

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the February 21, 2008 Meeting**

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, February 21, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Marv Teixeira

Supervisor Robin Williamson, Ward 1

Supervisor Shelly Aldean, Ward 2

Supervisor Pete Livermore, Ward 3

Supervisor Richard Staub, Ward 4

**STAFF:** Larry Werner, City Manager

Alan Glover, Clerk - Recorder

Andrew Burnham, Public Works Department Director

Nick Providenti, Finance Director

Sue Johnson, Internal Auditor

Melanie Bruketta, Chief Deputy District Attorney

Kathleen King, Recording Secretary

**NOTE:** A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

**CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:31:57) -** Mayor Teixeira called the meeting to order at 8:31 a.m. Roll was called; a quorum was present. At Mayor Teixeira's request, Sam Dehne led the pledge of allegiance. Seventh Day Adventist Church Reverend Al Tilstra gave the invocation.

**PUBLIC COMMENTS AND DISCUSSION (8:33:24) -** Bud Haley, representing EWS, referred to the recent demolition of the sheriff's facility. He advised that his company had identified a solution to recycle and salvage "75 percent of the entire facility" representing a "tremendous savings" by diverting over 2,500 tons of material from the landfill. The asphalt, concrete, rebar, and steel materials were recycled, "reconstituted and reused." Mr. Haley requested to promote the story on behalf of Carson City and to work with the redevelopment agency to create a recycling and salvage facility either in or near Carson City. Mayor Teixeira requested Mr. Haley to contact his office staff to schedule an appointment.

(8:35:45) Sam Dehne thanked Mayor Teixeira for allowing him to lead the pledge of allegiance. He commended the Board on appointing Mr. Werner to the position of City Manager, and encouraged the purchase of a name tag for him. He provided background information on his Air Force service, and advised of having discovered, since his retirement, "almost as many enemies inside the [U.S.] borders as we do outside the borders, many of them residing ... in the Reno area." He discussed budget problems in Washoe County, and advised that the City of Reno has "so far ... had enough money to fulfill all of their obligations." He expressed disgust over the federal and state government and "the other bureaucrats ... trying to steal my Gooseberry Mine." He expressed the hope that the Board of Supervisors would defend Mr. Dehne and the Gooseberry Mine, if given the opportunity. He provided background information on his ownership of the mine.

Mayor Teixeira called for additional public comment; however, none was forthcoming.

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**1. ACTION ON APPROVAL OF MINUTES** (8:40:15) - None.

**2. CHANGES TO THE AGENDA** (8:40:19) - None.

### **LIQUOR AND ENTERTAINMENT BOARD**

(8:40:24) Mayor Teixeira recessed the Board of Supervisors and convened as the Liquor and Entertainment Board.

**ACTION ON APPROVAL OF MINUTES** (8:40:38) - Mr. Glover noted the October 18, 2007 and November 1, 2007 minutes included in the agenda materials. Mayor Teixeira entertained comments and, when none were forthcoming, a motion. **Supervisor Aldean moved to approve the minutes of October 18, 2007 and November 1, 2007 of the Carson City Liquor and Entertainment Board, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.**

**3. DEVELOPMENT SERVICES - PLANNING - ACTION TO APPROVE A DINING ROOM WITH BEER AND WINE LIQUOR LICENSE, FOR GENGHIX, APPLICANT: PAUL K. LAU, LOCATED AT 1480 NORTH CARSON STREET, CARSON CITY** (8:41:43) - Development Services Director Walter Sullivan introduced this item and reviewed the agenda materials. He advised that City staff is working with the applicant on a grease interceptor issue, and requested the Board to condition approval on the establishment meeting Carson City regulations as pertinent to grease interceptors.

(8:42:42) Paul Lau introduced himself for the record, and acknowledged agreement with the condition of approval, as described by Mr. Sullivan. Sheriff Ken Furlong advised that the investigation was complete with no objections. Mr. Lau acknowledged a previous business in Carson City, and advised he had lived in Carson City for more than twenty years. He provided background information on the new business. He further acknowledged an understanding of the seriousness of serving liquor to minors. Sheriff Furlong acknowledged no problems at the previous restaurant. Mayor Teixeira called for comments by the board members and by the public. When none were forthcoming, he entertained a motion with the condition of approval, as stipulated by the applicant. **Supervisor Aldean moved to approve a dining room with beer and wine for Genghix, applicant Paul K. Lau, located at 1480 North Carson Street, Carson City, subject to the applicant complying with Carson City regulations related to the installation of a properly-sized grease interceptor. Supervisor Williamson seconded the motion. Motion carried 5-0.** Mayor Teixeira wished Mr. Lau much success.

Sheriff Furlong related details of a recent incident involving a liquor license holder, and requested to agendize a report to the Liquor and Entertainment Board at the next meeting. In response to a question, Ms. Bruketta recommended that Sheriff Furlong and Mr. Sullivan present the item for action at the next Liquor and Entertainment Board meeting.

Mayor Teixeira adjourned the Liquor and Entertainment Board and reconvened as the Board of Supervisors at 8:46 a.m.

**4. BOARD OF SUPERVISORS CONSENT AGENDA** (8:46:47) - Mayor Teixeira entertained requests to hear items separate from the consent agenda. Supervisor Livermore requested to separately hear items 4-4(A) and 4-4(B). Sam Dehne requested to provide comment on item 4-2. **Supervisor Livermore**

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**moved approval of the remainder of the consent agenda, totaling four items, as follows: Finance 4-3(A), (B), and (C) with Resolution No. 2008-R-7; and 4-1, Assessor, as presented. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**4-1. ASSESSOR - ACTION TO APPROVE THE PARTIAL REMOVAL AND PARTIAL REFUND OF THE TAXES FOR PARCEL NUMBERS 010-281-34, 010-281-35, 010-281-36, 010-281-38 (LOCATED IN SECTION 10, TOWNSHIP 14 N., RANGE 20 E) FROM THE 2007 / 08 REAL PROPERTY TAX ROLL PER NRS 361.050 IN THE AMOUNT OF \$396.85**

**4-2. DISTRICT ATTORNEY - ACTION TO ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS OF CARSON CITY, AMENDING RESOLUTION NO. 2006-R-18, WHICH DESIGNATES WHO MAY PREPARE, SIGN, AND SERVE CITATIONS, AND OTHER MATTERS PROPERLY RELATED THERETO** (8:48:24) - Ms. Bruketta acknowledged that the District Attorney's investigators were added to the list of designees. (8:48:38) Sam Dehne discussed his understanding of the purpose for the resolution, and expressed support. He inquired as to the reason any citizen would not be able to prepare, sign, and serve a citation. He further inquired as to the number of citations served under the provisions of Resolution No. 2006-R-18. Ms. Bruketta explained the statutory requirement to designate authority for issuing citations within City departments. She clarified "this is not a law enforcement issue. It's a City department issue separate from the Sheriff's Department." She explained the reason for adding the District Attorney's investigators, who currently have no authority to issue citations pursuant to the code. Supervisor Aldean read a portion of the proposed resolution into the record for further clarification.

