

City of Elko)
County of Elko)
State of Nevada)

SS July 28, 2009

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, July 28, 2009.

This meeting was called to order by Mayor Michael J. Franzoia

ROLL CALL

Mayor Present: Michael J. Franzoia

Council Present: Councilman Jim Conner
Councilman Chris Johnson
Councilman John Rice

Council Absent: Councilman Jay Elquist

City Staff Present: Curtis Calder, City Manager
Delmo Andreozzi, Assistant City Manager
Shanell Owen, City Clerk
Alan Kightlinger, Fire Chief
Don Zumwalt, Police Chief
Ryan Limberg, Utilities Director
Eric Howes, Parks & Recreation Director
Dennis Strickland, Public Works Director
Fritz Sawyer, WRF Superintendent
Scott Wilkinson, Development Manager
Jessica Johnson, Human Resources Manager
Ted Schnoor, Building Official
Ed Wynes, City Planner
Jeremy Draper, Civil Engineer
James Foster, Airport Ops/Maintenance Officer
Linda Buffington, Recording Secretary

PLEDGE OF ALLEGIANCE

READING OF THE "NATIONAL NIGHT OUT" PROCLAMATION: A NATIONWIDE CRIME, DRUG, AND VIOLENCE PREVENTION PROGRAM

APPROVAL OF MINUTES July 14, 2009

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve the minutes of July 14, 2009 as submitted.**

Motion passed unanimously.

I. APPROPRIATIONS

- A. Review and possible approval of Warrants. **ACTION ITEM**
- B. Review, consideration, and possible approval of a contract for the Southside Park Sport Court Rehabilitation Project, and matters related thereto. **ACTION ITEM**

Bids were opened on Wednesday, July 22, 2009. Staff will provide a bid tabulation and a recommendation at the meeting. DA

Assistant City Manager Andreozzi indicated George and Mike Lostra from Lostra engineering were present to represent to design consultant team.

Mr. Andreozzi reminded the Council this is a 50/50 grant through CDBG. Three bids were received; Zaino Tennis Courts, Inc. in the amount of \$460,854.67, Renner Sports Surfaces for \$416,801.38 and Q & D Construction, Inc. for \$353,742.44. City Staff along with the consultant recommend awarding to the lowest responsive bidder Q & D Construction; they are amply qualified to do the work. Budgeted amount for this project was \$400,000.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve a contract for the Southside Park Sport Court Rehabilitation Project to Q & D Construction, Inc. in the amount of \$353,742.44.**

Motion passed unanimously.

- C. Review, consideration, and possible approval of a contract for the Rapid Infiltration Basin (RIB) Scarification and Maintenance Project, and matters related thereto. **ACTION ITEM**

The RIB's must be scarified annually as a condition of the WRF Permit. This function allows the water to percolate more efficiently by breaking up potential barriers or other impervious layers in the soil. RL

WRF Superintendent Sawyer advised six competitive bids were received. Staffs recommends awarding the bid to Canyon Construction; lowest responsive bidder.

Mayor Franzoia questioned the budgeted amount.

Mr. Sawyer advised \$85,000.

**** A motion was made by Councilman Rice, seconded by Councilman Johnson to award a contract for the Rapid Infiltration Basin (RIB) Scarification and Maintenance Project to Canyon Construction in the amount of \$57,148.40.**

Motion passed unanimously.

- D. Review, consideration, and possible final acceptance of the WRF Concrete Pipe Rehabilitation Project, and matters related to thereto. **ACTION ITEM**

The project was awarded to Camino Constructors in the amount of \$289,629.29. There were change orders for this project. Staff is pleased with the work and is asking for final acceptance of the project. RL

Mayor Franzoia questioned whether the \$289,629.29 was the net with the change orders.

Utilities Director Limberg advised the original cost was \$289,629.29; there was one negative change order as stated on the Agenda Action Sheet so the appropriation required is actually \$259,655.59.

