

***BOARD OF SUPERVISORS “DRAFT” MINUTES
FOR THE FOLLOWING DATES ARE INCLUDED
IN THIS SECTION:***

February 07, 2008 - Regular Session

March 06, 2008 - Regular Session

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, March 6, 2008, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Richard S. Staub	Supervisor, Ward 4
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
STAFF PRESENT:	Larry Werner	City Manager
	Alan Glover	Clerk-Recorder
	Al Kramer	Treasurer
	Walter Sullivan	Development Services Director
	Kevin Gattis	Chief Building Official
	Andrew Burnham	Public Works Director
	Melanie Bruketta	Chief Deputy District Attorney
	Jeff Sharp	City Engineer
	Ken Arnold	Public Works Project Manager
	Cheryl Adams	Purchasing and Contracts Manager
	Katherine McLaughlin	Recording Secretary
	Sandy Scott	Contracts Coordinator

(BOS 3/6/08 Recording 8:30:40)

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, INVOCATION - Mayor Teixeira convened the meeting at 8:30 a.m. Supervisor Williamson lead the Pledge of Allegiance. Rev. Bruce Kochsmeier of the First Presbyterian Church gave the Invocation.

PUBLIC COMMENTS AND DISCUSSION (8:33:08) - Sam Dehne espoused Rev. Kochsmeier's use of the term "wisdom" and hoped that the Board would use "wisdom" in its deliberations today. He acknowledged the presence of City Manager Werner and noted that he still did not have a name plate. He then alleged that three individuals have repeatedly asked his reasons for not playing his guitar at the Board meetings. He tells them that "Mayor Tex" objects to his playing. He disclosed that individuals wishing to hear him should go to his website on the YouTube. He allegedly had sent Supervisor Livermore a copy. He indicated that it would be possible to see cameos of the Supervisors and former City Manager along

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with Santa Claus during the video. He then expressed an intent to instill wisdom in himself. He felt that today's agenda was the longest he had seen for the Board in the two years that he had been attending the meetings. Additional public comments were solicited but none were given. No formal action was required or taken.

1. **ACTION ON APPROVAL OF MINUTES (8:36:58)** - None.
2. **CHANGES TO THE AGENDA (8:37:05)** - Items 9A and B were pulled.

LIQUOR AND ENTERTAINMENT BOARD (8:38:00) - 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.

BOARD OF SUPERVISORS (9:18:33) - 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 (9:18:35)**

4-1. **DEVELOPMENT SERVICES - PLANNING - ACTION TO APPROVE A REQUEST FROM JENNY LOPICCOLO (PROPERTY OWNER: LOPICCOLO INVESTMENTS LLC) FOR HISTORICAL TAX DEFERMENT STATUS ON PROPERTY LOCATED WITHIN THE HISTORIC DISTRICT, 310 SOUTH CARSON STREET, APN 003-113-09 (ST. CHARLES HOTEL) FILE HRC-07-207**

4-2. **PURCHASING AND CONTRACTS - ACTION TO APPROVE AMENDMENT NO. 3 FOR CONTRACT NO. 2006-094, OPEN SPACE WETLAND REHABILITATION PROJECT WITH WOOD RODGERS, INC., FOR A NOT TO EXCEED AMOUNT OF \$26,540 TO BE FUNDED FROM THE OPEN SPACE RAFFERTY WETLAND MITIGATION ACCOUNT NO. 254-5047-452-7850 IN THE AMOUNT OF \$6,243 AND FROM THE MAINTENANCE ACCOUNT NO. 254-5047-452-0450 IN THE AMOUNT OF \$20,297 AS PROVIDED IN FISCAL YEAR 2007-2008**

4-3. **AIRPORT AUTHORITY - ACTION TO CONFIRM AND APPROVE INCLUSION OF LOT NO. 72A AND OTHER PARCELS (APNS 8-127-05, 06, 08; 8-134-03; 8-406-22 INCLUSIVE) INTO THE CARSON CITY AIRPORT PROPERTY, AMEND THE 1990 COOPERATIVE AGREEMENT BETWEEN CARSON CITY (BOARD OF SUPERVISORS) AND AUTHORIZE THE CARSON CITY AIRPORT AUTHORITY TO MANAGE THESE AREAS AS PART OF THE CARSON CITY AIRPORT**

4-4. **PUBLIC WORKS - ACTION TO APPOINT AND AUTHORIZE THE MAYOR, THE CITY CLERK-RECORDER, OR DESIGNEE TO SWEAR JOHNSON AND PERKINS (MRS. CINDY FOGEL, REPRESENTATIVE) AS THE APPRAISER FOR CARSON CITY WITH REGARD TO THE SELF-CONTAINED APPRAISAL OF THE FOLLOWING PROPERTY IN CARSON CITY FOR BOTH TEMPORARY AND PERMANENT WATER LINE EASEMENTS,**

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APN 4-022-01 AND APN 4-021-13 - Supervisor Aldean pulled Item 4-2 for discussion. Supervisor Livermore moved to approve the Consent Agenda with the three items remaining which is Item 4-1 - Development Services - Planning, and Item 4-3 - Airport Authority and Item 4-4 - Public Works as presented. Supervisor Staub seconded the motion. Motion carried 5-0.

4-2. (9:19:15) - Open Space Manager Juan Guzman - Supervisor Aldean expressed concern about the contract's lack of a termination date or end to the project. She questioned whether there are extenuating circumstances or if the contractor misjudged the project. Mr. Guzman explained that there had been extenuating circumstances. Staff had assumed that the project would be able to tap into NDOT's water and electrical lines. NDOT did not allow that to happen. Staff is still discussing it with NDOT. Staff also determined that there were two grants available for projects dealing with the wetlands which were not part of the original project. One grant was for identification of species in the arboreum area. NDEP also had grants available that required highly technical information and modeling the water quality before and after the wetlands. This was a major change in the scope of work. NDEP will pay for some of this work. Staff has also asked the contractor to "eat" some of the costs. This information has not been provided to the Board previously even though it often happens. City Manager Larry Werner explained that the standard practice for amendments to professional contracts has not required bringing an amendment to the amount to the Board unless the scope is changed. Supervisor Aldean explained that she had been surprised that there were three amendments to the contract. Mr. Guzman explained that wetlands require basic science work to determine the conditions and provide demonstrations to the Army Corps and NDEP that the wetlands is or is not changed. It was assumed that a certain number of hours would be required. It took more time than envisioned. He assured the Board that the staff is happy with the work being conducted by the contractor. Supervisor Staub complimented staff on the financial breakdown in the report. Mr. Guzman justified the use of the Maintenance Account to pay the \$20,297. Clarification indicated that the Maintenance Account is part of the Open Space funds. Mayor Teixeira corrected a typographical error in Item 2.2.1 on Page 1 which should be "CONSULTANT". Mr. Guzman explained that Sandy Scott and Cheryl Adams had revised his original report. The Board sent their compliments to them for the understandable and readable report. Supervisor Aldean moved to approve Amendment No. 3 for Contract No. 2006-094, Open Space Wetland Rehabilitation Project with Wood Rodgers, Inc., for a not to exceed amount of \$26,540 to be funded from Open Space Rafferty Wetland Mitigation Account No. 254-5047-452-7850 in the amount of \$6,243 and from the Maintenance Account No. 254-5047-452-0450 in the amount of \$20,297 as provided in Fiscal Year 2007-2008. Supervisor Livermore seconded the motion. Motion carried. 5-0.

Supervisor Aldean felt assured that staff works aggressively with the consultants whenever the scope of work has not been changed or they have not done a good job of estimating the project. In those cases, the contractors are being required to perform the work at their expense. She requested this information be shared with the Board members. Mr. Werner explained the process which is used to get them to complete a project. As this matter was not agendized, discussion was terminated.

5. DEVELOPMENT SERVICES - ENGINEERING - ACTION TO APPROVE DEDICATION

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OF WATERLINE EASEMENT FROM CARSON-TAHOE HOSPITAL TO CARSON CITY ALONG THE ALIGNMENT OF AN EXISTING PUBLIC WATERLINE; A PORTION OF APN 01-201-25 AS SHOWN ON THE MAP (9:30:52) - City Engineer Jeff Sharp - Supervisor Livermore disclosed his membership on the Hospital's Board of Trustees. The request could benefit the Hospital. He indicated that he will abstain. Supervisor Staub disclosed that he is an unpaid volunteer of the Hospital's Finance Committee and that he will participate in the discussion and action. Public comments were solicited but none were given. Supervisor Aldean moved to approve dedication of a waterline easement from Carson-Tahoe Hospital to Carson City along the alignment of an existing public waterline being a portion of APN 01-201-25 as shown on the map attached as Exhibit B. Supervisor Williamson seconded the motion. Motion carried 4-0-1 with Supervisor Livermore abstaining.

6. TREASURER - Al Kramer

A. ACTION TO SET THE COMPENSATION FOR THE PARKING ADMINISTRATION HEARING OFFICER AT \$200 PER MONTH EFFECTIVE JANUARY 2008 (9:32:42) - Discussion indicated that the number of hearings varies from one month to the next. In January there were 13 hearings. The number had increased as a result of the increase in the patrol volunteers and as a result of incidents at the schools. Supervisor Livermore stressed the importance of keeping and maintaining a calendar for the hearings. Mr. Kramer concurred. Discussion indicated that there is an interlocal agreement with the School District that allows citations to be issued on school property. The School District has adopted the City's Municipal Code Sections pertaining to parking. The school handout declares that the City has authority over the parking area. The funds generated by the citations on school property go into the City's parking administration fund. Supervisor Williamson moved to set the compensation for the parking administration hearing officer at \$200 per month effective January 2008. Supervisor Aldean seconded the motion. Motion carried 5-0.

B. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 2, ADMINISTRATION AND PERSONNEL, BY ADDING A NEW CHAPTER TO TITLE 2 DESIGNATED CHAPTER 2.41, COLLECTION OF TAXES ON PERSONAL PROPERTY, BY ADDING A NEW SECTION TO CHAPTER 2.41 DESIGNATED AS SECTION 2.41.010, COUNTY TREASURER TO COLLECT TAXES ON PERSONAL PROPERTY, AND OTHER MATTERS PROPERLY RELATING THERETO (9:35:40) - Assessor Dave Dawley - Comments noted that Carson City is one of the last counties to have the Treasurer collect the taxes on personal property. The process will allegedly eliminate staffing. Supervisor Staub moved to introduce on first reading Bill No. 110, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 2, ADMINISTRATION AND PERSONNEL, BY ADDING A NEW CHAPTER TO TITLE 2, DESIGNATED AS CHAPTER 2.41, COLLECTION OF TAXES ON PERSONAL PROPERTY, BY ADDING A NEW SECTION TO CHAPTER 2.41 DESIGNATED AS SECTION 2.41.010, COUNTY TREASURER TO COLLECT TAXES ON PERSONAL PROPERTY, AND OTHER MATTERS PROPERLY RELATING THERETO. Supervisor Livermore seconded the motion. Motion carried 5-0.

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RECESS: A recess was declared at 9:38 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:44 a.m., constituting a quorum.

7. **BREWERY ARTS CENTER - Director John Procaccini - PRESENTATION BY THE BREWERY ARTS CENTER ON ITS ACCESS ACTIVITIES PLAN AND BUDGET OUTLINING ACTIVITIES AND PROGRAMS PLANNED FOR THE FOLLOWING FISCAL YEAR WITH FUNDS AND CHANNELS RECEIVED BY THE CITY (9:44:30)** - Production Coordinator Darla Bayer, General Manager Mike Furlong, Charter Communications General Manager Scott Dockery, David Morgan, Bruce Kittess - A report was distributed to the Board and Clerk. (A copy is in the file.) A power point display was used to summarize the report. Additional producers were solicited. It was felt that they have a good group of supporters. SYNCAT's rates had been used in the development of the rates. The imposition of a \$65 fee for training individuals on how to use the cameras is being considered. A two-page survey is being developed. It will be sent to 600 individuals. The current list of individuals who will receive it includes the Brewery members and any other individuals who interact with the Brewery. Lists may be purchased in the future. A final determination on who will receive it has not yet been made. Discussion noted that there must be a public meeting regarding the Access Activities. Today's meeting fills that requirement. Ms. Bayer advised that the Bulletin Board carries the station's telephone number. The website can also be used to contact the station. She also explained that her personal cell phone rings when the audio signal is lost. Mr. Procaccini advised that the new telephone system will use the Brewery Arts Center as a backup when no one is at the station. He felt that the new system will be installed in 10 days. He also advised that testimonials were included in the packet. A quarterly newsletter is sent to anyone who signs up for it or is a Brewery Arts Center member. It contains a full page on the station. The March newsletter will be out on March 15.

Mr. Furlong described the variety of shows/materials shown on the stations. He also explained that real time web streaming is available as well as the ability to show power point programs. The plan to air live programs from the Legislative Building was discussed. An impartial committee will select the programs which are to be aired from the Legislative Building. The High School may be adding the station's programs to its curriculum. It was felt that the Western Nevada College will also participate in this program. Discussion explained that the Legislative programs can be aired live to Douglas and Washoe County residents.

Mr. Dockery agreed that the ability to show the Legislature in action is something only Carson Access Television has. He disclosed that fiber optics is already in the Legislative Building. Carson Access Television can market it as soon as it is ready to go. Discussion indicated that it may be some time before a live feed to Las Vegas may be possible. Douglas and Washoe Counties can now be served with live streaming.

Mr. Procaccini agreed that it may be possible to use this service to obtain sponsors, however, the sponsor level is down this year. They hope that they can "grow" it. He advised that efforts are underway to obtain sponsorships from Sierra Pacific Electric Company and Southwest Gas.

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Mr. Furlong also noted that on demand service is now available.

Mr. Morgan advised that the City already has a "line around the world" due to the technology available through certain cameras.

Mr. Procaccini continued with the financial portion of the report. The Board members complimented the Mr. Procaccini and his staff on their efforts and dedication.

Mr. Kittess questioned the need to produce bilingual programs. He felt that the United States had existed for many years as an English speaking country.

Mayor Teixeira thanked Mr. Procaccini for the report. Mr. Procaccini felt that the cooperation between the City, Charter Communications, and Carson Access Television's staff and its advisory board make it a huge success. No formal action was required or taken.

8. DEVELOPMENT SERVICES - City Manager Larry Werner - ACTION TO ADOPT BILL NO. 104, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 2, ADMINISTRATION AND PERSONNEL, BY ADDING CHAPTER 2.42, CARSON CITY BUILDING PERMIT ENTERPRISE FUND ADVISORY COMMITTEE, AND ADDING SECTION 2.42.010, DEFINITIONS, SECTION 2.42.020, PURPOSE, SECTION 2.42.030, ORGANIZATION, SECTION 2.42.040, MEMBERSHIP REQUIREMENTS, SECTION 2.42.050, TERM OF OFFICE, SECTION 2.42.060, MEETINGS AND OFFICERS – LEGISLATIVE PROCEDURE – REMOVAL OF COMMISSIONER – NO COMPENSATION, SECTION 2.42.070, REMOVAL FOR CAUSE, SECTION 2.42.080, DUTIES AND RESPONSIBILITIES, SECTION 2.42.090, SEVERABILITY, AND OTHER MATTERS PROPERLY RELATING THERETO (10:20:19) - Staff had not received any comments regarding the ordinance since the first reading. It was noted that Builders Association of Western Nevada Representative Sheena Beaver was present. Public comments were solicited but none were given. Supervisor Williamson moved to adopt Bill No. 104 on second reading, Ordinance No. 2008-5, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 2, ADMINISTRATION AND PERSONNEL, BY ADDING CHAPTER 2.42, CARSON CITY BUILDING PERMIT ENTERPRISE FUND ADVISORY COMMITTEE, AND ADDING SECTION 2.42.010, DEFINITIONS, SECTION 2.42.020, PURPOSE, SECTION 2.42.030, ORGANIZATION, SECTION 2.42.040, MEMBERSHIP REQUIREMENTS, SECTION 2.42.050, TERM OF OFFICE, SECTION 2.42.060, MEETINGS AND OFFICERS – LEGISLATIVE PROCEDURE – REMOVAL OF COMMISSIONER – NO COMPENSATION, SECTION 2.42.070, REMOVAL FOR CAUSE, SECTION 2.42.080, DUTIES AND RESPONSIBILITIES, SECTION 2.42.090, SEVERABILITY, AND OTHER MATTERS PROPERLY RELATING THERETO. Supervisor Aldean seconded the motion. Motion carried 5-0.

9. PUBLIC WORKS - Operations Manager Ken Arnold

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A. ACTION TO APPROVE A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN FOR RIGHT-OF-WAY OF APPROXIMATELY 6,856.5 SQUARE FEET OF LAND FOR APN 009-084-01 AND 4,238.8 SQUARE FEET OF LAND FOR APN 009-089-01, FOR A PUBLIC UTILITY EASEMENT OF APPROXIMATELY 130 SQUARE FEET AND 2,501 SQUARE FEET FOR APN 009-084-01 AND 4,238.8 SQUARE FEET FOR APN 009-089-01, AND A TEMPORARY CONSTRUCTION EASEMENT OF APPROXIMATELY 2,850.6 SQUARE FEET FOR APN 009-084-01 AND 469.7 SQUARE FEET FOR APN 009-089-01 OWNED BY SINV, LLC, FOR THE WIDENING OF FAIRVIEW DRIVE AND TO AUTHORIZE A STIPULATION FOR ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING (8:37:05) - Pulled.

B. ACTION TO ACCEPT THE REGIONAL TRANSPORTATION COMMISSION'S FEBRUARY 13, 2008, MEETING RECOMMENDATION THAT THE BOARD OF SUPERVISORS APPROVE A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN FOR RIGHT-OF-WAY OF APPROXIMATELY 4,843.5 SQUARE FEET OF LAND, FOR A PUBLIC UTILITY EASEMENT OF APPROXIMATELY 2,999.4 SQUARE FEET OF LAND AND A TEMPORARY CONSTRUCTION EASEMENT OF APPROXIMATELY 4,227.5 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 09-552-01 OWNED BY MISSION OF NEVADA, INC, FOR THE WIDENING OF FAIRVIEW DRIVE AND TO AUTHORIZE A STIPULATION FOR ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING (8:37:05) - Pulled.