Mayor Teixeira entertained additional comments and, when none were forthcoming, a motion. **Supervisor Livermore moved to adopt Resolution No. 2008-R-8, a resolution of the Board of Supervisors of Carson City amending Resolution No. 2006-R-18, which designates who may prepare, sign, and serve citations, and other matters properly related thereto. Supervisor Aldean seconded the motion. Motion carried 5-0.**

### **4-3. FINANCE**

**4-3(A) ACTION TO ALLOW THE FINANCE DEPARTMENT TO DELETE FIXED ASSETS FROM THE GENERAL FUND FIXED ASSET LISTING FOR FISCAL YEAR 2006 / 2007**

**4-3(B) ACTION TO ALLOW THE FINANCE DEPARTMENT TO DELETE FIXED ASSETS FROM THE ENTERPRISE FUNDS FIXED ASSET LISTING FOR FISCAL YEAR 2006 / 2007**

**4-3(C) ACTION TO ADOPT A RESOLUTION TO TRANSFER LANDFILL OPERATIONS FROM THE CARSON CITY SANITARY LANDFILL FUND, AN ENTERPRISE FUND, TO THE GENERAL FUND AND DISSOLVE THE CARSON CITY SANITARY LANDFILL FUND EFFECTIVE JULY 1, 2007**

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#### 4-4. PURCHASING AND CONTRACTS

**4-4(A) ACTION TO DETERMINE THAT CONTRACT NO. 0708-118 IS A CONTRACT FOR THE SALE OF SURPLUS PROPERTY TO ANOTHER GOVERNMENTAL ENTITY AND THEREFORE NOT SUITABLE FOR PUBLIC BIDDING PURSUANT TO NRS 334.030, AND TO APPROVE CONTRACT NO. 0708-118, A REQUEST FOR THE SALE OF ONE (1) 1983 GMC 700 CREW TRANSPORT TRUCK, VIN #1GDK7D1G9DV534626 TO THE SIERRA FIRE PROTECTION DISTRICT FOR \$8,500** (8:52:46) - Public Works Operations Manager Ken Arnold introduced himself for the record. Supervisor Livermore inquired as to the Fleet Management fixed assets account. Mr. Providenti advised that proceeds from the sales of fixed assets have been allocated to the Fleet Management fund since its creation. He was uncertain as to a "formal policy or procedure." He advised of having conducted a rough search earlier in the day, and that approximately \$515,000 has been allocated to the fund since 2003. He further advised that the \$278,500 in this year's vehicle replacement program will be allocated from the Fleet Management fund.

Mr. Arnold explained that the allocations go "towards the purchase of the fleet that has to be approved by the Board." In response to a question, Mr. Providenti advised that the funding recently approved to purchase replacement vehicles will be transferred from the Fleet Management fund to the CIP fund. He explained that the money in the CIP fund was "not really general government money. It's coming from the Fleet Management fund to pay for those vehicles." He further explained "this is the first year we've really done that because we haven't really had money in that fund. We've accumulated the money." Supervisor Livermore requested staff to include, in future agenda materials, funding source information. Mr. Providenti acknowledged that the Fleet Management fund was established internally by the former finance director. Mr. Werner provided background information on the Fleet Management fund, and suggested agendizing an item for presentation to the Board at a future meeting.

In response to a question, Mr. Providenti advised that approximately \$1 million in bond proceeds needs to be spent. "That money ... can't go to the general fund, but there is money in addition to that million dollars that could go into the general fund ..." Mayor Teixeira advised of having been unaware that the previously-approved \$278,500 was being allocated from the Fleet Management fund. In response to a question, Mr. Providenti estimated the Fleet Management fund at approximately \$700,000, comprised of \$515,000 together with "some fund balance." He acknowledged a remainder of approximately \$400,000 following the allocation. In response to a comment, Mr. Werner discussed the importance of ensuring the Board of Supervisors is aware of how the fund is used. Mayor Teixeira thanked Mr. Providenti.

Supervisor Staub reiterated a request made at previous meetings to include, on the Board Action Form, the account from which funding is to be allocated, the balance, the expenditure, and the balance following the expenditure. He provided an overview of the subject agenda materials, and reiterated the request for staff to include information regarding the accounts from which funding is to be allocated. He suggested this will provide the Board "an idea of what we're dealing with on an ongoing basis." Mayor Teixeira pointed out that the Board can only make decisions based on known information. Discussion took place, and Mr. Providenti responded to questions of clarification, regarding the Fleet Management fund. Mr. Werner reiterated that staff would provide a more comprehensive report to the Board at a future meeting.

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Mayor Teixeira entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to determine that Contract No. 0708-118 is a contract for the sale of surplus property to another government entity and, therefore, not suitable for public bidding pursuant to NRS 334.030, and to approve Contract No. 0708-118, a request for the sale of one 1983 GMC 700 crew transport truck, VIN 1GDK7D1G9DV534626, to the Sierra Fire Protection District for \$8,500.** Supervisor Staub seconded the motion. Motion carried 5-0.

**4-4(B) ACTION TO DETERMINE THAT CONTRACT NO. 0708-120 IS A CONTRACT FOR HARDWARE AND ASSOCIATED PERIPHERAL EQUIPMENT AND DEVICES FOR COMPUTERS AND / OR FOR EQUIPMENT ASSOCIATED WITH SYSTEMS OF COMMUNICATION AND THEREFORE NOT SUITABLE FOR PUBLIC BIDDING PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0708-120, A REQUEST FOR THE PURCHASE OF CISCO TELEPHONE EQUIPMENT FROM AT&T DATACOMM FOR A NOT-TO-EXCEED COST OF \$55,514.25 FOR FISCAL YEAR 2007 / 2008** (9:06:38) - Supervisor Livermore inquired as to the pertinent funding source and the means by which the transaction will translate through the recently-approved CIP budget. He advised of having spoken with Information Technology Director Kevin Haggerty, who introduced himself for the record. Mr. Haggerty advised that the \$55,514.25 will fund two items: development and implementation of the new telephone system in the Sheriff's Administration Building in the amount of approximately \$50,000. The funding source will be bonds associated with the building project. The remaining \$5,514.25 will be allocated from the Information Technology operating budget for "break / fix items." Mr. Haggerty explained that the funding was "bundled ... because of a discount ... from the vendor." Supervisor Livermore reiterated the request for more detail to be provided to the Board of Supervisors.

Mr. Haggerty acknowledged that the Cisco telephone system will eventually be implemented citywide. In response to a further question, he advised that all the equipment and services are fully funded by the subject contract. Initial purchase included all functions except for the Sheriff's Office. In response to a further question, Mr. Haggerty advised that the new system has been installed at the Sheriff's Office, Fire Station 2, City Hall, and the Recreation Center. The Public Safety Complex is next, followed by the corporate yard and Northgate.

Mayor Teixeira thanked Mr. Haggerty, and entertained public comment. When none was forthcoming, he entertained a motion. **Supervisor Livermore moved to determine that Contract No. 0708-120 is a contract for hardware and associated peripheral equipment and devices for computers and / or equipment associated with systems of communication and, therefore, not suitable for public bidding pursuant to NRS 332.115, and to approve Contract No. 0708-120, a request for the purchase of Cisco telephone equipment from AT&T DataComm for a not-to-exceed cost of \$55,514.25 for fiscal year 2007 / 2008.** Supervisor Staub seconded the motion. Motion carried 5-0.

