

CARSON CITY BOARD OF SUPERVISORS
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, August 17, 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
	Dave Dawley	Assessor
	Alan Glover	Clerk-Recorder
	Ken Furlong	Sheriff
	Al Kramer	Treasurer
	Stacy Giomi	Fire Chief
	Sheila Banister	Chief Juvenile Probation Officer
	Walter Sullivan	Community Development Director
	Lisa Roth	Human Resources Director
	Andrew Burnham	Public Works Director
	Roger Moellendorf	Parks and Recreation Director
	Steve Albertsen	Undersheriff
	Nick Providenti	Senior Accounting Manager
	Juan Guzman	Open Space Manager
	Cheryl Adams	Purchasing and Contracts Manager
	Michael Suglia	Senior Deputy District Attorney
	Ken Arnold	Public Works Operations Chief of Special Projects
	Vern Krahn	Parks Planner
	Katherine McLaughlin	Recording Secretary

(BOS 8/17/06 Recording 8:27:50)

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. Senior Deputy District Attorney Michael Suglia lead the Pledge of Allegiance. Reverend Ken Haskins of the First Christian Church gave the Invocation.

PUBLIC COMMENTS AND DISCUSSION (8:29:30) - Guy Felton espoused his belief that Mayor Teixeira should resign based on his belief that he is an enemy of free speech and openness in government.

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He also stressed the need for more ombudsmen. Justifications supporting his statements were provided. He urged the public to visit his website: nevadaombudsman.com. Additional public comments were solicited.

Sam Dehne explained the First Amendment as updated in 1964 by the Supreme Court and its purpose. He felt that the Board violated his First Amendment rights by “restricting statements to issues over which it has authority”, which he felt was a “vague term”. He urged the Board to have more televised replays of the meetings and to have its schedule correctly listed. He believed that individuals at the meeting viewed him as confrontational, which he purported not to be. He alleged that his personal survey of the public rated his playing of his guitar at a ten for entertainment. He explained his belief that during the previous meeting the Mayor or someone had turned his playing off. He then espoused his belief that the Nevada voting system is corrupt as indicated by the number of votes he had received in his unsuccessful attempt to be elected to an office. He urged the Board to fix the system. He also urged the Board to eliminate the dialogue on the agendas for public comments and allow the public to speak. Additional comments were solicited.

Joe Murphy indicated that he had sent the Board and City Manager written email comments regarding the City’s website data. He alleged that he had been to the Board meetings annually for three years regarding these problems. A copy of his comments regarding the website were distributed to the City Manager, the Board, and the Clerk. (A copy is in the file.) He alleged that this year’s calendar does not list CAMPO, the Airport Authority, nor the Library Board. He also felt that the Convention and Visitors Bureau and the Commission to Reconstruct the V&T Railway should be included on the City’s website. He then explained the problems he found with the schedule announcing when the Board’s meetings were to be aired. He alleged that the same scheduling problems occur with the Convention and Visitors Bureau and CAMPO. He purported that there are no minutes on the website for the Library Board or the Airport Authority. Discussion explained that the Library’s CLAN System is State controlled. Mr. Murphy alleged that the City’s IT Director had expressed an intent to become involved with it. Mr. Murphy felt that the City should not spend funds on the State system. City Manager Ritter offered to meet with Mr. Murphy on his issues after the meeting. Mayor Teixeira explained that the meetings were being aired with the equipment located in the back of the room. It is in need of repair/replacement and has been bandaged together to keep it operating until help from Charter can be obtained. He alleged that the current system does not allow them to “down load tapes from other sources”. He felt that the programs currently being aired were the best that could be done at this time. He acknowledged the need to do better and pointed out the need for additional funds in order to do better. Mr. Murphy agreed that the City does a good job on most things. Additional comments were solicited but none were given.

1. **ACTION ON APPROVAL OF MINUTES - 7/20/06 (8:42:17)** - Supervisor Aldean moved to approve the Minutes for the Carson City Board of Supervisors dated July 20, 2006, as presented. Supervisors Williamson and Livermore seconded the motion. Motion carried 5-0.
2. **CHANGES TO THE AGENDA (8:42:47)** - Item 4-8B was deferred to an unnamed date.
3. **LIQUOR AND ENTERTAINMENT BOARD (8:43:00)** - Mayor Teixeira then recessed the Board of Supervisors session and convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder for this date.

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BOARD OF SUPERVISORS (8:51:35) - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

4. CONSENT AGENDA

4-1. TREASURER - ACTION TO APPROVE THE DIRECTION AND ORDER TO SELL REAL PROPERTY FOR TAX DELINQUENCIES WHERE CARSON CITY HAS TAKEN A DEED ON PARCELS NO. 7-401-37, J S DEVCO, BEDFORD WAY; NO. 7-401-38, J S DEVCO, WATERFORD PLACE; NO. 7-401-66, J S DEVCO, BEDFORD WAY/WATERFORD PLACE-CHELSEA PLACE; NO. 7-402-26, J S DEVCO, SUSSEX PLACE; NO. 8-123-28, FARLEY, OLD HOT SPRINGS ROAD; NO. 8-171-07, DAWSON, 2281 NORTH LOMPA LANE; NO. 8-232-04, THEALL, 2900 KIT SIERRA WAY; NO. 8-352-02, SCHULTZ, 1603 BROWN STREET

4-2. ASSESSOR

A. ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBER 004-091-18 (LOCATED AT 201 SOUTH ROOP STREET) FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.765 IN THE AMOUNT OF \$11,644.89

B. ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBER 008-113-09 (LOCATED AT 4300 LOUISE DRIVE) FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.765 IN THE AMOUNT OF \$93.33

C. ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBER 009-463-05 (LOCATED AT 601 PIOCHE STREET) FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.765 IN THE AMOUNT OF \$622.20