C. ACTION TO ADOPT ON SECOND READING, BILL NO. 105, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.10, RECLAIMED WATER USE RATES, SECTION 12.10.020, SCHEDULE OF RATES, BY DECREASING ALL RATES, EXCEPT THE MONTHLY METER SERVICE CHARGE, FROM \$0.21 PER THOUSAND GALLONS TO \$0.10 PER THOUSAND GALLONS EFFECTIVE ON BILLS DATED ON OR AFTER APRIL 1, 2009, AND OTHER MATTERS PROPERLY RELATED THERETO (10:22:00) - Revisions directed by the Board at the last meeting had been made to the ordinance. The ordinance will be effective on April 1, 2009. Communication from Silver Oak Golf Course was included in the packet. Noone was present representing Silver Oak Golf Course. Clarification indicated that the contractor's installed service increases are not included in this draft of the ordinance. They had been removed from the original draft. Supervisor Aldean moved to adopt on second reading Ordinance No. 2008-6, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.10, RECLAIMED WATER USE RATES, SECTION 12.10.020, SCHEDULE OF RATES, BY DECREASING ALL RATES, EXCEPT THE MONTHLY METER SERVICE CHARGE, FROM \$0.21 PER THOUSAND GALLONS TO \$0.10 PER THOUSAND GALLONS EFFECTIVE ON BILLS DATED ON OR AFTER APRIL 1, 2009 AND OTHER MATTERS PROPERLY RELATED THERETO with the one amendment which basically delayed any increase in the contractor's installed services.

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Supervisor Livermore seconded the motion. Motion carried 5-0.

D. ACTION TO ADOPT, ON SECOND READING, BILL NO. 106, AN ORDINANCE AMENDING TITLE 12 WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.17 STORM WATER SERVICE CHARGES SECTION 12.17.040 SERVICE CHARGE RATES BY INCREASING THE SERVICE CHARGE RATES BY 5% ON BILLS DATED ON OR AFTER JULY 1, 2008, AND OTHER MATTERS PROPERLY RELATED THERETO (10:24:03) - Comments were solicited but none were given. Supervisor Livermore moved to adopt on second reading Bill No. 106, Ordinance No. 2008-7, AMENDING TITLE 12 WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.17 STORM WATER SERVICE CHARGES, SECTION 12.17.040 SERVICE CHARGE RATES BY INCREASING THE SERVICE CHARGE RATES BY 5% ON BILLS DATED ON OR AFTER JULY 1, 2008, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Staub seconded the motion. Motion carried 5-0.

E. ACTION TO ADOPT ON SECOND READING, BILL NO. 107, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.01, WATER CONNECTION CHARGES AND USE RATES, SECTION 12.01.010, DEFINITIONS, SECTION 12.01.050, WAIVER OF CONNECTION AND TAPPING CHARGES, SECTION 12.01.090, PROTESTS TO RATES AND CHARGES AND METER TESTS, SECTION 12.01.105, DELINQUENT CHARGES AS LIENS, SECTION 12.01.120, WASTE OF WATER PROHIBITED, SECTION 12.01.130, LIMITATIONS ON IRRIGATION, SECTION 12.01.170, APPLICATION FOR SERVICE, SECTION 12.01.180, NOTICES AND SECTION 12.01.210, MAIN EXTENSIONS, BY CHANGING VARIOUS REFERENCE TO THE UTILITIES DIRECTOR AND THE UTILITIES DEPARTMENT TO REFERENCES TO THE PUBLIC WORKS DIRECTOR AND PUBLIC WORKS DEPARTMENT; AMENDING SECTION 12.01.020, SCHEDULE OF RATES, BY INCREASING ALL RATES 6% EFFECTIVE ON BILLS DATED ON OR AFTER JULY 1, 2008, AND CHANGING REFERENCES TO UTILITIES DIRECTOR TO REFERENCES TO THE PUBLIC WORKS DIRECTOR; AMENDING SECTION 12.01.030, SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES, BY INCREASING ALL CHARGES AND FEES, EXCEPT WATER CONNECTION CHARGES, 6% ON BILLS DATED ON OR AFTER JULY 1, 2008, AND CHANGING CERTAIN REFERENCES TO UTILITIES DIRECTOR TO REFERENCE TO PUBLIC WORKS DIRECTOR; AMENDING SECTION 12.01.160, DESCRIPTION OF SERVICE, BY PROVIDING THAT CARSON CITY MAY PROVIDE WATER SERVICE OUTSIDE OF CARSON CITY AT RATES ESTABLISHED BY THE BOARD OF SUPERVISORS; AND OTHER MATTERS PROPERLY RELATING THERETO (10:24:57) - Comments were solicited but none were given. Supervisor Staub moved to adopt on second reading Bill No. 107, Ordinance No. 2008-8, AMENDING TITLE 12, WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.01, WATER CONNECTION CHARGES AND USE RATES, SECTION 12.01.010, DEFINITIONS, SECTION 12.01.050, WAIVER OF CONNECTION AND TAPPING CHARGES, SECTION 12.01.090, PROTESTS TO RATES AND CHARGES AND METER TESTS, SECTION 12.01.105, DELINQUENT CHARGES AS LIENS, SECTION 12.01.120,

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WASTE OF WATER PROHIBITED, SECTION 12.01.130, LIMITATIONS ON IRRIGATION, SECTION 12.01.170, APPLICATION FOR SERVICE, SECTION 12.01.180, NOTICES AND SECTION 12.01.210, MAIN EXTENSIONS, BY CHANGING VARIOUS REFERENCE TO THE UTILITIES DIRECTOR AND THE UTILITIES DEPARTMENT TO REFERENCES TO THE PUBLIC WORKS DIRECTOR AND PUBLIC WORKS DEPARTMENT; AMENDING SECTION 12.01.020, SCHEDULE OF RATES, BY INCREAS-ING ALL RATES 6% EFFECTIVE ON BILLS DATED ON OR AFTER JULY 1, 2008, AND CHANG-ING REFERENCES TO UTILITIES DIRECTOR TO REFERENCES TO THE PUBLIC WORKS DIRECTOR; AMENDING SECTION 12.01.030, SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES, BY INCREASING ALL CHARGES AND FEES, EXCEPT WATER CONNECTION CHARGES, 6% ON BILLS DATED ON OR AFTER JULY 1, 2008, AND CHANGING CERTAIN REFERENCES TO UTILITIES DIRECTOR TO REFER-ENCE TO PUBLIC WORKS DIRECTOR; AMENDING SECTION 12.01.160, DESCRIPTION OF SER-VICE, BY PROVIDING THAT CARSON CITY MAY PROVIDE WATER SERVICE OUTSIDE OF CARSON CITY AT RATES ESTABLISHED BY THE BOARD OF SUPERVISORS; AND OTHER MATTERS PROPERLY RELATING THERETO. Supervisor Livermore seconded the motion. City Manager Larry Werner advised that staff will look at the rate structure and talk to the industries impacted by the higher tiers. Additional recommendations may be made in the future. The motion to adopt Ordinance 2008-8 was voted and carried 5-0.

Discussion ensued regarding the protocol on the amount of the ordinance title required to be read.

F. ACTION TO FIND THAT THE PROPOSED ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.03, SEWER CONNECTION CHARGES AND USE RATES, SECTION 12.03.020, SCHEDULE OF RATES, BY INCREASING ALL RATES TWELVE (12%) PERCENT EFFECTIVE APRIL 1, 2008, AND AN ADDITIONAL TWELVE (12%) PERCENT EFFECTIVE JULY 1, 2008, AND OTHER MATTERS PROPERLY RELATED THERETO, DOES IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPAN-SION OF A BUSINESS, THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, ACCEPTED AND IS ON FILE WITH THE BOARD OF SUPERVISORS AND THAT THE RE-QUIREMENTS OF THE NRS 237.080 AND 237.090 HAVE BEEN MET (10:28:53) - Mr. Arnold's introduction pointed out that the rate increase will have an impact. He also noted that the proposed rate increase was 12% effective on 4/1 and 12% effective on 7/1. He had not received any formal objections to the proposed increases. He had met with Mr. Geyser of Mission Linen regarding the impact. The business experiences a lot of evaporation in its operation which needs to be considered. Supervisor Staub moved to find that the proposed ordinance amending Title 12, Water, Sewerage and Drainage, Chapter 12.03, Sewer Connection Charges and Use Rates, Section 12.03.020, Schedule of Rates, by increasing all rates twelve percent effective April 1, 2008, and an additional twelve percent effective July 1, 2008, and other matters properly related thereto, does impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business, that a business impact statement has been prepared, accepted and is on file with the Board of Supervisors and that the requirements of the

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NRS 237.080 and 237.090 have been met. Supervisor Livermore seconded the motion. Supervisor Williamson disclosed that she is on a septic system and does not have to pay the fee increase. She acknowledged the need for the increase and regretted having to do it. The motion was voted and carried 5-0.

G. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.03, SEWER CONNECTION CHARGES AND USE RATES, SECTION 12.03.020, SCHEDULE OF RATES, BY INCREASING ALL RATES TWELVE (12%) PERCENT EFFECTIVE APRIL 1, 2008 AND AN ADDITIONAL TWELVE (12%) PERCENT EFFECTIVE JULY 1, 2008, AND OTHER MATTERS PROPERLY RELATED THERETO (10:31:46) - Chief Deputy District Attorney Melanie Bruketta, City Manager Larry Werner, Public Works Director Andrew Burnham - Supervisor Aldean disclosed that she had discussed the proposed rate increase with Finance Director Providenti. The compounding created by the proposed two tier rate increase had been discussed at a Chamber of Commerce meeting. It was recommended that the rate increase be imposed on July 1. Her discussion with Mr. Providenti indicated that the bond commitments will be met if a one time rate increase of 24% is implemented. Mayor Teixeira supported her suggested one time increase. Ms. Bruketta opined that the Board could decrease the rate increase without having to start the process over. Mr. Arnold explained that the sharp decrease in connection fees had created the need for the large rate increase. He also advised that it will be necessary to delay capital improvements to the plant. They would have required a huge increase to the rates in order to fund them. Discussion indicated that the delay will not create additional odors. Board comments advised that the Board Members are receiving calls about the odors from the residents living in the vicinity. Mr. Werner advised that the rates will keep the utility "afloat" but not make any improvements. Improvements may be made when connection fees "start coming in". The need to expand the facility or lose capacity as well as the aging of the facility were noted. The need is a high priority. The odor solution is part of Phase 2. Mr. Burnham explained that water conservation is creating concentrated effluent which is creating the odors. This problem is occurring nationwide. The second phase is several years away and will cost at least \$2 million. An honest estimation indicated that it may be six years before it is constructed. Mr. Werner explained that the expansion is needed before the odor problem can be addressed. Additional comments were solicited but none were given. Supervisor Aldean moved to introduce on first reading Bill No. 112, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE AND DRAINAGE, CHAPTER 12.03, SEWER CONNECTION CHARGES AND USE RATES, SECTION 12.03.020, SCHEDULE OF RATES, BY INCREASING ALL RATES TWENTY-FOUR PERCENT EFFECTIVE JULY 1, 2008, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Williamson seconded the motion. Motion carried 4-1 with Supervisor Staub voting Naye.

RECESS: A recess was declared at 10:41 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:49 a.m., constituting a quorum.

10. PARKS AND RECREATION - Director Roger Moellendorf

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A. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A FUNDING AGREEMENT BETWEEN CARSON CITY (GRANTEE) AND THE STATE OF NEVADA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF STATE LANDS (GRANTOR) FOR \$264,000 IN GRANT FUNDS TO BE USED TOWARDS IMPROVEMENTS TO THE EXISTING MORGAN MILL ROAD TRAILHEAD (10:48:48) - Open Space Coordinator Ann Bollinger - Discussion explained the funding sources. Supervisor Livermore stressed the importance of grants and proposed trailhead. He felt that the public will be pleased with the trail, the picnic area, and the river access that will be provided. He complimented Ms. Bollinger on her grant writing ability. Discussion also indicated that there is a maintenance budget already in place for the facility. Picnic tables have been installed and are being used. Supervisor Livermore moved to approve and authorize the Mayor to sign a funding agreement between Carson City, Grantee, and the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands, Grantor, for \$264,000 in grant funds to be used towards the improvements to the existing Morgan Mill Road Trailhead. Supervisor Staub seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE IN CONCEPT THE PRELIMINARY BUILDING AND SITE PLANS FOR THE MULTI-PURPOSE INDOOR RECREATION CENTER LOCATED ADJACENT TO THE BOYS AND GIRL'S CLUB OF WESTERN NEVADA CLUB HOUSE LOCATED AT NORTHRIDGE DRIVE AND RUSSELL WAY (10:57:05) - Architect Brent Tippets of Valentin Crane Architects, Bill Ackard, Boys and Girls Club Board of Directors President Jason Woodbury, Chief Deputy District Attorney Melanie Bruketta - Mr. Tippets used a power point program to illustrate the search for a site for the multi-purpose indoor recreational center, the elements proposed for the facility, the issues with the proposed location, the proposed Boys and Girls Club facility, its need for a recreational facility/gym, its conceptual design, the proposed concept which would have the City and the Club own their own facilities, and, through the use of a joint use agreement, enable each to use the other's facility. Discussion noted the proposal to have a splash pad, skate park, and rock climbing wall. At this time they are included in the site plan as possible alternates to the center if funding is available. Discussion noted that the action being requested of the Board is for conceptual approval only. The Club has already constructed its facility. The proposal allows for separation of the two structures.

Mr. Ackard explained his association with the Club's tennis program. He had worked with Bob Phillips, who developed the current facilities. He questioned whether there will be tennis facilities at the new location as the drawings do not include them. Mr. Woodbury advised that there is full funding for the tennis courts from the May Foundation. Construction has not started on them. As soon as they are able, they will begin their construction. Mr. Ackard supported the concept of shared facilities. Mayor Teixeira complimented him on his efforts at the Club and resurfacing the tennis. He also pointed out that the Club will be using the courts two to three hours a day. When not in use by the Club, they can be used by the public-at-large. Mr. Ackard explained that Mr. Phillips should be complimented for his efforts as he had done most of the work. Mayor Teixeira complimented him also. Supervisor Livermore pointed out that the conceptual plan only considers the building. The Club will have its own facility plus fields and play areas on three to four acres that are not shown on the plan. He felt that it was a positive partnership for

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the site. Mayor Teixeira indicated that Pop Warner and soccer teams will be able to use some of the area after the Club closes for the day.

Mayor Teixeira disclosed that he is Past President for the Boys and Girls Club's Board of Directors and acknowledged that he is prejudiced about the partnership. Ms. Bruketta opined that he should abstain on this issue. Mayor Teixeira noted that he did not have a financial gain from the concept. He then passed the gavel to Mayor Pro-Tem Staub, recused himself and left the meeting--11:26 a.m. (A quorum was still present.)

Mayor Pro-Tem Staub solicited additional comments. Supervisor Livermore explained that the recreation center was a part of the Question 18 concept approved by the electorate in 1996. It has taken a long time to find the appropriate location for the center. Mayor Pro-Tem Staub advised that none of the General Fund will be used for the center. Supervisor Livermore concurred that little to none of the General Fund will be used for the center. This will be indicated in the discussion of the following item. Additional public comments were solicited but none were given.

Supervisor Livermore moved to approve in concept the preliminary building and site plans for the multi-purpose indoor recreation center located adjacent to the Boys and Girls Club's of Western Nevada club house located on Northridge Drive and Russell Way. Supervisor Aldean seconded the motion. Motion carried 4-0-1 with Mayor Teixeira abstaining.

C. DISCUSSION ONLY REGARDING A "RECREATION CENTER OPERATIONS PRO-FORMA" DEVELOPED BY KEN BALLARD OF BALLARD*KING AND ASSOCIATES FOR THE PROPOSED MULTIPURPOSE INDOOR RECREATION CENTER TO BE LOCATED AT 1870 RUSSELL WAY (11:28:10) - Brent Tippets - Mr. Moellendorf summarized the pro-forma including its assumptions. A determination of the Club's revenue stream will be made later in the process. Future programs using the facility will determine the staffing needs. The type of programs and their potential funding sources also impact the staffing needs for the facility, e.g., the School District could have a basketball program at the center. The District has its own budget and staffing. Supervisor Aldean pointed out that at some time in the future the facility will have a financial impact on the City's General Fund due to the projected need for four full-time maintenance employees in addition to "lots of part-time employees". She also explained the fees for a gym club which could impact the center's programs. She was concerned about the center's ability to sustain itself. Mr. Moellendorf concurred with the need to recognize the private sector's impact on the facility and its programs. The pro-forma had been developed by using communities with similar demographics. Therefore, it was felt that the impact would be included in the report. Supervisor Aldean indicated that she understood but felt that the report had failed to adequately consider such impacts. Mr. Moellendorf then explained the intent to relocate employees from the Community Center to the recreation center. These employees will be assigned new duties/jobs and functions. Some employees will be new but some will have several job functions. Supervisor Livermore pointed out the ability to work with the Club on the staffing. Mr. Moellendorf explained that the joint use agreement will allow the cross over which may provide full-time work for the part-time staff. The pro-

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forma may not have adequately considered this cross over. He also pointed out that Mr. Tippetts had worked to eliminate wasteful space and to provide a tight design for efficient management opportunities. The examples cited illustrating this ability included the walking track and the management's view of the facility. Concerns were expressed regarding management and maintenance costs which may have been left out of the budget. For example, the outdoor building maintenance will be cost allocated back from the General Fund. It was believed that efficient operation and Question 18 funding should sustain the facility. Supervisor Livermore pointed out that Question 18's original split of the funding was 40-40-20. Twenty percent is currently used for maintenance. Once all of the facilities are constructed, their funding would be available for maintenance. Mr. Moellendorf continued his review of the pro-forma document by explaining his belief that the recovery rate of 93% could be anything in the 85 to 95% range. The Board needs to decide whether this is an acceptable rate. Mayor Pro-Tem Staub expressed his hope that communities with similar demographics had been used for comparison. Mr. Moellendorf assured the Board that they had been. Ballard*King and Associates has performed similar pro-formas all over the country and has a large data base from which to draw its comparisons.

Mr. Tippetts advised that they had done over 500 pro-formas and have been accurate in their analysis.

Mr. Moellendorf then reviewed the three options for future construction projects. Their viability had been included in the pro-forma. Their construction costs were not included in the report, however, their operational costs had been included. The skate park had a 53% deficit. The climbing wall had 104% return which would make it break even. The revenue for the splash pad was felt to be significant as it had a 121% return ratio. The caveats which had been included in the report were noted including the fact that design, size, and operational costs could create variables to the manpower required to supervise programs. The pro-forma had based its revenue on allowing access to all amenities once entrance into the center is allowed.

Supervisor Livermore pointed out that the facility would provide the ability to have parties within the center. Mr. Moellendorf described this concept which would make the center a desirable location for children's activities and parties. The fee structure included assessing a 25% increase for nonresident usage. It was felt that this revenue source may be understated in the report. Questions/comments were solicited but none were given. This was a discussion only item. Therefore, no action was taken or required.

D. ACTION TO APPROVE A "MEMORANDUM OF UNDERSTANDING FOR THE DEVELOPMENT, CONSTRUCTION, AND OPERATION OF: (1) A MULTIPURPOSE INDOOR RECREATION CENTER; BETWEEN CARSON CITY AND THE BOYS AND GIRLS CLUB OF WESTERN NEVADA; (2) A CLUBHOUSE; AND (3) ATHLETIC FIELDS" (11:55:19) - Deputy District Attorney William Geddes, Bruce Kittess, Boys and Girls Club Board of Directors President Jason Woodbury - The proposed memorandum (MOU) is not the final document. The joint use agreement will be the final document. It was approved by a vote of 7-1 by the Parks and Recreation Commission. The version in the Board's packet was version number six. A number seven version was distributed to the Board and Clerk. (A copy is in the file.) A site map illustrating how the parcel will be split was explained. (A copy is in the file.) It was indicated that the map is not to scale. It was used merely for illustration

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purposes. Discussion by Supervisor Livermore and Mr. Moellendorf emphasized that the City will not be required to purchase the land as originally proposed. The Club's land is to be transferred at no cost to the City in return for the ability to use the Center.

Supervisor Aldean explained her concern about the original plan to have the City acquire the property. The City owns other sites that could have been used for the center. She questioned the reasons the MOU did not include this intent. Mr. Geddes explained that the MOU's purpose is a good faith accounting of the intent, goals, and desires. The contract(s) that follows spells out the terms. They are drafted as a result of discussions/negotiations regarding the MOU items. He then highlighted the MOU which included the Club's desire to have the City acquire and develop Parcel B or the construction of a recreation center. Parcel B contains 7.27 acres. The concern regarding acquisition of the property is addressed in Item 14 which was read into the record. It indicates that the Club will convey the fee simple title to the remainder in exchange for receiving the valuable consideration and benefit of Carson City's development and construction of a recreation center. He emphasized that the Club is purchasing the center in exchange for the land. It is recognizing the value and benefit of having the ability to use the center. The land is not being donated. It is an exchange which was felt to be supportable in court. If the Board prefers, a grant could be given for it. The contracts will address development of the fields, ownership, and first right of refusal. Mayor Pro-Tem Staub suggested that the term "first right of refusal" be defined. Mr. Geddes indicated that it is addressed further in the document. The MOU envisions the use of three contracts—"contract, funding, and land conveyance agreements". The terms can be spelled out in the contract. The final document(s) should be completed within three months. Clarification indicated that the property is to be exchanged for the use of the recreation center at no cost to Carson City. Public comments were then solicited.

Mr. Kittess read his prepared statement into the record. A copy was given to the Clerk. (A copy is in the file.) He had been advised by the Assessor that his statement regarding the abated property tax is incorrect. He withdrew it. He noted that everything regarding the Club and center are conceptual/preliminary. The building has not been started. He pointed out that the nation is in a recession and questioned where are the \$9 million in funds for the center. He also noted that the operation will be a \$1 million business. He felt that the proposed facility will provide more talk about its operation than the water and sewer fund. The Board is talking about postponing major things while discussing a \$1 million operation and a multi-million dollar V&T. These are big jobs. Mayor Pro-Tem Staub offered staff and/or a Board Member's time to discuss the issues with him. Mr. Kittess then advised that he had spoken to Mayor Teixeira and Supervisor Livermore yesterday and thanked them for their time.

Mr. Woodbury pointed out a technical issue with the MOU versions. They indicate that he is legal counsel for the Club. He is not their legal counsel. Mayor Pro-Tem Staub indicated for the record that the Club will be without legal counsel in entering into the MOU. Mr. Woodbury also indicated that the MOU was approved by the Club's Board on February 21, 2008. He then noted that the Club had originally hoped that there would be an exchange of funds for the land. That is not now happening. It was an unrealistic expectation. They are excited that the project is again moving forward. The other property is being

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marketed. It is approximately half the size of the current site. Two years ago the property was being marketed at \$1.9 million. He hoped that everyone recognizes these facts. Mayor Pro-Tem Staub believed that it was being recognized. Additional comments were solicited but none were given.

Supervisor Livermore moved to approve a Memorandum of Understanding for the development, construction, and operation of: 1. A multi-purpose indoor recreation center between Carson City and the Boys and Girls Club of Western Nevada; and, 2. A clubhouse, and 3. Athletic fields with the noted changes in the document in Paragraph 14, the addition at no charge and the reference to counsel on the final signatory, as counsel so directed that he does not represent the Boys and Girls Club and that he represents himself as the President. Supervisors Aldean and Williamson seconded the motion. Supervisor Aldean also noted for clarification that they are approving Version No. 7. Supervisor Livermore concurred. Mayor Pro-Tem Staub hoped that if an abyss, red flag, or deal breaker is reached that everyone will look at it objectively and bring it back to the Board. Supervisor Aldean's concerns are legitimate. The General Fund cannot assume any more contingencies or unknown liabilities. He disclosed that he had been involved to a degree in putting the package together. He complimented all of the individuals who had worked on it. He hoped that they can be stopped when they should if they cannot build and maintain the center for the benefit of the community. The motion to approve Version 7 of the MOU was voted and carried 4-0-1 with Mayor Teixeira abstaining.

SCHEDULING: (12:23:00) Discussion ensued regarding the time when interviews of the applicants for the Audit Committee should be conducted. Mayor Pro-Tem Staub directed that the Applicants be contacted and rescheduled for 2:15 p.m.

11. PURCHASING AND CONTRACTS - Manager Cheryl Adams

A. ACTION TO DETERMINE THAT CONTRACT NO. 0708-105 IS A CONTRACT NOT REQUIRED TO BE SUBMITTED FOR PUBLIC BIDDING PURSUANT TO NRS 338.1718, AND TO APPROVE CONTRACT NO. 0708-105, A REQUEST FOR CONSTRUCTION MANAGER AS AGENT SERVICES TO BE PROVIDED BY METCALF BUILDERS, INC., TO BE THE CONSTRUCTION MANAGER AS AGENT FOR THE CARSON CITY INDOOR RECREATION CENTER/MULTI-PURPOSE GYM THROUGH DECEMBER 31, 2009, FOR A NOT TO EXCEED AMOUNT OF \$991,764 TO BE FUNDED FROM THE PARK IMPROVEMENT/NEW GYMNASIUM ACCOUNT 254-5046-452-7130 AS PROVIDED IN FISCAL YEAR 2007-08 (12:23:44) - Public Works Director Andrew Burnham, Capital Program Manager Kim Belt, Senior Project Manager John Benzing, Reno Labor Union Representative Richard Daily, Senior Deputy District Attorney Joel Benton, Tom Metcalf of Metcalf Builders, Parks and Recreation Director Roger Moellendorf, School District Director of Operations Michael Mitchell, Beechum Builders Representative Mark Beechum, Miles Construction Vice President and Partner Kerry Richardson - During Ms. Adams' introduction Supervisor Aldean stepped from the room—12:24 p.m.—and returned—12:25 p.m. (A quorum was present the entire time. Mayor Teixeira was absent.) Ms. Adams indicated for the record that the bid had not been advertised. "An advertisement had been placed in the newspaper indicating that

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documentation would be provided to submit for the process.” It was not a competitive process. The Statutes do not require it. It was posted on the City’s website and in the newspaper. It was provided to as many contractors as they were aware of. They received seven proposals.

Ms. Belt summarized the process commencing with the Board’s January 3rd authorization for staff to begin the selection process. An explanation of the use of the construction management process on the Sheriff’s Administrative Building was provided. The process was proposed for the indoor recreation center/multi-purpose gym. A general contractor could have bid all of the contracts or used various subcontractors. The process had saved approximately \$130,000 on the Sheriff’s Administrative Building. Public comments were then solicited.

Mr. Daily agreed that staff’s comments regarding selection of a construction manager without going through the open bidding process under NRS 338 is correct. He supposed that statements that a general contractor could also bid the job may be true. The City, however, is a public body and cannot separate major public works projects into 38 trade contracts. He alleged that NRS 332 deals solely with contracts. Construction management provisions are under NRS 338. NRS 332.039 and 338.1373 were read into the record. He alleged that the proposed project does not fit into the options spelled out in these sections. He reiterated that the project could not be broken out into different trade sections as is proposed. NRS 338.169 to 1699 were purportedly added by the last Legislature. Various other sections of NRS 338 were also read into the record which purportedly supported his contention that the City could/should not proceed with the proposed construction management process. They allegedly included a requirement that subcontractors be selected through the competitive bidding process, a prohibition against having subcontractors bid the job, and the requirements for the as-built construction management process. He alleged that three quarters of the document relate to work which the general contractor performs. He felt that the City was selecting a general contractor for a public works project outside of the bidding requirements. If City proceeds with the project with a construction manager who does not perform any work on the project and without a general contractor, the City will be in violation of the Statutes. A definition of a general contractor and the various licenses issued to the different general contractor classes in NRS 624 were noted. He alleged that Metcalf holds a General License in the B category, which is a general builder. Without special subclasses of licenses he cannot do more than what is allowed under that category. The concrete and masonry work cannot be bid separately unless Metcalf holds the speciality license. Contract Provision 5.5 purportedly requires the contractor to comply with all Federal, State, and local rules and regulations. If Mr. Metcalf proceeds with the contract as proposed, he will allegedly be in violation of State Statutes. Contract Section 6.2.3.3 was read. It should follow NRS 338 regulations regarding competitive bidding for contractors. He alleged that the City was dividing the project up which fails to comply with the Statutes. Mayor Pro-Tem Staub requested that he sum up his argument. Mr. Daily repeated his assertion that the City was not following the Statutes and urged the City/Board to immediately send a notice as required in Contract Section 7.11 regarding faults within the contract documents to the contractor and architect.

Mr. Benton disagreed with Mr. Daily’s interpretation of the construction management requirement for

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design builds. He felt that there is nothing that restricts the use of construction management for design builds. Court cases have held that placement in the Statutes is not law and does not define what it does. The actual legislative language must be considered. He then disclosed that he had discussed the matter with the Labor Commission, who enforces the public works provisions. He opined that the Board could split public works projects into multiple contracts so long as the law for each contract is followed. This is the process the City will follow. His personal checking indicated that many other public entities are following the same laws. It also indicated that the State Museum, the Legislative Council Bureau, and the State have used the same process. He felt that there is evidence indicating that the procedure complies with the Statutes and is defensible in a court of law. Supervisor Aldean questioned whether the term contractor, meaning the person/firm being retained, was creating the misunderstanding about the contract as the contract also uses it to mean general contractor. Mr. Benton used a dentist to illustrate how the process works. Supervisor Aldean then voiced her fundamental concern about the process due to her feeling that the cart was in front of the horse. She believed that the joint use agreement should be completed before moving forward. The Parks and Recreation Commission Minutes regarding the process contained statements from Mr. Tippetts repeatedly emphasizing the need to have a joint use agreement. She asked that the contract be contingent upon successful finalization of the joint use agreement. Mr. Benton indicated that Mr. Metcalf would have to agree to this contingency.

Mr. Metcalf pointed out that the contract is for an at-will professional services contract similar to an architect. His involvement in the up-front predesign and design services will make the MOU the best possible. The component on hourly rates for preconstruction were noted. The contract for the Sheriff's Administration Facility was the basic service contract for professional services. He felt that there was a savings of more than \$300,000 from his contract alone.

Mr. Moellendorf opined that the joint use agreement will be closely tied to the final design of the building. There is a conceptual plan for the building with several alternates. The discussions will include these alternates. The ramification of not having any of the items within the agreement make it necessary to have the final design before consummating the joint use agreement. Contracts with the architect and the engineering firm must be approved before the final design can be developed. He also felt that the joint use agreement's terms regarding the joint use of the facility can be developed quickly, however, the facility's amenities remain to be determined. Supervisor Aldean pointed out that the MOU provided three months in which to develop the agreement. The City is at risk for three months of work by the architect and contractor. Mr. Moellendorf concurred and pointed out that they will be at-will employees under a contract with a 30-day termination clause. Mr. Metcalf also pointed out the need to determine what amenities should be included in the facility and their estimated costs for inclusion of the items within the agreement.

Mr. Daily reiterated his allegation that the City should not divide out the project in order to evade the bidding process and prevailing wage. He also alleged that the call to the Labor Commission was out of line. He felt that the City hired its experts the same as he does. The City could challenge the law or meet with him and explain where he is wrong. He urged the Board to read NRS 338 which the labor union had lobbied. It is their business. A license is required in NRS 624. Supervisor Livermore pointed out that the

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School District is constructing a similar project. Mr. Daily concurred and indicated that they were behind the curve on it. He is now talking to the Lyon County Central Fire District regarding its project. He used the possibility of speeding across Washoe Valley to reach a designation to illustrate his point that even if he gets away with it, it does not make the act legal.

Mr. Mitchell disclosed that the School District is using and have used construction managers and has contracts with multiple primes. They have been advised that they are complying with the Statutes. They feel that it is the right delivery system for their project. They will stand by their acts and supports the City's interest in the process.

Supervisor Williamson explained her contact with the City Manager. The reason they were using the construction management process was due to the problems encountered with the aquatic facility under the general contractor process. The intent is not to avoid prevailing wage. The City will still be required to pay prevailing wages. Additional public comments were solicited.

Mr. Beechum acknowledged the bad experience with the aquatic facility. There are lots of projects that are constructed well and to standards. Construction management has also failed as illustrated by his understanding of the cost overrun at the Senior Center. He felt that the decreasing number of bidders was a bad sign. Illustrations of the low number of bidders were provided to support his point. His reasons for not bidding the contract were based on the belief he would not have received it. It costs time and money to submit a bid. They only submit bids that they believe they can win. He also pointed out that in the last seven years there had been four projects done that the City had used the same construction manager. He felt that the City pays 15% more when only one contractor bids a job. He felt that subcontractors are not comfortable with the construction management project. They do not like the bonding requirement. It is not the best value for the City. He reiterated his contention that the process did not work for the City as indicated by facts allegedly provided by the City. A copy of these documents will be provided to the Board if desired. Additional public comments were solicited.

Mr. Richardson commended Carson City on using construction management. It is an excellent program. He commended Carson City on the transparency of the selection process. The information they had received regarding their scores had helped them learn about the process. He wished that the national government's process was as transparent as the City's process. He advised that there is a relationship between Mr. Metcalf and Mr. Tippetts which he felt should have been disclosed before the selection process. He alleged that Mr. Metcalf had construction drawings that had not been made available to any of the other bidders or the City. It purportedly included detailed cost breakdowns. The architect was not at the interview. He was, however, communicating with the committee via a speaker telephone. The committee members' scores for those in the room had been consistent and "packed with notes". The architect's scores were not consistent and lacked any notes. If his score is discounted, the recommendation would be different. He acknowledged that Metcalf has conducted multiple jobs for the City and gives back to it. If "they" perceive that the process is not fair, "they" will not participate and the taxpayers will lose. Additional public comments were solicited but none were given. Mayor Pro-Tem Staub closed the public

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comments.

Supervisor Aldean felt that interesting points had been raised. Subjectivity will remain regardless of the efforts to eliminate it. Established relationships can skew the outcome. She was also concerned about not getting the largest bang for the City's buck by using the process.

Mr. Werner pointed out that lots of subcontractors bid more than one trade. That means that there were multiple bidders. Mr. Beechum's use of the number of bidders is not an accurate comparison. The construction management process is felt to be a better method for remodels as it can address unknown items not considered in the design. The Sheriff's Administrative Facility was under budget. The Senior Center was approximately \$200,000 over budget. It was a project that had to be rescued when it went over its budget. The use of a construction manager had pulled it back into line. He disagreed with Mr. Beechum's analysis. He felt that the City should be careful about where it is used. The City had been using it where difficulties are encountered rather than for new projects on bare ground.

Supervisor Livermore pointed out that none of the Board members were involved with the process. The process is used daily to select professional service contractors. Insinuations that the staff is biased were felt to be unfounded. He had not personally seen any evidence to support those insinuations. It is unfortunate that the perception is that the five individuals and the architect were biased. He felt that there are other projects that were bid on the open market that were underfunded or never revitalized. The proposed project is important to the City. He was looking for the best possible project for the City.

Mayor Pro-Tem Staub complimented him on his statements and expressed his feeling that the Board is and will continue to look for the best construction project possible for the community.

Mr. Beechum requested any information that will allow him to look at the process in a different method. He also questioned other projects which have been done in the competitive bidding process. Mr. Burnham listed the City Hall expansion project for approximately \$500,000, Public Works facility for approximately \$400,000, and the "shade structure" for \$80,000 as illustrations. The majority of the City's projects are bid including public works, roads and underground infrastructure projects. He also reminded the Board and audience that projects were also bid during a time period when construction was crazy and it was difficult to obtain bidders. During that period some projects were not awarded as they were considered too expensive. Mr. Burnham then explained contract provisions regarding the fee expenses. The proposed contract provides a 3.5% fee. The School District as allegedly paid approximately 4%. Staff believed that save 1% to 1.5% on construction over bid projects. Staff believes it is an advantage to be able to control the costs for a project. The project estimate is matched to the bids. Without the estimate, the cost is unknown. He also pointed out that construction is now on "its heels", therefore the bids are under the construction estimates.

Mayor Pro-Tem Staub explained that he operates on the rule that people's perception is reality. If people believe that the process is not transparent and objective, the City needs to address the issues. He asked

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staff to take the comments into consideration and make the process transparent.

Supervisor Livermore moved to determine that Contract No. 0708-105 is a contract not required to be submitted for public bidding pursuant to NRS 338.1718 and to approve Contract No. 0708-105, a request for construction manager as agent services to be provided by Metcalf Builders, Inc., to be the Construction Manager as agent for the Carson City Indoor Recreation Center/Multipurpose Gym through December 31, 2009, for a not to exceed amount of \$991,764 to be funded from the Park Improvement-New Gymnasium Account 254-5046-452-7130 as provided in Fiscal Year 0708. Following a request for an amendment, Supervisor Livermore conditioned the motion upon the successful negotiations of the joint use agreement and related agreements under the MOU. Supervisor Aldean pointed out that Mr. Moellendorf and Mr. Metcalf determined that their services are needed to negotiate the joint use agreement. She had then withdrawn the condition. Supervisor Livermore withdrew the amendment. Supervisor Aldean then seconded the motion. Motion carried 4-0-1 with Mayor Teixeira abstaining.

B. ACTION TO DETERMINE THAT CONTRACT NO. 0708-134 IS A CONTRACT FOR THE SERVICES OF A PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR OR REGISTERED ARCHITECT; THAT THE SELECTION WAS MADE ON THE BASIS OF THE COMPETENCE AND QUALIFICATIONS OF THE ENGINEER, LAND SURVEYOR OR ARCHITECT FOR THE TYPE OF SERVICES TO BE PERFORMED AND NOT ON THE BASIS OF COMPETITIVE FEES; AND THEREFORE NOT SUITABLE FOR PUBLIC BIDDING PURSUANT TO NRS 625.530; AND TO APPROVE CONTRACT NO. 0708-134 WITH VALENTINER CRANE ARCHITECTS TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CARSON CITY INDOOR RECREATION CENTER/MULTI-PURPOSE GYM THROUGH OCTOBER 31, 2009, FOR A NOT TO EXCEED COST OF \$701,900 TO BE FUNDED FROM THE PARK IMPROVEMENTS/NEW GYMNASIUM ACCOUNT 254-5046-452-7130 AS PROVIDED IN FY 2007-2008 (1:19:14) - Mr. Moellendorf assured the Board statements of qualification had been received from several firms. They were evaluated. Justification for the recommendation was provided. Public comments were solicited but none were given. Supervisor Livermore moved to determine that Contract No. 0708-134 is a contract for the services of a professional engineer, professional land surveyor or registered architect; that the selection was made on the basis of the competence and qualifications of the engineer, land surveyor or architect for the type of services to be performed and not on the basis of competitive fees; and therefore not suitable for public bidding pursuant to NRS 625.530; and to approve Contract No. 0708-134 with Valentiner Crane Architects to provide Architectural and Engineering Services for the Carson City Indoor Recreation Center/Multipurpose Gym through October 31, 2009, for a not to exceed cost of \$701,900 to be funded from the Park Improvements-New Gymnasium Account 254-5046-452-730 as provided in Fiscal Year 0708. Supervisor Aldean seconded the motion. Following a request for an amendment, Supervisor Livermore amended the motion to reflect the Park Improvements-New Gymnasium Account No. as 254-5046-452-7130. Supervisor Aldean concurred. Motion carried 4-0-1 with Mayor Teixeira abstaining.

RECESS: A recess was declared at 1:21 p.m. Mayor Teixeira reconvened the meeting at 1:31 p.m. The

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entire Board was present, constituting a quorum.

12. DISTRICT ATTORNEY - Chief Deputy District Attorney Melanie Bruketta - ACTION TO ADOPT ON SECOND READING, BILL NO. 108, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 8.08 NUISANCES, SECTION 8.08.030 DEFINITIONS, AND CHAPTER 8.09 ENFORCEMENT PROVISIONS FOR NUISANCES, SECTION 8.09.040 DEFINITIONS TO REFERENCE THE CORRECT RESOLUTION IN THE DEFINITION OF "ENFORCEMENT OFFICIAL" AND OTHER MATTERS PROPERLY RELATED THERETO (1:34:32) - Public comments were solicited but none were given. Supervisor Aldean moved to adopt on second reading Bill No. 108, Ordinance No. 2008-9, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 8.08 NUISANCES, SECTION 8.08.030 DEFINITIONS, AND CHAPTER 8.09 ENFORCEMENT PROVISIONS FOR NUISANCES, SECTION 8.09.040 DEFINITIONS TO REFERENCE THE CORRECT RESOLUTION IN THE DEFINITION OF "ENFORCEMENT OFFICIAL" AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Staub seconded the motion. Motion carried 5-0.

13. CITY AUDITOR - Sue Johnson - ACTION TO ADOPT ON SECOND READING, BILL NO. 109, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 2.14 BOARD OF HEALTH, AND ADDING CHAPTER 2.14 CARSON CITY AUDIT COMMITTEE, SECTION 2.14.010 INTRODUCTION SETTING OUT THE REASONS FOR THE CREATION OF THE CARSON CITY AUDIT COMMITTEE, ADDING SECTION 2.14.020 PURPOSE OF THE CARSON CITY AUDIT COMMITTEE ESTABLISHING THE ROLE OF THE CARSON CITY AUDIT COMMITTEE, ADDING SECTION 2.14.030 COMPOSITION OF THE CARSON CITY AUDIT COMMITTEE ESTABLISHING THE MEMBERSHIP OF THE CARSON CITY AUDIT COMMITTEE, ADDING SECTION 2.14.040 RESPONSIBILITIES OF THE CARSON CITY AUDIT COMMITTEE SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE CARSON CITY AUDIT COMMITTEE, ADDING SECTION 2.14.050 MEETINGS SETTING THE MEETING TIMES FOR THE CARSON CITY AUDIT COMMITTEE, ADDING SECTION 2.14.060 ORGANIZATIONAL CHART CREATING THE ORGANIZATIONAL CHART OF THE CARSON CITY AUDIT COMMITTEE AND OTHER MATTERS PROPERLY RELATED THERETO (1:32:02) - No comments had been received regarding the ordinance. Public comments were solicited but none were given. Supervisor Staub moved to adopt on second reading Bill No. 109, Ordinance No. 2008-10, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 2.14 BOARD OF HEALTH, AND ADDING CHAPTER 2.14 CARSON CITY AUDIT COMMITTEE, SECTION 2.14.010 INTRODUCTION SETTING OUT THE REASONS FOR THE CREATION OF THE CARSON CITY AUDIT COMMITTEE, ADDING SECTION 2.14.020 PURPOSE OF THE CARSON CITY AUDIT COMMITTEE ESTABLISHING THE ROLE OF THE CARSON CITY AUDIT COMMITTEE, ADDING SECTION 2.14.030 COMPOSITION OF THE CARSON CITY AUDIT COMMITTEE ESTABLISHING THE MEMBERSHIP OF THE CARSON CITY AUDIT COMMITTEE, ADDING SECTION 2.14.040 RESPONSIBILITIES OF THE CARSON CITY AUDIT COMMITTEE SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE CARSON CITY AUDIT

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COMMITTEE, ADDING SECTION 2.14.050 MEETINGS SETTING THE MEETING TIMES FOR THE CARSON CITY AUDIT COMMITTEE, ADDING SECTION 2.14.060 ORGANIZATIONAL CHART CREATING THE ORGANIZATIONAL CHART OF THE CARSON CITY AUDIT COMMITTEE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore and Williamson seconded the motion. Motion carried 5-0.

14. CITY MANAGER - Larry Werner

A. ACTION TO APPOINT TWO MEMBERS TO THE AUDIT COMMITTEE ESTABLISHING THEIR INITIAL TERMS; THE APPOINTMENTS ARE INITIALLY STAGGERED, ONE TERM FOR ONE YEAR ENDING FEBRUARY 2009 AND THE OTHER TERM FOR TWO YEARS ENDING FEBRUARY 2010 (1:35:49) - Mayor Teixeira thanked each applicant for applying. Interviews were conducted of Kenneth Brown; (1:42:27) Joe Eiben; and (1:49:09) John Warden. Supervisor Staub disclosed his personal knowledge of and recruitment of Mr. Brown. The polling of the Board selected Mr. Eiben for the one year term. Supervisor Livermore moved to appoint Joe Eiben to serve an initial term of one year ending February of 2009 to the Audit Committee. Supervisor Staub seconded the motion. Discussion noted the appointment terminates at the end of February. Motion carried 5-0.

The Board was then polled and Mr. Brown was selected as the two-year appointee. Comments noted the qualification of the applicants. Supervisor Staub moved to appoint Ken Brown to serve an initial term of two years ending February 28, 2010, to the Audit Committee. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO REVIEW, EVALUATE AND RECOMMEND FOR APPROVAL THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS FUNDING RECOMMENDATIONS FOR THE FY 2008-09, AND TO OPEN A 30-DAY PUBLIC COMMENT PERIOD FROM MARCH 17, 2008, TO APRIL 17, 2008, THE CARSON CITY CDBG FY 2008-09 ANNUAL ACTION PLAN TO IMPLEMENT DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) PROGRAMS ASSOCIATED WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM (2:05:00) - Citizen Outreach/CDBG Coordinator Javier Ramirez, Community Development Block Grant Committee Chair Robin Bacon, Ron Wood Family Resource Center Director Joyce Buckingham, Nevada Legacy Corps Volunteer Midge Welter, Transportation Manager Patrick Pittenger - Mr. Ramirez thanked Chair Bacon and her Committee for their assistance in the process. A description of the committee's composition, the review process, and its recommendations were provided.

Ms. Buckingham explained the grant they had received last year and its use. She indicated that their goal had been met in the first six months after the award was made.

Ms. Welter read her prepared statement into the record. (A copy is in the file.) Her statement explained

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the services provided by the Legacy Corps and the proposed use of the grant. Their services do not overlap the RSVP Home Companion Program nor the Senior Center's daycare for seniors program.

Supervisor Williamson disclosed that she and Supervisor Aldean had at one time served on the selection committee. They had learned that there are a lot of boxes which must be checked in order to qualify for the Federal grants. Supervisor Williamson then moved to recommend for approval the Community Development Block Grant funding priorities for FY 2008-09 for the social services projects for Reach Up! for \$31,520 and the Community Counseling Center for \$33,932. Supervisor Aldean seconded the motion. Motion carried 5-0.

Discussion between Mayor Teixeira and Mr. Ramirez explained that Community Core had been contacted, however, had failed to submit an application.

Mr. Pittenger expressed his appreciation for the Committee's support. He hoped to continue to chip away at the list of needed ADA sidewalk improvements found in the City. An example was provided illustrating the need. Anything the City does to show progress is being made helps reduce the liability. He also indicated that half of the transit users are considered low income individuals. Supervisor Aldean explained that the need is a large unfunded liability. She also noted that the revitalization plans for the downtown area will wipe out three intersections. Supervisor Williamson noted the efforts being made by the Masons to improve the sidewalk at their location. Discussion between Mr. Pittenger and Mayor Teixeira noted examples of areas without any sidewalks that included Fifth Street, Roop Street, and Janell Street. Supervisor Aldean reiterated that the City is making progress and can show that it responds in a timely manner. The relationship with the Justice Department was described. Mr. Pittenger indicated that the RTC funds have been increased and that they are chipping away at the problems. He justified making the improvements at the recommended sites. Supervisor Aldean moved to recommend for approval the Community Development Block Grant project funding priorities for FY 2008-2009 for public facilities improvements which consist of ADA Sidewalk Improvements - Downtown Transit Accessibility for \$283,624 and moved further to open a 30-day public comment period from March 17, 2008, to April 17, 2008, for review of the Carson City CDBG FY 2008-09 Annual Action Plan to implement Department of Housing and Urban Development programs associated with the Community Development Block Grant Program and that the public comment period also applies to the public service program. Supervisor Williamson seconded the motion. Motion carried 5-0.

Discussion noted the portion of CDBG funding for administrative costs. Discussion also indicated that there is \$22,842.57 available for economic development or public improvements. It can be rolled over to the next fiscal year. Supervisor Aldean suggested that it be added to the funding for ADA improvements or the Community Counseling Center. Supervisor Aldean then moved to recommend for approval the Community Development Block Grant project funding priorities for FY 2008-09 consisting of under the public service category Project Reach Up! for \$31,520, Methamphetamine Treatment Program at the Community Counseling Center for \$33,932, and under public facilities and improvements ADA sidewalk improvements for the downtown transit accessibility for \$283,624 and adding the carryover amount from

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last year of \$22,842.57 and move further to open a 30-day public comment period from March 17, 2008, to April 17, 2008, for review of the Carson City CDBG FY 2008-09 Annual Action Plan to implement Department of Housing and Urban Development programs associated with the Community Development Block Grant Program. Supervisor Williamson seconded the motion. Motion carried 5-0. Both Mayor Teixeira and Supervisor Williamson thanked the Committee for its services.

15. DEVELOPMENT SERVICES - PLANNING - Director Lee Plemel

A. ACTION TO ADOPT BILL NO. 102, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF A PARCEL LOCATED AT 990 MINNESOTA STREET, APN 001-201-28, FROM PUBLIC COMMUNITY (PC) TO RESIDENTIAL OFFICE (RO) (FILE NO. ZMA-07-205) (2:39:17) - No comments were received by staff regarding the ordinance since the first reading. Supervisor Livermore disclosed his intent to abstain as the property is owned by the Hospital and he serves on the Hospital Board of Trustees. Supervisor Staub disclosed that he is an unpaid volunteer on the Hospital Finance Committee. He expressed an intent to participate and vote on the request. Supervisor Aldean suggested that "will" be used in the first line of Section II on Page 1 rather than "would". Supervisor Aldean then moved to adopt Bill No 102 on second reading, Ordinance No. 2008-11, AN ORDINANCE TO CHANGE THE ZONING OF A PARCEL LOCATED AT 990 MINNESOTA STREET, APN 001-201-28, FROM PUBLIC COMMUNITY TO RESIDENTIAL OFFICE based on the findings contained in the staff report with the one correction noted on Page 1 in Section II. Supervisor Williamson seconded the motion. Motion carried 4-0-1 with Supervisor Livermore abstaining.

B. ACTION TO ADOPT BILL NO. 103, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 21,000 (SF21) ON FOUR PARCELS LOCATED AT 3820-4094 CENTER DRIVE, APN'S 009-775-24, -25, -26 AND -27 (FILE NO. ZMA-07-175) (2:41:47) - No comments were received by staff regarding the ordinance since the first reading. Supervisor Aldean noted the need to make the same typographical correction in Section II. Supervisor Aldean moved to adopt Bill 103 on second reading, Ordinance No. 2008-12, AN ORDINANCE TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE TO SINGLE FAMILY 21,000 ON FOUR PARCELS LOCATED AT 3820-4094 CENTER DRIVE, APN'S 009-775-24, 25, 26 AND 27 subject to the one clerical change on Page 2 under Section II. Supervisor Livermore seconded the motion. Motion carried 5-0.

C. ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION'S DECISION DENYING A VARIANCE APPLICATION FROM LESLIE J. AND JOANNE KYNETT TO REDUCE THE REQUIRED SIDE YARD SETBACK TO ALLOW EN-CROACHMENT OF A PREVIOUSLY CONSTRUCTED PROJECTION OF EAVES, LANDINGS, STAIRS AND RAILINGS, ON PROPERTY ZONED MULTI-FAMILY APARTMENT (MFA), LOCATED AT 925 AND 935 EAST FIFTH STREET, APN 004-042-24 (FILE NOS. MISC-08-011/VAR-07-121) (2:43:22) - Building Official Kevin Gattis, Senior Planner Jennifer Pruitt, City Manager Larry Werner, Leslie and Joanne Kynett, Chief Deputy District Attorney Melanie Bruketta - Mr.

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Plemel's introduction noted that a set of plans showing the actual construction still need to be provided to the Building Department. Staff recommended that the Applicant redesign the landing and eaves to comply with the existing Building Code.

Supervisor Livermore disclosed that he had met with the Kynetts on several occasions regarding the issue. They had also met with the Planning staff in an effort to find an amicable solution. This effort was not successful. Supervisors Aldean and Williamson and Mayor Teixeira disclosed that they had met with the Kynetts regarding the issue. Supervisor Staub indicated that he had not met with the Kynetts. Discussion between the Board and staff explained the landing, eaves, and stairway encroachment into the three-foot setback and questioned when the Kynetts were advised about the setback requirement. It was felt that the City inspector had missed checking to verify the location of the footings and extension of the landing during construction. If he/she had the encroachment should have been found. A photo illustrating the encroachment was shown and explained. Mr. Werner explained that the CofO has not been issued and cannot be until the issue is resolved. A variance can be requested and granted by the Board or compliance with the Code should be required. Staff had attempted to ensure that the Applicant knew about the three-foot setback requirement which could not be encroached upon prior to construction. Construction in the field does not match that indicated on the building plans.

Mr. Kynett felt that the requirements were very confusing, ambiguous and hard to challenge. The Planning Commission had allegedly found the information to be unclear and had sympathized with the Kynetts but could not help them. They acquired the property in 1994 and wanted to develop it as a multi-family apartment. The property owner to their east allegedly filed objections to their application. He/she did not come to the meetings. He had developed his four parcels as an apartment complex. He allegedly had attempted to sell the property to the Kynetts. Mr. Kynett then explained the administrative variance which stated that the stairs could encroach no more than three feet and the eaves could not encroach more than an additional two feet. This created confusion as to the depth of the encroachment. His attempt to resolve the issue was to no avail. It is a legal question. It does not add any value to the structure. It did, however, create an emotional problem for all that are involved. The building has been constructed with three foot stairs and the eaves are extended an additional two feet which creates a five-foot encroachment into the setback. The issue was discovered during the inspection process. He felt that someone should have found the error and contacted them before the construction occurred. A change will now impact the tenant. Discussion between Mr. Kynett and Mayor Teixeira indicated that the two feet was not needed and there is no financial advantage to having it. The issue has been a major headache for the Kynetts.

Mrs. Kynett discussed with Supervisor Aldean their understanding that the eaves could encroach two additional feet over the stairs. Supervisor Aldean suggested that the bond be forfeited as a penalty for the encroachment. She also noted that three neighbors had objected to the encroachment. It was felt that they may willfully encroach if the Board grants a variance. Ms. Bruketta indicated a need to research the bond and the Code to determine if it is possible to forfeit the bond as a penalty for the encroachment. It might be possible to consider it as a misdemeanor violation of the Building Code.

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Ms. Kynett explained that the landing and its eave encroached only a few inches. She felt that the engineers had given them the wrong information. They constructed the building as the plans state. She has notes regarding the conditions and changes that were made to the plans which make it clearer. She felt that the plans were not clear as indicated by her notes on the plans. One spot it indicates that the encroachment can be three feet and another spot says five feet. She had made the corrections as required which brought the eaves back to the beams and reduced the stairs to three feet. She believed that they had done everything they should have done.

Mr. Werner explained the purpose of the bond is to cover the cost of construction if another contractor is required to do the work. To forfeit the bond as a penalty could create a can of worms with future projects as it indicates that it is possible to buy your way out of compliance issues. He urged the Board to grant the variance or require compliance. Supervisor Aldean explained that she was attempting to find a reasonable compromise similar to those used by TRPA which penalize the property owner by issuing misdemeanor citations. Mayor Teixeira expressed concern about overriding a 7-0 vote by the Planning Commission. The issue is confusing. The Kynetts may have been warned. There is also the concern about the neighbors. He felt that if the eaves had been extended three feet over the stairs, they would have to be cut back. Public comments were solicited but none were given.

Mr. Plemel then used the computerized slide to illustrate the encroachment. He advised that a survey indicates that the landing encroaches 31 inches, the top encroaches seven inches, and the stairs encroach four inches beyond the allowed three-foot encroachment. Mrs. Kynett explained that the administrative variance addressed the stairs and the eaves. It did not address the landing. The structure's beams supports the landing and the enclosed eaves. Her variance request had included the two-foot encroachment for the landing as it is under the eaves. Clarification by Mr. Plemel explained that the Code allows landings to encroach into the setback a maximum of three feet. The structure's landing encroaches 31 inches beyond that. This area is designated by red on the photo. Mr. Kynett questioned where this information came from. Mr. Plemel explained that the Western Engineering Survey indicated this encroachment. It was submitted as part of their application for the variance. Mrs. Kynett alleged that the eaves have 3.5 inches of trim and the roof shingle extends 1.5 inches which are included in the encroachment. This totals five inches. Discussion indicated there is another 1.5 inches extension.

Supervisor Livermore explained his six-month involvement with this issue. He disclosed that he had visited the site. He felt that the majority of the time City staff and the Kynetts have small misunderstandings. The Kynetts had relied upon their engineering plans and an engineering company and the approval process more than others. They were not the carpenters who built the structure. It is a unique site. They have done a wonderful job on the site. It was originally under utilized and in poor condition. He had encouraged them to pursue the variance process as there was no other resolution. Supervisor Livermore then moved to reverse the Planning Commission's decision and approve Variance VAR-07-121 subject to the recommended conditions contained within the staff report to the Planning Commission. Mayor Teixeira seconded the motion. The motion was voted by roll call with the following result: Supervisor Livermore - Yes; Mayor Teixeira - Yes; Supervisor Staub - No; Supervisor Aldean - No; and

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Supervisor Williamson - No. Motion failed on a 2-3 vote.

Supervisor Aldean expressed a desire to uphold the Planning Commission's decision to deny the variance and issue a misdemeanor citation rather than mandate removal of the improvements. Ms. Bruketta advised that the Board could not issue a citation. The Board could ask Mr. Gattis to look into it. Mr. Gattis and his staff could not be forced to issue the citation. She was uncertain whether there is a misdemeanor citation process allowed in the Code. The Courts and District Attorney will establish the fine. Supervisor Aldean opined her belief that a fine was a more amenable process than requiring the Applicants to rip out the improvements. She suggested that the Code be amended to allow fines to be assessed during appeals. Ms. Bruketta opined that administrative fines could be assessed if enabled by the Code. Supervisor Aldean pointed out that this is not the issue before the Board. She then directed staff to investigate this option rather than mandating the removal of the improvements. Mr. Werner reiterated his belief that such an option would open a can of worms. There are life safety issues, right-of-way issues, etc. Staff will have to determine the circumstances under which citations could be issued. Citations can be issued now. When the matter reaches the courts, compliance is requested. The court orders the violator to fix the problem. There is no settlement process. Supervisor Aldean reiterated her belief that there should be a process that would allow a citation and fines to be issued for individuals who fail to abide by the Codes when it is believed that it was a unwillful act. Mr. Werner agreed to look into the concept. Mayor Teixeira advised that this must be an "off line issue". The Board is prohibited from taking any further action. The appeal was denied. The only other options open to the Kynetts is through the courts or removing the improvements.

Supervisor Williamson then moved to uphold the Planning Commission's decision to deny Variance VAR-07-121 based upon the findings for denial contained within the staff report to the Planning Commission. Supervisor Staub seconded the motion. Motion was voted by roll call with the following result: Supervisors Williamson, Staub and Aldean - Yes. Mayor Teixeira and Supervisor Livermore - No. Motion carried 3-2. Ms. Bruketta asked for the record the reasons for the aye votes. She also noted that under the definition of a variance, a variance is not allowed if it is a self-imposed condition. Supervisor Williamson indicated that was what she was going to state. It is her belief that, after studying all of the records, that most of the difficulties were self imposed. Supervisor Staub stated that his vote was based upon the grounds submitted before the Planning Commission. Supervisor Aldean stated that so were hers. Mayor Teixeira felt that there were ambiguous information and could not see how anyone could interpret what was asked of them.

16. BOARD OF SUPERVISORS - NON-ACTION ITEMS:

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS; CORRESPONDENCE TO THE BOARD OF SUPERVISORS, STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD (3:32:07) - Supervisor Staub expressed his condolences to the families of Jack Bird, Supervisor Livermore's father-in-law, and Ken Jones, a long time State Farm Agent in Carson City who also passed away. No formal action was required or taken.

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B. STAFF COMMENTS AND STATUS REPORT - None.

17. ACTION TO ADJOURN (3:32:29) - Mayor Teixeira adjourned the meeting at 3:33 p.m.

The Minutes of the March 6, 2008, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 2009.

Marv Teixeira, Mayor

ATTEST:

Alan Glover, Clerk-Recorder

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD
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A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors session on Thursday, March 6, 2008, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, that began at 8:30 a.m.

PRESENT: Chairperson Marv Teixeira, Vice Chairperson Richard S. Staub, and Board Members Robin Williamson, Shelly Aldean, Pete Livermore, and Ken Furlong

STAFF PRESENT:	Larry Werner	City Manager
	Alan Glover	Clerk-Recorder
	Al Kramer	Treasurer
	Walter Sullivan	Development Services Director
	Kevin Gattis	Chief Building Official
	Andrew Burnham	Public Works Director
	Melanie Bruketta	Chief Deputy District Attorney
	Jeff Sharp	City Engineer
	Ken Arnold	Public Works Project Manager
	Cheryl Adams	Purchasing and Contracts Manager
	Katherine McLaughlin	Recording Secretary
	Sandy Scott	Contracts Coordinator
	(BOS 3/6/08 Recording 8:38:00)	

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 after the Department'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.

Mayor Teixeira recessed the Board's of Supervisors session and immediately convened the Liquor and Entertainment Board. The entire Board was present, including Member Furlong, constituting a quorum. For Minutes of the Board of Supervisors, see its folder for this date.

ACTION ON APPROVAL OF MINUTES - None.

3. DEVELOPMENT SERVICES - PLANNING - Community Services Director Walter Sullivan

A. ACTION TO APPROVE A 'FULL BAR LIQUOR SALES' AND 'PACKAGED LIQUOR' LIQUOR LICENSE FOR COURTNEY EDWIN CARDINAL, CARSON GAMING HOTELS, DOING BUSINESS AS COURTYARD BY MARRIOTT CARSON CITY, LOCATED AT 3870 SOUTH CARSON STREET, CARSON CITY - Mr. Sullivan's introduction included noting the Sheriff Department's memo requesting a condition requiring all alcoholic beverage servers and sellers

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attend the Department's alcoholic beverage servers' education class within three months of the date the business opens. Approval should also be conditioned upon final approval of the building by the Building and Business License Departments. Member Furlong advised that the Sheriff's Office had completed the background investigation and had no objection to issuing Mr. Cardinal a license. Courtney Edwin Cardinal advised that the license for the establishment is separate from the Fandango's license. Both operations are being run by the same individuals. The two establishments have different servers/sellers. The Sheriff's Department conducted classes for the servers/sellers on Monday at the Fandango. Mr. Sullivan was asked to check the status of the investigation fee as the application indicated that it was paid. The Board Action Request, however, did not indicate the same thing. Member Aldean moved to approve a Full Bar Liquor Sales and Packaged Liquor License for Courtney Edwin Cardinal, Carson Gaming Hotels, doing business as Courtyard by Marriott Carson City, located at 3870 South Carson Street, Carson City, including a nonrefundable investigation fee of \$575, an original new application fee of \$1,000, and a liquor license per quarter fee of \$225; additionally all of applicant's sellers and servers of liquor must attend the Sheriff's Office servers education class within three months of the business opening; this approval is further conditioned upon the issuance of final approval of the Courtyard by Marriott Hotel by the Carson City Development Services Building Division and approval of a Business License by the Development Services Business License Division. Member Livermore seconded the motion. Motion carried 6-0.

Chairperson Teixeira thanked Mr. Cardinal for its management's quick decision and establishment of a refined policy regarding teenage attendance at the Galaxy Theater. Mr. Cardinal described the new policy which allows teens to attend movies if they have a card. Inappropriate action by the teen could result in loss of the card and ability to attend the movies either temporarily or permanently. Discussion indicated that the card is to be issued by Galaxy's management. The Board thanked him for the decision.

B. ACTION TO APPROVE A 'WHOLESALER' LIQUOR LICENSE FOR BLACK DOG DISTRIBUTING, APPLICANT: JERRY MADDOX, LOCATED AT 2444A EMPIRE RANCH ROAD, CARSON CITY (8:42:53) - Member Furlong advised that the Sheriff's Office had completed its investigation and had no objections to issuing the license to the applicant. Jerry Maddox described his business plan as a wholesale distributor for Doppelganger's Brewery. Mr. Maddox stipulated that he will not be involved with retail sales or serving anyone. He, therefore, will not be required to attend the Sheriff's Server Education Class. Member Williamson moved to approve a Wholesaler Liquor License for Black Dog Distributing, Applicant: Jerry Maddox, located at 2444A Empire Ranch Road, Carson City; including a nonrefundable investigation fee of \$500, the original new application fee of \$500, and the Liquor License per quarter fee of \$200. Member Aldean seconded the motion. Motion carried 6-0.

C. ACTION TO APPROVE A 'FULL BAR LIQUOR SALES' AND 'DINING ROOM WITH BEER AND WINE' LIQUOR LICENSE FOR BODINES, APPLICANTS: MICHAEL E. PEGRAM AND GREGG R. CARANO, LOCATED AT 5650 SOUTH CARSON STREET,

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CARSON CITY (8:45:06) - Mr. Pegram was unable to attend the meeting. Mr. Sullivan advised that his application will be agendized for a future meeting. Gregg Carano is the principal in the operation. Mr. Carano noted that his brothers and sister, his father's wife Rhonda Carano, and Mike Pegram are also partners. Discussion noted his background in the industry. Chairperson Teixeira felt that he was cognizant of the Board's seriousness about not serving alcoholic beverages to minors. Chairperson Teixeira also noted the proactive steps taken at the other establishments Mr. Carano's family owns. Mr. Carano advised that they will participate in the Sheriff's server training classes.

Sam Dehne disclosed that he had been asked to support the applicant's request for a license as he lives in Reno. He felt that Mr. Carano does a good job there and that the City will be happy to have him in Carson City. He alleged to have known Mr. Carano for years. He was glad to have the operation come to Carson City. He volunteered to have his band sing at Bodines' opening ceremony. He felt that Mr. Carano should support his recommendation that the City have scheduled airline service.

Mr. Sullivan explained that the structure is under construction and requested the same conditions on the license be required as had been placed on Marriott's license. Member Livermore moved to approve a Full Bar Liquor Sales and Dining Room with Beer and Wine for Bodines, Applicant: Michael E. Pegram and Gregg R. Carano, located at 5650 South Carson Street, Carson City, including the nonrefundable investigation fee of \$500, the original new application fee of \$1,000, and the liquor license per quarter fee of \$450; additionally, all applicants, sellers or servers of liquor must attend the Sheriff's Office Servers Education class within three months of the business opening; and that the Liquor License is conditioned upon the facility, Bodines' Casino, receiving a Carson City Business License and binding final approval of the certificate of occupancy. Member Aldean seconded the motion. Motion carried 6-0.

Chairperson Teixeira thanked Mr. Carano for his contributions to the community including the cosponsorship of the Boys and Girls Club auction and barbecue. Mr. Carano expressed a desire to participate whenever possible. He then explained that two members of the Nevada Gaming Control Board had allegedly expressed excitement in learning that Bodines is coming back. He then briefly described the menu which will include items served at the former Bodines. He felt the location was ideal and the property will be beautiful when seen by travelers on both Highways 395 and 50. He then described Mr. Pegram's background. He believed that people will have a good time at the facility, which he described. He also limned his reasons for acquiring the property. Chairperson Teixeira reiterated his appreciation for his contribution to the community. Discussion indicated that they hope to complete Fuji Park/the Fairgrounds the first of May and for Bodines to open the middle of May. Clarification indicated that, as there are two separate licensees, Mr. Pegram must appear before the Board. Mr. Carano indicated that he understood and will have him appear.

D. ACTION TO ORDER A SHOW CAUSE HEARING FOR DISCIPLINARY ACTION PURSUANT TO CCMC 4.13.140, REVOCATION OF LICENSE, AND CCMC 4.13.150, REVOCATION PROCEDURE, REGARDING LIQUOR LICENSE NO. 08-00023400 HELD BY

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KIL YE (KATIE) CHEW FOR KATIE'S BAR, BASED ON THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE (8:54:51) - Mr. Sullivan and Member Furlong explained that the action requested was for the Board to determine if a show cause should be held and the date for that hearing. Lt. Bob White then described the incident which brought the establishment to the Department's attention. He felt that Ms. Chew had attempt to divert the Deputies' attentions away from the video camera. She also could not find the keys to the back room. The Deputies, after entering the back room, discovered that an individual was hiding there. They believed that Ms. Chew had attempted to hide him. The reasons the individual was arrested were explained. Ms. Chew was arrested for obstructing the Deputies. Her arraignment is scheduled for March 18. He then described the number of calls received by the Department for service at her establishment during the year that Ms. Chew has operated the bar. Discussion ensued regarding these 48 calls. Chief Deputy District Attorney Melanie Bruketta opined that the Board could act on the show cause hearing without a decision having been made regarding the charge of obstructing the officers. She read the Code Section into the record regarding conducting a show cause hearing. Lt. White reiterated that the original call regarding the incident came from the Hospital. The Deputies learned at the Hospital that the incident had occurred at Katie's Bar. Member Furlong explained that the obstructing charge is based on Ms. Chew's refusal to allow the Deputies into the back room and the hiding of an individual there. Justification was provided for the Officers to contact all of the individuals at the bar.

Ms. Chew explained that there were only five individuals at the bar when the Deputies arrived. Two of the individuals wanted to leave when the Deputies arrived. The bar was closed. They were cleaning up for the next day. They allegedly were unaware of the stabbing until the Deputies told them about it. The Deputies purportedly repeatedly warned her against lying. She repeated her allegation that she was not aware of the stabbing until they told her about it. The back door was opened so she could move towels and stock liquor into the bar area. She had allegedly called a taxi for the individual who was hiding in the back room. She thought that he had left. She was not aware that he was on probation or had a DUI. She allegedly had not known that he went into the back room to hide. She purportedly checked the restrooms and had tried to open the office. She thought that it was locked. She repeated her assertion that the individual had gotten into the taxi and that he had locked her office door. She explained that there is a trailer park behind the establishment and that no one is to be in her back room. She then alleged that the video camera does not work. She attempted to open the office but the door was locked. The key was not in its usual place. She forgot where she put it. Her car keys were not in the drawer. One of the Deputies purportedly asked her if the keys on the counter were hers. She did not know that they were laying where everyone could see them. They are always supposed to be put in her drawer. Her son had allegedly gone outside. They purportedly had been robbed at one time. For that reason they keep two separate money bags. Her son had allegedly gone to the car to get a bag. Her son had used her keys. There allegedly were two ladies, the DJ, one security guard, her son, and herself present. Her son purportedly left the keys on the counter. She reiterated that she did not know the person was in the back room and that she had not lied to the Officers. She restated her allegation that she did not know the individual was on probation. She then advised that they attempt to watch the parking area but when the door is closed they do not know

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what is going on there.

Member Aldean explained that the purpose of the show cause hearing is to gather additional information. The Board does not have all of the information at this time. They have not seen any tapes. The hearing may provide Ms. Chew with an opportunity to exonerate herself.

Chairperson Teixeira explained the Board's responsibility to the community is to protect its health, safety, and welfare. A decision is not being made at this time. The Board must at this time react to the information that has been provided.

Ms. Chew explained that she had been in the business for 30 years without any citations. She allegedly had owned six bars in San Francisco. She did not understand why she has so many problems in Carson City or why the Deputies would not listen to her. She did not know anything. She also did not understand why she was taken to jail. She indicated to Member Staub that she will have an attorney. Member Staub strongly recommended that she hire an attorney if she did not already have one.

Member Staub moved to order a show cause hearing for disciplinary action pursuant to CCMC 4.13.140, Revocation of License, and 4.13.150, Revocation Procedure, regarding Liquor License No. 08-00023400 held by Kil Ye "Katie" Chew for Katie's Bar based on the protection of the public health, safety and welfare. Member Livermore seconded the motion.

Sam Dehne expressed his belief that Ms. Chew is distraught and did not seem to understand Member Staub's recommendation that she have an attorney with her at the hearing. He reiterated that the show cause hearing will allow the Board to look at all of the information. It could provide her with an opportunity to clear the air of any rumors that are "running around in the news media and everywhere else". He had a problem with the concept that she must hire an attorney to represent herself. Ms. Chew is supposed to be innocent until proven guilty. He believed that Ms. Chew will get a fair shake from everyone. Member Staub explained that his advice to Ms. Chew to retain counsel is to make sure that she presents her case in a cognizant and defensible manner. He did not wish "to have her ask that question" at the end of the show cause hearing. Mr. Dehne indicated that he understood.

Discussion between Members Aldean and Furlong indicated that the 48 calls for service by the Sheriff's Department will be more definitive than the presentation given today. Discussion between Mr. Sullivan and the Board indicated that the hearing should be held at the first meeting in April. Member Staub also requested that the record of the April 18 court proceeding be included in the packet of information for the Board. Ms. Bruketta advised that the information could be obtained from the courts. Mr. Sullivan was uncertain whether the information will be available for the March 20th Board meeting.

Monte Walker explained that the hearing on March 18 is an arraignment where a guilty or not guilty plea is entered. The trial could be a month later. The show cause hearing should be held after the trial.

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Chairperson Teixeira felt that the Liquor License issue has nothing to do with the trial, however, her statement should be provided. He recommended holding the show cause hearing during the first meeting in April. He also disclosed that he will be in Washington, D.C., at that time. He felt that proceedings could go forward.

Member Staub amended his motion to include the first meeting in April which will be a late meeting. Member Livermore continued his second. The motion to schedule a show cause hearing for the first meeting in April was voted and carried 6-0.

There being no other matters for consideration by the Liquor and Entertainment Board, Chairperson Teixeira adjourned the meeting.

The Minutes of the March 6, 2008, Carson City Liquor and Entertainment Board meeting

ARE SO APPROVED ON _____, 2008.

Marv Teixeira, Chairperson

ATTEST:

Alan Glover, Clerk-Recorder

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, February 7, 2008, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira Richard S. Staub Robin Williamson Shelly Aldean Pete Livermore	Mayor Supervisor, Ward 4 Supervisor, Ward 1 Supervisor, Ward 2 Supervisor, Ward 3
STAFF PRESENT:	Alan Glover Sue Johnson Rory Planeta Kevin Gattis Larry Werner Walter Sullivan Nick Providenti Ann Silver Roger Moellendorf Andrew Burnham Melanie Bruketta John Simms Jeff Sharp Juan Guzman Ken Arnold Cheryl Adams Katherine McLaughlin Sandy Scott (BOS 2/7/08 Recording 8:30:00)	Clerk-Recorder Internal Auditor Chief of Alternative Sentencing Chief Building Official City Engineer/Development Services Director Community Development Director Finance Director Human Resources Director Parks and Recreation Director Public Works Director Chief Deputy District Attorney Juvenile Service Program Coordinator Deputy City Engineer Open Space Manager Public Works Operations Manager Purchasing and Contracts Manager Recording Secretary Contracts Coordinator

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. Supervisor Williamson lead the Pledge of Allegiance. Reverend Bill McCord, Retired, of the First United Methodist Church gave the Invocation.

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PUBLIC COMMENTS AND DISCUSSION (8:31:05) - Sam Dehne questioned the reasons there were two Deputy District Attorney's in attendance. He also felt that he is more appreciated in Reno as the City Council allows him to play his music. He described a skit that was performed at the Nugget. The actor allegedly was later mistaken as Mr. Dehne. He noted Linda Ritter's resignation as City Manager. He felt that she had done a good job under the circumstances. He pointed out that the economy is not doing well. The Governor, as a result, "wants all of the money to fix his busted budget". He felt that Ms. Ritter was the escape goat for that. He alleged that the City cannot be successful without scheduled airline service. He felt that this is the first time no one is applying for a Liquor License. He then explained his Gooseberry Mine problems with the State and Feds who allegedly have created a hardship for him by confiscating and selling his equipment.

Reverend McCord described the First Methodist Church's drive to send phone cards to the individuals in a military hospital. The cards will be given to soldiers returning from Iran and Afghanistan. Anyone wishing to donate the phone cards can do so at the Church. The Church will forward them to the Hospital Chaplain. Additional comments were solicited but none were given.

(9:12:16) Reverend McCord advised that the four young men from Carson High School who were in attendance are going to Las Vegas to the State Wrestling Tournament. Mayor Teixeira wished them success. Reverend McCord indicated that he will not be able to attend the tournament due to other commitments, however, his daughter will be there.

1. ACTION ON APPROVAL OF MINUTES - 10/18 AND 11/1/2007 (8:37:29) - Supervisor Aldean moved that the Minutes from the Carson City Board of Supervisors meeting for the October 18, 2007, be approved as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

Supervisor Aldean corrected "per capa" to be "per capita" on Page 1 of the November 1 Minutes and that "William-son" to be "Williamson" on Page 3 under Item 4-4 of the same set of Minutes. Supervisor Aldean moved to approve the Minutes from the Carson City Board of Supervisors meeting dated November 1, 2007, as corrected. Supervisor Williamson seconded the motion. Motion carried 5-0.

2. CHANGES TO THE AGENDA (8:39:49) - Discussion between Mayor Teixeira and Chief Deputy District Attorney Bruketta indicated the Sheriff's Protective Association Collective Bargaining Agreement had been ratified. Therefore, the recess between Item 11B and 12 will not be taken. Item 11A was pulled due to issues regarding the lease agreement.

3. CONSENT AGENDA (8:41:10)

3-1. PURCHASING AND CONTRACTS

A. ACTION TO ADOPT A RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO DETERMINE THAT THE UNIVERSAL WEIGHT EQUIPMENT HAS REACHED THE END OF ITS USEFUL LIFE AND WILL BE DONATED TO SIERRA LUTHERAN HIGH SCHOOL, A NON-PROFIT ORGANIZATION CREATED FOR EDUCATIONAL PURPOSES AS SET FORTH IN NEVADA REVISED STATUTE 372.3261 (FILE

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0708-103)

B. ACTION TO DETERMINE THAT CONTRACT NO. 0708-104 IS A CONTRACT FOR HARDWARE AND ASSOCIATED PERIPHERAL EQUIPMENT AND DEVICES FOR COMPUTERS AND THEREFORE NOT SUITABLE FOR PUBLIC BIDDING PURSUANT TO NRS 332.115 AND TO APPROVE CONTRACT NO. 0708-104, A REQUEST TO ENTER INTO A PRICE AGREEMENT WITH INSIGHT PUBLIC SECTOR, INC., THROUGH JANUARY 31, 2009

C. ACTION TO ADOPT A RESOLUTION ADOPTING AND APPROVING AN INTERLOCAL AGREEMENT FOR FORENSIC SUPPORT SERVICES BETWEEN THE COUNTY OF WASHOE, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, ON BEHALF OF THE WASHOE COUNTY SHERIFF'S OFFICE AND CARSON CITY, A CONSOLIDATED MUNICIPALITY AND POLITICAL SUBDIVISION OF THE STATE OF NEVADA, AND OTHER MATTERS PROPERLY RELATED HERETO (FILE 0708-052)

D. QUARTERLY REPORT FOR THE PERIOD OF OCTOBER 1, 2007, THROUGH DECEMBER 31, 2007, FOR EACH PUBLIC WORK AWARDED PURSUANT TO NRS 338.1444(1)(A)

3-2. PARKS AND RECREATION DEPARTMENT - ACTION TO RATIFY THE SIGNING OF A DEED BY MAYOR TEXEIRA IN ORDER TO CORRECT AN ERROR MADE IN THE PURCHASE OF THE ANDERSEN TRUST PROPERTY

3-3. DEVELOPMENT SERVICES - ACTION TO APPROVE THE DEDICATING OF A PORTION OF ASSESSOR'S PARCEL NUMBER 002-138-06, OWNED BY CARSON CITY, TO RIGHT-OF-WAY FOR NORTH STEWART STREET

3-4. AIRPORT AUTHORITY - ACTION TO APPROVE THE ASSIGNMENT OF A CARSON CITY AIRPORT LEASE AGREEMENT FROM PATRICK DANG ENTERPRISES, LLC, TO AIRPORT STRUCTURES, LLC, WHICH INCLUDES THE EXTENSION OF THE CONSTRUCTION SCHEDULE - Supervisor Livermore moved to approve the Consent Agenda that consists of seven items; four items numbered 3-1 from Purchasing with Item A having Resolution No. 2008-R-5 and Item C having Resolution No. 2008-R-6, 3-2 from Parks and Recreation consisting of one item; 3-3 from Development Services consisting of one item; and 3-4 from the Airport Authority consisting of one item for a total of seven Consent Agenda Items as presented. Supervisor Staub seconded the motion. Motion carried 5-0.

4. DISCUSSION AND ACTION TO ACCEPT THE RESIGNATION OF LINDA P. RITTER AS CITY MANAGER FOR CARSON CITY AND TO APPROVE THE SIGNING OF THE AGREEMENT BY AND BETWEEN CARSON CITY AND LINDA P. RITTER WHICH RELEASES CARSON CITY AND LINDA P. RITTER FROM THEIR MUTUAL OBLIGATIONS UNDER THE AGREEMENT BETWEEN CARSON CITY AND EMPLOYEE DATED APRIL 21, 2005, AND APPROVES THE EMPLOYMENT OF LINDA P. RITTER AS A PART-TIME EMPLOYEE OF CARSON CITY THROUGH AUGUST 1, 2009; TO APPROVE THE SIGNING OF THE "PHASE-IN RETIREMENT AGREEMENT" BY AND BETWEEN CARSON CITY AND LINDA P. RITTER TO PROVIDE FOR THE PHASED IN RETIREMENT OF LINDA P. RITTER PURSUANT TO NRS 286.477, AND TO APPROVE THE SIGNING OF

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THE "MUTUAL RELEASE OF ALL CLAIMS" BY AND BETWEEN CARSON CITY AND LINDA P. RITTER (8:42:05) - Mayor Teixeira introduced the item. Supervisor Williamson indicated that she understood the reasons Ms. Ritter had resigned. The reasons included the financial well-being of the City. The proposed program will allow her to work on City issues and continue to serve the community. Supervisor Williamson saluted Ms. Ritter's efforts. She also disclosed that all of the comments she had received regarding Ms. Ritter's resignation were similar to those expressed by Mr. Dehne. She thanked Ms. Ritter for her long service and expressed her regret in seeing Ms. Ritter leave the City's employment. Supervisor Aldean indicated her comments would echo Supervisor Williamson's comments. She also indicated that she would reluctantly vote to accept the resignation. Her reluctance did not have anything to do with the terms of Ms. Ritter's phased in retirement and part-time employment agreements. The reluctance was due to the resignation itself. She felt that Ms. Ritter had done a laudable job as City Manager. Supervisor Aldean was pleased to see that she will continue to be involved in assisting the administration in dealing with the challenges facing the City. She then disclosed that she had spoken to Deputy District Attorney Joel Benton and entered into the record corrections to the agreement between Ms. Ritter and the City, e.g., Page 3 Paragraph D's reference to Paragraph C(1) should be Paragraph C only and that the same error is at the top of Page 4. C(1) does not exist.

Sam Dehne advised that he does not live in Carson City, however, he does have property here. He has attended many Board meetings and believed that Ms. Ritter had done a good job. He explained for people watching the meeting on television that Ms. Ritter is leaving her position as a full time City employee and will remain as a part-time employee to add her expertise to running the City. He was glad that things had been worked out. Although he did not personally know Ms. Ritter, he believed that she did as good a job as Reno's representatives do. He explained that this is his opinion. He believed that many other City residents' have a similar opinion of the job Ms. Ritter has done. Additional comments were solicited but none were given.

Supervisor Staub moved to accept the resignation of Linda P. Ritter as City Manager for Carson City and to approve the signing of the agreement by and between Carson City and Linda P. Ritter which releases Carson City and Linda P. Ritter from their mutual obligations under the Agreement between Carson City and Employee dated April 21, 2005, and approves the employment of Linda P. Ritter as a part-time employee of Carson City through April 1, 2009; to approve the signing of the "Phase-In Retirement Agreement" by and between Carson City and Linda P. Ritter to provide for the phased in retirement of Linda P. Ritter pursuant to NRS 286.477; and to approve the signing of the "Mutual Release of All Claims" by and between Carson City and Linda P. Ritter as amended on the record today. Supervisor Livermore seconded the motion. Following a request for an amendment, Supervisor Staub amended his motion to change the "April 1, 2009" date to be August 1, 2009. Supervisor Livermore concurred. The motion was voted by roll call with the following result: Yes - Supervisors Staub, Livermore, and reluctantly Aldean; and Mayor Teixeira. Supervisor Williamson voted No. The motion carried 4-1.

5. MAYOR - DISCUSSION ON THE APPOINTMENT OF A CITY MANAGER AND

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POSSIBLE ACTION TO APPOINT A CITY MANAGER AND SET THE SALARY OR DIRECT HUMAN RESOURCES TO ADVERTISE AN OPENING FOR A CITY MANAGER POSITION (8:48:03) - Mayor Teixeira, John Wagner, Sam Dehne - Mayor Teixeira disclosed his discussion with City Engineer/Development Services Director Larry Werner and described Mr. Werner's background which included serving as a City Manager in Washington. He felt that Mr. Werner is well respected in the community. He advised that members of the City's management team have expressed support for his appointment. Mr. Werner's salary will be the same as Ms. Ritter's had been, which is a \$4,000 increase over his current salary. Supervisor Livermore supported Mr. Werner's appointment based on his personal knowledge of Mr. Werner. He commended Mr. Werner for his offer. He also felt that the management team will support his appointment. Supervisor Aldean indicated that she initially had misgivings about Ms. Ritter's resignation, however, Mr. Werner has the expertise and knowledge. He also has the confidence of the other City employees. She did, however, question his sanity in applying. She wished him well.

Mr. Werner thanked the Board for the support. He felt that it would provide him with an opportunity to help the community during the budget problems. It eliminates the need to bring on a person who is not familiar with the community. His style is different from Ms. Ritter's. He is willing to work with her. She will be assigned special projects and will interact with him rather than the Board. As the City Manager's job has involved day-to-day things, it has prevented management things from being done such as the development of different budgeting procedures. Mr. Werner was excited about the opportunity and expressed a desire to give it a "big try". Additional comments were solicited.

Mr. Wagner expressed support for Mr. Werner's appointment. He felt that engineer's solve problems which is what is needed at this time. Additional comments were solicited.

Mr. Dehne reiterated that he lives in Reno. He advised that he is impressed with Mr. Werner's personality and body language. He felt that Mr. Werner was brave to take on the City's current situation. He asked that information regarding Mr. Werner's background be provided for the viewing public. He also suggested that Mr. Werner contact Reno's City Manager and Finance Director to find out how they are able to find funding or, if this fails, to contact him. Additional comments were solicited but none were given.

Mr. Werner explained his background including his schooling and employment in both the immediate area and Washington State.

Supervisor Livermore moved to appoint Larry A. Werner as City Manager and set his salary at the current compensation of the retired City Manager. Supervisor Staub seconded the motion. The motion was voted by roll call with the following result: Yes - Supervisors Williamson, Aldean, Livermore and Staub and Mayor Teixeira. No - None. Motion carried 5-0.

6. NEVADA DIVISION OF FORESTRY - PRESENTATION AND REPORT ON THE SIERRA FOREST FIRE PROTECTION DISTRICT ACTIVITIES IN CARSON CITY - (8:59:19)

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- Nevada Division of Forestry Fire Management Officer Michael Klug, John Wagner - Officer Klug gave a verbal presentation on the District's activities which included noting the volume of acres consumed by the wildland fires in Nevada last year; their impact on ranching and the quality of life throughout the State; the drought conditions which create ideal conditions for destructive fires and encourages the spread of invasive plant species. The District is becoming more involved with fire prevention and educational programs which include elementary students. Justification for this effort was provided. Forest range management programs were described. An explanation of the efforts to reduce the intensity of a fire included a description of the Lakeview project and the rehabilitation of the Waterfall fire area. He believed that the fire threat will continue to increase due to the population growth in the wildland areas. He stressed the need for the District and local fire departments to work together with State and Federal agencies as well as the Fire Safe Councils and nature conservancies. Discussion between Officer Klug and Mayor Teixeira noted that the President had cut the Forest Service's budget. Officer Klug felt that Congress may restore the funds. The funds are used to provide grants for local fire departments and Fire Safe Councils for fuel management programs. Example of these programs included the Clear Creek, Waterfall Fire and Timberline areas. Officer Klug stressed the importance of fire prevention as it reduces the devastation of fires when they occur. Discussion between Officer Klug and Supervisor Livermore described the staffing of the fire station on College Parkway which is supported by the Sierra Forest Fire District's special assessment. Discussion also explained that the State reimburses the City for the salaries of the staff and for "wear and tear" on the engine when they are sent to fires in other areas of the State.

Mr. Wagner questioned the enabling authority that provides the grant funds. Mayor Teixeira explained that this is not a question Officer Klug can address. Mayor Teixeira then thanked Officer Klug for the report and hoped that the funds can be restored. No formal action was required or taken.

7. SUPERVISOR ALDEAN - ACTION TO CONTINUE CONSIDERATION OF THE APPEAL OF THE PLANNING COMMISSION'S DECISION TO REDUCE THE REQUESTED SIGN HEIGHT FOR A FREESTANDING SHOPPING CENTER SIGN FROM 65.5 FEET TO 45 FEET AS PART OF AN APPROVAL OF SPECIAL USE PERMIT SUP-07-161 TO ALLOW A THIRD FREESTANDING SHOPPING CENTER SIGN WITHIN THE NORTH CARSON CROSSING SHOPPING CENTER NEAR THE FUTURE HOME DEPOT STORE ADJACENT TO THE FREEWAY ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED ON MARKET STREET ON THE SOUTH SIDE OF COLLEGE PARKWAY, APN 002-755-161 (FILE NO. SUP-07-161) (9:13:13) - Chief Deputy District Attorney Melanie Bruketta, Gary Nigro, Rose Boyer - Supervisor Aldean's introduction included a disclosure of her meeting with Applicant Kent Witt and his representative(s) regarding the sign. During the meeting Mr. Witt had requested a continuance. She encouraged the Board to vote in favor of the continuance. Clarification by Ms. Bruketta explained that the Board's original action on the appeal had ended in a 2-2 vote which means that a decision was not made. There is no need to reconsider the original motion for that reason. Supervisor Staub felt that a 2-2 vote was a denial of the application. Ms. Bruketta explained that research conducted by the District Attorney's office supports their opinion that a decision was not made. Supervisor Aldean explained her belief that the Applicant should be allowed an opportunity to work with

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the neighborhood and attempt to resolve the issues rather than pursue Supervisor Livermore's request to reconsider the application. Supervisor Staub explained his reluctance to hear new information due to the Board's policy of returning items with new information to the Planning Commission for its consideration before the Board acts on it. Supervisor Aldean explained her reasons for agendaizing the item and desire to have a win-win solution. Ms. Bruketta felt that the Board could return the item to the Planning Commission if there is new evidence submitted when a final decision is agendaized. Mayor Teixeira supported consideration of the request for a continuance. He also wished to see a win-win solution if negotiations make it possible. Supervisor Livermore disclosed that he had met with the Applicant after the Board meeting and discussed having the item reconsidered. He felt that the current request for a continuance was a better way to handle the item instead of reconsideration as it allows the parties to resolve their differences. He did not believe that there is a need to resolve the issue immediately. Supervisor Staub supported having a compromise for any issue as he has done in the past and will continue to do in the future. He then questioned the wisdom of having a four member Board hear appeals from the Planning Commission. The Board had spent at least an hour hearing the appeal as a four member Board. He suggested that, if there are only four members present, the item be tabled in the future. Ms. Bruketta pointed out that a decision would be made if the vote is 3-1. Supervisor Staub felt that it would be a waste of time for all parties if there is a potential for a tied vote. Although he understood the District Attorney's opinion regarding the original vote, the public felt, as evidenced by the emails he had received, that the "Applicant is being given a second bite from the apple". He urged the Applicant to follow the appellant process if there is a deal to be made. Public comments were then solicited.

Mr. Nigro indicated his support for Supervisor Staub's remarks. He also believed that a compromise could be worked out. He felt that new evidence had been submitted to the Clerk. It was photos showing the use of cranes to illustrate the impact the sign will have on the area. They were not available at the Planning Commission's meeting. He urged Mr. Witt, as an act of good faith, to withdraw his application and resubmit it. This would allow the application to be considered under the same procedure used by future sign applications. The application should also be returned to the Planning Commission. It is the Applicant's responsibility to prove that the parcel is different from other surrounding parcels and that the impact will be minimal. He urged the Board to discuss these requirements with the Applicant and that the Applicant withdraw the application until after the Commission develops a "consistent, coherent" policy. Additional comments were solicited.

Mr. Wagner indicated that he does not live in the area. He questioned the parliamentary procedure when the vote is tied. He felt that the motion failed due to a lack of a majority. He supported having an agreement/compromise so that everyone is happy with the final design. He urged the Applicant to resubmit the application to the Planning Commission.

Ms. Boyer questioned the reasons Board members had met with Mr. Witt and not the residents. The residents had submitted letters and information opposing the sign. They were under the impression that the sign is to be less than 45 feet in height. She felt that Mr. Witt is receiving special treatment as the residents have not been contacted. Supervisor Aldean explained for her that a decision had not been

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made regarding Supervisor Livermore's motion to reconsider the application when the entire Board is present. She was not certain what the vote would have been on that motion. Mr. Witt had come to her regarding the application. She had encouraged him to conduct a line of sight analysis and to meet with the neighbors. She asked Ms. Boyer to let her know if Mr. Witt does not meet with them. Ms. Boyer indicated that they have not heard anything from Mr. Witt.

Mayor Teixeira explained that he was absent that day due to health problems. He did not watch the meeting on television. He was unaware of any of the testimony. He believes in compromises and likes to see them happen whenever possible. The continuance, therefore, is the best way to go. If the information indicates that there is a compromise, he will send the item back to the Planning Commission. At this, however, he believed that time should be spent attempting to reach a compromise.

Supervisor Aldean moved to continue consideration of the appeal of the Planning Commission's decision to reduce the requested sign height for a freestanding shopping center sign from 65.5 feet to 45 feet as part of the approval of a Special Use Permit SUP-07-161 to allow a third freestanding shopping center sign within the North Carson Crossing shopping center near the future Home Depot store adjacent to the freeway on property zoned Limited Industrial, LI, located on Market Street on the south side of College Parkway, APN 002-755-161, File No. SUP-07-161. Supervisor Livermore seconded the motion. Comments were solicited but none were given. The motion was voted by roll call with the following vote: Yes - Supervisors Aldean, Livermore, and Williamson and Mayor Teixeira. No - Supervisor Staub. Motion carried 4-1.

RECESS: a recess was declared at 9:30 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:41 a.m. constituting a quorum.

8. CITY AUDITOR - Sue Johnson

A. ACTION TO APPROVE THE ESTABLISHMENT OF AN AUDIT COMMITTEE TO PROVIDE OVERSIGHT TO THE CITY'S INTERNAL AND EXTERNAL AUDIT FUNCTION (9:41:05) - John Wagner - Ms. Johnson used a poster board to highlight and justify the Committee concept. Its duties were limned. There will be three at-large members and two Board members. She suggested that one of the at-large members be changed to have the City Finance Director as a member. She disclosed that she had discussed this configuration with City Manager Larry Werner and Finance Director Providenti. Justification for the revision was provided. The at-large members will be selected by the Board. All of the Committee's recommendations will be submitted to the Board for approval. Her comments included an explanation of the Federal regulations mandated for external audits. The City's external auditor(s) supports the committee concept. The Committee will meet monthly for the first six months and then quarterly in October, January, April and July. Attendance by members of the City's Management Team will be based upon the Committee needs for their attendance.

Mayor Teixeira complimented Ms. Johnson and Supervisor Staub on the concept. Discussion pointed out the Open Meeting Law requirements mandating an agenda and minutes if a third Board member

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wishes to attend the Committee meetings to make suggestions or discuss potential audits with it. An alternative to this process would have the Board member submit his/her suggestion to one of the seated Board members and have him/her discuss it with the Committee or have the Board discuss and act on the suggestion during its regular meeting.

Supervisor Staub complimented Ms. Johnson on the comprehensive concept and disclosed his involvement with a previous City Auditor in an attempt to get the Committee established. He felt that the Board members should be allowed to make special requests and that the Committee should not interfere with Ms. Johnson's ability to work on Board projects. He also felt that monthly meetings should not pose a problem, however, quarterly meetings may pose a problem for special requests. He pointed out that Ms. Johnson's assignment/schedule includes time for special projects.

Supervisor Williamson complimented Ms. Johnson on her comprehensive process. She voiced concerns that the program could have Ms. Johnson "running from one thing to another". She felt that former City Auditors were besieged by Board Members' requests for special projects. The Board should agree on the work program and make adjustments unless extra ordinary situations arise. The Committee could look at the budget's compliance with regulations. She was uncertain whether the Auditor and/or the Committee should be involved with the formation or monitoring of the annual budget. There are a lot of people currently involved with it. Ms. Johnson explained a Statutory requirement mandating that the City Auditor be a member of the Finance Committee which would require her involvement. Her involvement will provide more insight and understanding of the risks. Supervisor Williamson explained her belief that the Audit Committee should not play a role in the formation of the budget. The Auditors should be involved.

Supervisor Livermore disclosed his involvement with Supervisor Staub on the concept. They had unsuccessfully attempted to have the former City Auditor create the Committee. He believed that the challenges currently facing the City, the risk analysis that will be required, and the work that will be done will provide him and the residents with more reliable and valuable information.

Supervisor Aldean opined that, in fairness to Ms. Johnson, the annual work plan should be adhered to once it is established unless a special request is an emergency requiring immediate review. The Board must be consistent and allow her to complete the audits requested. Supervisor Staub agreed. The Audit Committee should not stop Board projects. The work schedule includes time for special requests. The Committee should not stand in the way of having those requests honored. The Committee's purpose is to provide direction to the Auditor and confirm the plan which is why two Board members are on the Committee. Mayor Teixeira pointed out that the Board as individual members has the right and the responsibility to raise issues and concerns which makes the audit plan flexible. City Manager Werner advised that the Department Heads concur and support the proposed concept as a benefit that will look at processes and discuss/evaluate how things are done. Finance Director Nick Providenti concurred. Public comments were solicited.

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Mr. Wagner advised that he was not yet running for office. He believed that an audit should be conducted of every City Department to ensure that it runs correctly. He described Oklahoma's process which requires every expenditure to be listed on the internet so that the public knows where its funds are being spent. Its process is open to the public and shows that the monies are being spent prudently. It is the taxpayers' money. He supported the idea. Additional comments were solicited but none were given.

Supervisor Staub moved approve the establishment of an Audit Committee to provide oversight to the City's Internal and External Audit Functions and instruct the City Auditor to make the appropriate amendments, if any, to the Internal Audit Committee to allow this Board to request special projects so long as it does not destroy, impair, or impede her meeting her requirements regarding the annual audit plan. Supervisor Livermore seconded the motion. Following a request for an amendment to change the composition of the Audit Committee as Ms. Johnson had requested, Supervisor Staub continued his motion to include with the amendment stated on the record today. Supervisor Livermore concurred with the amendment. Motion carried 5-0.

B. ACTION TO APPOINT TWO MEMBERS FROM THE BOARD OF SUPERVISORS TO THE AUDIT COMMITTEE TO PROVIDE OVERSIGHT TO THE CITY'S INTERNAL AND EXTERNAL AUDIT FUNCTION (10:01:25) Supervisors Staub and Williamson volunteered to serve on the Committee. Supervisor Livermore explained his involvement with Supervisor Staub on the Committee. Supervisor Williamson withdrew her name from the nominations. She felt that the Board appointees' terms should be staggered. Supervisor Livermore advised that his term runs concurrent with her term in office. Discussion also pointed out that the Board terms on the Committee are staggered with one term having one year and the second term having two years. Supervisor Staub advised that his term on the Board expires 12/31/08, therefore, his term on the Committee should be concurrent. Supervisor Williamson reiterated her withdrawal of her name from the nominations. Supervisor Livermore moved to appoint two members from the Board of Supervisors to the Audit Committee; Supervisor Richard Staub is appointed to fill the one year pro-rated term that ends December 31, 2008, and Supervisor Livermore is appointed to fill the two year pro-rated term that ends December 31, 2010. Supervisor Staub seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 10:05 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:11 a.m., constituting a quorum.

9. FINANCE - Director Nick Providenti

A. DISCUSSION OF 2007-08 BUDGET IMPLEMENTATION PLAN TO STABILIZE CARSON CITY'S GENERAL FUND, SEWER FUND, WATER FUND, BUILDING PERMITS FUND AND STREETS MAINTENANCE FUND (10:14:08) - City Manager Larry Werner, Mary Walker, Public Works Director Andrew Burnham - Ms. Walker summarized her recommendations. (A copy of her report is included in the file.) Mr. Providenti explained that the capital acquisition funds are the result of savings generated by employee turnover. The plan

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recommended using \$848,224 of the turnover savings to reduce the General Fund shortfall. Mayor Teixeira explained the attempt to reduce the \$3 million shortfall in the 07-08 budget. It does not reduce the shortfall in the 08-09 budget. There will be approximately a 10% ending fund balance at the end of the 07-08 fiscal year if the recommended measures are taken. The proposed CPI increase to the local residents' landfill fees and a 25% fee increase for out-of-county residents will provide \$85,000 for the General Fund. If the rates are not increased, the \$85,000 will have to be found elsewhere. Action regarding the proposed rate increase will occur later in the meeting. Supervisor Livermore requested the detail showing the estimated \$848,000 shortfall within the line items. Mr. Werner agreed to provide the information. Ms. Walker explained that the General Fund revenue shortfall in January was \$2.5 million. At that time the Board directed staff to add an additional \$500,000 to that amount due to the falling Building Fund revenues. This increased the shortfall to \$3 million. She believed that expenditure reductions have reduced the Building Fund deficit to \$90,000 which the General Fund will have to make up. Justification for the 24% rate increase in the sewer fund was provided. Mayor Teixeira urged staff to justify the increase to the high end industrial users due to the impact this increase will have on them. The sudden decrease in water connection fees in September and October was noted. The connection fees are used to pay the bonds. A committee had recommended the use of connection fees to pay for growth and the necessary infrastructure improvements mandated by growth. Supervisor Aldean suggested that additional expansion of the infrastructure be delayed due to the decreased growth and revenue. Staff explained that the current plan is to utilize the funds for maintenance only. Concerns have been expressed regarding the possibility that the City may default on the bonds. Default has "huge ramifications" to the City's bond rating. In 1989 it was B. It is now at a rating of AA. The cost created by slippage was felt to be "huge". Mr. Providenti explained that the original analysis of the economy had considered only the end of 2007 and the first quarter of 2008. Supervisor Livermore expressed concern about the lack of information regarding the number of building permits that have been taken out and the slow down in the building industry. Mr. Providenti explained that a comparison of the June 2007 with the previous year did not indicate the slowdown was more than the normal rate. The first quarter of fiscal year 2008 did not indicate a concern beyond what was felt to be a normal fluctuation in the trade. Staff has never had to monitor it so close as it is currently. Mr. Werner explained that this is the reason staff is searching for a new budget reporting mechanism that will allow staff to make predictions regarding the trends. Ms. Walker's budget program gives staff more control than it has had previously. Supervisor Livermore expressed concerns regarding the impact the proposed increases will have on the users. The City's failure to manage its budget correctly will cause the users to suffer. Mr. Werner agreed and indicated that if the slowdown had been caught earlier, the increase would have been less. Mayor Teixeira pointed out that it is a utility which must meet its obligations.

Ms. Walker continued her report by reviewing the recommendations for the water fund. Discussion indicated that staff had brought a small rate increase to the Board, however, it had not considered the slowdown in the economy. More information justifying the rate increases needs to be provided in the future. Supervisor Livermore also pointed out that if the information had been provided sooner, the capital funds could have been saved for other purposes. Discussion then noted the 08-09 budget shortage in the building fund. It was felt that it could be reduced by personnel turnover and the transfer of Mr. Werner's salary to the General Fund. The proposed Building Permit Fund financial stabilization

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measures do not meet the entire shortfall. A need to reestablish the Building Permit Committee was indicated. Mr. Werner also advised that its establishment is required by statute. An ordinance will be submitted to the Board to comply with this mandate. It may take 60 days to get the committee started. They will be involved with the 08-09 budget. Although the Building Department does not want to see the fund returned to the General Fund, it was felt that its return should be considered by the Board. The committee should discuss this issue also and make a recommendation to the Board. Discussion noted that the City has a limited amount of "dirt" left for construction. New housing starts will consume a smaller amount of the workload. Commercial remodels and redevelopment will be a larger share of the workload. Mayor Teixeira advised that this discussion needs to occur in the future.

Ms. Walker then explained that an increase in the business license fees had not been factored into her accounting of the budget as a majority of the businesses have already paid their fees for the year. Ms. Walker then continued her report regarding the Street budget. Discussion explained that the State had returned two cents of the City's five cents for the freeway in return for the City's acceptance of several State owned streets. Mr. Burnham felt that there are ways for the \$650,000 shortage in the Street budget to be made up including deferral of capital projects. Ms. Walker urged the Board to consider implementation of the 1/8th cent sales tax fee for RTC capital improvements as allowed by statute.

Discussion between Supervisor Williamson and Ms. Walker indicated that the City is not bankrupt at this time. By implementing the recommendations, it will stay fiscally sound. The media had picked up the term when Ms. Walker was discussing the need for the Board/staff to take fiscally conservative action due to the decrease in sales tax revenue. Ms. Walker complimented the Board and City staff on its quick reaction to the economic conditions. No formal action was required or taken on this discussion only item.

B. ACTION TO NOT TRANSFER \$722,725 TO THE CAPITAL ACQUISITION FUND AS ORIGINALLY BUDGETED IN THE 2007/08 BUDGET (10:48:03) - Supervisor Aldean moved to not transfer \$722,725 to the Capital Acquisition Fund as originally budgeted in the 2007-2008 budget. Supervisors Williamson and Livermore seconded the motion. Motion carried 5-0

C. ACTION TO DIRECT STAFF TO PROCEED WITH AN AMENDMENT TO THE BUSINESS LICENSE FEE SCHEDULE TO INCREASE FEES BY 3.4% (10:48:40) - Mary Walker, Chief Deputy District Attorney Melanie Bruketta, City Manager Larry Werner - The fee increase will be implemented in the 08-09 fiscal year. Supervisor Livermore questioned the need for a business impact statement. Ms. Bruketta explained that the Agenda had been revised to direct staff to begin the process to increase the Business License fees. The Agenda Report, however, had not been revised. Mr. Werner advised that a business impact statement will be submitted with the ordinance implementing the fee increase. The difference between the process as agendized and that contained on the Agenda Report was noted. Supervisor Aldean explained the need for a positive motion which is agendized. The Agenda Report creates a "negative" motion. Supervisor Aldean then moved to direct staff to proceed with an amendment to the Business License fee schedule to increase fees by 3.4%. A second was not made. The motion died for lack of a second. No other action was taken.

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D. ACTION TO DIRECT STAFF TO BEGIN THE PROCESS FOR AN AMENDMENT TO CARSON CITY MUNICIPAL CODE CHAPTER 12.05 TO INCREASE LANDFILL DISPOSAL FEES (10:52:01) - Public Works Operations Manager Ken Arnold - Mayor Teixeira pointed out that this Fund is the only positive one. He cautioned against raising the rates too high. The capital improvements will be considered in the future. Supervisor Livermore felt that these two topics should be separated when considered in the future. Mr. Arnold advised that the topics are separate issues. The capital improvements are only suggested uses for the revenue. Supervisor Aldean disclosed that she had questioned Mr. Arnold about the maintenance of the cemetery equipment. When the item is considered in the future, Mr. Arnold will expand on the reasons the capital improvements are warranted. Supervisor Aldean moved to direct staff to begin the process for amending the Carson City Municipal Code Chapter 12.05 to increase the landfill disposal fees. Supervisor Williamson seconded the motion. Following a request that an amendment to the motion indicate the scenario desired, Supervisor Shelly explained that Scenario 2 is the one that is needed to balance the current budget. By approving Scenario 2, the capital improvement budget will not be approved. Ms. Walker explained staff's request that the Board approve the modified increase of 25% to out-of-county users and the CPI increase for in-county users. This increase will provide \$500,000 in revenue that is needed by the General Fund. Mr. Arnold explained that the in-county fee would increase from \$4 to \$5. He also indicated that the revenue generated by Scenario 2 will provide funding for both the maintenance and the capital improvement project, if the Board decides to do it. Supervisor Aldean then amended her motion to include the selection of the second scenario as stated in the Board packet. Supervisor Williamson concurred. The motion as amended was voted and carried 5-0.

E. ACTION TO APPROVE THE IMPLEMENTATION PLAN TO PROVIDE FINANCIAL STABILITY TO THE SEWER FUND FOR FISCAL YEAR 2007/08 AND DIRECT STAFF TO PROCEED WITH AN AMENDMENT TO CARSON CITY MUNICIPAL CODE CHAPTER 12.03, SECTION 020, PROVIDING A 12% SEWER RATE INCREASE AS OF APRIL 1, 2008, AND AN ADDITIONAL 12% RATE INCREASE AS OF JULY 1, 2008. THE FIRST READING TO BE SCHEDULED FOR FEBRUARY 21, 2008 (10:56:40) - Public Works Operations Manager Ken Arnold, City Manager Larry Werner, Chief Deputy District Attorney Melanie Bruketta - First reading of the ordinance was scheduled for March 6 due to the impact statement noticing requirements. Discussion ensued regarding whether to implement the 24% increase all at once or to phase it in over the designated period. Mayor Teixeira expressed concern regarding the impact to the top tier users. Mayor Teixeira also felt that the fee increase should be effective in May. He felt that the fees are becoming out of sync with the surrounding area. Board comments supported the single fee increase rather than the phased approach. Mr. Arnold explained that the 15-day public noticing period will be restarted. Supervisor Staub supported the phased approach as it gives businesses time to adjust to the increases. Mayor Teixeira reiterated his request for information regarding the impact to the top tier. Supervisor Staub moved to approve the implementation plan to provide financial stability to the sewer fund for fiscal year 2007-08 and direct staff to proceed with an amendment to the Carson City Municipal Code Chapter 12.03, Section 020, providing a 12% sewer rate increase as of April 1, 2008, and an additional 12% rate increase as of July 1, 2008; with the first reading to be scheduled for March 6, 2008. Supervisors Livermore and Aldean seconded the motion. Mayor Teixeira reiterated that the

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motion does not implement the fee increase at this time. Public comments were solicited but none were given. Supervisor Williamson asked that the fiscal impact of the 24% rate increase be provided with the ordinance. Ms. Bruketta advised that the business impact statement will have to be revised in order for a change to be made to the increase amount. Mr. Arnold explained that the sewer rate is based on winter averages and does not have tiers. The water fund has tiers. He understood the concern regarding the impact to the larger users. Mayor Teixeira cited the Ormsby House as an example to illustrate his concern regarding the impact to larger users. Comments indicated that tiers could be established for the sewer. Supervisor Aldean pointed out that the business impact statement will contain the information desired regarding the impact. Mr. Werner explained the federal grant regulations prohibiting the use of a tiered fee structure for sewer usage. This is the reason the sewer rebate program is from the General Fund and not the sewer fund. The motion to approve the implementation plan to provide financial stability for the sewer fund and direct staff to proceed with a rate amendment of 12% effective April 1 and an additional 12% rate increase effective July 1 was voted and carried 5-0.

F. ACTION TO APPROVE THE IMPLEMENTATION PLAN TO PROVIDE FINANCIAL STABILITY TO THE WATER FUND FOR FISCAL YEAR 2007/08 AND DIRECT STAFF TO PROCEED WITH AN AMENDMENT TO CARSON CITY MUNICIPAL CODE CHAPTER 12.01, PROVIDING A 6% INCREASE IN WATER RATES TO BE PRESENTED FOR FIRST READING ON FEBRUARY 21, 2008 (11:04:18) - Public Works Operations Manager Ken Arnold, Joe Eiben, John Wagner, City Manager Larry Werner - Supervisor Staub stepped from the room during Mr. Arnold's introduction. (A quorum was still present.) Supervisor Williamson moved to approve the implementation plan to provide financial stability to the water fund for fiscal year 2007-08 and direct staff to proceed with an amendment to Carson City Municipal Code Chapter 12.01 providing a 6% increase in water rates to be presented for the first reading on February 21, 2008. Supervisor Aldean seconded the motion. Mayor Teixeira reminded the Board/audience that this is only the first step in the process. The rate can be revised in the future.

Mr. Eiben asked that the business plan include a comparison with the surrounding counties as well as the impact to new businesses. He felt that people may be leaving the area as it may be cheaper to live elsewhere. Mayor Teixeira concurred.

Mr. Wagner disclosed that he is not running for office. He felt that the 6% water rate increase was taking money from the same pocket as the proposed sewer rates. He believed that the sewer rate should be part of the water rate. Mr. Werner explained that the water, sewer, and storm drainage fees are all on one bill. The sewer rate is based on the water usage and not the dollar amount for the water. Mayor Teixeira reiterated that the ordinance will be brought back to the Board before implementation. Additional comments were solicited but none were given.

The motion to approve the implementation plan to provide financial stability to the water fund and direct staff to proceed with an amendment to the City Code to impose a 6% increase in water rates with the first reading to be on February 21 was voted and carried 4-0-1 with Supervisor Staub absent.

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G. ACTION TO APPROVE THE FOLLOWING RECOMMENDATIONS CONTAINED IN THE CARSON CITY OVERVIEW OF IMPLEMENTATION PLAN TO PROVIDE FINANCIAL STABILITY TO THE BUILDING PERMIT FUND FOR FISCAL YEAR 2007/08. SPECIFICALLY: (1) REDUCE THE GENERAL FUND INTERNAL SERVICE CHARGE BY \$90,000; (2) TRANSFER \$211,000 FROM THE CAPITAL FACILITIES FUND BACK TO THE BUILDING PERMIT FUND; AND (3) REDUCE OPERATING COSTS BY \$143,917 (11:07:15) - City Manager Larry Werner - Supervisor Staub returned during Mr. Werner's introduction-11:08 a.m. (The entire Board was present, constituting a quorum.) Supervisor Aldean moved to approve the following recommendations contained in the Carson City overview of the implementation plan to provide financial stability to the City's General Fund, Sewer Fund, Water Fund, Building Permit Fund, and Street Maintenance Fund and to the Building Permit Fund for fiscal year 2007-08; specifically: one. Reduce the General Fund internal service charge by \$90,000; 2. Transfer \$211,000 from the Capital Facilities Fund back to the Building Permit Fund; and three. Reduce operating costs by \$143,917. Supervisor Williamson seconded the motion. Motion carried 5-0.

H. ACTION TO APPROVE THE IMPLEMENTATION PLAN TO PROVIDE FINANCIAL STABILITY TO THE STREET MAINTENANCE FUND FOR FISCAL YEAR 2007/08 AND REDUCE SPENDING BY \$650,000 THIS FISCAL YEAR (11:08:10) - City Manager Larry Werner - Supervisor Aldean moved to approve the implementation plan to provide financial stability to the Street Maintenance Fund for fiscal year 2007-08. Supervisor Williamson seconded the motion. Supervisor Livermore noted that the motion does not implement a sales tax. The motion was voted and carried 5-0.

I. ACTION TO APPROVE A FINANCIAL PLAN FOR THE GENERAL FUND FOR FISCAL YEAR 2008/09 (11:09:35) - City Manager Larry Werner, John Wagner - Discussion questioned the amount of travel and training that had been cut. Services and supplies had been reduced \$556,260. A portion of that amount was from travel and training accounts. The travel and training budget totalled \$98,000 originally. Supervisor Livermore felt that more cuts could be made before additional fee increases are made. He believed that overtime could be held to three percent of the salaries, the remaining funding for travel could be eliminated, that small furniture and office supplies could be reduced 50%, professional fees could be reduced by 50%, and that repairs and maintenance could be reduced five percent. Mr. Werner explained that staff had looked at those figures. Areas were considered that would not impact the effort to manage the functions and perform the duties. Minimum manning for the Fire Department may not allow them to hold the overtime at three percent. Travel and training are mandated for some professions in order to maintain certification. Repair, maintenance and equipment is the area that had been cut by \$510,000. Supervisor Aldean explained that the request before the Board is to approve the approach to controlling the budget. Staff has been very sensitized to the need to monitor/cut costs. She pointed out the need to revise the landfill fees to 25% based on action which the Board had previously taken for the 07-08 budget. Discussion between Supervisor Williamson and Mr. Providenti indicated that the funds from the stabilization account will not be taken unless absolutely necessary. Mr. Werner also explained that staff will not make any changes to the reductions until "money is in the bank" if there is an increase in sales tax revenue. The Board will then be asked

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what programs to restore. The Board could then eliminate the program(s) and save the funds. Supervisor Staub felt that the stabilization funds will not be restored for several years. If the landfill fees are not needed as budgeted, the excess should be placed in the stabilization fund so that it can be maintained and does not totally disappear. Mr. Werner explained that Ms. Walker's model has indicated that the City may be \$340,000 to the good. Those funds will be placed into the stabilization fund. Mr. Providenti reiterated that the funds will be transferred only if needed. Mayor Teixeira felt that government should suffer when its constituents are hurting. The City's biggest cost is personnel. Personnel represents 70 to 80% of the City's budget. The City does not produce a product but provides a service. Services are labor intensive. He asked for the fiscal impact provided by a two hour and a one hour cutbacks in the work week for all non 24-7 areas. The jail, Juvenile Detention, Sheriff's Office, and Fire Departments must be manned 24-7. Street maintenance personnel who work 4-10s could work 3-10s and 1-9. The Board sets the standard for the number of hours its personnel work. Supervisor Staub explained an article written by Carole Vilardo of the Nevada Taxpayers Association that claimed government cannot make cutbacks when faced with a downturn in the economy. It must rid itself of excess staff. If the economy does not turn around, the City may be forced to layoff staff. Mayor Teixeira opposed laying off staff, however, believed that a reduction in hours for a year was acceptable. He acknowledged that Elected Officials cannot be told what hours they are to work but the other Departments can be. He did not believe that a small reduction in hours would negatively impact the service level. Mr. Werner explained his experience with a reduction in hours had required providing a cost-of-living for the CCEA members. Then when the hours were reduced, the salary remained the same. When the revenue improved, the hours were restored. A reduction in the paycheck must be negotiated. Discussion indicated that the Mayor's program will reduce the paycheck. Supervisor Aldean pointed out that a reduction in hours should create a savings in utility costs. Mr. Werner agreed to look at the proposal.

Supervisor Staub moved to approve a fiscal (financial) plan for the General Fund for Fiscal Year 2008-09 as presented here and based upon the comments offered. Supervisor Aldean seconded the motion.

Mr. Wagner supported the Mayor's suggestion. Layoffs are never pleasant. He alleged that he had been laid off four times. He always obtained a better job with more pay after being laid off. He suggested that consideration be given to having three day weekends without pay as a solution. It would be better than losing a job. Employee unions may support the concept as its members will still have a job. He also felt that the Quality of Life initiative funds should be placed on the ballot and the electorate allowed to determine if it should sunset and the funds transferred to the General Fund. When the economy is better, the sales tax could then be reduced. It should not cost anything to put the matter on the ballot. He volunteered to work on the committee to prepare the ballot question.

Supervisor Livermore then pointed out that the increase in the Health Department Inspection fees will require a business impact statement. He urged staff to review the business plan and ensure that those elements requiring a business impact statement are done. Mr. Werner indicated that the proposed inspection fee increase included an evaluation of the types/number of inspections that are conducted. The proposal will be considered by the Board before a decision is made. Mayor Teixeira concurred and

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explained his belief that it will require some give and take as the bad times are hitting the restaurants. It may be possible to reduce the number of inspections. He also felt that the grading system is very "subjective" and needs to be revised. This topic was not agendized, therefore, the discussion was terminated.

The motion to approve the "fiscal" plan for the General Fund for 2008-09 as discussed was voted and carried 5-0.

J. ACTION TO APPROVE THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007/2008 AND TENTATIVELY SET THE AMOUNT OF FUNDING FOR FY 2008/09 (11:28:57) - Finance Director Nick Providenti explained that the Board had seen the numbers at the last meeting. The proposed funding level is \$930,000. City Manager Larry Werner explained that the items were recommended by the Capital Improvement Committee as being essential. Mr. Providenti explained that the funds are allocated to a special fund and are from bonds proceeds which must be spent for the designated items. The funds cannot be placed in the General Fund for other items. The majority of the project items address maintenance issues. Clarification indicated that the funding for: vehicle replacement was revised to \$278,000; \$200,000 for roofs; \$50,000 for downtown revitalization which is part of a settlement; \$50,000 for Park equipment; Information Technology projects for \$150,000; Facilities Division maintenance for \$100,000; live scan fingerprint system for \$48,000; two-way radio grant for the Fire Department for \$35,000; Courthouse security upgrades for \$5,000; Court entrance metal detector for \$5,000; and an unlisted amount for Juvenile Probation. Supervisor Williamson moved to approve the Capital Improvement Program for fiscal year 2007-2008 as presented and in the amount of \$930,000 and tentatively set the amount of funding for FY 2008-09 at \$870,000. Supervisor Aldean seconded the motion. Discussion indicated that projects for FY 2008-09 have not yet been identified by the Committee. The funding source of \$1.8 million was split and will be spent over the next two fiscal years. The motion was voted and carried 5-0.

RECESS: A recess was declared at 11:34 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 11:41 a.m.

10. PUBLIC WORKS - Director Andrew Burnham

A. UPDATE ON THE FY0708 CARSON CITY CAPITAL IMPROVEMENT PROGRAM AND STATUS OF CURRENT PROJECTS UNDERWAY (11:43:23) - Discussion noted the current bidding climate. RTC may issue bonds to undertake more of its projects. No formal action was required or taken.

B. ACTION TO ADOPT A FEDERAL LEGISLATIVE PACKAGE FOR PRESENT-ATION TO THE CONGRESSIONAL DELEGATION (11:45:58) - Board discussion included gang activities in the funding request for issues related to illegal drugs. An update on the V&T Railroad reconstruction project, its funding and expenditures was requested. Mayor Teixeira advised that funding for the reconstruction is available to cross Highway 50. Tunnel No. 2 cost \$2.5 million more than had

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been thought originally. Acquisition of right-of-way is the largest expense encountered. A full report will be provided. Justification was provided for having the 395 freeway listed as the second priority after the V&T Railroad. Senator Reid has been a proponent for both the freeway and the railroad. Mayor Teixeira felt that the chances of obtaining funding for the Carson City freeway were good as the Reno portion may not be funded. He directed Mr. Burnham to add these items to the list. Supervisor Staub moved to adopt a Federal legislative package for presentation to the Congressional delegation as stated today with the appropriate additions noted on the record. Supervisor Aldean seconded the motion. Mayor Teixeira noted that, during his three years as Mayor, the City has been able to obtain in excess of \$16 million. He was proud of the Congressional delegates efforts. The motion was voted and carried 5-0.

C. ACTION TO INCREASE THE CONTINGENCY AMOUNT FOR THE AIRPORT ROAD AND FAIRVIEW DRIVE SEWER MAIN REHABILITATION PROJECT CONTRACT NO. 2006-196 BY \$100,000 FROM \$55,800 TO A NOT TO EXCEED CONTINGENCY AMOUNT OF \$155,800 FROM THE AIRPORT ROAD SLIP LINING FUND AS PROVIDED FOR IN FY2007/2008 (10:10:20) - Senior Project Manager John Benzing, Public Works Director Andrew Burnham - Mayor Teixeira explained his reasons for agendizing the Item for discussion rather than having it on the Consent Agenda. Mr. Burnham explained that the sewer fund "is in trouble", however, the bids were lower than the estimate and amount allocated for the project. Therefore, funds are available within the line item for the project. A description of a previous Airport Road project was provided. The City spent hundreds of thousands of dollars on it. This project will complete fixing the balance of the line. Comments indicated that there may have been contamination of the storm drain created by the failure of the sewer line. The spill created additional cleanup work. Additional comments were solicited but none were given. Supervisor Aldean moved to approve increasing the contingency amount for the Airport Road and Fairview Drive sewer main rehabilitation project, Contract No. 2006-196, by \$100,000 from \$55,800 to a not to exceed contingency amount of \$155,800 from the Airport Road slip lining fund as provided for in FY 2007-2008. Supervisor Williamson seconded the motion. Motion carried 5-0.

11. CITY MANAGER - Larry Werner

A. ACTION TO APPROVE SUBLEASING A PORTION OF THE CHILDREN'S MUSEUM TO THE CARSON AREA BIG BROTHERS/BIG SISTERS NONPROFIT ORGANIZATION, SUBJECT TO THE TERMS LISTED IN SECTION 8 OF THE LEASE BETWEEN CARSON CITY AND THE CHILDREN'S MUSEUM OF NORTHERN NEVADA (8:39:50) - Pulled.

B. ACTION TO APPROVE AN AGREEMENT WITH WALKER AND ASSOCIATES FOR FINANCIAL CONSULTING SERVICES FOR A ONE YEAR PERIOD BEGINNING FEBRUARY 7, 2008 (11:42:00) - Supervisor Livermore moved to approve an agreement with Walker and Associates for financial consulting services for a one year period beginning February 7, 2008, with a fiscal impact of \$25,000 for fiscal year 07-08 and 08-09. Supervisor Staub seconded the motion. Motion carried 5-0.

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NOTE: The Carson City Board of Supervisors was scheduled for a recess at this point to meet in closed session with its management representatives to discuss labor negotiations. The recess was cancelled as indicated in Item 2 - Changes to the Agenda on Page 1.

12. HUMAN RESOURCES - Director Ann Silver - ACTION TO APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY SHERIFF'S PROTECTIVE ASSOCIATION FOR THE PERIOD JULY 1, 2007, THROUGH JUNE 30, 2011 (11:50:57) - Carson City Sheriff's Protective Association President Glen Fair - Ms. Silver's introduction included thanking Chief Deputy District Attorney Bruketta and Senior Deputy District Attorney Queilhe for their assistance. The agreement has a four-year term. The changes were highlighted. Supervisors Aldean and Williamson congratulated the team on their efforts. Ms. Silver indicated that financial information had been shared with the team. "Smoke and mirrors" were not used. The current budget includes the fiscal impact. President Fair thanked the City's team members for their time. The Association felt that Ms. Silver had made good faith offerings and did an outstanding job. It was felt that the benefit/financial package will assist in recruitment of better candidates for the Department. The Association has discussed the agreement and approved it. Mayor Teixeira expressed his hope that the agreement will set the standard for other unions. It is a positive step forward for both the Association and the community. He commended the Association and President Fair on their willingness to set the standard. Supervisor Williamson moved to approve the proposed Collective Bargaining Agreement between Carson City and the Carson City Sheriff's Protective Association effective for the period July 1, 2007, through June 30, 2011. Supervisor Livermore seconded the motion. Motion carried 5-0.

13. BOARD OF SUPERVISORS - NON-ACTION ITEMS

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS; CORRESPONDENCE TO THE BOARD OF SUPERVISORS; STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD (11:58:15) - Supervisor Staub left the meeting at 11:59 a.m. (A quorum was still present.) Supervisor Williamson disclosed that she had made a presentation to the Young Business Professionals Organization who questioned the reasons the Board meetings are held during the daytime. She requested the matter be agendized for discussion by the Board. Mayor Teixeira noted that items of significant nature to the community have, as a standard practice, been scheduled for an evening session. He did not object to having periodic evening meetings. Supervisor Williamson requested that the item be agendized and discussed. Supervisor Livermore invited the Board to participate in a tour of the Parks and Recreation facilities on Saturday from 8 a.m. to 12 Noon. A JAC bus will be provided to transport the attendees. The tour has been agendized so that more than three Board members can attend. Supervisor Aldean disclosed that she is a TRPA delegate to a meeting with the California Lieutenant Governor to discuss the shore zone ordinances. Justification for the meeting was provided. Discussion between Supervisor Aldean and Mayor Teixeira indicated that she supports a reasonable compromise regarding new docks that protects the environment and property rights. This is the essence of the Nevada proposal. No formal action was required or taken on any of these topics.

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B. STAFF COMMENTS AND STATUS REPORT - None.

14. ACTION TO ADJOURN (12:02:13) - Supervisor Livermore moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 4-0. Mayor Teixeira adjourned the meeting at 12:03 p.m.

The Minutes of the February 7, 2008, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 2008.

Marv Teixeira, Mayor

ATTEST:

Alan Glover, Clerk-Recorder