**5. TREASURER - INVESTMENT PORTFOLIO PERFORMANCE SUMMARY** (9:11:28) - Treasurer Al Kramer provided background information on this item. At Mayor Teixeira's request, Mr. Kramer agreed to present the summary on a quarterly basis; the next report to be presented in April. In response to a question, Mr. Kramer expressed a preference to present the summary on a quarterly basis as part of the Board's consent agenda. Following discussion, Supervisor Staub suggested a quarterly summary as part of the consent agenda, and a bi-annual presentation to the Board of Supervisors.

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Mr. Kramer provided background information on legislative approval for Carson City to participate in securities lending. Securities lending began last September, and Mr. Kramer noted that it represents a new revenue stream for the City. He noted that, other than Clark County and the State of Nevada, Carson City is the only other governmental entity doing securities lending. In reference to the total investment earnings amount of \$3.2 million, Mr. Kramer clarified that only 25 to 30 percent represents general fund income. He acknowledged that less than \$1 million is actually general fund revenue. Mayor Teixeira suggested indicating this distinction in the quarterly summary format. Mr. Kramer advised that he would coordinate preparation of the report with the Finance Department.

Mayor Teixeira entertained public comment. (9:16:18) Sam Dehne inquired as to "what money this is." Mr. Kramer explained the sources of the total investment earnings amount, including bond proceeds; enterprise fund for water, sewer, and storm drain; streets and Regional Transportation. He acknowledged the amount includes reserve and operating capital. He advised that the reserve and operating capital is part of that "30 percent that is general fund as is parks money and things like that." Mr. Kramer acknowledged that the Fleet Management fund money has been invested. He further acknowledged that the interest earned is returned to the particular fund. Mayor Teixeira entertained additional public comment; however, none was forthcoming.

#### **6. DEVELOPMENT SERVICES - PLANNING AND ZONING**

**6-A. ACTION TO INTRODUCE, ON FIRST 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** (9:18:24) - Supervisor Livermore advised that, as a member of the Board of Hospital Trustees, he would recuse himself from discussion and action on this item. Supervisor Staub advised that, as a member of the Hospital Board of Finance and an uncompensated volunteer, he would participate in discussion and action.

Development Services Director Walter Sullivan introduced this item, and reviewed the January 30, 2008 staff report included in the agenda materials. He advised that the Planning Commission had unanimously recommended changing the zoning to residential office. He further advised that the subject parcel is surrounded by residential office zoned properties. Mayor Teixeira entertained comments from the Board and from the public. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 102, 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. Supervisor Williamson seconded the motion. Motion carried 4-0-1, Supervisor Livermore abstaining.**

**6-B. ACTION TO INTRODUCE, ON FIRST 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, APNs 009-775-24, -25, -26, AND -27, FILE NO. ZMA 07-175** (9:20:25) - Mr. Sullivan introduced this item and reviewed the January 30, 2008 staff report included in the agenda materials. He advised that the Planning Commission had unanimously recommended rezoning the subject properties to single family 21,000. He acknowledged that, even with the recommended density increase, a buffer will remain between the smaller lots and the one-acre parcels to the east.

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Supervisor Aldean read into the record a portion of the letter from Margaret O'Driscoll, copies of which were included in the agenda materials. Mr. Sullivan acknowledged that the SouthPointe developer controlled the properties at one time and was in position to make a commitment to maintain the "buffer area along the west side of Center Drive to allow for a transition between the 1-acre lots and the more densely populated area of 6 houses to the acre." He further acknowledged that said commitment was made during the SouthPointe development approval process. He explained that the master plan designated the area as low density residential which would allow for one-acre and one-half acre lots. The current master plan has the same designation, and Mr. Sullivan advised that staff believes the half-acre lots constitute a buffer between the one-acre lots and the higher density lots. Mr. Sullivan further acknowledged there was no commitment to maintain the lots as one-acre parcels.

Mayor Teixeira entertained additional comments and, when none were forthcoming, a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 103, an ordinance to change the zoning from single family one acre to single family 21,000, on four parcels located at 3820 through 4094 Center Drive, APNs 009-775-24, -25, -26, and -27, based on the findings contained in the staff report. Supervisor Livermore seconded the motion. Motion carried 5-0.**

**7. CITY MANAGER - ACTION TO APPROVE SUBLEASING A PORTION OF THE CHILDREN'S MUSEUM TO THE CARSON AREA BIG BROTHERS / BIG SISTERS NON-PROFIT ORGANIZATION, SUBJECT TO THE TERMS LISTED IN SECTION 8 OF THE LEASE BETWEEN CARSON CITY AND CHILDREN'S MUSEUM OF NORTHERN NEVADA (9:24:32)** - Mr. Werner introduced this item and reviewed the agenda report. In reference to paragraph 4 of the master lease, included in the agenda materials, Supervisor Aldean noted the lack of detail regarding the City's obligations, as lessor, for maintenance of the building and grounds. In reference to page 5 of the sublease agreement, she suggested the City appears to assume more responsibility as a result of agreeing to sublet the space. She read a portion of paragraph 5 into the record, and noted the provisions are "far in excess" of the City's current obligations to the Children's Museum. She inquired as to the reason for the City expanding the scope of its responsibilities to a sublessee, especially in light of the fact that the City receives no revenue from the sublease arrangement. Ms. Bruketta was uncertain as to the reason these provisions were included in the sublease agreement.

(9:26:43) Jim Peckham, of the Northern Nevada Children's Museum, advised that no lease had been signed between the Children's Museum and Big Brothers / Big Sisters. He advised that lease documents had been submitted to the District Attorney's office for review. He expressed agreement that the lease between the City and the Children's Museum is "ambiguous at best. The City has been very helpful on some of the major areas that go on, but certainly we take care of light bulbs and painting and basic maintenance of the facility. But if something major happens where the furnace breaks down or air conditioning, the expectation, though it's not well worded in our agreement, that the City has some responsibility toward that since it is the City's building." Mr. Peckham offered to modify the language of paragraph 5. He responded to questions regarding building maintenance.

In response to a question, Supervisor Aldean expressed concern over the City's commitment to the sublessee. She indicated support for a subleasing arrangement, but suggested it should not increase the City's responsibility as the master lessor. She further suggested deferring action on the item until such time as the District Attorney's Office can review the documentation. In response to a question, Mr. Peckham advised that the Big Brothers / Big Sisters organization will contribute \$325 per month to the Children's

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Museum. Mr. Werner advised of the understanding that negotiations between the District Attorney's Office and representatives of the two organizations had been ongoing. "It sounds like there's been a real disconnect on trying to discuss some of these items." Mr. Werner suggested reagendizing the item for a future Board of Supervisors meeting. Mr. Peckham reiterated that Big Brothers / Big Sisters representatives had not yet reviewed the documentation. Mayor Teixeira requested to have the item deferred until such time as all parties have come to an agreement, with District Attorney's Office approval. No formal action was taken. Mayor Teixeira recessed the meeting at 9:31 a.m. and reconvened at 9:38 a.m.

