recommendation may require two walls or Costco may not wish to acquire the property on the Lepire side of the wall. Mr. Rombardo voiced his concern that the recommendation left the issue open and may create additional concerns. He opined that the revision be rejected and that the original language of the agreement be retained. He agreed that the Lepires would lose their rights to claim against the Planning Commission's proposal if the agreement is signed.

(2-2092) Mr. Forsberg advised the Authority that, if the agreement is not signed today, the Lepires could move forward on their appeal. The time constraints for legal action were discussed. Mr. Rombardo explained the intent to close escrow for the Costco acquisition on June 5. He did not feel that the lack of an agreement would impact the closure. The building permits are ready to be issued. Costco could proceed without the agreement. Member Livermore expressed his feeling that the City should have a standard/precedence for developments where similar grade differentials exist. Mr. Sullivan used a site map to illustrate the property line and requested a recess to discuss the issue.

BREAK: A recess was declared at 4:10 p.m. Chairperson Williamson reconvened the meeting at 4:18 p.m. The entire Authority was present, constituting a quorum.

Mr. Forsberg explained the Board's options were to approve the agreement or continue the matter. The Board had not been agendaized for any other action. An agreement had not been reached. Direction could be provided to staff on the terms of the agreement. Chairperson Williamson explained the possibility that the Authority would have a special meeting next Thursday and suggested that this item be added to that agenda. Member Plank expressed his willingness to consider the agreement at that meeting provided that all parties diligently pursue developing that agreement which requires daily contact among the City, the Lepires, and Costco that is substantiated in writing and cannot be refuted. Member Masayko expressed his unwillingness to negotiate the terms of the agreement during a meeting. A signed agreement should be ready for consideration by the Authority at a specified period. Member Livermore agreed with his comments regarding not wishing to negotiate the terms. Mr. Rombardo indicated that staff had performed its job in negotiating and his willingness to share his documented list of contacts with the Authority. Chairperson Williamson expressed her confidence in Mr. Rombardo and that the statements were not critical of his or staff's efforts. She guaranteed that the efforts were costing the City a lot of money and that staff had other duties to attend to besides this issue. Member Masayko clarified his remarks to be that the meeting is not

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the place for the negotiations to occur. He was willing to consider a signed agreement if it is available.

(2-2328) Mr. Lepire expressed his weariness of the negotiation process and its cost. He guaranteed that a signed agreement would be ready for the Authority to consider by Thursday if at all possible.

Member Bennett echoed the comments and clarified her expectations for the Thursday meeting that there should be an reasonable agreement which could be supported by both parties. If this does not occur, then the process should return to square one and start over with the appeal. If the appeal fails, then the matter should go to court. Diligent efforts had been made by both sides. The end is approaching and resolution will be found. She was disappointed that this had not occurred today.

Ms. Lepire voiced her feeling that they had not had any control over the time required for negotiations. They had worked seven days a week on the agreement for the last 4-1/2 months. She felt that everything throughout the process had always been done at the last minute. Purportedly, two staff members had met with them yesterday and that they had reached an agreement which the City Manager had denied. She indicated that she would not elaborate on those terms as they would be denied.

Member Masayko reiterated his intent to consider the matter on Thursday only if a signed agreement is available by 8 a.m. on Thursday. Chairperson Williamson then ruled that the matter was deferred until the special meeting at noon in the Sierra Room on Thursday, June 8. Adequate direction had been given to staff. The Authority had agreed that it is time to make a decision.

There being no other matters for consideration, Member Livermore moved to adjourn the Authority. Member Plank seconded the motion. Motion carried 5-0. Chairperson Williamson adjourned the meeting.

The Minutes of the June 1, 2000, Redevelopment Authority meeting

A R E S O A P P R O V E D

ON _____ November 2_, 2000.

_____/s/_____

Robin Williamson, Chairperson

ATTEST:

_____/s/_____

Alan Glover, Clerk-Recorder