D. ACTION TO APPROVE THE REMOVAL OF THE TAXES FROM PARCEL NUMBERS 009-751-01 (LOCATED ON BOBWHITE DRIVE), 009-751-02 (BANDTAIL DRIVE-TEAL DRIVE/GAMBREL DRIVE), 009-795-08 (2200 PINTAIL DRIVE), 009-795-09 (PINTAIL DRIVE) AND 009-832-26 (2328 PINTAIL DRIVE) FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.765 IN THE AMOUNT OF \$101.08

E. ACTION TO APPROVE THE REMOVAL OF THE TAXES FROM PARCEL NO. 010-041-50 (LOCATED AT 2551 EAST FIFTH STREET) FROM THE 2006/07 REAL PROPERTY TAX ROLL PER NRS 361.055 IN THE AMOUNT OF \$5,240.81

4-3. PURCHASING AND CONTRACTS - ACTION TO AUTHORIZE PUBLIC WORKS TO UTILIZE BID NO. 053114-01 FOR THE PURCHASE OF PORTABLE LITTER FENCING THROUGH JUNE 6, 2007, WHICH BID WAS APPROVED BY THE CITY OF TUCSON, ARIZONA, AND WHICH IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO NRS 332.115 SUBSECTION 1 (M) AND NRS 332.195 PROVIDED CARSON CITY'S APPROVED FUNDING AND PURCHASING PROCEDURES ARE FOLLOWED (FILE NO. 0607-021)

4-4. PUBLIC WORKS - CONTRACTS

A. ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION ON THE WATER SYSTEM CONSULTING SERVICES PROJECT, CONTRACT NO. 2004-046, AND AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO BROWN AND CALDWELL FOR AN AMENDMENT NO. 1 AMOUNT OF \$11,000 FROM THE PUBLIC WORKS WATER UTILITIES CONTRACTUAL SERVICES ACCOUNT 520-3502-435-0349

B. ACTION TO ACCEPT THE RECOMMENDATION OF PUBLIC WORKS TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND APPROVE THIS RELEASE OF FINAL PAYMENT IN THE AMOUNT OF

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\$520,762.01 ON THE 2006 SLURRY SEAL PROJECT, CONTRACT #2005-189, TO INTER-MOUNTAIN SLURRY SEAL, INC., LOCATED AT P.O. BOX 1841, SPARKS, NEVADA 89432

4-5. JUVENILE PROBATION

A. ACTION TO APPROVE CARSON CITY JUVENILE PROBATION DEPARTMENT RECEIVING \$7,560 IN FEDERAL FUNDS DURING THE 2006/07 FISCAL YEAR FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FORMULA GRANT

B. ACTION TO APPROVE THE ACCEPTANCE OF \$26,159 IN COMMUNITY CORRECTIONS BLOCK GRANT FUNDS DURING THE 2006/2007 FISCAL YEAR FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

4-6. FIRE

A. ACTION TO ACCEPT THE STATE EMERGENCY RESPONSE COMMISSION "UNITED WE STAND GRANT" AWARD

B. ACTION TO ENTER INTO A COOPERATIVE FIRE PROTECTION AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE - FOREST SERVICE, HUMBOLDT-TOIYABE NATIONAL FOREST CARSON RANGER DISTRICT (AGREEMENT NUMBER 06-FI-11041701-057) AND THE CARSON CITY FIRE DEPARTMENT, FOR THE PROVISION OF MUTUAL AID FOR WILDLAND FIRES AND APPROVAL OF THE ANNUAL OPERATING PLAN

4-7. CITY MANAGER

A. ACTION TO APPOINT JOHN VALLEY TO THE WILDLIFE ADVISORY BOARD FOR A THREE YEAR TERM, EFFECTIVE TO JULY 2009

B. ACTION TO APPROVE THE AMENDMENT TO THE 2006-2010 COLLECTIVE BARGAINING AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY FIRE FIGHTERS ASSOCIATION

4-8. PUBLIC WORKS - ENGINEERING

A. ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND SNAP-ON INCORPORATED FOR RIGHT-OF-WAY, EASEMENTS AND PERMISSION TO CONSTRUCT ON PARCEL APN 010-051-38 FOR THE WIDENING OF FAIRVIEW DRIVE, AS RECOMMENDED BY THE REGIONAL TRANSPORTATION COMMISSION

B. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN IMPROVEMENT AGREEMENT BETWEEN NEVADA WEST LANDS, LLC, AND CITY OF CARSON CITY, ROADWAY ENGINEERING DESIGN AND CONSTRUCTION, LOCATED IN THE SOUTH HALF OF LEPIRE DRIVE FROM FAIRVIEW DRIVE TO APPROXIMATELY 290 FEET EASTWARD

4-9. PARKS AND RECREATION - OPEN SPACE

A. APPROVAL OF A THREE YEAR EXTENSION TO A COOPERATIVE MANAGEMENT AGREEMENT WITH THE BUREAU OF LAND MANAGEMENT, CARSON CITY FIELD OFFICE, AND CARSON CITY FOR GROWING HAY AT THE SILVER SADDLE RANCH

B. ACTION TO AUTHORIZE THE MAYOR, THE CITY CLERK-RECORDER OR DESIGNEE TO APPOINT AND SWEAR MR. MARK WARREN AS THE APPRAISER FOR CARSON CITY WITH REGARD TO THE SELF-CONTAINED APPRAISAL OF THE FOLLOWING PROPERTY IN CARSON CITY: 1) APN 10-502-01, CONSISTING OF 19.2 ACRES LOCATED AT 4706 GOLDEN EAGLE LANE. APPROXIMATE COST OF \$5,500 TO BE PAID FROM OPEN SPACE QUESTION 18 FUND

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C. ACTION TO AUTHORIZE THE MAYOR OR THE CITY CLERK-RECORD-ER OR DESIGNEE TO APPOINT AND SWEAR MR. LYN C. NORBERG AS THE APPRAISER FOR CARSON CITY WITH REGARD TO THE SELF-CONTAINED APPRAISAL OF THE FOLLOWING PROPERTIES IN CARSON CITY: 1) APN 10-021-46, 47, 58 AND 10-071-26, 27 CONSISTING OF 397.7 ACRES LOCATED AT 4900 CARSON RIVER ROAD OWNED BY JARRARD; AND 2) APN 10-071-25 CONSISTING OF 86 ACRES LOCATED AT CARSON RIVER ROAD OWNED BY ANDERSEN. APPROXIMATE TOTAL COST OF \$13,000 TO BE PAID FROM THE OPEN SPACE QUESTION 18 FUND

4-10. FINANCE - ACTION TO APPROVE THE APPLICATION TO REMOVE UNCOLLECTIBLE ACCOUNTS RECEIVABLE FROM THE RECORDS OF THE AMBULANCE FUND IN THE AMOUNT OF \$149,909 OUT OF ESTIMATED BILLINGS THROUGH JUNE 30, 2006, OF \$4,465,000

4-11. PUBLIC WORKS - PLANNING AND COMMUNITY DEVELOPMENT - ACTION TO APPROVE AN APPLICATION FROM DONALD AND PEGGY WILSON, ET. AL. (PROPERTY OWNERS: HENRICKSEN, CR AND PY; HANEY, GREGG AND LORI; LARSON, WILLIAM M. AND SHIRLEY ANN; NUCKOLLS, DANIEL L. AND TRACIE L.; MERCER, ROBERT J. AND CATHERINE L.; KOCH, MARK A.; REYNOLDS, MELISA L. AND KRECK, C. W.; WILSON, DONALD N. AND GREEN-WILSON; MAHONEY, CHARLES AND MARCHELL; PETERSEN, CHRISTOPHER AND CYNTHIA; SEALS, JAMES R. AND MARIANNE E.; GALVAN LIVING TRUST 4/29/04; NOBLE, KELLY K. AND THOMAS J; AND LAMBORN, M. DALE AND LEAH) TO REPEAL A CONDITION OF APPROVAL (S-94/95-3) OF EMPIRE RANCH ESTATES SUBDIVISION WHICH REQUIRES A 40-FOOT REAR SETBACK WITH A REVISED CONDITION OF APPROVAL FOR A 20-FOOT SETBACK ON CERTAIN AFFECTED LOTS, ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), LOCATED AT 1640 THROUGH 2022 DIVOT ROAD AND 4349 STAMPEDE DRIVE, APN'S 010-602-10, 010-602-11, 010-602-12, 010-602-13, 010-602-14, 010-606-01, 010-606-02, 010-606-03, 010-591-07, 010-591-06, 010-591-05, 010-591-04, 010-591-03 AND 010-602-15, BASED UPON THE SEVEN FINDINGS AND SUBJECT TO THE SIX CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT. FILE MISC-05-208 - (8:42:47) (8:51:40) None of the Items were pulled for discussion. Supervisor Livermore moved for approval of the Board of Supervisors Consent Agenda that consists of one item from the Treasurer, five items from the Assessor, one item from Purchasing and Contracts, two items from Public Works - Contracts, two items from Juvenile Probation, two items from Fire Department, two items from the City Manager and recognized John Valley for his willingness to serve on the Wildlife Advisory Board, thank you very much for that, one remaining item from Public Works - Engineering, three items from Parks and Recreation - Open Space, one item from Finance, and one item from Public Works - Planning and Community Development for a total of 21 items on the Consent Agenda as presented. Supervisor Williamson seconded the motion. Motion carried 5-0. Discussion indicated that Item 4-8B was deferred and had not been included in the motion.

5. PARKS AND RECREATION - Director Roger Moellendorf

A. ACTION TO APPROVE AN ONGOING 25% DISCOUNT FOR THE RESIDENT NONPROFIT RENTAL FEES FOR THE COMMUNITY CENTER THEATER FOR RESIDENT NONPROFIT ORGANIZATIONS THAT WILL BE USING THE THEATER (8:53:00) - Sam Dehne - Supervisor Livermore explained his reasons for supporting the request and apologized to the audience for making them attend the meeting to support the proposal. He hoped that action by the Board today will

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permanently address the fees for the resident nonprofit organizations. Supervisor Aldean questioned whether the proposed action will require amending the resolution establishing the fees for the facilities and whether fees will be increased elsewhere to make up for this decrease. Mr. Moellendorf indicated that the fees will be made up from another funding source. The resolution requires annual review of the fees and fee structure. It will be addressed at that time. Other Park and Recreation fees will not be increased to make up the difference. Mayor Teixeira solicited comments from anyone opposing the proposal.

Mr. Dehne indicated that he opposed the proposal due to his desire to see the fees cut 50% to 100% for these organizations due to their support of the community. He volunteered to pay/donate \$100 to the fund to replace the lost revenue.

Mayor Teixeira expressed his belief that the Board supported the concept and that it was not necessary for the proponents to speak on it. He appreciated the audience's attendance at the meeting. He reminded the audience and Board that the Board had established the program initially. Supervisor Livermore moved to approve an ongoing 25% discount for the resident nonprofit rental fees for the Community Center Theater for resident nonprofit organizations that will be using the Theater; the fiscal impact will be an estimated \$13,800 but this amount will vary each year; the money will come from the General Fund. Supervisor Staub seconded the motion. Motion carried 5-0.

RECESS: (9:00:08) A recess was declared at 9 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:07 a.m., constituting a quorum.

B. ACTION TO ACCEPT PARKS AND RECREATION DEPARTMENT'S RECOMMENDATION ON THE JOINT HEALTH, WELLNESS, AND RECREATION CENTER PROJECT AT WESTERN NEVADA COMMUNITY COLLEGE (WNCC), CONTRACT NO. 2006-031, AND AUTHORIZE THE PARKS AND RECREATION DEPARTMENT TO ISSUE PAYMENTS TO VALENTINER CRANE ARCHITECTS FOR A CONTRACT AMOUNT OF \$136,700 FROM THE QUALITY OF LIFE INITIATIVE (QUESTION 18) CAPITAL FUND (NEW GYMNASIUM) 254-5046-452-7130 AND AUTHORIZE THE PARKS AND RECREATION DEPARTMENT TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$6,835 (9:06:16) - Senior Deputy District Attorney Michael Suglia, WNCC Vice President of Institutional Advancement Helanie Jesse, Tom Keeton, Sam Dehne - Justification for the contractor's request that terms "defend" and "alleged" be removed from the contract were explained. The contract is for development of the design concept. It is not for the design of the structure. Therefore, it was felt that the risk to the City was very low. The contractor, however, wants the same terminology in the final design phase. This issue can be addressed by the Board at the time the contract for it is considered. Mayor Teixeira reminded the Board/audience that the entire concept is predicated upon Legislative approval. Without it, the City will have to construct the facility at a different location, on its own revenue stream, and will have eliminated a substantial amount of the preliminary design. The conceptual design is for the College site. Justification for developing a conceptual design at this phase of the project was provided. The College does not have any funding for the project and will not have any funding for it until the Legislature authorizes its participation and funding. Therefore, the City is fronting the cost of the conceptual design. Negotiations later in the process will develop an agreement that will establish the funding allocations.

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Ms. Jesse explained that she and WNCC President Lucy met with Assemblywoman Sheila Leslie and discussed the potential of reimbursing the City for half of the conceptual design costs. The City's fronting the entire costs will assist the effort to gain Legislative support for the project. The concept will become a model for other colleges as it has not been done before. She could not guarantee that the reimbursement will occur, however, it is the intent. She asked that Mr. Dehne consider donating \$100 toward the project.

Discussion between Mr. Moellendorf and Supervisor Aldean explained that the alternative site is at Centennial Park. The differences and similarities between the College and the Park sites were noted. The floor plan components can be transferred from one site to the other.

Supervisor Livermore explained the Park and Recreation Commission's involvement with the project since the electorate approved the Quality of Life Initiative. The intent is to provide the community with a recreation center that includes health, wellness, and recreational amenities. The operating costs also need to be considered. The concept may develop a pattern for other amenities in the future. If it does not materialize, the City will be able to build at Centennial. The inclusion of the long range operational costs in the agreement/concept make the partnership more valuable. Additional comments were solicited.

Mr. Keeton indicated that he is speaking as a private citizen. He disclosed his support of the concept. He also reminded the Board that when the contract is considered a lot of Colorado and Utah companies will want to do business in Carson City. He did not wish to see City funds sent outside the State. He urged the Board to stress to staff the need to require that a majority of the contractors are Nevada companies. He admitted that the proposed designer is good but was unhappy that Nevada does not have any one of his caliber. He urged the Board to add the suggested restriction to its motion. Additional comments were solicited.

Mr. Dehne supported the concept and opposed hiring non-Nevada companies. There should be a balance between Nevada and non-Nevada businesses used in contracts and that the best company is selected. He agreed that this would be a fine line. He then repeated his contention that Carson City needs scheduled airline service. Additional comments were solicited but none were given.

Supervisor Livermore recognized Mr. Keeton's comments and its issues. He did not wish to amend the motion as he suggested. The proposed contract is only a small portion of the \$16 million project. Supervisor Livermore moved to accept Parks and Recreation Department's recommendation on the Joint Health, Wellness, and Recreation Center Project at Western Nevada Community College, Contract No. 2006-031, and authorize the Parks and Recreation Department to issue payments to Valentiner Crane Architects for a contract amount of \$136,700 from the Quality of Life Initiative, Question 18, Capital Fund, New Gymnasium, 254-5046-452-7130 and authorize the Parks and Recreation Department to issue amendments for a not to exceed amount of \$6,835. Supervisor Aldean seconded the motion. Motion carried 5-0.

OTHER MATTERS (9:23:29) - Discussion indicated that the College's soccer and baseball seasons will commence on August 27. The public was urged to support the College.

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

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A. ACTION TO INTRODUCE, ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.03 DEFINITIONS, SECTION 18.03.010 WORDS AND TERMS DEFINED TO ADD THE DEFINITION OF AUTOMOBILE DEALERSHIPS, NEW, AMENDING TITLE 18 ZONING, CHAPTER 18.16 DEVELOPMENT STANDARDS, SECTION 18.16.005 DEVELOPMENT STANDARDS, DIVISION 4 SIGNS, SECTION 4.6 GENERAL REGULATIONS AND STANDARDS, 4.6.3 NUMBER OF FREESTANDING SIGNS BY ADDING SECTION C TO SPECIFY THE NUMBER OF FREESTANDING SIGNS ALLOWED FOR AUTOMOBILE DEALERSHIPS' USE AND BY ADDING A NEW SECTION 4.7.8 NEW AUTOMOBILE DEALERSHIP USES, AND OTHER MATTERS PROPERLY RELATED THERETO. FILE ZCA 06-100 (9:28:03) - Carson Jeep-Nissan Owner Jeff Woodward - Mr. Sullivan explained that a sign is not allowed per line of vehicles. Section 4.7.8.a.1 on Page 34 and Section 4.63.3.c on Page 34 "the number of freestanding signs allowed in this category is one freestanding sign per manufacturer line of vehicle and one secondary freestanding sign if the new automobile dealership is adjacent to a side or rear street." Supervisor Aldean suggested that this language be clarified. Mr. Sullivan explained that one sign per street is allowed. Mr. Sullivan suggested that the language be revised to: "One secondary sign per street is allowed and shall not exceed 80 square feet." Supervisor Aldean explained her involvement with the Chamber of Commerce on the last sign ordinance. Discussion indicated that the signage cannot impede a driver's line of sight. City and NDOT traffic safety standards will be upheld. Inflatable signs/balloons were used to illustrate the concern and restrictions. Supervisor Aldean opined that box retailers may want to have the same type of signage. Mr. Sullivan advised that he had not been contacted by any box retailers about the ordinance. They can, however, use the same signage, pennants, streamers, balloons, etc., under the conditions in their sign ordinance, which is different from the proposal.

Mr. Woodward advised the Board about Nissan's determination that he needed to update his signage. It took two years for the City to update its sign ordinance. Problems encountered with that Code were limned. He also explained that the manufacturers sometimes dictate unique requirements which may include the type of signage used for their merchandise. He supported the revisions as they make sense. Mayor Teixeira indicated that the Board was trying to help him in these challenging economic times with gas at \$3+ a gallon. Mr. Woodward indicated that they are dealing with the gas market the same as everyone is. The gas prices are a hindrance to his business as he is in a heavy truck and SUV market.

Discussion between the Board and Mr. Sullivan indicated that he had visited with most of the dealers in person or over the telephone on several different occasions. They supported the revisions as indicated by the three dealers who spoke at the Planning Commission meeting on the ordinance. Supervisor Aldean moved to introduce on first reading Bill No. 121, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.03 DEFINITIONS, SECTION 18.03.010 WORDS AND TERMS DEFINED TO ADD THE DEFINITION OF AUTOMOBILE DEALERSHIPS, NEW, AMENDING TITLE 18 ZONING, CHAPTER 18.16 DEVELOPMENT STANDARDS, SECTION 18.16.005 DEVELOPMENT STANDARDS, DIVISION 4 SIGNS, SECTION 4.6 GENERAL REGULATIONS AND STANDARDS, 4.6.3 NUMBER OF FREESTANDING SIGNS BY ADDING SECTION C TO SPECIFY THE NUMBER OF FREESTANDING SIGNS ALLOWED FOR AUTOMOBILE DEALERSHIPS USE AND BY ADDING A NEW SECTION 4.7.8 NEW AUTOMOBILE DEALERSHIP USES, AND OTHER MATTERS PROPERLY RELATED THERETO; subject to the following amendment: Under Section II, Section 4.6.3 §c said paragraph will read as follows: Pursuant to Section 4.7.8, the number of freestanding signs allowed in this category is one freestanding sign per manufacturer line of vehicles and one secondary sign per street if the

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new automobile dealership is adjacent to a side or rear street. Supervisor Staub seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM KEN PEARSON, FIRST PRESBYTERIAN CHURCH OF CARSON CITY, TO ABANDON A PORTION OF PUBLIC RIGHT-OF-WAY, BEING A 684-SQUARE FOOT AREA, MORE OR LESS, OF KING STREET, WEST OF NEVADA STREET AND EAST OF DIVISION STREET ADJACENT TO APN 003-214-06, BASED ON SEVEN FINDINGS AND SUBJECT TO THE FOUR CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT AND TO AUTHORIZE THE MAYOR TO SIGN THE ORDER OF ABANDONMENT. FILE AB-06-105 (10:03:50) - Senior Planner Jennifer Pruitt - Supervisor Williamson explained that no one from the Church is present. The application is to allow the congregation to move the sanctuary. She thanked them for considering alternatives rather than following through on the original concept. Supervisor Williamson moved to approve an abandonment of Public Right-of-Way application from Ken Pearson, First Presbyterian Church of Carson City, to abandon a portion of public right-of-way being a 684 square foot area, more or less, of King Street, west of Nevada Street and east of Division Street adjacent to APN 003-214-06 based on seven findings and subject to the four conditions of approval contained in the staff report and authorize the Mayor to sign the order of abandonment. Supervisor Aldean seconded the motion. Motion carried 5-0.

C. ACTION TO APPROVE AN AMENDMENT TO A PREVIOUSLY APPROVED TENTATIVE SUBDIVISION MAP, TSM-05-082, KNOWN AS CURRY VILLAGE AND NOW KNOWN AS WEST KNOLL TENTATIVE SUBDIVISION WHICH INCLUDES MODIFICATIONS TO THE LOCATIONS OF BUILDINGS AND TO BE USED SOLELY AS COMMERCIAL/PROFESSIONAL OFFICES, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 1460 SOUTH CURRY STREET, APN 003-064-13, BASED UPON THE ORIGINAL CONDITIONS OF APPROVAL, WITH THE EXCEPTION OF NUMBER 15 AND BASED ON THE ORIGINAL FINDINGS OF FACT AND THE APPLICANTS LATEST INFORMATIONAL PACKAGE. FILE TSM-05-082A (10:06:16) - Comments were solicited but none were given. Assistant Engineer Tom Grundy explained that the Code requires the development to retain storm water for a five-year 24 hour storm on site and to pass the 100-year 24 hour storm through. Applicant's Engineer Janice Shaffer is present and had conducted a study indicating that the development's drainage will be consistent with the Code requirements. Supervisor Williamson moved to approve an amendment to a previously approved Tentative Subdivision Map, TSM-05-082, known as Curry Village and now known as West Knoll Tentative Subdivision, which includes modifications to the locations of buildings and to be used solely as commercial/professional offices, on property zoned Retail Commercial, RC, located at 1460 South Curry Street, APN 003-064-13, based upon the original conditions of approval with the exception of Number 15 and based on the original findings of fact and the applicant's latest informational packet. Supervisor Aldean seconded the motion. Motion carried 5-0.

D. ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING A SPECIAL USE PERMIT APPLICATION FROM KEITH RUBEN, R.O. ANDERSON ENGINEERING, INC., (PROPERTY OWNER: KATSUYUKI INAGAKI), WHICH WOULD ALLOW A DUPLEX, ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), LOCATED AT 1601 NORTH DIVISION STREET, ASSESSOR'S PARCEL NUMBER 001-154-03. FILE SUP-06-082 (9:24:07) - Mr. Sullivan read the Applicant's letter requesting a withdrawal into the record. He noted that there were a number of individuals present regarding the application. He felt that the Board should be

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made aware of the request and make a decision on it. Supervisor Aldean moved to accept the request to withdraw an appeal of SUP-06-082 as requested by the Applicant. Supervisor Williamson seconded the motion. Public comments were solicited. Mayor Teixeira explained for Betty Johnson that the Applicant will have to go back to the Planning Commission before coming to the Board. The Board's action will be the final decision on the application at this time. Additional comments were solicited but none were given. The motion to accept the withdrawal was voted and carried 5-0.

E. ACTION REGARDING APPEALS OF THE PLANNING COMMISSION'S APPROVAL OF THE SPECIAL USE PERMIT APPLICATION, FROM MARK AND TERI DILEGAME, TO ALLOW AN ATTACHED GUEST DWELLING, ON PROPERTY ZONED SINGLE FAMILY 12,000, LOCATED AT 4041 APOLLO DRIVE, ASSESSORS PARCEL NUMBER 008-722-08, BASED ON SEVEN FINDINGS AND SUBJECT TO THE NINE CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT. FILE SUP-06-083 - Terry Rankin, Steve Mays, Applicant's Attorney Caren Jenkins, Senior Deputy District Attorney Michael Suglia - Ms. Rankin advised that her appeal is based on items that had not been brought up at the Planning Commission meeting and procedural defects she found with the Planning Commission's shifting the burden of proof from the Applicant to the neighbors and with the notice given to the neighbors. She recommended that the Board change the notice to indicate that if an individual does not speak at the Commission hearing, he/she cannot appeal the Commission's decision. She explained that the guest house will be connected to the garage. It will not have a direct connection to the house. The guest house will take up 3/4rd of the existing property. It will look like and function like a duplex which could be sold or rented. Her experience indicates that the City will not enforce the condition prohibiting it from being rented. The neighbors will have no recourse if the quarters are attached to the garage. A better definition of a mother-in-law's quarters and a duplex are needed. She also pointed out that the size does not match the neighborhood and is close to the airport clear zone. She urged the Board to reverse the Commission's decision and have the Commissioners reconsider its action. Board discussion explained the location of the property to Ms. Rankin's.

Mr. Mays expounded on his belief that the structure is a duplex as it is not attached to the house. The neighborhood should not be obligated to enforce the conditions. He also believed that, if the original notice had been worded better, more of the neighbors would have attended the Commission meeting. They had not known it was not being attached to the house and they will not use the same common front door. They did not attend the Board's meeting as they had been told they would not be allowed to speak. The term "special use permit" means that it is out of the ordinary and does not match the neighborhood. The neighborhood should be allowed to voice its objection. The Board allegedly had a list of individuals who oppose the application. They live on half acre lots. He questioned where the line will be drawn if the application is approved.

Ms. Jenkins indicated that she represented the Applicants and the Mother. The Commission knows its role and authority. It had unanimously approved the application. The City Departments approved it based on seven findings and nine conditions. They had met the burden of proof required for approval of the special use permit. Reasons for needing the mother-in-law quarters and for expanding the garage were explained. The effort to have the structure meet the neighborhood standards were limned. It will be a 700 square foot guest house and not a duplex. It will allow an unpaid family member to reside on the premise and assist Ms. DiLegame. The Conditions restricts its usage and does not allow them to rent the structure. The garage does not require a special use permit. There will be a 25-foot setback. The ordinances do not spell out what a

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“duplex” looks like. The 31 notices that were sent to the residents were mailed in sufficient time to allow them to respond. She also pointed out that there is no requirement that the desired statement regarding appeal rights be in the notices. These Statutes are easily accessed at either the Library or by going online. The suggestions that a sign in sheet be provided and that guest quarters be better defined are “fine ideas” but are not part of the appeals. Mayor Teixeira explained that issues with the ordinance are not under consideration. Ms. Jenkins expanded on her contention that the Commission had not gone beyond its authority in making its decision. Enforcement may or may not become an issue in the future. This is not the first application of this nature approved by the Commission. The guest quarters are attached to the house. The Board purportedly had a copy of the plans. Enforcement and defects in the Code are not the issue before the Board. Individuals with concerns did not raise them at the Commission meeting. They should be prevented from raising those concerns at the Board meeting. Ms. Jenkins indicated that the Applicants and the Mother are aware that they cannot rent the space to anyone. The DiLegames have children whom “they fear will be returning home”. Ms. DiLegames needs medical assistance and her Mother is willing to provide it. They will share the laundry, storage areas, etc. Discussion indicated that the Applicants have agreed to have the Conditions recorded against the property. Supervisor Aldean pointed out that there are multiple families living in single family homes throughout the community which is in violation of the City’s zoning ordinances. Enforcement is always an issue. She also noted that as people age, additional care/assistance is needed. In the future this will become a huge problem for society as it must care for the individuals if the families cannot.

Mr. Suglia indicated that Ms. Rankin had raised several good points related to the previous item that was withdrawn. He had discussed some of those points including letting everyone who comes to speak, do so. This preserves their appeal rights. In this case, there had been an off handed comment by the Chairperson about the burden of proof. In retrospect, he should have reminded him that it is the Applicant’s responsibility to show that he/she has met the burden of proof to show that the special use permit should be granted. This is not a procedural defect. Mr. Suglia hoped to look into the issues raised by Ms. Rankin.

Discussion between Supervisor Aldean and Mr. Sullivan explained the process if a violation of the special use permit occurs. Mr. Sullivan also indicated a desire to discuss Ms. Rankin’s points with her and the Commission. He felt that the notice and the agenda were “on point”. He has reviewed the surrounding counties notices and agendas. The City complies with the law. Supervisor Aldean pointed out that there is always room for improvement and that they should agree to consider the issues. In order to sell the unit separately, a parcel map will be required which will be considered by both the Commission and Board. Discussion ensued between the Board and Mr. Sullivan indicating that the lot is a 21,700 square foot lot. The zoning is Single Family 12,000 square foot lot. The 21,700 square feet will not split into two 12,000 square foot lots. Therefore, a variance is required. It will require noticing the neighbors. Mr. Sullivan did not feel that it is possible to parcel the lot. Supervisor Livermore expressed his concern that two or three neighbors may join together and parcel their lots into smaller units. Discussion between Ms. Jenkins and Supervisor Staub indicated that the guest quarters will be attached to the “to be constructed two car garage” which is to be attached to current structure. It will not be a separate structure. There will be an entrance to the guest quarters which is in the front that allows the occupant to enter the structure without going through the other residence. The residence is on City sewer and water. Additional comments were solicited but none were given.

Supervisor Aldean moved to deny the appeals and uphold the Planning Commission’s decision for approval of the Special Use Permit application from Mark and Teri DiLegame to allow an attached guest dwelling on

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property zoned Single Family 12,000 located at 4041 Apollo Drive, Assessor's Parcel Number 008-722-08, based on seven findings and subject to the nine conditions of approval contained in the staff report which shall be recorded as deed restrictions against the subject property. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira encouraged Ms. Rankin to meet with Mr. Sullivan regarding her issues.

RECESS: A recess was declared at 10:10 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:15 p.m., constituting a quorum.

7. CITY MANAGER

A. ACTION TO APPROVE A POLICY TITLED, "PUBLIC COMMENT POLICY"

(11:03:45) - Senior Deputy District Attorney Michael Suglia, Acting Director of Nevada Ombudsman Project Guy Felton, Encyclopedia of Reno Government Sam Dehne, Jed Block - Mr. Suglia explained his role in developing the policy, the Board's ability to enact such a policy according to the Statutes and Attorney Generals' opinions, and the emails he had received opposing the policy. Discussion noted that similar policies and agenda statements have been established by other jurisdictions. They used the Open Meeting Law to develop their policies as had Mr. Suglia. Discussion questioned where in the Open Meeting Law it is stated that comments can be limited to three minutes. Mr. Suglia noted that the Board had been liberal in its time allocations. The three minute limit is so that the Board's business can be conducted in an orderly fashion. The policy provides additional strength to limiting the time allotment to three minutes. It was felt that this was an adequate amount of time to express an opinion regarding nonagenized items. The Chair has the ability to impose the limit to avoid having repetitious, redundant, and/or irrational comments. When such occasions arise, the Chair has the ability to ask the individual to stop and/or take a recess and ask the individual to leave the room. The Board has not had a problem of this nature previously.

Mr. Felton indicated that he had sent District Attorney Noel Waters and Board a copy of his statements. He read those comments into the record. (The Clerk did not have a copy.) He opined that the policy violates his First Amendment Rights and that he would sue the Board about their infringement upon his First Amendment Rights. Various legal cites were used to support his contention that the Board could not restrict his freedom of speech regarding any topic including defamatory matter except when knowingly misrepresentation of any fact occurs. Reasonable rules and regulations cannot violate the Constitution. To do so, would be unreasonable. The Open Meeting Law manual does not have the force of law. He stressed his belief that the Board was fraudulently conducting the meeting and killing democracy which he will test in the Courts. Additional comments were solicited.

Mr. Dehne espoused his belief that Mr. Felton had spent the same amount of time at the podium as each of the Applicants for the Library Board. Anyone protecting the Freedom of Speech should be allowed to spend as much time as needed at the podium. He described the agenda as published two months ago and the current agenda which limits freedom of speech. He also noted that there are always two armed guards in attendance at the meetings since he began coming to the meetings. Today both the Sheriff and the Undersheriff are in attendance. He espoused his belief that Supreme Court ruling on Freedom of Speech allows citizens' actions on public matters to be uninhibited, robust, and wide open. The Board's action is saying that they should not be irrelevant, repetitious, slanderous, vehement, caustic, or antagonistic. The Board's action will be stopped and the Members recalled for approving such an anti-American deal. He felt that he could adequately handle himself in a fashion which would not be repetitious or inflammatory except when discussing the airline

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service to Carson City. He then explained Reno's three minute time clock which it got after he began attending their meetings. Additional comments were solicited.

Mr. Block indicated that he was speaking as a private citizen and resident of Carson City. He explained that his parents had taught him to respect others, to have manners and exhibit proper decorum. He respected the Board's time the same as the Board respects his time as well as that of others who are present. Additional comments were solicited but none were given.