WRF Superintendent Sawyer indicated it was an expensive item in the specs; Staff believed it could be deleted; it will be part of one of the projects for next year so we can get a better price.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve final acceptance of the WRF Concrete Pipe Rehabilitation Project in the amount of \$259,655.59.**

Motion passed unanimously

- E. Review, consideration, and possible approval of a request from the Elko County Fair Board Chairman, Walter Winchell, for reimbursement for all, or a portion of the expenses related to replacing approximately 360 feet of reuse pipeline, located within the Fairgrounds, and matters related thereto. **ACTION ITEM**

In an effort to prevent future line breakage, the Fair Board installed approximately 360' of new reuse pipeline. The Fair board is asking the City to consider sharing in the cost of this project. RL

Utilities Director Limberg referred to letter from the Fair Board and noted they are asking the City to share in all or part of the repair expense. Mr. Limberg indicated he reviewed the lease agreement; under Section 4.02 it states *"the lessee shall meet all expense in the matter of connecting up, conducting and using water in maintaining its pipelines and connections"*.

Mayor Franzoia questioned if it pertained to reuse or domestic water.

Mr. Limber advised it simply says "use of water". Above that in Section 4.01 under Maintenance of Improvements it states *"the lessee shall, throughout the term of this lease, at its own cost and without any expense to the lessor, keep and maintain the property including all buildings and improvements of every kind which may be a part thereof and all appurtenances thereto in good, sanitary and neat order condition and repair including restoring, rehabilitating any improvements which may be needed ...etc"*.

Mayor Franzoia questioned if the pipe was already installed.

Mr. Limberg stated the Fair Board did not speak with the City until after the pipe was installed; at that time they requested the City consider reimbursing them for all or part of the work.

Mayor Franzoia questioned the lease date; in all likelihood it is dated prior to the reuse line going in there. It wasn't put there as part of the overall existing infrastructure needs to operate the fair; it was not needed to operate as much as it was a way for the City to get rid of water. Mayor Franzoia believed the reuse line came in after the lease was in effect.

Mr. Limberg advised he would obtain that information from the City Clerk.

Councilman Conner questioned if there was a benefit to the City through the use of the reuse water by the fair.

Mayor Franzoia verified it was a benefit; the water is being used for irrigation. The City should have looked at the intent when they installed the line.

Councilman Rice noted the Fair Board has spent \$17,000 and are only now asking the City to help out.

Mayor Franzoia clarified they recently spent \$13,000 for three-hundred sixty feet of pipe; the letter references past expenses. It appears the fair board has spent in excess of \$17,000 in repairs to the line over a number of years. The latest expense was to address concerns prior to the line breaking again.

Mr. Limberg advised the file shows one lease was for ten years commencing on August 1, 1992; it would have rolled over to 2002 when renewed; he was still researching the original lease date.

Mayor Franzoia stated his belief this was an old lease and the reuse water came in sometime during it and was likely never identified as one that needs to be maintained. There should be something in there that says the City would do something related to reuse. Mayor Franzoia believed the City installed the line; they must have had an understanding as it was a way for the City to get rid of the reuse water.

WRF Superintendent Sawyer provided additional information; there was a repair last year at their expense and a flow meter replaced which counts how much water they use; we charge them \$0.40 per thousand. Greely and Hansen did a study to determine how much water they could put on the seven acres; that study was in 1992 or 1995. Within the last two years they were issued their own separate permit through NDEP.

Mayor Franzoia believed 1992 sounded more reasonable.

Development Manager Wilkinson advised the Fair Grounds is identified under the City's Effluent Management Plans. When they began building another stall they did so without building permits; during that process they cut the bank and encroached into the effluent line area; Staff was very concerned over that at the time.

Mayor Franzoia questioned whether the Fair Board had ever used City water before the reuse water became available.

Mr. Wilkinson was unable to answer that but stated it was identified as an area for effluent management.

Mayor Franzoia requested clarification on other areas related to the reuse water; specifically the Bruce Miller property.

Mr. Sawyer indicated his understanding of how that came about; there was land swap between Dorothy Young and the City of Elko for some property to establish the wastewater plant; at that time the City agreed, in concept, to supply them with gray water. Three or four years ago legal counsel drew up a new agreement because it had expired, to the secondary water rights; the first million gallons goes to the golf course, the second million goes to the 160 acre field at the Miller Ranch, 750,000 gallons goes to two City pivots, the next million gallons go to the 135 acre field at the Miller Ranch and 75,000 gallons goes to the fairgrounds; the fairgrounds was added during the last negotiations with the Miller's.

Mr. Sawyer advised secondary water rights do have the capability of being charged for usage; the only thing we charge for currently is construction water.

Mayor Franzoia questioned whether it was practical to use water in this way or would it be more efficient to expand the infiltration basin.

Mr. Sawyer noted Staff is working on a ten-year capital improvement plan. The Miller Ranch has been leased out and it is a fair assessment to say the water hasn't been used as it should; it is likely we consider putting in more RIBS for summertime usage. Mr. Sawyer was unsure the City could depend on the Miller Ranch with the current lessee.

Mayor Franzoia requested verification the City depends on the fairgrounds to use 'x' gallons of water; Mr. Sawyer verified that was correct. They use 50,000 to 70,000 gallons daily, they are a small user. They have a permit to irrigate approximately seven acres of alfalfa; with the expansion they are likely at five acres. They also use the water for dust control.

Mayor Franzoia noted the Fair Board does receive funds from the room taxes; those funds are for improvements to the property. Mayor Franzoia was unsure whether they were used strictly for improvements or were also used for maintenance.

Councilman Conner believed the funds were used for improvements to the actual facility.

Councilman Rice believed it was appropriate for the City to share in the cost based on tonight's discussion. Mr. Rice wanted to know how much they were asking for and also wanted to see some authorization from the fair board authorizing the repair.

Mayor Franzoia requested verification the pipe was already in place.

Mr. Limberg verified that was correct.

Mayor Franzoia indicated the Council also needed to see the invoice for consideration.

Councilman Rice again stated he would like to see authorization from the fair board for this project; minutes etc.

City Manager Calder noted the fair board does not pay anything for the lease and in return we allocate a certain amount of room tax back to the fair board for maintenance; it is unknown what they spend the money on but it is a large sum every year; Mr. Calder estimated for this fiscal year it is in excess of \$100,000.

Mr. Calder expressed concern the City has a number of leases with various organizations in the community; when they do repairs ahead of time without consulting with us and then come in after the fact and want to be reimbursed when their lease clearly states that maintenance items are their responsibility it creates somewhat of a precedent for other leases to come forward also. We have had situations recently where we went above and beyond for other leases as well; the concern is that if we are going to continue doing this with our leases then we need to review the leases and either renegotiate them and actually receive something so we have funding to pay for some of these repairs or we need to stick to the original language and reiterate to the lease holders that they are responsible for all the maintenance that goes along with these properties.

Mr. Limberg advised he reviewed the contracts and agreements back to 1952. The 1952 agreement has the same language in there stating the lessee shall meet all expense in the matter of connecting up, conducting and using water and maintaining its pipelines and connections.

Mr. Limberg clarified \$17,000 was for the work the fair board completed last year; \$13,000 is for the work just completed; Staff does not have the invoice from their contractor and will obtain that if the Council so desires. Mr. Limberg clarified the fair board is asking for as much as they can get from the City.

Mayor Franzoia questioned if they had gone out to bid.

City Manager Calder advised if they follow the same purchasing statute as the City they can get quotes for items under \$25,000; we aren't sure what process was used as we are hearing about this after the fact. Mr. Calder noted the only instance where the Council has approved something retroactively was for the Chamber of Commerce when they had the chinking done; they had already received a grant from the Commission on Tourism and they were trying to match that grant. There was considerable debate at that time about this very subject; whether we should be in the business of paying for the maintenance of these facilities when we don't receive fair market value for the properties. We want to keep the properties up and as a landlord certainly if it is a safety issue we have an obligation there; when they come in after the fact because the cost is excessive is another matter.

Mayor Franzoia indicated we assisted with the chinking because we own the building and their limitations on revenue sources which they displayed to the Council. The Chamber approached the City for help but they were going to help fund it as well. Mayor Franzoia stated the City provided a revenue stream for the fair board to take away the burden; they have a stable source of revenues to take care of upgrades.

Councilman Conner believed the fair board tried to take care of everything with their own funding and stay within their limits; much of their gaming revenues are down and that could be a factor for consideration.

Councilman Rice again stated his belief it was not inappropriate to share in the cost but he would like more detail before making a decision.

Mayor Franzoia believed a copy of the paid invoice for the work done was appropriate; otherwise the Council was not being responsible.

**** A motion was made by Councilman Rice, seconded by Councilman Conner directing Staff to obtain a copy of the repair invoice and bring it back for further consideration at the next Council meeting.**

Motion passed unanimously.

After the motion and before a vote was taken Mr. Limberg requested verification the Council wanted to authorization from the fair board i.e. the minutes, the repair invoice and copies of the multiple quotes prior to performing the work.

Mayor Franzoia indicated it was not part of the motion. He was interested in whether they went out to bid. Did they obtain a quote and are they allowed by law to do so. The question is whether they have that information or not.

Mr. Limberg advised Staff would gather as much information as possible and bring it back at the next meeting.

F. Review, consideration, and possible approval of an award of a contract for AIP-35, Runway Safety Area Obstruction Removal Project, and matters related thereto. **ACTION ITEM**

Bids were opened on July 22, 2009. Staff will report on the bid results. TM

City Manager Calder advised Staff has been working with Kimley Horn; two bids were received and reviewed. The bid from one company listed the electrical subcontractor at more than 5%; at this time it is the engineer's opinion the bid is unresponsive but he is trying to get more clarification. The engineer is recommending that no contract be awarded at this meeting and this item be brought back before the Council on August 11th for consideration.

Mayor Franzoia requested clarification on the matter.

Mr. Calder advised in discussion with the Public Works Board, because the bidder changed that contractor after the fact, it would be deemed unresponsive because it was more than 5% of the work; it is closer to half the work from their bid.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to table this item.**

Motion carried unanimously.

- G. Review, consideration, and possible final acceptance of the WRF Digester Dome Repair Project, and matters related thereto. **ACTION ITEM**

Council approved this project on 4/14/2009. The work has been completed to Staff satisfaction. There was one change order for the project in the amount of \$4,049.15 to paint the ballast blocks. FPS

WRF Superintendent Sawyer clarified there were two change orders on this project; the original contract price was \$60,719. We anticipated having to change out some metal bracing in the dome but that was not done and resulted in a negative change order in the amount of \$1,530.00 and then we came up with a better idea of reinstalling the ballast blocks to protect the paint job on the inside; that change order was \$4,049.15. The project total was \$63,238.15.

**** A motion was made by Councilman Rice, seconded by Councilman Johnson approving final acceptance of the WRF Digester Dome Repair Project in the amount \$63,238.15.**

Motion passed unanimously.

- H. Review, consideration, and possible approval of an engagement letter from Parsons, Behle & Latimer to represent the City of Elko's interests in the United States Bankruptcy Court, Case No. BK-N-09-51953 GWZ, In Re: Silver Club (i.e., The Holder Group Elko, LLC), and matters related thereto. **ACTION ITEM**

The City Attorney has advised Staff to retain specialized legal counsel with regard to the Holder Group Bankruptcy. A \$5,000 retainer is required. CC

City Manager Calder advised Staff is trying to protect the room tax utility payments that will be due to the City as those two items are protected under this bankruptcy proceeding. Although unaware of the current outstanding balances Mr. Calder stated it is fairly sizeable and we could end up not getting it if we don't file the appropriate paperwork.

Mr. Calder indicated City Attorney Goicoechea recommended this individual who specializes in bankruptcy.

Mayor Franzoia questioned how delinquent on the water bill were they.

Mr. Calder advised they were not delinquent but not completely current either.

City Attorney Goicoechea stated they could have filed a petition with the court for assurances to go ahead and pay all the utility bills and taxes after they filed for Chapter 11, but they didn't; by that action they have forced the City to file. The attorney will address two issues 1) he will be getting an order that they have to continue from the time they filed the bankruptcy to pay the taxes and utility bills and 2) there will be a priority set on the pre-petition amounts they owe.

**** A motion was made by Councilman Rice, seconded by Councilman Conner to approve an engagement letter from Parsons, Behle & Latimer to represent the City of**

Elko's interests in the United States Bankruptcy Court, Case No. BK-N-09-51953 GWZ, In Re: Silver Club (i.e., The Holder Group Elko, LLC).

Motion passed unanimously.

After the motion and before a vote was taken Councilman Johnson questioned why this situation is different; why does the creditor hire an attorney to get involved in the bankruptcy?

Mr. Goicoechea advised this was a Chapter 11. They filed and will continue doing business but they are getting relief of the huge debt they owe. They filed a petition to continue to pay their employees and to get an order their chips were still good and an order the banks continue to do business with them. They chose not to stipulate they would pay their utilities.

Councilman Johnson questioned if this would cover everything including property tax or should this be expanded to include that?

Mr. Goicoechea stated the City does not collect the property tax; the only bills we have are the utilities and the room tax.

City Manager Calder advised Staff discussed the property taxes with the Elko County Assessor; they are delinquent on them as well. That does have an impact to the City as they are in the redevelopment district.

Mr. Calder continued; as of a couple of weeks ago, between the utilities and room taxes, the amount owed is in excess of \$40,000. If we don't do something it will continue to increase.

Councilman Johnson expressed his belief a government entity is in a good position to get paid.

Mr. Goicoechea indicated the court will order them to pay their post-petition utilities but they won't do so unless a petition is filed.

II. UNFINISHED BUSINESS

- A. Consideration and possible approval of the El Aero Helicopter Lease, and matters related thereto. **ACTION ITEM**

On April 29, 2009, Council adopted a resolution finding it in the best interest of the public to lease certain airport property to El Aero Services, Inc. for the purposes of Economic Development pursuant to NRS 268.063. Since that time, an amended lease has been negotiated and agreed upon by Staff and El Aero Services. The total square footage of the amended lease is 32,813 square feet @ \$.28/square foot per year = \$9,187.64 of annual revenue. TM

Stu Wilson representing El Aero was present. Mr. Wilson indicated they now have a lease that complies with both Federal and State law. There are a couple of blanks in it that need addressed; 1) the proposed starting date is August 1, 2009 with an ending date on July 31, 2029 and 2) the anticipated start date of July 1, 2009 should be changed to August 1. El Aero is prepared to make payment on August 1, 2009.

Mr. Wilson noted this lease does contain modifications which better define things such as the disposition of improvements.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve the El Aero Helicopter Lease with the starting date of August 1, 2009 and ending date of July 31, 2029.**

**Motion passed 3 to 1.
Councilman Johnson voted against.**

After the motion and before a vote was taken Councilman Johnson believed the City has options to look at the airport from a management point of view and should have gone down that road. Mr. Johnson advised he was not supportive of the economic path and was not in favor of this lease; he was however in favor of El Aero occupying the property.

III. NEW BUSINESS

- A. Review and approval of pending Special Events, and other matters related thereto. **ACTION ITEM**

This item has been added to the agenda in order to consider any application for Special Events received by the Clerks Office. Staff will report on any application on file. SO

1. Review and possible approval of a partial corridor closure for a block party to be sponsored by the Stray Dog Pub & Café on August 22nd at 5:00 p.m., and matters related thereto. **ACTION ITEM**

An application has been received by the Stray Dog requesting the closure of a quarter of the corridor located between 5th and 6th Streets. The time of the closure will be from 6:00 a.m. to 11:00 p.m. on August 22nd. DH

Mike Reynolds, owner of the Stray Dog Pub & Café was present to answer questions. Mr. Reynolds indicated this was a customer appreciation party for their 5th year anniversary.

City Clerk Owen indicated Staff had no concerns with the request; approval needs to be contingent upon the applicant providing proof of insurance.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to approve a partial corridor closure for a block party to be sponsored by the Stray Dog Pub & Café on August 22nd at 5:00 p.m. contingent upon proof of the appropriate insurance.**

Motion passed unanimously.

- B. Review and possible approval of the City of Elko FY 08/09 Indebtedness Report, Debt Management Policy, and Five-Year Capital Improvement Plan as required by NRS 350.013, and matters related thereto. **ACTION ITEM**

Pursuant to NRS 350.013, all entities must file the Indebtedness Report, an updated Debt Management Policy, and the Five-Year Capital Improvement Plan. The updated reports are included in the agenda packet for your review. DS

City Manager Calder noted the report shows the June 30, 2009 balance for the 1997 General Obligation Bond; that will be paid off August 1, 2009.

**** A motion was made by Councilman Rice, seconded by Councilman Johnson to approve the City of Elko FY 08/09 Indebtedness Report, Debt Management Policy, and Five-Year Capital Improvement Plan as required by NRS 350.013.**

Motion passed unanimously.

- C. Review, consideration, and possible acceptance of a letter of resignation from Mr. Dale Porter from the National Historic California Emigrant Trails Interpretive Center Advisory Board, and matters related thereto. **ACTION ITEM**

Mr. Dale Porter recently submitted a letter of resignation from the National Historic California Emigrant Trails Interpretive Center Advisory Board. Mr. Porter has served as the Chairman since the inception of the Advisory Board and his service and dedication to the project has been greatly appreciated. Staff is also requesting authorization to advertise the vacancy on the board. CC

**** A motion was made by Mayor Franzoia, seconded by Councilman Johnson to accept a letter of resignation from Mr. Dale Porter from the National Historic California Emigrant Trails Interpretive Center Advisory Board and direct Staff to seek out persons to fill this position.**

Motion passed unanimously.

IV. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 19-09, a resolution regarding the Humboldt-Toiyabe National Forest Combined Travel Management Project, and matters related thereto. **ACTION ITEM**

A copy of the proposed resolution has been included in the agenda packet for review. CC

Personnel from the U.S. Forest Service were available for questions via teleconference. Jerry Ingersoll, U.S. Forest Service stated they had no concerns with the resolution. Mr. Ingersoll indicated six field trips have been completed to date and the public comment period is still open.

City Manager Calder thanked the forest service for providing maps to the City; they are posted in chambers and available to anyone from the public to look at. A new set of maps is expected sometime in September; when those maps are published we will have them available as well. We

would like to be a central point for our citizens. Mr. Calder expressed thanks to Tom Montoya of the U.S. Forest Service for being so responsive in providing the maps.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve Resolution No. 19-09, a resolution regarding the Humboldt-Toiyabe National Forest Combined Travel Management Project.**

Motion passed unanimously.

V. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Ratification of the Chief of Police issuing a 30-day temporary retail liquor license, and possible issuance of a regular retail liquor license to M & J Churchfield Family Limited Partnership, dba Double Dice RV Park, located at 3730 E. Idaho Street, Elko, NV 89801, and matters related thereto. **ACTION ITEM**

Police Chief Zumwalt advised this is strictly a name change.

**** A motion was made by Councilman Conner, seconded by Councilman Rice to ratify a 30-day temporary retail liquor license, and issue a regular retail liquor license to M & J Churchfield Family Limited Partnership, dba Double Dice RV Park, located at 3730 E. Idaho Street, Elko, NV 89801.**

Motion passed unanimously.

VII. REPORTS

- A. Mayor and City Council
 Councilman Johnson – Worker’s Comp rating
- B. City Manager –
 1. Update regarding Master Plan SOQ
 2. Upcoming meetings; FAA 8/5 and National Guard 8/7
- C. Human Resources Manager –
 1. City picnic 9/13, Christmas party 12/12
- D. Utilities Director
 1. BLM news brief
- E. Public Works
 1. Paving & slurry seal project schedule
- F. Police Chief
 1. National Night Out
- G. Parks and Recreation Director

5:40 p.m. Mayor Franzoia called for a brief recess.

VI. 6:00 P.M. PUBLIC HEARINGS

- A. Public comment period. **ACTION WILL NOT BE TAKEN**

This agenda item is to provide time for the general public to address the City Council regarding items of concern. Action cannot be taken at this time, but a matter can be set on the agenda for a future meeting, as appropriate.

There was no public comment at this time.

- B. Review, consideration, and possible action to approve Resolution No. 18-09, a Resolution to approve a change in zoning from C (General Commercial) to IC (Industrial commercial) involving approximately 3.4 acres filed and processed as Rezone No. 3-09 by Catalina Laughlin on behalf of Stephen E. Trettin and Pamela J. Trettin Family Trust and Nancy Starkey, Trustee of the Nancy Starkey Living Trust. The subject property is located generally on the north side of Alta Vista Drive, approximately 300 feet east of Jennings Way, and matters related thereto. **ACTION ITEM**

The Planning Commission considered this subject zone change request at their regular meeting of July 7, 2009, and took action to forward a recommendation of conditional approval to the City Council. EW

Mayor Franzoia read for the record a letter from Catalina Laughlin requesting this item be table until the August 25, 2009 meeting.

Mayor Franzoia questioned whether there was a timeline related to this once it has been approved by the Planning Commission.

City Planner Wynes advised it has to be on the City Council Agenda within ten days from the action of the Planning Commission; which it has.

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to table this matter until the August 25, 2009 City Council Meeting.**

Motion passed unanimously.

I. APPROPRIATIONS

- A. Review and possible approval of Warrants. **ACTION ITEM**

**** A motion was made by Councilman Conner, seconded by Councilman Johnson to approve the warrants as submitted.**

Motion passed unanimously.

ADJOURNMENT

There being no further business, Mayor Michael J. Franzoia adjourned the meeting.

Mayor Michael J. Franzoia

Shanell Owen, City Clerk