**8. HEALTH AND HUMAN SERVICES - ACTION TO DETERMINE THAT THE VACANT ENVIRONMENTAL HEALTH SPECIALIST IS A CRITICAL AND ESSENTIAL POSITION TO THE CITY (9:38:21)** - Health and Human Services Director Vicky Fogelman introduced this item, and discussed her military experience pertinent to the lack of "good environmental health programs." She advised that, as a member of the Surgeon General's staff, environmental health personnel were "the first people on the ground during deployment after the Gulf War because we saw such an operational impact in terms of food safety and other problems that occur in the field, such as vector control." She described the environmental health specialist position as "truly ... critical." She advised that the public health and safety of the community will be impacted if the position is not filled. She noted "several members of the community" in attendance "who would also like to speak to this position and the importance thereof." She reviewed the pertinent agenda materials, and responded to questions regarding temporary establishments and mosquito abatement. She noted that funding for the position was already in place for FY 07 / 08.

Mayor Teixeira acknowledged the need, as described by Dr. Fogelman, but noted that final budget cuts for FY 07 / 08 have not yet been made. Mr. Werner anticipated that the FY 08 / 09 budget would be ready for presentation to the Board of Supervisors in March or April. Mayor Teixeira requested patience with regard to the budget process in order for the Board of Supervisors to make uniform decisions "rather than piecemeal." He reiterated understanding for the importance of the position, but suggested that an additional two months would not drastically impact the situation.

Dr. Fogelman advised that vector control may need to begin as early as April. In response to a question, she explained the importance of both surveillance and vector control in the mosquito abatement program. In response to a further question, she explained the circumstances surrounding the existing vacant position, and discussion followed. She acknowledged no intent to deliberately create a vacancy. In response to a further question, she advised that the position would likely be underfilled resulting in cost savings. She discussed the importance of hiring a qualified individual, and anticipated it would "take a little while" to find someone "because they're in great demand."

Mayor Teixeira opened this item to public comment. (9:51:30) Adele's Restaurant Manager Tony Fish read a prepared statement into the record from Adele's Restaurant Owners Charlie and Karen Abowd. Said statement indicated that filling the position is "long overdue." On behalf of Mr. and Mrs. Abowd, Mr. Fish expressed "fear and disappointment in the elimination of a health inspector." He expressed understanding for "the fiscal responsibilities in this upside-down economy." He advised that one of the "hardest hit businesses ... is hospitality and fine dining." He expressed concern over bringing the Health Department level of service to "pre-1985," and the opinion that this is a "very dangerous proposal." He expressed the belief that the "health and welfare of the public is at risk," and requested the Board of Supervisors to give consideration to Mr. and Mrs. Abowd's statement. Mayor Teixeira explained the Board of Supervisors' intent to establish priorities in a budget "which we can handle into the next fiscal year." He expressed

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personal support for assigning a high priority to the health inspector position. He thanked Mr. Fish for his attendance and participation.

(9:53:41) Carson City Area Chamber of Commerce Executive Director Ronni Hannaman discussed the importance of community health and safety, “especially in light of the fact that we’re going to be the culinary capital of the west coast ...” She requested the Board’s consideration for keeping the community safe for the sake of existing restaurants and the hope to attract additional restaurants. She expressed the hope that existing service levels can be maintained.

(9:55:29) Sam Dehne expressed support for filling the position, emphasizing that it was not a new position. “If this person had not resigned or left to go somewhere else, you wouldn’t even be having this discussion.” He discussed the importance of considering “the snowball effect” in that “if something happens, that \$50,000 could be eaten up very easily in just one tiny little disaster or a big disaster.”

Dr. Fogelman reviewed the letters of support which were distributed to the Board members and staff during the meeting. Supervisor Staub inquired as to options to consider in the interim. Dr. Fogelman suggested that a student could be hired to assist with surveillance pertinent to the “vector-borne disease control perspective.” She suggested the further possibility of a part-time environmental health technician to cover the other functions of the position. In response to a question, Disease Prevention and Control Investigator Dustin Boothe advised that state law requires environmental health specialists to be registered. Any part-time employee would have to meet the same criteria. Supervisor Staub inquired as to the possibility of a part-time employee for a few months. Dr. Fogelman expressed the opinion that the chances of finding a part-time employee will be slim. She estimated the cost to hire a part-time employee for mosquito abatement at \$10,000. Supervisor Staub inquired as to the possibility of contracting with a private vendor. In response to a further question, Dr. Fogelman advised that the least expensive option for mosquito abatement would be to hire a student. She discussed her experience with mosquito abatement contractors.

Supervisor Aldean suggested advertising the position with the condition that hiring is dependent upon approval of the City’s FY 08 / 09 budget. This would allow Dr. Fogelman to begin the hiring process. Mr. Werner acknowledged that the final budget would be presented in March or April. Dr. Fogelman expressed a willingness to work within the parameters established by the Board. She requested the option of hiring a seasonal employee to begin mosquito abatement in the April / May time frame. Mayor Teixeira expressed support for Supervisor Aldean’s proposal. In response to a question, he advised that the Board and City staff are still in the process of addressing FY 07 / 08 budget issues. Dr. Fogelman advised that the Health and Human Services Department will be presenting a recommendation to increase fees for “environmental health activities.” She advised of the expectation that the requested position could be fully funded by those revenues in addition to allocating some revenues to the general fund.

Supervisor Williamson thanked Dr. Fogelman for her presentation, and expressed discouragement over the tenor of the discussion in light of the City’s \$55 million budget. She noted that the subject position protects the public health of the community, and the importance of the position to the community’s businesses. She expressed concern over the potential for exposing the City to legal damages if this “important and critical, vital” position to the community’s public health is not filled. She acknowledged the need to consider department overhead, and expressed the opinion that Dr. Fogelman had done a good job identifying areas of reduction. She expressed the belief that the budget could be approached on a department-by-department basis, and noted the need to “step up and be responsible for the public health of our community.”

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Mr. Werner advised of having met with Dr. Fogelman, and that he considers the subject position critical “at the same level of public health, safety, fire, police ...” He further advised of having heard from business owners a willingness to consider increased fees. He referred to the letter from Don Thayer, of Heidi’s Restaurant, which was distributed to the Board members and staff during the meeting. He inquired as to the Board’s preference with regard to presenting a proposed fee increase to fund the subject position. He advised that Dr. Fogelman had approached him with regard to requesting a part-time position, and he had directed her to provide a presentation of the full impact to the Board. He offered to work with Dr. Fogelman in conjunction with the Human Resources Department.

Mayor Teixeira reiterated “the issue is we’re not eliminating anything. We’re down a person. We’re down ... one-third of their service level.” He reiterated the request to postpone filling the position for a couple months. He agreed that filling the position should be designated as a high priority as the budget is established. He acknowledged that the health, welfare, and safety of the community is a top priority. He assured Dr. Fogelman that the issue would be addressed, and entertained a motion.

Supervisor Aldean expressed support for Mr. Werner’s suggestion to present a fee-based position in light of the support indicated by the business owners. **Supervisor Aldean moved to determine that the vacant environmental health specialist is a critical and essential position to the City and may be hired dependent upon the approval of the 2008 / 09 budget with adequate funding to fill this position at the funding level requested. Mayor Teixeira seconded the motion.** At Mayor Teixeira’s request, a roll call vote was taken, as follows: **Supervisor Aldean, Mayor Teixeira, Supervisor Livermore, and Supervisor Staub - yes; Supervisor Williamson - no. Motion carried 4-1.** Dr. Fogelman inquired as to the Board’s permission to hire a part-time seasonal worker. Mayor Teixeira noted this matter was not agendized, but suggested Mr. Werner had the authority to make the decision.

## **9. FINANCE**

**9-A. ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 2007 / 08 BUDGET IN THE AMOUNT OF \$39,332,900** (10:13:44) - Mr. Providenti introduced this item, and reviewed the agenda report. He reviewed figures outlined in the supporting materials attached to the agenda report. Mayor Teixeira called for Board and public comments. When none were forthcoming, he entertained a motion. **Supervisor Williamson moved to adopt Resolution No. 2008-R-9, a resolution to augment and amend the Carson City FY 2007 / 08 budget in the amount of \$39,332,900.** Supervisor Aldean seconded the motion. Motion carried 5-0.

## **REDEVELOPMENT AUTHORITY**

(10:15:47) Redevelopment Authority Chairperson Robin Williamson called the Redevelopment Authority to order. She noted a quorum was present.

**ACTION ON APPROVAL OF MINUTES - October 18, 2007** (10:15:55) - Member Livermore moved approval of the minutes. Member Aldean seconded the motion. Motion carried 5-0.

**9-B. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2007 / 2008 BUDGET IN THE AMOUNT OF \$906,459** (10:16:32) - Mr. Providenti introduced this item, and reviewed the agenda report. Chairperson Williamson entertained questions or

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comments and, when none were forthcoming, a motion. Member Livermore moved to recommend to the Board of Supervisors to adopt Resolution No. 2008-RAR-1, a resolution to augment and amend the Carson City Redevelopment Authority FY 2007 / 08 budget in the amount of \$906,459. Member Aldean seconded the motion. Motion carried 5-0.

(10:17:40) Chairperson Williamson adjourned the Redevelopment Authority.

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**9-C. ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2007 / 2008 BUDGET IN THE AMOUNT OF \$906,459** (10:17:46) - Mr. Providenti introduced this item. Mayor Teixeira entertained a motion. Supervisor Aldean moved to adopt Resolution No. 2008-R-10, a resolution to augment and amend the Carson City Redevelopment Authority FY 2007 / 08 budget in the amount of \$906,459. Supervisor Williamson seconded the motion. Motion carried 5-0.

**10. DEVELOPMENT SERVICES - ACTION TO INTRODUCE, ON FIRST 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 RELATED THERETO** (10:18:28) - Mr. Werner introduced this item, and reviewed the agenda report. He acknowledged the presence of Builders Association of Western Nevada Governmental Affairs Coordinator Sheena Beaver, and advised of having worked closely with BAWN and with the District Attorney's Office to develop the language of the proposed ordinance.

In response to a question, he explained that the One Stop Shop Committee did not meet statutory requirements. The Building Permit Enterprise Fund Advisory Committee will replace the One Stop Shop Committee. In response to a further question, Mr. Werner advised that the at-large committee member positions will be filled "the same as any other committee." Once the ordinance is adopted, the at-large positions will be advertised, and interviews will be agendized for the Board of Supervisors. Supervisor Aldean noted a correction to the language of Section IV, 2.42.030, Organization, paragraph 2(a).

Mayor Teixeira entertained a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 104, 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 related thereto, subject to the one correction, as noted on the record. Supervisor Williamson seconded the motion.** Discussion took place regarding the

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correction suggested by Supervisor Aldean, and Mr. Werner advised that the proposed language was prescribed by statute. **Supervisor Aldean amended her motion to eliminate the suggested revision. Supervisor Williamson continued her second. Motion carried 5-0.**

### 11. PUBLIC WORKS

**11-A. ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE INTERLOCAL AGREEMENT RELATING TO WATER SERVICE BETWEEN LYON COUNTY AND CARSON CITY** (10:22:27) - Public Works Operations Manager Ken Arnold introduced this item, and advised that the Lyon County Commissioners were also meeting today on this item. He reviewed the agenda report, and provided an overview of the provisions of the interlocal agreement, copies of which were included in the agenda materials. In response to a question, he advised that the well is not yet complete. Test drilling indicated production at 1,000 gallons per minute of good quality water. Mr. Arnold noted two changes to the agreement.

Supervisor Aldean inquired as to warranties. Mr. Burnham advised of a one-year warranty. Supervisor Aldean advised she would discuss typographical errors with Ms. Bruketta after the meeting. She noted a substantive correction to paragraph 10 on page 5.

Mayor Teixeira opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Williamson moved to adopt Resolution No. 2008-R-11, a resolution approving and authorizing the Mayor to sign an interlocal agreement relating to water service between Lyon County and Carson City. Supervisor Livermore seconded the motion. Motion carried 5-0.**

**11-B. ACTION TO FIND THAT THE PROPOSED 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 JULY 1, 2008, AND THEN INCREASING ALL RATES, EXCEPT THE MONTHLY METER SERVICE CHARGE BY \$0.10 PER THOUSAND GALLONS EFFECTIVE ON ALL BILLS DATED ON OR AFTER JULY 1, 2009 AND THEN INCREASING ALL RATES, EXCEPT THE MONTHLY METER SERVICE CHARGE BY AN ADDITIONAL \$0.10 PER THOUSAND GALLONS EFFECTIVE ON BILLS DATED ON OR AFTER JULY 1, 2010 AND THEN INCREASING ALL RATES, EXCEPT THE MONTHLY METER SERVICE CHARGE, BASED UPON THE ALL URBAN CONSUMER PRICE INDEX ANNUALLY BEGINNING JULY 1, 2011 AND EACH YEAR THEREAFTER AND INCREASING THE CONTRACTOR INSTALLED SERVICE FEES 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 ACT HAVE BEEN MET** (10:28:14) - Mr. Arnold provided background information on this item, and reviewed the agenda materials. He noted an objection and letter of concern from the Eagle Valley Golf Course, included in the agenda materials. Mayor Teixeira entertained a motion. **Supervisor Staub moved to find that the proposed 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**

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charge, from \$0.21 per thousand gallons to \$0.10 per thousand gallons, effective on bills dated on or after July 1, 2008; and then increasing all rates, except the monthly meter service charge, by \$0.10 per thousand gallons, effective on bills dated on or after July 1, 2009; and then increasing all rates, except the monthly meter service charge, by an additional \$0.10 per thousand gallons effective on bills dated on or after July 1, 2010; and then increasing all rates, except the monthly meter service charge, based upon the All Urban Consumer Price Index annually beginning July 1, 2011, and each year thereafter; and increasing the contractor installed service fees, 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 act have been met. Supervisor Livermore seconded the motion. Motion carried 5-0.

### **11-C. ACTION TO INTRODUCE, ON FIRST READING, 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 JULY 1, 2008 AND THEN INCREASING ALL RATES, EXCEPT THE MONTHLY METER SERVICE CHARGE, BY \$0.10 PER THOUSAND GALLONS EFFECTIVE ON BILLS DATED ON OR AFTER JULY 1, 2009 AND THEN INCREASING ALL RATES, EXCEPT THE MONTHLY METER SERVICE CHARGE, BY AN ADDITIONAL \$0.10 PER THOUSAND GALLONS EFFECTIVE ON BILLS DATED ON OR AFTER JULY 1, 2010 AND THEN INCREASING ALL RATES, EXCEPT THE MONTHLY METER SERVICE CHARGE, BASED UPON THE ALL URBAN CONSUMER PRICE INDEX ANNUALLY BEGINNING JULY 1, 2011 AND EACH YEAR THEREAFTER AND INCREASING THE CONTRACTOR INSTALLED SERVICE FEES AND OTHER MATTERS PROPERLY RELATED THERETO** (10:31:00)

Mr. Arnold reviewed the agenda materials. He acknowledged the charge would be for reclaimed water, applicable to the Eagle Valley, Silver Oak, and Empire Ranch Golf Courses. He further acknowledged that the Edmonds Sports Complex is irrigated with reclaimed water. In response to a question, he advised that the school district will not be affected. He acknowledged that the prison system is exempted by a previous agreement. At Mayor Teixeira's request, Mr. Arnold reviewed the fiscal impact associated with the proposed amendment. In response to a further question, Mr. Arnold advised that "every sewer rate payer in town is covering the cost to deliver effluent to the golf courses." The proposed fees don't necessarily cover the entire cost, but will offset the current charge to the sewer fund. Mr. Arnold acknowledged having reviewed adjacent counties' fees for effluent water. "Most all of them ... were higher than our potable fees even with the proposed increase." In response to a further question, Mr. Arnold explained that beginning to charge for effluent equates to approximately 1.25 percent per year of the 24 percent. Mr. Providenti anticipated it could be absorbed the first year, but the City would have to consider the impacts by 2010. He advised that much depends upon connection fees, and everything is "still in kind of a holding pattern on how the actual fund is going to be."

Following a suggestion by Supervisor Williamson, Mr. Arnold acknowledged there should be a charge for using effluent water to control dust at construction sites. Mr. Burnham advised there is currently no charge to use effluent water for dust control. He suggested the cost to administer such a charge may be more than the City could cover. Supervisor Williamson suggested charging a seasonal fee. Mr. Burnham noted the importance of dust control at construction sites, and acknowledged the substantial penalties associated with

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not controlling dust. He suggested a cost recovery program could be implemented. In response to a question, Mr. Providenti estimated the total annual sewer plant operations budget at \$5 million. In response to a question, Mr. Arnold estimated the cost of delivering reclaimed water to the golf courses at \$500,000.

(10:44:52) In reference to earlier discussion, Eagle Valley Golf Course General Manager Jim Kepler advised that the contractors building homes adjacent to the Dayton Valley Golf Course use 200,000 gallons of water per day. He suggested that charging all developers in the area for effluent water would “be a major fee.” He expressed concern that the golf course is being asked to take on a bill for which there was no prior notice. He noted that “ten years ago, the golfing environment was different. Ten years ago, we were doing you a service, not the other way around. ...” He requested “time and opportunity” to consider implementation of the fee. He advised that the Eagle Valley Golf Course has been “mandated ... to keep ... rates down ...” He reviewed current rates, and advised that imposition of the fee will “eventually have a huge impact on the players’ fees.” He expressed the belief that the proposed fee is not “fair at this time.” He referred to the January 24, 2008 letter, included in the agenda materials as part of item 11(C). He advised that the Eagle Valley Golf Course will be unable to continue to operate if the fees are imposed immediately. “Can’t be done.” In response to a question, Mr. Kepler advised that passing the fee on to the players will result in losing players. Supervisor Staub pointed out that the impact will be across the board to all three golf courses in Carson City. Mr. Kepler reiterated that imposition of the fee without any notice is unfair to players “that have supported this ... community for thirty years.” In response to a further question, he expressed the opinion that “fair notification” would have allowed golf course management to include the fee increase in the budget and to change the golf course to save money. He is currently watering 250 acres, and advised he could “cut it down to 120 acres.” In response to a further question, he advised that the golf course operates on a calendar year budget. He acknowledged that delaying implementation to January 1, 2009 would provide sufficient time to make the necessary changes.

In response to a question, Mr. Arnold advised that communication between City and golf course representatives began a couple months ago. In reference to Mr. Kepler’s letter, Supervisor Aldean suggested that supplying free reclaimed water indefinitely would have been a “pretty radical” commitment for the Board or any City representative. She noted that the reclaimed water is a commodity and that the City is not even approaching cost recovery. She expressed appreciation for the fact that the Eagle Valley Golf Course is a municipal course, and understanding for Mr. Kepler’s desire to offer affordable golf fees. She expressed the belief that the municipal course should be treated no differently than private courses.

(10:50:36) Dwight Millard reviewed the history of reclaimed water from 1983, when the City constructed the new sewer plant. At that time, the effluent water was not considered a commodity or an asset. “It was a total liability” which the federal government required the City to “provide, in perpetuity, a place to put it.” By 1996, the water was sufficiently clean to be able to apply it to “different areas.” “So now we have a commodity that is for sale.” Mr. Millard expressed no argument that there is “some value to that,” but suggested it has to be weighed against “what’s the value to the other side.” He expressed opposition to charging for dust control “simply because the benefit far outweighs what you’ll ever collect in water fees.” He expressed the opinion that the effluent is still a liability to the City not an asset. “Whether or not we take your water and use it, you still have to pump it somewhere ... so that really becomes a fee to the [sewer system] user.” Mr. Millard noted the unique situation created with nine golf courses which “has made a very nice marketing plan for Carson City and the surrounding area.” He suggested that this year’s tournaments have been pre-sold and contracted so “to implement it right away would be a burden to the golf courses that have already established the price.” He suggested implementing the fee at the beginning

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of next year's season, "say April 1<sup>st</sup>, the beginning of the second quarter of '09 for ten cents." He further suggested increasing the fee by ten cents in 2011 and again in 2013. He expressed a degree of understanding for the issue, but the opinion that "you've got to charge what's reasonable." He pointed out that thirty cents "is a lot of money and five years is not that far away to get there." He reiterated the suggestion to implement the ten cent fee beginning in April of 2009 and "then review it continually." He commended City staff on their willingness to meet with each of the golf course managers. He pointed out that the City is also under contract for a lot of wetlands. He stated, "We gave some of our potable water to Riverview Park not realizing that [the City] was going to come back and charge us for our effluent later." He expressed concern over the evolving agreements. He reiterated his recommendation to implement the fee in April of 2009, and considering increases in 2011 and 2013.

Mayor Teixeira reviewed details of Mr. Millard's recommendation and, in response to a question, Mr. Millard acknowledged that the proposal would be acceptable based on his discussions with various golf course managers. Mr. Millard advised that the golf courses have been paying for excess water. He acknowledged the need to leave City staff "some room to manage the resource. You can charge us for it, ... but there's times that they have to ask us to cut back because there's not enough. There's times that they probably want us to take more because they got too much."

Mayor Teixeira called for additional public comment. (10:58:42) Mr. Kepler estimated that Eagle Valley Golf Course will bring in 12,000 outside tournament rounds. He estimated \$2 million is brought into the community as a result of tournaments, "not counting hotel rooms." He reiterated the need for sufficient time to implement the fee. Mayor Teixeira called for additional public comment; however, none was forthcoming.

Mayor Teixeira entertained a motion. **Supervisor Staub moved to introduce, on first 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 instruct staff and the affected users to negotiate a rate structure and implementation time frame to be brought back to the Board of Supervisors on or after April 1, 2009. Supervisor Livermore seconded the motion. Motion carried 5-0.** Mayor Teixeira commended the reasonable recommendation which provides the City and the golf course representatives "time to work on it."

**11-D. ACTION TO FIND THAT THE PROPOSED 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, 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 ACT HAVE BEEN MET (11:01:09) -** Mr. Arnold introduced this item, and reviewed the agenda report. **Supervisor Livermore moved to find that the proposed ordinance amending the 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**

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five percent on bills dated on or after July 1, 2008, and other matters properly related thereto, does impose a direct and significant economic burden on a business or directly restricts 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 act have been met. Supervisor Staub seconded the motion. Motion carried 5-0.

**11-E. ACTION TO INTRODUCE, ON FIRST READING, 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** (11:02:29) - Mr. Arnold introduced this item, and reviewed the agenda report. In response to a question, he advised that the impact to an average single-family homeowner would be "from \$2.92 to \$3.07." He acknowledged approximately fifteen cents a month. Supervisor Aldean provided background information on this item, and advised that the upper tier projected in 2003 was very close to the currently proposed monthly rate.

Mayor Teixeira entertained public comments and, when none were forthcoming, a motion. Supervisor Livermore moved to introduce, on first reading, Bill No. 106, an ordinance amending Title 12, Water, Sewerage, and Drainage, Chapter 12.17, Storm Water Service Charge, Section 12.17.040, Service Charge Rates, by increasing the service charge rates by five percent on bills dated on or after July 1, 2008, and other matters properly related thereto. Supervisor Aldean seconded the motion. Motion carried 5-0.

**11-F. ACTION TO FIND THAT THE PROPOSED 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 REFERENCES 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 REFERENCES 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 RELATED THERETO, DOES IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS,**

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**THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, ACCEPTED, AND IS ON FILE WITH THE BOARD OF SUPERVISORS AND THAT THE REQUIREMENTS OF THE ACT HAVE BEEN MET (11:04:30)** - Mr. Arnold introduced this item, and reviewed the agenda report. Mayor Teixeira entertained a motion. Supervisor Williamson moved to find that the proposed 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 references to the utilities director and utilities department to references to public works director and the public works department; amending Section 12.01.020, Schedule of rates, by increasing all rates six percent, 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, six percent on bills dated on or after July 1, 2008; and changing certain references to utilities director to references to public works director; amending Section 12.01.160, Description of service, by providing that Carson City may provide water service outside Carson City at rates established by the Board of Supervisors; 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 the requirements of this act have been met. Supervisor Aldean seconded the motion. Motion carried 5-0.

**11-G. ACTION TO INTRODUCE, ON FIRST READING, 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 REFERENCES 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 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 REFERENCES TO PUBLIC WORKS DIRECTOR; AMENDING SECTION 12.01.060, 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 RELATED THERETO (11:06:45)** - Mr. Arnold acknowledged a six percent increase, and reviewed the agenda report.

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In response to a question, Mr. Providenti estimated the additional revenue at \$550,000. He responded to questions regarding bond coverage requirements and water connection fees. In response to a further question, he advised of an assumption of no capital in 2009. “We’re taking a step back in both the sewer and the water funds and saying, ‘We’re not going to do any capital.’” Mr. Providenti clarified that there will be a “little bit of capital” in the water fund because of bond payments. In order to do any more capital, rates would have to be considered again at this time next year. “If connection fees came back, then we’d probably have to raise rates less.” Supervisor Williamson noted federal requirements, and the importance of prudence to meet existing debt and not incur new debt until the capacity and demand for service is known.

Mr. Burnham reviewed the water rate comparison table distributed to the Board members and staff during the meeting. He noted that the “vast majority of our users, the residents, ... enjoy a pretty reasonable rate.” He responded to questions of clarification, and advised that the base rates are typically lower; water use is higher. Most communities use a higher base rate and reduce the consumption rate. Mr. Burnham suggested the possibility of reconsidering the method by which rates are structured in the future because of the effects on large businesses. In response to a further question, he advised that the City’s connection charges are comparable with other communities. The difference is that adjacent communities are required to bring water rights and Carson City is not.

Mayor Teixeira opened this item to public comment. (11:14:43) Charlie Geise, 1040 Meritage representing Mission Linen Supply, requested the Board “to do something as far as the top people.” He noted that his business is one of the few places in town with a wastewater treatment system. He read a prepared statement into the record. Mayor Teixeira assured Mr. Geise that the Board would consider the top tier “as we go forward,” but noted the requirement to cover the debt service to provide the users the water they demand.

Mayor Teixeira called for additional Board and public comments and, when none were forthcoming, entertained a motion. **Supervisor Williamson moved to introduce, on first reading, Bill No. 107, an ordinance amending Title 12, as agendized and published. Supervisor Livermore seconded the motion. Motion carried 5-0.** Mayor Teixeira recessed the meeting at 11:19 and reconvened at 11:24 a.m.

**12. DISTRICT ATTORNEY - ACTION TO INTRODUCE, ON FIRST READING, 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** (11:24:45) - Ms. Bruketta introduced this item and reviewed the agenda report. Mayor Teixeira called for public comment and, when none was forthcoming, entertained a motion. **Supervisor Aldean moved to introduce, on first 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. Supervisor Livermore seconded the motion. Motion carried 5-0.**

**13. CITY AUDITOR - ACTION TO INTRODUCE, ON FIRST READING, 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,**

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**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** (11:25:30) - Ms. Bruketta introduced this item, and reviewed the agenda report. Mayor Teixeira entertained comments and, when none were forthcoming, a motion. Supervisor Livermore moved to introduce, on first 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; and 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 for the Carson City Audit Committee, and other matters properly related thereto. Supervisor Staub seconded the motion. Motion carried 5-0.

### **14. BOARD OF SUPERVISORS**

**14-A. DISCUSSION AND POSSIBLE ACTION TO SET REGULARLY SCHEDULED EVENING MEETINGS OF THE BOARD OF SUPERVISORS** (11:27:40) - Supervisor Williamson provided background information on this item, and proposed regularly scheduled evening meetings of the Board. She suggested scheduling the first Board meeting of the month at 5:30 p.m. and the second at 8:30 a.m. She advised that the City Manager anticipates no additional staff costs would be incurred. She expressed the hope that the proposed schedule would be more accommodating of the Board members who work during the day. She suggested the proposed schedule may be more accommodating of citizens interested in running for the Board of Supervisors.

Supervisor Aldean commended the proposal as interesting, and expressed concern over alternating meetings. She suggested starting evening meetings at 3:30 p.m. and taking a dinner break, if necessary. Supervisor Williamson suggested scheduling certain items, with more direct community impact, for 6:00 p.m. She discussed the need to "start reaching out and getting our community more involved."

(11:30:57) Mary Ann Jennings discussed support for Supervisor Williamson's proposal. She suggested that alternating the times may result in some confusion, but encouraged the Board to consider the proposal.

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Supervisor Livermore expressed support for accommodating more public participation, and suggested Supervisor Williamson's proposal may be timely. Mayor Teixeira expressed support for Supervisor Aldean's suggested compromise to begin meetings at 3:30 p.m. He advised of having carefully considered the proposal and that, in his twelve years in office, he had never had anyone suggest evening meetings before. He noted that the Board had always been accommodating of the public to schedule evening meetings for community-sensitive items. He suggested starting Board meetings at 2:00 p.m., having a dinner break, and scheduling items involving the community during the evening hours. In consideration of this meeting's agenda, he suggested that all the rate increases should have been heard during the evening hours. He further suggested that citizen comments could be agendized in the afternoon and again in the evening. He expressed support for implementing the proposal on a trial basis.

(11:35:45) Dave Morgan advised of having covered local meetings since 1974, and that evening meetings "don't draw any more people than they do in the day." He commended the proposal and suggested it should evoke greater public participation. He advised that the Board would not get nearly the coverage for the evening news if meetings begin at 2:00 p.m. He noted that the Board was already agendizing time-specific community oriented issues.

(11:38:03) Joe Eiben expressed agreement for both sides of the issue, and discussed personal experience coordinating a Neighborhood Council. He suggested implementing the proposal on a three- or six-month trial basis. He agreed with earlier comments that alternating morning and afternoon meetings will be confusing to the public.

Supervisor Staub expressed support for the proposal as beneficial to his law practice. He agreed that the Board has historically accommodated issues with potential public impact by scheduling evening meetings. He further agreed that there is rarely a large turnout of citizens for evening meetings. He expressed the belief that there will be a fiscal impact with regard to staff. He discussed the importance of being cognizant of the impact of evening meetings on City staff and their families. He expressed a preference to consistently schedule the Board meetings at 2:00 or 3:00 p.m. with a dinner break on a trial basis, and then to re-evaluate the matter to determine permanent implementation.

Supervisor Williamson agreed that the Board has been historically responsive to holding evening meetings, when appropriate. She expressed the opinion that there is "an energy and interest in government at all levels at this time." She suggested that young people want to be involved in government, and that the proposal would constitute an important outreach. She expressed no opposition to implementing the proposal on a six-month trial basis. She expressed a preference for beginning at 3:30 p.m. in order to accommodate public attendance.

(11:44:27) Health and Human Services Director Vicky Fogelman expressed the opinion that most of the City staff who participate in Board meetings are not paid overtime or compensatory time. She suggested that afternoon meetings would afford City staff more opportunity to work on high priority issues during the day.

Mayor Teixeira discussed the responsibility of balancing the Board agenda, and suggested beginning at 3:00 p.m. with a dinner break, the evening session to begin at 6:00 p.m. He advised he would agendize public comments once in the afternoon and once in the evening.

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(11:46:40) At Mayor Teixeira's request, Joe Eiben provided additional information on his experience coordinating the Neighborhood Council. He expressed concern over the anticipated length of evening meetings, and the physical toll on the Board members and City staff. He suggested that scheduling evening meetings will provide an indication of "how interested the community is." He responded to questions of clarification regarding the Neighborhood Council and its meetings.

Discussion took place regarding the proposal, and Mayor Teixeira entertained a motion. **Supervisor Williamson moved to approve and set regularly scheduled evening meetings, on a six-month trial basis, for the Board of Supervisors, on the first and third Thursdays beginning at 3:00 p.m. with a 6:00 p.m. session after dinner.** **Supervisor Aldean seconded the motion.** Supervisor Livermore expressed support for implementing the proposal on a trial basis and for holding one meeting in the morning and one in the afternoon. He expressed the opinion that the pending motion will "take a tremendous rearrangement of even the City's organization of committees and functions." Mayor Teixeira entertained comments on the question.

(11:55:42) Dave Morgan commended the "idealistic motivations," but expressed concern over perceptions and consideration for "formulating information to the community ... and how you affect that work flow." He advised that "T.V. is a 3:00 deadline. Newspapers are a 9:30 deadline." He requested the Board to consider the "community logistics of how they get information and how it's processed." He suggested it would be better to hold off and consider how information is provided to the public. He suggested the possibility of a town hall meeting instead, and that the citizens are generally involved in other activities during the evening hours. He commended the proposal as a "great idea," but expressed the opinion that "it's going to be thoroughly dysfunctional."

Supervisor Staub expressed a willingness to hold alternating morning and afternoon meetings, on a temporary basis, to be reviewed in three months. He suggested this would provide a method by which to gauge the difference.

(11:59:32) Phyllis Patton suggested giving the citizens more credit, and expressed the opinion that alternating morning and afternoon meetings would not confuse anybody as long as it's consistently the same schedule every month. With regard to television and newspaper coverage, she suggested that interested citizens will show up for controversial issues agendized during evening sessions. "The people that don't show up were probably not interested in it in the first place so if they get their news 24 hours later, who cares?"

(12:00:25) Mary Ann Jennings expressed the opinion that extending the trial period to six months would accommodate the possibility of having a controversial issue agendized. Mayor Teixeira advised that controversial public issues would be agendized during an evening session anyway.

Mayor Teixeira called for a vote on the pending motion. **Supervisor Williamson amended her motion to indicate an effective date of April 1<sup>st</sup>.** **Supervisor Aldean continued her second.** Mayor Teixeira requested a roll call vote. **Supervisors Williamson and Aldean - yes; Mayor Teixeira, Supervisors Livermore and Staub - no.** Motion failed 2-3.

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Mayor Teixeira entertained a motion. Supervisor Livermore moved to approve and set regularly scheduled evening meetings of the Board of Supervisors; the first meeting of the month to begin at 3:00 p.m. with a break, as described, and an evening session; and the third Thursday of the month to begin at 8:30 a.m. for a trial period not to exceed three months, effective the first meeting in April. Supervisor Staub seconded the motion. Mayor Teixeira requested a roll call vote. Supervisors Livermore, Staub, Aldean, Williamson and Mayor Teixeira - yes. Motion carried 5-0. Discussion took place regarding the effect of the action.

**14-B. NON-ACTION ITEMS:**

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS** - None.

**CORRESPONDENCE TO THE BOARD OF SUPERVISORS** - None.

**STATUS REPORTS AND COMMENTS FROM THE BOARD MEMBERS** - None.

**STAFF COMMENTS AND STATUS REPORTS** - None.

**15. ACTION TO ADJOURN** (12:04:41) - Supervisor Aldean moved to adjourn the meeting at 12:04 p.m. Supervisor Williamson seconded the motion. Motion carried 5-0.

The Minutes of the February 21, 2008 Carson City Board of Supervisors meeting are so approved this 7<sup>th</sup> day of August, 2008.

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MARV TEIXEIRA, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder