A regular session of the Carson City Board of Supervisors was held on Thursday, February 21, 1991, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

Mayor Tom Fettic Supervisor, Ward 2 Supervisor, Ward 1 Greg Smith

Tom Tatro Supervisor, Ward 3

STAFF PRESENT: John Berkich City Manager

Mary Teixeira

Kiyoshi Nishikawa Clerk-Recorder

Ted P. Thornton Treasurer

Charles P. Cockerill Chief Deputy District Attorney

Vic Freeman Undersheriff

Deputy District Attorney Mike Suglia Recording Secretary Katherine McLaughlin

(B.O.S. 2/21/91 Tape 1-0120)

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. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during the normal business hours.

Mayor Teixeira called the meeting to order at 9:05 a.m. Mr. Berkich lead the Pledge of Allegiance. Rev. Bill McCord of the United Methodist Church gave the Invocation. Roll call was taken and a quorum was present although Supervisor Bennett was absent.

APPROVAL OF MINUTES - January 17, 1991 (1-0150) - Supervisor Tatro moved to approve the Minutes as presented. Supervisor Smith seconded the motion. Motion carried 4-0.

LIQUOR AND ENTERTAINMENT BOARD MATTERS - None.

CITIZEN COMMENTS ON THE V AND T RAILROAD PROJECT (1-0157) - None.

REDEVELOPMENT AUTHORITY (1-0162) - None.

BOARD OF SUPERVISORS

PRESENT:

1. SPECIAL PRESENTATIONS - NEVADA HISPANIC SERVICES, INC. - PRESENTATION BY EXECUTIVE DIRECTOR ROSEMARY FLORES REGARDING THE NEVADA HISPANIC SERVICES (1-0177) - Undersheriff Vic Freeman explained the agenda item and introduced Iam Curley from Juvenile Probation. Mr. Curley explained his involvement with the community Hispanic youths, contact with Rosemary Flores of the Reno Hispanic Services, and creation of a Carson City Committee. His comments noted several of the Committee members, the office located at the FISH Headquarters, and explained the Committee's purpose, the size of the Hispanic community in Carson City, and his concern that the Hispanic youths who are becoming isolated. He then introduced Rosemary Flores, Director of the Northern Nevada Hispanic Services in Reno. Ms. Flores thanked the Board for the opportunity to discuss the services. She noted the brochure which had been distributed with a listing of the Carson City Advisory Board Members and the Reno Executive Board Members. She then introduced Raquel Knecht and explained a newsletter which she planned to commence printing shortly. The Board questioned her about the funding, size of her paid staff, size of both the Hispanic community and the bilingual Hispanic community. Discussion noted there is one person at Justice Court and two at the Sheriff's Department who are bilingual. Training through the Committee is possible. Other Departments with bilingual employees were noted. Ms. Knecht explained the services provided in the City since October 15 and the bilingual

programs available in the City, specifically the English As A Second Language (ESL) classes. Ms. Flores responded to the Board's questions on the creation of "Hispanic communities" within the City, the "hidden homeless" situation, housing prices and conditions, different social standards and living conditions, the waiting list for ESL classes, the social services available and planned in Reno, and the intent to seek City funding. Mr. Berkich was directed to determine the needs and amount of interaction between the Hispanic community and City staff. Ms. Knecht explained the college and high school classes available and the jobs that are being utilized by these Hispanic individuals. No Board action was required or taken on this Item.

AGENDA MODIFICATIONS - The photograph session was cancelled. Item 4 - Administrative Services Director matters were scheduled for after 11 a.m.

<u>COMMUNICATIONS/ISSUES REGARDING OTHER ENTITIES - HOSPITAL, SCHOOLS, BOARDS, COMMITTEES, COMMISSIONS, AGENCIES, ETC. (1-1122)</u>

2. ADVISORY BOARD TO MANAGE WILDLIFE - ACTION ON APPOINTMENT OF MEMBER TO THE CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE - Donald Quilici explained the 16 hour course to train the Firemen and Paramedics to communicate in Spanish during emergency situations. At that time there were no paid bilingual staff members. This was to be his second term. Supervisor Fettic moved that the Board appoint Donald A. Quilici to the vacancy on the Advisory Board Committee to Manage Wildlife. Supervisor Tatro seconded the motion. Motion carried 4-0.

ORDINANCES, RESOLUTIONS, AND OTHER MATTERS (1-1222)

3. PURCHASING AGENT - John Iratcabal - **ACTION ON THE AWARD OF CONTRACT 9091-180** - **CARSON CITY RECHARGE PROJECT AT VICEE CANYON** - Following Mr. Iratcabal's explanation of the request, bids, and recommendation, Utility Manager Dorothy Timian-Palmer explained the funding and the ability to expand the program as the Division of Water Resources allows permits to be issued. Mr. Iratcabal explained his investigation of the firm. Supervisor Smith moved that the Carson City Board of Supervisors accept the Purchasing Assistant's recommendation and award this contract to Bidder No. 9, Western States Construction, P.O. Box 1209, Dayton, Nevada 89403, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$22,221 plus a contingency amount of \$2,222.10, funding source to be Capitol Outlay 420-751. Supervisor Tatro seconded the motion. Motion carried 4-0.

CITIZEN COMMENTS - Richard Waiton explained the Salvation Army's increased assistance programs indicating the Hispanic community growth.

BREAK: At 9:50 a.m. a fifteen minute recess was taken. When the meeting reconvened at 10:05 a.m. a quorum of the Board was present although Supervisor Bennett was absent as noted.

- **5. PUBLIC WORKS DIRECTOR** City Engineer Tim Homann, Utility Manager Dorothy Timian-Palmer, and Regional Transportation Engineer Harvey Brotzman.
- A. ACTION ON REAFFIRMING THE BOARD OF SUPERVISORS' PRIOR ACTION APPROVING THE INTERLOCAL COOPERATIVE AGREEMENT R88-90-010 FOR SIGNAL SYSTEM AND INTERSECTION IMPROVEMENTS AT THE INTERSECTIONS OF CARSON STREET WITH WILLIAM STREET AND STEWART STREET WITH WILLIAM STREET (1-1401) Following Mr. Homann's introduction, Mr. Brotzman explained the signal improvements. Supervisor Fettic moved that the Board approve the Interlocal Cooperative Agreement R88-90-101 (NOTE: The correct number is R-88-90-010.) for signal system and intersection improvements at the intersections of Carson Street with William Street and Stewart Street with William Street, fiscal impact not to exceed \$124,300, funding source RTC. Supervisor Tatro seconded the motion. Motion carried 4-0.

- B. ACTION ON SUPPLEMENT NUMBER ONE TO AGREEMENT NO. R90-010 BETWEEN THE NEVADA DEPARTMENT OF TRANSPORTATION AND CARSON CITY FOR ADDITIONAL WORK CONSISTING OF SIGNAL MODIFICATIONS TO THE INTERSECTION OF WINNIE LANE AND NORTH CARSON STREET (1-1544) Mr. Homann explained the request and funding source. Supervisor Fettic and Smith noted the need for left turn signals at this intersection. Supervisor Smith moved that the Carson City Board of Supervisors approve Supplement Number 1 to Agreement No. R88-90-010 incorporating additional signal improvements at the intersection of Carson Street and Winnie Lane, fiscal impact not to exceed \$40,000, funding source RTC. Supervisor Tatro seconded the motion. Motion carried 4-0.
- C. ORDINANCE FIRST READING ACTION ON APPROVAL OF ORDINANCE AND DEVELOPMENT AGREEMENT WITH M. G. STAFFORD, INC., FOR SALIMAN ROAD **IMPROVEMENTS** (1-1635) - Supervisor Tatro disclosed his relationship with Ron Kitchen, Mr. Kitchen's business relationship with Mr. Stafford, and feeling that this would not create a conflict of interest for Supervisor Tatro. Mr. Homann explained the original agreement, the project and the funding. He introduced Mr. Stafford's representative Scott Heaton. Board discussion ensued on the distance and the needed storm drain improvements. Comments stressed the feeling that the public would use the street once it is graded and graveled in spite of attempts to keep it closed and the need to extend Saliman to Koontz. Reasons RTC had not included this extension as a priority in its funding list were discussed. Clarification also noted that the City does not have all of the necessary right-of-way in that area. (1-2235) Pat Walsh expressed the feeling that the property owners involved had and would continue to oppose the extension of Saliman. (1-2285) Scott Heaton noted that the developer did not have an opinion on the extension. The developer was merely seeking compliance with the terms of the 1975 agreement. (1-2355) Anthony Vilardi questioned the reasons for the City to accommodate the developers and whether the expenditure was in the best interest of the residents and the taxpavers. Supervisor Fettic explained the 1975 contract and that off-site construction is now required of the developer. Mayor Teixeira provided examples of this requirement. Mr. Homann explained that the funding source was RTC. (1-2450) Mr. Waiton felt that the actual usage now occurring between Fairview to Saliman and going north would be more accurate. He urged the Board to complete the extension in view of the new shopping center. (1-2510) May Ruth French expressed her feeling that an additional arterial route in that area was warranted. Supervisor Fettic explained the reason for taking action on the matter at this time and moved that the Board introduce on first reading Bill No. 105, AN ORDÍNANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND M. G. STAFFORD, INC., REGARDING ASSESSOR'S PARCEL NOS. 10-132-32, 33, 34, 35, AND 10-141-13 AND 14, LOCATED ON THE EASTERLY SIDE OF SALIMAN ROAD FOR CONSTRUCTION OF OFF-SITE IMPROVEMENTS ON SALIMAN ROAD INCLUDING GRADING, PAVING, BASE, CURB, AND GUTTER, SEWER AND WATER. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Smith - Yes; Fettic - Yes; Tatro - Yes; and Mayor Teixeira - No. Motion carried 3-1.

D. WATER MATTERS

- i. ACTION ON LEASE AGREEMENT WITH MICHAEL AND MURIEL DARLING FOR CARSON RIVER WATER RIGHTS DURING THE 1991 IRRIGATION SEASON (1-2636) Board concern was expressed about the City's ability to collect on the water rights in view of the drought. Supervisor Fettic moved that the Board approve and authorize the Mayor to sign the lease agreement with Michael and Muriel Darling for Carson River water rights during the 1991 irrigation season, not to exceed \$25,000, funding source 420. Supervisor Tatro seconded the motion. Motion carried 4-0.
- ii. ORDINANCE FIRST READING ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 15.09, PLUMBING CODE, BY ADDING NEW SECTIONS RELATING TO LOW-FLOW WATER FIXTURES AND DEVICES AND SETTING JULY 1, 1991, AS THE EFFECTIVE DATE (1-2749) Discussion noted the education program, that the program may eventually be extended to retrofit older homes, reduced sewer and water costs, the incentives offered in other areas, the change in the City's water status, reasons for requiring the shower head have a non-removable aerator, the July 1 commencement date, and the notifications given to plumbing contractors. Keith Holland explained the

Department policy concerning the implementation date. Ms. Timian-Palmer explained for Mr. Waiton the effect the proposal would have on industrial appliances and car washes. Car washes will be addressed in the future. Supervisor Smith explained that businesses consider saving measures when the investment is made. Ms. Timian-Palmer felt that the City would experience a 40 percent reduction in water usage by changing the shower heads. Supervisor Fettic moved to introduce on first reading Bill No. 106, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 15.09, PLUMBING CODE, BY ADDING NEW SECTIONS RELATING TO LOW-FLOW WATER FIXTURES AND DEVICES; AND SETTING JULY 1, 1991, AS THE EFFECTIVE DATE. Supervisor Tatro seconded the motion. Motion carried 4-0.

6. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (2-0428)

A. ACTION ON LAND PURCHASE AGREEMENT BETWEEN CARSON CITY AND FIRST PRESBYTERIAN CHURCH - Mr. Berkich explained the request and role that Redevelopment would play in the joint venture. Joe DiLonardo explained the joint venture proposal and projected construction date. Supervisor Tatro moved that the Board approve and authorize the signing of a land purchase agreement between Carson City and the First Presbyterian Church concerning Assessor's Parcel No. 3-212-02. Supervisor Fettic seconded the motion. Supervisor Tatro continued his motion to include fiscal impact of approximately \$36,000 less escrow expenses. Supervisor Fettic continued his second. Motion carried 4-0.

Mr. DiLonardo commended the staff on its commitment. Mayor Teixeira thanked him for having a pro-active approach to the downtown parking problem and willingness to cooperate.

- B. ACTION ON APPOINTMENT OF DANIEL K. O'BRIEN AS CARSON CITY'S REPRESENTATIVE TO WESTERN NEVADA DEVELOPMENT DISTRICT BOARD OF DIRECTORS (2-0589) Following Mr. Berkich's explanation of the request and candidacy requirements, Supervisor Tatro moved that the Board of Supervisors appoint Daniel K. O'Brien as Carson City's representative to the Western Nevada Development District Board of Directors. Supervisor Smith seconded the motion. Motion carried unanimously.
- C. ACTION ON LETTER OF UNDERSTANDING BETWEEN THE STATE OF NEVADA AND CARSON CITY REGARDING THE STATE PURCHASE OF THE COURTHOUSE AND EXISTING FIRE STATION NO. 1 AND THE PURCHASE BY THE CITY OF STEWART PROPERTY FOR A NEW FIRE STATION (2-0665) Mr. Berkich distributed the Letter of Understanding. Mayor Teixeira suggested a five minute recess to read the letter.

BREAK: At 11:05 a.m. a five minute recess was taken. When the meeting reconvened at 11:10 a.m. a quorum was present although Supervisor Bennett was absent as noted.

Mr. Berkich explained the reasons for the Bill draft, the time limits, the site selected for the Fire Station, the condition mandating payment for the State property, and proposed funding allocations. Board discussion noted that this was a deviation from the original concept and concerns that the bond had not considered the purchase. Mayor Teixeira reviewed the original contracts, commitments made due to Assemblyman Sedway's involvement, legal requirements on the transfer of State property, the \$3 an acre appraisal value for the State property, the deadlines and funding. Board discussion indicated that the reason for selecting the Stewart site had to some degree been based on the lease price, the State's need for the equipment in the downtown area, and expressed concern about pursuing Legislative intervention. Mayor Teixeira expressed his feeling that the proposal was fair and equitable. Supervisor Tatro suggested the matter be tabled until the next meeting to allow time to evaluate the commitment. Mayor Teixeira explained that the City was committed to accepting \$860,000 and avoid the potential of not having a facility elsewhere. Supervisor Smith also requested tabling the issue until public comment could be received. Mayor Teixeira explained his reluctance to delay the matter. Mayor Teixeira responded to Mr. Waiton's questions concerning the desire to delay the matter. Mayor Teixeira continued to urge

the Board to accept the Letter and attempt to change the Statutes.

BREAK: At 11:40 a.m. a ten minute recess was taken. When the meeting reconvened at 11:50 a.m. a quorum of the Board was present although Supervisor Bennett was absent as noted.

Mr. Cockerill requested the matter be continued until Bond Counsel could evaluate the language of the Letter and that part of the Bond Question. Mayor Teixeira continued the matter to 3:30 p.m.

- **D. PRESENTATION AND POSSIBLE ACTION ON CARSON CITY CONSOLIDATED MUNICIPALITY "PROFILE" (2-1516)** Administrative Assistant Jeanette Sullivan explained the direction requested to establish a sale price, the purpose of the booklet, the proposed revision, potential market, suggested sales prices and labor costs. Mr. Berkich commended Ms. Willa Oldham and Ms. Sullivan on their efforts. Board comments indicated the feeling that the City should recover all costs related to the booklet. Supervisor Tatro explained that he had not been fruitful in determining the State's cost to print the booklet. No formal action was taken.
- 4. ADMINISTRATIVE SERVICES DIRECTOR Mary Walker.
- **A. ACTION ON RESOLUTION TO PROVIDE FOR CARSON CITY FINANCIAL STABILIZATION** (2-1939) Ms. Walker reviewed the Resolution in detail including reasons for each provision. (2-2274) Chamber of Commerce Executive Vice President Larry Osborne expressed his support for the Resolution and offered his assistance in developing the plans called for within it. Discussion ensued with the Board concerning the sales tax revenue. Supervisor Fettic moved that the Board adopt Resolution No. 1991-R-9, RESOLUTION TO PROVIDE FOR CARSON CITY FINANCIAL STABILIZATION. Supervisor Tatro seconded the motion. Motion carried 4-0. Mr. Berkich then thanked Mr. Osborne for his assistance and noted those programs utilized currently.
- **B.** ACTION ON CARSON CITY'S FISCAL YEAR 1990-91 SECOND QUARTER FINANCIAL REPORTS (2-2505) Ms. Walker highlighted the reports. During her presentation she distributed copies of a graph to the Board and Clerk. Discussion with the Board indicated reasons for the decrease in sales tax revenue. Ms. Walker stressed that with the budget cuts already implemented, budget would be maintained. Concern was expressed about overtime charges being experienced at the Sheriff's Office. A Federal grant had been obtained for traffic overtime. Comments noted that a sewer engineering position and two other positions had not been filled. Also, some of the \$300,000 subsidy for the ambulance may be returned. Additionally, it may be necessary to transfer some of the Ambulance funding back to the Fire Department. Ambulance depreciation was explained as well. Supervisor Smith moved to approve the Carson City FY 1990-91 Second Quarter Financial Reports. Supervisor Fettic seconded the motion. Motion carried 4-0.

BREAK: A lunch recess was taken at 12:40 p.m. When the meeting reconvened at 1:30 p.m. a quorum of the Board was present although Supervisor Bennett was absent as noted earlier.

7. PHOTO SESSION OF THE MEMBERS OF THE BOARD AND STAFF - Cancelled.

PETITIONS AND COMMUNICATIONS (3-0347)

8. VIRGINIA G. ORCUTT, ET AL. - DISCUSSION REGARDING INTERPRETATION AND ENFORCEMENT OF THE UNIFORM FIRE CODE - Ms. Orcutt distributed copies of the Code violation to the Board and Clerk. She explained her attempts to keep her building in compliance with the Code and her frustration with the constantly changing requirements. The latest problem was with the locks which she has on her office building. She had thumb locks on her doors due to her concern for the safety of the office workers who work on weekends. The workers would unlock the building on entering and lock it behind themselves. The Fire Code mandates a key lock which she felt would be a problem if a fire broke out as the workers would forget their keys in their flight. The thumb lock had been on the door for many years. Every time she had had work done, the

Fire Marshall had indicated that she was within Code. The expense and frustration of trying to keep things up to Code were noted. She then explained her check with other merchants including Kentucky Fried Chicken, Sizzler's, Wendy's, and the Oak Store, their remodeling, apparent compliance with the Code, the type of locks mandated on each, and sudden demand that the locks be changed. She then explained a copy of the 1991 Uniform Fire Code requirements mandating that the exit sign over doors which now state that "This door to remain unlocked during business hours." will now state that: "This door must remain unlocked during business hours.". This made it abundantly clear to her that she would never reach a point where she would be in compliance with the Code. She then explained that her profit margin was too small to continually have to face these changes. She felt that she should be able to appeal the violations without seeking legal recourse, however, the Fire Marshall does not allow her to seek the remedy spelled out in the Code. This is evidenced by the fact that the Fire Marshall does not have the proper forms for her to file an appeal. When she was notified that she was in violation of the Code, she had requested a copy of the Code. The Fire Chief refused to give her a copy and directed her to go to the Library. She then requested a letter stating that she had been in violation for 12 years, which he refused to do. She felt this was a clear indication that the Fire Department was chasing businesses out of town. She urged the Board to halt all inspections until the notifying letters include the appeal process and the form. She then introduced Mike Lavin of the Oak Store. (3-0681) Mr. Lavin distributed photographs to the Board. (These were given to the Clerk after the meeting.) He then explained his new store on Highway 50 East which opened December 31. He was willing to comply with the Code, however, was concerned about the Fire Marshall's insistence that his bar on the back door be eliminated. He used this bar at night to keep people from breaking in. Reno had passed it annually. He insisted that the door was not barred during business hours. Discussion with the Board stressed the point that the bar could not be used at night. (3-0780) Sam Ward manages Ms. Orcutt's Adam Street building. He then explained his involvement with the Fire Department and the thumb lock. The letter notifying him of the violation indicated that the lock could not require special knowledge or effort. He did not feel that this fit the thumb lock when considering safety and security concerns. Mr. Dougherty, who maintains the broiler room, does not wish to have his employees have a key. He was present and would testify if requested. The letter was given to Supervisor (3-0835) Bill Potts, Donrey Media Groups' Manager, explained his large office complex. acknowledging the Fire Department's need to do its job, he felt that direction was needed. A new building had been approved by the Building Department, Fire Department, and several others. Once it was constructed, however, it does not meet Code. This mistake cost his firm \$8,000. All building inspections have been conducted and approved with the exception of the last two. Purportedly all of the "violations" have "always been on the books". He felt that this was an indication of inconsistency. He could not understand the rationale behind selfclosing doors which would keep the fire contained within the room. It is a heavy door which "little old ladies may not be able to open in an emergency". He then explained the merchants' feeling that to bring the issue to the Board would invite harassment by the Fire Department. He expressed the desire to have the Code enforced consistently. He then noted problems encountered in attempting to get a locksmith to comply with the Code. (3-0945) David Small, Carson City Locksmith, explained his confusion in attempting to determine the Code requirements and responded to Board questions concerning his confusion. A copy of the Code requirements he was attempting to work under was given to the Board. His comments stressed the feeling that conflicting requirements are being placed on the owners. Clarification indicated that Ms. Orcutt is to install only a key lock and not the panic bar. Ms. Orcutt explained her concern for the safety of the workers in an emergency and liability related thereto. She did not wish to obtain the services of an attorney. Mr. Small urged the Board to attempt to establish understandable requirements. Mr. Potts then explained his knowledge of three 24-hour a day operations, their locked exit doors, and the Fire Marshall's willingness to accept their locked doors to prevent thieves from entering and exiting. He felt that private citizens would use the lit exit signs for direction only to find the doors locked. (3-1107) Donna Anderson explained a second problem with the Fire Code. This issue was to be heard once the first issue has been addressed.

(3-1185) Mr. Berkich introduced former Fire Marshall Larry McPhail, Building Official Karen Goddard, and Fire Chief Lewis Buckley. Chief Buckley began by explaining how the Fire Code is developed and reasons for the City to adopt it. He then explained that Firepersons are utilized to perform inspections. Many are not adequately trained for this function. He acknowledged that some corrections had been performed. They had, however, failed to discover the lock violation. He stressed that this may have been due to the lack of adequate training. He then explained that the thumb lock is felt to require special knowledge to use as it must be turned. The key lock was

demonstrated. The Code did not consider weekend workers rather considered office workers from 8 to 5 who unlock the door and leave it open for business. The thumb lock is hard to open when panicked individuals are pushing against the door and attempting to work the lock. Child care center locks were explained and demonstrated also. Code requirements and Chief Buckley's willingness to enforce it as written were explained. Board comments stressed the need for the Code to be enforced with some reasonableness. Chief Buckley continued to stress his need for training and increased staffing. The Board of Supervisors functions as part of the Board of Appeals. The duties of this Board were explained. Board comments continued to stress the need for reasonableness and consistency and to address intent, attitude, and communication. Supervisor Fettic suggested Mr. Berkich and Chief Buckley meet with the individuals and establish a reasonable requirement and communicate with the public. Chief Buckley continued to stress his need for training so that uniform enforcement would occur. Mr. Berkich distributed a letter to the Board which will be forwarded to the locksmiths attempting to address the lack of communication and that a meeting would be held with the Chamber of Commerce and its members. (3-2105) Mr. McPhail stressed his feeling that consistency is definitely needed. The individuals who would receive the letter were explained. He also expressed a willingness to have a seminar on the topic.

(3-2216) Ms. Orcutt questioned the reasons for continual building inspections and need to adopt Codes established by other areas. Mayor Teixeira explained that the Fire Code parallels the Uniform Building Code.

(3-2285) Ms. Rosetta McFadden explained her representation of several childcare centers and the problems they had encountered with the Fire Code mandating that metal containers with tight fitting lids be used in the centers. Her petition was outlined. The cost was over \$100 a piece, which was felt to be exorbitant. The centers were non-smoking, therefore, this should not be mandated. Concerns related to the use of galvanized containers and safety of the metal containers were outlined. Fire statistics in receptacles are not available. She was also concerned about the uncooperative attitude which was being presented. The Code was being mandated by the State Fire Marshall and not the City Marshall.

AT THIS POINT IN THE Board meeting George Finn, a process server, served the Board with a summons related to the V and T Roundhouse.

(3-2705) James Kirks, a member of NFPA, explained his experience with the Fire Department and Fire Code. He felt that the rules were changeable and not cast in stone.

(3-2765) Donna Anderson stressed safety concerns and identified several hazards she felt were being created for the children by the mandated receptacles. She felt the cost was prohibitive. Mayor Teixeira acknowledged the safety concerns. Chief Buckley noted that the containers were a State requirement and explained the requirement. The State Fire Marshall was willing to establish an Appeals Board and consider the issue. Mayor Teixeira urged the Board to request a hearing with the State Fire Marshall and his willingness to correspond with him on this issue. Clarification indicated the City should adopt stronger statutes than required by the State. Unless the City's standards are stronger than the State, the State requirements prevail. (4-0051) Ms. McFadden explained Health Director Fralinger's support, his repeated checks at the center, and reasons for her feeling that the Fire Department is not aware of the situation. She had also approached the State Legislators. Discussion noted the Item had not been agendized for action and none was taken. Ms. Anderson then requested Mr. Cockerill check the definition of "store" and determine if it also applies to this instance. Mr. Cockerill agreed to do so. Mayor Teixeira thanked the audience for its attendance and participation.

No formal action was taken on either issue by the Board.

BREAK: At 2:50 p.m. a five minute recess was taken. When the meeting reconvened and 2:55 p.m. a quorum was present although Supervisor Bennett was absent as noted.

6. C. ACTION ON LETTER OF UNDERSTANDING BETWEEN THE STATE OF NEVADA AND CARSON CITY REGARDING THE STATE PURCHASE OF THE COURTHOUSE AND EXISTING FIRE STATION NO. 1 AND THE PURCHASE BY THE CITY OF STEWART PROPERTY FOR A NEW

FIRE STATION - CONTINUED (4-0120) - Mr. Cockerill explained Bond Counsel's advice. Mayor Teixeira then passed the gavel to Mayor Pro-Tem Fettic and moved that the Board of Supervisors approve in concept the letter of understanding between the State of Nevada and Carson City regarding the State's purchase of the City's Courthouse and existing Fire Station No. 1 and the purchase by the City of the State's property off Stewart Street for a new Fire Station, that the contract be subject to favorable recommendations of Bond Counsel. Supervisor Smith seconded the motion. Motion carried 4-0.

Mayor Pro-Tem Fettic returned the gavel to Mayor Teixeira.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS (4-0210)

9. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan.

A. ACTION ON REQUEST FOR THE BOARD OF SUPERVISORS TO ACCEPT COMMUNITY DEVELOPMENT DEPARTMENT REPORT FOR APN 8-162-28 AND 29 ARE CURRENTLY ZONED MOBILE HOME 12,000 (MH12000) - Review of the zoning map and other zoning issues in the immediate vicinity indicate the zoning of these parcels have never been considered. Clarification indicated the Minutes would reflect Board action on this issue. Supervisor Fettic moved that the Board accept the Community Development Department's report on APN's 8-126-28 and 29, which are currently zoned Mobile Home 12,000, and confirm that the Parcels are in fact zoned Mobile Home 12,000. Supervisor Tatro seconded the motion. Motion carried 4-0.

B. PLANNING COMMISSION REFERRAL - REVIEW AND APPEAL MATTERS (4-0278)

- i. ACTION ON M-90/91-13 A REQUEST FROM M. G. STAFFORD TO ABANDON A FIVE FOOT PUBLIC UTILITY EASEMENT LOCATED EAST OF SALIMAN ROAD AND SOUTH OF HALLECK DRIVE (SKY RIDGE SUBDIVISION) (APN'S 10-1332-32 AND 10-141-13) PLANNING COMMISSION APPROVED 7-0-0-0 Following Mr. Sullivan's introduction, Supervisor Tatro stated his disclosure indicating his relationship with Ron Kitchen and feeling that it would not affect his decision on this matter. Supervisor Fettic moved that the Board uphold the Regional Planning Commission's recommendation to approve the Change of Land Use on the part of M.S.B. Properties--. Upon clarification of the item under discussion, Supervisor Fettic withdrew his motion and moved that the Board approve the request from M.G. Stafford to abandon a five foot public utility easement located east of Saliman Road and south of Halleck Drive. Supervisor Smith seconded the motion. Motion carried 4-0.
- ii. ORDINANCE FIRST READING ACTION ON Z-90/91-6 A REQUEST FROM M.S.B. PROPERTIES TO REZONE PROPERTY FROM SINGLE FAMILY 6000 (SF6000) TO NEIGHBORHOOD BUSINESS (NB) LOCATED ON THE WEST SIDE OF SILVER SAGE DRIVE BETWEEN KENSINGTON DRIVE AND SOMERSET DRIVE (APN 9-112-36) - PLANNING COMMISSION APPROVED 4-3-0-0 (4-0329) - Following Mr. Sullivan's review of the request and recommendations, Mark Rotter, representing M.S.B. Properties, responded to Board questions on Silver Sage egress/ingress; with the use of a development map and conceptual sketches, the type of businesses to be located in the complex, and projected buildout schedule. Mr. Sullivan explained further the Commissioners negative votes. There were no comments expressed opposing the project at the Commission hearing. Mr. Rotter explained the phasing of the adjacent project and noted the commitment to complete Sonoma. The Sunchase Tentative Map had not included the parcel under discussion. The type of buildings planned for the site were explained. Supervisor Smith moved that the Board of Supervisors uphold the Regional Planning Commission's recommendation to approve Bill No. 107 and introduce on first reading Bill No. 107, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON A PORTION OF ASSESSOR'S PARCEL NUMBER 9-112-36 SAID PARCEL BEING LOCATED ON SILVER SAGE DRIVE IN CARSON CITY, NEVADA, FROM SINGLE FAMILY 6000 (SF6000) TO NEIGHBORHOOD BUSINESS (NB) ZONING. Supervisor Fettic seconded the motion. Motion carried 4-0.

C. DOWNTOWN MASTER PLAN ELEMENT - ACTION TO ACCEPT RECOMMENDATION OF THE REGIONAL PLANNING COMMISSION TO APPROVE DOWNTOWN MASTER PLAN ELEMENT AND ADOPT IT AS AN ADDITIONAL ELEMENT OF CARSON CITY'S COMPREHENSIVE MASTER PLAN (4-0765) - Mr. Sullivan's introduction noted Supervisor Bennett's concerns, the hearings conducted on the element, and legal publications. Discussion indicated the feeling that additional time was needed to review the proposal. Supervisor Tatro moved to table the matter until the first regular session in March. Mr. Joiner noted the time chart designations concerning various goals in the element and gave the Board a copy of the background plan. (A copy was not given to the Clerk.) Supervisor Fettic seconded the motion to table the item. Gail Thomssen acknowledged the effort Community Development had extended in attempting to work with all the various downtown interests and factions. The motion to table the item until the first meeting in March was voted and carried 4-0.

10. BOARD OF SUPERVISOR REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-1005)

- **B. SUPERVISOR SMITH** None.
- **C. SUPERVISOR FETTIC** A status report on the Subconservancy District was given. The priority of Bodie Dam and need for funding were explained. The Stokes water rights are pending further negotiations. Aqua I water is not possible this summer due to the Federal Water Master's ruling. Helm's water is possible. Douglas County has withdrawn its protest against Stokes' storage water which Carson City was trying to obtain. Purchase options were indicated.
- **D. SUPERVISOR TATRO (4-1148)** Explained the hotel/motel referral service being established by the Convention and Visitors Bureau and benefits from the program. The telephone number for this service is 1-800-NEVADA1.
- 6. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES CONTINUED (4-1189) Mr. Berkich explained staff's understanding that the Board did not wish to consider a rate increase for the water utility until a revenue requirement was indicated. The repairs/corrections to the Indoor Pool were outlined. The Dale Drive petition had been submitted to Public Works. Dale Drive is a private street. A meeting will be held with the residents. The Juvenile parking lot expansion was explained. A stop sign was installed at Nevada and Eighth Street due to the safety concerns. The V and T Train Committee will present its benefits assessment study at the next Board meeting. The first Task Order for Solid Waste has been drafted, however, due to concerns, Kleinfelder is redrafting the priorities. The Task Order may be brought to the Board at the second March meeting. Funding for the unclassified catastrophic leave program was explained. KPTL selected Jeanette Sullivan as Citizen of the Month.
- **10. B. SUPERVISOR SMITH** (**4-1320**) Parks and Recreation Commission will be bringing the Residential Construction Tax allocations to the Board soon. Originally these funds were being held pending completion of the Parks Master Plan. This will not occur until sometime next fall.
- F. DISCUSSION AND POSSIBLE ACTION REGARDING 1991 LEGISLATIVE MATTERS (4-1350) None.
- **A. MAYOR TEIXEIRA** (4-1355) A rough draft of the Golf Course Food and Beverage Concession RFP request is in the Board's files. Feedback is requested. Turned down the invitation to tour Israel with the Mayors.
- **F. DISCUSSION AND POSSIBLE ACTION REGARDING 1991 LEGISLATIVE MATTERS (4-1396)** Mr. Cockerill explained his letter expressing the Board's opinion on AB 249, Binding Fact Finding Bill.

BREAK: A recess was declared at 3:40 p.m. When the meeting reconvened at 6:30 p.m. a quorum of the Board was present although Supervisor Bennett was absent as noted previously. Staff members present included: City

Manager Berkich, Clerk-Recorder Nishikawa, Chief Deputy District Attorney Cockerill, Principal Planner Joiner, and Recording Secretary McLaughlin.

11. DISCUSSION AND POSSIBLE ACTION REGARDING THE ACQUISITION OF V AND T ENGINE SHOPS SANDSTONE MASONRY AND OTHER MATTERS PROPERLY RELATED THERETO (4-1455) - Mayor Teixeira read the faxed communication from T and O Masonry. The two columns were not the original end columns on the east wall but were on the site. The price quoted was \$90,000. He then read a memo from Department of Museums and History Administrator Scott Miller expressing a willingness to accept one arch if acquired with City funds and not State.

(4-1605) May Ruth French expressed her dismay at the thought of spending City funds for this purpose during a recessionary period. She felt that saving the remnants would fulfill the wishes and dreams of a few citizens at the expense of the tax payers. Hank Thomas explained his feeling that Mimi Rodden's testimony at the last meeting was valid. The V and T shops are gone. In response to his question Mayor Teixeira felt that one arch would cost approximately \$8 to \$9,000. He expressed a willingness to donate one of the arches to the State Museum and have the City pass on the balance of the material. Mayor Teixeira commended him on his offer. (4-1741) Richard Waiton expressed his feeling that public participation should occur during the City's budget sessions rather than for special interests. He felt that the City did not have the money to spend for such items. (4-1795) Trudy Stanford expressed her dismay at the lack of understanding concerning the importance of the building. Her contacts in Washington, D. C., supported her feeling that the City could return all of the material. Private interests could fund it. She compared it to the Statue of Liberty. She urged the Board to take steps to redeem it. (4-1875) Maxine Nietz expressed her feeling that the City should purchase the material with State funds as the repayment would require only .01 percent of the budget and not mandate a tax increase. It would not take funds allocated for other historical projects. She could not accept the contention that all that remained were "souvenirs" and cited examples illustrating the importance of the items. (4-2007) Art Hannafin expressed his feeling that the building was of great historical value attracting many tourists. He suggested the arches could be used at the railroad museum, as gates along pedestrian walkways, combined with the State Complex expansion projects, etc. (4-2110) Ron Butterfield felt that the offer should be accepted and the balance of the State's funding be utilized for construction. He urged the Board to use eminent domain to obtain a portion of the original site and reconstruct some of the arches there. The cost was minimal compared to the stones historic value. His original offer to move and store the stones at no cost to the City was still valid. (4-2210) Gail Thomssen felt they were an important part of the City and should be kept here. (4-2245) Mimi Rodden expressed her feeling that financial responsibility should dictate the Board's course of action. The loss could not be recaptured. Therefore, the Board should consider other issues and learn from the loss. (4-2301) George Finn expressed his feeling that the items for sale should be indicated and evaluated. Mayor Teixeira re-read the list and prices. The \$125,000 funding offer was in the Bill request by Assemblyman Adler. Mr. Finn felt that the material had been relocated to Moundhouse and should be acquired. He felt that the \$90,000 price was affordable. (4-2515) George Abbot noted that he was the individual who had signed the complaint served earlier in the day. His legal experience and reasons for filing the complaint were explained. He felt that 90 percent of the structural stones had remained in Nevada as well as 7/11th of the arches. He then used a news article from February 21, 1991, Nevada Appeal indicating that the City had not done everything within its power to keep the stones in Carson City and that the State had failed to use its eminent domain powers. He felt the \$90,000 offer should be accepted. Even if the City had acquired the original building, it would have had to be reconstructed. Therefore, he urged the Board to purchase all of the stone and use it for gateways to the City. The Legislative funds should be accepted. The purpose of his suit was then explained. He then expounded on his reasons for feeling that the material and original building had been of historic value and should be preserved. (5-0175) Mr. Waiton expressed his feeling that it was not the Board's responsibility to save private property. The Board's responsibility was to protect citizens' property and life of the City. He then explained the State requirement that the City purchase the site for the new Fire Station, which he felt was a better use of the City's funds. (5-0271) Ms. Nietz explained that the Legislative proposal allocated funds for only one purpose--acquisition of the V and T masonry. The repayment would cost ten cents per person per year. (5-0292) Sharon Burnett expressed her representation of the group involved in attempting to save the original structure and was now seeking the lawsuit. She felt that the issue should not be postponed any more. She wanted the entire

masonry for the City's benefit. She was willing to accept any donations the public wished to give. (5-0425) Mayor Teixeira then explained for Mr. Butterfield that there were 41 tons of rubble. Mr. Butterfield felt that this was a good deal. (5-0455) Mr. Finn expressed his feeling that eminent domain allowed the owners to receive just compensation. He felt that the same was true of the V and T Roundhouse property owners and urged the Board to use this resource to save the material.

BREAK: At 7:30 p.m. a five minute recess was taken. When the meeting reconvened at 7:35 p.m. a quorum of the Board was present although Supervisor Bennett was absent as noted.

Discussion among the Board addressed terms in the proposed Bill and conditions which should be included in any motion to purchase some/all of the material. Supervisor Smith's position on the acquisition of any of the material was explained. Mr. Cockerill expressed the feeling that the City had several locations where the material could be stored. Supervisor Fettic then explained his feeling that the City should save some of the material, however, was unsure how much. He could not support the rubble. Ms. Burnett had indicated to him that the stones could be utilized in a fashion to create funding and perhaps repay the State loan. He was also facing a dilemma concerning the lack of knowledge on the final terms of the State loan and the apparent shortfall in the City's budget for next Mayor Teixeira also expressed concern about the "best interest of the City" including its fiduciary responsibility. He noted numerous attempts made to save the standing facility. Potential uses were also noted. He then explained the contact he had had on this issue of which a preponderance indicated that there were other needs which should be addressed before funds should be allocated for this purpose. Emotionally he could not support rejecting the entire offer. Mr. Thomas' offer was the best he had since he began his attempt to save the facility. He then noted the tourist attractions provided by the Nevada State Museum and the Nevada Railroad Museum. He could support saving a portion. Supervisor Fettic then noted that he had not received one telephone call supporting the acquisition. A portion of the calls he had received had indicated that the public felt their ad valorem taxes would be affected, which was erroneous. Supervisor Fettic then moved that the Board, subject to the loan from the State of Nevada, and after having negotiated an agreement with the State of Nevada on the terms of the payback, which shall be satisfactory to Carson City, and following a purchase agreement that will be signed by T and O, assuming they accept, drawn up by the Purchasing Department and after having given the Mayor the authorization to sign and send a letter of intent to T and O, and that the items be identified in particularity those items to be mentioned, that the Board approve an expenditure not to exceed \$90,000, that the Board was not acquiring all of the material, in order to save for historical prosperity the seven arches and those cut stones that can be of value in recognizing the history or the part in history that the shops played in this City and in the State of Nevada. Following clarification, Supervisor Fettic amended his motion to clarify that the arches included the stone, doors, wooden arches, and the jams. Further clarification ensued after which Supervisor Fettic stated that the motion included seven arches, and jams, doorways 11 x 17, seven arches, doors and hardware, the end columns are not a part of the arches, and the 41 tons are not to be included, only the cut stones which can be inventoried and looked at. Further clarification by Supervisor Fettic indicated that the end columns are included in the items to be procured if they are cut stone. Supervisor Fettic also amended the motion to include that the District Attorney's office was to review the purchasing agreement. He then stressed that the entire \$90,000 was not being committed which was the reason for his not to exceed the motion. Supervisor Fettic also amended the motion to include that the funding source was the State of Nevada loan. Supervisor Tatro seconded the motion conditioned upon another condition. Supervisor Tatro then explained his concern that the State loan terms should be specified so that it is known what the City was willing to consider. Further discussion noted that although the funding source was the State loan, it would in essence come from the General Fund. Supervisor Fettic then amended his motion that the State loan is for \$90,000, that the City was not to exceed \$90,000 in the procurement of the indicated material, that the terms of the loan with the State were to be for only \$90,000 at Zero Percent interest, that the negotiated repayment terms of the loan were to be agreeable to Carson City, that the purchasing agreement shall be prepared by the Purchasing Agent, authorize the Mayor to sign, that the material to be purchased will be identified in particularity up to seven arches and the cut stones. Due to the need for further clarification, Mr. Cockerill requested a brief recess. At 8 p.m. a five minute recess was taken. When the meeting reconvened at 8:05 p.m. a quorum of the Board was present although Supervisor Bennett was absent as noted previously.

Supervisor Fettic then withdrew the motion and Supervisor Tatro withdrew his second. Supervisor Fettic then

moved that the Board offer to purchase up to seven arches, cut stones, jams, doorways 11 x 17, seven arches, doors, and hardware, at a not to exceed cost of \$90,000 from T and O subject to the following conditions: 1. Subject to a no interest loan by the State of Nevada to be paid back over 30 years to cover the purchase price; 2. An agreement between Carson City and the State of Nevada regarding the loan; 3. A purchase agreement negotiated and drawn up by the Purchasing Agent, approved by the District Attorney, signed by T and O and brought back to the Board of Supervisors for approval; 4. Authorize to sign and send a letter of intent regarding this proposal; 5. Funding source repayment of the loan to be paid from the General Fund; and, 6. Subject to verification of the quality, quantity, and serviceability of the arches and doors. Supervisor Tatro seconded the motion. Clarification for Mr. Waiton indicated that the cost to retrofit or reconstruct the arches was not included. The motion was voted by roll call with the following result: Tatro - Yes; Fettic - Yes; Smith - If the City's financial position was under less stress, he might vote differently; however, at this time he felt there were real and identifiable problems and needs, and that these needs and problems will not be addressed by the Community's purchase of souvenirs with the tax dollars - No; and Mayor Teixeira - His problem was that once it is purchased, what are we going to do with it; if you loose the numbers, plans, one, two or three pieces over the years, nothing would happen, therefore, he could not support it - No. Motion failed on a 2-2 vote.

Mayor Teixeira then passed the gavel to Mayor Pro-Tem Fettic and moved that the Board of Supervisors acquire at which point he was interrupted for clarification of the vote. Mayor Teixeira then moved that the City of Carson City acquire from T and O Masonry two arches, one to be donated to the Department of Museums and History for an appropriate memorial, the second to be held by the City of Carson City to be placed at a point in the future that will be deemed proper by whatever Board is in effect at that time, that the amount of purchase is not to exceed \$19,000, the funding source for this acquisition shall be the General Fund and that the City will not request a loan from the State and that the City would negotiate straight forward with T and O Construction, and that the City Manager, Public Works, and Purchasing be requested to identify the two arches and jams and stones and bring the contract back with a letter of intent being sent at the same time to Mr. Dale Taylor, the balance is to be left up to the public sector, if they indeed wish to step up to the plate and purchase, and that the City would hold these stones and both arches for a period no longer than six months, and if there can be a better use by the private sector including these arches that we proceed with the gift to the Museum and just hold one arch in the City's possession. Following a request for clarification, Mayor Teixeira amended his motion to include, subject to having the purchase agreement reviewed by the District Attorney and brought back to the Board for approval. Mayor Teixeira indicated the arches, jams, and cut stones were included. The doors and templates were not needed as the State Museum has these already. Mr. Finn then demanded a point of order and indicated his feeling that the final use of the material should be considered at future meeting. Mayor Pro-Tem Fettic ruled that the motion was not out of order and requested a second. When one was not forthcoming, he ruled the motion had died for a lack of a second and passed the gavel to Mayor Teixeira.

(5-1518) Following discussion indicating that another motion was not forthcoming, Supervisor Tatro agreed to second the motion previously made by Mayor Teixeira. As that motion had been ruled dead, Mayor Teixeira again passed the gavel to Mayor Pro-Tem Fettic and moved that the City of Carson City acquire two arches from T and O Masonry at a price not to exceed \$19,000, these arches to be cut stone and jams, no doors, no columns, that one of the arches is to be donated to the Department of Museums and History in Carson City as the V and T Engine House arch way, the other one to be held by the City for appropriate use by the City in the future, that the money for this be spent by the City of Carson City out of existing General Fund revenues with no loan from the State of Nevada, and that consummation of the contract with T and O to be reviewed by the Public Works and Purchasing Departments and brought back to the City for ratification and upon passage of this motion, Mr. Taylor is to be sent a letter of intent. Upon request for clarification, Mayor Teixeira amended his motion to include the District Attorney's review of the contract and that the contract be brought back for ratification. Following consultation with Supervisor Tatro, Mayor Teixeira amended his motion to include to hold these arches for six months and work with the public sector if they purchase the remaining amount. Supervisor Tatro seconded the motion. Mayor Teixeira then clarified that the funding source was to be the Contingency Fund. Motion was voted by roll call with the following result: Smith - We are in a period where we have asked all Department Heads to cut back spending to 95 percent of budgeted levels; that to me means a five percent cutback in service to this community; how anyone can justify spending one penny on memorabilia or souvenirs, when we are in this condition, is beyond me,

I vote No; Tatro - I have never given a speech when I've voted before, but I will; we got told this morning that our revenues are going to encounter a shortfall, somewhere between a quarter of a million dollars and a third of a million dollars this year and that the long term forecast is that our revenues next year will continue in that down flow; we were handed a \$130,000 bill this afternoon that we weren't expecting; we had a motion on the floor and a second, which failed, to attempt to get a loan from the State and purchase all of the arches; if we are going to have any of the arches, we are going to have two arches because there are four people up here who can vote; and we have all indicated our position, and I agree with buying them, to say that the loan from the State is independent from any other project that the City may have is absolutely false because the Legislature, and each member of the Legislature, they know what they vote on for the most part, and they remember how many projects that they vote for for each particular community; if we are not going to do the whole shooting match then I think we should pick up the bill, I vote Yes; Mayor Teixeira - Yes; and Mayor Pro-Tem Fettic - Yes. Motion carried 3-1.

Mayor Pro-Tem Fettic returned the gavel to Mayor Teixeira. Supervisor Smith then moved to adjourn. Supervisor Fettic seconded the motion. Motion carried unanimously. Mayor Teixeira adjourned the meeting at 8:20 p.m.

The Minutes of the February 21, 1991, Carson City Board of Supervisors

ARE SO APPROVED ON March 21, 1991.