Mayor Teixeira then indicated that the Board would not spend taxpayers' monies for a clock to deal with Mr. Dehne. He also explained that he had been the recipient of calls, threats, and name calling. His responsibility to the community is to be fiduciarily responsible while providing the best government possible within the funding that is provided. Personality assaults waste time. When he is conducting the citizens' business, he does not wish to waste money by delaying staff or costing citizens' money as occurs when they have attorneys representing them at the meetings. The meetings should be handled in a dignified and fair manner. He has served as Mayor of the City for more than ten years without a complaint. Although some may not like the Board's decisions, he was proud of how the Board conducts itself. Several of the Board members have stood for reelection without having to face an opponent. He felt that he represented the finest community in the State. Everything the Board does must be done in a public meeting and in accordance with the Open Meeting Law. Statements from the District Attorney and City Manager are taken seriously. (11:32:20) He then passed the gavel to Mayor Pro-Tem Williamson and moved that the Board adopt the Open Meeting Policy for conduct at the Board of Supervisors meetings. Supervisor Livermore seconded the motion.

Supervisor Aldean expressed her opinion that Mr. Felton is very passionate and adamant. There are two Veterans serving on the Board—Mayor Teixeira and Supervisor Livermore. They have that in common with him as they have served their Country and had served it honorably. They are not interested in violating the Constitution of the United States; however, we are an organized society. She quoted one of the Country's leading political scientists; "The fact is that for freedom to be meaningful in an organized society it must consist of an amalgam of a hierarchy of freedoms and restraints." Theodore Roosevelt said, "That order without liberty and liberty without order are equally destructive. In a civilized society there are rules and rules must be obeyed. Otherwise, anarchy ensues." She did not believe that what was proposed is inconsistent with that philosophy.

Supervisor Staub questioned whether it is necessary for the Board to adopt a policy in order to utilize the procedures in the proposed policy. The Attorney General has recommended that the Board may adopt such a policy. He did not see the reason that the Board had to do anything. The Board can already do what is proposed. Legally the Board has a right to conduct the meeting. This includes providing limitations and restrictions to ensure that the meeting is orderly. His position is to take the wind out of the sails of the two gentlemen. It has been indicated that it is not necessary to adopt the policy to conduct the meetings. He questioned the reasons to adopt a policy which will give them thunder. Adding the language to the agenda puts the public on notice of what the Board, as an entity, has the right to do. The Board can move forward and orderly carry out the meetings. He urged the Board not to adopt any policy as the Board already has the right to do what the policy dictates.

Mayor Teixeira pointed out that he is the Mayor. As the Mayor, he has jurisdiction and broad discretion in running a meeting. He agreed with Supervisor Staub. If the Board Members do not like the way he is running

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the meeting, they should tell him. If he is wrong, he can be arrested. He rescinded his motion. Supervisor Livermore concurred. **Mayor Teixeira then moved that the Board not adopt the policy as those powers are given and are with the Board; and he has no problem administering the meetings of the Carson City Board of Supervisors with the discretionary powers that he has as provided by the Nevada Open Meeting Law.** He did not want to have the policy. He did not want to see any more on the agenda than currently is. He wanted things to stay as they are. He challenged the gentlemen to come and get him. **Supervisor Livermore seconded the motion.** Mayor Teixeira directed that his statement be included in the record. He reiterated that there have not been any problems for ten years and that there will not be a clock. He will run the meeting. If they get out of line, they will be out the door. You do a slanderous meeting----. Mr. Dehne cautioned him against making inflammatory statements. There are private citizens in the audience. That is against Roberts Rules of Order. Mayor Teixeira responded by stating that Mr. Dehne can call him and can give it but can't take it. That is Mr. Dehne's problem. They come from Reno because we have a television camera. Why not go to Douglas County. They will not go there as there is no television there. You check and see how many times the meetings will play. If that is their thing, have a good day. You are not going to do it at the expense and cost of the taxpayers of Carson City and he will be the bad guy. Come and get him.

Mr. Suglia pointed out that the Open Meeting Law is ambiguous. It says that the public body, this Board, can place reasonable rules and regulations on public comments but that any rule or regulation that limits or restricts public comment must be clearly articulated on the Agenda. It gives the Chair the power to recess a meeting without a vote of the public body and exclude a disruptive person from the meeting. Mayor indicated that this is all that he needs. He did not need another policy. He could take on anyone as he works for the people. Mr. Dehne suggested that they have a duel. Mayor Teixeira agreed so long as he gets to pick what is being dueled with. This could be dueling banjos. Mr. Felton indicated that there is no reason to come and get the Mayor as the Board is pursuing the right course.

The motion to reject the proposed policy was voted and carried 5-0. Mayor Pro-Tem Williamson returned the gavel to Mayor Teixeira. Mayor Teixeira suggested that Mr. Dehne become actively involved in community service--with the Boys and Girls Club, for instance--and do something good in the community.

B. ACTION TO APPOINT ONE MEMBER TO THE LIBRARY BOARD OF TRUSTEES, TERM TO EXPIRE JUNE 2009 (10:15:48) - Office Support Technician Rhonda Price introduced each of the applicants. The Board conducted an interview of Maxine Nietz, (10:30:52) Chris Bayer; and (10:46:15) Caren Jenkins. The Board thanked the applicants for applying. Board discussion pointed out that there is only one opening and noted the quality of the applicants. The Board was polled to determine each member's top candidate for the position. This process selected Maxine Nietz. Supervisor Livermore moved to appoint Maxine Nietz to fulfill a term on the Carson City Library Board of Trustees expiring June 2009. Supervisor Aldean seconded the motion. Motion carried 5-0.

8. BOARD OF SUPERVISORS - NON-ACTION ITEMS

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - None.

B. STAFF COMMENTS AND STATUS REPORT - None.

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9. ACTION TO ADJOURN (11:39:37) - Mayor Teixeira moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 11:40 a.m.

The Minutes of the August 17, 2006, Carson City Board of Supervisors meeting

ARE SO APPROVED ON September 21, 2006.

/s/
Marv Teixeira, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder